



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19647

Proposed No. 2023-0183.2

Sponsors Dembowski

1 AN ORDINANCE relating to the conservation futures
 2 program; and amending Ordinance 13717, Section 1, as
 3 amended, and K.C.C. 26.12.003 and Ordinance 8867,
 4 Section 1, as amended, and K.C.C. 26.12.010.

5 **STATEMENT OF FACTS:**

6 1. Adoption of Ordinance 18774 in 2018 set in motion King County's
 7 Land Conservation Initiative with the goal of protecting the last remaining
 8 high conservation value lands throughout King County within thirty years,
 9 while closing the gaps in equitable access, to support a high quality of life,
 10 livability, and regional economic strength.

11 2. For decades, King County has demonstrated leadership in protecting
 12 open space. In 1982, King County initiated its conservation futures tax
 13 levy program, which has successfully protected more than one hundred
 14 thousand acres of valuable forestlands, farmlands, open spaces, natural
 15 lands, and urban greenspaces.

16 3. This long legacy of open space conservation has made King County
 17 one of the most livable areas in the country and a sought-after place to
 18 live, work, and do business.

19 4. An advisory group of regional leaders helped shape the Land
 20 Conservation Initiative, providing a final report in December 2017. The

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21 report recommends, "[p]roceeding with a sense of urgency, as
22 development pressures continue to grow" and observes that the "...rapid
23 rate at which land prices rise emphasizes the need to move with urgency."
24 5. The advisory group recommended the county restore the conservation
25 futures rate to 6.25 cents per \$1,000 assessed value as set in state law.
26 6. In November 2022, King County voters approved Proposition 1 to
27 restore conservation futures to its statutory maximum to help sustain the
28 accelerated pace of land protection envisioned by the Land Conservation
29 Initiative. The resulting increase in conservation futures collections and
30 bonding represent approximately seventy-five percent of conservation
31 funding modeled in the Land Conservation Initiative.
32 7. K.C.C. 26.12.010.E, related to the conservation futures grant program,
33 requires a fifty percent match on all conservation futures funded
34 acquisitions, except for projects in opportunity areas. King County is one
35 of only three counties state-wide that require a fifty percent match for
36 conservation futures grants and program partners have long maintained
37 that the match requirement creates barriers for projects.
38 8. The revisions to K.C.C. chapter 26.12 to clarify policies and practices,
39 eliminate outdated sections of the code, implement tools to protect
40 acquired properties, and support more-efficient management of the
41 conservation futures grant program are necessary to improve the
42 effectiveness of the program and advance Land Conservation Initiative
43 goals.

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44 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

45 SECTION 1. Ordinance 13717, Section 1, as amended, and K.C.C. 26.12.003 are
46 hereby amended to read as follows:

47 The definitions in this section apply throughout K.C.C. 26.12.003 through
48 26.12.100 unless the context clearly requires otherwise.

49 A. "Advisory committee" means the conservation futures advisory committee,
50 established under K.C.C. 2.36.070.

51 B. "Agency" means King County or any city, town, or metropolitan park district
52 within King County.

53 C. "Annual allocation" means the allocation of conservation futures tax levy
54 proceeds collected in the ensuing budget year and other moneys deposited in the
55 conservation futures fund.

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

58 E. "Conservation futures tax levy proceeds" means moneys collected through the
59 tax levy upon all taxable property in King County authorized by RCW 84.34.230.

60 F. "Equity" means all people have full and equal access to opportunities that
61 enable them to attain their full potential.

62 G. "Nongovernmental organization" means any group of two or more persons
63 that is not an agency as defined by this chapter.

64 H. "Nonprofit organization" means nonprofit historic preservation corporation as
65 defined in RCW 64.04.130 or nonprofit nature conservancy corporation or association as
66 defined in RCW 84.34.250.

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67 I. "Open space land" means the fee simple interest in open space land, farm and
68 agricultural land, and (~~timber land~~) timberland, as those terms are defined in chapter
69 84.34 RCW, including urban greenspaces in dense urban environments, for public use or
70 enjoyment, or any lesser interest in those lands, including development rights,
71 conservation futures, easement, covenant, or other contractual right necessary to protect,
72 preserve, maintain, improve, restore, limit the future use of, or otherwise conserve the
73 land.

74 J. "Opportunity areas" means:

75 1. Areas within King County that:

76 a. are located in a census tract in which the median household income is in the
77 lowest one-third for median household income for census tracts in King County;

78 b. are located in a ZIP code in which hospitalization rates for asthma, diabetes,
79 and heart disease are in the highest one-third for ZIP codes in King County; and

80 c. are within the Urban Growth Boundary and do not have a publicly owned
81 and accessible park or open space within one-quarter mile of a residence, or are outside
82 the Urban Growth Boundary and do not have a publicly owned and accessible park or
83 open space within two miles of a residence; or

84 2. Areas where the project proponent or proponents can demonstrate, and the
85 advisory committee determines, that residents living in the area, or the populations the
86 project is intended to serve, disproportionately experience limited access to public open
87 spaces and experience demonstrated hardships including, but not limited to, low income,
88 poor health, and social and environmental factors that reflect a lack of one or more

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89 conditions for a fair and just society as defined as "determinants of equity" in K.C.C.
90 2.10.210.

91 K. "Project" means open space land to which conservation futures tax levy
92 proceeds are allocated for acquisition and other eligible costs under the processes under
93 K.C.C. 26.12.010.

94 L. "Reviewed appraisal" means a property appraisal performed within two years
95 of the application deadline set in K.C.C. 26.12.010.A. by an independent state-certified
96 real estate appraiser with a current general real estate appraiser license and reviewed by
97 an independent state-certified general real estate appraiser.

98 M. "Social justice" means all aspects of justice, including legal, political, and
99 economic, and requires the fair distribution of public goods, institutional resources, and
100 life opportunities for all people.

101 N. "Total project costs" means the total amount of eligible costs under K.C.C.
102 26.12.010 for a particular project, including the value of the matching contribution
103 provided by the applicant.

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

106 A process is hereby established for the annual allocation of the conservation
107 futures tax levy proceeds to acquire open space lands, including greenspaces, greenbelts,
108 wildlife habitat, and trail rights-of-way proposed for preservation for public use by either
109 agencies or nonprofit organizations within the county. Agencies, nonprofit organizations,
110 nongovernmental organizations, and individuals may make application for proceeds in
111 this allocation process. In accordance with chapter 84.34 RCW, only agencies and

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112 nonprofit organizations are eligible to receive conservation futures funding to acquire
113 property.

114 A. The department of natural resources and parks shall determine (~~(a date, no~~
115 ~~later than April 1, as a~~) the deadline for submission of applications for use of
116 conservation futures tax levy proceeds. At least one month before the application
117 submission deadline date, the department shall provide notice on the King County
118 website of the opportunity to apply to the county for a share of the annual allocation of
119 the conservation futures tax levy proceeds available for that year. The department shall
120 also provide notice by email to all agencies, nonprofit organizations, nongovernmental
121 organizations, and individuals anticipated to have potential interest in conservation
122 futures funding. The department shall maintain and update a list of parties anticipated to
123 be interested in conservation futures funding.

124 B. No later than March 1, the county council may adopt a motion that provides
125 direction to the advisory committee on priorities for evaluating the applications within the
126 open space criteria identified in K.C.C. 26.12.025.

127 C.1. (~~By July 15, +~~)The advisory committee shall make project recommendations
128 and recommend funding allocations for each project to the executive, including:

- 129 a. a description of each project including project location and acreage;
- 130 b. a report on how each project meets the county open space selection criteria,
131 contained in K.C.C. 26.12.025;
- 132 c. the amount of funding requested in each project application;
- 133 d. any additional relevant criteria of the jurisdiction in which the potential
134 acquisition is located; and

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135 e. a description of how projects contain a demonstrable regional visibility, use,
136 ecological, cultural, historical, or other natural resource significance.

137 2. The executive shall transmit the advisory committee's project and funding
138 recommendations for the following year to the council (~~((no later than July 31))~~). The report
139 shall be filed (~~((in the form of a paper original and an electronic copy))~~) electronically with
140 the clerk of the council, who will retain (~~((the original))~~) an electronic copy and provide an
141 electronic copy to all councilmembers, the council chief of staff, and the lead staff to the
142 mobility and environment committee or its successor.

143 3. The committee's recommendations are solely advisory and either the executive
144 (~~((and/))~~) or the council, or both, may adopt, alter, add to, or decline to adopt all or part of the
145 committee's recommendations in the budget process.

146 D. The executive's project and funding recommendation shall be transmitted with
147 the applicable appropriation ordinance.

148 E. Except for acquisitions of property interests in opportunity areas, the agency or
149 nonprofit organization receiving conservation futures tax levy proceeds shall commit to
150 providing a matching contribution no less than (~~((the amount of conservation futures tax~~
151 ~~levy proceeds appropriated for the project))~~) twenty-five percent of the total project costs,
152 and conservation futures shall represent no more than seventy-five percent of the total
153 project costs. The matching contribution shall be provided before conservation futures tax
154 levy proceeds are reimbursed to that agency or nonprofit organization. The contribution
155 may consist of cash, land match with a valuation verified by a reviewed appraisal or the
156 cash value, excluding King County conservation futures contributions, of other open spaces
157 acquired within the previous two years from the date of the submittal of the application by

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158 the agency or nonprofit organization. Properties considered as land match or cash value of
159 other open space acquisitions should be directly linked to the property under application.

160 F.1. If an application by an agency other than King County is funded by this
161 process, the agency shall enter into an interlocal agreement with the county.

162 2. If an application by a nonprofit organization is funded by this process, the
163 organization shall enter into an agreement with the county. Before a funding award is paid
164 to a nonprofit organization, the organization shall obtain a letter of intent from an agency or
165 a separate nonprofit organization that indicates that if in the future the acquiring
166 organization ceases to exist, the agency or the separate organization is willing to be
167 identified on title to the acquired property as an owner. If the property is in the
168 unincorporated area and the nonprofit organization seeks an agency letter, the organization
169 shall request the letter from the King County department of natural resources and parks, or
170 a metropolitan park district within the boundaries of which the property is located. If the
171 property is in an incorporated area and the nonprofit organization seeks an agency letter,
172 the organization shall request the letter from the agency of the jurisdiction in which the
173 project is located, or a metropolitan park district within the boundaries of which the
174 property is located. If the property is in an incorporated area, in the event that the
175 legislative body of the agency of the incorporated area or the park district indicates in
176 writing or through a formal vote that it is not willing to provide the letter, the nonprofit
177 organization may request a letter from King County. For any acquisition by a nonprofit
178 organization, King County shall ensure a restriction is recorded on the chain of title to
179 preserve the conservation values of the property in perpetuity.

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180 3. If an application by a nongovernmental organization or individual is funded by
181 this process, the award shall be made either to a nonprofit organization or an agency.
182 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
183 an award to a nonprofit organization.

184 G. If the King County transfer of development rights program bank, as established
185 by K.C.C. chapter 21A.37, is awarded conservation futures levy proceeds in order to
186 purchase development rights and thereby preserve open space in accordance with purposes
187 and provisions of this chapter, the bank is authorized to sell those development rights and
188 to use the proceeds from that sale to acquire additional development rights, thereby
189 preserving additional open space lands in accordance with the terms and provisions of this
190 chapter. When transferrable development rights are purchased by the bank in accordance
191 with K.C.C. chapter 21A.37 using conservation futures tax levy proceeds allocated to a
192 project under K.C.C. 26.12.003.I., and there are subsequent sales of the transferable
193 development rights, the bank may use sale proceeds as a match to new projects.

194 H. Conservation futures tax levy proceeds shall be deposited in the conservation
195 futures fund for the purpose of administering, disbursing, and accounting for conservation
196 futures tax levy proceeds authorized by King County. Conservation futures tax levy
197 proceeds shall be disbursed to projects previously approved by King County upon receipt
198 and verification by King County of properly completed requests for payment of the
199 proceeds. The office of performance, strategy and budget shall prescribe the form for the
200 requests. The disbursement requests shall be made only for capital project expenditures
201 that include all costs of acquiring real property, including interests in real property, and the
202 following costs, though it shall not include the cost of preparing grant applications for

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203 ~~conservation futures moneys: ((cost of related relocation of eligible occupants; cost of~~
204 ~~appraisal; cost of appraisal review; cost of title insurance; closing costs; pro rata real~~
205 ~~estate taxes; recording fees; compensating tax; hazardous waste substances reports;~~
206 ~~directly related staff costs; and related legal and administrative costs)) related relocation~~
207 ~~of eligible occupants; appraisal; appraisal review; title insurance; closing costs; pro rata~~
208 ~~real estate taxes; compensating tax; recording fees; environmental due diligence; survey;~~
209 ~~boundary line adjustment; and directly related staff, legal, and administrative costs.~~
210 Requests may also include costs for initial site stabilization activities associated with
211 acquisition, which are limited to signage, fencing, or demolition of structures necessary
212 to secure real property interests acquired with conservation futures tax levy proceeds for
213 public safety or resource protection purposes. Approved disbursements for site
214 stabilization activities shall not exceed in any particular year twenty-five percent of the
215 conservation futures tax levy moneys raised in the preceding year and shall not be used to
216 supplant existing funding. The department shall annually review and determine the
217 maximum allowable per-parcel award for site stabilization, taking inflation into
218 consideration. The agency or nonprofit organization shall have the property valued by a
219 reviewed appraisal, except in situations where the department of natural resources and
220 parks determines that an appraisal is unnecessary because the process for valuing the
221 property is established by statute, code, or regulation. The agency or nonprofit
222 organization is responsible for the accuracy of the payment requests and the propriety and
223 timeliness of its disbursements following receipt of conservation futures tax levy proceeds.
224 Conservation futures tax levy proceeds may not be used to acquire any property or interest
225 therein through the exercise of the power of eminent domain.

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226 I. Projects carried out in whole or part with conservation futures tax levy proceeds
227 shall not be transferred or conveyed except to an agency or nonprofit organization by
228 written agreement providing that the land or interest in land shall be continued to be used
229 for the purposes of K.C.C. chapter 26.12 and in strict conformance with the uses authorized
230 under chapter 84.34 RCW. The land or interest in land shall not be converted to a different
231 use unless other equivalent lands within King County are received in exchange for the
232 lands or interest in lands, or cash reimbursement is made, or a combination of land and
233 cash reimbursement is provided. The land shall be valued in its changed status or use, and
234 not based upon its value as open space, and the replacement land or payment amount must
235 be acceptable to King County. Before the conversion of conservation futures land to
236 another use, the department of natural resources and parks shall provide written notification
237 to the council. If the proposal is to convert one-half acre or more of conservation futures
238 land, or if the conservation futures land to be converted is valued at more than fifty
239 thousand dollars, and the proposal is either for a cash reimbursement or for proposed
240 equivalent lands that are not within the same jurisdiction as the conservation futures land
241 proposed to be converted to another use, the executive shall, at least sixty days before
242 taking action on the proposal, submit the written notification to the council. Unless the
243 council passes a motion rejecting the proposal within sixty days of receiving the
244 notification, the executive may proceed with the proposal. The sixty-day waiting period
245 shall not apply when the conservation futures land proposed to be converted, as well as the
246 proposed equivalent lands, are within the same trail corridor or part of the same contiguous
247 open space area.

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248 J. The written notification required by this section shall include, but not be limited
249 to, the acreage and specific location of both the conservation futures land proposed to be
250 converted and the proposed equivalent lands, if any, the reason for the conversion of land
251 and, if cash reimbursement is proposed, a copy of the appraisal for the conservation futures
252 land to be converted and the amount of the cash reimbursement proposed. The notification
253 shall be filed ~~((in the form of a paper original and an electronic copy))~~ electronically with
254 the clerk of the council, who will retain ~~((the original))~~ an electronic copy and provide an
255 electronic copy to all councilmembers, the council chief of staff, and the lead staff to the
256 mobility and environment committee or its successor. Information on conversions of
257 properties to another use, including a description of the proposed replacement land or
258 payment amount, shall be included with the advisory committee's project progress
259 reporting to council as provided in K.C.C. 26.12.035.B. This section does not prevent the
260 grant of easements or franchises or the making of joint use agreements or other operations
261 compatible with the use of a project as provided for in this section and authorized under
262 chapter 84.34 RCW.

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- 263 K. The department of natural resources and parks shall identify and update
264 opportunity areas as defined by K.C.C. 26.12.003.J.1. at least every three years.

Ordinance 19647 was introduced on 5/16/2023 and passed by the Metropolitan King County Council on 7/11/2023, by the following vote:


Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

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E76CE01F07B14EF...
Dave Upthegrove, Chair

ATTEST:

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8DE1BB375AD3422...
Melani Pedroza, Clerk of the Council

APPROVED this _____ day of 7/20/2023, _____.

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4FBCAB8196AE4C6...
Dow Constantine, County Executive

Attachments: None

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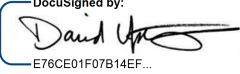
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Dave Upthegrove
dave.upthegrove@kingcounty.gov
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Melani Pedroza
melani.pedroza@kingcounty.gov
Clerk of the Council
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Dow Constantine
Dow.Constantine@kingcounty.gov
King County Executive
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Signing Complete	Security Checked	7/20/2023 1:52:48 PM
Completed	Security Checked	7/20/2023 1:52:49 PM

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- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify King County-Department of 02 as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by King County-Department of 02 during the course of your relationship with King County-Department of 02.