Title 26 AGRICULTURAL AND OPEN SPACE LANDS*

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*See also K.C.C. chapter 20.54

Chapters:

26.04 ACQUISITION OF INTERESTS
26.12 CONSERVATION FUTURES
26.14 HIGH CONSERVATION VALUE PROPERTY

26.04 ACQUISITION OF INTERESTS

Sections:

26.04.010	Findings and declaration of purpose.
26.04.020	Definitions.
26.04.030	Authorization.
26.04.040	Eligible lands and priority of acquisition.
26.04.050	Selection committee.
26.04.060	Selection process.
26.04.070	Criteria for selection within same priority.
26.04.080	Duration of acquired interests.
26.04.090	Related costs.
26.04.100	Supplemental funds.
26.04.110	County purpose.
26.04.120	Terms of the bonds.

26.04.010 Findings and declaration of purpose. The council finds that:

- A. King County is a desirable place to live and visit because of the quantity, variety and natural beauty of its open space which contributes a vital ingredient to the quality of life of the people of the county. These open space resources presently include more than fifty thousand acres of land suitable for farming, and other woodlands, wetlands and open lands adjacent to these farmlands. Such lands provide natural separation between urban areas, furnish unique, aesthetic and economic benefits to the citizens of the county and are an important part of our heritage.
- B. Land suitable for farming is an irreplaceable natural resource with soil and topographic characteristics which have been enhanced by generations of agricultural use. When such land is converted to urban and suburban uses which do not require those special fertility and landscape characteristics, an important community resource is permanently lost to the citizens of King County.
- C. The agricultural industry in King County provides the citizens of the county with the opportunity to harvest locally grown berries, fruit and vegetables at u-pick farms and to purchase locally produced food and dairy products through the Pike Place Market, farmers markets, roadside stands and other local outlets throughout the county.
- D. It is the policy of the state of Washington and King County to protect, preserve and enhance agricultural and open space lands as evidenced by the King County comprehensive plan of 1964, as amended by Ordinance 1096, establishing open space policies in King County, RCW Chapter 84.34 and Ordinance 2537, authorizing current use taxation of agricultural and open space land, Chapter 84 Laws of 1979 limiting and deferring road and utility assessments on farm land and open space land, Ordinance 3064, as

amended, establishing King County's agricultural lands policy and county and city ordinances regulating land use by zoning.

- E. However, these policies and regulations, by themselves, have not been effective to provide long-term protection of farm lands and open space lands under the pressure of increasing urban development. The amount of land in agricultural use in King County has declined from more than one hundred thousand acres in 1959 to approximately fifty thousand acres in 1979, with much of this loss having been caused by actual or prospective urban development.
- F. Generally, farmlands and open space lands which are close to urban centers have a greater market value for future urban development than their market value for commercial farming or other open space uses. This fact encourages the speculative purchase of these lands at high prices for future development, regardless of the current zoning of such lands. Farmlands which have a market value greater than their agricultural value do not attract sustained agricultural investment and eventually these lands are sold by farmers and removed from commercial agricultural uses.
- G. The permanent acquisition by the county of voluntarily offered interests in farmlands and open space lands within the county, as provided in this chapter and as authorized by the Constitution and statutes of the state of Washington, will permit these lands to remain in farm and open space uses in a developing urban area and provide long-term protection for the public interests which are served by farmlands and open space lands within the county.
- H. The acquisition of interests in farmlands and open space lands as provided in this chapter is a public purpose of King County and financing such acquisition requires that the county issue its general obligation bonds in the principal amount of not to exceed fifty million dollars. (Ord. 4341 § 2, 1979).

26.04.020 Definitions.

- A. "Agricultural rights" means an interest in and the right to use and possess land for purposes and activities related to horticultural, livestock, dairy and other agricultural and open spaces uses.
- B. "Appendices A, B, C, D, E and F" of the ordinance codified in this title means the maps which describe designated areas of eligible lands for purposes of priority of acquisition as provided in Section 26.04.040. Official large scale maps describing such areas in detail are filed with the clerk of the council and incorporated herein by this reference. Smaller scale maps generally illustrating such areas are appended to the ordinance codified in this title for more readily accessible public reference.
- C. "Bonds" means the general obligation bonds of the county described in Section 26.04.110.
 - D. "Council" means the King County council.
- E. "Development rights" means an interest in and the right to use and subdivide land for any and all residential, commercial and industrial purposes and activities which are not incident to agricultural and open space uses.
- F. "Eligible land" means farmland and open space land for the purchase of which bond proceeds are authorized to be used pursuant to this chapter.
 - G. "Executive" means the King County executive.
 - H. "Farmland" means:
 - 1. "Farm and agricultural land" as now defined in RCW 84.34.020(2); or
- 2. Land which is in a single ownership of twenty or more contiguous acres, at least eighty percent of which is open or fallow and which has produced a gross income from agricultural uses of one hundred dollars or more per acre per year for three of the ten calendar years preceding the date of the owner's application. The "date of application" as

used in (1.) or (2.) of this subsection shall be the date of the owner's application for purchase by the county.

- I. "Food producing farmland" means farmland which has been used for the commercial, soil-dependent cultivation of vegetables, berries, other fruits, cereal grains and silage corn.
 - J. "Full ownership" means fee simple ownership.
- K. "Governmental agency" means the United States or any agency thereof, the state of Washington or any agency thereof, any county, city or municipal corporation.
- L. "Open space land" means "open space land" as now defined in RCW 84.34.020(1) and "open space use" means any of the uses provided in such definition.
- M. "Owner" means the party or parties having the fee simple interest, a real estate contract vendor's or vendee's interest, a mortgagor's interest or a grantor of a deed of trust's interest in land.
- N. "Selection committee" means the committee formed pursuant to Section 26.04.050 to advise the council in the selection of eligible lands for purchase.
- O. "Value of development rights" means the difference between the fair market value of full ownership of the land, excluding the buildings thereon, and the fair market value of the agricultural rights to that land. (Ord. 4341 § 3, 1979).

26.04.030 Authorization.

- A. The county is authorized to issue its general obligation bonds to acquire the farmlands and open space lands described and prioritized in Section 26.04.040. The property interest acquired may be either the development rights, full ownership or any lesser interest, easement, covenant or other contractual right. Such acquisition may be accomplished by purchase, gift, grant, bequest, devise, covenant or contract but only at a price which is equal to or less than the appraised value determined as provided in this chapter. The proceeds of the bonds shall be used to acquire such property interests only upon application of the owner and in a strictly voluntary manner.
- B. If the owner so elects, the executive is authorized to pay the purchase price in a lump-sum single payment at time of closing, or to enter into contracts for installment payments against the purchase price consistent with applicable federal arbitrage regulations. When installment purchases are made, the county is authorized to pay interest on the declining unpaid principal balance at a legal rate of interest consistent with prevailing market conditions at the time of execution of the installment contract and adjusted for the tax-exempt status of such interest.
- C. The executive is further authorized to contract with other governmental agencies to participate jointly in the acquisition of interests in eligible lands on such terms as shall be approved by the council consistent with the purposes and procedures of this chapter.
- D. The county may acquire full ownership in eligible lands of first priority only where the owner will voluntarily sell only the full ownership of the property. The county shall acquire only development rights or interests which are less than full ownership in eligible lands of second and third priority.
- E. After county acquisition of development rights or some interest less than full ownership in any eligible lands, the county may purchase the remaining agricultural rights or other property interests in such land only when requested by the owner and when such acquisition is necessary to maintain agricultural or open space uses of the property.
- F. If the county shall acquire full ownership in any eligible lands, the executive shall as soon as practicable offer the agricultural rights to such land for public sale at a price not less than the appraised value of such rights. If no offer for such rights is received at the appraised value, the executive may, with the approval of the council, either reoffer the agricultural rights for public sale or lease such land for agricultural or open space use or

make such land available for publicly owned open space uses consistent with the purposes of this chapter.

- G. Interests which the county owns in property other than eligible lands may be exchanged for property interests in eligible lands on an equivalent appraised value basis. If the county has acquired full ownership of any eligible lands, agricultural rights in such lands may be exchanged for the development rights to other eligible land of equal or higher priority on an equivalent appraised value basis. If the property interests exchanged are not exactly equal in appraised value, cash payments may be made to provide net equivalent value in the exchange. (Ord. 4341 § 4, 1979).
- **26.04.040** Eligible lands and priority of acquisition. The proceeds of the bonds shall be used to purchase property interests in the following lands in the following order of their numbered priority group. The lands described within each numbered priority regardless of the order of designation within such group.

First Priority:

- A. Farmlands and open space lands located within the designated areas of the Sammamish, Lower Green or Upper Green River Valleys as shown respectively on Appendix A, Appendix B and Appendix C of the ordinance codified in this chapter;
- B. Food producing farmlands located anywhere within the county except those lands removed from the agricultural district by the King County council in its affirmative action on Ordinance 3326, generally described but not limited to those lands on Appendix F but outside of the designated areas of the Sammamish, Lower Green, Upper Green and Snoqualmie River Valleys and Enumclaw Plateau as shown in Appendices A through E inclusive of the ordinance codified in this chapter.

Second Priority:

- A. Farmlands in designated areas in the Snoqualmie Valley as shown on Appendix D of the ordinance codified in this chapter.
- B. Farmlands in designated areas of the Enumclaw Plateau as shown on Appendix E of the ordinance codified in this chapter.
- C. Approximately one thousand five hundred acres of farmlands which are larger than forty contiguous acres located anywhere within the county outside of the areas described in Appendices A through E inclusive of the ordinance codified in this chapter.

Third Priority:

All other farmlands located within presently established agricultural districts of the county and designated to be agricultural lands of county significance. (Ord. 4373 § 2, 1979: Ord. 4341 § 5, 1979).

26.04.050 Selection committee.

- A. A seven-member selection committee shall be appointed within ninety days following the approval of the bonds by the voters. The selection committee shall advise the council in the selection of eligible lands offered for acquisition by their owners. Members shall be appointed by the executive and confirmed by the council and shall comply with the King County code of ethics. No member may have an ownership interest in any of the lands eligible for purchase pursuant to this chapter.
- B. The selection committee shall consist of two members each of whom shall have at least five years experience in the operation and management of commercial farms; two members, each of whom shall have five years of experience in the management of either a construction or land development or real estate business; and three members who shall be lay citizens from different geographic areas of the county. One of the lay members shall be appointed by the executive to serve as chair. Committee recommendations shall be made by a majority of its members.

- C. Members shall serve three-year terms, except that the initial term of three members shall be two years and of four members shall be three years. Members may be removed by the executive only for good cause shown. Members shall not be compensated for their services but shall be reimbursed for expenses actually incurred in the performance of their duties. Members may be reappointed to successive terms but the selection committee shall be terminated when the proceeds of the bonds have been spent and in any event no later than eight years after the bond election. (Ord. 18670 § 77, 2018: Ord. 4341 § 6, 1979).
- **26.04.060 Selection process.** Beginning in the first year following the bond election and continuing at least once a year for a period of six years or until all bond proceeds have been expended, whichever date is sooner, the executive shall conduct a voluntary property selection process, herein called "selection round," generally as follows:
- A. In the first and second selection rounds all properties offered in priority one shall be eligible for purchase. In the third selection round all properties offered in priority one and priority two shall be eligible for purchase, and in all subsequent selection rounds all properties offered in priorities one, two and three shall be eligible for purchase. In all selection rounds properties of higher priority shall be purchased with available funds before properties of lower priority are purchased.
- B. The executive shall begin each selection round by giving notice in one newspaper of general circulation in each area where eligible lands are located which may be acquired in that round. The notice shall describe the properties eligible for purchase in that selection round, the procedure to be followed in the selection process, including an estimated time schedule for the steps in the process, and shall invite the owners of such properties to make application for purchase by the county and to describe the property interest which the owner is willing to sell.
- C. Upon closing of the application period, the county executive shall review each application which has been received to determine the eligibility and priority classification of each property interest and to verify ownership by title search.
- D. For those applications which meet the requirements of subsection C. of this section, the executive shall cause an appraisal of the applicant's property interest to be made. Two appraisals shall be made to determine the value of development rights. One appraisal shall determine the fair market value of full ownership of the land, excluding buildings thereon, and one shall determine the fair market value of the agricultural rights only. Appraisals of the fair market value of full ownership or of a property interest other than development rights shall be made by independent appraisers selected by the executive from a list of not less than ten qualified persons recommended by the county assessor. Such persons shall be deemed qualified if they have been certified to be professionally competent appraisers by a recognized professional appraisal certification organization, shall have had at least five years experience as a professional appraiser and shall not have a property interest in eligible lands. Appraisals of the fair market value of agricultural rights shall be made by independent appraisers selected by the executive with at least five years experience in the appraisal of agricultural land and who shall not have a property interest in eligible lands.
- E. Appraisals shall be in writing and shall be furnished to the respective owners for review. Errors of fact in any appraisal may be called to the attention of the appraiser by the county or by owners of the property appraised but corrections of the appraisal may be made only by the appraiser. If an owner of property believes it has not been adequately appraised, such owner may, within the time allowed therefor on the selection schedule, request that a review appraisal be made at the owner's expense. The selection committee shall appoint the review appraiser or appraisers in the same manner as the original

appraiser or appraisers are appointed by the executive. The review appraisal shall become the final appraisal.

The appraisal shall then be filed with the executive.

- F. Terms and conditions of sale and information on the effect of the sale may be discussed by the executive with owners prior to the submission of written offers.
- G. Sealed, firm, written offers by all applicants who desire to have their property purchased by the county shall then be submitted on forms provided by the county to be opened by the county executive on a day certain.
- H. The executive shall review all offers and make recommendations thereon to the selection committee and the council.
- I. The selection committee shall review all offers and the recommendations of the executive and make recommendations to the council.
- J. Upon receiving the recommendations of the selection committee, the council shall take final action on such recommendations. (Ord. 4341 § 7, 1979).
- **26.04.070** Criteria for selection within same priority. Only in the event that funds are not adequate in any selection round to purchase all eligible lands of equal priority for which valid offers shall have been received by the county, the following criteria shall be considered in determining which offers to accept within such priority group:
- A. An offer which is below appraisal shall be favored over an offer which is at appraisal;
- B. An offer of development rights in land shall be favored over an offer of full ownership;
- C. An offer of farmland producing in the twelve months preceding application shall be favored over an offer of land which lies fallow;
- D. An offer of land which is more threatened by urban development shall be favored over an offer of land which is less threatened;
- E. An offer of land which will form a contiguous farming area with other offered or acquired eligible land shall be favored over an offer of land which is separated;
- F. An offer of land which will serve the dual purpose of urban separation and agricultural production shall be favored over an offer of land which will serve only one of such purposes;
- G. An offer of farmlands in commercial production shall be favored over an offer of noncommercial farmlands.

The weight to be given to each of the above criteria shall be determined finally by the council for each parcel of property and such good faith determination shall be conclusive. (Ord. 4341 § 8, 1979).

26.04.080 Duration of acquired interests.

- A.1. Development rights acquired pursuant to this chapter shall be held in trust by the county for the benefit of its citizens in perpetuity. Except as provided in K.C.C. 26.04.030 and subsection B. of this section and except as found necessary by the council to convey public road and utility easements, the county shall not sell, lease or convey any land or interest in land that it acquires with the use of bond proceeds.
- 2. Before any council finding of necessity in support of the exception described in subsection A.1. of this section, the executive shall notify and seek input from the agriculture commission regarding any proposal to convey development rights acquired in accordance with this chapter and held in trust by the county.
- B. If the council finds that the public farm and open space purposes described in K.C.C. 26.04.010 can no longer reasonably be fulfilled as to any land or interest in land acquired with bond proceeds, the council shall submit to the voters of the county a proposition to approve of the disposition of such land or interest. Only upon a majority vote

approving such a proposition may the land or interest be disposed of by the county and the proceeds of the disposition shall be used to acquire other farmlands or open space lands in the county as provided in this chapter. (Ord. 15181 § 3, 2005: Ord. 4341 § 9, 1979).

26.04.090 Related costs. The costs of appraisal, engineering, surveying, planning, financial, legal and other services lawfully incurred incident to the acquisition of interests in eligible lands by the county and incident to the sale, issuance and delivery of the bonds shall be paid from the proceeds of the bonds. (Ord. 4341 § 10, 1979).

26.04.100 Supplemental funds. Supplemental or matching funds from other governmental agencies or private sources may become available to pay a portion of the cost of acquiring development rights, full ownership or some lesser interest in eligible lands or to supplement or enlarge such acquisition. The executive is authorized to utilize such funds to purchase interests in eligible lands or to otherwise supplement the proceeds of the bonds in the manner provided by this chapter and in accordance with the applicable laws or terms governing such grant.

It is the intention of the council that proceeds of bonds available for the acquisition of interests in farmlands in the Snoqualmie Valley be used in a manner consistent with the adopted multijurisdiction agreement affecting the uses of the Snoqualmie River. (Ord. 4341 § 11, 1979).

26.04.110 County purpose. The council finds and declares that the use of county funds for the purpose of paying in whole or in part the cost of acquisition of interests in eligible lands as set forth in this chapter, including any costs necessarily incident to such acquisition, to the sale, issuance and delivery of the bonds, or to participation with any governmental agency for such purposes will promote the health, welfare, benefit and safety of the people of King County and is a strictly county capital purpose. (Ord. 4341 § 12, 1979).

26.04.120 Terms of the bonds. For the purpose of providing funds necessary to pay the cost of carrying out the acquisition authorized by this chapter, the county shall issue the bonds in the principal amount of not to exceed fifty million dollars. The bonds shall be sold at public sale in the manner required by law, shall bear interest payable at such times. shall be issued in such series from time to time out of such authorization over a period of up to six years, and shall mature serially commencing in from two to five years from the date of issue of each series and maturing in a period which may be less than but shall not exceed thirty years from the date of issue of each series, all as hereafter authorized by the council and as provided by law. Both the principal of and interest on the bonds shall be payable out of annual tax levies to be made upon all of the taxable property within the county in excess of constitutional and statutory limits and from any other money which may become legally available and used for such purposes. Any series of the bonds may be combined with other authorized general obligation bonds of the county and issued and sold as single issues of county bonds. The exact date, form, terms, redemption options and maturities of each series of the bonds shall be as hereafter fixed by ordinance of the council. (Ord. 4341 § 13, 1979).

26.12 CONSERVATION FUTURES

Sections:

26.12.003 Definitions - K.C.C. 26.12.003 through 26.12.100.

26.12.005 Goals of conservation futures tax allocation.

- 26.12.010 Conservation futures tax levy allocation of conservation futures tax levy proceeds.
- 26.12.025 Annual allocation criteria.
- 26.12.035 Project reporting and reallocations.
- 26.12.100 Financial policies.
- **26.12.003 Definitions K.C.C. 26.12.003 through 26.12.100.** The definitions in this section apply throughout K.C.C. 26.12.003 through 26.12.100 unless the context clearly requires otherwise.
- A. "Advisory committee" means the conservation futures advisory committee, established under K.C.C. 2.36.070.
- B. "Agency" means King County or any city, town, or metropolitan park district within King County.
- C. "Annual allocation" means the allocation of conservation futures tax levy proceeds collected in the ensuing budget year and other moneys deposited in the conservation futures fund.
- D. "Conservation futures fund" means the King County conservation futures fund established under K.C.C. 4A.200.210.
- E. "Conservation futures tax levy proceeds" means moneys collected through the tax levy upon all taxable property in King County authorized by RCW 84.34.230.
- F. "Equity" means all people have full and equal access to opportunities that enable them to attain their full potential.
- G. "Nongovernmental organization" means any group of two or more persons that is not an agency as defined by this chapter.
- H. "Nonprofit organization" means nonprofit historic preservation corporation as defined in RCW 64.04.130 or nonprofit nature conservancy corporation or association as defined in RCW 84.34.250.
- I. "Open space land" means the fee simple interest in open space land, farm and agricultural land, and timberland as those terms are defined in chapter 84.34 RCW, including urban greenspaces in dense urban environments, for public use or enjoyment, or any lesser interest in those lands, including development rights, conservation futures, easement, covenant, or other contractual right necessary to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve the land.
 - J. "Opportunity areas" means:
 - 1. Areas within King County that:
- a. are located in a census tract in which the median household income is in the lowest one-third for median household income for census tracts in king County;
- b. are located in a ZIP code in which hospitalization rates for asthma, diabetes and heart disease are in the highest one-third for ZIP codes in King County; and
- c. are within the Urban Growth Boundary and do not have a publicly owned and accessible park or open space within one-quarter mile of a residence, or are outside the Urban Growth Boundary and do not have a publicly owned and accessible park or open space within two miles of a residence; or
- 2. Areas where the project proponent or proponents can demonstrate, and the advisory committee determines, that residents living in the area, or the populations the project is intended to serve, disproportionately experience limited access to public open spaces and experience demonstrated hardships including, but not limited to, low income, poor health and social and environmental factors that reflect a lack of one or more conditions for a fair and just society as defined as "determinants of equity" in K.C.C. 2.10.210.
- K. "Project" means open space land to which conservation futures tax levy proceeds are allocated for acquisition and other eligible costs under the processes under

K.C.C. 26.12.010.

- L. "Reviewed appraisal" means a property appraisal performed within two years of the application deadline set in K.C.C. 26.12.010.A. by an independent state-certified real estate appraiser with a current general real estate appraiser license and reviewed by an independent state-certified general real estate appraiser.
- M. "Social justice" means all aspects of justice, including legal, political, and economic, and requires the fair distribution of public goods, institutional resources and life opportunities for all people.
- N. "Total project costs" means the total amount of eligible costs under K.C.C. 26.12.010 for a particular project, including the value of the matching contribution provided by the applicant. (Ord. 19647 § 1, 2023: Ord. 18981 § 1, 2019: Ord. 18774 § 3, 2018: Ord. 14714 § 4, 2003: Ord. 13717 § 1, 2000).
- **26.12.005 Goals of conservation futures tax allocation.** This section describes goals of the county conservation futures tax allocations over time. In accordance with chapter 84.34 RCW, the county shall maintain, preserve, conserve, expand and otherwise continue in existence adequate open space lands, and the county shall also achieve a broad geographical distribution of conservation futures proceeds. Conservation futures proceeds shall be allocated in a manner that addresses equity and social justice by providing open spaces in communities in greatest need. (Ord. 18981 § 2, 2019: Ord. 13717 § 3 and 5, 2000: Ord. 9430 § 2, 1990: Ord. 8867 § 2, 1989).
- 26.12.010 Conservation futures tax levy allocation of conservation futures tax levy proceeds. A process is hereby established for the annual allocation of the conservation futures tax levy proceeds to acquire open space lands, including greenspaces, greenbelts, wildlife habitat, and trail rights-of-way proposed for preservation for public use by either agencies or nonprofit organizations within the county. Agencies, nonprofit organizations, nongovernmental organizations, and individuals may make application for proceeds in this allocation process. In accordance with chapter 84.34 RCW, only agencies and nonprofit organizations are eligible to receive conservation futures funding to acquire property.
- A. The department of natural resources and parks shall determine the deadline for submission of applications for use of conservation futures tax levy proceeds. At least one month before the application submission deadline date, the department shall provide notice on the King County website of the opportunity to apply to the county for a share of the annual allocation of the conservation futures tax levy proceeds available for that year. The department shall also provide notice by email to all agencies, nonprofit organizations, nongovernmental organizations, and individuals anticipated to have potential interest in conservation futures funding. The department shall maintain and update a list of parties anticipated to be interested in conservation futures funding.
- B. No later than March 1, the county council may adopt a motion that provides direction to the advisory committee on priorities for evaluating the applications within the open space criteria identified in K.C.C. 26.12.025.
- C.1. The advisory committee shall make project recommendations and recommend funding allocations for each project to the executive, including:
 - a. a description of each project including project location and acreage;
- b. a report on how each project meets the county open space selection criteria, contained in K.C.C. 26.12.025;
 - c. the amount of funding requested in each project application;
- d. any additional relevant criteria of the jurisdiction in which the potential acquisition is located; and

- e. a description of how projects contain a demonstrable regional visibility, use, ecological, cultural, historical, or other natural resource significance.
- 2. The executive shall transmit the advisory committee's project and funding recommendations for the following year to the council. The report shall be filed electronically with the clerk of the council, who will retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff to the mobility and environment committee or its successor.
- 3. The committee's recommendations are solely advisory and either the executive or the council, or both, may adopt, alter, add to, or decline to adopt all or part of the committee's recommendations in the budget process.
- D. The executive's project and funding recommendation shall be transmitted with the applicable appropriation ordinance.
- E. Except for acquisitions of property interests in opportunity areas, the agency or nonprofit organization receiving conservation futures tax levy proceeds shall commit to providing a matching contribution no less than twenty-five percent of the total project costs, and conservation futures shall represent no more than seventy-five percent of the total project costs. The matching contribution shall be provided before conservation futures tax levy proceeds are reimbursed to that agency or nonprofit organization. The contribution may consist of cash, land match with a valuation verified by a reviewed appraisal or the cash value, excluding King County conservation futures contributions, of other open spaces acquired within the previous two years from the date of the submittal of the application by the agency or nonprofit organization. Properties considered as land match or cash value of other open space acquisitions should be directly linked to the property under application.
- F.1. If an application by an agency other than King County is funded by this process, the agency shall enter into an interlocal agreement with the county.
- 2. If an application by a nonprofit organization is funded by this process, the organization shall enter into an agreement with the county. Before a funding award is paid to a nonprofit organization, the organization shall obtain a letter of intent from an agency or a separate nonprofit organization that indicates that if in the future the acquiring organization ceases to exist, the agency or the separate organization is willing to be identified on title to the acquired property as an owner. If the property is in the unincorporated area and the nonprofit organization seeks an agency letter, the organization shall request the letter from the King County department of natural resources and parks, or a metropolitan park district within the boundaries of which the property is located. If the property is in an incorporated area and the nonprofit organization seeks an agency letter. the organization shall request the letter from the agency of the jurisdiction in which the project is located, or a metropolitan park district within the boundaries of which the property is located. If the property is in an incorporated area, in the event that the legislative body of the agency of the incorporated area or the park district indicates in writing or through a formal vote that it is not willing to provide the letter, the nonprofit organization may request a letter from King County. For any acquisition by a nonprofit organization, King County shall ensure a restriction is recorded on the chain of title to preserve the conservation values of the property in perpetuity.
- 3. If an application by a nongovernmental organization or individual is funded by this process, the award shall be made either to a nonprofit organization or an agency. K.C.C. 26.12.010.F.1. applies to an award to an agency. K.C.C. 26.12.010.F.2. applies to an award to a nonprofit organization.
- G. If the King County transfer of development rights program bank, as established by K.C.C. chapter 21A.37, is awarded conservation futures levy proceeds in order to purchase development rights and thereby preserve open space in accordance with purposes and provisions of this chapter, the bank is authorized to sell those development rights and to use the proceeds from that sale to acquire additional development rights,

thereby preserving additional open space lands in accordance with the terms and provisions of this chapter. When transferrable development rights are purchased by the bank in accordance with K.C.C. chapter 21A.37 using conservation futures tax levy proceeds allocated to a project under K.C.C. 26.12.003.I., and there are subsequent sales of the transferable development rights, the bank may use sale proceeds as a match to new projects.

- H. Conservation futures tax levy proceeds shall be deposited in the conservation futures fund for the purpose of administering, disbursing, and accounting for conservation futures tax levy proceeds authorized by King County. Conservation futures tax levy proceeds shall be disbursed to projects previously approved by King County upon receipt and verification by King County of properly completed requests for payment of the proceeds. The office of performance, strategy and budget 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, though it shall not include the cost of preparing grant applications for conservation futures moneys: related relocation of eligible occupants; appraisal; appraisal review; title insurance; closing costs; pro rata real estate taxes; compensating tax; recording fees; environmental due diligence; survey; boundary line adjustment; and directly related staff, legal, and administrative costs. Requests may also include costs for initial site stabilization activities associated with acquisition, which are limited to signage, fencing, or demolition of structures necessary to secure real property interests acquired with conservation futures tax levy proceeds for public safety or resource protection purposes. Approved disbursements for site stabilization activities shall not exceed in any particular year twenty-five percent of the conservation futures tax levy moneys raised in the preceding year and shall not be used to supplant existing funding. The department shall annually review and determine the maximum allowable per-parcel award for site stabilization, taking inflation into consideration. The agency or nonprofit organization shall have the property valued by a reviewed appraisal, except in situations where the department of natural resources and parks determines that an appraisal is unnecessary because the process for valuing the property is established by statute, code, or regulation. The agency or nonprofit organization is responsible for the accuracy of the payment requests and the propriety and timeliness of its disbursements following receipt of conservation futures tax levy proceeds. Conservation futures tax levy proceeds may not be used to acquire any property or interest therein through the exercise of the power of eminent domain.
- I. Projects carried out in whole or part with conservation futures tax levy proceeds shall not be transferred or conveyed except to an agency or nonprofit organization by written agreement providing that the land or interest in land shall be continued to be used for the purposes of K.C.C. chapter 26.12 and in strict conformance with the uses authorized under chapter 84.34 RCW. The land or interest in land shall not be converted to a different use unless other equivalent lands within King County are received in exchange for the lands or interest in lands, or cash reimbursement is made, or a combination of land and cash reimbursement is provided. The land shall be valued in its changed status or use, and not based upon its value as open space, and the replacement land or payment amount must be acceptable to King County. Before the conversion of conservation futures land to another use, the department of natural resources and parks shall provide written notification to the council. If the proposal is to convert one-half acre or more of conservation futures land, or if the conservation futures land to be converted is valued at more than fifty thousand dollars, and the proposal is either for a cash reimbursement or for proposed equivalent lands that are not within the same jurisdiction as the conservation futures land proposed to be converted to another use, the executive shall, at least sixty days before taking action on the proposal, submit the written notification to the council. Unless the council passes a motion rejecting the proposal within sixty days of receiving the notification, the executive

may proceed with the proposal. The sixty-day waiting period shall not apply when the conservation futures land proposed to be converted, as well as the proposed equivalent lands, are within the same trail corridor or part of the same contiguous open space area.

- J. The written notification required by this section shall include, but not be limited to, the acreage and specific location of both the conservation futures land proposed to be converted and the proposed equivalent lands, if any, the reason for the conversion of land and, if cash reimbursement is proposed, a copy of the appraisal for the conservation futures land to be converted and the amount of the cash reimbursement proposed. The notification shall be filed electronically with the clerk of the council, who will retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff to the mobility and environment committee or its successor. Information on conversions of properties to another use, including a description of the proposed replacement land or payment amount, shall be included with the advisory committee's project progress reporting to council as provided in K.C.C. 26.12.035.B. 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 chapter 84.34 RCW.
- K. The department of natural resources and parks shall identify and update opportunity areas as defined by K.C.C. 26.12.003.J.1. at least every three years. (Ord. 19647 \S 2, 2023: Ord. 18981 \S 3, 2019: Ord. 18774 \S 2, 2018: Ord. 17539 \S 64, 2013: Ord. 16960 \S 25, 2010: Ord. 14714 \S 5, 2003: Ord. 13717 \S 2, 2000: Ord. 10750 \S 2, 1993: Ord. 9430 \S 1, 1990: Ord. 8867 \S 1, 1989).
- 26.12.025 Annual allocation criteria. In making an annual allocation of conservation futures tax levy proceeds, the county shall consider the following criteria, not listed in priority order: 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, open space or natural corridor addition; and passive recreation opportunity in an area with unmet needs; and projects that seek to redress historic disparities in access to or health benefits of open space in opportunity areas. Additional criteria may include: educational or interpretive opportunity; [impact to]* open space resources; feasibility, including ownership complexity, a willing seller or sellers or community support; partnerships; if the property identified in an adopted comprehensive plan, park open space, habitat, cultural resource or community plan; transfer of development rights participation; stewardship and maintenance; regional significance; adopted financial policies; and any other criteria consistent with chapter 84.34 RCW. (Ord. 18981 § 4, 2019: Ord. 18774 § 4, 2018: Ord. 13717 § 4, 2000).

*Reviser's note: Added but not underlined in Ordinance 18981. See K.C.C. 1.24.075.

26.12.035 Project reporting and reallocations.

A. Each agency or nonprofit organization receiving conservation futures tax levy proceeds and the department of natural resources and parks shall furnish a report to the executive on a schedule determined by the department. The report shall include for each project:

- 1. The amount of conservation futures tax levy proceeds expended;
- 2. The amount of conservation futures tax levy proceeds remaining:
- 3. The status of matching [moneys]*;
- 4. The amount of acreage purchased;
- 5. A brief description of all acquisition activity, such as contact with landowners, title and appraisal research conducted and offers extended;
 - 6. The expected timeline for project completion;

- 7. Any requested scope change description as defined in K.C.C. 4A.10.525;
- 8. Any change in project description;
- 9. Any request for project abandonment; and
- 10. Any significant obstacles or barriers to project completion.
- B. The advisory committee may recommend to the council the reallocation of conservation futures tax levy proceeds for any project for which the appropriated proceeds have not been encumbered and expended within a reasonable time. (Ord. 18981 § 5, 2019: Ord. 17929 § 74, 2014: Ord. 14714 § 6, 2003).

*Reviser's note: Added but not underlined in Ordinance 18981. See K.C.C. 1.24.075.

26.12.100 Financial policies.

- A. In addition to and consistent with this chapter and chapter 84.34 RCW, the following financial policies should guide the allocation of conservation futures tax levy proceeds for acquiring property interests for land conservation. Key funding goals include: accelerating the pace of acquisitions and thereby reducing their ultimate cost, spreading costs to future taxpayers who will benefit from lands protected in perpetuity, maximizing the use of available proceeds, prioritizing acquisitions in opportunity areas and parcels that are at high risk of development, a broad geographic distribution of funding over time, and ensuring that sufficient reserves remain available to pursue emerging conservation and equity opportunities.
- B. Matching moneys should not be required for proposals to acquire property interests if the proposal meets the following criteria:
 - 1. The property is located in opportunity areas; and
- 2. The applicant demonstrates engagement and collaboration either with community-based organizations or with members of the community, or both, in which the property is located. If the project is intended to serve populations not in its immediate area, the applicant must demonstrate engagement and collaboration either with community-based organizations made up of or serving those populations, or with members of those populations.
- C. Issuing bonds can help accelerate the pace of acquisitions, lower the ultimate cost of acquisitions, and spread the acquisition costs to include future taxpayers who will also benefit from lands protected in perpetuity.
- D. The pace of acquisitions should be accelerated by issuing bonds and allocating as much as eighty percent of anticipated annual conservation futures tax levy proceeds for debt service, consistent with sound financial principles. Factors for determining the extent of bonding should include, land values, existing levels of bonding, progress in accomplishing an accelerated rate of acquisitions, economic forecasts, bond covenants, current and projected interest rates and other relevant factors.
- E. The county should pursue additional means to accelerate the pace of acquisitions, including partnering with nonprofit organizations and the private sector and identifying additional public and private funding sources.
- F. Conservation futures tax revenues should be used to protect parcels identified by King County and cities as part of the 2018 Land Conservation Initiative and additional parcels that have similar conservation attributes. If sufficient proceeds are not available to complete the acquisition of all available property interests in a particular year, priority should be given to protecting parcels in opportunity areas and parcels most at risk for development.
- G. Proceeds should remain available annually to pursue ongoing and emerging opportunities to acquire conservation lands. (Ord. 18981 § 6, 2019: Ord. 18774 § 1, 2018)

Sections:

26.14.010 High conservation value property - removal from inventory - process - hearing – public meeting - inventory.

26.14.010 High conservation value property - removal from inventory - process - hearing - public meeting - inventory.

- A. A high conservation value property may not be removed from or added to the inventory of high conservation value properties except by an ordinance adopted in conformance with Section 897 of the King County Charter.
- B. In addition to the public hearing required by Section 897 of the King County Charter, before such an ordinance is adopted, unless the ordinance is an emergency ordinance, the county council or the county executive shall hold a public meeting in the council district in which the property is located to discuss the removal or addition.
- C. The inventory of high conservation value properties adopted pursuant to Section 897 of the King County Charter shall be maintained by the clerk of the council and the department of natural resources and parks. For each inventoried property, the inventory shall include the following information:
 - 1. Commonly used name;
 - 2. Type of property interest owned by the county;
 - 3. Approximate size;
 - 4. Parcel number or numbers;
- 5. Recording number or numbers for deeds by which the property was acquired by the county; and
- 6. A map that is sufficiently detailed to show the boundaries of the inventoried property. (Ord. 16601 § 4, 2009).