

ORDINANCE NO. 2006-106s

An Ordinance of the Pierce County Council Reauthorizing a System of Special Assessments for the Pierce Conservation District of \$5.00 per Parcel on all Benefiting Properties in Those Portions of the Pierce Conservation District Located in Unincorporated Pierce County and the Municipalities of Fircrest, Lakewood, Milton, Puyallup, Steilacoom, Sumner, Tacoma, and University Place, for Collection in 2007 through 2009, Pursuant to Revised Code of Washington 89.08.400; Authorizing the Executive to Enter into an Interlocal Agreement with the Conservation District; Including a Sunset Date; and Adopting Findings of Fact.

Whereas, various Federal and State regulations and laws mandate local governmental action relative to the protection and enhancement of natural resources; and

Whereas, Pierce County is required to plan for and implement programs and projects in response to these mandates, including the National Pollutant Discharge Elimination System (NPDES) and the Endangered Species Act (ESA); and

Whereas, funding for these programs and projects is often insufficient to meet the needs of local government; and

Whereas, Section 89.08.400 of the Revised Code of Washington (RCW) authorizes county legislative authorities to impose special assessments for conservation districts to fund activities and programs to conserve natural resources; and

Whereas, in cooperation with the Cities of Fircrest, Lakewood, Milton, Puyallup, Steilacoom, Sumner, Tacoma, and University Place (participating cities and towns), and Pierce County, the Pierce Conservation District (District) has developed a special assessment proposal to provide basic funding for District activities benefiting landowners within the aforementioned areas;

Whereas, the District is a governmental subdivision of the State of Washington, organized under RCW 89.08 to protect and conserve natural resources throughout Pierce County and participating cities and towns; and

Whereas, the District's proposal includes a three-year spending plan for projects and program activities that will benefit the participating cities and towns and unincorporated Pierce County by conserving natural resources; and

Whereas, pursuant to RCW 89.08.400(2), the District conducted a public hearing on the

proposal prior to August 1, 2006; and

Whereas, the Board of Supervisors of the Pierce Conservation District passed Resolution #05-11-06-1 on May 11, 2006, submitting a proposed system of assessments to the Pierce County Council on July 31, 2006; and

Whereas, the revenue from the special assessments will allow the District to work in partnership with the County and participating cities and towns to obtain grant funding and support local governments address requirements of the National Pollutant Discharge Elimination System (NPDES), the Endangered Species Act (ESA) listing of salmon species, and other natural resource protection requirements and needs, such as the protection and conservation of farm lands; and

Whereas, support for the District's proposed program has come from many different organizations and agencies across the County; and

Whereas, programs to be supported by the special assessment will help the County address policies in the County's Comprehensive Plan regarding the conservation of agriculture and protection of important fish habitat; and

Whereas, certain lands that will receive no special benefits are proposed to be exempt and should not be assessed; and

Whereas, the City Councils of Fircrest, Lakewood, Milton, Puyallup, Tacoma, Steilacoom, Sumner, and University Place have requested that the Pierce County Council take action in accordance with RCW 89.08.400 to provide funding assistance for natural resource conservation work within their jurisdictions; and

Whereas, a letter dated November 16, 2006, confirms the District Board of Supervisor's support for: 1) a commitment to allocate approximately \$800,000 during the 3-year term of the assessment to planning, acquisition, and potential construction of a food processing facility to support the local agricultural community, and 2) a commitment to allocate approximately \$225,000 during the 3-year term of the assessment to purchase food boxes and farm market vouchers to be distributed to low-income seniors and disabled residents throughout Pierce County, and to assist the local agricultural community; and

Whereas, the Conservation District further agreed to work cooperatively with the other partners in the Farming Assistance, Revitalization, and Marketing (FARM) Program to conduct a study to identify the appropriate location for the food processing facility with consideration of possible additional functions and co-location opportunities; and

Whereas, the Tahoma Fund 3-year allocation of \$300,000 was initiated to provide for a grant process whereby individuals and agencies across the region can submit grant proposals consistent with the District's mission; and

Whereas, imposition of the special assessment for the Conservation District is in the interest of the citizens of Pierce County; **Now, Therefore,**

BE IT ORDAINED by the Council of Pierce County:

Section 1. The Pierce County Council hereby levies a special assessment pursuant to RCW 89.08.400 for an annual assessment of \$5.00 per parcel on all benefiting lands in those portions of the Pierce Conservation District located within the corporate boundaries of Fircrest, Lakewood, Milton, Puyallup, Steilacoom, Sumner, Tacoma, and University Place, and unincorporated Pierce County, for a period of ten years, beginning collection in January 2007, subject to the terms of the agreement authorized by Section 4.

Section 2. The following lands within unincorporated Pierce County and the corporate boundaries of Fircrest, Lakewood, Milton, Puyallup, Steilacoom, Sumner, Tacoma and University Place shall be exempt as they receive no special benefit and shall not be assessed:

- 1) All tax exempt land;
- 2) All land assessed as forest land or timber land under Chapters 84.33 or 84.34 RCW;
- 3) All parcels consisting of mineral rights only; and
- 4) All parcels consisting of buildings only.

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

Section 4. The County Executive is hereby authorized to enter into an interlocal agreement with the Pierce Conservation District, governing the use and authorization of a system of special assessments, in substantially the same form as shown in Exhibit A, which is attached hereto and incorporated herein by reference. The Interlocal Agreement shall incorporate (as an Attachment A) the Proposed Resource Conservation Assessment Spending Plan and Estimate of Revenues as

shown in Exhibit B, which is attached hereto and incorporated herein by reference. It is understood that although the Spending Plan covers only the years 2007-2009, expenditures from the 2007-2009 assessment collection may roll over as much as two years, due to delays in grant fund receipt, permit review/approval processes, or other unforeseen situations. However, all funds must be expended by December 31, 2011.

Section 5. The special assessments from the assessment roll, prepared by the Conservation District, shall be spread by the County Assessor-Treasurer (ATR) as a separate item on the tax rolls and shall be collected and accounted for with property taxes. The amount of a special assessment shall constitute a lien against the land that shall be subject to the same conditions as a tax lien, collected by the ATR in the same manner as delinquent real property taxes, and subject to the same interest rate and penalty as for delinquent property taxes.

Section 6. As provided in RCW 89.08.400(4), the County shall retain \$0.05 of the total \$5.00 per parcel assessment (one percent) to reimburse the County for the costs of collection.

Section 7. By August 1 of each program year, and in conjunction with the beginning of the County's annual budget review, the Pierce Conservation District shall present an annual scope of work for the ensuing year for Council review and comment.

Section 8. The Pierce Conservation District is specifically authorized to carry forward its estimated \$160,000 in fund balance so long as it is expended within the provisions of this Ordinance.

Section 9. The Pierce Conservation District shall also report quarterly in conjunction with the reporting requirements associated with the FARM Program reporting as detailed in Ordinance No. 2006-116s.

Section 10. Findings of Fact are hereby adopted as shown on Exhibit C, which is attached hereto and incorporated herein by reference.

Section 11. The Pierce Conservation District's proposed annual work plan for fiscal year 2007 is attached as Exhibit D, and incorporated herein by reference.

Section 12. This Ordinance and the special assessment it establishes shall sunset on December 31, 2009, unless reauthorized by Ordinance of the Council.

PASSED this _____ day of _____, 2006.

ATTEST:

PIERCE COUNTY COUNCIL
Pierce County, Washington

Denise D. Johnson
Clerk of the Council

Shawn Bunney
Council Chair

John W. Ladenburg
Pierce County Executive
Approved _____ Vetoed _____, this
_____ day of _____,
2006.

Date of Publication of
Notice of Public Hearing: _____

Effective Date of Ordinance: _____