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CITY OF SEATTLE
ORDINANCE 127087
COUNCIL BILL 120843

AN ORDINANCE relating to King County Conservation Futures Levy proceeds; authorizing the Mayor or designee to enter into Amendments 2, 3, and 4 to the Conservation Futures Interlocal Cooperation Agreement between King County and The City of Seattle for Open Space Acquisition Projects; and authorizing the deposit of 2024 allocations from King County Conservation Futures Levy proceeds into The City of Seattle’s Park and Recreation Fund, Water Fund, and Drainage and Wastewater Fund.

WHEREAS, King County Conservation Futures Levy (CFL) funds are collected throughout King County as a dedicated portion of property taxes for the acquisition of open space and natural resource lands; and

WHEREAS, in 1990, City Ordinance 114978 authorized the CFL Interlocal Cooperation Agreement (“CFL Interlocal”) with King County to govern the receipt and use of CFL proceeds, and to define the special projects (“Projects”) approved by King County for acquisition using CFL proceeds; and

WHEREAS, each year the City and King County amended the CFL Interlocal to add Projects and to provide for additional allocations of CFL proceeds; and

WHEREAS, on November 13, 2018, the King County Council passed Ordinance 18827, which authorized the King County Executive to execute a new CFL Interlocal and authorized language changes thereto; and

WHEREAS, on November 22, 2021, the City Council passed Ordinance 126477, which authorized the new Conservation Futures Interlocal Agreement (“Interlocal”), to which was attached the Amendment to the Conservation Futures Interlocal Cooperation Agreement Between King County and The City of Seattle for Open Space Acquisition Projects (“Amendment”); and

1 WHEREAS, on September 26, 2023, the City Council passed Ordinance 126904, which
2 authorized Amendment 1 to the Interlocal; and

3 WHEREAS, on December 5, 2023, the King County Council passed Ordinance 19712, which
4 authorized reallocations of unspent funds to Projects; and

5 WHEREAS, on December 5, 2023, the King County Council passed Ordinance 19712, which
6 appropriated a total of \$2,522,500 in 2024 Conservation Futures Levy proceeds to the
7 Hitts Hill Park Addition and the Rainier Beach Residential Urban Village acquisition
8 projects sponsored by Seattle Parks and Recreation; and

9 WHEREAS, Ordinance 19712 also appropriated a total of \$2,400,000 in 2024 Conservation
10 Futures Levy proceeds to the Helen Sherry Property Acquisition and the Thornton
11 Confluence Natural Area Expansion projects, sponsored by Seattle Public Utilities;

12 NOW, THEREFORE,

13 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

14 Section 1. The Mayor or designee is authorized to execute Amendment 2 to the
15 Conservation Futures Interlocal Cooperation Agreement (“Interlocal”) between King County and
16 The City of Seattle for Open Space Acquisition Projects (“Amendment 2”) substantially in the
17 form of Exhibit A to this ordinance, to provide for the City’s receipt and use of up to \$900,000
18 from the reallocations of 2023 King County CFL proceeds.

19 Section 2. Funds received pursuant to the execution of Amendment 2 shall be deposited
20 as follows:

Fund	Department	Budget Control Level	Amount
Park And Recreation Fund (10200)	Seattle Parks and Recreation	Building For The Future (BC-PR-20000)	\$900,000

1 Section 3. The Mayor or designee is authorized to execute Amendment 3 to the
2 Conservation Futures Interlocal Cooperation Agreement between King County and The City of
3 Seattle for Open Space Acquisition Projects (“Amendment 3”) substantially in the form of
4 Exhibit B to this ordinance, to provide for the City’s approval of amended language in Sections
5 5.2, 6.1, and 6.4 to the Interlocal.

6 Section 4. The Mayor or designee is authorized to execute Amendment 4 to the
7 Conservation Futures Interlocal Cooperation Agreement between King County and The City of
8 Seattle for Open Space Acquisition Projects (“Amendment 4”) substantially in the form of
9 Exhibit C to this ordinance, to provide for the City’s receipt and use of up to \$4,922,500 from the
10 2024 allocations of King County CFL proceeds. Amendment 4 will be added to the list of
11 approved projects in the Interlocal (“Projects”), to include the Hitts Hill Park Addition and the
12 Rainier Beach Residential Urban Village acquisition projects.

13 Section 5. Funds received pursuant to the execution of Amendment 4 shall be deposited
14 as follows:

Fund	Department	Budget Control Level	Amount
Park And Recreation Fund (10200)	Seattle Parks and Recreation	Building For The Future (10200-BC-PR-20000)	\$2,522,500
Water Fund (43000)	Seattle Public Utilities	Habitat Conservation Program (43000-BC-SU-C160B)	\$1,650,000
Drainage and Wastewater Fund (44010)	Seattle Public Utilities	Protection of Beneficial Uses (BC-SU-C333B)	\$750,000

1 Section 6. This ordinance shall take effect as provided by Seattle Municipal Code
2 Sections 1.04.020 and 1.04.070.

3 Passed by the City Council the 17th day of September, 2024,
4 and signed by me in open session in authentication of its passage this 17th day of
5 September, 2024.

6 

7 President _____ of the City Council

Approved / returned unsigned / vetoed this 23rd day of September, 2024.

8 

9 Bruce A. Harrell, Mayor

10 Filed by me this 24th day of September, 2024.

11 

12 Scheereen Dedman, City Clerk

13 (Seal)

- 1 Attachments:
- 2 Exhibit A – Amendment 2 to the Conservation Futures Interlocal Cooperation Agreement
- 3 between King County and The City of Seattle for Open Space Acquisition Projects
- 4 Exhibit B – Amendment 3 to the Conservation Futures Interlocal Cooperation Agreement
- 5 between King County and The City of Seattle for Open Space Acquisition Projects
- 6 Exhibit C – Amendment 4 to the Conservation Futures Interlocal Cooperation Agreement
- 7 between King County and The City of Seattle for Open Space Acquisition Projects

**AMENDMENT 2 TO THE CONSERVATION FUTURES
INTERLOCAL COOPERATION AGREEMENT
BETWEEN KING COUNTY AND THE CITY OF SEATTLE
FOR OPEN SPACE ACQUISITION PROJECTS**

The King County Council, through Ordinance 9128, has established a Conservation Futures Levy Fund and appropriated proceeds to King County and certain cities. This amendment is entered into to provide for the allocation of additional proceeds made available for open space acquisition.

THIS AMENDMENT is entered into between the CITY OF SEATTLE and KING COUNTY, and amends and attaches to and is part thereof of the existing Interlocal Cooperation Agreement entered into between the parties on the 17th day of October, 2022, as previously amended.

The parties agree to the following amendment:

The Interlocal Cooperation Agreement is hereby amended by adding Exhibit 1, attached hereto.

In all other respects, the terms, conditions, duties and obligations of both parties shall remain the same as agreed to in the Interlocal Cooperation Agreement as previously amended.

Once fully executed, this Amendment shall be incorporated into the existing Interlocal Cooperation Agreement as if fully set forth, and shall become Amendment 2.

IN WITNESS WHEREOF, authorized representatives of the parties hereto have signed their names in the spaces set forth below:

KING COUNTY

CITY OF SEATTLE

Dow Constantine
King County Executive

Bruce A. Harrell
Mayor

Date: _____

Date: _____

Approved as to form:

Leesa Manion
King County Prosecuting Attorney

EXHIBIT 1

2023 REALLOCATION CONSERVATION FUTURES LEVY PROCEEDS CITY OF SEATTLE ALLOCATION

Jurisdiction	Project Name (Project Number)	Allocation
Seattle	Longfellow Creek Addition (Project #1129235)	\$15,224
Seattle	Longfellow Creek Addition (Project #1134923/Award #1129235)	\$384,776
Seattle	North Rainier Town Center (Project #1126739)	\$500,000
TOTAL		\$900,000 ¹

Project Description:

Project #1129235: Seattle – Longfellow Creek Addition

This project seeks to preserve parcels along Longfellow Creek on 24th Avenue SW in West Seattle. Acquisitions in this area would add to Seattle's 15-acre Longfellow Creek Greenspace. Once multiple acquisitions are completed, the area could undergo future restoration by Seattle Public Utilities to reduce regular flooding impacts on nearby roads and homes, increase flood storage capacity, improve creek habitat functions, and replace culverts. Longfellow Creek is a salmon-bearing stream with significant documented coho pre-spawn mortality from stormwater pollution. The reallocation award will allow for additional purchases. Match comes from city park district funding. This award requires match equal to 50% of total project costs, reflecting the match policy in place at the time the award was recommended in early 2023. The project is receiving a total of \$400,000, split into two project awards; this award is for \$15,224. Project funding was authorized in King County Ordinance 19712.

Is this a Bond-financed Project? No

Project #1134923/Award #1129235: Seattle – Longfellow Creek Addition

This award is the same project description as above, representing the other award into the project; this award is for \$384,776. Project funding was authorized in King County Ordinance 19712.

¹ The King County Council authorized an award of \$10,000 in 2023 reallocation dollars to Seattle for Terry Pettus Park (Project #1136839). Seattle Parks has indicated that this funding is no longer needed for its transaction and requested to return the 2023 reallocation award of \$10,000. The award will be returned through King County Conservation Futures Advisory Committee recommendation and legislative action in 2024. Therefore the Terry Pettus \$10,000 award is not being included in this amendment.

Is this a Bond-financed Project? Yes

Project #1126739: Seattle – North Rainier Town Center

This project seeks to add open space in the North Rainier Hub Urban Village, adjacent or close to the Mount Baker light rail station at the intersection of Martin Luther King Boulevard and North Rainier Avenue, across from Franklin High School. The light rail station is situated in a community that lacks open space. Locating an open space site at the transit center could help make it more pedestrian-friendly. The reallocation award continues fundraising for open space investment. This project was determined to merit a match waiver. Project funding was authorized in King County Ordinance 19712.

Is this a Bond-financed Project? No

**AMENDMENT 3 TO THE CONSERVATION FUTURES
INTERLOCAL COOPERATION AGREEMENT
BETWEEN KING COUNTY AND THE CITY OF SEATTLE
FOR OPEN SPACE ACQUISITION PROJECTS**

The King County Council, through Ordinance 9128, has established a Conservation Futures Levy Fund and appropriated proceeds to King County and certain cities. This amendment is entered into to provide for policy updates.

THIS AMENDMENT is entered into between the CITY OF SEATTLE and KING COUNTY, and amends and attaches to and is part thereof of the existing Interlocal Cooperation Agreement entered into between the parties on the 17th day of October, 2022, as previously amended.

Section 5.2 is updated with the additional language as underlined below:

Section 5.2 – Use of Proceeds. Proceeds provided to the City pursuant to this agreement as well as moneys provided by the City as match pursuant to this agreement may be used only to pay capital costs related to property acquisition and initial site stabilization activities. Those costs include appraisals, title searches, negotiations, administrative overhead, and the cost of actual acquisition or purchase options, and all other costs meeting the requirements of K.C.C. 26.12.010. The City shall have the property valued by an 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 unless otherwise provided in K.C.C. 26.12.010. In requesting reimbursement of proceeds for the Project, the City shall demonstrate to the County compliance with this Section 5.2. Proceeds utilized pursuant to this agreement may not be used to purchase land obtained through the exercise of eminent domain.

The first sentence of Section 6.1 is deleted and replaced with the following:

Except for acquisitions of property interests in opportunity areas, as defined by K.C.C. 26.12.003, any Project funded by Conservation Futures Levy proceeds shall be supported by the City in which the Project is located with a matching contribution, which is no less than twenty-five percent of the total costs of the Project including the value of the matching contribution provided by the City.

The second paragraph of Section 6.4 is updated with the additional language as underlined below:

The City shall not change the status or use of properties acquired with proceeds provided pursuant to this agreement unless the City provides equivalent lands or cash in exchange for the land to be changed to a different use, or a combination of land and cash reimbursement is provided. The land shall be valued in its changed

status or use, and not based upon its value as open space, and the replacement land or payment amount must be approved by the County. If requested by the County, at its own cost the City will provide the County an appraisal performed within the previous year by an independent state-certified real estate appraiser with a current general real estate appraiser license. The value established by the appraisal will not be binding on the County. If the County approves replacement land, the City shall complete the replacement within one year of approval. If the County approves cash reimbursement, the City shall pay the County within 90 days of approval.

In all other respects, the terms, conditions, duties and obligations of both parties shall remain the same as agreed to in the Interlocal Cooperation Agreement as previously amended.

Once fully executed, this Amendment shall be incorporated into the existing Interlocal Cooperation Agreement as if fully set forth, and shall become Amendment 3.

IN WITNESS WHEREOF, authorized representatives of the parties hereto have signed their names in the spaces set forth below:

KING COUNTY

CITY OF SEATTLE

Dow Constantine
King County Executive
Acting under the authority of
Ordinance 19646

Bruce A. Harrell
Mayor
Acting under the authority of
Ordinance ____

Date: _____

Date: _____

Approved as to form:

Leesa Manion
King County Prosecuting Attorney

**AMENDMENT 4 TO THE CONSERVATION FUTURES
INTERLOCAL COOPERATION AGREEMENT
BETWEEN KING COUNTY AND THE CITY OF SEATTLE
FOR OPEN SPACE ACQUISITION PROJECTS**

The King County Council, through Ordinance 9128, has established a Conservation Futures Levy Fund and appropriated proceeds to King County and certain cities. This amendment is entered into to provide for the allocation of additional proceeds made available for open space acquisition.

THIS AMENDMENT is entered into between the CITY OF SEATTLE and KING COUNTY, and amends and attaches to and is part thereof of the existing Interlocal Cooperation Agreement entered into between the parties on the 17th day of October, 2022, as previously amended.

The parties agree to the following amendment:

The Interlocal Cooperation Agreement is hereby amended by adding Exhibit 1, attached hereto.

In all other respects, the terms, conditions, duties and obligations of both parties shall remain the same as agreed to in the Interlocal Cooperation Agreement as previously amended.

Once fully executed, this Amendment shall be incorporated into the existing Interlocal Cooperation Agreement as if fully set forth, and shall become Amendment 4.

IN WITNESS WHEREOF, authorized representatives of the parties hereto have signed their names in the spaces set forth below:

KING COUNTY

CITY OF SEATTLE

Dow Constantine
King County Executive

Bruce A. Harrell
Mayor

Date: _____

Date: _____

Approved as to form:

Leesa Manion
King County Prosecuting Attorney

EXHIBIT 1

**2024 CONSERVATION FUTURES LEVY PROCEEDS
CITY OF SEATTLE ALLOCATION**

Jurisdiction	Project Name	Allocation
Seattle (Parks)	Hitt’s Hill Park Addition	\$1,522,500
Seattle (Parks)	Rainier Beach Residential Urban Village Park	\$1,000,000
Seattle (SPU)	Helen Sherry Property Acquisition	\$1,650,000
Seattle (SPU)	Thornton Confluence Natural Area Expansion	\$750,000
TOTAL		\$4,922,500

Project Description:

Project #1145690: Seattle (Parks) – Hitt’s Hill Park Addition

The City of Seattle Parks and Recreation Department seeks to expand Hitt’s Hill Park in Columbia City, where recent upzoning is driving the need for more greenspace. The city will acquire 1.5 acres, which includes one full parcel, including a house on the north side (with a life estate lease), and just the wooded backyard of a second parcel. The house on the full parcel would be demolished, and the land on both parcels would be restored with native plants and added to the park for a total of five acres. Acquisition would provide more greenspace for 200 affordable units being built within two blocks of Hitt’s Hill Park. Match comes from city park district funding. This award requires match equal to 25% of total project costs, reflecting the new match policy implemented July 2023 and adopted in the prior amendment. Project funding was authorized in King County Ordinance 19712.

Is this a Bond-financed Project? No

Project #1145691: Seattle (Parks) – Rainier Beach Residential Urban Village Park

The City of Seattle Parks and Recreation Department seeks funding to evaluate and begin acquisition of up to three potential open spaces in the rapidly growing Rainier Beach Residential Urban Village. The city will acquire up to 3.5 acres depending on which of the three sites are most feasible. Currently the Rainier Beach Urban Village lacks enough accessible open space to meet residents’ needs. Acquisition supports the community’s goals of creating greenspace that is accessible for differently abled residents and improving the Henderson Street Corridor between the Rainier Beach Light Rail station and the waterfront at Be’er Sheva Park. This project was

determined to merit a match waiver. Project funding was authorized in King County Ordinance 19712.

Is this a Bond-financed Project? No

Project #1145693: Seattle (SPU) – Helen Sherry Property Acquisition

Seattle Public Utilities (SPU) aims to acquire property along the Cedar River to allow for a reach-scale salmon habitat restoration project. The city would acquire two parcels totaling 20.12 acres and demolish all structures. The target parcels are next to a 16-acre juvenile salmon habitat restoration project being built this year; acquisition would allow future expansion of the restoration project onto these parcels. River access provides direct access to view spawning salmon; this area is notable for being prime Chinook and sockeye spawning habitat. Match comes from other additional state-funded grant awards. This award requires match equal to 25% of total project costs, reflecting the new match policy implemented July 2023 and adopted in the prior amendment. Project funding was authorized in King County Ordinance 19712.

Is this a Bond-financed Project? No

Project #1145694: Seattle (SPU) – Thornton Confluence Natural Area Expansion

Seattle Public Utilities aims to expand the floodplain footprint of Thornton Creek to increase flood storage and enhance salmon habitat. This year's scope includes 0.45 acres across two developed properties located in or adjacent to the FEMA floodway. This year the city prioritized only the northern parcel as ready for acquisition and funding this year. Acquisition reduces flood risk and contributes to a functioning urban wildlife habitat system including increased spawning and rearing habitat for Chinook, coho, sockeye, and coastal cutthroat trout. The project is within walking distance of schools and a community center, with ample opportunity for urban ecology education and scenic views from the street. Match is expected to come from SPU capital or other grant funding. This award requires match equal to 25% of total project costs, reflecting the new match policy implemented July 2023 and adopted in the prior amendment. Project funding was authorized in King County Ordinance 19712.

Is this a Bond-financed Project? No