



Legislation Text

File #: 2009-0590, **Version:** 2

Clerk 11/17/2009

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 nine dollars and ninety-eight cents per parcel plus one-cent per parcel for parcels between one and five acres or two cents per parcel for parcels greater than five acres, for the years 2010 through 2012, and authorizing the executive to enter into an interlocal agreement between King County and the King Conservation District.

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.

C. The King Conservation District provides the benefits of resource practices, programs and projects authorized by chapter 89.08 RCW available to all land 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. In accordance with 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 receive a smaller indirect benefit from the activities of the district and its citizens do not have direct access to conservation services provided as a result of this assessment.

F. The King County council has responsibilities under chapter 89.08 RCW to approve a system of

assessments, where those assessments, in the judgment of the council, do not exceed the benefit received by the land from the activities of the district, and where the public interest is served by the imposition of the assessment.

G. The county and the King Conservation District each have an interest in acting to preserve the natural resources of the region, and have numerous cooperative services and programs intended to support that purpose.

H. The King Conservation District under chapter RCW 89.08.070(8) is authorized to plan and administer activities that affect the conservation of renewable natural resources, and to work in coordination with local agencies to avoid duplication of effort.

I. The King Conservation District under chapter RCW 89.08.220(1) is authorized to engage in investigation and research that relates to the conservation of renewable natural resources provided that, in order to avoid duplication of research activities, any such research is done in cooperation with other governments and agencies of the state and the United States.

J. The county and the King Conservation District are authorized under chapter 39.34 RCW, the Interlocal Cooperation Act, and RCW 89.08.341 to enter into cooperative interlocal agreements for the purpose of engaging in cooperative efforts to promote, facilitate and undertake programs and activities relating to the conservation of natural resources and to keep, according to RCW 89.08.341, "...local agencies fully informed concerning the status and progress of the preparation of their resource conservation programs and plans."

K. The county and the King Conservation District have historically expressed their cooperative relationship through use of these interlocal agreements which have described the processes and mechanisms by which they were to carry out their respective roles.

L. The county and the King Conservation District continue to share a mutual goal of providing a stable and predictable source of funding for the district's conservation programs and for the district's support of water quality and habitat protection grant programs to support the water resource inventory area and watershed

forums' implementation of salmon habitat recovery plans in King County, and local jurisdictions' natural resource conservation programs and activities, so that the district, the county and member jurisdictions, the watershed forums and other stakeholders can implement long-range plans for natural resource conservation. The attached interlocal agreement provides for such stability and predictability as to funding needs.

M. The attached interlocal agreement also provides a framework for the county and the King Conservation District to continue to cooperatively undertake and fund natural resource conservation programs, projects and activities that are consistent with and reflective of the priorities that each attaches to these important endeavors.

N. On July 27, 2009, the King Conservation District board of supervisors adopted Resolution 2000-0005 proposing a five-year system of assessments from 2010 through 2014 of nine dollars and ninety-eight cents per parcel on all King County parcels except those classified forestry; the proposed conservation assessment also includes a zero dollars per parcel annual rate for parcels less than one acre, a one cent per parcel annual rate for parcels between one and five acres and a two cents per parcel annual rate for parcels greater than five acres. The King Conservation District filed the proposed system of assessments with the King County council on July 31, 2009.

O. For the purposes set forth in chapter 89.08 RCW, the public interest is served by the imposition of a special assessment for the conservation district in accordance with this ordinance, and all lands within the boundaries of the King Conservation District, with forestlands, parcels owned by the federal government and parcels owned by federally recognized tribes or members of such tribes that are located within the historical boundaries of a reservation 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. Except for the parcels exempted herein, the assessment of nine dollars and ninety-eight cents per parcel on all King County parcels, also including a zero dollars per parcel annual rate for parcels less than one acre, a one cent per parcel annual rate for parcels between one and five acres and a two cents per parcel annual

rate for parcels greater than five acres, is reasonably calculated to fund and provide public access to conservation activities that shall continue to specially benefit these lands, and these rate amounts do not exceed the special benefits that such lands receive or will receive from these activities. The conservation activities funded herein consist of those projects, programs and activities that are more fully described in Attachment A to this ordinance, the proposed interlocal agreement between King County and the King Conservation District, which agreement provides for cooperative efforts on the part of King County and the King Conservation District to fund the priorities provided for in the agreement and to promote the purposes of RCW 89.08.010 as described in subsection D. of this section to improve the quality of water and the conservation of natural resources in King County and to assist landowners in King County to comply with laws and regulations that protect the quality of the County's water and natural resources.

P. On November 16, 2009, the King County council held a public hearing on the proposed King Conservation District assessment. At the hearing, the council heard testimony that the public interest would be best served by imposing the King Conservation District proposed system of assessments for a three year period, in accordance with the terms of the interlocal agreement.

Q. The proposed interlocal agreement between the King Conservation District and King County specifies the use of special assessment expenditures for identified natural resource conservation programs and activities. These programs and activities identified in the interlocal agreement serve the public interest. The special assessments to be imposed on any land will not exceed the special benefit that the land receives or will receive from these programs and activities. Programs and activities provided with assessment revenues as allocated in the proposed interlocal agreement satisfy the requirements of RCW 89.08.400 for each of the three years of the assessment.

SECTION 2. A natural resource conservation special assessment for the King Conservation District of nine dollars and ninety-eight cents per parcel on all property within the district plus an additional zero dollars per parcel annual rate for parcels less than one acre, a one cent per parcel annual rate for parcels between one

and five acres and a two cents per parcel annual rate for parcels greater than five acres, is hereby imposed for collection effective January 1, 2010, through December 31, 2012, with the following lands exempted from such charges: lands assessed as forestland; parcels owned by the federal government; and parcels owned by federally recognized tribes or members of such tribes that are located within the historical boundaries of a reservation. 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. This assessment for any year may be modified or repealed by ordinance on or before December 31 of the preceding year.

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. In accordance with 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, 2007, for the 2007 assessment, and by March 30 of each ensuing calendar year for that year's assessment. 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 5. The King County executive is hereby authorized to enter into an interlocal agreement with the King Conservation District, substantially in the form of Attachment A to this ordinance, that establishes the roles and responsibilities of the county and the King Conservation District in cooperatively undertaking natural resource conservation programs, projects and activities under funding obtained through a system of special assessments.

SECTION 6. By December 15, 2009, the executive shall file with the clerk of the council a fully executed original of the interlocal agreement, substantially in the same form as Attachment A to this ordinance. If the executive fails to timely file the original of the fully executed interlocal agreement, this ordinance shall not take effect and the special assessment provided for in this ordinance shall not be imposed or collected. In the event that either party to the interlocal agreement terminates the agreement, the special assessment provided for in this ordinance shall be rescinded for the year or years following the termination.

SECTION 7. All provisions of this ordinance are necessary to accomplish the intent of the council in imposing the natural resource special assessment for the duration of the assessment from January 1, 2010, through December 31, 2012, 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 by the King Conservation District.