

## REGULATORY REVIEW COMMITTEE

- MINUTES -

**MEETING DATE:** September 3, 1999

**TO:** Building Services Division Staff                      Land Use Services  
Division Staff

Lynn Baugh	Mark Carey
Nathan Brown	Lisa Pringle
Pam Dhanapal	Greg Borba
Ken Dinsmore	Lanny Henoch
Chris Ricketts	Gordon Thomson

Caroline Whalen, Deputy Director  
Kevin Wright, Prosecuting Attorney's Office

**FM:** Sophia Byrd, Code Development Coordinator

Present: Jerry Balcom (DNR-WLRD), Tim Barnes (PA), John Briggs (PA), Sophia Byrd, Laura Casey, Laurie Clinton (DNR-WLRD), Pam Dhanapal, Ken Dinsmore, Jeff Stern, Gordon Thomson, Susan Marlin (Recorder)

Issue:

- 1. K.C.C. 21A.20.130 A.8. describes the setback requirements for billboards. Does this requirement apply to the setbacks for existing buildings only or does it include potential buildings? (Ken Dinsmore)**

Discussion:

K.C.C. 21A.20.130 A.8. describes setback requirements for billboards as follows:

K.C.C. 21A.20.130 A.8; "Billboards shall observe the same street setback as all buildings within 50 feet of the proposed billboard location."

The issue involves situations where there are no buildings within 50 feet of the billboard location.

Conclusion:

The Committee agreed that the setback for billboards would be the same as for other structures; 25' setback. The Prosecuting Attorney's Office will review the issue further and provide us with their input.

Issue:

2. **Are the sensitive areas buffers (K.C.C. 21A.24) required for new farms or new pastures (that may have been abandoned pastures with blackberries, for example) even though the landowners have a farm plan prepared by the Conservation District? (Jeff Stern/Susie Kalhorn)**

Discussion:

Two areas of the code discuss buffers; K.C.C. chapters 21A.24 (Sensitive Areas) and 21A.30 (Livestock regulations) that seem to conflict and refer back and forth inconsistently.

K.C.C. 21A.30.045 (B) states that Farm Management Plans shall generally seek to achieve a 25 foot buffer...from all class 1 and 2 streams...and the wetland edge of any class 1 or 2 wetland...The plan must include Best Management Practices which avoid having manure accumulate in or within 10 feet of class 3 streams; provided that forested lands being cleared for grazing areas shall comply with the Sensitive Areas Code setbacks for class 1, 2 and 3 streams and class 1 and 2 wetlands.

The implication here is that only clearing of forested lands must comply with the Sensitive Areas Code.

However, in the Sensitive Areas partial exemptions section 21A.24.060 (B), the grazing of livestock is exempt...except for the livestock restriction provisions, K.C.C. 21A.24.320 and 21A.24.360, and any animal density limitations established by law, if the grazing activity was in existence before November 27, 1990.

This implies that the livestock activity had to be in existence before November 27, 1990 to obtain any partial exemptions. That would mean creation of new pastures, whether forested or not, would need to comply to the SAO. Yet, K.C.C. 21A.24.320(E) refers to development proposals that include the *introduction* of livestock (which can be interpreted as a new farm) and requires a farm plan pursuant to K.C.C. chapter 21A.30 or fencing located not closer than the buffer edge. This implies that with a farm plan, a new development can reduce the buffers. (K.C.C. 21A.24.360(E) has similar language for streams.)

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It was noted that by reference, K.C.C. chapter 21A.30 is Sensitive Areas requirements. It was agreed by the Committee that K.C.C. chapter 21A.30 needs to be cleaned up and made more consistent with the Sensitive Areas Code.

Conclusion/Next Steps:

It was suggested that a flow chart be created to indicate the different situations and requirements under K.C.C. chapters 21A.24 and 21A.30. The Prosecuting Attorney will review the question of whether the introduction of livestock concept overrides permitted alterations. It was decided to discuss the flow chart and PA findings at another meeting scheduled in two weeks (September 17).

SB:sm

cc: Jerry Balcom, DNR-Water and Land Resources Division,  
Resource Lands Section  
Tim Barnes, Prosecuting Attorney's Office  
John Briggs, Prosecuting Attorney's Office  
Laura Casey, DDES, Site Development Services Section  
Laurie Clinton, DNR-Water and Land Resources Division,  
Resource Lands Section  
Jeff Stern, DDES, LUSD Planning and Education Section