



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 31, 2018

Ordinance 18774

Proposed No. 2018-0268.1

Sponsors Dembowski and Kohl-Welles

1 AN ORDINANCE concerning protecting conservation
2 lands in King County; adopting financial policies to
3 accelerate the protection of vital open spaces, including
4 urban green spaces, natural areas, wildlife and salmon
5 habitat, trails, river corridors, farmlands and forests in King
6 County; to address equity and social justice issues by
7 increasing the availability of open spaces in historically
8 under-served areas; and to address generational equity by
9 spreading costs of protecting vital open spaces over time;
10 amending Ordinance 8867, Section 1 and K.C.C.
11 26.12.010, Ordinance 13717, Section 1 and K.C.C.
12 26.12.003, as amended, and Ordinance 13717, Section 4
13 and K.C.C. 26.12.025 and adding a new section to K.C.C.
14 chapter 26.12.

15 STATEMENT OF FACTS:

16 1. Motion 14458 sets forth King County's policy to remain one of the
17 greenest metropolitan areas in the world by protecting and conserving land
18 and water resources that will enhance our quality of life, strengthen our
19 region's economy, enhance biodiversity, provide recreational opportunities

20 and promote sustainable forestry and farming and locally grown food.

21 2. Motion 14458 requested that the executive develop and transmit to the
22 council a work plan for implementing a preservation and conservation
23 program to identify, protect and conserve water and land resources,
24 including farmland and forest lands, ecological lands, river and stream
25 corridors, trail corridors and historic resources on farmlands. The motion
26 provided that the work plan should be developed through a collaborative
27 regional effort that engaged stakeholders, cities, tribes, nonprofit groups
28 and the public and that included information about the percentage of land
29 within the county that is currently designated to be within each of the
30 following: agricultural production districts; forest production districts;
31 and the farmland preservation program.

32 3. In March 2016, the executive transmitted the Land Conservation and
33 Preservation Work Plan to the council, consistent with Motion 14458.

34 4. The Land Conservation and Preservation Work Plan included criteria
35 for prioritizing conservation resources for protection, a budget estimate for
36 preserving and maintaining the properties, recommended funding
37 strategies, a proposal for outreach and education and a proposed timeline
38 for implementation.

39 5. The Land Conservation and Preservation Work Plan set forth the goal
40 of conserving and preserving remaining high-conservation-value lands
41 throughout King County within the next thirty years, both in
42 unincorporated areas and within cities. This includes approximately sixty-

43 five thousand acres of land in the following categories: urban green space;
44 natural areas; river corridors; forests; farmlands; and trails.

45 6. The department of natural resources and parks undertook a parcel-by-
46 parcel review of remaining open space lands and other conservation
47 opportunities in unincorporated King County to determine the most
48 important parcels to protect in perpetuity and also worked with all thirty-
49 nine cities to identify city conservation priorities within incorporated
50 areas.

51 7. The vision of the Land Conservation and Preservation Plan builds on
52 King County's long record of supporting programs to protect and enhance
53 the quality of life and livability of our region, including our air and water
54 quality, scenic beauty, fish and wildlife and our working forests and farms,
55 by preserving our natural ecosystems and creating more urban green
56 spaces as our cities and towns grow in population and densify.

57 8. Natural lands protect wildlife, provide clean air, enhance recreation
58 opportunities, improve water quality and promote climate resilience.

59 Farmlands promote sustainable local agriculture and a thriving agricultural
60 economy. Forests protect wildlife, provide recreation opportunities,
61 enhance water quality and promote a sustainable local timber industry.

62 Protected river corridors provide salmon habitat, flood protection,

63 recreation opportunities and promote the health of Puget Sound. Trail

64 corridors provide access to recreation opportunities, increase non-

65 motorized mobility and improve air quality. Urban green spaces enhance

66 livability and well-being, improve physical and mental health outcomes,
67 and build community and expand recreation opportunities.

68 9. For decades, King County has demonstrated leadership in protecting
69 natural lands. In 1968, King County voters approved the Forward Thrust
70 initiative, which provided funding to preserve four thousand acres of park
71 land as well as fifty-three miles of waterfront and riparian corridors.

72 10. In 1979, the voters approved the Farmland Preservation Initiative, and
73 in 1982, King County initiated its Conservation Futures program, which
74 has successfully protected more than one hundred thousand acres of
75 valuable resource lands and farmlands.

76 11. In 1989, King County voters approved the Open Space bond measure,
77 which provided funding for preserving high-conservation-value open
78 space land.

79 12. In 2003, 2007 and 2013, King County voters approved tax levies to
80 support parks, trails and open space, and provide funding to acquire and
81 develop trail corridors, as well as to preserve valuable open space, and
82 numerous cities, such as Seattle, Bellevue, Kenmore, Issaquah and others
83 have passed tax levies to support parks and preserve open space.

84 13. In 2009, the voters of King County approved a charter amendment,
85 known as the Open Space Protection Amendment, to enhance
86 conservation protections for key county-owned natural lands.

87 14. This long legacy of preserving natural lands has made King County
88 one of the most livable areas in the country and a sought-after place to

89 live, work and do business.

90 15. Protecting lands, including urban green spaces and forests and
91 farmlands promotes numerous determinants of equity, including health
92 and human services, food systems, parks and natural resources and
93 community economic development, which comprise the county's equity
94 and social justice initiative.

95 16. In September 2016, the executive convened the land conservation
96 advisory group to advise the council and the executive on ways to preserve
97 remaining conservation lands within a generation, including benefits and
98 challenges, a preferred timeline, and public and private funding options.

99 17. Former King County councilmember Larry Phillips and city of
100 Tukwila councilmember De'Sean Quinn served as co-chairs for the
101 advisory group, which was convened with twenty-seven county residents
102 with wide-ranging expertise, including professionals from environmental
103 organizations, local businesses, governments, real estate firms, investment
104 firms and philanthropists.

105 18. The advisory group engaged in two intense phases of work. Phase 1
106 consisted of nine meetings between September 2016 and January 2017.
107 Phase 2 consisted of six meetings between September 2017 and December
108 2017.

109 19. The meetings included presentations from subject matter experts,
110 including medical and environmental professionals who provided
111 information on the environmental benefits of preserving land, such as

112 improved air and water quality.

113 20. In January 2017, the advisory group completed and submitted a
114 comprehensive Phase 1 report to the executive and the council.

115 21. The Phase 1 report endorsed the county's goal to "finish the job of
116 protecting our great places forever." The Phase 1 report also developed
117 recommendations for further work, including: working with historically
118 underserved communities to identify the types of urban green spaces that
119 they value most in order to further equity and social justice goals; working
120 with cities to identify urban priority lands and trails; and working to
121 effectively communicate the broad range of environmental, human health,
122 community resilience and economic prosperity benefits that could result
123 from achieving the land conservation goals.

124 22. After reconvening in September 2017 and addressing the remaining
125 issues identified in the Phase 1 report, the advisory group issued its final
126 report in December 2017.

127 23. Recognizing that conservation lands may be lost forever once they are
128 developed, that the county's growing population needs more and better
129 access to urban greenspaces, and that land values are rising, the advisory
130 group recommended that the county pursue opportunities to accelerate the
131 pace of acquiring conservation lands.

132 24. The advisory group emphasized the critical importance of equity,
133 because land protection provides region-wide benefits, and benefits must
134 accrue to all residents. The advisory group emphasized the region's strong

135 history of protecting open space, but that disparities in access to open
136 space still exist and must be addressed.

137 25. The land conservation vision strives to maintain and sustain the
138 livability and ecological integrity of our region. It will take time to fully
139 implement and will require additional work over many years.

140 26. Certain strategies to accelerate the pace of acquisitions and address
141 equity issues can be implemented now, while steps for implementing the
142 full vision continue. Ongoing work includes community collaboration to
143 address open space equity issues, including potentially refining the criteria
144 for determining equity areas; work with the conservation futures citizen
145 oversight committee and cities on potential refinements to the funding
146 allocation process to help accelerate the pace of open space acquisitions;
147 work with cities to further identify their open space needs and priorities;
148 and further analysis of funding approaches.

149 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

152 A. In addition to and consistent with the provisions of this chapter and chapter
153 84.34 RCW, the following financial policies should guide the allocation of conservation
154 futures tax levy funds for acquiring property interests for land conservation. Key funding
155 goals include: accelerating the pace of acquisitions and thereby reducing their ultimate
156 cost, spreading costs to future taxpayers who will benefit from lands protected in
157 perpetuity, maximizing the use of available funds, prioritizing acquisitions in equity areas

158 and parcels that are at high risk of development, geographic equity over time, and
159 ensuring that sufficient reserves remain available to pursue emerging conservation
160 opportunities.

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

163 C. Issuing bonds can help accelerate the pace of acquisitions, lower the ultimate
164 cost of acquisitions, and spread the acquisition costs to include future taxpayers who will
165 also benefit from lands protected in perpetuity.

166 D. The pace of acquisitions should be accelerated by issuing bonds and allocating
167 as much as eighty percent of anticipated annual conservation futures tax levy funds for
168 debt service, consistent with sound financial principles. Factors for determining the
169 extent of bonding should include, land values, existing levels of bonding, progress in
170 accomplishing an accelerated rate of acquisitions, economic forecasts, bond covenants,
171 current and projected interest rates and other relevant factors.

172 E. The county should pursue additional means to accelerate the pace of
173 acquisitions, including partnering with nonprofit organizations and the private sector and
174 identifying additional public and private funding sources.

175 F. Conservation futures tax revenues should be used to protect parcels identified
176 by King County and cities as part of the 2018 Land Conservation Initiative and additional
177 parcels that have similar conservation attributes. If sufficient funds are not available to
178 complete the acquisition of all available property interests in a particular year, priority
179 should be given to protecting parcels in equity areas and parcels most at risk for
180 development.

181 G. Funds should remain available on an annual basis to pursue ongoing and
182 emerging opportunities to acquire conservation lands.

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

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

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

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

200 C.1. By July 15, the citizen oversight committee shall make project
201 recommendations and recommend funding allocations for each project to the executive,
202 including:

203 a. a description of each project including project location and acreage;

204 b. a report on how each project meets the county open space selection criteria,
205 contained in K.C.C. 26.12.025; and

206 c. the amount of funding requested in each project application; and

207 d. any additional relevant criteria of the jurisdiction in which the potential
208 acquisition is located.

209 2. The committee's recommendations are solely advisory and the executive
210 and/or the council may adopt, alter, add to or decline to adopt all or part of the
211 committee's recommendations in the budget process.

212 D. The executive's project and funding recommendation shall be included in the
213 annual proposed appropriation ordinance for the ensuing budget year.

214 E.1. Except as otherwise provided in subsection E. 2. and 3. of this section, any
215 application funded by this process shall be sponsored and forwarded by the jurisdiction in
216 which the project is located. Except for acquisitions of property interests in equity areas,
217 ~~((F))~~the jurisdiction shall commit to providing a matching contribution no less than the
218 amount of conservation futures tax levy funds appropriated for the project before
219 conservation futures tax levy funds are reimbursed to that jurisdiction. This contribution
220 may consist of cash, land trades with a valuation verified by an appraisal by a Member of
221 the Appraisal Institute (MAI) certified appraiser or the cash value, excluding King
222 County conservation futures contributions, of other open spaces acquired within the
223 previous two years that is either directly adjacent to the project or the county concludes to
224 be directly linked to the property under application.

225 2. A jurisdiction may make an application in partnership with one or more
226 jurisdictions if the proposed project lies wholly within the boundaries of those

227 jurisdictions, or if another reason for such a partnership is articulated within the
228 application, such as a trail connection, a community separator or coordinated salmon
229 habitat preservation. In such a partnership application, the relationship, roles and
230 responsibilities for acquisition, ownership, any matching contribution obligations and
231 future maintenance must be described. If a partnership application is funded by this
232 process, the jurisdictions shall be required to enter into an interlocal agreement with the
233 county formalizing the relationship, roles and responsibilities for acquisition, ownership,
234 any matching contribution obligations and future maintenance.

235 3. For an application by a citizen or citizen group (~~for a project in the city of~~
236 ~~Seattle~~), except for acquisitions of property interests in equity areas, the citizen or citizen
237 group shall commit to providing a matching contribution no less than the amount of
238 conservation futures tax levy funds appropriated for the project. This contribution may
239 consist of cash, (~~in-kind voluntary contributions or~~) land (~~donations~~) trades with a
240 valuation verified by an appraisal by a Member of the Appraisal Institute (MAI) certified
241 appraiser or the cash value, excluding King County conservation futures contributions, of
242 other open spaces acquired within the previous two years that is either directly adjacent to
243 the project or the county concludes to be directly linked to the property under application.
244 For a project based on an application by a citizen or citizen group, the funds shall be
245 reimbursed to the jurisdiction in which the project is located. If a citizen or citizen
246 group's application is funded by this process, the jurisdiction in which the project is
247 located shall be required to enter into an interlocal agreement with the county formalizing
248 the relationship, roles and responsibilities for acquisition, ownership, any matching
249 contribution obligations and future maintenance.

250 F. If the King County transfer of development program bank, as established by
251 K.C.C. chapter 21A.37, is awarded conservation futures levy funds in order to purchase
252 development rights and thereby preserve open space in accordance with purposes and
253 provisions of this chapter, the bank is authorized to sell those development rights and to
254 use the proceeds from that sale to acquire additional development rights, thereby
255 preserving additional open space lands in accordance with the terms and provisions of
256 this chapter. When transferrable development rights are purchased by the bank in
257 accordance with K.C.C. chapter 21A.37 using conservation futures tax levy funds
258 allocated to a project under K.C.C. 26.12.003.G., matching conservation futures tax fund
259 credit is allowed for funds generated from the subsequent sales of the transferrable
260 development rights, if the funds from those sales are used to purchase additional open
261 space that is identified as being within the scope of the original conservation futures tax
262 project.

263 G. Conservation futures tax levy funds shall be deposited in the conservation
264 futures fund for the purpose of administering, disbursing and accounting for conservation
265 futures tax levy funds authorized by King County. Conservation futures tax levy funds
266 shall be disbursed to projects previously approved by King County upon receipt and
267 verification by King County of properly completed requests for payment of the funds.
268 The office of performance, strategy and budget shall prescribe the form for the requests.
269 The disbursement requests shall be made only for capital project expenditures that
270 include all costs of acquiring real property, including interests in real property, and the
271 following costs, though it shall not include the cost of preparing applications for
272 conservation futures moneys: cost of related relocation of eligible occupants; cost of

273 appraisal; cost of appraisal review; cost of title insurance; closing costs; pro rata real
274 estate taxes; recording fees; compensating tax; hazardous waste substances reports;
275 directly related staff costs; and related legal and administrative costs. The city shall
276 transmit payment to its payees for current capital project costs within five days of the
277 receipt by the city of its requested conservation futures tax levy funds. The city shall
278 provide a list of authorized individuals to certify requests to King County. The city is
279 responsible for the accuracy of the payment requests and the propriety and timeliness of
280 its disbursements following receipt of conservation futures tax levy funds. Conservation
281 futures tax levy funds may not be used to acquire any property or interest therein through
282 the exercise of the power of eminent domain.

283 H. Projects carried out by a governmental agency in whole or part with
284 conservation futures tax levy funds shall not be transferred or conveyed except by
285 interlocal agreement providing that the land or interest in land shall be continued to be
286 used for the purposes of K.C.C. 26.12.005 through 26.12.025 and in strict conformance
287 with the uses authorized under RCW 84.34.230. Also, the land or interest in land shall
288 not be converted to a different use unless other equivalent lands within the geographic
289 jurisdiction of the governmental agency are received in exchange for the lands or interest
290 in lands. This section does not prevent the grant of easements or franchises or the
291 making of joint use agreements or other operations compatible with the use of a project
292 as provided for in this section and authorized under RCW 84.34.230.

293 SECTION 3. Ordinance 13717, Section 1 and K.C.C. 26.12.003, as amended, are
294 hereby amended to read as follows:

295 The definitions in this section apply throughout K.C.C. 26.12.003 through

296 26.12.035 unless the context clearly requires otherwise.

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

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

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

304 D. "Conservation futures fund" means the King County conservation futures fund
305 established under K.C.C. (~~4.08.085~~) 4A.200.210.

306 E. "Equity areas" means areas within King County that meet all three of the
307 specified criteria listed below, or areas where the project proponents or proponents can
308 demonstrate, and the citizen oversight committee determines, that residents living in the
309 area experience disproportionately limited access to public open spaces as well as
310 demonstrated hardships such as, but not limited to, chronic low incomes, persistent poor
311 health, or high rates of utilization of free and reduced price school meals. The three
312 specific criteria are: areas located in a census tract in which the median household
313 income is in the lowest one-third for median household income for census tracts in King
314 County; areas located in a census tract in which hospitalization rates for asthma,
315 diabetes, and heart disease are in the highest one-third for census tracts in King County;
316 and for areas within the Urban Growth Boundary, do not have a publicly owned and
317 accessible park within one-quarter mile of a residence, or for areas outside the Urban
318 Growth Boundary that do not have a publicly owned and accessible park within two

319 miles of a residence. The department of natural resources and parks shall identify and
320 update equity areas at least every five years.

321 F. "Governmental agency" and "agency" mean King County ((, the city of
322 Seattle)) or any ((suburban)) city within King County.

323 ~~((F.))~~ G. "Open space land" means the fee simple interest in open space land,
324 farm and agricultural land and timber land as those terms are defined in chapter 84.34
325 RCW, for public use or enjoyment, or any lesser interest in those lands, including
326 development rights, conservation futures, easement, covenant or other contractual right
327 necessary to protect, preserve, maintain, improve, restore, limit the future use of or
328 otherwise conserve the land.

329 ~~((G.))~~ H. "Project" means open space land to which King County conservation
330 futures tax levy funds are allocated for acquisition under the processes under K.C.C.
331 26.12.010.

332 ~~((H. "Suburban city" means each incorporated city or town in King County,
333 except the city of Seattle.))~~

334 SECTION 4. Ordinance 13717, Section 4 and K.C.C. 26.12.025 are hereby
335 amended to read as follows:

336 In making an annual allocation of conservation futures tax levy funds, the county
337 shall consider the following criteria: wildlife habitat or rare plant reserve; salmon habitat
338 and aquatic resources; scenic resources; community separator; historic or cultural
339 resources; urban passive-use natural area or greenbelt; park or open space system addition;
340 and transfer of development rights program implementation. Additional criteria may
341 include: passive recreation; education/interpretive opportunity; threat of loss of open space

342 resources; ownership complexity; partnerships; stewardship and maintenance; equity;
343 adopted financial policies; and any other criteria consistent with RCW 84.34.020.
344

Ordinance 18774 was introduced on 6/4/2018 and passed by the Metropolitan King County Council on 7/30/2018, by the following vote:

Yes: 8 - Mr. von Reichbauer, Mr. Gossett, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci
No: 1 - Ms. Lambert
Excused: 0



KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this 2 day of AUGUST, 2018.

Dow Constantine, County Executive

Attachments: None

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KING COUNTY COUNCIL