

Legislation Text

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Clerk 07/16/2009

AN ORDINANCE authorizing the use of the King County Agricultural
Conservation Easement: Deed and Agreement Relating to Development Rights
by the farmland preservation program.

STATEMENT OF FACTS:

1. Ordinance 4341, passed by the county council on June 18, 1979, called for an election to submit to the voters Proposition One: Farm and Open Space Bonds. The voters approved the proposition and authorized the issuance of \$50,000,000 in bonds to acquire development rights on selected farmlands throughout King County. These and other acquisitions of farmland development rights have been implemented under King County's farmland preservation program ("FPP").
2. In the early 1980s, in the course of acquiring the development rights called for through Ordinance 4341, the council passed a series of additional ordinances authorizing the acquisition of development rights on specific farmlands and approving a form of conveyance entitled Deed of and Agreement Relating to Development Rights ("the deed and agreement"), which granted development rights to King County and which placed on subject properties restrictive covenants that specified allowable and prohibited uses and activities on the properties.
3. Since the early 1980s, one amendment to the deed and agreement has been authorized by the council. Ordinance 15221 authorized additional covenants in the revised deed and agreement required by a federal funding source grantee, which was the federal Farm and Ranch Lands

Protection Program, which provided grant funds to King County for additional purchases of farmland development rights.

4. From the time the FPP was established, agriculture in the county has undergone significant changes. Regional socioeconomic factors, such as increased land prices and costs of living, challenges in securing and appropriately providing for required labor, potentially conflicting land uses practices, and increased demand for water and water rights all have potential adverse impacts on the long-term viability of farming in King County and the ability to keep FPP properties in active farming.

5. While these forces present challenges to preserving and promoting King County's farming tradition, other opportunities have emerged to promote local farming in new ways. Most notably, demand for market crops and value-added products (such as jams and ciders) has increased dramatically and new means have emerged to allow farmers access to consumers throughout the Puget Sound area and beyond. Recent changes to the King County Code have supported value-added processing and direct marketing of farm products; however, farmers whose properties are enrolled in the FPP may be unable to take full advantage of these recent code changes.

6. For the past several years, the agriculture commission has been working in cooperation with King County FPP staff to assess and respond to the challenges and new opportunities facing farmers in the county. The commission has determined that changes to the covenants in the deed and agreement are needed to ensure that requirements are appropriate, adequate, and clear in order to protect and promote active farming in King County now and into the future.

7. The Washington state Farmland Preservation Program is a new source of funding for acquiring development rights on agricultural lands. The Washington state Farmland Preservation Program requires that additional provisions and restrictions be included in the

document conveying the development rights when its funds are used for the purchase of such rights. These provisions and restrictions, along with additional new provisions relating to the federal Farm and Ranch Lands Protection Program, are also proposed for inclusion in the deed and agreement, to be used when funding from these sources is utilized. These added provisions and restrictions are not inconsistent with the restrictions that have been imposed on acquisitions utilizing funding generated by the 1979 Farmlands and Open Space Bonds initiative.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The King County council hereby authorizes the use of the King County Agricultural Conservation Easement: Deed and Agreement Relating to Development Rights, in substantially the form of Attachment A to this ordinance, for use by the farmland preservation program for the acquisition or the donation of farmland development rights, as these rights are defined in K.C.C. 26.04.020.

SECTION 2. The King County council hereby authorizes the use of the King County Agricultural Conservation Easement: Deed and Agreement Relating to Development Rights as a substitute set of restrictions and covenants in place of those contained in the original deed and agreement or the revised deed on properties currently enrolled in the farmland preservation program, upon agreement of the property owner, the farmland preservation program on behalf of the county as grantee, and any other grantees, provided that there will be no change in the number of reserved dwelling units or in the amount of permitted nontillable surface from that allowed in the original deed and agreement or the revised deed.

SECTION 3. Farmland development rights that are placed under the King County Agricultural Conservation Easement: Deed and Agreement Relating to

Development Rights shall be held by the county in trust on behalf of the citizens of the county and maintained as specified in K.C.C. 26.04.080.