



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

February 23, 2000

### Ordinance 13717

**Proposed No.** 1999-0563.2

**Sponsors** McKenna, Nickels, Miller and  
Irons

AN ORDINANCE authorizing funding allocation procedures for King County conservation futures tax levy collections; amending Ordinance 8867, Section 2, as amended, and K.C.C. 26.12.020, adding new sections to K.C.C. chapter 26.12 and recodifying K.C.C. 26.12.020.

#### FINDINGS:

For the purposes of meeting King County's adopted planning policies pursuant to the state of Washington Growth Management Act, the King County council makes the following findings:

1. There exists in King County a general and increasing need to provide a system of public open spaces necessary for the health, welfare, benefit and safety of the residents of King County and to maintain King county as a desirable place to live, visit and locate businesses.
2. King County's open space resources continue to diminish due to dramatic growth in this region, with an expected gain in new residents of over two hundred thousand people by the year 2020. Unless necessary property interests in such open space resources are acquired, these

important resources are highly likely to be developed and lost forever.

3. For the purposes of meeting the requirements of the state of Washington Growth Management Act, as specified under RCW 36.70A.210, King County has established a countywide framework to develop comprehensive plans under Ordinance 10450, including policies requiring incorporated jurisdictions to work together to identify, protect and acquire King County's diminishing open space resources and establish a regional open space system.

4. Conservation futures tax levy collections, authorized under R.C.W. 84.34.230 are an important means of retaining community character and accomplishing open space policies and objectives of Ordinance 10450 and R.C.W. 84.34.200.

5. King County is authorized by R.C.W. 84.34.210 and 84.34.220 to acquire open space, farm and agricultural lands and timber lands, as defined in R.C.W. 84.34.020.

6. Public open spaces acquired pursuant to this ordinance will be available on the same conditions and for general benefit of all residents of the county.

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

**NEW SECTION. SECTION 1.** There is hereby added to K.C.C. chapter 26.12 a new section to read as follows:

**Definitions.** The definitions in this section apply throughout this section and K.C.C. 26.12.020 as recodified by this ordinance and 26.12.010 unless the context

clearly requires otherwise

- A. "Annual allocation" means the allocation of conservation futures tax levy funds collected in the previous year.
- B. "Annual collection period" means the calendar year in which conservation futures tax levy funds are collected, which is the year preceding their expenditure.
- C. "Conservation futures citizen oversight committee" means the King County conservation futures citizens oversight committee, established under K.C.C. 26.12.010.
- D. "Conservation futures tax levy" means that King County tax levy upon all taxable property in King County authorized by RCW 84.34.230.
- E. "Conservation futures fund" means the King County conservation futures fund established under K.C.C. 26.12.010.
- D. "Governmental agency" and "agency" mean King County, the city of Seattle and any incorporated suburban city jurisdiction within the county.
- E. "Interlocal agreement" means the agreement provided for in this ordinance to be entered into between King County and each other governmental agency.
- F. "Open space land" means the fee simple or any lesser interest, development right including conservation futures, easement, covenant or other contractual right necessary to protect, preserve, maintain, improve, restore, limit the future use of or otherwise conserve, selected open space land, farm and agricultural land and timber land as those terms are defined in chapter 84.34 RCW, for public use or enjoyment.

G. "Project" means open space land to which King County conservation futures tax levy funds are allocated for acquisition under the processes under K.C.C. 26.12.010.

H. "Seattle" means the city of Seattle, Washington.

I. "Suburban city" means each incorporated suburban city jurisdiction in King County.

SECTION 2. Ordinance 8867, Section.1 as amended, and K.C.C. 26.12.010 are each hereby amended to read as follows:

~~((Biennial a))~~ **Allocation of conservation futures tax.** A process is hereby established for the ~~((biennial))~~ annual allocation commencing January 1, ~~((1994))~~ 2000, of the ~~((C))~~ conservation ~~((F))~~ futures fund ~~((f))~~, except as provided in Ordinance 10750 establishing the ~~((R))~~ regional ~~((C))~~ conservation ~~((F))~~ futures 1993 ~~((B))~~ bond ~~((A))~~ acquisition ~~((P))~~ program ~~((g))~~, to acquire fee simple or development rights in open space lands, including green spaces, greenbelts, wildlife habitat and trail rights-of-ways proposed for preservation for public use by either the county or the cities within the county. King County government, incorporated city governments within King County, citizen groups and citizens may make application for funds in this allocation process.

A. ~~((At least one month prior to))~~ The county executive shall determine an application submission date, ((determined by the county council,)) no later than March 1, following an annual collection period. At least one month prior to the application submission date, the executive shall provide all cities within the county ((shall be provided)) notice of the opportunity to apply to the county for a

share of the ~~((biennial))~~ annual allocation of the ~~((C))~~ conservation ~~((F))~~ futures funds. Notice also shall be provided in a daily newspaper of general county circulation.

B. No later than March 30 following an annual collection period, the county council may, at its discretion, adopt a motion that provides direction to the citizen oversight committee, identified in this ordinance, on priorities for evaluating such applications within the open space criteria identified in this ordinance.

~~((B.))~~ C. By ~~((a date certain established by the county council))~~ June 1 ~~((during))~~ following an ~~((biennial allocation,))~~ annual collection period, the citizen oversight committee, identified in this ordinance, shall make application funding recommendations to the executive. By August 1, the executive shall transmit ~~((report))~~ to the council the citizen oversight committee's recommendation, the executive's recommendation, and a report on the compliance of all applications submitted for funding with the county open space selection criteria, contained in this ordinance ~~((Section 20.12.380))~~, and any additional relevant criteria of the jurisdiction in which the potential acquisition is located. The ~~((report))~~ executive's transmittal ~~((also))~~ shall be accompanied by a proposed appropriation ordinance. ~~((setting forth the applications recommended for funding by the citizen oversight committee identified in subsection C.))~~

~~((C.))~~ D. The citizen oversight committee shall include an individual from each King County council district and up to three additional at-large members. ~~((It shall be composed of nine members))~~ The committee shall be appointed by the executive and confirmed by the council. The committee shall elect a chair from

its members. The executive shall solicit nominations from the King County Council, the ((C))city of Seattle and ((nominations)) from ((the S))suburban ((C))cities ((Association)) and shall seek representation of a broad spectrum of interests and expertise, including but not limited to local conservation and passive recreation, science and ecology, conservation land stewardship, business and education. Once established, the terms of the members and chair shall be four years and shall be rotated such that ((three)) eight of the seats become available for appointment every two year((-))s beginning in 2002. Committee appointments and operations are subject to K.C.C. Title 3, including code of ethics and civil rights provisions.

~~((D-))~~ E. Prior to final council action on the ~~((biennial))~~ annual allocation of the ~~((C))~~conservation ~~((F))~~futures ~~((F))~~fund, a public hearing will be held on the submitted applications. ~~((submitted by the county and the cities.~~

~~E.))~~ F. Any application funded by this process shall be ~~((supported))~~ sponsored and forwarded by the jurisdiction in which the project is located ~~((with)).~~ The jurisdiction will commit to providing a matching contribution no less than the amount of ((C))conservation ((F))futures funds awarded to the project before conservation futures tax funds are reimbursed to that jurisdiction. This contribution may consist of cash, land trades with a valuation verified by an appraisal by a Member of the Appraisal Institute (MAI) certified appraiser((;)) or ((credits for qualifying open space acquired on or after January 1, 1989)) the cash value, excluding King County conservation futures contributions, of other open spaces acquired within the previous two years that is either directly adjacent or

the county concludes to be directly linked to the property under application.

When a project nominated by a citizen or citizen group is located within an incorporated city ((jurisdiction)) or in unincorporated King County and is recommended for acquisition by the citizen oversight committee, the ~~((subject city shall be))~~ applicant is required to demonstrate in the application for conservation futures tax funds a commitment by the jurisdiction in which the project is located to contribute within two years of application the required share for the project ((prior to said application's final consideration by the King County council. Otherwise, the conservation funding will be available for reallocation to other current applications. In such instances, the subject city shall have 60 days to demonstrate its commitment to contribute to the project.

F. ~~For the purpose of this chapter, all cities in excess of 20,000 population shall have promulgated an open space plan or its equivalent prior to submitting applications to this process.)~~

G. A ~~(((\$500,000))~~ five-hundred thousand dollar balance will be reserved at the beginning of each ~~((biennium of this process))~~ year to be used at the discretion of the council during the annual county budget process to fund ((options on)) parcels ~~((sponsored by either the county or a city))~~ that ~~((would otherwise))~~ satisfy ~~((D through F of this section))~~ the county open space selection criteria in this ordinance. ~~((but have become threatened prior to the next biennial allocation by conversion to uses incompatible with their open space characteristics. Prior to approving the purchase of an option, the council must find that the subject parcel satisfies both the county open space selection criteria and any additional relevant~~

criteria promulgated by the jurisdiction in which the parcel is located.))

Beginning with the 2001 county budget process and on an annual basis thereafter, five percent of the total Conservation futures fund revenues, net of debt service and contracted encumbrances, shall be added to the five-hundred thousand dollar balance.

H. Conservation futures tax levy collections shall be deposited in the King County conservation futures fund, for the purpose of administering, disbursing and accounting for conservation futures funds authorized by King County.

Conservation futures funds will be disbursed to projects previously approved by King County upon receipt and verification by King County of properly completed requests for payment of the funds. The Office of Financial Management shall prescribe the form for the requests. The disbursement requests shall be made only for capital project expenditures that include all costs of acquiring real property, including interests in real property, and the following costs: the cost of related relocation of eligible occupants, cost of appraisal, cost of appraisal review, cost of title insurance, closing costs, pro rata real estate taxes, recording fees, compensating tax, hazardous waste substances reports, directly related staff costs and related legal and administrative costs, but shall not include the cost of preparing applications for conservation futures funds. The city shall transmit payment to its payees for current capital project costs within five days of the receipt by the city of its requested conservation futures funds. The city shall provide a list of authorized individuals to certify requests to King County. The city is responsible for the accuracy of the payment requests and the propriety and



timeliness of its disbursements following receipt of conservation futures funds.

Conservation futures tax levy funds may not be used to acquire any property or interest therein through the exercise of the power of eminent domain.

I. If there are unexpended project allocations, including but not limited to project completion at less than estimated cost or abandonment of projects, the affected governmental agency shall notify King County, which may reallocate the unexpended fund proceeds to an approved project scope change or to another approved project.

J. Projects carried out by a governmental agency in whole or part with conservation futures funds shall not be transferred or conveyed except by agreement providing that the land or interest in land shall be continued to be used for the purposes of this ordinance and in strict conformance with the uses authorized under RCW 84.34.230. Also, the land or interest in land shall not be converted to a different use unless other equivalent lands within the geographic jurisdiction of the governmental agency are received in exchange for the lands or interest in lands. This section does not prevent the grant of easements or franchises or the making of joint use agreements or other operations compatible with the use of a project as provided for in this section and authorized under RCW 84.34.230.

SECTION 3. Ordinance 8867, Section 2, as amended, and K.C.C. 26.12.020 are each hereby amended to read as follows:

**Goal of conservation futures tax allocation.** In accordance with chapter 84.34 RCW, ((I))it shall be the goal of the ((council and the citizen oversight committee)) county to maintain, preserve, conserve and otherwise continue in existence adequate open space lands and to achieve an equitable geographical distribution of funds from conservation futures over the long term. The citizens oversight committee shall also include in its recommendation to the executive a description of how projects contain a demonstrable regional visibility, use, ecological, cultural, historical or other natural resource significance.

**NEW SECTION. SECTION 4.** There is hereby added to K.C.C. chapter 26.12 a new section to read as follows:

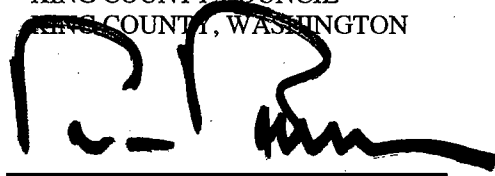
**Open Space Criteria.** In making an annual allocation of Conservation futures tax levy funds, the county shall consider the following criteria: wildlife habitat or rare plant reserve; salmon habitat and aquatic resources; scenic resources; community separator; historic or cultural resources; urban passive-use natural area or greenbelt; park or open space system addition; and transfer of development rights program implementation. Additional criteria may include: passive recreation; education/interpretive opportunity; threat of loss of open space resources; ownership complexity; partnerships; stewardship and maintenance; and any other criteria consistent with RCW 84.34.020.

SECTION 5. K.C.C. 26.12.020, as amended by this ordinance, is recodified as  
K.C.C. 26.12.005.

Ordinance 13717 was introduced on 10/4/99 and passed by the Metropolitan King County Council on  
2/14/00, by the following vote:

Yes: 13 - Mr. von Reichbauer, Ms. Miller, Ms. Fimia, Mr. Phillips, Mr. Pelz, Mr. McKenna,  
Ms. Sullivan, Mr. Nickels, Mr. Pullen, Mr. Gossett, Ms. Hague, Mr. Vance and Mr. Irons  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



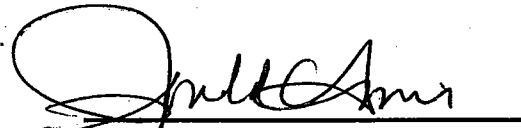
Pete von Reichbauer, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 24 day of February, 2000.



Ron Sims, County Executive

Attachments None