

Approved: May 31, 2006
Effective: June 15, 2006

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 06-028

RELATING TO THE PROCUREMENT OF CONSERVATION FUTURES FUNDS FOR
THE PURCHASE OF DEVELOPMENT RIGHTS; AMENDING SCC 4.14.080, SCC
4.14.090, AND SCC 4.14.100

WHEREAS, the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, requires counties to designate lands of long-term significance to the commercial production of agriculture and to assure the conservation of such lands for agricultural use; and

WHEREAS, the county's GMA General Policy Plan designates approximately 60,000 acres of land in the county as agricultural land of long-term commercial significance; and

WHEREAS, farmers in Snohomish County are experiencing increasing economic and regulatory pressure and farmland is a central part of the heritage of Snohomish County; and

WHEREAS, the county's GMA General Policy Plan – Goal LU 7 calls for the county to “conserve agriculture and agricultural land through a variety of planning techniques, regulations, incentive and acquisition methods” and support the use of Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) programs to help conserve designated farmland; and

WHEREAS, Snohomish County Council Motion No. 04-461 authorized a PDR program in designated agricultural lands; and

WHEREAS, Snohomish County Council Motion No. 04-461 reserved Snohomish County Conservation Futures funds to match U.S. Department of Agriculture grant funds for the purpose of initial acquisition of development rights under the PDR program; and

WHEREAS, SCC 4.14.080 through SCC 4.14.100 establish a process to be used by the County in reviewing and prioritizing proposed expenditures of the Conservation Futures Property Tax Fund; and

WHEREAS, it is appropriate to revise SCC 4.14 to reflect the creation and operation of the PDR program;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 4.14.080, last amended by Ordinance No. 03-056 on July 6, 2005, is amended to read:

4.14.080 Establishment of a conservation futures program advisory board.

(1) 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; provided, however, that:

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

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

(2) 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.

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

Section 3. Snohomish County Code Section 4.14.090, last amended by Ordinance No. 03-056 on July 6, 2005, is amended to read:

4.14.090 Establishment of a technical advisory committee.

(1) 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; provided, however, that:

(a) review of proposals to purchase certified development rights pursuant to SCC 30.35A.130 shall be made solely by the TDR advisory committee pursuant to SCC 30.35A.140; and

(b) recommendations concerning the use of conservation futures funds to purchase conservation easements under the Purchase of Development Rights (PDR) program shall be made solely by the director of the Department of Planning

and Development Services, or his or her designee, consistent with administrative rules adopted pursuant to SCC 4.14.100.

(2) 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.

(3) 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 4. Snohomish County Code Section 4.14.100, last amended by Ordinance No. 03-056 on July 6, 2005, is amended 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; provided, however, that:

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

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

(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 trail corridor and/or natural area linkage.

PASSED this 31st day of May, 2006.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Kirke Sievers
Chairperson

ATTEST:

Sheila McCallister
Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE: June 5, 2006

Aaron Reardon
County Executive

ATTEST: Cynthia Ringstad

Approved as to form only:

Brent Lloyd
Deputy Prosecuting Attorney