



Legislation Text

File #: 2009-0620, Version: 1

Clerk 11/12/2009

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 one dollar and sixty cents per parcel for the years 2010 through 2019.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. The King Conservation District ("the 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 district provides the benefits of resource practices, programs and projects pursuant to 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; assistance to governments to develop livestock and agricultural laws and regulations; development of farm plans; promotion and assistance in making available locally grown produce and agricultural products; 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. Since its inception, the district has developed an expertise in the management of soil, water and natural resources to protect and conserve the environment and local resource-based economies, and the district has earned a reputation among landowners as an organization that understands and appreciates their needs.

G. The district historically has worked effectively with farm and rural landowners and has applied its land and resource management expertise to support these landowners in King County.

H. The district's relationship with the Natural Resources Conservation Service of the United States Department of Agriculture and other federal and state agencies strengthens its ability to preserve and protect natural resources in King County through access to federal and state funded programs.

I. The district is authorized to plan and administer activities that affect the best use and conservation of renewable natural resources taking into consideration such uses as farming, forestry, prevention and reduction of pollution to surface waters, and to work in coordination with local agencies to avoid duplication of effort, including duplication of effort as provided for in RCW 89.08.220(1).

J. The county's critical areas ordinance provides for King County landowners to work with the district to bring agricultural practices into compliance with water quality and critical area standards by working with landowners to develop farm plans. In addition, the county has a variety of programs and regulations that relate to farm practices that are best implemented in cooperation and coordination with the district.

K. The district has implemented programs that support and protect the environment and local resource-based economies including agriculture, farmers markets, economic support for agriculture and Puget Sound Fresh. These activities and programs provide benefits to both farmer and urban-dweller alike, in sustaining and preserving an important resource base and in making available locally grown produce and agricultural products.

L. On July 27, 2009, the 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, provided that the conservation assessment also include 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 district filed the proposed system of assessments, a proposed work program and budget based upon the system of assessments with the King County council on July 31, 2009.

M. Representatives of the district and of the King County council and the King County executive have met numerous times to discuss whether and how the proposed system of assessments, work plan and budget

would meet the public interest and be of benefit to assessed parcels in accordance with RCW 89.08.400(2). The representatives engaged with various stakeholder groups, including representatives of cities, urban areas, rural areas and the farming community, listened to their expressed needs and desires, and recognized the challenge of providing cost efficient and effective services in the midst of extremely difficult economic times for local, state and federal agencies and governments, and for their budgets. Arising out of this process, recommendations for modification to the proposed system of assessments, in conformity with the terms of this ordinance, have been made.

N. The county and the district share a mutual goal of providing a stable and predictable source of funding for the district's programs that seek to manage and conserve soil, water, natural resources, agriculture and forestry to the benefit of landowners located within the district. It is in the public interest and to the benefit of the parcels to be assessed that the system of assessments be for ten years, from 2010 through 2019, subject to the terms provided for in this ordinance.

O. For more than a decade, the district has administered a grant program for the benefit of the Water Resource Inventory Area ("WRIA") 8, WRIA 9 and the Snoqualmie watershed planning efforts and projects and for local jurisdiction projects consistent with chapter 89.08 RCW statutory purposes. In light of economic efficiency and effectiveness, and due to increasing costs, it is in the public interest and to the benefit of the parcels assessed that the cost represented by and associated with this grant program not be included in the amount of the special assessment.

P. For the purposes set forth in chapter 9.08 RCW, the public interest is served by the imposition of a special assessment for the district in accordance with this ordinance, and all lands within the boundaries of the 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 one dollar and sixty cent per parcel assessment.

Except for the parcels exempted in this ordinance, the assessment of one dollar and sixty cents per parcel on all King County parcels, also including a zero dollars per parcel annual rate for all such parcels and 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 in this ordinance consist of those projects, programs and activities that are more fully represented in Attachment A to this ordinance, derived, with modifications, from the various budget documents previously submitted by the district, to fund the priorities provided for in this ordinance 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.

Q. On November 16, 2009, the King County council held a public hearing on the proposed district assessment. At the hearing, the council heard testimony that the public interest would be best served by the imposition of a special assessment of one dollar and sixty cents on all nonexempt parcels within the district.

R. Attachment A to this ordinance identifies natural resource conservation programs and activities with corresponding funding amounts. These programs and activities to be funded by the special assessments provided for in this ordinance 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 funded in Attachment A to this ordinance satisfy the requirements of RCW 89.08.400 for each of the ten years of the assessment.

SECTION 2. A natural resource conservation special assessment for the King Conservation District of one dollar and sixty cents per parcel on all property within the district plus an additional zero dollars per parcel annual rate for all such parcels, is hereby imposed for collection effective January 1, 2010, through December 31, 2019, 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 continuation of the programs and activities as identified in Attachment A to this ordinance, which have historically been provided by the district and which have been determined to be in the public interest. This assessment for any year may be modified or repealed by ordinance on or before December 31 of the preceding year.

SECTION 3. The special assessments imposed by this ordinance are intended to fund the programs and activities identified in Attachment A to this ordinance. In order to ensure on a yearly basis that the special assessments imposed by this ordinance will continue to be in the public interest and that the benefit to assessed lands will be equal to or greater than the assessment imposed, King County requests that the King Conservation District fulfill the following:

A. The district submit to the King County council each year by March 31 of each year for the duration of the assessment documentation of the prior year's expenditures;

B. In accordance with the district's historical practices, the district submit to the King County council each year by July 31 of each year for the duration of the assessment an annual work program and budget. This budget and work program should generally reflect and be in substantial conformity with the identified programs and activities and funding amounts in Attachment A to this ordinance. The rationale for any substantial departures from the identified programs and activities and funding provided for in Attachment A to this ordinance shall be fully set forth in such work programs and budgets;

C. The district continue to observe the priorities historically supported by the district, including the development of farm plans, promotion of economic development and marketing programs and Puget Sound Fresh;

D. The district not engage in any research activities that are duplicative of recently initiated or ongoing research activities by other local, state or federal agencies and governments; and

E. The district disburse and close out all outstanding WRIA grant funds and member jurisdiction grant funds by the end of calendar year 2010. Any funds not applied for by the WRIA forums or by the member jurisdictions by the end of 2010 shall become available for use by the district for district programs in the years after 2010.

SECTION 4. 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 5. 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 district must be filed with the King County board of appeals in a manner prescribed by the board on or before March 30, 2010, for the 2010 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 district, act as a board of equalization and make any adjustments to the special assessment. The board may make reductions in assessments for properties that meet the exemption criteria established in RCW 89.08.400 or other reasonable grounds consistent with chapter 89.08 RCW.

SECTION 6. 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, 2019, 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 in this ordinance shall not be collected, or if collected shall be refunded by the King Conservation District.