

May 4, 2015

Woodinville City Council
17301 133rd Ave. NE
Woodinville, WA 98072

RE: E-P and Companies of Nevada, Inc. request for City of Woodinville support to move the Urban Growth Boundary to locate the Zante Farm inside the Urban Growth Area

Dear Councilmembers:

As you continue the process of updating the City's Comprehensive Plan, you will be making decisions that will impact the future of the City and, by close association, the greater Woodinville area. Unfortunately, history continues to repeat itself with yet another attempt to move the Urban Growth Boundary (UGB). E-P and Companies of Nevada, Inc. (E-P) proposes to move the UGB so that an urban development can be constructed on the Zante Farm, which is zoned Agriculture and located within the King County Agricultural Production District (APD). The E-P proposal should be rejected. It violates the State Growth Management Act (GMA), the Countywide Planning Policies, and the King County Comprehensive Plan. It is also simply put, bad planning. As the Council is well aware, the Sammamish Valley is an incredible amenity to the City and its pastoral beauty attracts thousands of visitors each year because of the ambiance that has helped foster the unique business and cultural phenomenon of the "wine tourism" industry. Paving over 15 acres of the beautiful Sammamish Valley and replacing them with apartments would negatively impact this business.

There have been multiple similar requests to move the UGB over the past few decades. As recently as 2012, proposals to include farmland in the Urban Growth Area (UGA) were debated extensively. After considerable expenditure of both public and private resources, the result then, and in the case of all prior requests, has been consistent: there is no basis to move the UGB. This proposal is no different.

The Hollywood Hill Association (HHA) has for decades supported protection of the Sammamish Valley and since the adoption of the 1990 Growth Management Act, the HHA has supported maintenance of the UGB in its current configuration. The HHA has also consistently defended the protections afforded the designated Agricultural Resource lands in the Valley. The HHA was one of the parties to the Supreme Court case *King County v. Hearings Board*, 142 Wn. 2d 543 in which the Court held that the proposal to locate active recreational facilities on agricultural land within the APD violated the Growth Management Act stating in part:

The soils of the Sammamish Valley APD have the unique characteristics of prime farmland. The APD includes some of the most productive agricultural land in the state, but it is also among the areas most impacted by rapid population growth and development. Even though the properties in this case lie in the APD, there is pressure to convert the land to nonagricultural uses. . . .

When read together, RCW 36.70A.020(8), .060(1), and .170 evidence a legislative mandate for the conservation of agricultural land. Further, RCW 36.70A.177 must be interpreted to harmonize with that mandate. Nothing in the Act permits recreational facilities to supplant agricultural uses on designated lands with prime soils for agriculture.

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The County's amendments, which allow active recreational uses on designated agricultural lands, do not comply with the GMA, and the land in question does not qualify for innovative zoning techniques under RCW 36.70A.177. Although the GMA encourages recreational uses of land, there is no conservation mandate for recreational use as with agricultural use. In this case, the GMA mandates conservation of the APD's limited, irreplaceable agricultural resource lands. There are still thousands of acres suitable for athletic fields-outside the APDs.

The current proposal is one more attempt to argue that the valuable resource lands of the Sammamish Valley should be replaced with a different use – in this case by apartments. The land E-P would have you designate for apartment development is part of the Sammamish Valley Agricultural Production District. This designation is based on the fact that the Valley soils are among the most productive in the State of Washington. Apartments can be built just about anywhere. Farming can only occur on farmland.

Point-by-Point Rebuttal of the E-P Request

The E-P request demonstrates a lack of understanding of legal and factual issues. It misrepresents what has, and continues to transpire along this critical boundary between urban development and important agricultural lands. We will address these points generally in the order and under the title in which they appear in the E-P request document.

Introductory Discussion

The Zante Farm is not within the King County's Urban Growth Area and the City does not have the legal authority to include the property within *"the City's UGA in the Comprehensive Plan Update"*. The Zante Farm is also not within the City's potential annexation area and there is no legal basis *"to direct staff to designate a pre-annexation zoning of CBD for the property"*.

History of Prior Considerations of UGA Expansion

E-P misrepresents the City Council's position with respect to Resolutions Nos. 414 (2012) and 447 (2014). Resolution 447 rescinded Resolution 414. Resolution 414 supported a prior proposal for moving the UGB in the Sammamish Valley to include Rural properties, including agricultural land. Contrary to the statement in the E-P letter, there is nothing in Resolution 447 that suggests any continued interest in moving the UGB in the Sammamish Valley on the part of the Woodinville City Council. Furthermore, the proposed expansion in 2012 died not because of the need for infrastructure expansion on the part of the properties involved in the 2012 proposal, but because the body making the decision - the King County Council – denied the proposal which clearly violated the Washington State GMA, the Countywide Planning Policies and the King County Comprehensive Plan.

King County did not *"seize 5 acres"* of the Zante property. King County purchased 1.7 acres from the Zantes for \$80,000 in 1992 in order to build the south bypass road. The Zantes built a new 3,000 sf house on the property the same year.

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E-P states that *“the property has not been commercially farmed since 1985”*. Yet, the Zantes have been operating a farm stand every summer that sells flowers and produce grown on the property. (See attached pictures from the Zante Farm Facebook page and King County iMap.) Furthermore, regardless of how one defines “commercially farmed”, the critical point is that individual property owners do not determine whether land is or is not protected farmland. In 1998, the Washington State Supreme Court in *Redmond v. Growth Management Hearings Board*, 136 Wn.2d 38, also referred to as the Benaroya Decision, held that it is irrelevant whether or not an individual property designated as Agricultural Resource land is cultivated. It is the physical features of the land itself--soil type in particular--that determines whether land falls into the rare category of farmland. The Growth Management Act clearly recognizes this important, irreplaceable resource by mandating that local governments must designate and protect Agricultural Resource Land. The Court stated in part:

A stated legislative intent of the GMA is to maintain and enhance agricultural land. RCW 36.70A.020(8). One cannot credibly maintain that interpreting the definition of "agricultural land" in a way that allows land owners to control its designation gives effect to the Legislature's intent to maintain, enhance, and conserve such land. Indeed, the Board's interpretation is likely to have exactly the opposite effect. We decline to interpret the GMA definition in a way that vitiates the stated intent of the statute.

We hold land is "devoted to" agricultural use under RCW 36.70A.030 if it is in an area where the land is actually used or capable of being used for agricultural production. . . . The land in this case was set apart for agricultural use by longstanding zoning. While the land use on the particular parcel and the owner's intended use for the land may be considered along with other factors in the determination of whether a parcel is in an area primarily devoted to commercial agricultural production, neither current use nor land owner intent of a particular parcel is conclusive for purposes of this element of the statutory definition.

E-P states: *“the ground is no longer suitable for farming”*. This is simply false. The soils on the property are considered to be among the most productive in the State. The property is under cultivation at this time. (See photo on following page).



Zante Farm looking southwest, May 2015.

In this section, E-P also states: *“the farm is unable to compete with larger farms”*. The economic performance of any particular farming activity or farm operator is not the issue when it comes to the long-term resource protection mandated by the GMA and Countywide Planning Policies. Demand and pricing of urban farm products is dynamic and rapidly changing. The demand for locally produced agricultural products is seeing strong increases across King County and throughout the country. Not only do consumers desire the fresher, tastier produce that local farms can supply, food security concerns in the face of drought, salinization of irrigated desert soils and transportation costs add additional dimensions to the importance of long-term protection of our local farmland.

ROW Dedication

The apparent impact of plans to narrow NE 171st Street will be to calm traffic and improve the transition from the Urban side of the street to the Rural Agricultural (Zante) side of the street. This is likely to be more compatible with all uses in the area, including agricultural uses, than is the existing 5 lane speedway. (The plans for the road rebuild are continuing to be modified for a number of reasons and are by no means finalized. It is likely that the current drawings will be significantly modified, particularly in regards to the infrastructure on the south sides of the planned roundabouts.)

Comprehensive Plan Support

E-P claims that turning the Zante farm into an urban development will somehow help in *“protecting the agrarian rural character of the Valley”*. It boggles the mind to imagine how anyone could seriously believe that turning a highly visible farmland into an urban development could improve on Woodinville’s

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“agrarian character”. E-P also mentions additional access to the waterfront. However, there is currently ample access to the river through numerous public spaces and trails in the immediate vicinity.

E-P states here that the Zante property is “*surrounded by urban uses*”. In reality, only one of the five Zante property lines borders on an ‘Urban’ use—a multi-unit residential development buffered by a row of trees. The property is bordered on two sides by Rural/Agricultural properties and uses, and the area abutting King County’s Sammamish River Park forms a third border. The north border is along NE 171st Street.

E-P claims that Woodinville will need the property inside the Rural Area in order to meet GMA growth targets. This claim is speculative at best. Woodinville has a tremendous amount of land area in its CBD that can soak up its population growth needs for the foreseeable future. Per State law, in order for King County to consider moving the UGB as proposed by E-P, it must be demonstrated that the greater King County Urban Growth Area has run out of room to meet its growth needs – NOT just Woodinville.

Agricultural Land Use Designation

This section of the E-P letter attempts to offer a summation of E-P’s arguments in favor of the referenced request. Their inaccurate statements concerning soil and marketing conditions and adjacent urban uses have been addressed above. They make a new point concerning 21 Acres, falsely claiming it is an urban use. The property is zoned A-10 (Agriculture) and is under active agricultural uses. Regardless of what one may think of the street-side building’s design, it is used to directly promote sustainable agriculture in our region.

E-P wraps up page 3 with the statement: “*Future development of agricultural land in the Valley will not occur.*” This statement will come true only if we continue to stop misguided efforts such as this request from E-P to convert Rural and Agricultural parcels to Urban uses.

E-P’s concern over the “*highest and best use of the property*” would be well applied toward protecting the continued use of the property as farmland, thus providing the increasingly valuable and irreplaceable benefits, from fresh food to pleasant ambiance, that the property offers by remaining in its longstanding status as Agricultural Resource land in Rural King County.

Our Concluding Statement

The single overriding factor that most threatens the survival of agriculture in the Sammamish Valley is land price inflation due to speculative pressures. For farming to survive, farmers must be able to realize a viable economic model through the business of farming. Farming is a tough business, but the single biggest challenge for farmers in our region is the price of land and proposals like the one before the Council. Farmers need stability and the assurance that they will be able to invest in farmland and be able to continue to farm without constant threats such as this one. If we allow proposals such as E-P’s to go forward, the prices of farmland all across the Valley will go ever higher, effectively barring new farmers from coming onto the land.

The GMA mandate for long-term preservation of Agricultural Lands was enacted for good reason. It was enacted to prevent short-sighted decisions—to stop the “death by a thousand cuts” history of farmland

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loss we have experienced in the Puget Sound Region. This is a proposal by a Nevada company, based in California, purporting to tell us what is good for Woodinville and Washington. Let's think for ourselves. Let's follow our law. Let's reject this proposal.

Hollywood Hill Association,

Mike Tanksley, President

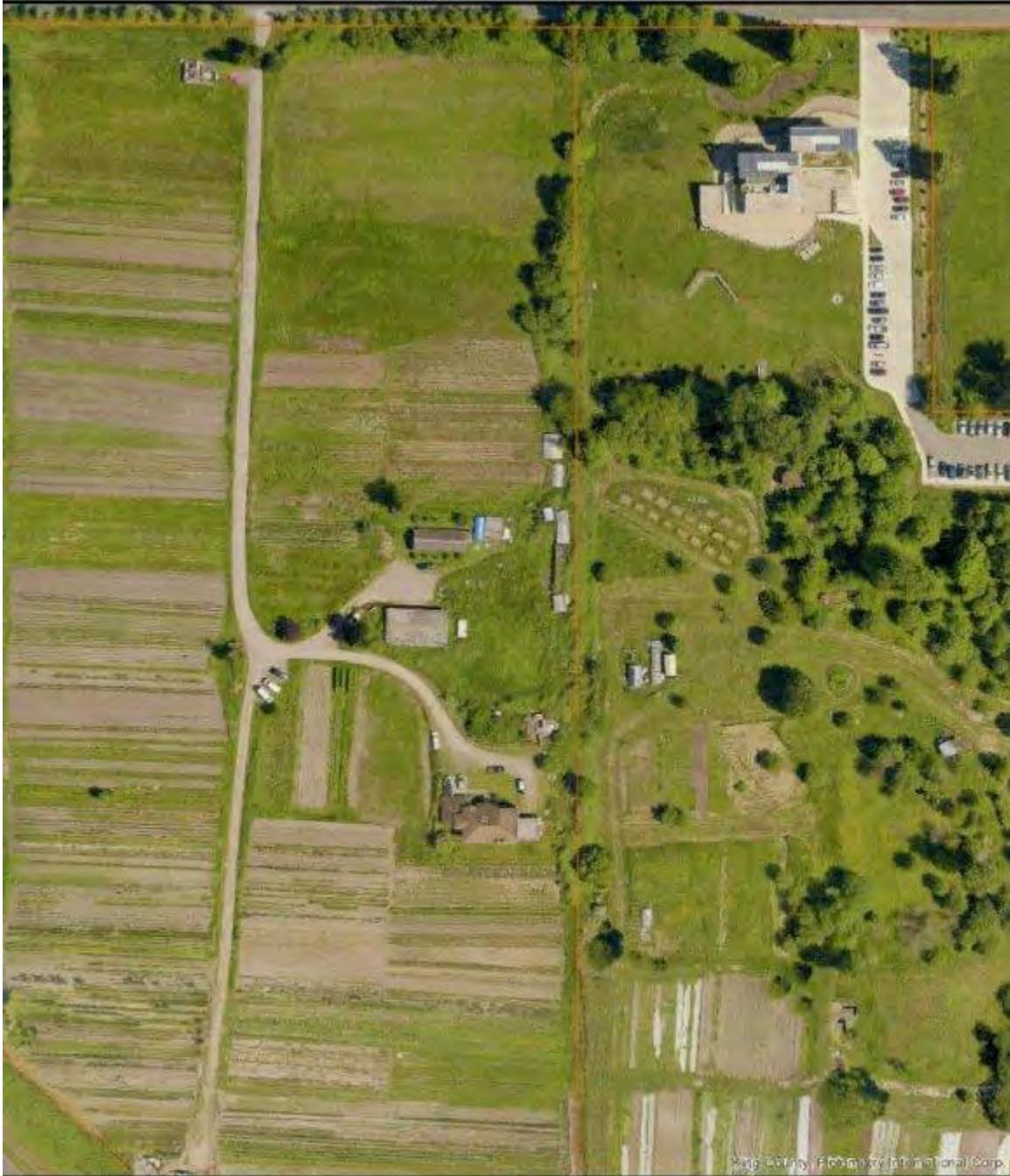
Attachments:

Page 7: Aerial view of the Zante farm, which occupies the left half of this photo.

Page 8: Fred Zante Farm's current Facebook page

Page 9: A posting on the Fred Zante Farm Facebook page from last year.

King County iMap



King County, Flomax International Corp.

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Date: 5/3/2015 King County

1 in : 158 feet
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