



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 17, 2005

Ordinance 15181

Proposed No. 2005-0148.2

Sponsors Hammond and Gossett

1 AN ORDINANCE authorizing the county executive to
2 convey to the Washington state Department of
3 Transportation development rights acquired by the
4 Farmland Preservation Program necessary for the public
5 safety improvement of State Route 164, 196th Avenue S.E.
6 to S.E 440th Street, located in Council District 9 and
7 requiring notice of any proposal to convey development
8 rights acquired in accordance with this chapter and held in
9 trust by the county to the agriculture commission; and
10 amending Ordinance 4341, Section 9, and K.C.C.
11 26.04.080.

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13

14 **BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

15 **SECTION 1. Findings of fact.**

16 A. In 1979, King County passed Ordinance 4341, authorizing it to acquire
17 development rights for the protection of farmland and open space.

18 B. On August 6, 1986, the King County Farmlands Preservation Program
19 purchased the development rights to approximately 113 acres of farmland from Harvey
20 and Ida Ritter.

21 C. The Washington state Department of Transportation ("WSDOT") is in the
22 process of acquiring right-of-way necessary for public safety improvements along State
23 Route 164, from 196th Avenue S.E. to S.E. 440th Street ("the project").

24 D. The project requires the use of 1.57 acres of Farmland Preservation Program
25 ("FPP") property. K.C.C. 26.04.080 authorizes the county council to convey public road
26 and utility easements across FPP property.

27 E. WSDOT approached King County regarding the necessity of purchasing the
28 development rights from King County in conjunction with a fee purchase from the Ritters
29 for 1.57 acres of farmland.

30 F. The acquisition will allow WSDOT to make needed public safety
31 improvements at the intersection of SR 164 and 196th Avenue S.E.

32 G. A small portion of the impacted property will be used for right-of-way. The
33 majority of the land in question will be used for wetland mitigation purposes.

34 H. WSDOT will compensate King County at fair market value for its FPP
35 interest in the required property. Revenues from this sale will be reinvested in FPP in
36 accordance with K.C.C. 26.04.040.

37 I. If necessary, WSDOT is prepared to acquire the county's interest in the 1.57
38 acres needed for the project through eminent domain.

39 J. Pursuant to K.C.C. 4.56.140, the county may dispose of county property to
40 another governmental agency by direct negotiation, upon such terms as may be agreed
41 upon and for such consideration as may be deemed by the county to be adequate.

42 K. The King County executive is hereby authorized, under threat of eminent
43 domain, to convey King County's interest in the lands, as described in Attachment A to
44 this ordinance, the WSDOT for the SR 164 -196th Avenue S.E. to S.E. 440th Street
45 public safety improvement project.

46 SECTION 2. The King County executive is hereby authorized to accept
47 compensation for King County's interest in the land, described in Attachment A to this
48 ordinance. The compensation will be returned to the Farmlands Protection Program and
49 in accordance with K.C.C. 26.04.040, be used to purchase development rights on
50 additional farmland.

51 PROPERTY NAME AND

52	<u>PARCEL</u>	<u>TAX ACCT. NO.</u>	<u>VALUE</u>
53	1	Development Rights	\$4,500.00

54 SECTION 3. Ordinance 4341, Section 9, and K.C.C. 26.04:080 are each hereby
55 amended to read as follows:

56 **Duration of acquired interests.**

57 A.1. Development rights acquired pursuant to this chapter shall be held in trust by
58 the county for the benefit of its citizens in perpetuity. Except as provided in ((Section))
59 K.C.C. 26.04.030 and subsection B. of this section and except as found necessary by the
60 council to convey public road and utility easements, the county shall not sell, lease or

61 convey any land or interest in land ((which)) that it ((shall)) acquires with the use of bond
62 proceeds.

63 2. Before any council finding of necessity in support of the exception described in
64 subsection A.1. of this section, the executive shall notify and seek input from the
65 agriculture commission regarding any proposal to convey development rights acquired in
66 accordance with this chapter and held in trust by the county.

67 B. If the council ((shall)) finds that the public farm and open space purposes
68 described in ((Section)) K.C.C. 26.04.010 can no longer reasonably be fulfilled as to any
69 land or interest in land acquired with bond proceeds, the council shall submit to the voters
70 of the county a proposition to approve of the disposition of such land or interest. Only
71 upon a majority vote approving such a proposition ((~~can such~~)) may the land or interest

72 be disposed of by the county and the proceeds of ((such)) the disposition shall be used to
73 acquire other farmlands or open space lands in the county as provided in this chapter.

74

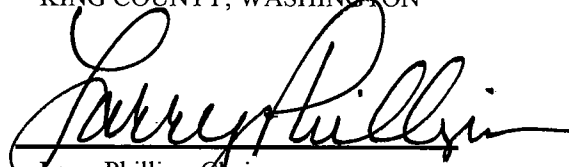
Ordinance 15181 was introduced on 4/18/2005 and passed as amended by the Metropolitan King County Council on 5/16/2005, by the following vote:

Yes: 11 - Mr. Phillips, Ms. Edmonds, Ms. Lambert, Mr. Dunn, Mr. Ferguson, Mr. Hammond, Mr. Gossett, Ms. Hague, Mr. Irons, Ms. Patterson and Mr. Constantine

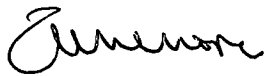
No: 0

Excused: 2 - Mr. von Reichbauer and Mr. Pelz

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 25 day of May, 2005.


Ron Sims, County Executive

RECEIVED
2005 MAY 26 PM 2:09
CLERK
KING COUNTY COUNCIL

Attachments A. Legal Description, B. Parcel Map, C. Mitigation Site List

Attachment A
LEGAL DESCRIPTION

All that portion of the hereinafter described PARCEL "A" lying westerly and southerly of a line beginning at a point opposite Highway Engineer's Station (herein referred to as HES) 196th 16+50.08 on the 196th Ave. S.E. line survey of SR 164, 196th Ave. S.E. to S.E. 440th St. and 36.96 feet easterly therefrom; thence southerly to a point opposite HES 196th 14+66.49 on said line survey and 35 feet easterly therefrom; thence southeasterly parallel with said line survey to a point opposite HES 196th 13+62.36 thereon; thence southeasterly to a point opposite HES 196th 12+51.77 on said line survey and 185 feet northeasterly therefrom; thence southerly and southwesterly parallel with said line survey to a point opposite HES 196th 10+54.52 thereon; thence southwesterly to a point opposite HES 17+54.19 on the SR 164 line survey of said Highway and 50 feet northeasterly therefrom; thence southwesterly to said HES 17+54.19 and the end of this line description.

TOGETHER WITH all that portion of the hereinafter described PARCEL "A" lying southwesterly of a line beginning at HES 15+49.38 on the SR 164 line survey of said Highway and 50 feet southwesterly therefrom; thence southeasterly and easterly along a curve to the left having a radius of 259.18 feet, an arc distance of 332.93 feet to a point opposite HES 18+31.93 on said SR 164 line survey and 112.20 feet southwesterly therefrom and the end of this line description.

PARCEL "A"

The north half of the northwest quarter of Section 20, Township 20 North, Range 6 East, W.M., in King County, Washington;

EXCEPT the south 30 feet deeded to King County for road by deed recorded under King County Recording Number 942816;

AND EXCEPT portions thereof conveyed to King County for roads by deeds recorded under King County Recording Numbers 942820, 1127867 and 3213483;

AND EXCEPT those portions as established by road by Volume 18 of Commissioners Records, pages 10 and 618;

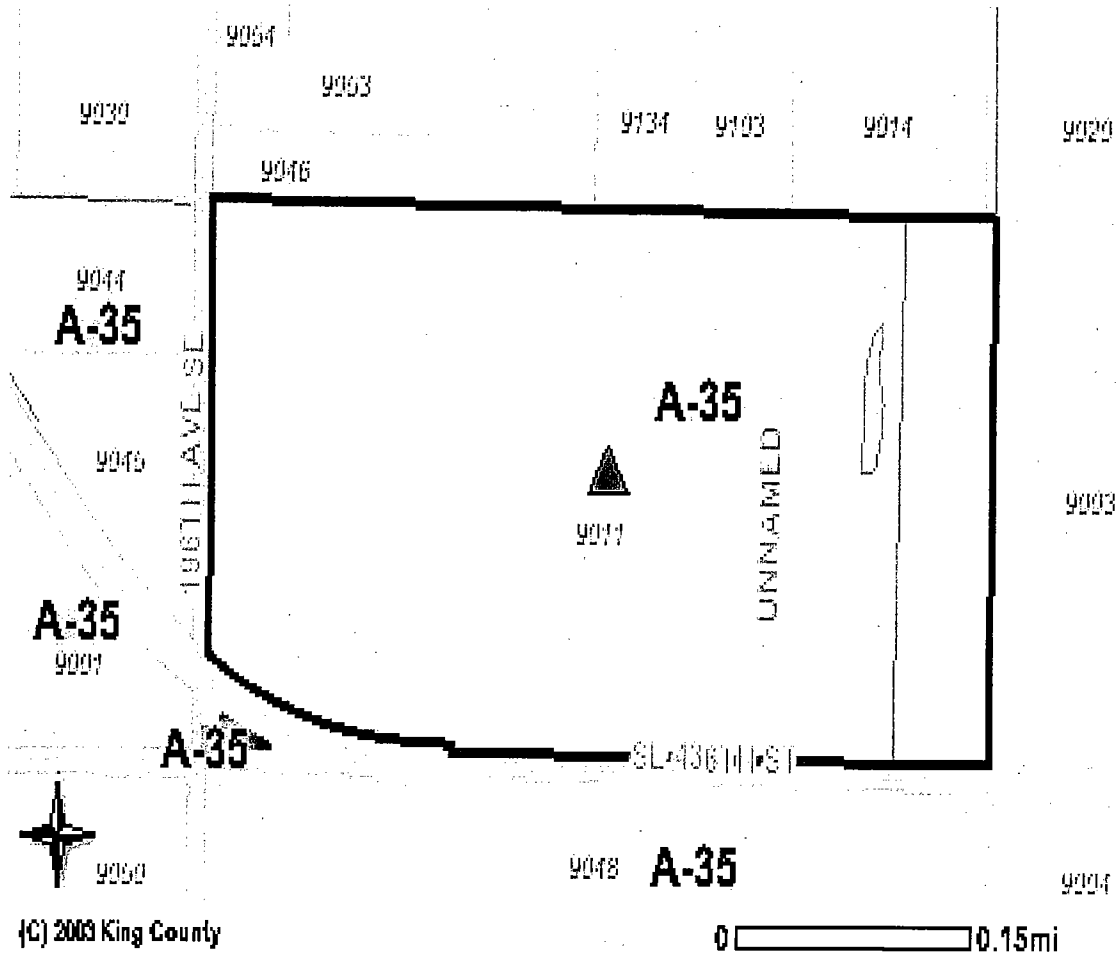
TOGETHER WITH the northwest quarter of the northeast quarter of Section 20, Township 20 North, Range 6 East, W.M., in King County, Washington;

EXCEPT the southerly 30 feet heretofore conveyed to King County for road purposes by deed recorded under Recording Number 966430;

AND EXCEPT that portion thereof lying within W.E. Bentley Road (208th Avenue Southeast).

The specific details concerning all of which are to be found in that certain map of definite location now of record and on file in the office of the Secretary of Transportation at Olympia, and bearing date of approval March 27, 1987, revised January 24, 2003.

**Attachment B
PARCEL MAP**



**Attachment C
MITIGATION SITE LIST**

Wetland Mitigation Site Selection

SR 164 – 196th to 244th

1. **Parcel #:** 2020069011
Owner: Penny Ritter
Address: 19916 SE 436th St.

A stock pond is found near the northeast corner of the property that appeared to provide reliable hydrology for wetland creation. However, use of the pond area would require a long access easement from 196th Avenue SE through the middle of the property. The southwest corner of the property is adjacent to a ditched stream, which could be meandered through the property corner and support wetland creation. Access would be much easier at this point and require less of a property take. The property is preserved farmland.

2. **Parcel #:** 1920069045
Owner: Kirk Family LP II
Address: 43311 - 196th Ave. SE

Sale of this property is pending and is unavailable for purchase as a mitigation site

3. **Parcel #:** 1920069044
Owner: Sibyl T. Gillespie
Address: 43205 - 196th Ave. SE

Property research proved that the land owners are very unwilling sellers, and that the most of the open space is part of a "mound" type septic system.

4. **Parcel #:** 2020069049 and 2020069057 (Ponderosa and backside)
Owner: Wayne and Trudy Gilthvedt
Address: 44110 - 196th Ave. SE

The large forested wetland on the property could potentially be extended. Property research proved that the landowners are very unwilling sellers and both properties are farmland preservation properties. The eastern portion of the property is existing Class I wetland which could not be enhanced.

5. **Parcel #:** 2020069014
Owner: John W. & Anna M. Scott
Address: unknown

This property straddles the basin boundary. Although hydrology might exist at the west end of the site, it is uncertain if it is adequate for additional wetland area. Wetland creation might be feasible, but only on the western portion of the (assuming sufficient hydrology). The property is 30 acres, much more than needed for our wetland mitigation. The remainder of the property would likely be sold. In order to access the site if the surplus property were sold, a long narrow easement would have been required.

6. **Parcel #:** 2020069045
Owner: Kurt & Heidi-Sue Carlson
Address: 44408 - 196th Ave. SE

The property is predominately existing wetland, except where the house and out buildings are located.

7. **Parcel #:** 2020069041
Owner: Robert W. & Caroline J. Wallin
Address: unknown

The property is predominately existing wetland. The only available wetland creation areas lie in the buffer areas.

8. **Parcel #:** 2820069033
Owner: Robert Raymond Remitz
Address: 46007 - 220th Ave. SE

Hydrology for wetland creation is questionable. A drainage swale is found along the property line, but supply reliability for mitigation is questionable. Site topography would require extensive excavation if hydrology were available.

9. **Parcel #:** 2820069023
Owner: Suzane Plowden
Address: 22005 SE 456th Way

Hydrology for wetland creation is questionable. A drainage swale is found along the property line, but supply reliability for mitigation is questionable. Site topography would require extensive excavation if hydrology were available.

10. **Parcel #:** 3520069006
Owner: Ag Prothro & K. J. Buege
Address: unknown

Site access is problematic for construction equipment.

11. **Parcel #:** 2520069017
Owner: John & Traci Van Wieringen
Address: 45809 – 268th Ave. SE

Existing topography would require extensive excavation to access surface water flows.

12. **Parcel #:** 2520069142
Owner: James Van Wieringen
Address: unknown

Existing topography would require extensive excavation to access surface water flows.

13. **Parcel #:** 2520069056
Owner: Howard Evans, Jr.
Address: 45926 – 268th Ave. SE

Existing topography would require extensive excavation to access surface water flows.

14. **Parcel #:** 0619079110
Owner: Barton W. Jensen
Address: unknown

The property is predominately existing wetland with little to no wetland creation area available.

15. **Parcel #:** 2020069048 (drainage ditch)
Owner: Andres G. Cardenas
Address: 20101 SE 436th St.

There is a drainage ditch that runs through this property, which could provide the hydrology necessary to create a wetland. Property research showed this parcel to be a farmland preservation property.

16. **Parcel #:** 1820069014 (triangle)
Owner: Melvin A. Kauzlarich
Address: unknown

This parcel does not appear to possess adequate hydrology to support wetland creation.. It is also within an agricultural production district.

17. **Parcel #:** 0619079044
Owner: Patrick Damery
Address: unknown

This parcel does not have adequate hydrology to support wetland creation.

18. **Parcel #:** 0619079110
Owner: Barton Jensen
Address: unknown

This property is predominately either existing wetland or forested.

19. **Parcel #:** 3520069055
Owner: Scott Woodbury
Address: 47011 260th Ave SE

This parcel is predominately existing wetland and does not appear to possess sufficient area for wetland creation.