



King County

Department of Natural Resources and Parks
Water and Land Resources Division

DRAFT PUBLIC RULE

Farm Management Plans

SECTION I: Purpose

- A. The purpose of this administrative rule is to implement K.C.C. chapters 21A.24 (Critical Areas), 16.82 (Clearing and Grading), and 9.04 (Stormwater) or their successors by providing guidance on how landowners may use a Farm Management Plan approved by the King Conservation District (KCD) as cited in these codes. The intent is to provide an alternative method to the uniform prescriptive standards or practices for new development activities by substituting the proven standards, best management practices and planning systems developed for agriculture by the Natural Resources Conservation Service (NRCS). The use of these best management practices will protect critical areas and also support the viability of farm operations.
- B. Provisions of this rule provide direction to landowners who are predominantly engaged in the practice of agriculture or to landowners who are developing a property for multiple use under the Rural Stewardship Plan
- C. The rule describes how landowners may work with the KCD, the Department of Development and Environmental Services (DDES) and the Department of Natural Resources and Parks (DNRP) to develop a Farm Management Plan that will be deemed in compliance with code including:
 - 1. The minimum requirements of a plan;
 - 2. How site conditions and proposed alterations to critical areas determine the various types of NRCS planning systems that should be followed to determine the best managed practices for specific regulated activities on a given site;
 - 3. Additional standards and practices developed mutually by the KCD, DDES, and DNRP for a few essential agricultural activities;
 - 4. The submission, approval and registration process for these agricultural site plans.
- D. The provisions of this rule also implement K.C.C. Chapter 21A.30 (Livestock Ordinance) if the livestock management system of a Farm Management Plan is required for new development of agricultural activities as outlined in Section III.

SECTION II. Farm Management Plan Elements

- A. For purposes of this rule, the contents of Farm Management Plans should be based upon:
1. The best management practices that result from the KCD staff and the landowner together utilizing the conservation planning process for resource management systems as outlined in the NRCS Field Office Technical Guide;
 2. Any additional applicable agricultural standards or conditions to meet King County Code as mutually determined by the KCD and the County related to:
 - a. Animal densities;
 - b. Cover and placement of manure storage piles;
 - c. Exclusion of animals from aquatic areas or wetlands;
 - d. Confinement areas;
 - e. Livestock Flood Sanctuaries in a Flood Hazard Area (attached);
 - f. Manure Storage Facilities in a Flood Hazard Area (attached);
 - g. Covered Manure Compost Bins under 240 sq. ft.;
 - h. Field access roads and livestock bridges;
 - i. Thresholds for agricultural buildings to remain in small site drainage review or
 - j. Any other future best management practices developed in the future by the KCD and the County to assist agricultural operations in maintaining viability.
 3. Other articles of code that are not implemented by the use of Farm Management Plans but that may affect the siting of structures or roads including but not limited to:
 - a. Zoning setbacks from lot lines,
 - b. Septic system or well requirements,
 - c. Safety standards for traffic entering or exiting a property,
 - d. Standards to maintain county flood insurance rating,
 - e. Adjacent geological hazards to the site.
- B. The substance or outcomes of Farm Management Plans will vary according to the number and type of resource management systems used by the KCD and the landowner as described in Section III. The systems used may include on or more of the following - horticultural management system, livestock management system, agricultural drainage system, and the agricultural construction plan for siting buildings or roads - and the specific combination of best management practices chosen from each system by the KCD and the landowner.
- C. All Farm Management Plans should be written in the format used by the King Conservation District.
- D. In addition to the requirements of the NRCS and KCD, any Farm Management Plan that sites a structure (agricultural construction plan) in order to obtain a permit now or intended to obtain a permit in the future should contain:
1. A completed basic site checklist;
 2. A map or drawing indicating
 - a. The location and size of
 - i. all impervious surfaces and the percentage cover of the site,
 - ii. all pervious surfaces and the percentage cover of the site,

- iii. any new forested area (see definition) to be cleared and percentage coverage of the site, and
 - iv. any breeding site of a species of concern;
 - b. Contours and streamcourses with 7.5 minute top lines for
 - i. any area forested area to be cleared including slope
 - ii. any farm that proposes a structure on a grazed or tilled wet meadow;
 - c. Direction of sub-surface flow for those structures or roads proposed on a grazed or tilled wet meadow;
 - 3. At least two photographs or other information documenting:
 - a. the type of vegetation in the proposed clearing area, and
 - b. any breeding site of a listed species or species of concern;
 - 4. Proposed construction schedule with inspection procedures outlined if needed;
 - 5. Written documentation:
 - a. why there is no practical alternative to siting roads or structures in critical areas or their buffers;
 - b. if and why the siting of a structure has not followed the hierarchy outlined in K.C.C. 21.24A Section 137 D. 3 (either
 - i. on or adjacent to existing nonresidential impervious areas, additional impervious surface area is not created waterward of any existing impervious surface areas and the area was not used for crop production;
 - ii. higher in elevation and no closer to the critical area than its existing position; or
 - iii. at a location away from existing impervious surface areas that is determined to be the optimum site.); and
 - c. that all applicable flood hazard reduction regulations have been met.
- E. In addition to the requirements of NRCS, a Farm Management Plan with an agricultural drainage system should contain the following as applicable to the drainage-related proposal:
- 1. A map with topographic contours, ponds, closed depressions, gutters, pipes, ditches, swales, tiles, outfalls, existing and proposed structures, roads, driveways, septic systems, wells, drainage courses – whether natural or constructed;
 - 2. Best management practices for flow control, infiltration, treatment or dispersion of runoff from new impervious surfaces over 2,000 sq. ft or new pervious surfaces over 7,000 sq. ft.;
 - 3. Any long term practices applicable to maintenance of field access roads, drainage tiles or drainage pumps, ponds, gutters, etc; or
 - 4. A drainage maintenance plan for any agricultural waterway used by salmonids.
- F. Dairy Nutrient Management Plan. In addition to state and federal requirements, a dairy nutrient management plan that is used for purposes of this rule should contain the standards of 21A.30 for animal exclusion from aquatic areas and wetlands.

SECTION III: Applicability

- A. The KCD and landowner should use one or a combination of discrete NRCS planning systems to develop a Farm Management Plan to meet County code depending upon the proposed activities and the critical areas on the site as described in this section.

- B. For purposes of the Farm Management Plan and the Rural Stewardship Plan, the NRCS site plan will be called an "agricultural construction plan". Use of the agricultural construction plan is required when there will be construction of:
 - 1. A residential structure within a grazed or tilled wet meadow;
 - 2. A non-residential agricultural structure within the buffer of a critical area or within a grazed or tilled wet meadow, a wildlife habitat conservation area, a critical aquifer recharge area, a coal mine, seismic, or a flood hazard area;
 - 3. A farm field access road that requires fill or impervious surfaces within the buffers of wetlands or aquatic areas or within a wildlife habitat conservation area, a grazed or tilled wet meadow, or a flood hazard area.

- C. Use of the agricultural drainage system is required for:
 - 1. Installation of a new drainage facility such as a tile, drain, or ditch;
 - 2. Installation of over 2,000 sq. ft. of any new impervious surface as defined by the King County Surface Water Design Manual and that meets one of the following criteria:
 - a. The project will result in no more than 10,000 of total impervious surface added on or after January 8, 2001 and no more than 70,000 sq. ft of pervious surface or 35% of the site whichever is greater (thresholds only apply to parcels zoned A, F or RA); or
 - b. The project will result in less than 4% total impervious surface and less than 15% new pervious surface (thresholds only apply to single parcel sites zoned RA or F or to multiple parcel sites zoned A), and all impervious surface area, except 10,000 sq. ft. of it, must be set back from any down-slope site boundary, drainage system, or critical area, at least 100 ft. for every 10,000 sq. ft. of total impervious surface.
 - 3. Maintenance of drain tiles that discharge into waterways used by salmonids if the maintenance includes
 - a. flushing the tiles or
 - b. replacement or repair of a tile at its outlet to the waterway.
 - 4. Construction of a farm field access road that entails placement of fill or impervious surface within a critical area or its buffer, or
 - 5. Maintenance of existing agricultural waterways used by salmonids.

- D. Use of the the horticultural management system is required when:
 - 1. A siting plan is required under sub-section B of this section and horticulture will be practiced on any portion of the site;
 - 2. Best management practices are required to abate a code enforcement case resulting from a water quality violation under 9:04;

3. A portion of a site will be converted to horticulture and that portion of the site does meet the definition of forested.
- E. Use of the livestock management system is required when:
1. An agricultural construction plan is required under sub-section B of this section and livestock-related activities occur or will be introduced on any portion of a site. Such activities include but are not limited to:
 - a. pasturing or animal confinement,
 - b. animal watering or waterway-crossing areas, or
 - c. manure storage and composting;
 2. An agricultural drainage system is required under sub-section C of this section for livestock-related activities that commence on or after the date of the passage of this ordinance;
 3. A livestock manure storage facility will be constructed or maintained within a grazed wet meadow or a critical area buffer and the structure will require a building permit;
 4. Implementation of best management practices is required to abate a code enforcement case resulting from lack of compliance with K.C.C 21A.30 or the K.C.C 16.82; or
 5. A livestock-related activity will be introduced within a site that has been legally cleared meet the definition of forested.
- F. A dairy nutrient management plan as required under the Dairy Nutrient Management Act may be substituted for any livestock management system providing that:
1. Dairy activities are the primary activity on the site; and
 2. The dairy meets the minimum standard set forth in 21A.30 with respect to exclusion of livestock from aquatic areas and wetlands.

SECTION V. County Review and Approval

- A. When it becomes clear that a farm plan is being developed to meet the requirements of King County Code for either a property predominantly involved in the use of agriculture or for a portion of a property being developed under the standard regulations of a Rural Stewardship Plan, the property owner will contact its successor, to obtain a tracking number.
- B. The landowner will work with the KCD (using its classes, technical assistance, or on-line resources as applicable) to develop a Farm Management Plan. A Farm Management Plan may be developed concurrently to a Rural Stewardship Plan if it is to be a component of the Rural Stewardship Plan.
- C. The KCD or the landowner may contact the DNRP Ag Program or the designated agricultural lead at DDES for technical assistance on any aspects of County Code or to answer questions related to local wetlands, fish, wildlife, or geology.
- D. Before initiating a site alteration that requires a Farm Management Plan the landowner must submit the final KCD-approved plan to the department for review and approval.

- E. Once the KCD approved plan is submitted to the department, the County will review the plan to determine if:
1. the plan is complete;
 2. aspects of code that are unrelated to farm management plans may affect the proposal addressed by the plan; and
 3. any actions proposed in the plan should be implemented prior to undertaking a proposed alteration.
- F. For those Farm Management Plans related solely to proposed alterations that do not ultimately require a permit, the County will review and approve the plans within 10 working days of receiving the KCD-approved farm plan. For those Farm Management Plans related to alterations that will ultimately require a permit, now or as tentatively planned for the future, the County will review and approve the plans within 30 days of receiving the Farm Management Plan.
- G. The department will indicate that each Farm Management Plan implemented as approved by the County signifies compliance with King County Code and will notify affected parties by:
1. Attaching the following statement to all such plans: "As of this date, an approved Farm Management Plan is registered with King County and confirms that compliance with the following King County Codes has been achieved where farm plans are required: K.C.C. 21A.24 (Critical Areas); K.C.C. 21A30 (Livestock Management); K.C.C. 16.82 (Clearing and Grading); K.C.C. 9.04. (Surface Water Management)"
 2. Filing the official copy of the Farm Management Plan with the Agriculture Program or its successor;
 3. Distributing a copy of the registered plan to the KCD, DDES and the landowner;
 4. Placing the farm plan tracking number on permits plus and I-map or successive documentation programs;
 5. Notifying the landowner and cooperating agencies in writing that the plan has been registered.
- H. Once approved by King County, the landowner may submit the registered Farm Management Plan to:
1. DDES for permit review
 2. DNRP for incentive programs such as cost share, grants, the Public Benefit Rating System.
- I. Farm Management Plans and Rural Stewardship Plans jointly developed for properties with multiple uses should be developed, reviewed and approved concurrently.
- J. If the farm plan does not meet the requirements of King County code, the County and the King Conservation District will work with landowner to achieve compliance within the 30 days concurrent with the review period, but no longer than 50 days after receipt of a KCD-approved farm plan by King County.

- K. If the County is not able to approve a farm plan for a site, the department will return the plan to the applicant and or preparing agent documenting:
1. How the plan cannot meet the requirements of KCC code;
 2. Whether actions may be taken meet compliance or
 3. Whether the project may not be allowed under any conditions; and
 4. The departments, agencies or types of private sector institutions where the applicant may locate the appropriate expertise to proceed with other permit options.
- L. With the exception of alterations required for an emergency, the landowner may not proceed with alterations related to critical areas until the department has notified the owner that the plan is registered. The landowner may not proceed with an alteration that requires a permit until DDES has issued the permit.
- M. Should site conditions or development activities necessitate a change in the Farm Management Plan, the landowner may request approval of proposed amendments by contacting the KCD and subsequently submitting the amended plan to the department for this same review and approval process.

SECTION VI. Monitoring and Inspection

Monitoring and Inspection: A landowner undertaking any regulated activity in a critical area or its buffer must make the parcel available for a site visit prior to approval and for post alteration inspection of the site to insure implementation of the plan. Before visiting a property, the County will notify the landowners and schedule the site visit(s).

SECTION VII. Definitions

A. Agricultural Construction Plan. An element of a Farm Management Plan (Site Plan in NRCS terms) that identifies the conditions and standards by which buildings or other constructed features may be sited to:

1. Protect critical areas found on the site (erosive soils, steep slopes, aquatic areas, wetlands, etc.)
2. Provide alternatives to the standard critical area buffer widths as described in KCC 21A.24, the Critical Areas code
3. Protect species of concern
4. Avoid unnecessary flooding, maintenance, repair.

B. Agricultural Drainage System. An element of the Farm Management Plan that identifies the practices and conditions necessary to design, maintain, and protect the natural and constructed drainage features of a particular site.

C. Best Management Practice. A practice determined appropriate for existing or proposed farm site conditions and related agricultural activities, and that is consistent with the NRCS Field Office Technical Guide or with specific practices that have been mutually developed by the KCD and the County as documented in the "agricultural guide" and "CAO Manual"?

D. Dairy Nutrient Management Plan. A Farm Management Plan developed according to RCW 90.64 guidance for dairy nutrient management.

E. Department. King County Department of Natural Resources and Parks (DNRP) or its successor, for the purposes of this administrative rule.

F. Department of Development and Environmental Services (DDES). The County department, or its successor, that issues permits through which development activities are conditioned to meet county development regulations and standards.

G. Farm Management Plan. A long-term plan developed under the conservation planning process of the Natural Resources Conservation Service (NRCS) and including the standards in the Field Office Technical Guide as adapted for the Pacific Northwest Region and used by the King Conservation District. The plan must include an overall plan for the entire site including existing and anticipated agricultural uses and appropriate best management practices assembled from one or more of the following NRCS planning elements: livestock management system, horticultural management system, site development plan (agricultural construction plan, for purposes of this rule), agricultural drainage system, fish and wildlife system, or dairy nutrient management plan. The plan may also include best management practices as agreed upon by the KCD, department, and DDES such as those for installing field access roads, livestock bridges, manure lagoons, critter pads, covered manure compost bins, or maintaining agricultural ditches with salmonids.

H. Field Office Technical Guide (FOTG). Guide developed and maintained by the U.S.D.A Natural Resources Conservation Service or its successor and, where applicable, the modified FOTG adapted to Northwest Washington pursuant to the Agriculture, Fish and Water statewide process.

I. Forested. A site that has been cleared under a class I, II, III or IV-S forest practice permit or exceeds 10,000 sq. ft. with a uniform density of tree cover totaling more than ninety trees per acre and with an average stem diameter at least 4 at breast height, not including areas that are actively managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery stock.)

J. Horticulture Management System. An element of a Farm Management Plan that identifies the conditions and best management practices necessary to conduct horticultural activities on a specific site.

K. King Conservation District. A state authorized special purpose district. For purposes of this rule, the King Conservation District refers not only to the managers and staff of the district, but also to the local employees of the federal Natural Resource Conservation Service whose expertise, standards and work are reflected in the work of the District.

L. Livestock Management System. An element of a Farm Management Plan that identifies the conditions and practices necessary to manage livestock on a specific site, and that at a minimum meets the standards in KCC chapter 21A.30.

M. Rural Stewardship Plan. A long-term plan developed by an Applicant and approved by King County. The Plan must be consistent with the goals and standards of this public rule. The plan may include one or more of the following components: critical area management component, farm management component, forest stewardship component, and site development component. Approved Rural Stewardship Plans will be recorded on title and kept on file at WLRD.