Robert Dunn Paul Barden Pat Thorpe Tracy Owen R.R."Bob" Greive Gary Grant Ruby Chow

Proposed No.: 79-729

ORDINANCE NO. 4341

AN ORDINANCE relating to the acquisition of voluntarily offered interests in farm and open space land in King County; calling an election by the voters of the County on September 18, 1979, to authorize the issuance of general obligation bonds of the County in the principal amount of not to exceed \$50,000,000 for the purpose of providing funds for such acquisition and repealing Ordinances 3871, 3872 and 3918.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Repeal. Ordinances 3871, 3872 and 3918 are hereby repealed and replaced with this ordinance.

SECTION 2. Findings and Declaration of Purpose.

The Council finds that:

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- (1) King County is a desirable place to live and visit because of the quantity, variety and natural beauty of its open space which contributes a vital ingredient to the quality of life of the people of the County. These open space resources presently include more than fifty thousand acres of land suitable for farming, and other woodlands, wetlands and open lands adjacent to these farmlands. Such lands provide natural separation between urban areas, furnish unique, aesthetic and economic benefits to the citizens of the County and are an important part of our heritage.
- (2) Land suitable for farming is an irreplaceable natural resource with suil and topographic characteristics which have been enhanced by generations of agricultural use. When such land is converted to urban and suburban uses which do not require those special fertility and landscape characteristics, an important community resource is permanently lost to the citizens of King County.

(3) The agricultural industry in King County provides the citizens of the County with the opportunity to harvest locally grown berries, fruit and vegetables at u-pick farms and to purchase locally produced food and dairy products through the Pike Place Market, farmers markets, roadside stands and other local outlets throughout the County.

- King County to protect, preserve and enhance agricultural and open space lands as evidenced by the King County Comprehensive Plan of 1964 as amended by Ordinance 1096, establishing open space policies in King County, Ch. 84.34 RCW and Ordinance 2537, authorizing current use taxation of agricultural and open space land, Ch. 84 Laws of 1979 limiting and deferring road and utility assessments on farm and open space land, Ordinance 3064, as amended, establishing King County's agricultural lands policy and County and city ordinances regulating land use by zoning.
- (5) However, these policies and regulations, by themselves, have not been effective to provide long-term protection of farm and open space lands under the pressure of increasing urban development. The amount of land in agricultural use in king County has declined from more than 100,000 acres in 1959 to approximately 50,000 acres in 1979, with much of this loss having been caused by actual or prospective urban development.
- (6) Generally, farm and open space lands which are close to urban centers have a greater market value for future urban development than their market value for commercial farming or other open space uses. This fact encourages the speculative purchase of these lands at high prices for future development, regardless of the current zoning of such lands. Farm lands which have a market value greater than their agricultural value do not attract sustained agricultural investment and eventually

 these lands are sold by farmers and removed from commercial agricultural uses.

- (7) The permanent acquisition by the County of voluntarily offered interests in farm and open space lands within the County, as provided in this ordinance and as authorized by the Constitution and statutes of the State of Washington, will permit these lands to remain in farm and open space uses in a developing urban area and provide long-term protection for the public interests which are served by farmlands and open space lands within the County.
- (8) The acquisition of interests in farm and open space lands as provided in this ordinance is a public purpose of King County and financing such acquisition requires that the County issue its general obligation bonds in the principal amount of not to exceed \$50,000,000.

SECTION 3. Definitions.

- (1) "Full Ownership" means fee simple ownership.
- (2) "Agricultural Rights" means an interest in and the right to use and possess land for purposes and activities related to horticultural, livestock, dairy and other agricultural and open space uses.
- (3) "Development Rights" means an interest in and the right to use and subdivide land for any and all residential, commercial and industrial purposes and activities which are not incident to agricultural and open space uses.
- (4) "Value of Development Rights" means the difference between the fair market value of Full Ownership of the land (excluding the buildings thereon) and the fair market value of the Agricultural Rights to that land.
- (5) "Owner" means the party or parties having the fee simple interest, a real estate contract vendor's or vendee's

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interest, a mortgagor's interest or a grantor of a deed of trust's interest in land.

- (6) "Farmland" means a) "Farm and Agricultural Land" as now defined in RCW 84.34.020(2), or b) land which is in a single ownership of twenty or more contiguous acres, at least 80% of which is open or fallow and which has produced a gross income from agricultural uses of \$100.00 or more per acre per year for three of the ten calendar years preceding the date of the owner's application. The "date of application" as used in a) or b) above shall be the date of the owner's application for purchase by the County.
- (7) "Food Producing Farmland" means Farmland which has been used for the commercial, soil-dependent cultivation of vegetables, berries, other fruits, cereal grains and silage corn.
- (8) "Open Space Land" means "Open Space Land" as now defined in RCW 84.34.020(1) and "open space use" shall mean any of the uses provided in such definition.
- (9) "Eligible Land" means Farmland and Open Space Land for the purchase of which bond proceeds are authorized to be used pursuant to this ordinance.
- (10) "Selection Committee" means the Committee formed pursuant to Section 6 of this ordinance to advise the Council in the selection of Eligible Lands for purchase.
- (11) "Bonds" means the general obligation bonds of the County described in Section 12 of this ordinance.
 - (12) "Council" means the King County Council.
 - (13) "Executive" means the King County Executive.
- (14) "Governmental Agency" means the United States or any agency thereof, the State of Washington or any agency thereof, any County, City or municipal corporation.

(15) "Appendices A, B, C, D, E and F" of this ordinance mean the maps which describe designated areas of Eligible Lands for purposes of priority of acquisition as provided in Section 5 of this ordinance. Official large scale maps describing such areas in detail are hereby filed with the Administrator-Clerk of the Council and incorporated herein by this reference. Smaller scale maps generally illustrating such areas are appended to this ordinance for more readily accessible public reference.

SECTION 4. Authorization.

- (1) The County is hereby authorized to issue its general obligation bonds to acquire the Farmlands and Open Space Lands described and prioritized in Section 5 of this ordinance. The property interest acquired may be either the Development Rights, Full Ownership or any lesser interest, easement, covenant or other contractual right. Such acquisition may be accomplished by purchase, gift, grant, bequest, devise, covenant or contract but only at a price which is equal to or less than the appraised value determined as provided in this ordinance. The proceeds of the Bonds shall be used to acquire such property interests only upon application of the Owner and in a strictly voluntary manner.
- (2) If the Owner so elects, the Executive is authorized to pay the purchase price in a lump-sum single payment at time of closing, or to enter into contracts for installment payments against the purchase price consistent with applicable federal arbitrage regulations. When installment purchases are made, the County is authorized to pay interest on the declining unpaid principal balance at a legal rate of interest consistent with prevailing market conditions at the time of execution of the installment contract and adjusted for the tax-exempt status of such interest.
- (3) The Executive is further authorized to contract with other Governmental Agencies to participate jointly in the

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 acquisition of interests in Eligible Lands on such terms as shall be approved by the Council consistent with the purposes and procedures of this ordinance.

- (4) The County may acquire Full Ownership in Eligible Lands of First Priority only where the Owner will voluntarily sell only the Full Ownership of the property. The County shall acquire only Development Rights or interests which are less than Full Ownership in Eligible Lands of Second and Third Priority.
- (5) After County acquisition of Development Rights or some interest less than Full Ownership in any Eligible Lands, the County may purchase the remaining Agricultural Rights or other property interests in such land only when requested by the Owner and when such acquisition is necessary to maintain agricultural or open space uses of the property.
- Eligible Lands the Executive shall as soon as practicable offer the Agricultural Rights to such land for public sale at a price not less than the appraised value of such rights. If no offer for such rights is received at the appraised value, the Executive may, with the approval of the Council, either reoffer the agricultural rights for public sale or lease such land for agricultural or open space use or make such land available for publicly owned open space uses consistent with the purposes of this ordinance.
- (7) Interests which the County owns in property other than Eligible Lands may be exchanged for property interests in Eligible Lands on an equivalent appraised value basis. If the County has acquired Full Ownership of any Eligible Lands the Agricultural Rights in such lands may be exchanged for the Development Rights to other Eligible Land of equal or higher priority on an equivalent appraised value basis. If the property interests exchanged are not exactly equal in appraised value, cash

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payments may be made to provide net equivalent value in the exchange. .

SECTION 5. Eligible Lands and Priority of Acquisition.

The proceeds of the Bonds shall be used to purchase property interests in the following lands in the following order of their numbered priority group. The lands described within each numbered priority group shall be deemed of equal priority regardless of the order of designation within such group.

First Priority:

- (a) Farmlands and Open Space Lands located within the designated areas of the Sammamish, Lower Green or Upper Green River Valleys as shown respectively on Appendix A, Appendix B and Appendix C of this ordinance.
- (b) Food Producing Farmlands located anywhere within the County generally described but not limited to those lands on Appendix "F" but outside of the designated areas of the Sammamish, Lower Green Upper Green and Snoqualmie River Valleys and Enumclaw Plateau as shown in Appendices A-E inclusive of this ordinance.

Second Priority:

- (a) Farmlands in designated areas in the Snoqualmie Valley as shown on Appendix D of this ordinance.
- (b) Farmlands in designated areas of the Enumclaw Plateau as shown on Appendix E of this ordinance.
- (c) Approximately 1,500 acres of Farmlands which are larger than 40 contiguous acres located anywhere within the County outside of the areas described in Appendices A to E inclusive of this ordinance

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Third Priority:

All other Farmlands located within presently established Agricultural Districts of the County and designated to be Agricultural Lands of County Significance.

SECTION 6. Selection Committee.

- (1) A seven-member Selection Committee shall be appointed within ninety (90) days following the approval of the Bonds by the voters. The Selection Committee shall advise the Council in the selection of Eligible Lands offered for acquisition by their owners. Members shall be appointed by the Executive and confirmed by the Council and shall comply with the King County Code of Ethics. No member may have an ownership interest in any of the lands eligible for purchase pursuant to this ordinance.
- (2) The Selection Committee shall consist of two members each of whom shall have at least five years experience in the operation and management of commercial farms; two members each of whom shall have five years of experience in the management of either a construction or land development or real estate business; and three members who shall be lay citizens from different geographic areas of the County. One of the lay members shall be appointed by the Executive to serve as chairman. Committee recommendations shall be made by a majority of its members.
- (3) Members shall serve three-year terms, except that the initial term of three members shall be two years and of four members shall be three years. Members may be removed by the Executive only for good cause shown. Members shall not be compensated for their services but shall be reimbursed for expenses actually incurred in the performance of their duties. Members may be reappointed to successive terms but the Selection Committee shall be terminated when the proceeds of the Bonds have been spent and in any event no later than eight years after the Bond election.

SECTION 7. Selection Process.

Beginning in the first year following the Bond election and continuing at least once a year for a period of six years or until all Bond proceeds have been expended whichever date is sooner, the Executive shall conduct a voluntary property selection process (herein called "Selection Round") generally as follows:

- (1) In the first and second Selection Rounds all properties offered in Priority One shall be eligible for purchase. In the third Selection Round all properties offered in Priority One and Priority Two shall be eligible for purchase, and in all subsequent Selection Rounds all properties offered in Priorities One, Two and Three shall be eligible for purchase. In all Selection Rounds properties of higher priority shall be purchased with available funds before properties of lower priority are purchased.
- (2) The Executive shall begin each Selection Round by giving notice in one newspaper of general circulation in each area where Eligible Lands are located which may be acquired in that Round. The notice shall describe the properties eligible for purchase in that Selection Round, the procedure to be followed in the selection process, including an estimated time schedule for the steps in the process, and shall invite the Owners of such properties to make application for purchase by the County and to describe the property interest which the Owner is willing to sell.
- (3) Upon closing of the application period, the County Executive shall review each application which has been received to determine the eligibility and priority classification of each property interest and to verify ownership by title search.
- (4) For those applications which meet the requirements of (3) above, the Executive shall cause an appraisal of the applicant's property interest to be made. Two appraisals shall

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be made to determine the Value of Development Rights. One appraisal shall determine the fair market value of Full Ownership of the land (excluding buildings thereon) and one shall determine the fair market value of the Agricultural Rights only. Appraisals of the fair market value of Full Ownership or of a property interest other than Development Rights shall be made by independent appraisers selected by the Executive from a list of not less than ten qualified persons recommended by the County Assessor. Such persons shall be deemed qualified if they have been certified to be professionally competent appraisers by a recognized professional appraisal certification organization, shall have had at least five years experience as a professional appraiser and shall not have a property interest in Eligible Lands. Appraisals of the fair market value of Agricultural Rights shall be made by independent appraisers selected by the Executive with at least five years experience in the appraisal of agricultural land and who shall not have a property interest in Eligible Lands.

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ished to the respective owners for review. Errors of fact in any appraisal may be called to the attention of the appraiser by the County or by Owners of the property appraised but corrections of the appraisal may be made only by the appraiser. If an Owner of property believes it has not been adequately appraised such Owner may, within the time allowed therefor on the selection schedule, request that a review appraisal be made at the Owner's expense. The Selection Committee shall appoint the review appraiser or appraisers in the same manner as the original appraiser or appraisers are appointed by the Executive. The review appraisal shall become the final appraisal.

The appraisal shall then be filed with the Executive.

(6) Terms and conditions of sale and information on the effect of the sale may be discussed by the Executive with

Owners prior to the submission of written offers.

- (7) Sealed, firm, written offers by all applicants who desire to have their property purchased by the County shall then be submitted on forms provided by the County to be opened by the County Executive on a day certain.
- (8) The Executive shall review all offers and make recommendations thereon to the Selection Committee and the Council.
- (9) The Selection Committee shall review all offers and the recommendations of the Executive and make recommendations to the Council.
- (10) Upon receiving the recommendations of the Selection Committee, the Council shall take final action on such recommendations.
- SECTION 8. Criteria for Selection within Same Priority.

 Only in the event that funds are not adequate in any Selection Round to purchase all Eligible Lands of equal priority for which valid offers shall have been received by the County, the following criteria shall be considered in determining which offers to accept within such priority group:
- (1) An offer which is below appraisal shall be favored over an offer which is at appraisal.
- (2) An offer of Development Rights in land shall be favored over an offer of Full Ownership.
- (3) An offer of farmland producing in the 12 months preceding application shall be favored over an offer of land which lies fallow;
- (4) An offer of land which is more threatened by urban development shall be favored over an offer of land which is less threatened;
- (5) An offer of land which will form a contiguous farming area with other offered or acquired Eligible Land shall be favored over an offer of land which is separated;

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 (6) An offer of land which will serve the dual purpose of urban separation and agricultural production shall be favored over an offer of land which will serve only one of such purposes;

(7) An offer of Farmlands in commercial production small be favored over an offer of non-commercial Farmlands.

The weight to be given to each of the above criteria shall be determined finally by the Council for each parcel of property and such good faith determination shall be conclusive.

SECTION 9. Duration of Acquired Interests.

- (1) Development Rights acquired pursuant to this ordinance shall be held in trust by the County for the benefit of its citizens in perpetuity. Except as provided in Section 4 of this ordinance and Subsection 2 of this Section and except as found necessary by the Council to convey public road and utility easements, the County shall not sell, lease or convey any land or interest in land which it shall acquire with the use of Bond proceeds.
- open space purposes described in Section 2 of this ordinance can no longer reasonably be fulfilled as to any land or interest in land acquired with Bond proceeds, the Council shall submit to the voters of the County a proposition to approve of the disposition of such land or interest. Only upon a majority vote approving such proposition can such land or interest be disposed of by the County and the proceeds of such disposition shall be used to acquire other Farmlands or Open Space Lands in the County as provided in this ordinance.

SECTION 10. Related Costs.

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The costs of appraisal, engineering, surveying, planning, financial, legal and other services lawfully incurred incident to the acquistion of interests in Eligible Lands by the County and

incident to the sale, issuance and delivery of the Bonds shall be paid from the proceeds of the Bonds.

SECTION 11. Supplemental Funds.

Agencies or private sources may become available to pay a portion of the cost of acquiring Development Rights, Full Ownership or some lesser interest in Eligible Lands or to supplement or enlarge such acquisition. The Executive is hereby authorized to utilize such funds to purchase interests in Eligible Lands or to otherwise supplement the proceeds of the Bonds in the manner provided by this ordinance and in accordance with the applicable laws or terms governing such grant.

It is the intention of the Council that the proceeds of Bonds available for the acquisition of interests in Farmlands in the Snoqualmie Valley be used in a manner consistent with the adopted multi-jurisdiction agreement affecting the uses of the Snoqualmie River.

SECTION 12. County Purpose.

The Council finds and declares that the use of County funds for the purpose of paying in whole or in part the cost of acquisition of interests in Eligible Lands as set forth herein, including any costs necessarily incident to such acquisition, to the sale, issuance and delivery of the Bonds, or to participation with any Governmental Agency for such purposes will promote the health, welfare, benefit and safety of the people of King County and is a strictly County capital purpose.

SECTION 13. Terms of the Bonds.

For the purpose of providing funds necessary to pay the cost of carrying out the acquisition authorized by this ordinance, the County shall issue the Bonds in the principal amount of not to exceed \$50,000,000. The Bonds shall be sold at public sale in the manner required by law, shall bear interest payable at such

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times, shall be issued in such series from time to time out of such authorization over a period of up to six years, and shall mature serially commencing in from two to five years from the date of issue of each series and maturing in a period which may be less than but shall not exceed thirty years from the date of issue of each series, all as hereafter authorized by the Council and as provided by law. Both the principal of and interest on the Bonds shall be payable out of annual tax levies to be made upon all of the taxable property within the County in excess of constitutional and statutory limits and from any other money which may become legally available and used for such purposes. Any series of the Bonds may be combined with other authorized general obligation bonds of the County and issued and sold as single issues of County bonds. The exact date, form, terms, redemption options and maturities of each series of the Bonds shall be as hereafter fixed by ordinance of the Council.

SECTION 14. Farmland and Open Space Acquisition Fund.

The principal proceeds of sale of the Bonds shall be deposited in a Farmland and Open Space Acquisition Fund to be hereafter created in the office of the Comptroller of King County (hereinafter "Acquisition Fund"), except that any premium and accrued interest on the Bonds received at the time of their delivery shall be paid into a fund of the County to be used for the redemption of the Bonds. Money in such Acquisition Fund may be temporarily deposited in such institutions or invested in such obligations as may be lawful for the investment of County money and may be temporarily advanced to the fund for the redemption of the Bonds to pay Bond interest pending receipt of taxes levied therefor.

The principal proceeds from the sale of the Bonds and any interest received from the deposit or investment of such proceeds shall be applied and used solely for the purposes set forth in

this ordinance, and none of such proceeds shall be used for other than a strictly county capital purpose.

SECTION 15. Calling Election.

It is hereby found and declared that an emergency exists requiring the submission to the qualified electors of the county at a special election to be held therein on September 18, 1979, of a proposition authorizing the issuance of the Bonds.

The Manager of the King County Records and Elections Division, as ex officio supervisor of all elections held within King County, is hereby requested to find the existence of such emergency and to assume jurisdiction of and to call and conduct such special election to be held within the County on that date and to submit to the qualified electors of the County at such special election the proposition hereinafter set forth.

The Administrator-Clerk of the Council is hereby authorized and directed to certify that proposition to the Manager of the King County Records and Elections Division in substantially the following form:

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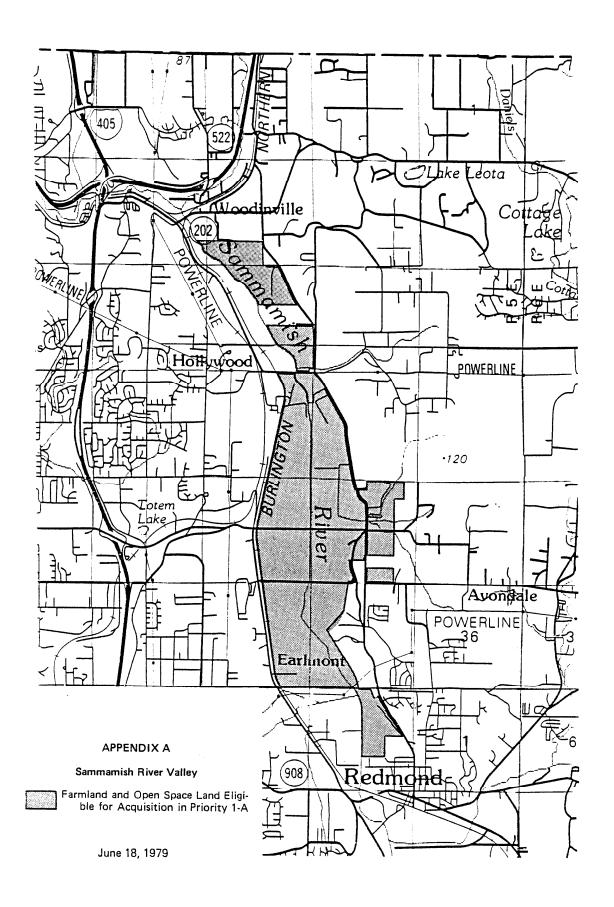
PROPOSITION ONE: FARM AND OPEN SPACE BONDS

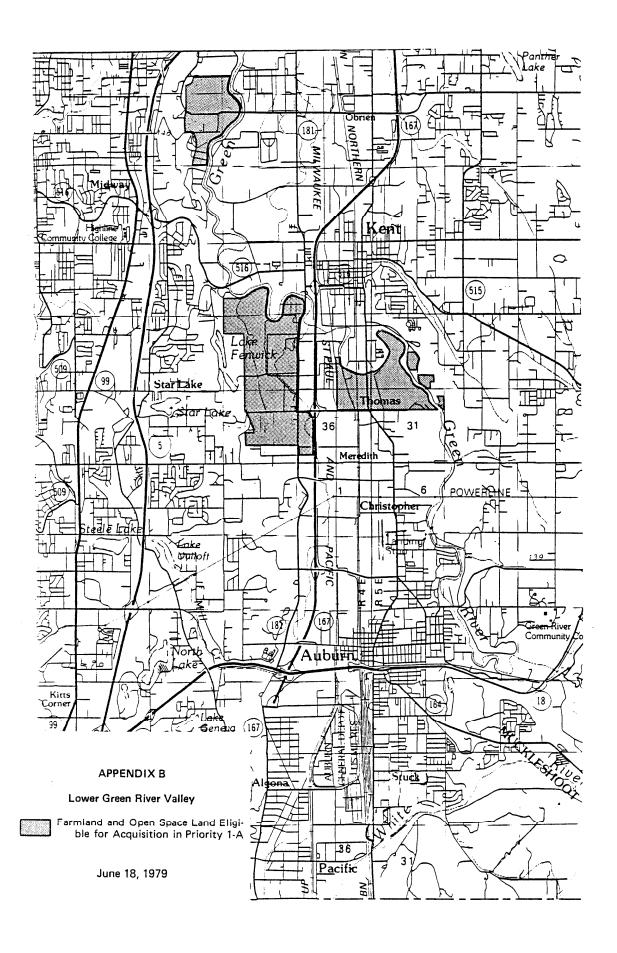
Shall King County, for the purpose of acquiring and preserving voluntarily offered farm and open space lands in the county, issue its general obligation bonds in the principal amount not to exceed \$50,000,000 in one or more series over a period of up to 6 years, to mature serially commencing in from two to five years and maturing in not to exceed 30 years from date of issue of each series and to be paid by annual tax levies upon all the taxable property within King County in excess of constitutional and statutory limitations, all as more specifically provided in King County Ordinance No.

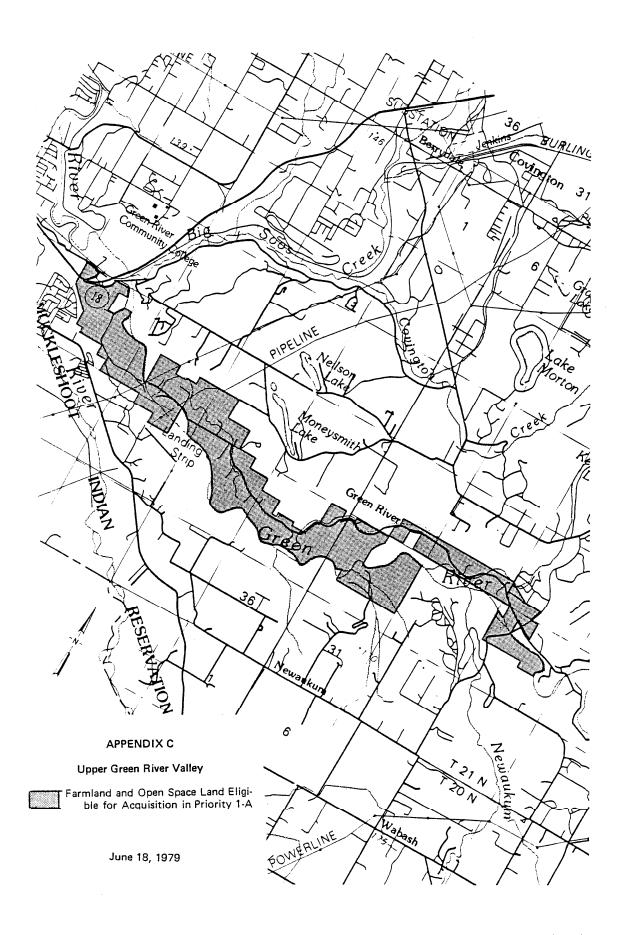
BONDS, YES
BONDS, NO
SECTION 16. Severability.
Should any section, subsection, paragraph, sentence, claus
or phrase of this ordinance be declared unconstitutional or
invalid for any reason, that determination shall not affect th
validity of the remaining portions of this ordinance.
INTRODUCED AND READ for the first time this 29^{t} day of
May, 1979.
PASSED this /JA day of June, 1979.
KING COUNTY COUNCIL KING COUNTY, Washington
July Chour
Chairman
ATTEST:
Deputy Clerk of the Council
Deputy Clerk of the council
APPROVED this 20 Th day of, 1979.
for follower
King Coupty Executive

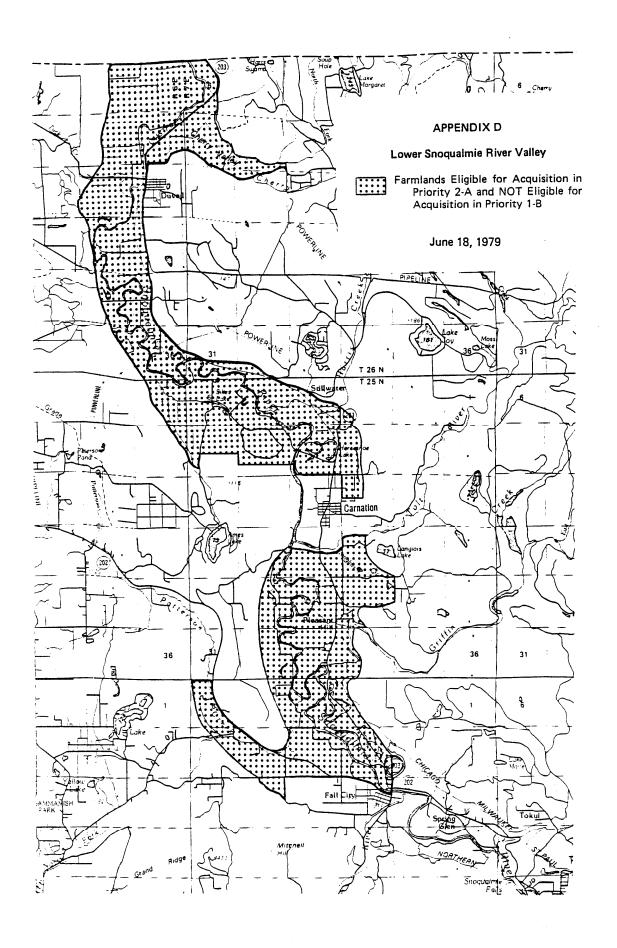
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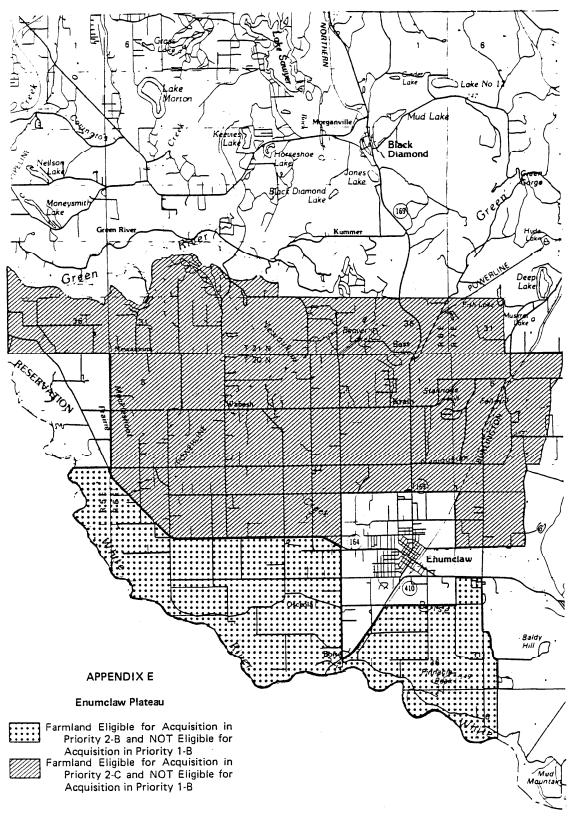
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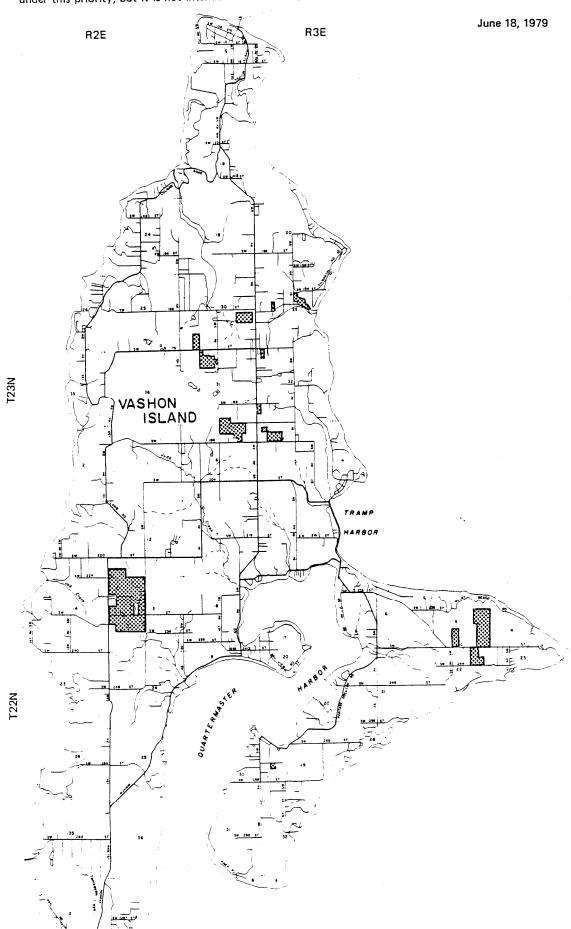




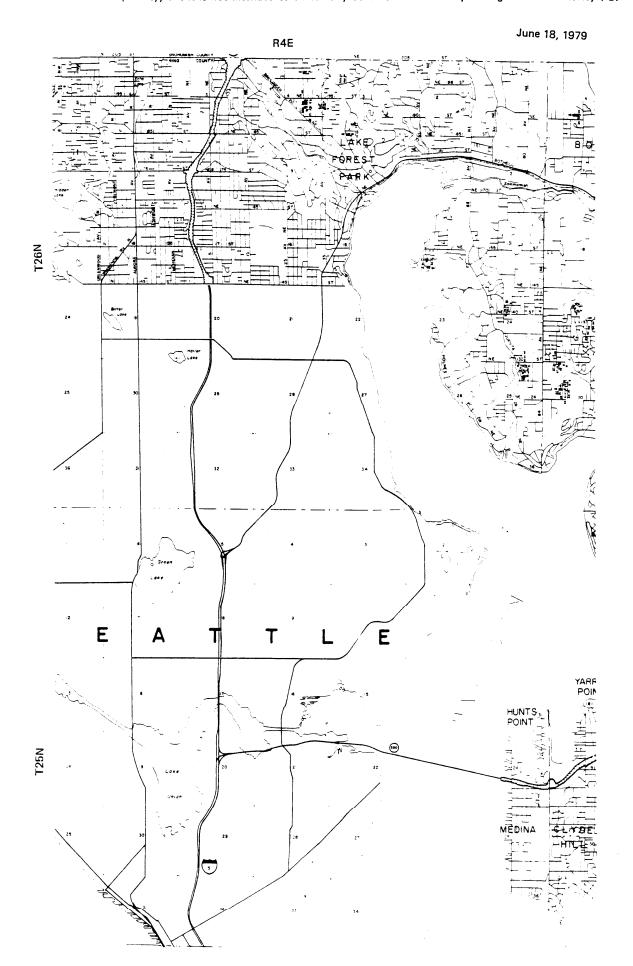




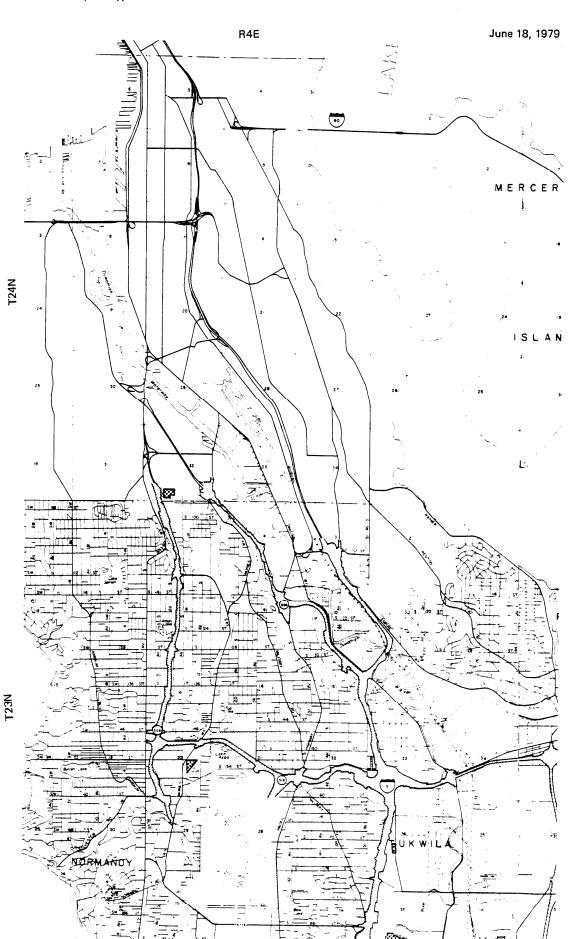
Food Producing Farmlands Eligible for Acquisition in Priority 1-B
Properties indicated on this map include lands which known by King County at this time to be eligible under this priority, but it is not intended to exclude any other lands which may be eligible under Priority 1-I



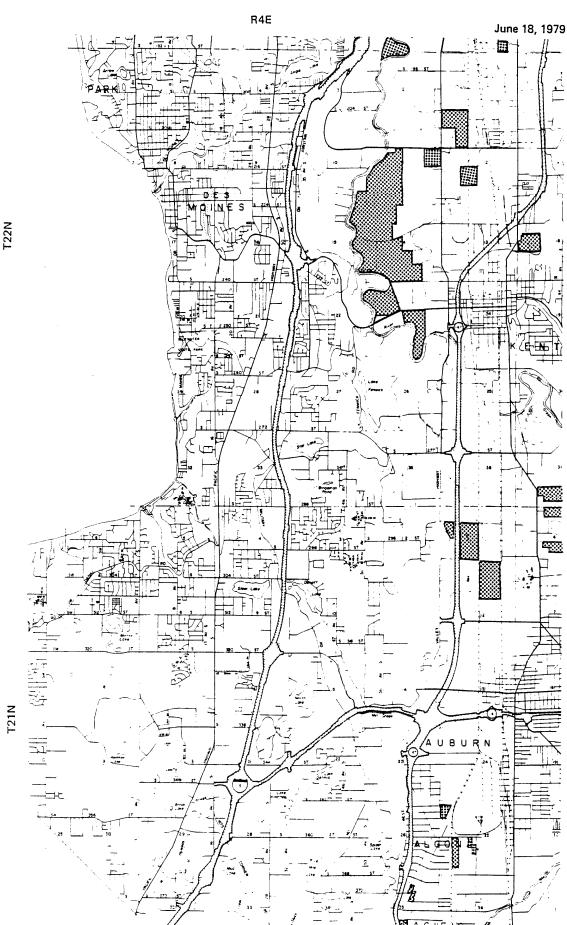
Food Producing Farmlands Eligible for Acquisition in Priority 1-B
Properties indicated on this map include lands which known by King County at this time to be eligible under this priority, but it is not intended to exclude any other lands which may be eligible under Priority 1-B.



Food Producing Farmlands Eligible for Acquisition in Priority 1-B
Properties indicated on this map include lands which known by King County at this time to be eligible under this priority, but it is not intended to exclude any other lands which may be eligible under Priority 1 B.

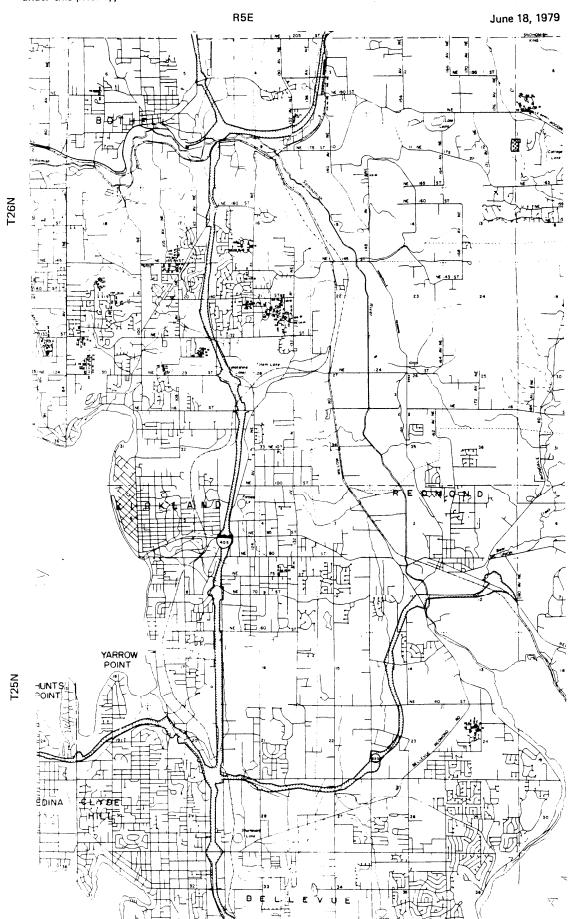


Food Producing Farmlands Eligible for Acquisition in Priority 1-B
Properties indicated on this map include lands which known by King County at this time to be eligible under this priority, but it is not intended to exclude any other lands which may be eligible under Priority 1

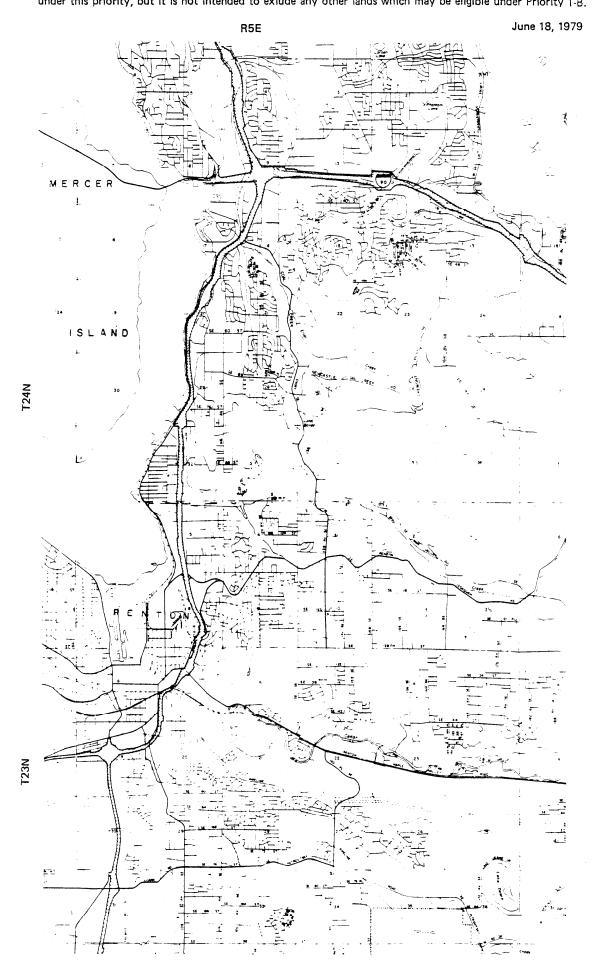


Food Producing Farmlands Eligible for Acquisition in Priority 1-8

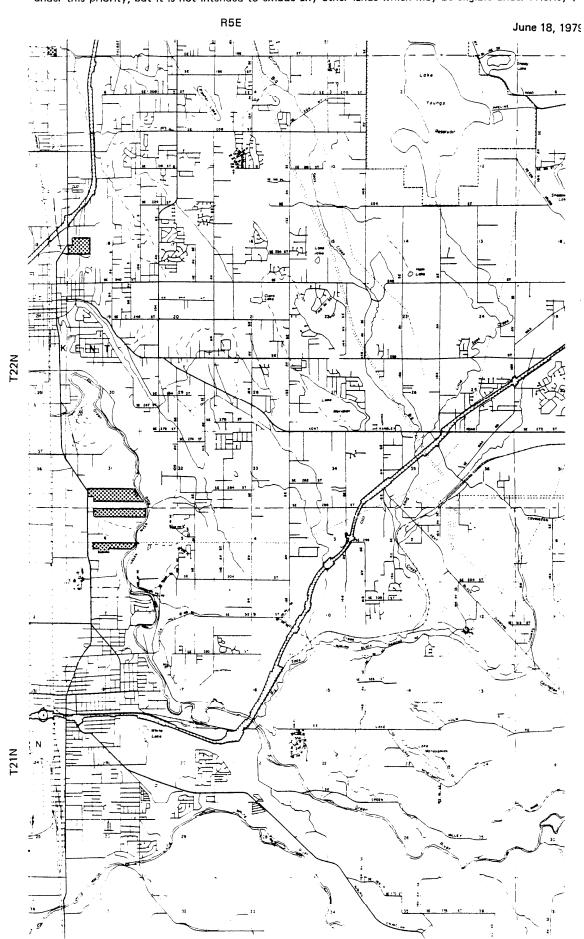
Properties indicated on this map include lands which known by King County at this time to be eligible under this priority, but it is not intended to exlude any other lands which may be eligible under Priority 1-B.



Food Producing Farmlands Eligible for Acquisition in Priority 1-B
Properties indicated on this map include lands which known by King County at this time to be eligible under this priority, but it is not intended to exlude any other lands which may be eligible under Priority 1-B.



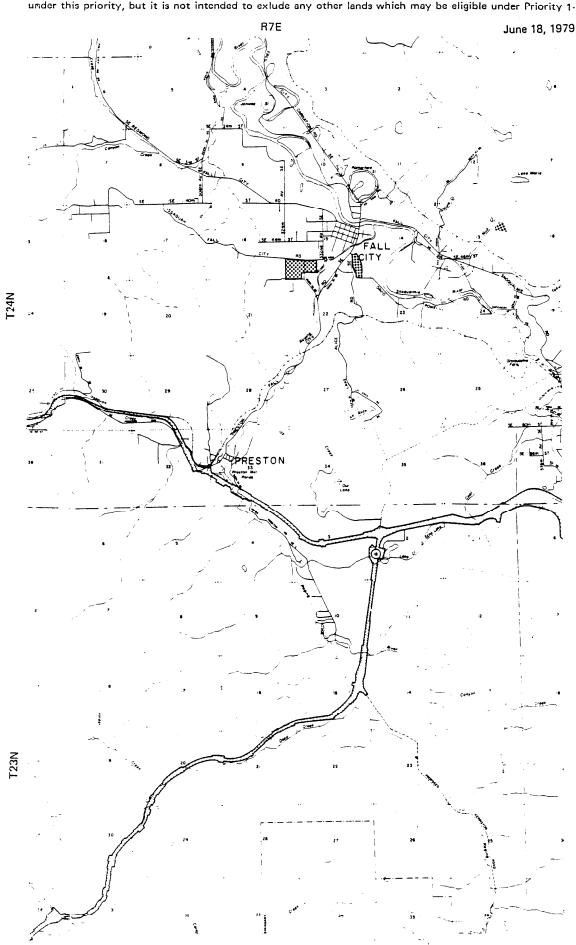
Food Producing Farmlands Eligible for Acquisition in Priority 1-B
Properties indicated on this map include lands which known by King County at this time to be eligible under this priority, but it is not intended to exclude any other lands which may be eligible under Priority 1-



Food Producing Farmlands Eligible for Acquisition in Priority 1-B
Froperties indicated on this map include lands which known by King County at this time to be eligible under this priority, but it is not intended to exlude any other lands which may be eligible under Priority 1-

June 18, 1979 R6E T26N

Food Producing Farmlands Eligible for Acquisition in Priority 1-B
Properties indicated on this map include lands which known by King County at this time to be eligible under this priority, but it is not intended to exclude any other lands which may be eligible under Priority 1-E

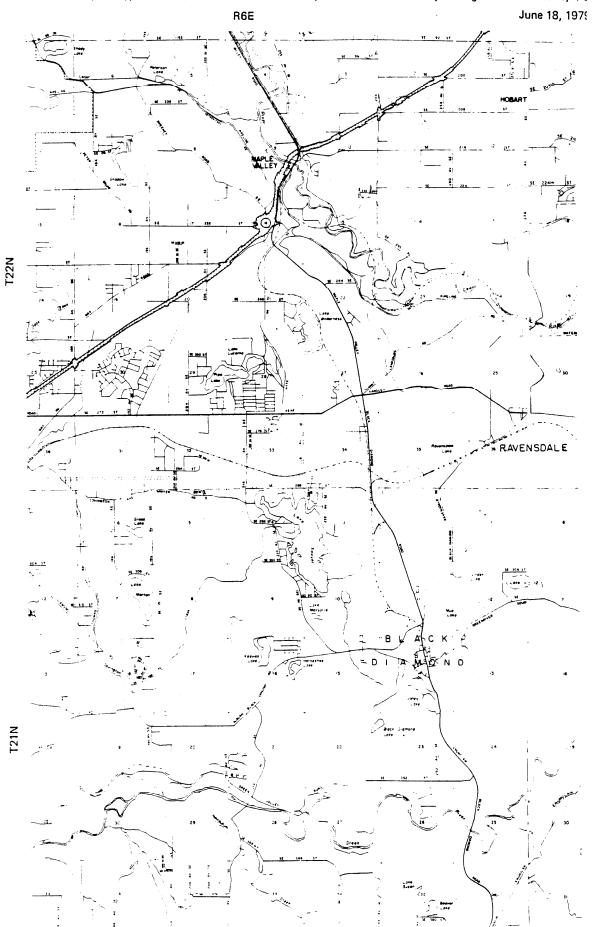


Food Producing Farmlands Eligible for Acquisition in Priority 1-B
Properties indicated on this map include lands which known by King County at this time to be eligible under this priority, but it is not intended to exclude any other lands which may be eligible under Priority 1-B

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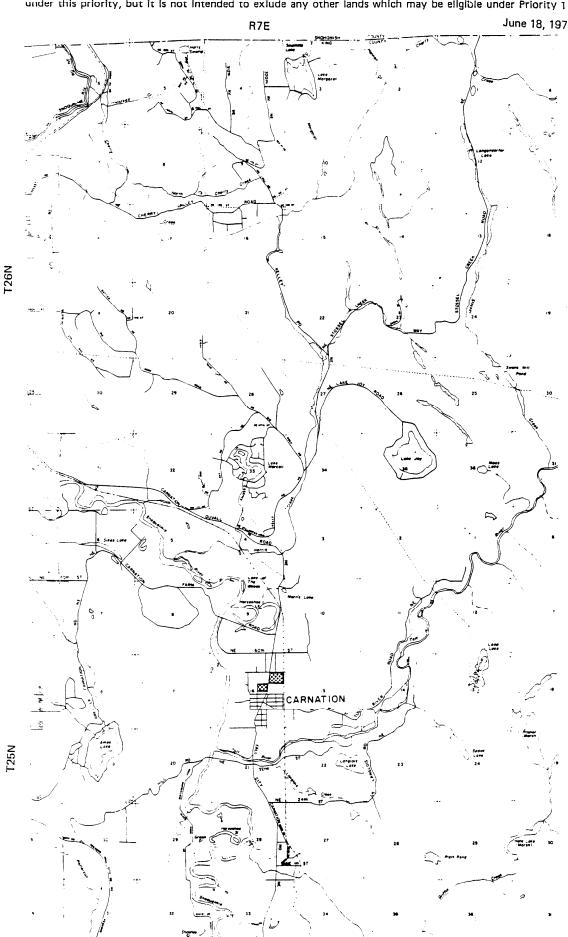
Food Producing Farmlands Eligible for Acquisition in Priority 1-B

Properties indicated on this map include lands which known by King County at this time to be eligible under this priority, but it is not intended to exlude any other lands which may be eligible under Priority 1-8





Food Producing Farmlands Eligible for Acquisition in Priority 1-B
Properties indicated on this map include lands which known by King County at this time to be eligible under this priority, but it is not intended to exclude any other lands which may be eligible under Priority 1



Food Producing Farmlands Eligible for Acquisition in Priority 1-B
Properties indicated on this map include lands which known by King County at this time to be eligible under this priority, but it is not intended to exclude any other lands which may be eligible under Priority 1

