



Legislation Text

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AN ORDINANCE authorizing a special assessment for resource conservation for natural resource conservation purposes on all nonexempt properties within the King Conservation District of King County of ten dollars per parcel for the year 2006.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. The King Conservation District is a governmental subdivision of the state of Washington, organized under chapter 89.08 RCW to protect and conserve natural resources throughout King County except within the boundaries of the incorporated cities of Enumclaw, Federal Way, Milton, Pacific and Skykomish.

B. RCW 89.08.400 authorizes special assessments for conservation districts for activities and programs to conserve natural resources to be imposed by the legislative authority of the county in which the conservation district is located for a period not to exceed ten years.

C. The King Conservation District provides the benefits of resource practices, programs and projects pursuant to chapter 89.08 RCW to all parcel owners or land occupiers within the district, including, but not limited to: technical assistance to landowners to meet the requirements of state, county and municipal regulations relating to conservation; technical support for King County agricultural programs; assistance to landowners in resolving code enforcement issues relating to conservation and environmental protection; development of plans for livestock manure storage facilities; assistance to county and municipal departments with water quality coordination and protections; coordination of intergovernmental partnerships to carry out

joint projects, including the development and implementation of watershed plans; assistance to governments to develop livestock and agricultural laws and regulations; research to determine and develop the most effective best management practices to improve water quality; development of farm plans; cost-sharing funding for sensitive area best management practices implementation; and other such natural resource conservation activities as provided for in chapter 89.08 RCW.

D. The declaration of legislative intent in establishment of conservation districts in RCW 89.08.010 is incorporated in this ordinance, notably the Legislature's acknowledgement that "there is a pressing need for the conservation of renewable resources in all areas of the state, whether urban, suburban, or rural, and that the benefits of resource practices, programs, and projects, as carried out by the state conservation commission and by the conservation districts, should be available to all such areas; therefore, it is hereby declared to be the policy of the legislature to provide for the conservation of the renewable resources of this state, and for the control and prevention of soil erosion, and for the prevention of flood water and sediment damages, and for furthering agricultural and nonagricultural phases of conservation, development, utilization, and disposal of water, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state."

E. The statutory procedure for imposition of a conservation district special assessment specifies that the supervisors of the conservation district hold a public hearing on a proposed assessment before August 1 in the year before which it is proposed that the initial assessment be imposed, and that the county legislative authority hold an additional public hearing on the proposed system of assessment.

F. Pursuant to RCW 89.08.400, any system of special assessments for the conservation district shall not apply in cities that are outside of the boundaries of the district, though such cities may be located within King County and may benefit indirectly from activities of the district.

G. In 1993, King County enacted Ordinance 10981, which authorized a special assessment for the King

Conservation District of one dollar and twenty-five cents per parcel on all nonexempt properties within the district in 1994 and 1995 and approved an interlocal agreement between King County and the King Conservation District. The agreement as subsequently amended is Attachment A to this ordinance and provides for the cooperative development of the King Conservation District annual work plans and King County council review of such work plans.

H. In 1997, King County enacted Ordinance 12959, which increased the assessment for the King Conservation District from one dollar and twenty-five cents to five dollars per parcel from 1998 through 2000. The ordinance provided that of the five dollars per parcel assessment, three dollars would be distributed and expended among the five watershed forums on programs consistent with the purposes of the district under chapter 89.08 RCW. Furthermore, all cities, towns and King County for all unincorporated areas within the King Conservation District each would receive one dollar of the five dollar per parcel assessment based on the number of parcels within their respective jurisdictions, for programs consistent with the purposes of the district under chapter 89.08 RCW. The remaining one dollar was to be allocated to the King Conservation District for implementation of its annual individual work plan.

I. In 2000, King County enacted Ordinance 13942, which authorized modification of the terms of the interlocal agreement between King County and the King Conservation District. The agreement was amended as follows: Council approval of the 2001 work plan was deferred from June 1, 2000, to December 11, 2002, to coincide with council consideration of Ordinance 14016; and the termination date of the agreement was changed from 2003 to 2010. The amended form of the interlocal agreement is Attachment A to this ordinance.

J. In 2000, King County enacted Motion 11077 authorizing the executive to enter into interlocal agreements between King County and King County cities for the purposes of establishing water resource inventory area ("WRIA") forums and cooperatively developing, funding and implementing watershed-based planning, including salmon recovery planning, habitat restoration efforts, water quality and flood protection projects and other water resource management projects and programs in WRIs 8 and 9 and the King County

portion of WRIA 7. Such efforts, with support from regional, state, federal and nonprofit funds as they become available, carry out resource area planning and provide projects and programs in the Snoqualmie/South Fork Skykomish, Lake Washington/Cedar River, Lake Sammamish/Sammamish, Central Puget Sound drainages and Green-Duwamish watersheds. These interlocal agreements further strengthen efforts to effectively deal with problems on a watershed-by-watershed basis, thus benefiting each parcel within the watershed, giving support to and promoting natural resource conservation on a regional basis and carrying out resource practices, programs and projects pursuant to chapter 89.08 RCW.

K. In 2000, King County enacted Ordinance 14016, which reauthorized the assessment for the King Conservation District of five dollars per parcel from 2001 through 2005. The ordinance provided that of the five dollars per parcel assessment, three dollars would be distributed within the respective boundaries of three watershed forums, WRIA 8, WRIA 9 and the King County portion of WRIA 7, on programs consistent with the purposes of the district under chapter 89.08 RCW. Furthermore, all cities and towns and King County for all unincorporated areas within the King Conservation District were to receive one dollar of the five-dollars-per-parcel assessment based on the number of parcels within their respective jurisdictions, for programs consistent with the purposes of the district under chapter 89.08 RCW. The remaining one dollar was to be allocated to the King Conservation District for implementation of its annual work plan.

L. Pursuant to RCW 89.08.400(2), the King Conservation District board of supervisors conducted two public hearings on May 11, 2005, and July 6, 2005, and established two written open public comment periods from May 11 through May 27, 2005, and from June 13 through July 8, 2005, for the purpose of gathering public comments and information on a proposed system of assessments for an annual assessment amount of ten dollars per parcel, to be collected for each of the years 2006 through 2009.

M. On May 18, 2005, the King Conservation District board of supervisors submitted to the King County council for approval a preliminary work plan for the year 2006. On July 25, 2005, the King County council adopted Motion 12165 recommending modifications to the Calendar Year 2006 Program of Work for

the King Conservation District, and requesting the King Conservation District to submit an amended 2006 work plan on or before December 1, 2005.

N. On July 27, 2005, the King Conservation District board of supervisors adopted Resolution 2005-01 requesting King County to authorize the ten dollars per parcel assessment for a four-year period, from January 1, 2006, through December 31, 2009.

O. The activities and programs conducted by the WRIA forums provided for by Motion 11077 and the activities and programs of the King Conservation District will conserve natural resources and provide special benefit to lands within the King Conservation District. Coordinated watershed planning furthers the policy of the state of Washington to preserve and restore the natural resources of the state and, in particular, fish and wildlife and their habitat in accordance with RCW 89.08.450. Coordinated watershed planning specially benefits each parcel in the King Conservation District with resulting increased value of property by preserving natural resource values and by avoiding or mitigating for all such parcels the significant expense that would result from new limitations on permits to use or develop lands that might be imposed by federal regulatory agencies to preserve or restore native fish and wildlife habitat in the absence of satisfactory resource programs and projects funded by the district special assessment.

P. In making its findings as required by RCW 89.08.400 to determine whether the public interest will be served by the imposition of the special assessment and whether the special assessments to be imposed on any land will not exceed the special benefit that the land receives or will receive, the King County council has performed a consistent, due diligence review of each of the apportioned conservation activities proposed to be funded by the special assessment including WRIA-based conservation programs, local government conservation initiatives, and the conservation programs conducted directly by the King Conservation District.

The public interest is served by imposition of the special assessment and the special benefit provided to each parcel is equal to or greater than the per parcel assessment, as set forth below:

1. WRIA-based conservation programs provide a special benefit equal to or greater than the per parcel

cost to property owners, and the public interest is served by the continued rigorous scientific review and implementation of the WRIA 7, WRIA 8 and WRIA 9 Chinook Salmon Conservation Plans performed by more than fifty local jurisdictions since 1999 to identify specific watershed conservation programs and projects;

2. The local jurisdiction grant program provides a special benefit equal to or greater than the per parcel cost to property owners through conservation activities funded in local jurisdictions within the district, and the public interest is served through these grant program activities which have sufficient safeguards, project eligibility standards and grant administration oversight to ensure expenditure consistent with RCW chapter 89.08; and

3. Programs directly provided by the King Conservation District and specified in the final King Conservation District work plan for 2006, to be approved by King County and the King Conservation District, will provide a special benefit through conservation activities by the district equal to or greater than the two dollars per parcel cost to property owners and the public interest is served by such programs.

Q. For the purposes set forth in chapter 89.08 RCW, the public interest is served by the imposition of the special assessment for the conservation district, and all lands within the boundaries of the King Conservation District, with forestlands and properties owned by the federal government being exempted from charge, have derived and will continue to derive a benefit from the natural resource conservation projects and programs equal to or exceeding the ten dollars per parcel assessment. The assessment of ten dollars per parcel and zero dollars per acre is reasonably calculated to fund the activities that shall continue to specially benefit these lands, and these rate amounts do not exceed the special benefits that such parcels receive or will receive from these activities.

R. The King County council has carefully weighed the recommendations of the King Conservation District and the testimony generated in the district's public hearing process. The district's written record included sixty public comments, with nineteen residents in opposition to the special assessment and forty-one in support of an increased assessment in 2006. The cities of Bellevue, Renton, Tukwila, Redmond, North

Bend, Duvall and Snoqualmie - representing over sixty-nine thousand five hundred property parcels - submitted letters in support of a special assessment of ten dollars per parcel per year and recommended that six dollars of the assessment be allocated to WRIA projects to best serve the public interest and greatest benefit to residents of those jurisdictions.

SECTION 2. A natural resource conservation special assessment for the King Conservation District of ten dollars per parcel on all property within the district, other than lands assessed as forestland or owned by the federal government, is hereby imposed for collection in 2006. The use of revenues from this assessment is subject to the terms of the interlocal agreement between the King Conservation District and King County, Attachment A to this ordinance, which may be amended from time to time.

SECTION 3. The amount of the assessment shall constitute a lien against any property for which the assessment has not been paid by the date it is due. A notice of lien shall be sent to each owner of such property.

SECTION 4. A. The district shall distribute a total of six dollars per assessed parcel within the respective boundaries of WRIA 8 and 9 and the King County portion of WRIA 7. Distribution of the six-dollars-per-parcel assessment shall be based on the watershed-based approach to natural resource conservation as reflected in Motion 11077, with revenues equitably divided among the structured watershed forums established in King County based on the interlocal agreements governing these forums. The distribution shall allocate two-fifths to the WRIA 8 forum, two-fifths to the WRIA 9 forum and one-fifth to the Snoqualmie Watershed forum, the King County portion of WRIA 7.

B. The WRIA forums 8 and 9, and the King County portion of WRIA 7, the Snoqualmie Watershed forum, will utilize the funds distributed to them for habitat restoration and protection and conservation purposes. The distributed funds must be spent for activities and programs that are: 1. within the boundaries of the King Conservation District; 2. consistent with the purposes of the district as established in chapter 89.08 RCW; and 3. consistent with regional funding principles approved by the regional water quality committee in regional water quality committee Motions 95-05 and 97-646.

C. The district shall provide on or before June 30 and December 31 of each year status reports to the clerk of the King County council describing the distribution of these funds to the WRIA forums and the activities and capital projects funded with this portion of the assessment. The status report shall be filed with the clerk of the council for distribution to the chair of the natural resources and utilities committee, or its successor committee, to each councilmember and to the lead staff for the natural resources and utilities committee, or its successor committee.

SECTION 5. The district shall distribute a total of two dollars per parcel of the assessment to the county and each city or town in the district from which the funds are collected, to be used for natural resources protection activities consistent with the purposes of the district as established in chapter 89.08 RCW. The county and cities within the district may choose to receive this distribution in cash or contract with the district for services equal to the value of the distribution.

SECTION 6. A total of two dollars per parcel of the assessment shall be distributed to the district. The two-dollars-per-parcel assessment shall be used for implementation of the district's work plan as approved by the King County council.

SECTION 7. A. By December 31, 2005, the executive shall file with the clerk of the council a written certification as to whether the district has adopted a work plan for 2006 that implements the assessment distribution amounts set forth in Sections 4, 5 and 6 of this ordinance. If the executive either fails to file a certification by such date or certifies that the adopted district work plan does not implement that distribution, the special assessment shall not be imposed and shall not be collected in 2006.

B. charsid15945225 The district shall provide status reports outlining specific performance measures for implementing work program activities to the King County council no later than June 30 and December 31 of each year. The status report shall be filed with the clerk of the council for distribution to the chair of the natural resources and utilities committee, or its successor committee, to each councilmember and to the lead staff for the natural resources and utilities committee, or its successor committee. The status reports shall

describe progress achieved towards work plan goals in terms of performance measures and report any barriers towards achieving work plan goals. Specifically, the reports should address the completion of farm plans, dairy nutrient management planning, landowner conservation services and administration and finance operations of the district.

SECTION 8. The King County treasurer is authorized to collect and retain a one percent collection fee and the district is authorized to retain a one percent fiscal administration fee from all revenues derived from the special assessment authorized by this ordinance. The district fiscal administration fee shall be used to cover administrative expenses, including costs associated with providing proper and prudent financial oversight of all assessment collections remitted to the district, and for all contracts and grants administered by the district as stipulated by state of Washington auditing practices and regulations.

SECTION 9. Pursuant to RCW 89.08.400(2), the King Conservation District special assessments may be revised by the King County board of appeals with respect to individual parcels. Appeals of the special assessment for the King Conservation District must be filed with the King County board of appeals in a manner prescribed by the board on or before March 30, 2006. The board of appeals shall hold a public hearing to consider objections to the special assessment for the King Conservation District, act as a board of equalization and make any adjustments to the special assessment. The board may make reductions in assessments for properties which meet the exemption criteria established in RCW 89.08.400 or other reasonable grounds consistent with chapter 89.08 RCW.

SECTION 10. The public interest is served by the authorization of the King Conservation District special assessment consistent with the increase in assessment authority recently enacted by the state of Washington. The special assessments to be imposed on any land is less than or equal to the special benefit that each parcel receives or will receive from the natural resource conservation activities funded by the assessment.

SECTION 11. All provisions of this ordinance are necessary to accomplish the intent of the council in imposing the natural resource special assessment for 2006 and are not severable from each other. If any

provision of this ordinance is declared by a final court order to be invalid, all provisions of this ordinance shall be deemed to be of no force or effect and the natural resource assessment authorized herein shall not be collected, or if collected shall be refunded.