



Legislation Text

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AN ORDINANCE authorizing annual funding allocation procedures for conservation futures funds; creating the conservation futures fund; making technical corrections to first tier fund titles and numbers; and amending Ordinance 13717, Section 1, and K.C.C. 26.12.003, Ordinance 8867, Section 1, as amended, and K.C.C. 26.12.010 and Ordinance 12076, Section 9, as amended, and K.C.C. 4.08.015, adding a new section to K.C.C. chapter 2.36, adding a new section to K.C.C. chapter 4.08 and adding a new section to K.C.C. chapter 26.12.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

For the purposes of meeting King County's adopted planning policies pursuant to the state of Washington Growth Management Act, the King County council makes the following findings:

A. There continues to exist in King County a need to provide a system of public open spaces necessary for the health, welfare, benefit and safety of the residents of King County and to maintain King county as a desirable place to live, visit and locate businesses.

B. King County's open space resources continue to diminish due to dramatic growth in this region, with an expected gain in new residents of over two hundred thousand people by the year 2020. Unless necessary property interests in such open space resources are acquired, important open space resources are highly likely to be developed and lost forever.

C. For the purposes of meeting the requirements of the state of Washington Growth Management Act,

as specified under RCW 36.70A.210, King County has established a countywide framework to develop comprehensive plans under Ordinance 10450, including policies requiring incorporated jurisdictions to work together to identify, protect and acquire King County's diminishing open space resources and establish a regional open space system.

D. Conservation futures tax levy funds, authorized under RCW 84.34.230 are an important means of retaining community character and accomplishing open space policies and objectives of Ordinance 10450 and RCW 84.34.200.

E. King County is authorized by RCW 84.34.210 and 84.34.220 to acquire open space, farm and agricultural lands and timber lands, as defined in RCW 84.34.020.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 2.36 a new section to read as follows:

Citizen oversight committee.

A. The citizen oversight committee is hereby established as an advisory body to carry out the duties prescribed for the committee in K.C.C. chapter 26.12.

B. The committee shall include an individual who resides in each King County council district and three additional at-large members. The committee shall be appointed by the executive and confirmed by the council. The committee shall elect a chair from its members. The executive shall solicit nominations from the King County council, from the city of Seattle and from suburban cities within King County and shall seek representation of a broad spectrum of interests and expertise, including, but not limited to, local conservation and passive recreation, science and ecology, conservation land stewardship, business and education.

C. Once established, the terms of the members and chair shall be four years and shall be rotated such that eight of the seats become available for appointment every two years. Committee appointments and operations are subject to K.C.C. Title 3, including code of ethics and civil rights provisions.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 4.08 a new section to read as

follows:

Conservation futures fund. There is hereby created the conservation futures fund, which shall be used for the purposes of K.C.C. chapter 26.12. The fund is a first tier fund as defined in K.C.C. 4.08.005. The department of natural resources and parks shall be the fund manager. All conservation futures tax levy funds shall be deposited in the fund. The definitions in K.C.C. 26.12.003 apply to this section.

SECTION 4. Ordinance 13717, Section 1, and K.C.C. 26.12.003 are each hereby amended to read as follows:

Definitions - K.C.C. 26.12.003 through ~~((26.12.010))~~ 26.12.030 and section 6 of this ordinance. The definitions in this section apply throughout ~~((this section and K.C.C. 26.12.020 – 26.12.005 as recodified by Ordinance 13717 and 26.12.010))~~ K.C.C. 26.12.003 through 26.12.030 and section 6 of this ordinance unless the context clearly requires otherwise.

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

B. ~~((("Annual collection period" means the calendar year in which conservation futures tax levy funds are collected, which is the year preceding their expenditure.~~

C.) ~~((("Conservation futures e))~~ Citizen oversight committee means the ~~((King County conservation futures))~~ citizen(s) oversight committee, established under ((K.C.C. 26.12.010)) section 2 of this ordinance.

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

~~((E.))~~ D. "Conservation futures fund" means the King County conservation futures fund established under ~~((K.C.C. 26.12.010))~~ section 3 of this ordinance.

~~((F.))~~ E. "Governmental agency" and "agency" mean King County, the city of Seattle ~~((and))~~ or any ((~~incorporated))~~ suburban city ((jurisdiction within the county)).

~~((G. Interlocal agreement" means the agreement provided for in Ordinance 13717 to be entered into~~

~~between King County and each other governmental agency.~~

H.) F. "Open space land" means the fee simple ~~((or any lesser interest, development right including conservation futures, easement, covenant or other contractual right necessary to protect, preserve, maintain, improve, restore, limit the future use of or otherwise conserve, selected))~~ 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.

~~((I.))~~ G. "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.

~~((J. "Seattle" means the city of Seattle, Washington.~~

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

SECTION 5. Ordinance 8867, Section.1, as amended, and K.C.C. 26.12.010 are each hereby amended to read as follows:

Conservation futures fund - ((A))allocation of conservation futures tax levy funds.

A process is hereby established for the annual allocation ~~((commencing January 1, 2000))~~ of the conservation futures tax levy funds, ~~((except as provided in Ordinance 10750 establishing the regional conservation futures 1993 bond acquisition program))~~ to acquire ~~((fee simple or development rights in))~~ 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 ~~((government, incorporated city governments)),~~ cities within the ~~((King C))~~ county, citizen groups and citizens may make application for funds in this allocation process.

A. The county executive shall determine a ~~((n application submission))~~ date, no later than ~~((March))~~

April 1, ((following an annual collection period)) as a deadline for submission of applications for use of conservation futures tax levy funds. At least one month ~~((prior to))~~ 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 in ~~((a daily))~~ the official county newspaper ((of general county circulation)).

B. No later than March ~~((30 following an annual collection period))~~ 1, the county council may~~((, at its discretion,))~~ adopt a motion that provides direction to the citizen oversight committee~~((, identified in Ordinance 13717,))~~ on priorities for evaluating ~~((such))~~ the applications within the open space criteria identified in ~~((Ordinance 13717))~~ K.C.C. 27.02.025.

C.1. By ~~((June 1 following an annual collection period))~~ July 15, the citizen oversight committee~~((, identified in Ordinance 13717,))~~ shall make ~~((application funding))~~ 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. ~~((By August 1, the executive shall transmit to the council the citizen oversight committee's recommendation, the executive's recommendation, and a report on the compliance of all applications submitted for funding with the county open space selection criteria, contained in Ordinance 13717 and any additional relevant criteria of the jurisdiction in which the potential acquisition is located)).~~ The executive's ~~((transmittal shall))~~ project and funding recommendation shall be ((accompanied by a)) included in the annual proposed

appropriation ordinance for the ensuing budget year.

~~((D. The citizen oversight committee shall include an individual from each King County council district and up to three additional at-large members. The committee shall be appointed by the executive and confirmed by the council. The committee shall elect a chair from its members. The executive shall solicit nominations from the King County Council, the city of Seattle and from suburban cities and shall seek representation of a broad spectrum of interests and expertise, including but not limited to local conservation and passive recreation, science and ecology, conservation land stewardship, business and education. Once established, the terms of the members and chair shall be four years and shall be rotated such that eight of the seats become available for appointment every two years beginning in 2002. Committee appointments and operations are subject to K.C.C. Title 3, including code of ethics and civil rights provisions.~~

~~E. Prior to final council action on the annual allocation of the conservation futures fund, a public hearing will be held on the submitted applications.~~

~~F.)) E.1. Except as otherwise provided in subsection E. 2 and 3 of this section, ((A))any application funded by this process shall be sponsored and forwarded by the jurisdiction in which the project is located. The jurisdiction ~~((will))~~ shall commit to providing a matching contribution no less than the amount of conservation futures tax levy funds ~~((awarded to))~~ 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. ~~((When a project nominated by a citizen or citizen group is located within an incorporated city or in unincorporated King County and is recommended for acquisition by the citizen oversight committee, the applicant is required to demonstrate in the application for conservation futures tax funds a commitment by the jurisdiction in which the project is located to contribute within two years of application the required share for~~~~

the project.

~~G. A five hundred thousand dollar balance will be reserved at the beginning of each year to be used at the discretion of the council during the annual county budget process to fund parcels that satisfy the county open space selection criteria in Ordinance 13717. Beginning with the 2001 county budget process and on an annual basis thereafter, five percent of the total conservation futures fund revenues, net of debt service and contracted encumbrances, shall be added to the five hundred thousand dollar balance.~~

H.) 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, 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, matching contribution obligations and future maintenance.

3. For an application by a citizen or citizen group for a project in the city of Seattle, 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, in-kind voluntary contributions or land donations 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, matching contribution obligations and future maintenance.

F. Conservation futures tax levy ~~((collections))~~ funds shall be deposited in the ~~((King County))~~ conservation futures fund~~((s))~~ for the purpose of administering, disbursing and accounting for conservation futures tax levy funds authorized by King County. Conservation futures tax levy funds ~~((will))~~ 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 ~~((O))~~office of ~~((Financial M))~~management 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: ~~((the))~~ cost of related relocation of eligible occupants~~((s))~~; cost of appraisal~~((s))~~; cost of appraisal review~~((s))~~; cost of title insurance~~((s))~~; closing costs~~((s))~~; pro rata real estate taxes~~((s))~~; recording fees~~((s))~~; compensating tax ~~((s))~~; hazardous waste substances reports~~((s))~~; directly related staff costs~~((s))~~; and related legal and administrative costs~~((, but shall not include the cost of preparing applications for conservation futures funds))~~. 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.

~~((I. If there are unexpended project allocations, including but not limited to project completion at less than estimated cost or abandonment of projects, the affected governmental agency shall notify King County, which may reallocate the unexpended fund proceeds to an approved project scope change or to another approved project.~~

~~J.))~~ G. 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 ~~((this ordinance))~~ 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.

NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 26.12 a new section to read as follows:

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. 4.04.020;
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.

SECTION 7. Ordinance 12076, Section 9, as amended, and K.C.C. 4.08.015 are each hereby amended to read as follows:

First tier funds and designated fund managers.

A. First tier funds and fund managers are as follows:

B. The following shall also be first tier funds:

1. All funds now or hereafter established by ordinance for capital construction through specific road improvement districts, utility local improvement districts or local improvement districts. The director of the department of transportation shall be the fund manager for transportation-related funds. The director of the department of natural resources and parks shall be the fund manager for utility-related funds.

2. All county funds that receive original proceeds of borrowings made under Chapter 216, Washington Laws of 1982, as now existing or hereafter amended, to the extent of the amounts then outstanding for the borrowings for that fund. For purposes of this subsection, the director of the county department or office primarily responsible for expenditures from that fund shall be the fund manager.

3. Any other fund as the council may hereinafter prescribe by ordinance to be invested for its own benefit. County funds shall be treated as provided in K.C.C. 4.10.110 unless a designation is made by the council.