AN ORDINANCE relating to the imposition of a natural resource conservation rate and charge in the King Conservation District 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 89.08.405 authorizes a county legislative authority to approve by resolution revenues to a conservation district by fixing a system of rates and charges to fund conservation district activities and programs to conserve natural resources.

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 water quality and habitat protection projects;

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 89.08.405, the county legislative authority in approving a system of rates and charges may in its discretion consider the information provided by a conservation district in proposing a system of rates and charges. The King Conservation District in Resolution No. 12-006 has described the information it considered in proposing a system of rates and charges, including but not limited to services furnished, to be furnished, or available to the landowner; benefits received, to be received or available to the property; land use categories in the district; and the impacts of proposed programs on categories of lands, including burdens offset and benefits received both directly and indirectly. The district also provided the county a Rate Study Report by FCS Group that involved district participation in creating a rate structure and supporting analysis that provided for different rates by land use, based on benefits, programs and services

received, to be received or to be available from each proposed district program.

F. The properties located within the jurisdictions in King County that are not within the district may receive some small indirect benefit from the activities of the district but the owners of such properties do not have direct access to conservation programs and services provided as a result of the revenues derived from the system of rates and charges.

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

H. Conservation districts under RCW 89.08.070(8) are encouraged to coordinate efforts on planning, programs and activities with local agencies and to avoid duplication of effort.

I. RCW 89.08.220(4) authorizes the King Conservation District to cooperate and enter into agreements with, and within the limits of appropriations made available to it, to furnish financial or other aid to any agency, government or otherwise, or any occupier of land within the district in the carrying on of preventative and control measures and works of improvement for the conservation of renewable natural resources within the district.

J. The King Conservation District under 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 research is done in cooperation with other governments and agencies of the state and the United States.

K. 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."

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L. 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.

M. 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 local jurisdictions' natural resource conservation programs and activities, so that the district, the county and member jurisdictions 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.

N. 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.

O. On July 30, 2012, the King Conservation District board of supervisors adopted Resolution 12-006 proposing a five-year system of rates and charges from 2013 through 2017 to include the following: agricultural parcels, ten dollars per parcel; residential parcels, nine dollars and sixty-two cents per parcel; institutional/ public parcels, nine dollars and forty-two cents per parcel; commercial parcels, nine dollars and forty cents per parcel; open space parcels, nine dollars and thirty-seven cents per parcel; vacant/undeveloped parcels, eight dollars and sixty-five cents per parcel; and forested parcels, zero dollars and cents per parcel. The King Conservation District filed the proposed system of rates and charges with the King County council on July 31, 2012.

P. For the purposes set forth in chapter 89.08 RCW, the public interest is served by the approval of a system of rates and charges for the conservation district in accordance with this ordinance, with 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. All lands within the boundaries of the King Conservation District

have derived and will continue to derive benefits both directly and indirectly and burden offsets both directly and indirectly from the natural resource conservation projects and programs of the district. The conservation activities funded in this ordinance 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. In fulfilling these purposes, the King Conservation District furnishes and makes available services to landowners and benefits to properties, and offsets burdens caused by uses of lands so as to protect and preserve renewable natural resources, thereby promoting the health, safety and general welfare of the landowners within the district.

Q. Historically, the King Conservation District's Work Program and Budget included a grants program directed to the recovery of salmon through the sponsorship of habitat restoration projects. This program provided grants to the Forums for Water Resource Inventory Areas ("WRIAs") Eight and Nine and the Snoqualmie Watershed Forum to implement such projects and accounted for approximately fifty percent of the King Conservation District's budget. The King Conservation District's proposed budget for the year 2013 and presumably thereafter discontinues this grants programs to WRIAs Eight and Nine and the Snoqualmie Forums. It is anticipated that other jurisdictions utilizing tax revenues will provide funding comparable to historical district funding for salmon recovery projects by the WRIA and Snoqualmie Forums. In recognition of the continuing need for the King Conservation District's conservation programs and activities and in an attempt to maintain service levels appropriate to very challenging economic times, and based on input from a significant number of municipalities within the district, the public interest is best served by approving and implementing a system of rates and charges for a two year period, at the reduced per parcel rates set forth in this ordinance, with

revenues collected from such system to be expended in accordance with the terms of the interlocal agreement.

R. The proposed interlocal agreement between the King Conservation District and King County specifies the use of rates and charges expenditures for identified natural resource conservation programs and activities. These programs and activities identified in the interlocal agreement and funded by rates and charges as authorized herein will furnish and make available services to landowners and benefits to properties, and offset burdens caused by uses of land so as to promote the health, safety and general welfare of the people and properties within the district and thereby serve the public interest. Programs and activities provided with rates and charges revenues as allocated in the proposed interlocal agreement satisfy RCW 89.08.405 for each of the two years of the collection of the rates and charges.

SECTION 2. A natural resource conservation rate and charge is hereby approved for collection effective January 1, 2013, through December 31, 2014, and imposed on each parcel of real property within the King Conservation District for the district as follows: agricultural parcels, five dollars and thirty-eight cents per parcel; residential parcels, five dollars and eighteen cents per parcel; institutional or public parcels, five dollars and eight cents per parcel; commercial parcels, five dollars and six cents per parcel; open space parcels, five dollars and five cents per parcel; vacant or undeveloped parcels, four dollars and seventy-two cents per parcel; and forested parcels, zero dollars and zero cents per parcel, with the following lands exempted from such charges: 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 system of rates and charges 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 upon mutual agreement of King County and the King Conservation District. In approving this system of rates and charges, King County is authorizing the use of revenues by the King Conservation District to protect and preserve renewable natural resources, thereby paying for and regulating the services provided and paying for and regulating the burdens on natural resources that landowners have created and promoting the health, safety and general welfare of the people and properties within the

district. This system of rates and charges 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 rate and charge shall constitute a lien against any property for which the rate and charge has not been paid by the date it is due. A notice of lien shall be sent to each owner of the property.

SECTION 4. In accordance with RCW 89.08.405(5) (a) through (c), the King Conservation District board of supervisors has established by Resolution 12-007 a process providing for landowner appeals of the individual rates and charges as applicable to a parcel or parcels, and providing that any such appeal must be filed by the landowner with the district no later than twenty-one days after the date property taxes are due. The decision of the King Conservation District's board of supervisors regarding any appeal shall be final and conclusive.

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 rates and charges.

SECTION 6. By December 31, 2012, 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 be null and void and the rates and charges provided for in this ordinance shall not be collected. If either party to the interlocal agreement terminates the agreement, the rates and charges provided for in this ordinance shall not be collected for the calendar year or years following the termination.

SECTION 7. All provisions of this ordinance are necessary to accomplish the intent of the county in approving the natural resource rates and charges for the duration of time from January 1, 2013, through

December 31, 2014, 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 system of rates and charges authorized in this ordinance shall not be collected, or if collected, shall be returned to the office of the King County treasurer, who shall hold the moneys until further instruction by the court, or in the absence of such an instruction, upon the terms provided for in the interlocal agreement, Attachment A to this ordinance.

Official paper, 2 consecutive weeks, 5 days prior to hearing

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