

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 10-105

RELATING TO THE CONSERVATION FUTURES PROPERTY TAX, REVISING
AND CLARIFYING PERMISSIBLE USES OF TAX REVENUES, MAKING
TECHNICAL CORRECTIONS, ELIMINATING A TECHNICAL ADVISORY
COMMITTEE, AMENDING SCC 4.14.010, 4.14.020, 4.14.040, 4.14.080, AND
4.14.100, AND REPEALING SCC 4.14.090

WHEREAS, in 1988 by enacting Chapter 4.14 SCC the County Council established a property tax levy for acquiring interests 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 created the Conservation Futures Fund for depositing tax revenues; and

WHEREAS, in 2003 the Council reenacted most of Chapter 4.14 SCC; and

WHEREAS, the state legislature amended RCW 85.34.230 to authorize certain additional uses and impose procedural and other limitations; and

WHEREAS, this ordinance is necessary to revise and clarify county requirements and assure consistency with state law;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 4.14.010, reenacted by Ordinance No. 03-056 on July 2, 2003, is amended 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 timber land, and to maintain and operate any property acquired with resources of the fund.

Section 2. Snohomish County Code Section 4.14.020, reenacted by Ordinance No. 03-056 on July 2, 2003, is amended to read:

4.14.020 Real property tax levy imposed.

1 Pursuant to RCW 84.34.230, there is hereby imposed a real property tax
2 levy to be applied against all taxable real property within Snohomish County.
3 The levy shall be applied pursuant to RCW 84.52.010 at a rate of up to six and
4 one-quarter cents per thousand dollars of assessed valuation.
5

6 Section 3. Snohomish County Code Section 4.14.040, reenacted by Ordinance
7 No. 03-056 on July 2, 2003, is amended to read:
8

9 **4.14.040 Use of Fund.**

10 (1) Amounts placed in the conservation futures fund shall be used solely
11 to acquire rights and interests in open space land, farm and agricultural land, and
12 timberland, as such are defined in chapter 84.34 RCW, so as to protect,
13 preserve, maintain, improve, restore, limit the future use of, or otherwise
14 conserve the property for public use or enjoyment, and for maintaining and
15 operating any property acquired with these funds. Until withdrawn for such use,
16 the monies accumulated in the fund may be invested in interest bearing
17 securities by the fund manager designated pursuant to SCC 4.14.050 in any
18 manner authorized by law.

19 (2) Any rights or interest in real property acquired under this section after
20 July 24, 2005, must be located within the county. The amount of revenue used
21 for maintenance and operations of parks and recreational land may not exceed
22 15 percent of the total amount collected under this chapter in the preceding
23 calendar year. Revenues from this tax may not be used to supplant existing
24 maintenance and operation funding.
25

26 Section 4. Snohomish County Code Section 4.14.080, last amended by
27 Ordinance No. 06-028 on May 31, 2006, is amended to read:
28

29 **4.14.080 Establishment of a conservation futures program advisory board.**

30 (1) A conservation futures program advisory board is hereby established
31 to implement Ordinance No. 88-097. The board shall make ~~((annual))~~
32 recommendations to the council for acquisition projects to be funded as part of
33 the conservation futures program and shall develop strategic, long-term plans for
34 the program; provided, however, that:

35 (a) recommendations concerning use of the conservation futures fund to
36 purchase certified development rights pursuant to SCC 30.35A.130 shall be
37 made solely by the TDR advisory committee pursuant to SCC 30.35A.140; and

38 (b) that recommendations concerning the use of conservation futures
39 funds to purchase conservation easements under the Purchase of Development
40 Rights (PDR) program shall be made solely by the director of the Department of
41 Planning and Development Services, or his or her designee, consistent with
42 administrative rules adopted pursuant to SCC 4.14.100.

43 (2) The conservation futures program advisory board shall consist of the
44 Snohomish County executive (or his designee); two members of the Snohomish

1 County council; one elected official selected by all cities and towns whose
2 population base, independently, is 10,000 or greater; one elected official selected
3 by all cities and towns whose population base, independently, is less than
4 10,000; and two members representing residents of Snohomish County. Terms
5 of board members shall be limited to four years. A member shall serve a
6 maximum of three consecutive terms. The two community representative
7 appointments shall be made pursuant to chapter 2.03 SCC, and should represent
8 different geographic areas of the county.

9 (3) Recommendations from the board shall be forwarded to the county
10 executive for transmittal to the county council for final action.

11
12 Section 5. Snohomish County Code Section 4.14.100, last amended by
13 Ordinance No. 06-028 on May 31, 2006, is amended to read:

14
15 **4.14.100 Prioritization of projects.**

16 (1) The conservation futures program advisory board shall use the fund
17 allocation criteria set forth in subsection (2) below as a preliminary threshold in
18 making its ~~((recommendation))~~ recommendations for funding for proposed
19 acquisition projects. Such criteria may be used by the board in conjunction with
20 other considerations developed to help prioritize proposed projects for submittal
21 to the council for approval; provided, however, that:

22 (a) recommendations concerning proposals to purchase certified
23 development rights pursuant to SCC 30.35A.130 shall be made solely by the
24 TDR advisory committee pursuant to separate review criteria set forth in SCC
25 30.35A.140(3)(b);

26 (b) recommendations concerning proposals to purchase conservation
27 easements under the Purchase of Development Rights (PDR) program shall be
28 made solely by the director of the Department of Planning and Development
29 Services, or his or her designee, consistent with separate review criteria adopted
30 by the director of the Department of Planning and Development Services by
31 administrative rule pursuant to the requirements of SCC 30.82. Rules adopted
32 pursuant to this section shall contain ranking criteria intended to focus
33 expenditures on productive agricultural properties that are at risk of conversion to
34 non-agricultural uses.

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

37 (a) Has regional or community-wide significance;

38 (b) Provides multi-jurisdictional benefit;

39 (c) Enhances or complements an ongoing conservation or preservation
40 program;

41 (d) Conserves opportunities which are otherwise threatened by
42 development;


43 (e) Comprises a portion of a continuum of projects which collectively
44 implement a complete project or objective;

- 1 (f) Complies with one or more open space program policies and criteria;
- 2 (g) Comprises an entire project;
- 3 (h) Establishes a trail corridor and/or natural area linkage.
- 4 (3) Recommendations for funding made pursuant to this section shall
- 5 comply with the requirements of RCW 84.34.230 and 84.34.240, if applicable,
- 6 and include an analysis of whether the projects promote or inhibit the goal of
- 7 distributing the tax levied under this chapter, over time, throughout the county.

8
9 Section 6. **Repeal.** Snohomish County Code Section 4.14.090, last amended by
10 Ordinance No. 06-028 on May 31, 2006, is repealed.

11 PASSED this 22nd day of November, 2010.

14 SNOHOMISH COUNTY COUNCIL
15 Snohomish County, Washington

17 
18 _____
19 Chairperson

20 ATTEST:

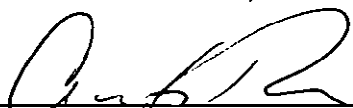
21
22 
23 Clerk of the Council, *asst.*

24
25 () APPROVED

26
27 () EMERGENCY

28
29 () VETOED

30 DATE: 12/10/10

31
32 
33 _____
34 County Executive

35 ATTEST:

36
37 
38 _____

39 **AARON REARDON**
40 County Executive

41 Approved as to form only:

42 

Deputy Prosecuting Attorney

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