KING COUNTY

1200 King County Courthouse 516 Third Avenue Seattle, WA 98104

Signature Report

Motion 16386

Proposed No. 2023-0184.1 **Sponsors** Dembowski 1 ..title 2 A MOTION approving project eligibility criteria for the 3 selection of projects to be funded by conservation futures; 4 and rescinding Motion 15513. 5 WHEREAS, in 2001, the council approved conservation futures project eligibility 6 criteria and general conditions as Attachment A to Motion 11144, and 7 WHEREAS, in 2018, the council adopted Ordinance 18774 adopting policies 8 associated with implementation of the Land Conservation Initiative, and 9 WHEREAS, in 2019, the council approved updated conservation futures project 10 eligibility criteria and general conditions as Attachment A to Motion 15513, reflecting 11 Land Conservation Initiative goals, and 12 WHEREAS, in 2022, voters approved a lift of the conservation futures tax rate to 13 help fund an accelerated pace of land protection, and 14 WHEREAS, there remain administrative barriers in the implementation of the 15 conservation futures grant program that, if addressed, could further accelerate 16 achievement of Land Conservation Initiative goals, and 17 WHEREAS, in 2023, the council will consider changes to K.C.C. chapter 26.12 to 18 modify match policies and other technical adjustments; NOW, THEREFORE, BE IT MOVED by the Council of King County: 19

- A. The council hereby approves the project eligibility criteria and general
- 21 conditions in Attachment A to this motion for the selection of projects to be funded by
- 22 conservation futures revenues.
- B. Motion 15513 is hereby rescinded.

Motion 16386 was introduced on 5/16/2023 and passed by the Metropolitan King County Council on 7/11/2023, by the following vote:

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL KING COUNTY, WASHINGTON

DocuSigned by:

Dave Upthegrove, Chair

ATTEST:

- DocuSigned by:

Melani Pedroza, Clerk of the Council

Attachments: A. Application Evaluation Critera and General Conditions King County Conservation Futures

APPLICATION EVALUATION CRITERIA AND GENERAL CONDITIONS KING COUNTY CONSERVATION FUTURES

APPLICATION EVALUATION CRITERIA

Not listed in priority order

1. OPEN SPACE RESOURCES

- **A.** WILDLIFE HABITAT OR RARE PLANT RESERVE: The property contributes to a functioning wildlife habitat system or corridor in an urban or rural area that provides habitat for feeding, resting, wintering, reproduction, nesting, cover, or a migration link. Identify the habitat functions of the site, as related to the larger landscape. Note key species observed or likely found given the habitat. Discuss the sufficiency of the size of the property and adjacent protected properties or buffers to support the species. Identify major plant communities, including succession stages (e.g., mature second growth forest). Note if habitat improvement is planned for the site that will increase the habitat value (e.g., native plantings, removal of shoreline or bank armoring, forest thinning for ecological health, installation of rain garden or pollinator garden).
- Low: Limited potential habitat value on site, supporting highly common or non-native plant and animal species (e.g., Himalayan blackberry, starlings, ornamental plants). Consideration is given for a project that plans meaningful habitat restoration on a site that currently offers less habitat opportunity.
- Medium: Moderate habitat value on site, including a dominance of native species over non-native species, and some structural complexity (e.g., water source, snags or downed logs, native shrub thickets, some tree canopy cover). Property supports semi-common species such as raptors, black-tailed deer, and coyote. Property contains native vegetation, tree canopy or patches of native shrubs that support migratory birds and pollinators; has proximity to other natural areas or a key part of a natural corridor through urban areas. Consideration is given for a project that plans meaningful habitat restoration on a site that currently offers less habitat opportunity.
- **High:** Unique habitat such as old-growth forest, bog habitat, salt marsh, or a community of uncommon native species. Property is large in size and/or provides good connectivity to other large blocks of habitat and is predominantly composed of native plant species. Site may support species listed by state or federal government as candidate, sensitive, threatened or endangered, such as salmonid species, great blue heron nest colonies or rare shellfish, or may support uncommon animal species such as black bear, pileated woodpecker, osprey, or forage fish. Urban areas may be smaller in size but include a key piece completing a green corridor through the built environment that functions as a movement corridor for migratory birds and pollinators and/or for larger species, or a significantly large patch of rare habitat (e.g., old-growth remnant patch). Consideration is given for a project that plans meaningful habitat restoration on a site that currently offers less habitat opportunity.
- **B. SALMON HABITAT AND AQUATIC RESOURCES:** The property will conserve salmonid habitat or aquatic resources, including forested watershed areas that provide surface or ground water supply, spawning gravel replenishment sources, nearshore sediment sources, freshwater or marine buffers, offshore eelgrass beds, kelp forests or mudflats, cool spring water sources, flood refuge areas, river oxbows, estuaries, marshes or back-channels that support the life cycles of salmonid and other aquatic biota. Discuss any adopted or proposed plans for property or broader system restoration, the estimated cost and timeframe. Briefly note how water quality in the larger stream basin beyond the property proposed for acquisition will be maintained or improved. For urban salmonid habitat, please discuss existing or proposed public access and aquatic resource educational uses on the site proposed for acquisition or within the basin.

- **Low:** Property is within a basin containing highly degraded habitat/aquatic resources, requiring significant restoration on the property or within the system, that will likely yield low to moderate improvements.
- **Medium:** Property is within a basin containing degraded habitat/aquatic resources where restoration would likely yield a significant improvement in the system.
- **High:** The property is: 1) within a high quality basin identified in Waterways 2000 or WRIA Plans, or 2) in an urban basin with salmonid habitat for which an adopted basin restoration plan exists; and/or 3) located on saltwater shoreline and provides a sediment source for natural littoral drift processes.
- **C. SCENIC RESOURCES:** The property can offer scenic resources in multiple ways. The property itself may provide the opportunity to view or experience a natural or cultural scenic resource that is located on-site. The property may serve as a viewpoint, from which a visitor view of an off-site resource (e.g., provide a view of Mt. Rainier), or be within a visual corridor between a public viewpoint and off-site resource, where development of the target property would block the view of the resource from the public viewpoint. The property may contain or be part of a larger greenspace corridor that is viewed from a nearby location (e.g., a green corridor located along a major right-of-way, or a corridor providing visual relief in a dense urban area, or greenspace that is viewed from another public viewpoint).
- Low: Property provides little or no natural or cultural scenic resources or views as described above.
- **Medium:** Property provides or protects a view of a scenic resource, such as a creek, a greenspace corridor, or other uncommon natural feature or cultural resource that is visible from a local, county or state park/open space/right-of-way.
- **High:** Property provides or protects a view of a unique scenic resource, such as mountains (e.g., Olympic Mountains), downtown Seattle skyline, a geological feature unique to King County, a major greenspace corridor, or a large body of water or major river (e.g., Lake Washington, Puget Sound, Snoqualmie River).
- **D. COMMUNITY SEPARATOR:** Undeveloped, natural land areas that serve to define edges of separate, distinct communities, neighborhoods, or incompatible land uses, including visual relief. Rivers that flow through cities and do not separate them may be significant community separators, while rivers that actually separate cities are considered regional separators that define King County's regional form.
- Low: Property provides some separation but is not a significant greenbelt.
- Medium: Property is part of a larger greenbelt that separates major neighborhoods or communities.
- **High:** Property is part of a greenbelt that helps define King County's regional form, separates cities, counties, or is along a major regional waterway.
- **E. HISTORIC OR CULTURAL RESOURCES:** Property must itself be an eligible historical or cultural resource, have situated upon it a structure that is such a resource, or be a buffer for property that is a historic or cultural resource. Structures are not eligible for funding with Conservation Futures. Historic or archaeological resources must be eligible for designation on a local, King County, state or federal register.
- **Low:** Property may be eligible for designation; requires a letter from a local, county, state or federal preservation officer stating that the property is eligible for listing on a register.
- **Medium:** Provides a buffer to a historic or cultural resource listed on a local, county state, or federal register.
- **High:** Contains a historic or cultural resource listed on a local, county, state, or federal register.
- **F. URBAN PASSIVE-USE NATURAL AREA OR GREENBELT:** Property is itself, or contributes significantly to a larger system of, undeveloped natural area that will be used as a passive-use community or regional urban open space, wildlife corridor or trail corridor. The system must be located in an

incorporated city or urban area designated in accordance with the Washington State Growth Management Act (GMA).

- Low: Property provides or contributes to a passive-use natural area/greenbelt of under 1 acre in size.
- **Medium:** Property provides or contributes to a passive-use natural area/greenbelt between 1 and 3 acres, or enhances water access to a pond, lake, or creek.
- **High:** Property provides or contributes to a passive-use natural area/greenbelt greater than 3 acres in size, or enhances water access to Puget Sound, Lake Washington/Union, Lake Sammamish, or the Green/Duwamish, Cedar, Snoqualmie or Sammamish Rivers.
- **G. PARK, OPEN SPACE, OR NATURAL CORRIDOR ADDITION:** The property is adjacent to or is demonstrated to be integrally linked to a park, open space, or natural corridor system. Describe the attributes of the property that will provide a meaningful contribution to the existing open space, such as size, allowing an important function to occur, or removing a development threat that would adversely affect an existing open space. For urban areas: properties that provide stepping stones of habitat (e.g., pollinator gardens) or movement corridors (e.g., for pollinators, songbirds, or meso-predators like coyotes, fox, raptors) and act in conjunction with other pocket parks to facilitate movement of wildlife through urban landscapes.
- **Low:** Property provides a moderate contribution, but is not critical for the integrity of the park or system.
- **Medium:** Property provides a significant natural buffer or a significant contribution to the function of an existing park, open space, or natural corridor, or navigation through an urban landscape.
- **High:** The proposed acquisition is a critical link or inholding in an existing park, open space, or natural corridor and will provide a highly significant addition by virtue of its size or by providing a habitat/movement corridor through a densely urban landscape.
- **H. PASSIVE RECREATION OPPORTUNITY IN AN AREA WITH UNMET NEEDS:** The property will create, enhance, or preserve a passive recreation use in an area having a deficit in passive park or open space resources. Need may be documented in a park, open space, community or comprehensive plan, adopted in conformance with the State Growth Management Act. Passive recreation includes uses such as hiking, walking, biking, gardening, children's play, or nature viewing (refer to Conservation Futures General Conditions for more information on passive-use recreation). How many people will the proposal directly or indirectly serve and how does this relate to needs assessments that have been conducted by the local jurisdiction?

• Low: Low need

• Medium: Significant need

• **High:** Critical need

I. PROJECTS THAT SEEK TO REDRESS HISTORIC DISPARITIES IN ACCESS TO OPEN SPACE IN OPPORTUNITY AREAS: This criterion focuses on the need to fund projects that would provide open space in the most underserved parts of the county, where there is evidence of a history of inequities, discrimination, injustices, and limited regional investment, including investment in open space. Acquisition projects that meet this criterion would help reduce or eliminate disparities in access to public open spaces and trails in communities with the greatest and most acute needs. These parts of the county are referred to as "opportunity areas." Projects in opportunity areas may be eligible to receive Conservation Futures funds for the entire project cost without providing match dollars. KCC 26.12.003.J

establishes two ways by which a property may qualify as being in an opportunity area.

- 1. The project area meets all three of the following specified criteria:
 - (a) "located in a census tract in which the median household income is in the lowest one-third for median household income for census tracts in King County;
 - (b) "located in a ZIP code in which hospitalization rates for asthma, diabetes, and heart disease are in the highest one-third for ZIP codes in King County; and

- (c) "is within the Urban Growth Boundary and does not have a publicly owned and accessible park or open space within one-quarter mile of a residence, or s is outside the Urban Growth Boundary and does not have a publicly owned and accessible park or open space within two miles of a residence."
- 2. Alternatively, a project may qualify if "the project proponent or proponents can demonstrate, and the advisory committee determines, that residents living in the area, or the populations the project is intended to serve, disproportionately experience limited access to public open spaces and experience demonstrated hardships including, but not limited to, low income, poor health, and social and environmental factors that reflect a lack of one or more conditions for a fair and just society as defined as "determinants of equity" in K.C.C. 2.10.210."

Projects in opportunity areas should have community engagement and collaboration, which can be demonstrated through at least two letters of support, and a description of community outreach held to date or planned in the future.

- Low: Proposals that meet opportunity area criteria but do not have demonstrated community engagement and collaboration as evidenced through two letters of support and/or a description of outreach carried out to date.
- **High:** Proposals that meet opportunity area criteria and can demonstrate community engagement and collaboration as evidenced through two letters of support and/or a description of outreach carried out to date.

2. ADDITIONAL FACTORS

- **A. EDUCATIONAL OR INTERPRETIVE OPPORTUNITY:** The property will provide, now or potentially, the setting for meaningful education or interpretation of natural systems or other historic/cultural resources described in the section above.
- Low: Fair to poor access; low anticipated use; resources common.
- **Medium:** Moderate access; irregular use by small groups; less common resources.
- **High:** Good to excellent access; anticipated regular use by groups or individuals from outside the local jurisdiction or community; a resource that is unique to King County.
- **B. IMPACT TO OPEN SPACE RESOURCES:** Note whether the open space resources described in Section 1 above will be negatively impacted if this application is not funded. Consider also open space resources on this property could be lost as a result of activities off-site in a larger connected system (e.g., could a nearby clearcut negatively impact a salmon run or wildlife on the property?). In the case of properties which currently have few on-site resources, indicate whether preserving this property provides opportunity to create or restore open space resources (e.g., a built-out site can be restored to provide a community gathering place and greenspace).
- **Low:** For properties which already have significant open space resources, there is little or no demonstrated threat. For properties that lack significant resources on site, there is little opportunity to create/restore open space resources.
- **Medium:** For properties which already have significant open space resources, development is proposed, but permits have not been issued, and such action would have a serious impact on open space resources. For properties that lack significant resources on site, there is a moderate opportunity to create/restore open space resources.
- **High:** Development is imminent or a potentially damaging water rights application has been granted; a building or subdivision permit application has been approved; SEPA review completed; a logging, grading, or clearing permit is approved, and such action would have a serious impact on open space resources. For properties that lack significant resources on site, there is significant opportunity to create/restore open space resources.

C. FEASIBILITY: OWNERSHIP COMPLEXITY, WILLING SELLER(S), COMMUNITY SUPPORT: How many properties are proposed for purchase and what property interests (i.e., fee simple, conservation easement) are proposed for each parcel? Which parcels have willing sellers? If a multiparcel proposal, discuss how the remaining parcels could be acquired. Is there community support or

opposition that could affect the feasibility or success of the proposal?

- Low: There are many properties for which little is known about the intent of the owner(s) to sell, but the applicant or agency has notified the owners. No demonstrated community support, or community opposes proposal.
- **Medium:** The applicant or agency has obtained a signed letter of interest from key landowner(s) to sell the identified property interest(s). Local community is aware of the proposal and does not oppose it.
- **High:** The applicant or agency can provide a copy of an irrevocable purchase option or purchase and sale agreement for purchase of the identified key property interest(s). Demonstrated strong community support for proposal.
- **D. PARTNERSHIPS:** Describe any public or private partnerships that will enhance this project: Will the project provide partnerships with other governments or private groups, such as provision of funding or volunteer efforts towards property acquisition, provision of allowable facilities, stewardship, restoration of a significantly degraded resource, outreach to local businesses, community education, etc. In addition, please list any actual funds expended, committed, or donated through in-kind services for restoration, stewardship, education, interpretation or other enhancement directly associated with the project.
- **Low:** A group conducts one to three of the above activities annually or provides modest funding support.
- **Medium:** A group conducts three to four of the above activities annually or provides moderate funding support.
- High: A group conducts five or more of the above activities annually or provides significant funding support.
- E. IS THE PROPERTY IDENTIFIED IN AN ADOPTED COMPREHENSIVE PLAN, PARK OPEN SPACE, HABITAT, CULTURAL RESOURCE, OR COMMUNITY PLAN? Please identify the name of the plan and the date adopted, and reference appropriate pages, but do not provide copies of the plan.
- **F. TRANSFER OF DEVELOPMENT RIGHTS (TDR) PARTICIPATION:** Is the property a proposed sending site in an adopted transfer of development rights (TDR) program? Is the property located in or near a formally designated receiving area in an authorized TDR program, as evidenced by an ordinance or interlocal agreement between cities and/or King County? Describe how this project will further the goals of the program.
- Low: No adopted TDR program or interlocal agreement between the applicant city and King County exists.
- Medium: An adopted TDR program or interlocal agreement exists between the applicant city and King County.
- **High:** An adopted TDR program or interlocal agreement exists between the city and county and the sending site is approved.

3. STEWARDSHIP AND MAINTENANCE

How will the property be stewarded and maintained? Does the property lend itself to volunteer stewardship opportunities? Briefly discuss short-term "hold and protect" measures and longer-term

stewardship plans for the proposal site. How will proposed stewardship and maintenance efforts be funded?

- Low: Applicant lacks stewardship experience and makes no funding commitment.
- Medium: Applicant has stewardship experience but does not identify funding source.
- **High:** Applicant can demonstrate a stewardship track record, make a funding estimate and commits to ongoing funding.

REGIONAL SIGNIFICANCE

King County Code (KCC) 26.12.010.C1.e requires that the advisory committee shall also include in its recommendation to the executive "a description of how projects contain a demonstrable regional visibility, use, ecological, cultural, historical or other natural resource significance." Regional significance describes a property or system that contains a unique or highly important open space resource to King County (e.g., saltwater shoreline), or may be highly visible from a major public right-of-way, or may be a major destination for residents from throughout King County. If the advisory committee concludes that a project has regional significance, the advisory committee will include that information its recommendation report.

GENERAL CONDITIONS

- 1. Properties eligible for funding from Conservation Futures collections must meet the definitions of open space lands under RCW 84.34.020 and meet one or more of the Conservation Futures Application Evaluation Criteria.
- 2. Project applications may include one or more parcels of land. Proposed acquisitions may include fee simple or less than fee acquisitions such as conservation easements.
- 3. Future use of the property is restricted to low impact, passive-use recreation, which means that development of facilities to support organized/structured athletic activities such as ballfields, courts, and gyms is not allowed. Small playgrounds for children are allowed, within the 15% non-vegetative impervious surface limit described below, not to exceed 5,000 square feet, and compatible with the other open space values of the property. Future use is further limited to non-motorized use, except as is necessary for the following types of uses (and provided in a way that protects open space resources): maintenance, staging areas, entrance roads, and parking to provide public access.
- 4. A maximum of 15% of the total surface area of a proposed acquisition project may be developed or maintained with non-vegetative impervious surfaces. Trail surfaces (soft-surface or paved) are not included in the calculation of this restriction. This percentage may be adjusted in instances where the advisory committee recommends, and the King County Council determines, that parking or other developed features necessary for the use of the site are required, are compatible with open space resources, and would exceed the 15% limit (e.g., scenic viewpoints).
- 5. Conservation Futures project funds must be expended within two years of approval by King County Council. Unspent funds may be reallocated to a previously approved project or to a new project, unless applicant demonstrates to the advisory committee a compelling reason for continuance of Conservation Futures funding for the project beyond the two-year limit.

MATCHING FUNDS GUIDANCE

Except for projects in opportunity areas as defined in KCC 26.12.003.J and discussed below, a recipient of Conservation Futures funding must commit to providing a matching contribution of no less than twenty-five percent of the total costs of the project, including the value of the matching contribution, before conservation futures tax funds are reimbursed. Eligible matching fund sources include:

- Cash
- Land match with a valuation verified by a reviewed appraisal (a property appraisal performed by an independent state-certified real estate appraiser with a current general real estate appraiser license and reviewed by an independent state-certified general real estate appraiser)
- The cash value, excluding King County Conservation Futures contributions, of other open spaces acquired within the previous two years from the date of submittal of the application and not already used as match for Conservation Futures projects
- Properties used as land match and cash value of other open space acquisitions should be directly linked to the property under application, and meet conservation futures general conditions.

Projects in opportunity areas may be eligible to receive Conservation Futures funds for the entire project cost without providing match dollars. KCC 26.12.003.J establishes two ways by which a property may qualify as being in an opportunity area.

- 1. The project area meets all three of the following specified criteria:
 - (a) "located in a census tract in which the median household income is in the lowest one-third for median household income for census tracts in King County;
 - (b) "located in a ZIP code in which hospitalization rates for asthma, diabetes, and heart disease are in the highest one-third for ZIP codes in King County; and
 - (c) "is within the Urban Growth Boundary and does not have a publicly owned and accessible park or open space within one-quarter mile of a residence, or is outside the Urban Growth Boundary and does not have a publicly owned and accessible park or open space within two miles of a residence."

2. Alternatively, a project may qualify if "the project proponent or proponents can demonstrate, and the advisory committee determines, that residents living in the area, or the populations the project is intended to serve, disproportionately experience limited access to public open spaces and experience demonstrated hardships including, but not limited to, low income, poor health, and social and environmental factors that reflect a lack of conditions for a fair and just society as defined as "determinants of equity" in K.C.C. 2.10.210."

The advisory committee will make a determination as to whether the project meets opportunity area criteria and qualifies for a match waiver. The advisory committee will then determine whether to recommend to King County Council that the project receive a Conservation Futures funding award.

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Cherie Camp

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SEATTLE, WA 98104

Cherie.Camp@kingcounty.gov

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Melani Pedroza

melani.pedroza@kingcounty.gov

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cherie camp

cherie.camp@kingcounty.gov

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By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify King County-Department of 02 as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by King County-Department of 02 during the course of your relationship with King County-Department of 02.