

SNOHOMISH COUNTY COUNCIL
PUBLIC HEARING PACKET

ORDINANCE 21-099 **RELATING TO CONSERVATION FUTURES; AMENDING
SCC 4.14.040**

ECAF: 2021-1014

Date/Time: Wednesday, January 12, 2022, at 10:30 a.m.

Staff Person: Nicole Gorle

DPA: Sean Reay

EXHIBIT LIST

Click on Exhibit # to view document.

Exhibit #	Date	Exhibit Description
1	12/06/21	Council Staff Report
2	12/01/21	ECAF
3	12/01/21	Ordinance Introduction Slip

1 Adopted:
2 Effective:

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 21-099

7
8 RELATING TO CONSERVATION FUTURES; AMENDING SCC 4.14.040
9

10 WHEREAS, the Snohomish County Council adopted Ordinance No. 88-097 on
11 November 21, 1988, which enacted chapter 4.14 SCC, establishing a property tax levy to
12 acquire interest or rights in real property for the preservation of open space land, farm and
13 agricultural land, and timber land, as authorized by RCW 84.34.230; and
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15 WHEREAS, SCC 4.14.040 identifies uses of the collected tax levy allowed by chapter
16 84.34.240 RCW; and
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18 WHEREAS, chapter 84.34.240 RCW was amended to modify the percentage of the
19 collected tax levy which could be used for specific purposes, and it is Snohomish County's
20 intent to make SCC 4.14.040 consistent with that modification;
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22 NOW, THEREFORE, BE IT ORDAINED:
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24 Section 1. Snohomish County Code Section 4.14.040, last amended by Ordinance No. 10-105,
25 on November 22, 2010, is amended to read:
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27 **4.14.040 Use of fund.**
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29 (1) Amounts placed in the conservation futures fund shall be used solely to acquire
30 rights and interests in open space land, farm and agricultural land, and timberland, as
31 such are defined in chapter 84.34 RCW so as to protect, preserve, maintain, improve,
32 restore, limit the future use of, or otherwise conserve the property for public use or
33 enjoyment, and for maintaining and operating any property acquired with these funds.
34 Until withdrawn for such use, the monies accumulated in the fund may be invested in
35 interest bearing securities by the fund manager designated pursuant to SCC 4.14.050 in
36 any manner authorized by law.
37

38 (2) Any rights or interest in real property acquired under this section after July 24, 2005,
39 must be located within the county. The amount of revenue used for maintenance and
40 operations of ~~((parks and recreational land))~~ real property acquired under 84.34 RCW
41 may not exceed ((15) that percent of the total amount collected under this chapter
42 allowed by state law. Revenues from this tax may not be used to supplant existing
43 maintenance and operation funding.
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1 PASSED this ____ day of _____, 2021.

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3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

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7 _____
8 Council Chair

9 ATTEST:

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12 _____
13 Clerk of the Council

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16 () APPROVED
17 () EMERGENCY
18 () VETOED
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21 DATE:

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24 _____
25 County Executive

26 ATTEST:

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31 Approved as to form only:

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34 /s/ Sean Reay
35 Deputy Prosecuting Attorney
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Snohomish County Council

Committee: Conservation, Sustainability, and Recreation **Analyst:** Nicole Gorle
ECAF: 2021-1014
Ordinance: 21-099 **Date:** December 6, 2021

Consideration:

Amend SCC 04.14.040, Conservation Futures Property Tax Fund, Use of fund, to reflect changes made in RCW.

Background:

Chapter 4.14 Snohomish County Code was adopted in 1988 through Ordinance 88-097, establishing the Conservation Futures Property Tax Fund.

In 2017, the legislature passed SHB1820¹, amending RCW 84.34.240 relating to the use of these funds. The legislation increased the amount of revenue that could be used for maintenance and operations of real property acquired for Counties that meet two specific criteria.

The Ordinance before you would align SCC 4.14.040 with the amendments made to RCW in 2017.

Current Proposal:

Overview: Amend the amount of conservation futures tax revenue that may be used for maintenance and operation of properties acquired in accordance with RCW 84.34.210 and RCW 84.34.220. Below is the old amount authorized to be used for maintenance and operations vs. the new amount.

Old: 15%

New: 15% (standard amount)

25% IF a County meets the following:

1. Has acquired 400 acres of real property under RCW 84.34.210 and RCW 84.34.220; and
2. Has been collecting a conservation futures levy for at least 20 years.

2021 Budget: None – this does not impact the levy amount, but how those revenues are allowed to be spent.

Future Budget Impact: None

Handling: Normal

Approved-as-to-form: Yes

Risk Management: n/a

Executive Recommendation: Approve

Amendments: None

Request: Move to GLS on December 15th to set time and date for a public hearing on January 12th at 10:30 a.m.

¹ <https://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/House/1820-S.SL.pdf?cite=2017%20c%20148%20C2%A7%201>



Snohomish County Council

Legislation Text

File #: 2021-1014, Version: 1

Executive/Council Action Form (ECAF)

ITEM TITLE:

Ordinance 21-099, relating to Conservation Futures; amending SCC 4.14.040

DEPARTMENT: Conservation & Natural Resources

ORIGINATOR: Sharon Swan

EXECUTIVE RECOMMENDATION: Approve-Lacey Harper 12/1/2021

PURPOSE: Modify Snohomish County Code to make the percentage of the Conservation Futures tax levy that can be used for maintenance of Conservation Futures funded properties consistent with that percentage allowed by State Law

BACKGROUND: In 1988, by enacting Chapter 4.14 SCC, the Snohomish County Council established a property tax 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. In 2005 the State of Washington amended RCW 84.34.230 and RCW 84.34.240 to allow for collected Conservation Futures funding to be utilized for maintaining and operating property acquired with the funds, up to a maximum of 15% of the total amount collected (Engrossed Substitute House Bill 1631). Snohomish County updated SCC 4.14.040 in 2010 to add text to subsection (1) clarifying that a portion of the fund could be used for maintaining and operating any property acquired with the fund and also added subsection (2) which allowed for up to 15% of the collected tax to be used for maintenance and operation. In 2017 the State of Washington again amended RCW 84.35.240 to increase the amount of the Conservation Futures Fund which may be used for maintenance and operation to 25% if the county has acquired rights and interests for four hundred or more acres under the program and collected Conservation Futures funding for twenty or more years (Substitute House Bill 1820). Snohomish County has met both of these thresholds and the proposed code change will bring Snohomish County Code into alignment with state law and will allow additional expenditures of the Conservation Futures Fund for operation and maintenance.

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

DEPARTMENT FISCAL IMPACT NOTES: The proposed code change does not modify the total amount of

Conservation Futures taxes collected or expended

CONTRACT INFORMATION:

ORIGINAL	CONTRACT#	AMOUNT
AMENDMENT	CONTRACT#	AMOUNT

Contract Period

ORIGINAL	START	END
AMENDMENT	START	END

OTHER DEPARTMENTAL REVIEW/COMMENTS: Approved-Finance, Nathan Kennedy 12/1/2021

**ORDINANCE
INTRODUCTION SLIP**

TO: Clerk of the Council

TITLE OF PROPOSED ORDINANCE:

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Councilmember Date

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Clerk's Action: Proposed Ordinance No. _____

Assigned to: _____ Date: _____

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**STANDING COMMITTEE RECOMMENDATION FORM**

On \_\_\_\_\_, the Committee considered the item and by \_\_\_\_ Consensus /  
\_\_\_\_ Yeas and \_\_\_\_ Nays, made the following recommendation:

\_\_\_\_\_ Move to Council to schedule public hearing \_\_\_\_\_

**Public Hearing Date** \_\_\_\_\_ **at** \_\_\_\_\_

\_\_\_\_\_ Move to Council as amended to schedule public hearing

\_\_\_\_\_ Move to Council with no recommendation

**This item \_\_\_\_ should/ \_\_\_\_ should not be placed on the Consent Agenda.**

(Consent agenda may be used for routine items that do not require public hearing and do not need discussion at General Legislative Session)

**This item \_\_\_\_ should/ \_\_\_\_ should not be placed on the Administrative Matters Agenda**

(Administrative Matters agenda may be used for routine action to set time and date for public hearings)

\_\_\_\_\_  
Committee Chair