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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 03-056

RELATING TO THE CONSERVATION FUTURES PROPERTY TAX,
REENACTING AND AMENDING SNOHOMISH COUNTY CODE CHAPTER 4.14

WHEREAS, the Snohomish County Council adopted Ordinance No. 88-097 on November 21, 1988, which enacted Snohomish County Code Chapter 4.14, establishing a property tax levy to acquire interest or rights in real property for the preservation of open space land, farm and agricultural land, and timber land as authorized by RCW 84.34.230; and

WHEREAS, Ordinance No. 88-097 also established a special fund, as provided for under RCW 84.34.240, known as the conservation futures fund for the deposit of taxes levied pursuant to SCC 4.14; and

WHEREAS, Amended Ordinance No. 89-107 established SCC 4.14.110, which contains a repealer clause; and

WHEREAS, Amended Ordinance 97-045 amended SCC 4.14.110 to extend the repeal date to June 1, 2003 unless reenacted prior to that date; and

WHEREAS, Amended Ordinance 97-045 obligated the conservation futures real property tax levy for repayment of the 1997 Limited Tax General Obligation Bond; and

WHEREAS, the County Council, having considered recommendations of the county executive and general public, concludes that SCC 4.14 should be reenacted.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 4.14.010, adopted by Ordinance No. 88-097 on November 21, 1988, is reenacted to read:

4.14.010 Purpose. It is hereby declared to be in the public interest and to be a county purpose to adopt and impose a property tax levy as authorized by RCW 84.34.230 and to create a special fund to which all such levy proceeds shall be credited. The purpose of the fund so created is to acquire interests or rights in real property for the preservation of open space land, farm and agricultural land and timberland.

Section 2. Snohomish County Code Section 4.14.020, adopted by Ordinance No. 88-097 on November 21, 1988, is reenacted to read:

4.14.020 Real property tax levy imposed. Pursuant to RCW 84.34.230, there is hereby imposed a real property tax levy to be applied against all taxable real property within Snohomish county. The levy shall be applied at a rate of six and one-quarter cents per thousand dollars of assessed valuation.

Section 3. Snohomish County Code Section 4.14.030, adopted by Ordinance No. 88-097 on November 21, 1988, is reenacted to read:

4.14.030 Fund established. A special fund is hereby established, as provided for under RCW 84.34.240, which shall be known as the conservation futures fund and to which shall be credited all taxes levied pursuant to this chapter.

Section 4. Snohomish County Code Section 4.14.040, adopted by Ordinance No. 88-097 on November 21, 1988, is reenacted to read:

4.14.040 Use of fund. Amounts placed in the conservation futures fund shall be used solely to acquire rights and interests in open space land, farm and agricultural land, and timberland, as such are defined in chapter 84.34 RCW so as to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve the property for public use or enjoyment. Until withdrawn for such use, the monies accumulated in the fund may be invested in interest bearing securities by the fund manager designated pursuant to SCC 4.14.050 in any manner authorized by law.

Section 5. Snohomish County Code Section 4.14.050, adopted by Ordinance No. 88-097 on November 21, 1988, is reenacted to read:

4.14.050 Fund manager. The county executive shall designate a fund manager, whose name and title shall appear on the master list of fund managers maintained in the department of budget and finance.

Section 6. Snohomish County Code Section 4.14.060, adopted by Ordinance No. 88-097 on November 21, 1988, is reenacted to read:

4.14.060 Severability. If any provision of this chapter or its application to any person or circumstance are to be held invalid, the remainder of this chapter or any provision to other persons or circumstances is not affected.

Section 7. Snohomish County Code Section 4.14.070, adopted by Ordinance No. 88-097 on November 21, 1988, is reenacted to read:

4.14.070 Effective date of tax levy. The tax levy adopted herein shall be effective on the first day of January, 1989.

Section 8. Snohomish County Code Section 4.14.080, adopted by Ordinance No. 89-107 on September 20, 1989, is reenacted to read:

4.14.080 Establishment of a conservation futures program advisory board. A conservation futures program advisory board is hereby established to implement Ordinance No. 88-097. The board shall make annual recommendations to the council for projects to be funded as part of the conservation futures program and shall develop strategic, long-term plans for the program. The conservation futures program advisory board shall consist of the Snohomish county executive (or his designee); two members of the Snohomish county council; one elected official selected by all cities and towns whose population base, independently, is 10,000 or greater; one elected official selected by all cities and towns whose population base, independently, is less than 10,000; and two members representing residents of Snohomish county. Terms of board members shall be limited to four years. A member shall serve a maximum of three consecutive terms. The two community representative appointments shall be made pursuant to chapter 2.03 SCC, and should represent different geographic areas of the county. Recommendations from the board shall be forwarded to the county executive for transmittal to the county council for final action.

Section 9. Snohomish County Code Section 4.14.090, adopted by Ordinance No. 89-107 on September 20, 1989, and amended by Ordinance No. 93-066 on August 18, 1993 and Ordinance No. 95-004 on February 15, 1995, is reenacted to read:

4.14.090 Establishment of a technical advisory committee. A technical advisory committee is hereby established to assist the conservation futures program advisory board. The committee shall review project proposals on such issues as technical merit, financial feasibility and extent of benefit. The committee shall consider elements found in the fund allocation criteria for use as an aid in recommending annual individual programs. The committee shall also develop an early action strategy for prioritizing proposals for allocation of the conservation futures funds to resolve issues such as whether the funds should be used to leverage additional monies available from other sources and whether funds should be allocated for projects on a county-wide or district by district basis. A recommendation to the board on the early action strategy shall be the first item of business for the committee. The recommendation shall be provided to the board by March 1, 1990.

The technical advisory committee shall consist of one representative from the Snohomish county department of planning and development services; one representative from the parks division of the department of parks and recreation; one representative from the county department of budget and finance; one representative from the Snohomish county planning commission; one representative from the Snohomish county parks board; one representative from a parks/planning and development services of a city or town whose population base is 10,000 or greater; and one representative from a parks/planning and development services of a city or town whose population base is less than 10,000. Terms of committee members shall be limited to four years.

Section 10. Snohomish County Code Section 4.14.100, adopted by Amended Ordinance No. 89-107 on September 20, 1989, is reenacted to read:

4.14.100 Prioritization of Projects.

(1) The conservation futures program advisory board shall use the fund allocation criteria set forth in subsection (2) below as a preliminary threshold in making its recommendation for funding for proposed projects. Such criteria may be used by the board in conjunction with other considerations developed to help prioritize proposed projects for submittal to the council for approval.

(2) Fund Allocation Criteria. To identify and select projects for acquisition by the county, each proposal shall be evaluated to determine whether it:

- (a) Has regional or community-wide significance;
- (b) Provides multi-jurisdictional benefit;
- (c) Enhances or complements an ongoing conservation or preservation program;
- (d) Conserves opportunities which are otherwise threatened by development;
- (e) Comprises a portion of a continuum of projects which collectively implement a complete project or objective;
- (f) Complies with one or more open space program policies and criteria;

(g) Comprises an entire project;

(h) Establishes a trial corridor and/or natural area linkage.

Section 11. Snohomish County Code Section 4.14.110, adopted by Amended Ordinance No. 89-107 on September 20, 1989, and amended by Ordinance No. 94-004 on September 28, 1994 and Amended Ordinance No. 97-045 on May 21, 1997, is repealed.

PASSED this 2nd day of July, 2003

ATTEST:

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Barbara Aikowitz
Clerk of the Council, *Asst.*

Garrett Wilson
Chairperson

- APPROVED
 EMERGENCY
 VETOED

DATE: 7/7/03

ATTEST:

Pamela S. Sandoz

Will [Signature]
County Executive

Approved as to form only:

God W. [Signature] 5/1/03
Deputy Prosecuting Attorney

PUBLISH _____ AND _____

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