



Legislation Text

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Clerk 07/02/2009

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. King County has acquired interests in open space properties in the form of fee simple ownership, conservation easements and development rights. The county has done so using funds from various funding sources, including conservation futures taxes, Forward Thrust, real estate excise taxes, surface water management fees, the river improvement fund, the salmon recovery funding board, the interagency committee for outdoor recreation, voter-approved open space bond funds and state and federal conservation-oriented grants.

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

vistas for current and future generations of King County residents.

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

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

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

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

Section 897. High Conservation Value Properties.

The county council may, by a minimum of seven affirmative votes, adopt an ordinance establishing an inventory of those high conservation value properties that are to be preserved under the terms of this section. Such an ordinance may be adopted before, on, or after the effective date of this section. The inventory shall include only properties in which the county has a real property interest. The inventory may not be modified by the addition or removal of a property except by an ordinance adopted by a minimum of seven affirmative votes and including specific findings of fact supporting the modification. An ordinance removing a property from the inventory shall include findings of fact that one or more of the following factors exist: (1) the property no longer provides the open space values initially contemplated, for specific reasons set forth in the ordinance; (2)

maintaining the property in public ownership is no longer practical, for specific reasons set forth in the ordinance; or (3) open space values will be enhanced by substituting the property interest for another property interest. At least twenty-eight days after the introduction of a proposed ordinance modifying the inventory, except an emergency ordinance, and prior to its adoption, the county council shall hold a public hearing after due notice to consider the proposed ordinance. Before the county council adopts an ordinance modifying the inventory, the chair or other designee of the county council shall make a reasonable effort to consult with the county executive about the modification. Seven affirmative votes are required to override the veto of an ordinance establishing or modifying the inventory following the effective date of this section.

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

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

Shall the King County Charter be amended to add a new Section 897 that provides enhanced protection for certain high conservation value county properties that are designated by a supermajority vote of the council, by prohibiting the county from conveying or relinquishing its interest in those properties or authorizing their expanded use beyond what was permissible when the county acquired them, except in specified circumstances?

none