



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 20, 2009

Ordinance 16600

Proposed No. 2009-0245.2

Sponsors Ferguson, Phillips, Hague,
Patterson, Constantine, Dunn and
Lambert

1 AN ORDINANCE proposing an amendment to the King
2 County Charter; providing enhanced protection for certain
3 high conservation value properties that are designated by a
4 supermajority vote of the council, by prohibiting the county
5 from conveying or relinquishing its interest in those
6 properties or authorizing their expanded use, except in
7 specified circumstances; adding a new Section 897 to the
8 King County Charter, and submitting the same to the voters
9 of the county for their ratification or rejection at the
10 November 2009 general election.

11

12 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

13 SECTION 1. Findings:

14 A. King County has acquired interests in open space properties in the form of fee
15 simple ownership, conservation easements and development rights. The county has done
16 so using funds from various funding sources, including conservation futures taxes,
17 Forward Thrust, real estate excise taxes, surface water management fees, the river

18 improvement fund, the salmon recovery funding board, the interagency committee for
19 outdoor recreation, voter-approved open space bond funds and state and federal
20 conservation-oriented grants.

21 B. The primary purposes of acquiring open space properties are to conserve,
22 preserve, protect, or enhance natural or scenic resources, timberland devoted primarily to
23 the growth and harvest of timber for commercial purposes, streams, rivers, wetlands,
24 soils, beaches, tidal marshes, fish or wildlife habitat, water quality, passive recreational
25 opportunities, visual quality along highway, road and street corridors, and scenic vistas
26 for current and future generations of King County residents.

27 C. Preserving the character of open space properties also reduces urban sprawl,
28 provides natural corridors in urban areas, and serves to mitigate the effects of human
29 activities that contribute to climate change.

30 D. The county council wishes to provide enhanced protection of certain high
31 conservation value, open space properties that King County currently owns, or in which
32 the county owns a conservation easement or development rights, without increasing
33 current restrictions on the use of those properties or requiring the county to purchase
34 additional properties.

35 E. An effective means of providing enhanced protection is to require approval by
36 a county council supermajority of at least seven affirmative votes (out of nine
37 councilmembers) before the county may transfer or relinquish its interest in those
38 properties or authorize their expanded use beyond what was permissible when the county
39 acquired them, except in specified circumstances, and before properties are added to, or
40 removed from, the inventory of protected properties.

41 SECTION 2. There shall be submitted to the voters of King County for their
42 approval and ratification or rejection, at the next general election to be held in this county
43 occurring more than forty-five days after the enactment of this ordinance, the addition of
44 a new Section 897 to the King County Charter to read as follows:

45 **Section 897. High Conservation Value Properties.**

46 The county council may, by a minimum of seven affirmative votes, adopt an
47 ordinance establishing an inventory of those high conservation value properties that are to
48 be preserved under the terms of this section. Such an ordinance may be adopted before,
49 on, or after the effective date of this section. The inventory shall include only properties
50 in which the county has a real property interest. The inventory may not be modified by the
51 addition or removal of a property except by an ordinance adopted by a minimum of seven
52 affirmative votes and including specific findings of fact supporting the modification. An
53 ordinance removing a property from the inventory shall include findings of fact that one or
54 more of the following factors exist: (1) the property no longer provides the open space
55 values initially contemplated, for specific reasons set forth in the ordinance; (2)
56 maintaining the property in public ownership is no longer practical, for specific reasons set
57 forth in the ordinance; or (3) open space values will be enhanced by substituting the
58 property interest for another property interest. At least twenty-eight days after the
59 introduction of a proposed ordinance modifying the inventory, except an emergency
60 ordinance, and prior to its adoption, the county council shall hold a public hearing after due
61 notice to consider the proposed ordinance. Before the county council adopts an ordinance
62 modifying the inventory, the chair or other designee of the county council shall make a
63 reasonable effort to consult with the county executive about the modification. Seven

64 affirmative votes are required to override the veto of an ordinance establishing or
65 modifying the inventory following the effective date of this section.

66 The county shall not convey or relinquish its interest in an inventoried property or
67 authorize an inventoried property to be converted to a use that was not permissible when
68 the county acquired its interest, as evidenced by deed, easement, covenant, contract or
69 funding source requirements, except that this section shall not prevent: the conveyance of
70 the county's interest in an inventoried property to another government or to a non-profit
71 nature conservancy corporation or association as defined in RCW 84.34.250, as currently
72 adopted or hereafter amended; the conveyance of the county's interest in an inventoried
73 property under the lawful threat or exercise of eminent domain; the grant of an easement,
74 license, franchise or use agreement for utilities or other activities compatible with use
75 restrictions in place when the county acquired its interest; or the use of an inventoried
76 property for habitat restoration, flood control, low-impact public amenities or regionally
77 significant public facilities developed for purposes related to the conservation values of the
78 property, road or utility projects or emergency projects necessary to protect public health,
79 welfare or safety. This section shall not affect any contractual obligations entered into as
80 part of the county's acquisition of an interest in an inventoried property.

81 SECTION 2. The clerk of the council shall certify the proposition to the county
82 elections director, in substantially the following form, with such additions, deletions or
83 modifications as may be required by the prosecuting attorney:

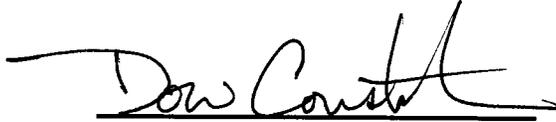
84 Shall the King County Charter be amended to add a new Section 897 that
85 provides enhanced protection for certain high conservation value county
86 properties that are designated by a supermajority vote of the council, by

87 prohibiting the county from conveying or relinquishing its interest in those
88 properties or authorizing their expanded use beyond what was permissible
89 when the county acquired them, except in specified circumstances?
90

Ordinance 16600 was introduced on 4/6/2009 and passed by the Metropolitan King County Council on 7/20/2009, by the following vote:

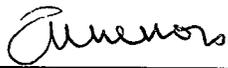
Yes: 9 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett, Mr. Phillips, Ms. Patterson and Mr. Dunn
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Dow Constantine, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 30th day of July, 2009.



Kurt Triplett, County Executive

Attachments None