

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

IN THE MATTER ESTABLISH PROCEDURES FOR THE
ISLAND COUNTY CONSERVATION FUTURES PROGRAM

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RESOLUTION C-76-15

WHEREAS, the Board of Island County Commissioners adopted Ordinance C-134-91 on September 16, 1991, which established the Conservation Futures Fund in Island County Code 3.22.010 and amended the same code by Ordinance C-108-05 on October 17, 2005, to be used solely for the purpose of acquiring rights and interests in open space land, farm and agricultural land, and timberland as provided in RCW 84.34.210 and 84.34.220 and for the maintenance and operation of any property that has been acquired with these funds; and

WHEREAS, the Island County Comprehensive Plan states that the acquisition of property interest for Conservation Futures is in the public interest and is a public purpose of Island County; and

WHEREAS, the Board of County Commissioners established the Conservation Futures Program to coordinate applications for funding from the Conservation Futures Fund, coordinate a program related review committee and maintain program related materials; and

WHEREAS, applicants will submit proposed projects for funding from the Conservation Futures Fund and these projects shall be evaluated by a review committee to prioritize and make recommendation about these projects to the Commissioners; and

WHEREAS, the Board of County Commissioners wishes to adopt procedures for the operation of the Conservation Futures Program; **NOW, THEREFORE**,

BE IT HEREBY RESOLVED that the Board of County Commissioners does hereby adopt Exhibit A as the Island County Conservation Futures Program Procedures.

DATED this 28th day of July, 2015.

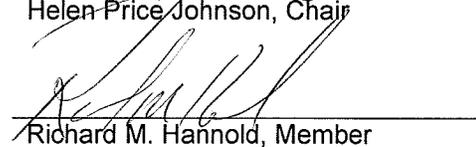


ATTEST:


Debbie Thompson, Clerk of the Board

BOARD OF COMMISSIONERS
ISLAND COUNTY, WASHINGTON


Helen Price Johnson, Chair


Richard M. Hannold, Member


Jill Johnson, Member

Exhibit A
Conservation Futures Program Resolution C- 76 - 15
Island County Conservation Futures Program Procedures

Conservation Futures is a land preservation program that protects, preserves, maintains, improves, restores, and limits the future use of threatened areas of open space, timberlands, wetlands, habitat areas, culturally significant sites, and agricultural farmlands within Island County.

The Washington State Legislature first granted the authority for a Conservation Futures tax levy in 1971 when RCW 84.34 was enacted and later amended in 1988. RCW 84.34.200 declares that the acquisition of interests or rights in real property for the preservation of open spaces and areas constitutes a public purpose for which public funds may properly be expended or advanced. RCW 84.34.230 declares the county may levy any amount not to exceed 6.25-cents per \$1000 of assessed value of all taxable property within the county for the Conservation Futures Fund.

RCW 84.34.230 Acquisition of open space, etc., land or rights to future development by certain entities — Additional property tax levy authorized.

Conservation futures are a useful tool for counties to preserve lands of public interest for future generations. Counties are encouraged to use some conservation futures as one tool for salmon preservation purposes. For the purpose of acquiring conservation futures and other rights and interests in real property pursuant to RCW 84.34.210 and 84.34.220, and for maintaining and operating any property acquired with these funds, a county may levy an amount not to exceed six and one-quarter cents per thousand dollars of assessed valuation against the assessed valuation of all taxable property within the county. The limitations in RCW 84.52.043 shall not apply to the tax levy authorized in this section. Any rights or interests in real property acquired under this section after July 24, 2005, must be located within the assessing county. Further, the county must determine if the rights or interests in real property acquired with these funds would reduce the capacity of land suitable for development necessary to accommodate the allocated housing and employment growth, as adopted in the countywide planning policies. When actions are taken that reduce capacity to accommodate planned growth, the jurisdiction shall adopt reasonable measures to increase the capacity lost by such actions.

The Legislature found that Conservation Futures Funds are a useful tool for counties to preserve land of public interest for future generations and are encouraged to use some conservation futures as one tool for salmon preservation purposes. The Legislature also declared that up to fifteen percent of the Conservation Futures Fund may be used for the maintenance and operation of any property acquired with Conservation Futures Funds.

In 1992 Island County established its Conservation Futures levy and program. Island County's Comprehensive Plan identifies that unique or distinctive lands may be preserved in recognition of the irreplaceable character of such resources and of their importance to the quality of life of residents and visitors to Island County. The Conservation Futures Program is an important source of funding to achieve those goals.

Organizations located within Island County eligible to apply for Conservation Futures Funds are Island County government, cities, town, special purpose districts, non-profit nature conservancy organizations (as defined in RCW 84.34.250), and non-profit historic preservation organizations (as defined in RCW 64.04.130).

FINDINGS AND DECLARATION OF PURPOSE

The acquisition of property interest as provided by this Resolution and ICC Chapter 3.22 is in the public interest and constitutes a public purpose of Island County. It is the purpose of this Resolution, together with ICC Chapter 3.22, to implement Chapter 84.34 RCW as it relates to Conservation Futures.

It is further the purpose of the Island County Conservation Futures Program to acquire from willing sellers by purchase, gift, grant, bequest, devise, lease, or otherwise, except by eminent domain, the fee simple or any lesser property interest, development right, easement, covenant, or other contractual right necessary to protect, preserve, maintain, improve, restore, or limit the future use of, or otherwise conserve selected open space, wetlands, habitat areas, farm, agricultural, and timber lands for the public use and enjoyment and as one tool for salmon preservation purposes.

MANAGEMENT AND COORDINATION OF THE CONSERVATION FUTURES PROGRAM

The management and coordination of the Conservation Futures Program will be assigned by the Board of County Commissioners to the appropriate County department.

Property Acquisition Costs. Appropriate and reasonable property acquisition costs or a portion thereof may be paid by the Island County Conservation Futures Fund.

- Applicants may be reimbursed for a portion of property acquisition costs related to surveys, appraisals, closing costs, environmental assessments, and management plans as budgeted parts of their proposed project submission.
- Projects seeking funding to acquire real property interests shall include the creation and adoption of a management plan, if one does not already exist.

Maintenance and Operation Funding. Organizations owning real property purchased with Conservation Futures Funds in Island County may apply as part of the Cycle for funds to maintain and operate properties purchased with Conservation Futures Funds. Appropriate property maintenance and operations costs or a portion thereof may be paid by the Island County Conservation Futures Fund.

- The annual allocation for maintenance and operation purposes is limited to fifteen percent (15%) of the total amount collected from the tax levied under ICC 3.22.020 in the preceding calendar year.
- Conservation Futures funds for maintenance and operation may not be used to supplant existing maintenance and operation funding for the property.
- An allocation for maintenance and operation may fund up to two (2) years activity.

ESTABLISHMENT OF THE CONSERVATION FUTURES PROGRAM CITIZENS' ADVISORY BOARD

To ensure the properties purchased with Conservation Futures tax dollars are used in the best possible manner, the Conservation Futures Program Citizen's Advisory Board ("CAB") is created by the Board of County Commissioners to evaluate and make recommendations on project applications. The Board of County Commissioners shall make all appointments to the committee consistent with the following guidelines.

- The CAB is composed of nine (9) voting members that represent conservation and community planning expertise and technical knowledge. Within the nine (9) voting members, there shall be two (2) members representing each commissioner district and three (3) members representing the county at large.
- Terms for CAB members will be three (3) years. Membership shall be staggered so that one-third of the member's appointments expires each year. Committee members may be re-

appointed but shall serve no longer than three terms consecutively. Appointments shall run from January 1 to December 31 three years later.

- CAB members may be removed by a majority of the Commissioners for good cause.
- Membership of the CAB shall be unpaid. Expenses may be reimbursed consistent with Island County policy.
- Technical, non-voting members of the CAB may be appointed for any application cycle by the Board of County Commissioners in order to provide subject matter expertise or special knowledge or experience that would be beneficial in evaluating applications to the Program during a specific application cycle.
- A quorum of the CAB for the purposes of conducting business shall be a majority of the currently appointed CAB members. If a quorum of the CAB is established at any given meeting, any action taken by a majority or more members at that given meeting shall constitute an advisory recommendation by the CAB to the Board of County Commissioners.
- The members of the CAB shall select a Chair, and a Vice Chair at their first meeting of any application cycle to serve until the end of the application cycle. If neither the Chair nor Vice Chair is able to attend any individual meeting of the CAB, the members present shall select an alternate Chair for that meeting only.
- Each voting member of the CAB shall have one (1) vote on any matter duly before the CAB

Conflict of Interest. Any CAB member employed by or serving as a current board member of an applicant organization that has applied for funding in either the M&O or acquisition category(ies), shall recuse herself or himself from the CAB evaluation of that category(ies). No Commissioner, CAB member or county employee shall directly or indirectly benefit from or have an ownership or financial interest in any real property acquired or in any way funded by the Program.

Meetings and Records. The Program shall reflect Island County's commitment to open and transparent governance. CAB meetings (with the exception of site visits) shall be open to the public and conducted as if subject to the Open Public Meetings Act, Chapter 42.30 RCW.

- Public notice for any CAB meeting to hear applicant presentations shall be in the form of a press release (including date and time of such meeting) sent to local newspapers of general circulation in Island County.
- All records of the CAB unless specifically exempted by State Law, shall be public documents and shall be made available to the public upon request.

Duties of the Conservation Futures Program Citizens' Advisory Board (CAB). To guide and direct the CAB, the Commissioners assign the following duties to the CAB:

- In each application cycle, the CAB shall hold at least one(1) public meeting to review applications to the Program and hear applicant presentations,
- More than one public meeting may be needed to consider complex applications or to take public input in meetings on both Whidbey Island and Camano Island when appropriate.
- When making recommendations to the Board of County Commissioners, the CAB should provide, at a minimum, the following:
 - 1) Written findings and conclusions as to how the CAB's recommendations satisfy the CFF selection criteria and priorities approved by the Commissioners.
 - 2) Minutes of the proceedings before the CAB.
 - 3) The CAB's vote on all matters.

- 4) Concerns of the CAB regarding selection criteria values as pre-scored by County departments.
- 5) Any other concerns of the CAB which it desires to be considered by the Commissioners.

APPLICATION SELECTION CRITERIA

Selection criteria are a tool to determine which projects best support the preservation and conservation goals of the County. The selection criteria will be applied to all applications in a similar manner. All applications will be reviewed and evaluated by CAB using specific, detailed, and consistent selection criteria as adopted by resolution of the Board of County Commissioners.

Prior to November 1 of each year, the Board of County Commissioners, at its discretion, may review and revise the Annual Commissioners Goals for evaluating applications for the following year's application cycle. Selection criteria and Commissioners goals shall remain in effect until amended or superseded by subsequent resolution adopted by the Board of County Commissioners.

At least every five (5) years, the Board of County Commissioners shall review and amend, if needed, the Program procedures and selection criteria. The review process shall be determined by the Board.

CONSERVATION FUTURES FUND ANNUAL APPLICATION PROCESS

Applications. Island County utilizes a standard process for soliciting and evaluating applications for proposed projects.

- All applications shall, at a minimum, be made in accordance with the application materials provided by the program and set forth how the proposal satisfies the selection criteria and goals.
- The Commissioners may accept an out-of-cycle application at their own discretion and designate the timeline to process such an application. Out-of-cycle applications shall be evaluated by the CAB, Planning Department, and Natural Resources Department in a manner similar to the regular evaluation process.

Application Evaluation Process. Each year that the Commissioners accept applications to the Program, the Annual Application Cycle ("Cycle") shall be:

- The County shall provide notice to eligible organizations within Island County, no later than January 15, that applications may be submitted to Island County.
- In January, a press release will be sent to local newspapers of general circulation in Island County providing information on the Island County Conservation Futures Program and annual application cycle.
- The application deadline shall be at the close of the business day, February 28. If February 28 falls on a weekend, the application deadline shall be the close of business on the Monday following February 28.
- During the month of March, submitted applications will be:
 1. Reviewed for completeness by the Program Manager. The Program Manager may require applicants to provide additional information, to clarify the application, prior to the application being submitted to the CAB.
 2. Submitted to Island County Planning Department for its review of the proposed acquisition of rights or interest in real property to determine, as required by RCW 84.34.230, whether the acquisition would reduce the capacity of land suitable for development necessary to accommodate the allocated housing and employment

growth, as adopted in the countywide planning policies. The Planning Department shall submit a written report with its analysis and conclusions to the CAB no later than March 31.

3. Pre-scored by the appropriate County department where designated in the project selection criteria. All County departments that pre-score projects as part of the selection criteria scoring shall submit a written report with their analysis and conclusions to the CAB no later than March 31.
 - During the March review period, the CAB will conduct any property visits that are needed prior to the CAB meetings.
 - The CAB shall meet to evaluate applications typically during the first week of April. The CAB shall forward its recommendations to the Board Commissioners no later than the April 30.

Timeline for CFF Annual Process	
Dates	Process
Prior to January 15	Notice to eligible organizations
February 28 (Close of Business)	Application Deadline
March 1 – 31	<ul style="list-style-type: none"> • Staff review period • Pre-scoring by appropriate County department where designated in the project selection criteria. • Planning review • Site visits by CAB
1 st week of April	CAB public meeting to evaluate applications
April 30	CAB recommendations due to BOCC

BOARD OF COUNTY COMMISSIONERS' PUBLIC HEARING

Following receipt of the annual CAB recommendations, the Board of County Commissioners will hold a public hearing to consider the CAB's recommendations and take public comments on such recommendations. At the public hearing, each applicant whose project is recommended by the CAB for award of funding will be given the opportunity to make a brief presentation about its application. No later than 60 days following the public hearing, the Board of County Commissioners shall determine the allocation of funding for real property acquisition and maintenance and operations projects. The Board of County Commissioners may, at its sole discretion, reject any application or proposed project.

IMPLEMENTATION

Applicants will be informed by program staff of all recommendations adopted by the Board of County Commissioners. Organizations with approved projects will be required to enter into a contract between itself and Island County which outlines the terms and conditions of expending Conservation Futures awards. Projects shall be complete within two (2) years from the date of contract execution by the County. The Board of County Commissioners may extend the term of the contract at its discretion.

- To secure an extension, an organization should send a written request to the County's Program Manager, at least thirty (30) days prior to the end of the contract period.
- The Program Manager will notify the organization of the Board of County Commissioners decision within thirty (30) days of receipt of the request, or as soon thereafter as practicable.

Interim Progress Reports. The organization is required to submit Interim Progress Reports (by February 28 for the previous year) for their approved project that documents project status including related

financial information as specified in the contract for project funding. Delays in the schedule from the original application shall be identified with possible solutions to completing project as proposed.

Final Report. A Final Project Report shall be submitted within sixty (60) days of project completion. This report shall describe the completed project (including maps, GIS coordinates and photographs), briefly discuss how the completed project benefits the citizens of Island County and a final accounting of all revenues and expenditures.