



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**September 5, 2001**

**Ordinance 14200**

**Proposed No. 2001-0406.1**

**Sponsors Nickels**

1 AN ORDINANCE relating to comprehensive planning and  
2 zoning, adopting as permanent standards the revisions  
3 contained in Ordinance 14185, Sections 2 and 3, relating to  
4 policies and regulations governing active recreation  
5 facilities in the agricultural production district to comply  
6 with the order of the Central Puget Sound Growth  
7 Management Hearings Board in Green Valley et al. v. King  
8 County, CPSGMHB Case No. 98-3-0008c, Final Decision  
9 and Order (1998) and the order of the Washington state  
10 supreme court in King County v. Central Puget Sound  
11 Growth Management Hearings Board, 142 Wn.2d 543, 14  
12 P.3d 133 (2000); and repealing Ordinance 14185, Section  
13 4.

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BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

18           A. In 1997, King County adopted Ordinances 12927 and 12930, which among  
19 other things allowed active recreational uses on agricultural lands under limited  
20 circumstances. The provisions of these ordinances that allowed active recreational uses  
21 on agricultural lands (the "agricultural lands amendments") were challenged to the  
22 Central Puget Sound Growth Management Hearings Board ("board").

23           B. On July 29, 1998, the board found that the agricultural lands amendments  
24 failed to comply with the Growth Management Act, invalidated the agricultural lands  
25 amendments, and ordered the county to repeal the agricultural lands amendments.

26           C. King County successfully appealed the board's decision to King County  
27 superior court. On June 17, 1999, King County superior court entered an order reversing  
28 the board's decision.

29           D. The King County superior court decision was in turn appealed to the  
30 Washington state supreme court. On December 14, 2000, the Washington state supreme  
31 court issued its decision reversing the superior court decision and reinstating the board's  
32 decision.

33           E. In the summer of 2001, the state of Washington has, on two separate  
34 occasions, ruled King County ineligible for state monies on the grounds that the county is  
35 allegedly out of compliance with the Growth Management Act, based on the county's  
36 failure to legislatively repeal the agricultural lands amendments. Twenty-seven million  
37 dollars in loan funds were at risk comprised of seventeen million dollars from the Public  
38 Works Trust Fund, administered by the Washington state Public Works Board, for the  
39 "Denny Way/Lake Union CSO Project Final Design and Program Consultant Refinance"  
40 and ten million dollars from the Washington state Water Pollution Control Revolving

41 Fund, administered by the Washington state Department of Ecology, for the "North  
42 Creek Storage Facility Project." Additionally, a one-hundred-twenty-thousand-dollar  
43 grant for the county's Dockton Boat Launch Improvements from the Interagency  
44 Committee for Outdoor Recreation was in jeopardy.

45 F. Immediate action to legislatively repeal the 1997 agricultural lands  
46 amendments was necessary to maintain county eligibility for significant state moneys.  
47 Therefore, on July 30, 2001, the metropolitan King County council adopted Ordinance  
48 14185 as an emergency. Ordinance 14185, Sections 2 and 3, revised policy R-545 of the  
49 King County Comprehensive Plan and K.C.C. 21A.08.040 of the King County Zoning  
50 Code by deleting the provisions that allowed active recreation on agricultural lands under  
51 limited circumstances in order to reflect the respective decisions of the Washington state  
52 supreme court and the board.

53 G. The policy and regulatory amendments contained in Ordinance 14185,  
54 Sections 2 and 3, were adopted on an interim basis. In accordance with RCW  
55 36.70A.390, the amendments are limited to an effective period of six months from  
56 council adoption (Ordinance 14185, Section 4) and a public hearing is required to be held  
57 within sixty days of adoption, in order to consider legislation that will make the interim  
58 policy and regulatory amendments permanent.

59 H. The repeal of Ordinance 14185, Section 4, would make the revisions to Policy  
60 R-545 of the King County Comprehensive Plan and K.C.C. 21A.08.040 enacted through  
61 Ordinance 14185, Sections 2 and 3, effective until such time as they are further amended  
62 by council.

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SECTION 2. Permanent Adoption. Ordinance 14185, Section 4, is hereby

repealed.

Ordinance 14200 was introduced on 8/20/01 and passed by the Metropolitan King County Council on 9/4/01, by the following vote:

Yes: 11 - Mr. von Reichbauer, Ms. Miller, Mr. Phillips, Mr. Pelz, Mr. McKenna, Ms. Sullivan, Mr. Nickels, Mr. Pullen, Mr. Gossett, Mr. Thomas and Mr. Irons

No: 0

Excused: 2 - Ms. Fimia and Ms. Hague

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



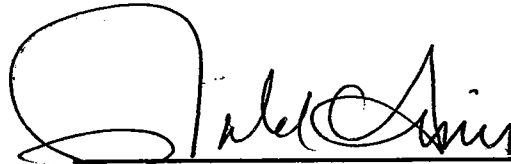
Pete von Reichbauer, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 12 day of September 2001.



Ron Sims, County Executive

Attachments      None