

ORDINANCE NO. 3084

AN ORDINANCE relating to the designation of certain agricultural lands in King County and to the application of County policies concerning subdivision, rezoning, municipal annexations, and sewer and water district activities related to these lands.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. Findings & Declaration of Purpose

The Council finds that:

1. King County presently contains approximately 55,000 acres of land which is being actively farmed.

2. King County's land in active agricultural use has declined by an average of 3,500 acres per year since 1945.

3. The existence of agricultural lands in an urban county such as King County also provides citizens of King County opportunities to pursue livelihoods dependent upon this specialized land resource.

4. The existence of land in agricultural uses in an urban county such as King County provides unique open space and educational benefits and contributes to the quality of the life enjoyed by the citizens of the County.

5. King County's agricultural lands are a unique land resource which serve as an essential factor contributing to the viability of the agricultural industry in King County as well as provide open space benefits for the citizens of the County.

6. The continued viability of agriculture in King County is dependent upon combined agricultural land protection programs and agricultural support programs.

7. For certain areas within King County, an agricultural land protection program based upon both land use regulations and compensation to property owners is the most effective means of protecting existing agricultural lands and private property rights.

1           8. The Council declares that the purpose of this ordinance  
2 is to protect specific agricultural lands in unincorporated  
3 King County by applying the open space and development policies  
4 of the King County Comprehensive Plan.

5           The Council further finds that:

6           9. The open space policies of the King County Comprehensive  
7 Plan, as adopted by Ordinance 1096, support the protection of  
8 existing agricultural lands in King County. Open space policies  
9 include the following:

10           (a) "Open space should be distributed throughout  
11 the urban and rural areas to insure variety  
12 within the environment, to provide sufficient  
13 space for passive and active recreation, and  
14 to help curb the spread of urban blight and  
15 deterioration."

16           (b) "Open space resources should be combined, where  
17 possible, to form visual and physical separation  
18 between major sectors and urbanization, to  
19 discourage continuous urban sprawl, and to  
20 preserve the natural land features."

21           (c) "Farmlands must be included in the open space  
22 system because they provide products for  
23 consumption;...serve as buffers between  
24 urbanizing areas, and provide beautiful and  
25 natural scenery."

26           10. One of the major development policies of the King Count  
27 Comprehensive Plan, the "Urban Center Development Concept,"  
28 supports the protection of the County's existing agricultural  
29 lands. This policy states as goals: the "separation and  
30 identification between major portions of the urban area" and the  
31 "protect(ion) of certain agricultural, flood-plain, forest and  
32 mineral resource areas from urban type development."

33           The Council further finds, based upon a study completed by  
King County, that:

11. The input, market, and production sectors of the  
agricultural industry in King County currently provide  
approximately 6,200 full time jobs, 1,400 part time jobs, and  
17,000 seasonal jobs annually.

1           12. The production sector of the agricultural industry in  
2 King County currently provides gross receipts in excess of forty  
3 million dollars annually.

4           13. Sewer and water local improvement district assessments  
5 on agricultural land are frequently detrimental to the operation  
6 of farms in King County.

7           14. There is a limited amount of land which is well suited  
8 for horticultural or livestock related agricultural uses and  
9 this land suitability is determined by specific factors which  
10 include, but are not limited to, soil capability, parcel size  
11 and the level of utility assessments.

12           15. More than sixty-five (65) percent of Class II and  
13 Class III agricultural capability soils, approximately ninety  
14 (90) percent of the lands in King County which are under the  
15 State Current Use Taxation Program, and approximately eighty  
16 (80) percent of the land currently in active farming, are located  
17 in four specific areas of the County: Snoqualmie Valley/Patterson  
18 Creek, Sammamish Valley/Bear Creek, Lower Green River Valley and  
19 the Enumclaw Plateau/Green Valley.

20           16. Horticultural farming is the primary type of  
21 agricultural activity in the Sammamish Valley/Bear Creek area  
22 and the Lower Green River Valley area and viable horticultural  
23 farm operations in these areas utilize land parcels which have an  
24 average size of approximately ten (10) acres. Livestock  
25 operations are the primary type of agricultural activity in the  
26 Snoqualmie Valley/Patterson Creek area and the Enumclaw/Green  
27 Valley area and viable livestock operations in these areas  
28 utilize land parcels which are forty (40) acres or larger.  
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1           17. King County contains sufficient land to accomodate  
2 existing and projected commercial, residential and industrial  
3 development as well as maintain existing agricultural land uses.  
4 In 1990, if all undeveloped land containing Class II and Class II  
5 soils remains undeveloped and urban development occurs at  
6 currently projected rates, more than 145,000 acres of land zoned  
7 for urban uses will remain available for development.

8           NEW SECTION. SECTION 2. Application of County Policies.

9           All agricultural lands in unincorporated King County both  
10 within and outside of King County Agricultural Districts shall  
11 continue to be subject to the existing agricultural, open space,  
12 and other Comprehensive Plan policies of King County.

13           NEW SECTION. SECTION 3. King County Agricultural Districts  
14 and Agricultural Lands of County Significance.

15           A. Agricultural Districts and Agricultural Lands of County  
16 Significance may be established as focal areas for County  
17 agricultural programs.

18           B. Areas of the County which contain prime agricultural  
19 soils, land being farmed, and lands under the Current Use  
20 Taxation Program may be designated by the Council as Agricultural  
21 Districts; and in addition, specific lands within these  
22 districts which meet the criteria set forth in Attachment F may  
23 be designated as Agricultural Lands of County Significance.

24           NEW SECTION. SECTION 4. Designation of King County  
25 Agricultural Districts.

26           Based on the findings set forth herein, the eight (8) areas  
27 defined by the Agricultural District Boundaries shown in  
28 Attachments A-E are hereby designated King County Agricultural  
29 Districts; the Snoqualmie Valley/Patterson Creek Agricultural  
30 District, the North Creek Agricultural District, the Upper  
31 Snoqualmie Agricultural District, the Sammamish Valley/Bear  
32 Creek Agricultural District, the Lower Green River Valley  
33 Agricultural District, the Upper Green River Valley Agricultural

1 District, the Enumclaw Plateau Agricultural District, and the  
2 Vashon Island Agricultural District and shall be made subject  
3 to the provisions of Section 5.

4 PROVIDED THAT:

5 1. The specific boundaries of the Upper Snoqualmie  
6 Agricultural District and the application of guidelines set forth  
7 in Section 5 shall coincide with the boundaries of the mediated  
8 Comprehensive Plan for flood damage reduction and land use within  
9 the Snohomish River Basin. Should this plan be adopted lands  
10 between North Bend and Snoqualmie receiving 100 year flood pro-  
11 tection will be reconsidered without prejudice as part of the  
12 comprehensive land use plan required under the mediated agreement.

13 2. For the North Creek Agricultural District, the County,  
14 prior to implementing the programs set forth in Attachment G, will  
15 reexamine in conjunction with the City of Bothell the current and  
16 planned land use for the North Creek area based on present and  
17 future economic and environmental considerations.

18 3. The legislative body of a city or town encompassed full  
19 or in part by an agricultural district may be included only if a  
20 joint interlocal agreement is initiated and consummated by the cit  
21 or town with King County.

22 4. For all lands designated as Agricultural Districts unde  
23 the provisions of this section but not designated as Agricultural  
24 Lands of County Significance under Section 6, the enactment of  
25 this ordinance shall not affect allowed uses as presently zoned.

26 NEW SECTION. SECTION 5. Application of Policies for Lands  
27 located within King County Agricultural Districts.

28 1. King County shall review rezone, subdivision, planned  
29 unit development, and other permit applications for private  
30 projects located in unincorporated area of the district to ensure  
31 that to the fullest extent possible the agricultural  
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1 potential of the District will not be adversely affected.

2 2. King County shall review those projects proposed by  
3 other governmental agencies which are normally reviewed by the  
4 County to ensure that, to the fullest extent possible, the  
5 agricultural potential of the District will not be adversely  
6 affected.

7 3. King County shall approve those connections to sewer  
8 interceptors normally reviewed by the County only when such  
9 action shall not adversely affect the agricultural potential of  
10 the District.

11 4. All public projects and programs initiated and/or  
12 sponsored by King County which are located within an Agricultural  
13 District shall, to the fullest extent possible, not adversely  
14 affect the agricultural potential of the District.

15 NEW SECTION. SECTION 6. Designation of Agricultural  
16 Lands of County Significance.

17 Based on the findings set forth herein and the criteria  
18 set forth in Attachment F, the agricultural lands of unincor-  
19 porated King County which are so identified in Attachments A  
20 through D are hereby designated as Agricultural Lands of County  
21 Significance and shall be made subject to the provisions of  
22 Section 7.

23 PROVIDED THAT:

24 1. The partial designation of an undivided parcel of land  
25 under a single ownership shall not be effective until determined  
26 by the Council in accordance with the provisions of Section 10,  
27 Subsection 1.

28 2. Where designation is appealed in accordance with  
29 Section 10, Subsection 3, the designation shall not be effective  
30 until a final determination has been made by the Council.

31 NEW SECTION. SECTION 7. Application of Policies Concerning  
32 Agricultural Lands of County Significance.

33 1. King County shall not approve rezone applications for

1 more intensive use classifications for any of the Agricultural  
2 Lands of County Significance shown on Attachments A through D.

3 2. King County shall not approve any subdivisions into  
4 parcels of less than ten (10) acres for any of the Agricultural  
5 Lands of County Significance identified on Attachment B,  
6 representing lands in the Sammamish Valley/Bear Creek Agricultura  
7 District; or Attachment C, representing lands in the Lower Green  
8 River Valley Agricultural District except when it is determined  
9 that any parcel created by the subdivision which is less than  
10 ten (10) acres will be consolidated with adjacent agricultural  
11 operations into agricultural land parcels of at least ten (10)  
12 acres.

13 3. King County shall not approve any subdivision into  
14 parcels of less than forty (40) acres or a fractional one  
15 sixteenth (1/16) part of a section for any of the Agricultural  
16 Lands of County Significance identified on Attachment A,  
17 representing lands in the Snoqualmie Valley/Patterson Creek  
18 Agricultural District and those lands identified on Attachment D,  
19 representing lands within the Upper Green River Valley  
20 Agricultural District except when it is determined that any  
21 parcel created by the subdivision which is less than forty (40)  
22 acres or a fractional one sixteenth (1/16) part of a section  
23 will be consolidated with adjacent agricultural operations into  
24 agricultural land parcels of at least forty (40) acres.

25 4. King County shall not approve any subdivisions into  
26 parcels of less than ten (10) acres for any of the Agricultural  
27 Lands of County Significance identified on Attachment D,  
28 representing lands in the Enumclaw Plateau Agricultural District  
29 except when it is determined that any parcel created by the  
30 subdivision which is less than ten (10) acres will be consoli-  
31 dated with adjacent agricultural operations into agricultural  
32 land parcels of at least ten (10) acres.

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## PROVIDED THAT:

1 Further consideration shall be given to this guideline and  
 2 revision made as a part of the agricultural land and support  
 3 programs developed in accordance with Attachment F in order to  
 4 provide a zoning classification that distinguishes large commer-  
 5 cial dairy farms from other livestock or small "hobby farm"  
 6 operations.

7 5. It shall be the policy of King County to find that any  
 8 extension of boundaries by a governmental unit to include any  
 9 of the Agricultural Lands of County Significance identified on  
 10 Attachments A through D is in the public interest or for the  
 11 public welfare only when the Comprehensive Plan or zoning for the  
 12 area proposed for annexation is consistent with the provisions of  
 13 this ordinance.

14 6. King County shall not approve or support application fo  
 15 sewer or water district franchises or extension services by a  
 16 governmental agency which include any portion of the lands  
 17 designated on Attachments A through D as Agricultural Lands of  
 18 County Significance except when such action is consistent with th  
 19 provisions of this Ordinance and benefits agricultural activities  
 20 on these designated lands.

21 NEW SECTION. SECTION 8. Exemptions.

22 The following shall be exempt from the provisions of Sectio  
 23 7:

24 1. A division of land to allow a landowner retiring from  
 25 commercial agricultural operations to continue to retain and  
 26 occupy the farm residence and accessory buildings; PROVIDED, tha  
 27 the owner has resided on the property for at least five (5) year  
 28 prior to such division, and further PROVIDED that said landowner  
 29 must be at least sixty-two (62) years of age or older at the tim  
 30 of filing or retired by reason of physical disability.

31 2. A division of land to allow for an additional single  
 32 family dwelling to be occupied by members of the owner's family  
 33 who are engaged in the farm operations: PROVIDED, that all



1 land not occupied by the dwelling and accessory buildings shall  
2 be retained in agricultural use.

3 3. A division of land to provide sites for public utility  
4 facilities or communication and transmission towers and  
5 appurtenances.

6 4. Any parcel of land where the size of the entire parcel  
7 under single ownership is less than 10 acres and the land is  
8 not zoned either "A" or "G".

9 NEW SECTION. SECTION 9. Variances.

10 1. A variance from the provisions of Section 7 of this  
11 ordinance may be granted by the King County Council where the  
12 applicant owner of Agricultural Land of County Significance can  
13 demonstrate the following:

14 (a) That if he complies with the provisions of  
15 Section 7, he cannot make any reasonable use of this property; an

16 (b) That the hardship results from the application  
17 of the provisions of Section 7, and not from other causes; and

18 (c) That the variance granted will be in harmony with  
19 the general purposes and intent of this ordinance and that the  
20 public welfare and interest will be protected.

21 2. Variance applications shall be made to the Office of  
22 Agriculture and shall be heard by the Zoning & Subdivision  
23 Examiner in accordance with the procedures in KCC Chapter 20.24.

24 NEW SECTION. SECTION 10. Review and Appeals.

25 1. For any rezone or subdivision application in which the  
26 subject property is an undivided parcel of land under a single  
27 ownership and is partially designated as Agricultural Land of  
28 County Significance under Section 6, the King County Zoning &  
29 Subdivision Examiner shall determine the applicability of  
30 the provisions of Section 7.

31 2. Nothing in this ordinance shall replace the procedures  
32 for the application, review, and appeal of zoning reclassifica-  
33 tions pursuant to KCC Chapters 21.60, 21.62, and 20.24 or the

1 application, review, and appeal of subdivision applications  
2 pursuant to KCC Title 19 and Chapter 20.24.

3 3. Owners of land designated as Agricultural Land of County  
4 Significance may appeal to the King County Council for the  
5 purpose of contesting the appropriateness of the designation  
6 based on the criteria for designation described in Attachment F.  
7 Such appeals shall be submitted in writing to the King County  
8 Office of Agriculture and shall be heard by the Zoning and  
9 Subdivision Examiner in accordance with the procedures in  
10 KCC Chapter 20.24 and shall be commenced within 120 days of the  
11 effective date of any ordinance approving such designation.

12 Appeals involving uncontested facts shall be submitted  
13 directly to the Council for action by the Office of Agriculture.

14 4. Owners of land designated as part of a King County  
15 Agricultural District may appeal to the King County Council for  
16 the purpose of contesting the appropriateness of the designation.  
17 Such appeals shall be submitted in writing to the King County  
18 Office of Agriculture and shall be heard by the King County  
19 Council and shall be commenced within 120 days of the effective  
20 date of any ordinance approving such designation.

21 NEW SECTION. SECTION 11. Amendments to Designations of  
22 King County Agricultural Districts or Agricultural Lands of  
23 County Significance.

24 1. Applications to amend boundaries of King County  
25 Agricultural Districts and Agricultural Lands of County Signi-  
26 ficance to include lands not so designated by this ordinance  
27 shall be made to the Office of Agriculture in writing with such  
28 supporting evidence as required by the Office of Agriculture.  
29 Boundaries of Agricultural Districts or Agricultural Lands of  
30 County Significance may be amended where lands are found to meet  
31 the criteria for designation contained in this ordinance.

32 2. All applications to revise the boundaries of King County  
33 Agricultural Districts shall be heard directly by the King County

1 Council.

2 3. All applications to revise the boundaries of Agricul-  
3 tural Lands of County Significance shall be heard by the Zoning  
4 and Subdivision Examiner in accordance with the procedures in  
5 KCC Chapter 20.24.

6 4. For applications to revise the boundaries of Agricultura-  
7 l Lands of County Significance, the Hearing Examiner may consider  
8 special exceptions to the criteria set forth in Attachment F and  
9 to the procedures set forth in KCC Chapter 20.24 for those lands  
10 producing horticultural crops which the producer sells directly  
11 to the public through public markets, u-pick operations, and  
12 roadside stands.

13 NEW SECTION. SECTION 12. Development of Agricultural  
14 Protection Program.

15 1. Agricultural land programs and information for the pur-  
16 chase and trade of certain agricultural lands and other agricul-  
17 tural support programs, shall be developed in conjunction with  
18 Agricultural District Advisory Committees as set forth in Ordinan-  
19 No. and presented to the Council by the King County Office  
20 of Agriculture as specified in Attachment G which is hereby incor-  
21 porated by reference. The Council intends that these programs  
22 shall be, to the fullest extent possible, implemented on a volun-  
23 tary basis, based on the expressed interest of affected property  
24 owners.

25 2. The following criteria shall be considered in the devel-  
26 opment of priorities for the agricultural land program:

27 (a) the criteria set forth on Attachment F; (b) farmer-owned and  
28 operated agricultural land; (c) farming activity on lands since  
29 1970; (d) lands producing horticultural crops which are sold  
30 directly by the producer to the public through public markets, u-  
31 pick operations, or roadside stands; and (e) lands zoned in the  
32 Agricultural Zoning Classifications.

33 NEW SECTION. SECTION 13. Duration.

Continued application of the provisions of Section 7 beyond

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eighteen (18) months from the effective date shall require further Council action by Ordinance. PROVIDED, that extension of the provisions of Section 7 or comparable provisions beyond such period shall not occur unless the agricultural land and support programs as set forth in Attachment G have been developed and approved by the Council and the funding for such programs has been approved.

NEW SECTION. SECTION 14. Severability.

If any provision of this ordinance or its application to any person or property is held invalid, the remainder of the ordinance or the application of the provisions to other persons or circumstances shall not be affected.

INTRODUCED AND READ for the first time this 20th day of December, 1976.

PASSED this 31st day of January, 1977.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

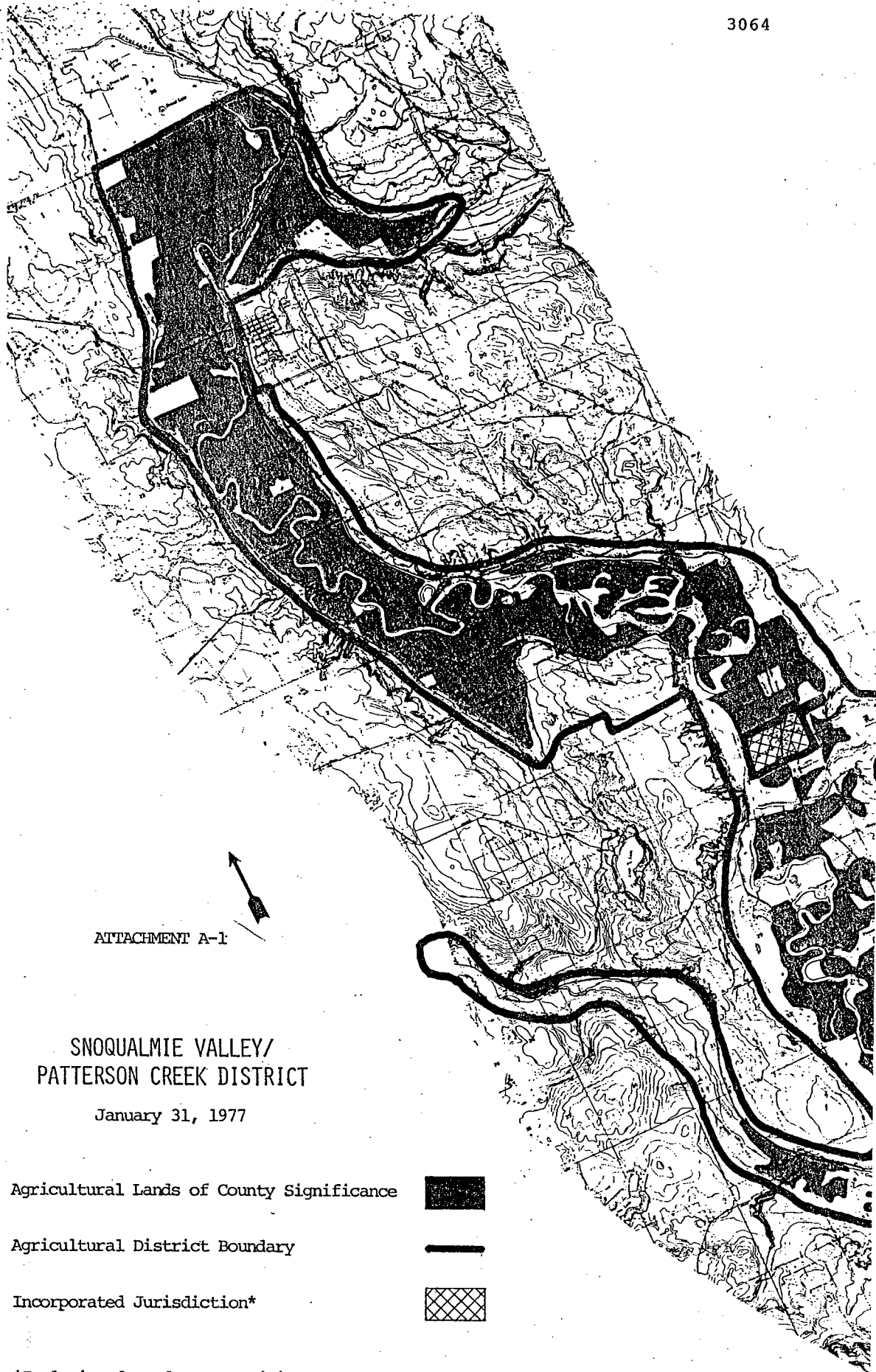
Mike Lowry  
Chairman

ATTEST:

Dorothy M. Quinn  
Clerk of the Council

APPROVED this 4th day of February, 1977.

[Signature]  
King County Executive



ATTACHMENT A-1

SNOQUALMIE VALLEY/  
PATTERSON CREEK DISTRICT

January 31, 1977

Agricultural Lands of County Significance



Agricultural District Boundary



Incorporated Jurisdiction\*



\*Inclusion dependent upon joint  
interlocal agreement

ATTACHMENT A-2

SNOQUALMIE VALLEY &  
UPPER SNOQUALMIE VALLEY DISTRICTS\*\*

January 31, 1977

Agricultural Lands of County Significance



Agricultural District Boundary

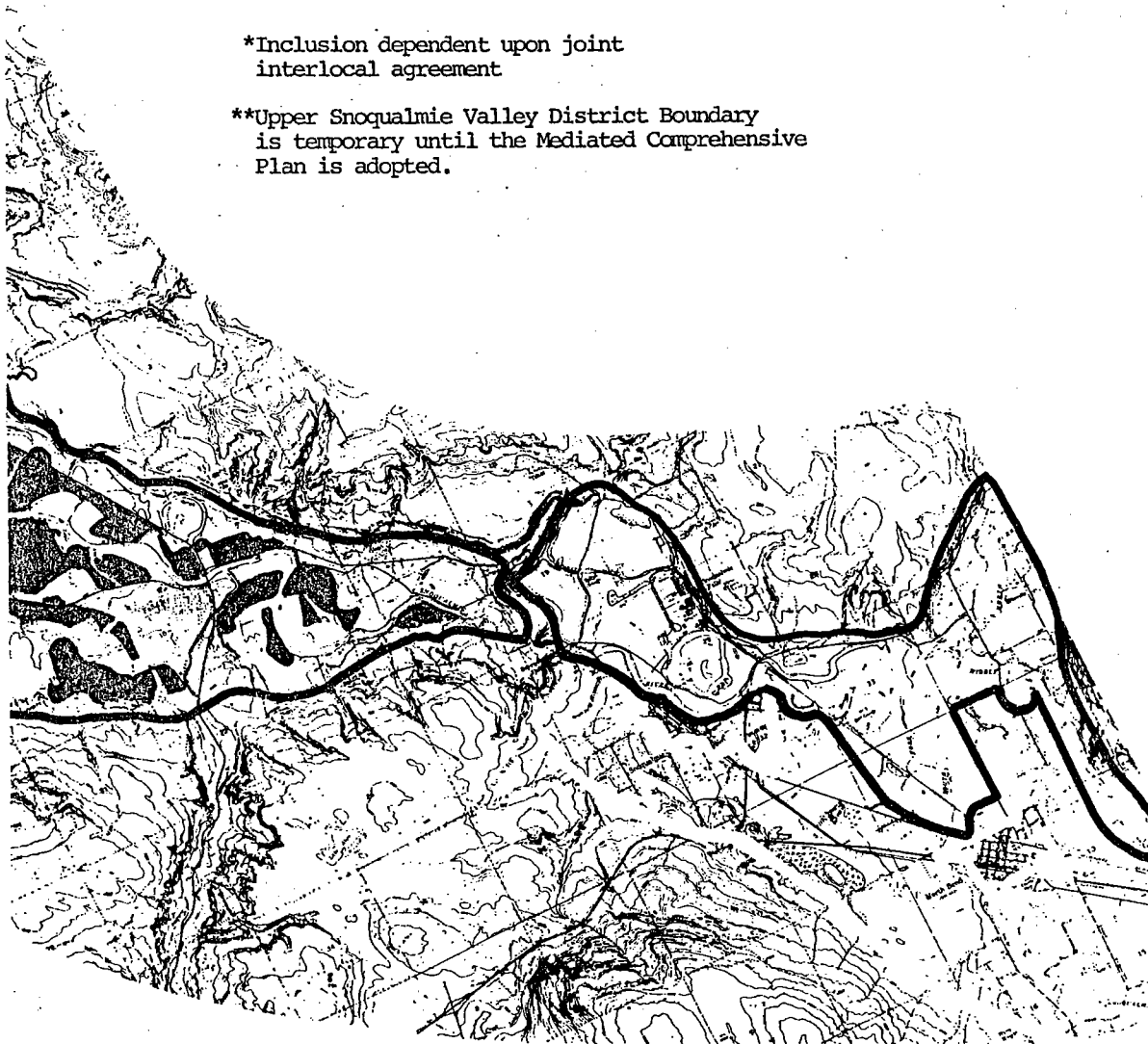


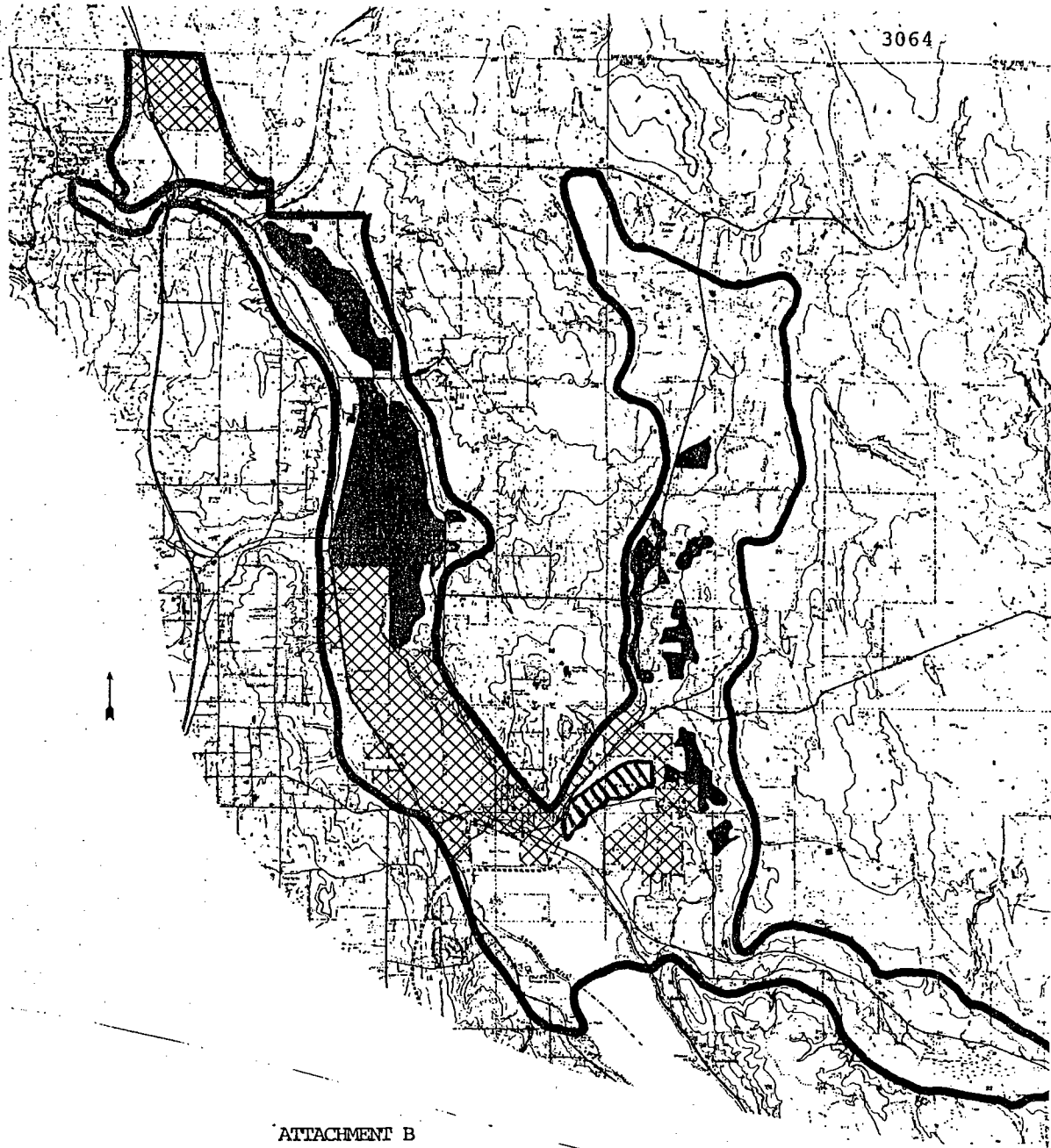
Incorporated Jurisdiction\*



\*Inclusion dependent upon joint  
interlocal agreement

\*\*Upper Snoqualmie Valley District Boundary  
is temporary until the Mediated Comprehensive  
Plan is adopted.





ATTACHMENT B

SAMMAMISH VALLEY/BEAR CREEK & NORTH CREEK DISTRICTS

January 31, 1977

Agricultural Lands of County Significance



Agricultural District Boundary



Incorporated Jurisdiction\*



Currently Under Study



\*Inclusion dependent upon joint interlocal agreement

ATTACHMENT C

LOWER  
GREEN RIVER VALLEY  
DISTRICT

January 31, 1977

Agricultural Lands of County  
Significance



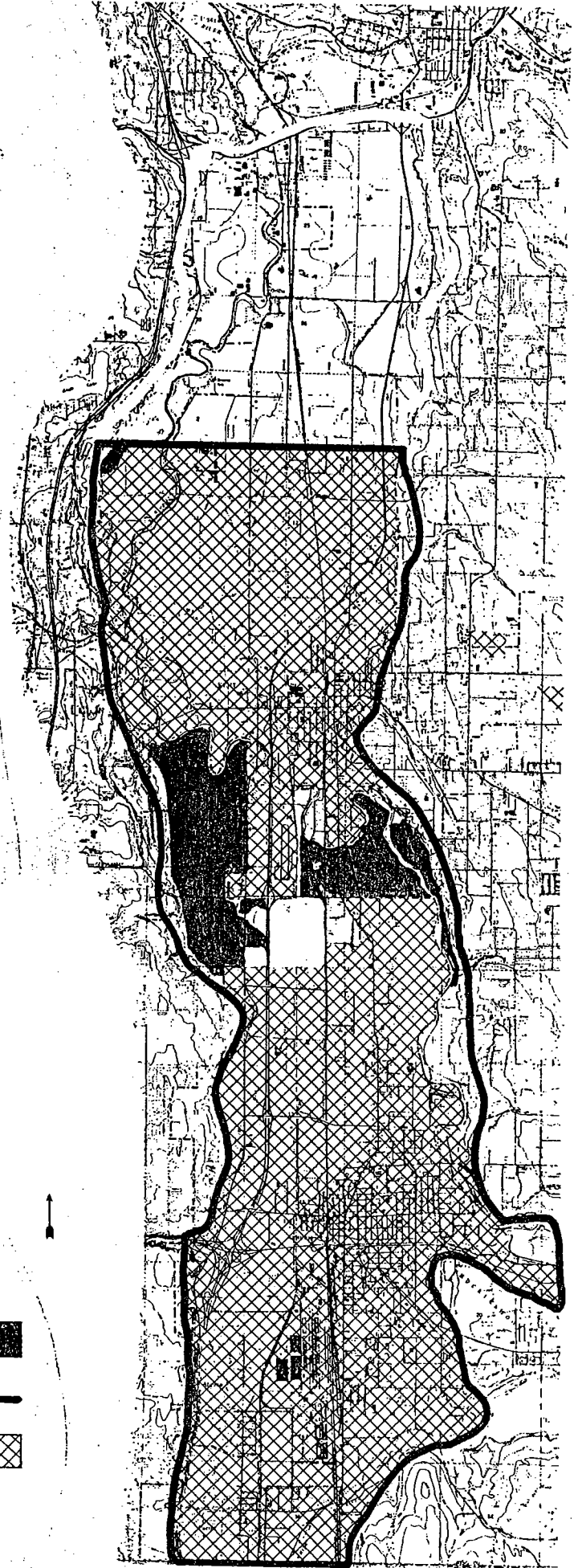
Agricultural District Boundary



Incorporated Jurisdiction\*



Inclusion dependent upon joint  
interlocal agreement





# ENUMCLAW PLATEAU & UPPER GREEN RIVER VALLEY DISTRICTS

January 31, 1977

Agricultural Lands of County Significance



Agricultural District Boundary



Incorporated Jurisdiction\*




\*Inclusion dependent upon joint interlocal agreement

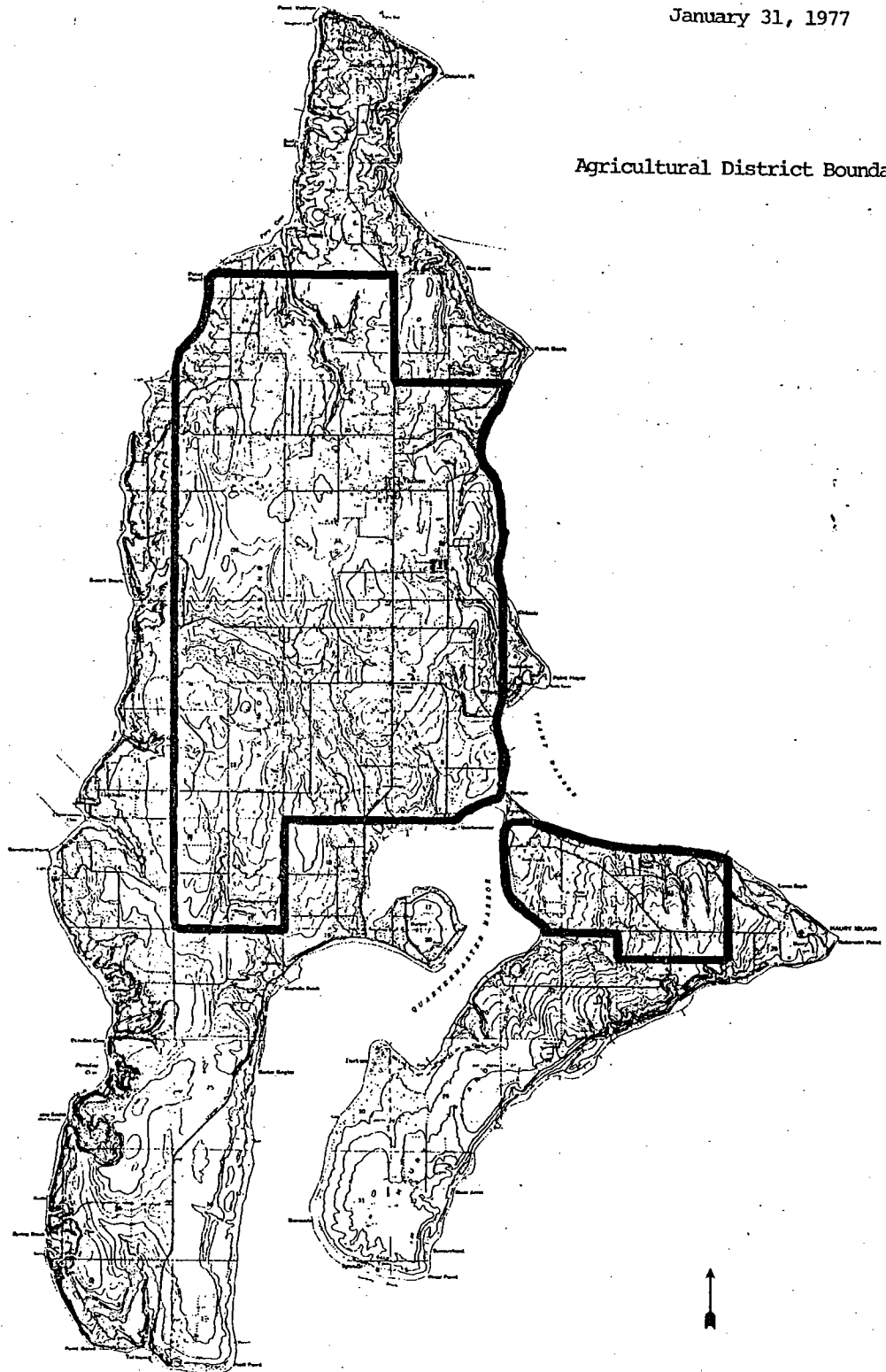


ATTACHMENT E

VASHON ISLAND DISTRICT

January 31, 1977

Agricultural District Boundary 



## ATTACHMENT F

CRITERIA FOR IDENTIFICATION OF AGRICULTURAL LANDS OF COUNTY SIGNIFICANCE

Within King County Agricultural Districts only lands which do not meet all of the following criteria shall be designated as Agricultural Lands of County Significance:

1. Lands containing Class IV through Class VIII soils except for those lands containing Class IV soils currently being farmed and contiguous to Class II & III soils; and
2. Wooded lands - lands that contain established brush or tree cover or swampland as of July 1976; and
3. Lands in urban uses - Lands containing Class II and III soils which have been developed and/or covered by fill material since the SCS 1972 soils survey. This criterion includes golf courses and parks, if developed and in use; and
4. Lands which have urban level sewer and/or water lines in place and where either:
  - a) indebtedness has been incurred by abutting property owners, or
  - b) indebtedness has not been incurred but a local service agency is authorized to provide service and no local government approval is required to connect to a Metro interceptor; and
5. Physical parcels of less than 20 acres - land which has been physically divided by construction of roads or a combination of roads and a natural separator such as a river into parcels smaller than 20 acres in size; and
6. Inclusions of less than 40 acres - Parcels of land which have not already been eliminated, are smaller than 40 acres in size, and are separated from other designated significant lands; and
7. Lands where local climate conditions restrict the potential for viable agricultural activity; and
8. Lands which are incorporated or lands partially included within an incorporated jurisdiction.

