

**KITTITAS COUNTY CONSERVATION DISTRICT**

KITTITAS COUNTY, WASHINGTON

RESOLUTION NO. 2016-002

A RESOLUTION of the Board of Supervisors of Kittitas County Conservation District, relating to a system of rates and charges; proposing a system of rates and charges to Kittitas County, Washington; and providing for other matters properly related thereto, all as more particularly set forth herein.

THE BOARD OF SUPERVISORS OF KITTITAS COUNTY CONSERVATION DISTRICT, WASHINGTON, hereby resolves as follows:

**SECTION 1. FINDINGS AND DETERMINATIONS.** The Board of Supervisors (the "Board") of Kittitas County Conservation District, Washington (the "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 Kittitas County and operating since 1942. As a requirement for District formation, the State Conservation Commission found that "the public health, safety, and welfare warrant the creation" of the District (Revised Code of Washington (RCW) 89.08.080). 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 the state" (RCW 89.08.010). 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 its functions in unincorporated Kittitas County and currently in the City of Cle Elum.

1.2 Pursuant to RCW 89.08, the District is responsible for and authorized to carry out programs and services within the District, including but not limited to soil conservation; compliance with water quality standards; habitat restoration and protection; technical assistance; education; and, agriculture and forest land assistance. Current District programs, services and improvements include:

1.2.1 Improving water quality and water quantity by partnering with landowners, water right holders, irrigation water purveyors, nongovernmental entities and state, federal and tribal agencies to improve water quality and water use efficiencies on-farm and in delivery systems in a coordinated effort as part of and in addition to the Yakima Basin Integrated Water Management Plan; monitoring flows and Trust Water in streams and rivers; participating in implementation of the Upper Yakima Temperature TMDL and the Upper Yakima Suspended Sediment TMDL as well as participating in the Lower Kittitas Valley Temperature Reduction Work Group; implementing the PAM program to reduce irrigation induced soil erosion; and monitoring water quality conditions to determine impacts of the implementation and continuing needs for improvement.

1.2.1 Facilitating Cost Share Programs with landowners for implementing practices including, but not limited to, conversions from rill to sprinkler irrigation, piping of earthen ditches, and livestock related activities (spring developments, fencing, etc.), that result in an economic benefit to working lands.

1.2.1 Direct technical assistance to landowners to plan, design, fund and implement practices that improve natural resource conditions and promote resiliency of working lands. This includes both one-on-one assistance and facilitation of working groups (e.g. Coordinated Resource Management or CRM processes) who are developing plans to address resource concerns in specific geographic areas.

1.2.1 Restoring access to and condition of fish habitat in streams and rivers in the District by inventorying and assessing habitat conditions and access; correcting unscreened irrigation diversions; removing fish passage barriers (irrigation dams, culverts, etc.); and improving habitat conditions (instream and riparian) with a focus on anadromous and Endangered Species Act listed species.

1.2.1 Improving habitat conditions in upland areas for terrestrial species of concern, or Endangered Species Act listed species by improving livestock grazing practices and other agricultural practices in upland areas as necessary to improve soil, plant health, and general habitat conditions.

1.2.1 Improve forest health and reduce wildfire fuels by partnering with landowners, Fire Districts, non-governmental organizations, and local, state and federal agencies to complete projects to reduce wildland fire risks with a focus on Community projects that involve multiple landowners and to complete projects to improve forest health by reducing the potential of damage from pests and disease.

1.2.1 Partner with communities to create a fire adapted community that is working to prepare for, respond to, and recover from wildfire and that incorporates people, buildings, businesses, infrastructure, cultural resources, and natural areas into the preparedness effort.

1.2.1 Support youth education through Wheat Week/Water on Wheels curriculum in local schools; WSU Extension Kittitas County's Ag Appreciation Day for third graders at the Kittitas County Event Center; and by working with local schools and volunteers to host "Kids in the Creek" style events in Kittitas County.

1.2.1 Present to producer groups including Association of Kittitas County Hay Growers & Suppliers, Kittitas County Farm Bureau, Kittitas County Cattlemen, and other stakeholders as necessary/requested; host specific workshops as appropriate; publish KCCD Newsletter biannually; and maintain website to be a significant source of up-to date technical and educational resources for landowners/managers.

1.3 Certain properties within the District receive direct or indirect benefit from the carrying out of District programs and services. Direct benefits are those benefits arising out of District programs and services conducted on property that benefits such property. Indirect benefits are those benefits received by property (e.g., downstream or adjacent parcels), but arising out of District programs and services conducted on other property.

1.4 It is appropriate for property owners within the District that benefit either directly or indirectly from the District programs and services to pay for the cost of carrying out those programs and services.

1.5 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, municipal corporations and 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 Kittitas County Conservation District Rate Study (KCCD, 2016) that allocates the costs of District services to classes of property.

1.6 In determining a rate structure, the Board has considered the discretionary factors set forth by the Legislature in Chapter 89.08.405 (2) including

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

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

1.6.3 The character and use of land in the District;

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

1.6.6 Other matters that present a reasonable difference as a grounds for distinction among properties.

1.7 The Board finds that three broad land use categories are appropriate: Irrigated Land, Non-Irrigated Land, and Forest Land. Within these categories, land use was further broken down by the current Department of Revenue codes (as defined in Washington Administrative Code 458-53-030) assigned by the Kittitas County Assessor. 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 District programs and services.

1.8 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 weighting 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 programs and services 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 District programs and services.

1.9 The rates proposed to Kittitas County ("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:

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

1.9.2 A weighting factor reflecting the degree of services/benefits received by or available to each property class for each District program or service as described in Section 1.8, above.

1.10 The FCS Rate Study calculated rates per parcel and per acre per year for the classifications, as follows:

Land Classification	Non-Irrigated Lands		Irrigated Lands <i>(Incremental increase of \$0.20/parcel and \$0.25/per acre)</i>	
	Per Parcel	Per Acre	Per Parcel	Per Acre
1 Residential	\$12.0500	\$0.1200	\$12.2500	\$0.3700
2 Commercial	\$12.0500	\$0.1200	\$12.2500	\$0.3700
3 Transportation	\$12.0500	\$0.1200	\$12.2500	\$0.3700
4 Trade	\$12.0500	\$0.1200	\$12.2500	\$0.3700
5 Services	\$12.0500	\$0.1200	\$12.2500	\$0.3700
6 Recreational	\$12.0500	\$0.1200	\$12.2500	\$0.3700
7 Resources AG	\$12.0600	\$0.1200	\$12.2600	\$0.3700
8 Resources	\$12.0500	\$0.1200	\$12.2500	\$0.3700
9 Resource Designated Forest Land	\$12.0600	\$0.1200	\$12.2600	\$0.3700
11 Undeveloped/Open Space	\$12.0600	\$0.1200	\$12.2600	\$0.3700

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 under RCW 89.08.405 resulting in the following rates:

Land Classification	Non-Irrigated Lands		Irrigated Lands <i>(Incremental increase of \$0.08/parcel and \$0.07/per acre)</i>	
	Per Parcel	Per Acre	Per Parcel	Per Acre
1 Residential	\$4.9100	\$0.0300	\$4.9900	\$0.1000
2 Commercial	\$4.9100	\$0.0300	\$4.9900	\$0.1000
3 Transportation	\$4.9100	\$0.0300	\$4.9900	\$0.1000
4 Trade	\$4.9100	\$0.0300	\$4.9900	\$0.1000
5 Services	\$4.9100	\$0.0300	\$4.9900	\$0.1000
6 Recreational	\$4.9100	\$0.0300	\$4.9900	\$0.1000
7 Resources AG	\$4.9200	\$0.0300	\$5.0000	\$0.1000
8 Resources	\$4.9100	\$0.0300	\$4.9900	\$0.1000
9 Resource Designated Forest Land	\$3.0000 (per landowner)			
11 Undeveloped/Open Space	\$4.9200	\$0.0300	\$5.0000	\$0.1000

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 and programs, 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 District programs and services 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)). However, the District determined in consultation with the Kittitas County Assessor, that acquiring payments from the federal agencies would be unduly difficult, thus those lands are excluded from the system of rates recommended by this Resolution.

1.15 Parcels assigned Department of Revenue Code "96 - Not presently assigned" by the Kittitas County Assessor or any other code or classification assigned to community owned parcels are excluded from the system of rates and charges recommended by this Resolution.

1.16 The consideration, development, adoption and implementation of the rates proposed herein follows the public hearings held on June 22, 2016 and June 23, 2016 by the District 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. 2016-003, 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 For the purposes of this Resolution, "Irrigated land" means those parcels in Kittitas County Noxious Weed Districts 1 through 5.

2.2 For the purposes of this Resolution, "Non-Irrigated land" means all parcels not within Kittitas County Noxious Weed Districts 1 through 5 and not meeting the definition of Forest Land stated in RCW 89.08.405(3)(c).

2.3 "Forest land" means those parcels included in Kittitas County Noxious Weed District No. 8, and further determined to meet the definition of Forest Lands stated in RCW 89.08.405 (3)(c).

2.4 "Billing year" means the calendar year that bills are sent through the property tax statement.

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

## **SECTION 3. RATE SCHEDULE.**

The following rate schedule is proposed to the County for a term of ten (10) years, unless modified by subsequent District action and 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 programs and any changes in land categories. The rates are as follows.

<u>Land Classification</u>	<b>Non-Irrigated Lands</b>		<b>Irrigated Lands</b> <i>(Incremental increase of \$0.08/parcel and \$0.07/per acre)</i>	
	<u>Per Parcel</u>	<u>Per Acre</u>	<u>Per Parcel</u>	<u>Per Acre</u>
1 Residential	\$4.9100	\$0.0300	\$4.9900	\$0.0100
2 Commercial	\$4.9100	\$0.0300	\$4.9900	\$0.1000
3 Transportation	\$4.9100	\$0.0300	\$4.9900	\$0.1000
4 Trade	\$4.9100	\$0.0300	\$4.9900	\$0.1000
5 Services	\$4.9100	\$0.0300	\$4.9900	\$0.1000
6 Recreational	\$4.9100	\$0.0300	\$4.9900	\$0.1000
7 Resources AG	\$4.9200	\$0.0300	\$5.0000	\$0.1000
8 Resources	\$4.9100	\$0.0300	\$4.9900	\$0.1000
9 Resource Designated Forest Land	\$3.0000 (per landowner)			
11 Undeveloped/Open Space	\$4.9200	\$0.0300	\$5.0000	\$0.1000

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

**SECTION 4. IMPLEMENTATION.**

The District Manager is authorized and directed to take all appropriate and necessary acts to implement this Resolution, including presentation of this Resolution to the County and coordination with the County, including the County Assessor, and correction of any parcel's classification or classification reference 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 Kittitas County Conservation District, Washington, at a regular open public meeting thereof, and effective this 14th day of July, 2016.

**KITTITAS COUNTY CONSERVATION DISTRICT, WASHINGTON**

  
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Mark Moore, Chair

  
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Lynn Brown, Vice Chair

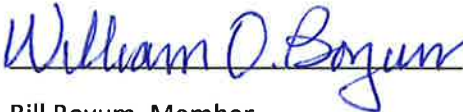
  
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Jeff Brunson, Auditor

ATTEST:

  
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Anna Lael, District Manager

  
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Bill Boyum, Member

  
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Ron Gibb, Member