

JEFFERSON COUNTY
CONSERVATION FUTURES FUND
ORDINANCE
WITH PROPOSED AMENDMENTS

Ordinance No. 06-0708-02

Adopted July 8, 2002

Effective: July 8, 2002

Amended: January 4, 2006

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WHEREAS, there exists in Jefferson County a general and increasing need to provide a system of public open spaces, those open spaces being necessary for the health, welfare, benefit and safety of the residents of Jefferson County and the maintenance of Jefferson County as a desirable place to live, visit and locate businesses;

WHEREAS, unless necessary property interests in such open space resources are acquired, these important resources are likely to be developed and negatively and permanently affected;

WHEREAS, conservation futures tax levy collections, authorized under RCW 84.34.230 are an important means of retaining community character and accomplishing open space policies and objectives of the Jefferson County Comprehensive Plan, including OSG 1.0, and OSP 1.1 through OSP 1.6 that encourage the coordinated acquisition of key open space lands for long term protection;

WHEREAS Jefferson County is authorized by RCW 84.34.210 and 84.34.220 to acquire open space, agricultural and timber lands, as defined in RCW 84.34.020; and

WHEREAS, public open spaces acquired pursuant to this ordinance will be available on the same conditions to all residents of the county for the benefit of all Jefferson County residents and visitors.

NOW, THEREFORE, BE IT ORDAINED by the Jefferson County Board of Commissioners as follows:

SECTION 1: DEFINITIONS

"Annual allocation" means the allocation of conservation futures tax levy funds collected in the previous year.

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

"Conservation Futures Citizen Oversight Committee" means the Jefferson County Conservation Futures Citizens Oversight Committee established under this ordinance.

"Conservation futures tax levy" means that Jefferson County tax levy upon all taxable property in Jefferson County authorized by RCW 84.34.230.

"Conservation futures fund" means the Jefferson County conservation futures fund established under this ordinance.

"County" means Jefferson County and/or its Conservation Futures Citizen Oversight Committee.

"Interlocal agreement" means any agreement authorized by this ordinance to be entered into between Jefferson County and any one or more other governmental agencies.

"Open space land" means the fee simple or any lesser interest or development right with respect to real property, including, but not limited to, conservation futures, easements, covenants or other contractual rights necessary to protect, preserve, maintain, improve, restore, limit the future use of or conserve selected open space land, farm and agricultural land and timber land [as those terms are defined in Ch. 84.34 RCW] for public use or enjoyment.

"Project" means open space land, or any lesser interest or development right in specific real property, to which Jefferson County conservation futures tax levy funds are allocated for acquisition under the procedure outlined under this ordinance.

SECTION 2: PROGRAM GOALS

In accordance with chapter 84.34 RCW, Jefferson County establishes the following goals for its Conservation Futures Fund Ordinance:

- i) to maintain, preserve, conserve and otherwise continue in existence adequate open space lands;
- ii) to achieve an equitable geographical distribution of monies from the conservation futures fund over the long term; and
- iii) to leverage monies from the conservation futures fund in order to obtain additional resources to preserve lands in a manner that provides the greatest benefits to the community.

**SECTION 3: PROCESS FOR THE ALLOCATION OF CONSERVATION
FUTURES FUNDS**

A process is hereby established for the annual allocation commencing January 1, 2001 of the conservation futures fund to acquire fee simple or development rights in open space lands, including green spaces, greenbelts, fish and wildlife habitat and trail rights-of-ways proposed for preservation for public use by municipalities, special purpose districts, and private non-profit corporations within the county.

Jefferson County government, other municipal corporations within Jefferson County, special purpose districts, citizen groups and citizens may make application for funds in this allocation process.

1. The Board of County Commissioners shall determine an application submission date, no later than March 30, following an annual collection period. At least one month prior to the application submission date, the Board of County Commissioners shall provide public notice of the opportunity to apply to the county for a share of the annual allocation of the conservation futures funds. Notice also shall be provided in a daily newspaper of general county circulation at least 30 days in advance of the deadline.
2. Prior to March 30 following an annual collection period, the Board of County Commissioners may, at its discretion, adopt a motion that provides additional direction on priorities for evaluating such applications within the criteria identified in this ordinance to the Citizen Oversight Committee established by this ordinance
3. By October 1, 2002 and by July 1 in all subsequent years following an annual collection period, the Citizen Oversight Committee identified in this ordinance shall make funding

recommendations to the Board of County Commissioners from applications received during the process outlined in this ordinance.

4. Prior to final action by the Board of County Commissioners on the annual allocation of the conservation futures fund, a duly noticed public hearing will be held on the submitted applications.
5. The project sponsor will commit to providing a matching contribution no less than the amount of conservation futures funds awarded to the project before conservation futures tax funds are reimbursed to that sponsor. This contribution may consist of:
 - i) cash;
 - ii) land trades if the valuation of the land to be traded is established by a valuation arising from an appraisal generated by a Member of the Appraisal Institute (MAI) certified appraiser;
 - iii) the cash value of the land to be traded, excluding Jefferson County conservation futures contributions; or
 - iv) other open spaces acquired within the previous two years that is situated either directly adjacent to or could, in the sole discretion of the county, be directly linked to the property under application.
6. Conservation futures tax levy collections shall be deposited with the Jefferson County Treasurer in the Jefferson County Conservation Futures Fund and shall be used for the purpose of administering, disbursing and accounting said funds in a manner authorized by the Jefferson County Board of County Commissioners.

7. The disbursement requests shall be made for capital projects (purchases of interests in real property) or for operation and maintenance of interests in real property purchased with conservation futures tax levy monies. Capital project expenditures shall be deemed to include all costs of acquiring real property, including interests in real property, and the following costs: the cost of related relocation of eligible occupants, cost of appraisal, cost of appraisal review, cost of title insurance, closing costs, pro rata real estate taxes, recording fees, compensating tax, hazardous waste substances reports, directly related staff costs and related legal and administrative costs, but shall not include the cost of preparing applications for conservation futures funds. Directly related staff costs shall not exceed five percent (5%) of the total cost of the project. Approved disbursements for operation and maintenance of interests in real property purchased with conservation futures tax levy monies shall not exceed in any particular year fifteen percent (15%) of the conservation futures tax levy monies raised in the preceding year. Operation and maintenance funding may be used for any property acquired with Conservation Futures funds. Conservation futures tax levy funds may not be used to acquire any real property or interest in real property therein through the exercise of the power of eminent domain. Conservation futures tax levy funds appropriated for operation and maintenance of interests in real property shall not supplant or replace any existing funding for maintenance and operation of parks and recreational lands.
8. If there are unexpended project allocations, including but not limited to project completion at less than the estimated cost or, alternatively, the abandonment of projects, the project sponsor shall notify Jefferson County, which may reallocate the unexpended fund proceeds to an approved project scope change or to another approved project.

9. Projects carried out in whole or part with conservation futures funds shall not be transferred or conveyed to third parties unless the document or instrument reflecting the transfer of title or ownership reflects a written provision or clause providing that the land or interest in land shall be continued to be used for the purposes of this ordinance and in strict conformance with the uses authorized under RCW 84.34.230. However, that same written provision or clause shall also contain language that the land or interest in land shall not be converted to a different use unless and only if other equivalent lands within the geographic jurisdiction of the governmental agency are received by the conveying party (the Grantor) in exchange for the lands or interest in lands being conveyed. 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.
10. Ownership of properties or easements will be held by public entities (i.e. the County, municipal governments, the State, or other as defined in RCW 84.34.210). Government entities may choose to share the title of a property or easement with a non-profit nature conservancy corporation or association (as defined in RCW 84.34.250), or a non-profit historic preservation corporation (as defined in RCW 64.04.130)

SECTION 4: PRESERVATION CRITERIA

Specific criteria for ranking and selection of projects are contained in a process guidance document approved by the Jefferson County Board of Commissioners that shall be provided to the Citizen Oversight Committee annually. These criteria will be updated from time to time to reflect the priorities and needs of the citizens of Jefferson County.

Overall, the following criteria shall guide the use of conservation futures funds:

1. Preservation of sensitive lands that have truly unique characteristics that will be permanently damaged by potential development or resource extraction.
2. Preservation or enhancement of lands that provide a variety of habitat for flora and fauna, including habitat that supports threatened or endangered species.
3. Preservation of lands that have significant regional or community benefit.
4. Leveraging conservation futures funds with other resources.
5. Acquisitions shall be supported by strategies to provide stewardship and long-term management of the lands through the development and implementation of a management plan.
6. Other criteria consistent with RCW 84.34.020.

SECTION 5: ADMINISTRATION AND OVERSIGHT COMMITTEE

1. The Citizen Oversight Committee will meet at least quarterly to review program objectives, finalize application materials, and review project submittals for recommendation to the Board of County Commissioners. The committee shall be comprised of no less than nine (9) citizen members.
2. The Citizen Oversight Committee shall be staffed by Jefferson County, or a designated subcontractor. The staff will provide all necessary administrative, technical, and logistical support to the program. The duties include education and outreach, committee support, technical support for project applicants, and support necessary for acquisition
3. The Board of County Commissioners shall seek representation on the citizen oversight committee from a broad spectrum of interests and expertise, including at least two individuals from each Board of County Commissioner district. The nine citizen positions shall be filled, to the extent practicable, by a person or persons representing or reflecting one or more of the following interests: parks and recreation; user groups; agriculture; forestry; incorporated land trust or similar non-profit conservation organization; real estate; each incorporated city in Jefferson County. This list of “interests” is not exclusive or complete and the listing of any interest here does NOT guarantee that interest one of the nine citizen seats, since there are more “interests” in existence than there are seats.
4. Once established, the terms of the members shall be four years, except that at the establishment of the Committee, four members shall serve a two year term. The Citizens Oversight Committee shall adopt rules of conduct and abide by the rules of conduct, to

include adherence to applicable statutes on issues such as conflict of interest. A chair and vice-chair may be elected from among the members.

5. The Citizens Oversight Committee shall review program principles at least once every two years and make recommendation to the Board of County Commissioners for modification to the program.

Section 6: Legal Provisions

If a section or provision of this Ordinance is found to be illegal or invalid then that section shall fail, but the remainder of this Ordinance shall remain valid and in force.

Effective Date

Adoption Date

Signatures

Normal signature and approval lines for Ordinance.