

**KING CONSERVATION DISTRICT
KING COUNTY, WASHINGTON**

RESOLUTION NO. 12-006

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE KING CONSERVATION DISTRICT, KING COUNTY, WASHINGTON, RELATING TO A SYSTEM OF RATES AND CHARGES; PROPOSING A SYSTEM OF RATES AND CHARGES TO KING COUNTY, WASHINGTON; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO, ALL AS MORE PARTICULARLY SET FORTH HEREIN.

The Board of Supervisors of the King Conservation District, King County, Washington, hereby resolves as follows:

SECTION 1. FINDINGS AND DETERMINATIONS. The Board of Supervisors (“Board”) of the King Conservation District (“District”) hereby makes and enters the following findings and determinations:

1.1. The District is a governmental subdivision of the State of Washington and a public body corporate and politic, created in King County and operating since 1949. As a requirement for District formation, the State Conservation Commission found that “the public health, safety, and welfare warrant the creation” of the District. RCW 89.08.100. In addition, the Legislature made express findings relating to conservation districts, stating that “the preservation of these lands is necessary to protect and promote the health, safety, and general welfare of its people” and that “it is hereby declared to be the policy of the legislature to provide for the conservation of the renewable resources of the state . . . and thereby . . . to protect and promote the health, safety, and general welfare of the people of this state.” RCW 89.08.010. Under chapter 89.08 RCW, the Legislature has provided that the services, improvements and programs of the District are necessary to the public health, safety and welfare of the District and the state. The District exercises public health, safety and welfare (police power) functions throughout King County, except within the boundaries of the incorporated cities of Enumclaw, Federal Way, Milton, Pacific and Skykomish.

1.2 Improper land-use practices have caused and contributed to a progressively more serious erosion of the lands of the District. Therefore, it is necessary that land-use practices contributing to soil erosion be discouraged and discontinued, and that efforts to provide for appropriate soil-conserving land-use practices, works of improvement for flood prevention, and efforts furthering agricultural and nonagricultural phases of conservation, development, utilization and disposal of water, be adopted and carried out to preserve natural resources, protect public lands, and protect and promote the health, safety and general welfare of the people of the District (the “Conservation Projects”). The District programs assist in managing land for

sustainable, profitable production of food and crops as a better alternative than leaving lands to become filled with noxious weeds or converted to polluting activities. Many District programs are designed to help private land owners and occupiers of land do a better job of protecting natural resources as they make a living from their land.

1.3 Pursuant to chapter 89.08 RCW, the District is responsible for and authorized to carry out Conservation Projects within the District, including but not limited to soil conservation; measures to address property compliance with Clean Water Act standards or compliance with the Endangered Species Act; habitat protection; habitat restoration and technical assistance; NPDES support; education; water quality monitoring; rain garden programs; invasive species programs; and, agriculture and forest land assistance. District programs include, but are not limited to education, technical assistance, and financial incentives that promote the sustainable uses of natural resources through responsible stewardship, such as:

1.3.1 Conducting cooperative activities to protect and enhance high quality marine and freshwater aquatic resources upon urban, suburban and rural properties through coordination, design, and implementation of projects (e.g. stream enhancement and volunteer involvement); development of conservation plans; site visits with landowners and land managers who have direct control over management practices and activities on their lands for the benefit of aquatic habitat on those properties and the land and waters throughout the District; recommendations for invasive/non-native weed eradication; award of targeted financial assistance (District landowner cost share and Jurisdiction and Watershed focused grant funds); and community education workshops and tours.

1.3.2 Providing District-wide water quality improvement and water quantity conservation upon urban, suburban and rural properties through coordination, design and implementation of water quality and quantity best management practices; development of conservation plans; site visits with landowners and land managers who have direct control over water management practices and activities on their lands for the benefit of those properties and the land and waters throughout the District; award of targeted financial assistance (District landowner cost share and Jurisdiction and Watershed focused grant funds); and community education workshops and tours, on topics such as shoreline protection and enhancement, water quality, salmon, native plants, stormwater, and stream ecology; maintenance of water quality monitoring equipment and supplies. Partner with federal, state and local agencies on various water quality projects which help offset the cost of Clean Water Act compliance on other entities and ratepayers.

1.3.3 Conserving and protecting high quality agricultural lands by providing landowner education and development of conservation plans to help farmers and livestock owners comply with mandated County regulations, thereby offsetting the cost and burden of certain agricultural practices; serve as the hub for county-wide partnership of individuals, organizations and government agencies to support the local agricultural economy; provide technical assistance and funding opportunities for market-based incentives which retain high quality agricultural soils; award targeted financial assistance (District landowner cost share and Jurisdiction and Watershed focused grant funds); and provide community education workshops and tours.

1.3.4 Conducting cooperative activities to restore high-quality forest health management and upland wildlife habitat, including personal site visits with private landowners who have direct control over management practices and activities on their lands for the benefit of those properties and the land and waters throughout the District; development of conservation plans; recommendations for invasive/non-native weed eradication; coordination and implementation of projects (e.g. forest health management and volunteer involvement); award of targeted financial assistance (District landowner cost share and Jurisdiction and Watershed focused grant funds); and community education workshops and tours.

1.3.5 Supporting economic viability of local agricultural businesses and non profits which help retain high quality agricultural soils through prevention of land conversion to residential or commercial land use. Such activities include grants, loans, and technical assistance provided to local farm businesses and all market-based agricultural support organizations to the benefit of both the agricultural community and residents residing within the District who receive better and more regular access to local produce and other agricultural products.

1.3.6 Other District conservation programs and activities are described in the 2013 Proposed Program of Work and Budget which is hereby approved and adopted by the Board and is incorporated herein by reference. The District will consider and adopt additional Programs of Work on an annual basis covering any period that a system of rates and charges is in effect.

1.4 Part of the regulations and controls under both federal and state law regarding water pollution is the establishment and maintenance of appropriate measures for education and implementation of best management practices. See 33 U.S.C. 1251 *et seq.*; 40 CFR 122.26(d)(2)(iv) (required measures for State NPDES programs including education and planning to implement best management practices and control techniques to reduce pollutants). The District provides such service, both independently and together with King County and cities within the District.

1.5 Certain properties within the District receive direct or indirect benefit from the carrying out of Conservation Projects. Direct benefits are those benefits arising out of Conservation Projects conducted on property that benefits such property. Indirect benefits are those benefits received by property (e.g., down stream or adjacent parcels), but arising out of Conservation Projects conducted on other property.

1.6 It is appropriate for property owners within the District that benefit either directly or indirectly from the District's Conservation Projects to pay for the cost of carrying out the Conservation Projects.

1.7 The District engaged FCS Group ("FCS"), an independent financial consulting firm that provides economic, public finance, management consulting, and financial (rates, charges, and fees) services to public sector entities throughout the country, including city and county governments, utilities, ports, special purpose districts, and state agencies. FCS has evaluated the services provided by the District and has developed a rate structure, as part of the

King Conservation District Rate Study (FCS Group, July 2012) that allocates the costs of District services to various classes of property.

1.8 In determining a rate structure, the Board has considered the discretionary factors set forth by the Legislature in Chapter 60, Laws of 2012, including:

1.8.1 Services furnished, to be furnished, or available to landowners in the District;

1.8.2 Benefits received, or to be received, or available to property in the District;

1.8.3 The character and use of land in the District;

1.8.4 The nonprofit public benefit status of land users in the District;

1.8.5 The income level of persons served or provided benefits, including senior citizens and disabled persons; and

1.8.6 Other matters that present a reasonable difference as a ground for distinction among properties.

1.9 The Board finds that seven classes or categories of property are appropriate: residential, commercial, agricultural, institutional/public, open space, vacant/undeveloped, and forest, as further defined in this Resolution. There is a rational basis for distinguishing land within the District into classes on the basis of property use and the variation of properties within these classes is found to reflect differences in services and/or benefits received, to be received or available from the Conservation Projects.

1.10 The Board finds that it is appropriate to assign weighting factors to each class of property that reflect distinctions among those properties relating to the services and/or benefits received, to be received or available from the District. The weighing factors include (1) services and/or benefits received, to be received or available that are insignificant or immeasurable to certain property; (2) services and/or benefits received, to be received or available to classes of property to a lesser degree; and, (3) services and/or benefits received, to be received or available that more fully support property (compared to other classes of property). There is a rational basis for distinguishing services/benefits received or available from District services and Conservation Projects with the use of such weighting factors and the variation of services/benefits within these factors is found to be minor and to reflect only minor differences in services/benefit received or available from the Conservation Projects.

1.11 The administrative cost of calculating the charge for each individual property and maintaining accurate information would be very high. A flat charge for each parcel within each property class is less costly to administer than calculating a separate charge for each parcel and is equitable because of the similarities of the characteristics and uses within each property class. The District considered but determined a per acre charge may result in miscalculations and confusion among ratepayers and was not appropriate for use at the current time.

1.12 The rates proposed to King County by this Resolution were calculated within the parameters of a rate model from the FCS Rate Study. Under the rate model, the estimated annual costs of each Conservation Project were allocated to ratepayers as follows:

1.12.1 Number of parcels in each of the property categories;

1.12.2 Direct and indirect services/benefits received by or available to property within each property category, as generally described in this Resolution; and

1.12.3 A weighting factor reflecting the degree of services/benefits received by or available to each property class for each Conservation Project as described in Section 1.10, above.

1.13 The FCS Rate Study calculated rates per parcel per year for six of the classifications, as follows: residential (\$9.6707), commercial (\$9.4492), agricultural (\$10.0510), institutional/public (\$9.4709), vacant/undeveloped (\$8.6968), and open space (\$9.4217). The rate model provides a reasonable basis for establishing the rates proposed by this Resolution. The rates calculated by the FCS Rate Study were adjusted downward proportionally so as not to exceed the maximum rates permitted under Chapter 60, Laws of 2012 resulting in the following rates: residential (\$9.6217), commercial (\$9.4013), agricultural (\$10.00), institutional/public (\$9.4229), vacant/undeveloped (\$8.6527), and open space (\$9.3739). These rates are an allocable share of the costs of services/benefits received or available to the property owners in the District from District services, programs and Conservation Projects, all for the preservation of natural resources, protection of public lands and waters, and protection and promotion of the health, safety and general welfare of the lands and people of the District.

1.14 The rates proposed herein to pay the costs of carrying out the Conservation Projects are fees for which the federal government is liable under the Clean Water Act to the same extent as any other classification of land. 33 U.S.C. § 1323(a), and Pub.L. 111-378, § 1, 124 Stat. 4128 (2011); and, *United States of America v. City of Renton, et al.*, Western District of Washington Cause No. C11-1156JLR (2012).

1.15 Land classified as forest as described in this Resolution provide benefits to the programs of the District, and are also served by District programs. However, the cost to administer a rate program regarding such land does not appear warranted as the cost to administer is believed to be in excess of likely revenues under the formula set out in Chapter 60, Laws of 2012. Therefore, there is a reasonable basis to currently exempt such forest land from the rates proposed herein.

1.16 The consideration, development, adoption and implementation of the rates proposed herein follows the public hearing held by the District on July 23, 2012, pursuant to RCW 89.08.400(2), public notice of which was properly provided by postings throughout the District and through publication.

1.17 By Resolution No. 2012-007, the District has established a process providing for landowner appeals of the individual rates as may be applicable to a parcel or parcels.

SECTION 2. DEFINITIONS.

2.1 “Agricultural land” means those parcels in the King County Assessor’s property classifications of: Farm 130; Greenhse/Nrsry/Hort Srvc 137.

2.2 “Billing year” means the calendar year that bills are sent through the property tax statement.

2.3 “Commercial land” means those parcels in the King County Assessor’s property classifications of: Hotel/Motel, 51; Rehabilitation Center, 55; Resort/Lodge/Retreat, 58; Nursing Home, 59; Shopping Ctr (Nghbrhood), 60; Shopping Ctr (Community), 61; Shopping Ctr (Regional), 62; Shopping Ctr (Maj Retail), 63; Shopping Ctr (Specialty), 64; Retail (Line/Strip), 96; Retail Store, 101; Retail (Big Box), 104; Retail (Discount), 105; Office Building, 106; Office Park, 118; Medical/Dental Office, 122; Condominium (Office), 126; Mining/Quarry/Ore Processing, 138; Bowling Alley, 140; Campground, 141; Driving Range, 142; Golf Course, 143; Health Club, 145; Marina, 146; Movie Theater, 147; Park, Private (Amuse Ctr), 150; Ski Area, 152; Skating Rink (Ice/Roller), 153; Sport Facility, 156; Art Gallery/Museum/Soc Srvc, 157; Parking (Assoc), 159; Auditorium//Assembly Bldg, 160; Auto Showroom and Lot, 161; Bank, 162; Car Wash, 163; Club, 166; Conv Store without Gas, 167; Conv Store with Gas, 168; Restaurant (Fast Food), 171; Hospital, 173; Mortuary/Cemetery/Crematory, 179; Parking (Commercial Lot), 180; Parking (Garage), 182; Restaurant/Lounge, 183; School (Private), 185; Service Station, 186; Tavern/Lounge, 188; Vet/Animal Control Srvc, 190; Grocery Store, 191; Daycare Center, 193; Mini Lube, 194; Warehouse, 195; High Tech/High Flex, 202; Industrial Park, 210; Service Building, 216; Industrial (Gen Purpose), 223; Industrial (Heavy), 245; Industrial (Light), 246; Air Terminal and Hangers, 247; Mini Warehouse, 252; Terminal (Rail), 261; Terminal (Marine/Comm Fish), 262; Terminal (Grain), 263; Terminal (Auto/Bus/Other), 264; Utility, Private (Radio/T.V.), 267; Terminal (Marine), 271; Historic Prop (Office), 273; Historic Prop (Retail), 274; Historic Prop (Eat/Drink), 275; Historic Prop (Loft/Warehse), 276; Historic Prop (Park/Billbrd), 277; Historic Prop (Rec/Entertain), 279; Historic Prop (Misc), 280; Shell Structure, 339; Bed & Breakfast, 340.

2.4 “Forest land” means those parcels in the King County Assessor’s property classifications of: Forest Land (Class-RCW 84.33), 324; Forest Land (Desig-RCW 84.33), 325; Open Space Tmbr Land/Greenbelt, 328.

2.5 “Institutional/public land” means those parcels in the King County Assessor’s property classifications of: Church/Welfare/Relig Srvc, 165; Governmental Service, 172; School (Public), 184; Post Office/Post Service, 189; Utility, Public, 266.

2.6 “Open space land” means those parcels in the King County Assessor’s property classifications of: Park, Public (Zoo/Arbor), 149; Open Space (Curr Use-RCW 84.34), 326; Open Space (Agric-RCW 84.34), 327; Easement, 330; Reserve/Wilderness Area, 331; Right of

Way/Utility, Road, 332; River/Creek/Stream, 333; Tideland, 1st Class, 334; Tideland, 2nd Class, 335, Water Body, Fresh, 337.

2.7 “Parcel” means the smallest separately segregated unit or plot of land having an identified owners(s), boundaries, and areas as defined by the King County Assessor and recorded in the King County Assessor real property file or maps, and assigned a separate property tax account number.

2.8 “Residential land” means those parcels in the King County Assessor’s property classifications of: Single Family (Res Use/Zone), 2; Duplex, 3; Triplex, 4; 4-Plex, 5; Single Family (C/I Zone), 6; Houseboat, 7; Mobile Home, 8; Single Family (C/I Use), 9; Apartment, 11; Apartment (Mixed Use), 16; Apartment (Co-op), 17; Apartment (Subsidized), 18; Condominium (Residential), 20; Condominium (Mixed Use), 25; Townhouse Plat, 29; Mobile Home Park, 38; Condominium (M Home Pk), 48; Retirement Facility, 49; Residence Hall/Dorm, 56; Group Home, 57; Historic Prop (Residence), 272; Rooming House, 341; Fraternity/Sorority House, 342.

2.9 “Vacant/undeveloped land” means those parcels in the King County Assessor’s property classifications of: Vacant/Undeveloped, 0; Historic Prop (Vacant Land), 299; Vacant (Single-family), 300; Vacant (Multi-family), 301; Vacant (Commercial), 309; Vacant (Industrial), 316; Transferable Dev Rights, 336.

2.10 It is the intent of the District that all parcels within the District fall within one of the land classifications defined in this Section. In the event any parcel is inadvertently excluded from any of the land use classifications defined in the Resolution, or King County adopts new land classifications or revises existing land use classifications after the effective date of this Resolution, or for any other reason, the omitted parcel shall be deemed to fall within the land use classification that is most similar to the omitted parcel.

SECTION 3. RATE SCHEDULE. The following rate schedule is proposed to King County for a term of five (5) years, unless modified by subsequent District action and King County approval. The Board may recommend adjustment of these rates from time to time, to reflect the budgeted costs of carrying out the District’s improvements, services and Conservation Projects and any changes in land categories. The rates are as follows.

3.1 The rate for residential land shall be \$9.62 per parcel per year.

3.2 The rate for commercial land shall be \$9.40 per parcel per year.

3.3 The rate for agricultural land shall be \$10.00 per parcel per year.

3.4 The rate for institutional/public land shall be \$9.42 per parcel per year.

3.5 The rate for vacant/undeveloped land shall be \$8.65 per parcel per year.

3.6 The rate for open space land shall be \$9.37 per parcel per year.

- 3.7 Forest land shall be exempt from the rates proposed in this Resolution.
- 3.8 Parcels owned by federally recognized Native American tribes or members of such tribes that are located within the historical boundaries of a reservation shall be exempt from the rates proposed in this Resolution.

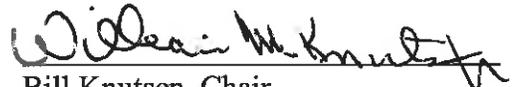
Specific rates per parcel shall be shown on a spreadsheet provided by the District to the King County Assessor and/or Treasurer, consistent with Chapter 89.08 RCW.

SECTION 4. **IMPLEMENTATION.** The Executive Director is authorized and directed to take all appropriate and necessary acts to implement this Resolution, including presentation of this Resolution to King County and coordination with King County, including the County Assessor and/or Treasurer, to implement this Resolution, including but not limited to the correction of any parcel's classification or classification referenced in Section 2.

SECTION 5. **RATIFICATION AND CONFIRMATION.** Any action taken consistent with the authority and prior to the effective date of this Resolution is hereby ratified, approved and confirmed.

SECTION 6. **EFFECTIVE DATE.** This Resolution shall become effective immediately upon its adoption.

ADOPTED BY THE BOARD OF SUPERVISORS of the King Conservation District, Washington, at a special open public meeting thereof, and effective this 30th day of July, 2012.


Bill Knutsen, Chair


Jeanette McKague, Vice Chair


Max Prinsen, Secretary/Auditor


Eric Nelson, Member

Kit Ledbetter, Member

CERTIFICATE

I, Max Prinsen, Secretary of the Board of Supervisors, King County, Washington, do hereby certify that the foregoing resolution is a true and correct copy of Resolution No. 12-006 of such Board, duly adopted at a special meeting thereof held on the 30th day of July, 2012, by the members of such Board in attendance at such meeting and attested by myself in authentication of such adoption.

Max Prinsen, Secretary/Auditor