

Title 26
AGRICULTURAL AND OPEN SPACE LANDS*

UPDATED: September 7, 2018

***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 26.12.035.
- 26.12.005 Goal of conservation futures tax allocation.
- 26.12.010 Conservation futures tax levy funds - allocation.

- 26.12.025 Open space criteria.
- 26.12.030 Open Space Plan.
- 26.12.035 Project reporting and reallocations.
- 26.12.040 Allocation of funds - 1989.
- 26.12.050 Allocation of funds - Ordinance 9071 projects.
- 26.12.100 Financial policies.

26.12.003 Definitions - K.C.C. 26.12.003 through 26.12.035. The definitions in this section apply throughout K.C.C. 26.12.003 through 26.12.035 unless the context clearly requires otherwise.

A. "Annual allocation" means the allocation of conservation futures tax levy funds collected in the ensuing budget year and other moneys deposited in the conservation futures fund.

B. "Citizen oversight committee" means the citizen oversight committee, established under K.C.C. 2.36.070.

C. "Conservation futures tax levy funds" means moneys collected through the tax levy upon all taxable property in King County authorized by RCW 84.34.230.

D. "Conservation futures fund" means the King County conservation futures fund established under K.C.C. 4A.200.210.

E. "Equity areas" means areas within King County that meet all three of the specified criteria listed below, or areas where the project proponents or proponents can demonstrate, and the citizen oversight committee determines, that residents living in the area experience disproportionately limited access to public open spaces as well as demonstrated hardships such as, but not limited to, chronic low incomes, persistent poor health, or high rates of utilization of free and reduced price school meals. The three specific criteria are: areas 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; areas located in a census tract in which hospitalization rates for asthma, diabetes, and heart disease are in the highest one-third for census tracts in King County; and for areas within the Urban Growth Boundary, do not have a publicly owned and accessible park within one-quarter mile of a residence, or for areas outside the Urban Growth Boundary that do not have a publicly owned and accessible park within two miles of a residence. The department of natural resources and parks shall identify and update equity areas at least every five years.

F. "Governmental agency" and "agency" mean King County or any city within King County.

G. "Open space land" means the fee simple interest in 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, 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.

H. "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. (Ord. 18774 § 3, 2018: Ord. 14714 § 4, 2003: Ord. 13717 § 1, 2000).

26.12.005 Goal of conservation futures tax allocation. In accordance with chapter 84.34 RCW, it shall be the goal of the 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. (Ord. 13717 § 3 and 5, 2000: Ord. 9430 § 2, 1990: Ord. 8867 § 2, 1989).

26.12.010 Conservation futures fund - allocation of conservation futures tax levy funds. A process is hereby established for the annual allocation of the conservation futures tax levy funds, to acquire open space lands, including green spaces, greenbelts, wildlife habitat and trail rights-of-way proposed for preservation for public use by either the county or the cities within the county. King County, cities within the county, citizen groups and citizens may make application for funds in this allocation process.

A. The county executive shall determine a date, no later than April 1, as a deadline for submission of applications for use of conservation futures tax levy funds. At least one month before the application submission deadline date, the executive shall provide all cities within the county notice of the opportunity to apply to the county for a share of the annual allocation of the conservation futures tax levy funds available for that year. Notice also shall be provided on the King County website.

B. No later than March 1, the county council may adopt a motion that provides direction to the citizen oversight committee on priorities for evaluating the applications within the open space criteria identified in K.C.C. 27.02.025.

C.1. By July 15, the citizen oversight 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; and
- c. the amount of funding requested in each project application; and
- d. any additional relevant criteria of the jurisdiction in which the potential acquisition is located.

2. The committee's recommendations are solely advisory and the executive and/or the council 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 included in the annual proposed appropriation ordinance for the ensuing budget year.

E.1. Except as otherwise provided in subsection E. 2. and 3. of this section, any application funded by this process shall be sponsored and forwarded by the jurisdiction in which the project is located. Except for acquisitions of property interests in equity areas, the jurisdiction shall commit to providing a matching contribution no less than the amount of conservation futures tax levy funds appropriated for the project before conservation futures tax levy 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 the cash value, excluding King County conservation futures contributions, of other open spaces acquired within the previous two years that is either directly adjacent to the project or the county concludes to be directly linked to the property under application.

2. A jurisdiction may make an application in partnership with one or more jurisdictions if the proposed project lies wholly within the boundaries of those jurisdictions, or if another reason for such a partnership is articulated within the application, such as a trail connection, a community separator or coordinated salmon habitat preservation. In such a partnership application, the relationship, roles and responsibilities for acquisition, ownership, any matching contribution obligations and future maintenance must be described. If a partnership application is funded by this process, the jurisdictions shall be required to enter into an interlocal agreement with the county formalizing the relationship,

roles and responsibilities for acquisition, ownership, any matching contribution obligations and future maintenance.

3. For an application by a citizen or citizen group, except for acquisitions of property interests in equity areas, the citizen or citizen group shall commit to providing a matching contribution no less than the amount of conservation futures tax levy funds appropriated for the project. 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 the cash value, excluding King County conservation futures contributions, of other open spaces acquired within the previous two years that is either directly adjacent to the project or the county concludes to be directly linked to the property under application. For a project based on an application by a citizen or citizen group, the funds shall be reimbursed to the jurisdiction in which the project is located. If a citizen or citizen group's application is funded by this process, the jurisdiction in which the project is located shall be required to enter into an interlocal agreement with the county formalizing the relationship, roles and responsibilities for acquisition, ownership, any matching contribution obligations and future maintenance.

F. If the King County transfer of development program bank, as established by K.C.C. chapter 21A.37, is awarded conservation futures levy funds 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 funds allocated to a project under K.C.C. 26.12.003.G., matching conservation futures tax fund credit is allowed for funds generated from the subsequent sales of the transferrable development rights, if the funds from those sales are used to purchase additional open space that is identified as being within the scope of the original conservation futures tax project.

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

H. Projects carried out by a governmental agency in whole or part with conservation futures tax levy funds shall not be transferred or conveyed except by interlocal agreement providing that the land or interest in land shall be continued to be used for the purposes of

K.C.C. 26.12.005 through 26.12.025 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. (Ord. 18774 § 2, 2018: Ord. 17539 § 64, 2013: Ord. 16960 § 25, 2010: Ord. 14714 § 5, 2003: Ord. 13717 § 2, 2000: Ord. 10750 § 2, 1993: Ord. 9430 § 1, 1990: Ord. 8867 § 1, 1989).

26.12.025 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; equity; adopted financial policies; and any other criteria consistent with RCW 84.34.020. (Ord. 18774 § 4, 2018: Ord. 13717 § 4, 2000).

26.12.030 Open Space Plan. For the purpose of this chapter, an open space plan should define the term "open space" and its critical attributes as applied to the specific natural environment of a city. The plan should also establish the goals of the city regarding the conservation and management of open space, policies designed to achieve these goals and all necessary implementing measures. Specific open space conservation opportunities should also be identified. (Ord. 8867 § 3, 1989).

26.12.035 Project reporting and reallocations.

A. Each governmental agency receiving conservation futures tax levy funds and the department of natural resources and parks shall furnish a report to the executive by January 31 of each year. The report shall include for each project:

1. The amount of conservation futures tax levy funds expended;
2. The amount of conservation futures tax levy funds remaining;
3. The status of matching funds;
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 citizen oversight committee may recommend to the council the reallocation of conservation futures tax levy funds for any project for which the appropriated funds have not been encumbered and expended within a reasonable time period. (Ord. 17929 § 74, 2014: Ord. 14714 § 6, 2003).

26.12.040 Allocation of funds - 1989. Conservation Futures funds may be allocated by the county council in 1989 for parcels which otherwise comply with 26.12.010 C - E, and for which there exists a demonstrable threat of conversion to non open space uses prior to June 1, 1990. (Ord. 8867 § 4, 1989).

26.12.050 Allocation of funds - Ordinance 9071 projects. For the purposes as provided in state law, all conservation future funds collected by the county after the enactment of this section and prior to the commencement of the allocation process provided in this chapter shall be available for the completion of projects as set forth in Ordinance 9071, according to the following procedure:

A. A jurisdiction requiring open space funds to complete a project as described in Ordinance 9071 shall present a request to the citizen oversight committee established by Ordinance 9071;

B. Within thirty days of a receipt of a request for conservation futures funding, the citizen oversight committee shall consider and make recommendations on such requests to the King County executive. The executive shall transmit to the King County council the committee's recommendation in conjunction with the executive's recommendation on the request, and the appropriate legislation;

C. The committee shall develop its recommendations based on the open space criteria set forth in Ordinance 9071 and Motion 7886;

D. It shall be a goal of the council and the citizen oversight committee identified in K.C.C. 26.12.010.C. to achieve an equitable geographical allocation of funds from conservation futures through this process; and

E. The executive shall notify Seattle and suburban jurisdictions of the requirement to submit bond project financing plans before additional conservation futures revenues will be allocated. These financing plans should include: the basis for updated project cost estimates; the level of bond proceeds and other revenues available for these projects; and the conservation futures revenue necessary to complete a project. (Ord. 18670 § 78, 2018: Ord. 9430 § 3, 1990).

26.12.100 Financial policies.

A. In addition to and consistent with the provisions of this chapter and chapter 84.34 RCW, the following financial policies should guide the allocation of conservation futures tax levy funds 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 funds, prioritizing acquisitions in equity areas and parcels that are at high risk of development, geographic equity over time, and ensuring that sufficient reserves remain available to pursue emerging conservation opportunities.

B. Matching funds should not be required for proposals to acquire property interests in equity areas.

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 funds 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 funds are not available to

complete the acquisition of all available property interests in a particular year, priority should be given to protecting parcels in equity areas and parcels most at risk for development.

G. Funds should remain available on an annual basis to pursue ongoing and emerging opportunities to acquire conservation lands. (Ord. 18774 § 1, 2018)

26.14 HIGH CONSERVATION VALUE PROPERTY

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).