

July 23, 1992
92-164.MOT (SW:clt)

Introduced by: Derdowski

Proposed No.: 92 - 164

MOTION NO. 8744

1
2 A MOTION formally deactivating the
3 currently inactive King County noxious
4 weed control board and activating a new
5 King County noxious weed control board in
6 accordance with state law.

7 WHEREAS, in order to deal with noxious weed infestations
8 the Washington State Legislature enacted noxious weed control
9 laws that involved county noxious weed control boards, and

10 WHEREAS, the King County council formally activated the
11 King County noxious weed control board in 1975 by Council
12 Motion 1908, and

13 WHEREAS, the term of the last member of the King County
14 noxious weed control board expired in 1986, leaving all board
15 positions vacant, and

16 WHEREAS, the King County noxious weed control board has
17 not been formally deactivated as provided for in Chapter 17.10
18 RCW, and

19 WHEREAS, there is a need for King County to deal with non-
20 native invasive plants, otherwise known as noxious weeds, in
21 order to comply with the state noxious weed control laws
22 (Chapter 17.10 RCW) and to protect native habitat and wildlife
23 from non-native invasive plants, and

24 WHEREAS, in order for King County to deal with non-native
25 invasive plants it is necessary to make the full use of the
26 education and enforcement provisions of Chapter 17.10 RCW by
27 supporting the activities of a noxious weed control board in
28 King County;

29 NOW, THEREFORE BE IT MOVED by the Council of King County:

30 A. The King County noxious weed control board activated by
31 Motion 1908 is hereby deactivated and all terms of members for
32 that board are hereby terminated.

33 B. The King County noxious weed control board is hereby
34 activated in accordance with the provisions of RCW 17.10.040.

1 C. In accordance with RCW 17.10.050, the boundaries of the
2 five weed district sections of King County are as follows:

3 Section One: All that portion of King County, Washington,
4 that is within the boundaries of the following King County
5 Community Planning areas as described in Appendix B to
6 Ordinance 5759: Shoreline, Northshore, Seattle, and
7 Eastside.

8 Section Two: All that portion of King County, Washington,
9 that is within the boundaries of the following King County
10 Community Planning areas as described in Appendix B to
11 Ordinance 5759: Bear Creek, East Sammamish, and
12 Snoqualmie.

13 Section Three: All that portion of King County,
14 Washington, that is within the boundaries of the following
15 King County Community Planning areas as described in
16 Appendix B to Ordinance 5759: Highline, Federal Way and
17 Vashon.

18 Section Four: All that portion of King County,
19 Washington, that is within the boundaries of the following
20 King County Community Planning areas as described in
21 Appendix B to Ordinance 5759: Green River, Soos Creek and
22 Newcastle.

23 Section Five: All that portion of King County,
24 Washington, that is within the boundaries of the following
25 King County Community Planning areas as described in
26 Appendix B to Ordinance 5759: Tahoma, Raven Heights,
27 Enumclaw and East King County.

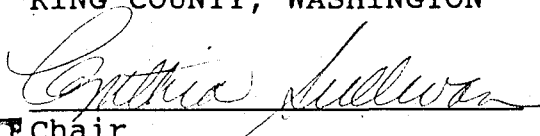
28 D. The King County noxious weed control board shall act in
29 accordance with adopted King County policies and regulations
30 and in accordance with applicable administration rules
31 promulgated by the Environmental Division and shall contract
32 with the Environmental Division for administrative services.

33 BE IT FURTHER MOVED,


34 Pursuant to Section 340.10 of the King County charter and
35 the provisions of RCW 17.10.050, the council requests the
36 executive to provide the council with the names of five
37 appointees to serve on the King County noxious weed control
38 board.

39 PASSED this 17th day of August, 1992.

40 KING COUNTY COUNCIL
41 KING COUNTY, WASHINGTON

42 
43 VICE Chair
44

45 ATTEST:

46 
Clerk of the Council

ACTIVATING THE KING COUNTY NOXIOUS WEED CONTROL BOARD

Environmental Division
Parks, Planning and Resources Department
January, 1992

I. PROSECUTING ATTORNEY RECOMMENDATION

Staff from the King County Prosecuting Attorney's Office have reviewed this issue and recommend that the motion reactivating the King County Noxious Weed Control Board avoids the possibility of duplicate boards; i.e., ensures that there is only one noxious weed control board for King County. The attached proposed motion addresses this concern by officially deactivating the board activated in 1976 and simultaneously activating the King County Noxious Weed Control Board. ✓

II. 1992 NOXIOUS WEED CONTROL PROGRAM

The 1992 King County budget currently contains \$57,000 in funding for continuing activities by a noxious weed control planner within the Environmental Division of the Parks, Planning and Resources Department. As the 1992 work program did not envision providing support for activation of the King County Noxious Weed Control Board, it will be necessary to modify the 1992 program in order to provide support for the activation. Current program funding provides for the following activities:

(1) Enforcement

-- Survey knapweed infestations in Auburn and Seattle and carry out enforcement as necessary against private property owners.

Time: Survey, research	Jan.-Mar. 1992
Notices to landowners	Jan.-Mar. 1992
Follow-up site visit	Mar.-May 1992
2nd round survey, notices	May-July 1992
2nd round follow-up	July-Aug. 1992

-- Follow up the 1991 spray efforts made by Auburn, Renton, Seattle, State DOT to control knapweeds.

Time: Notices	Jan.-Mar. 1992
Follow-up site visits	Mar.-May 1992

-- Follow up with Burlington Northern to control infestation of Dalmatian toadflax and knapweed in Seattle.

Time: Notice to landowner	Jan.-Mar. 1992
Follow-up site visit	Mar.-May 1992

(2) Education

-- Continue knapweed education and control efforts with Auburn, Renton and Seattle staff.

Time: Letters to jurisdictions	Jan.-Mar. 1992
Visit with jurisdictions	Feb.-May 1992
Follow-up site visits	Mar.-May 1992

-- Continue loosestrife education program efforts.

Time: PLS informational sign	PSG	Ongoing
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-- Prepare and distribute noxious weed informational brochure for county staff.

Time: Preparation	Jan.-Feb. 1992
Distribution	Mar. 1992

-- Prepare other noxious weed information as needed.

Time:	Ongoing
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(3) Intergovernmental Coordination

-- Continue coordination of loosestrife location information in King County, sharing information with the Washington Department of Wildlife.

Time:	Ongoing
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-- Continue Coordination with Washington Department of Agriculture, State Noxious Weed Board, Pierce County Noxious Weed Board, and other agencies.

Time:	Ongoing
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(4) Control

-- Continue loosestrife control efforts in the Snoqualmie Valley area and other parts of King County.

Time: PLS Control in Snoqualmie	July-Sept. 1992
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-- Continue monitoring and advising loosestrife plant substitution study on Lake Sammamish.

Time: Evaluate 1991 info	Feb.-Mar. 1992
Site visit	Mar.-Sept. 1992
1992 evaluation	Sept.-Oct. 1992

III. PROGRAM OPTIONS

A. Characteristics of a County-Run Program

One option for weed control in King County is to continue the county-run program which was initiated in 1991. This option primarily provided liaison and coordination between the state and King County on noxious weed issues. Such a program would be enhanced through an ordinance providing county staff with authority to abate noxious weed infestations, similar to what is done with junk motor vehicles. ✓

Funding for the county-run program was limited due to constraints on available current expense funds. This option does keep policy decisions with elected officials but does not satisfy statutory requirements for noxious weed control and does not satisfy officials from the state Department of Agriculture and the state Noxious Weed Control Board. This failure to provide effective on-ground control measures has been the main source of contention between state officials and King County.

Should King County enact a proposed ordinance allowing the Director of Parks, Planning and Resources or his/her designee to abate noxious weed infestations, King County would have the following powers within unincorporated King County:

-- Enter onto property to make an inspection under the provisions of KCC 23.08.040;

-- To order a person who has noxious weeds on their property to commence and complete noxious weed control program and, if the order is not obeyed, to abate the violation under the provisions of KCC 23.08.050; and

-- Assess civil penalties under the procedures outlined in KCC 23.08.090 and 23.08.100. Under the provisions of KCC 23.08.110 (B), the civil penalties would amount to \$25.00 per violation per day in noncommercial situations. For those involved in commercial situations, KCC 23.08.110 would impose a penalty of \$150.00 per violation per day.

B. King County Noxious Weed Control Board

According to the King County Assessor's Office, it will not be possible to implement a funding collection mechanism for a King County Noxious Weed Control Board until 1993. The current computer programming and material will not allow for additional special assessments until a new computer systems is installed during 1992. ✓

If the King County Noxious Weed Control Board is activated, state law provides the board with broader authority than is possible under a county-run program. Chapter 17.10 RCW provides the board with authority within incorporated areas of the county and with a variety of mechanisms to compel landowners to control noxious weeds. The weed board may:

-- Employ a weed coordinator (RCW 17.10.060(1))

-- Purchase, rent, or lease such equipment, facilities or products and hire such additional persons as it deems necessary for the administration of the county's noxious weed control program (RCW 17.10.060(1)).

-- Adopt such rules and regulations as are necessary for an effective county weed control or eradication program. (RCW 17.10.060(2)).

-- Issue a notice of civil infraction of noxious weed control laws. (RCW 17.10.170(2)).

-- Control infestations at the expense of the owner and place a lien against the property for the costs of such control and enforce the lien against the property. (RCW 17.10.170(3))

-- Place a lien against the property for the cost of labor, furnished material, etc, supplied to control noxious weeds on a property with or without the consent of the owner. RCW 17.10.280 - .300

-- Issue notice of civil infraction for violating the noxious weed control laws. It shall be a misdemeanor for a person to fail to identify themselves for the purpose of issuing a notice of infraction. RCW 17.10.310.

IV. LIKELY CHARACTERISTICS OF A COUNTY NOXIOUS WEED CONTROL BOARD PROGRAM

A. Policy. Policy would be determined by an independent Noxious Weed Control Board which would be appointed by the County Executive and confirmed by the County Council.

B. Appointment of Boardmembers.

Initial appointees are appointed by the County legislative authority from five separate sections of the county, each section to be of the same approximate area. (RCW 17.10.050). The current weed district sections as provided in Motion 2552 need to be redrawn in order to encompass incorporated portions of King County. The five weed district sections outlined in Motion 2552 cover only unincorporated King County, while the actual jurisdiction of the board would include incorporated areas.

The districts outlined in Motion 2552 include only the unincorporated portions of the following areas:

- Dist. 1: The area north of I-90, and west of the Snoqualmie River.
- Dist. 2: The area north of I-90, and east of the Snoqualmie River.
- Dist. 3: The area south of I-90, east of the West Valley Road (SR 181), and north of SE 336th Street.
- Dist. 4: The area south of SE 336th Street and east of SR 181.
- Dist. 5: The area west of SR 181 (including Vashon Island).

The attached proposed motion suggests a districting scheme for the proposed weed district sections based upon community planning areas.

Four of the five appointees must have some connection with agriculture under RCW 17.10.050 ("At least four of the voting members shall be engaged in the primary production of agricultural products."). This requirement has not been strictly enforced in other counties and may be relaxed by proposed state legislation.

Under the King County Charter, the County Executive will have the authority to appoint board members subject to confirmation by the Council. Board members will serve a four-year term in office, except that members from two districts will initially serve two-year terms, as provided in RCW 17.10.050. Appointment of replacements would be from a list of the most qualified appointees submitted by the weed board to the County Executive, who would then submit the appointment to the County Council.

C. Funding. Funding for board activities would come either from an assessment against property within King County or from the county current expense fund. The board would annually submit a budget to the county legislative authority for the operating cost of the county's weed program for the ensuing fiscal year. (RCW 17.10.240). The County Council will have discretion on the source of funds for board activities. There would be a negative impact on other county programs if the activities of the County weed board were funded from the county current expense fund. ✓

The board would have statutory authority to levy an assessment against property in King County for noxious weed control by classifying lands and assessing each class of land for weed control. The assessment rate would be either uniform per acre in its respective class or a flat rate per parcel plus a uniform rate per acre, which is the process used in Thurston and Pierce Counties. The assessment may be a lien against property. RCW 17.10.240 (1). Because of the uncertainties involved in obtaining funding from the county current expense fund (the other statutory funding alternative), it is most likely that the board will seek to levy an assessment against property to fund weed control. King County has never levied an assessment for noxious weed control.

In order to be viable, the weed board special assessment will have to be made against more than just agricultural property. The relatively small amount of land in agricultural production (according to the Comprehensive Plan there is less than 50,000 acres in agricultural production in King County) will not alone support the budget for a medium-sized noxious weed control board (\$175,000 to \$185,000/year). There are about 32,000 acres in ✓

TABLE ONE

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Alternative Noxious Weed Assessment Funding Scenarios (Assuming a \$176,000 Board Budget)

	<u>Agric. Land Only</u>	<u>Parcels One Acre or More And Not Exempt (Pierce County Assessment Scheme)</u>
# of parcels	3,000 (est)	100,596
# of acres	50,000 (est)	681,637
Parcel charge	\$ 50.00	\$ 1.50
Acre charge	\$ 1.00	\$.05
Total Assessment	\$200,000	\$184,975

D. Access to State Noxious Weed Grant Funds.

An activated county noxious weed board is eligible to apply to the state noxious weed control board for grant monies to carry out special projects for control, survey, education or biocontrol of noxious weeds. Grant applications are reviewed and recommended for funding by the state weed board. In the current biennium, a total of \$524,000 was allotted for noxious weed grants to activated county weed boards. There are likely to be less grant funds available in 1992 and 1993 due to state budget reductions.

E. 1993 Activities. First-year activities will likely depend upon the baseline information that is available to the Board. If there is some baseline data as to the extent of knapweed and other significant noxious weed infestations, then it will be easier to determine the amount of funding that will be necessary to conduct noxious weed control activities within King County in 1993. If there is no baseline data, then the 1993 assessment and 1993 budget will have to be based upon best estimates of the amount of necessary noxious weed control activity for King County.

F. Budget. The following is an estimated 1993 King County Noxious Weed Control Board Budget. The actual budget request would be determined by the Weed Board in its 1993 budget request to the Council. This estimate is based upon the amount of noxious weed control and education activity necessary to address the requirements of Chapter 17.10 RCW.

This budget would allow for the hiring of a noxious weed coordinator, as provided in RCW 17.10.060(1), one support staff

King County that are preserved under the agricultural preservation program, which is composed of about 1,800 parcels. It appears that there are likely fewer than 3,000 parcels of agricultural land total within King County. If only King County agricultural land were assessed using the rate applied by Thurston County (\$2.40/parcel and \$.40 per acre for one to five acres, \$.15 per acre for six or more acres) less than \$20,000 would be raised. If the entire cost of the program were applied to agricultural land only, each agricultural parcel would have to be assessed about \$50.00 and \$1.00 per acre to support the noxious weed control board.

It thus appears necessary to place the assessment against more than just agricultural property. For example, Pierce County exempts certain property from the noxious weed special assessment including:

- (1) All tax exempt land;
- (2) All lands assessed as statutory forest land or timber land;
- (3) All parcels of less than one acre in size and having an improvement located thereon;
- (4) All parcels consisting of saltwater tidelands;
- (5) All parcels consisting of mineral rights only; and
- (6) All parcels consisting of buildings only.

This results in Pierce County exempting nearly 3/4ths of all parcels of property in the county (211,000 of 282,000 parcels are exempted). The remaining 71,000 parcels of property are assessed at \$2.00 per parcel. This includes some 42,645 parcels of greater than one acre in size and 28,218 parcels of less than one acre in size with no improvements. This yields some \$142,000 yearly for the Pierce County Weed Board. In addition, there is a charge of \$.08 an acre, which is assessed against 230,912 acres, which in 1991 yielded an additional \$18,472 in funds.

According to figures from the King County Assessor's Office, if King County adopted the same standards for noxious weed assessment as is applied in Pierce County, then 100,596 parcels of property with a total of 681,637 acres fit the criteria for assessment, with the average parcel being 6.78 acres in size.

An assessment of \$2.00 per parcel and \$.08 an acre (the Pierce County assessment rate) applied to 100,596 parcels in King County would yield about \$255,706 a year. An assessment of \$1.50 per parcel and \$.05 an acre would yield about \$184,975. It thus appears likely that a King County noxious weed control board would place an assessment of between \$1.50 to \$1.75 per parcel and \$.04 to \$.06 an acre against 100,596 parcels of property in King County in order to fund the activities of the board.

person, and several part-time seasonal employees who would conduct field surveys and perform control work.

Staff Costs

Noxious Weed Coordinator	1 FTE	\$50,000
Staff Assistant	1 FTE	\$25,000

Part-time seasonal help \$63,000 to \$75,600
 (\$15.00/hour, seven hours/day, for five to six staff people, or between 4,200 hours and 5,040 hours)

Total Staff Costs: \$138,000 to \$150,600

Rent \$4,800 to 5,200

300 square feet at \$16.00 per square foot per year. (220 square feet for the two FTE, 80 square feet to be shared by the part-time employees.)

Auto Mileage \$2,500

(There would be extensive travel necessary to cover the many road miles in King County)

Printing \$4,000

(The board should publish color informational brochures to educate the public about the need for noxious weed control.)

Miscellaneous \$5,000

(Phones, supplies, copier costs)

Capital Expenditures \$22,200

(Automobile	\$10,000
Computer	4,000
Software	2,000
Printer	1,200
Tools and equipment	1,500
Furniture	3,500)

TOTAL PROGRAM \$176,500 to \$189,100

G. Budget Comparisons

Thurston County Noxious Weed Control Board budget = \$279,000
 5.25 FTE (1990)

1989 Pierce County Noxious Weed Control Board budget = \$186,044

2 FTE, 11 Part-time employees

V. COMPLIANCE WITH ENVIRONMENTAL PROTECTION LAWS AND REGULATIONS

A noxious weed control program operated by the King County Noxious Weed Control Board would likely involve the application of chemicals as one method to control noxious weeds. Such a program should be subject to review under the State Environmental Policy Act (SEPA), Chapter 43.21C RCW and Chapter 197-11 Washington Administrative Code. Should a determination of significance be issued by the lead agency (which would likely be King County SEPA section), the King County Noxious Weed Control Board would need to conduct a substantial environmental evaluation of the program to control noxious weeds. ✓

Within the state of Washington, there have been few instances in which a county or state noxious weed control program has been subject to environmental review. Extensive environmental review documents have been prepared for several federal programs which, in part, dealt with noxious weeds. For example, the Pacific Northwest Region of the United States Forest Service prepared a multiple volume Final Environmental Impact Statement concerning Managing Competing and Unwanted Vegetation (1988). The actual amount of environmental review necessary for a noxious weed control program in King County is unknown since there has been minimal to no review of state or county noxious weed control programs.

VI. PROGRAM OPTIONS ADVANTAGES

A. **Advantages of a County-run program:**

- Greater discretion for county in prioritizing program resources.
- County staff can develop policy and procedures, and implement the program.
- Lower cost.

B. **Advantages of a Weed Board:**

- Broader jurisdiction: Weed Board has jurisdiction within both incorporated and unincorporated areas of the County.
- Greater powers: Weed Board has the power to impose an assessment against property to fund weed control board activities.
- Stable funding: Special assessment will not be subject to the same fluctuations as happens to the current expense fund.

-- Reduced hassle from state agencies: The weed board serves as a buffer between the county and the state on noxious weed issues.

VII. PROPOSED PLAN

(1) Continue 1992 Noxious Weed Control Program efforts (see issue II above for program details)

Time: Ongoing
 Actor: Noxious Weed Planner
 Status: Continuing

(2) Reprogram 1992 Noxious Weed Control Program to provide staff support to King County Noxious Weed Board.

Time: Present to Mar. 1992, as needed
 Actor: Noxious Weed Planner, PPR
 Env. Div.
 Status: Ongoing

(3) Meet with Washington State Noxious Weed Control Board and Pierce County Noxious Weed Control Board to discuss King County noxious weed control plans.

Time: Nov. 1991 - Dec. 1991
 Actor: Noxious Weed Planner, PPR
 Env. Div.
 Status: Completed

(4) Noxious Weed Board activation:

-- Redraw county weed district lines to include incorporated areas, redrawn districts to be included in proposed motion confirming appointments.

Time: Jan. 1992
 Actor: Noxious Weed Planner, PPR
 Env. Div., PPR Community
 Planning
 Status: Completed

-- Draft necessary legal language to include incorporated areas into districts.

Time: Jan. 1992 - Feb. 1992
 Actor: Noxious Weed Planner, PPR
 Env. Div., PPR Director,
 Prosecutor
 Status: Completed

-- Draft proposed motion which activates the King County Noxious Weed Control Board.

Time: Feb. 1992 - Mar. 1992
 Actor: Noxious Weed Planner, PPR
 Env. Div., PPR Director
 Status: Completed

-- Send letters from County Executive to the suburban cities of King County describing the situation with the King County Noxious Weed Control Board and soliciting names of possible nominees.

Time: Mar. 1992
 Actor: Noxious Weed Planner, PPR
 Env. Div., PPR Director,
 County Executive
 Status: Pending

-- Seek names for appointment to the board.

Time: Jan. 1992 - Apr. 1992
 Actor: County Executive, Noxious
 Weed Planner, PPR Env.
 Div., DHS Coop. Extension
 Status: Pending

-- Transmit motion submitting names of appointees to the King County Noxious Weed Control Board to the Council for confirmation.

Time: Apr. 1992
 Actor: Noxious Weed Planner, PPR
 Env. Div., County
 Executive
 Status: Completed

(5) Funding from the State:

-- Prepare motion requesting additional program funds from the state to provide staff support for the King County Noxious Weed Control Board in 1992.

Time: Jan. 1992 - Feb. 1992
 Actor: Noxious Weed Planner, PPR
 Env. Div.
 Status: Pending

-- Submit motion to Council requesting funds from the state for additional program funds to provide staff support for the King County Weed Board in 1992

Time: Feb. 1992
 Actor: Noxious Weed Planner, PPR
 Env. Div., PPR Director,
 County Executive
 Status: Pending

(6) Weed Board Activities:

-- Prepare Draft Rules and Regulations. Rules and regulations should cover conflict of interest and personnel rules.

Time: Sept. 1992 - Oct. 1992
Actor: Noxious Weed Planner, PPR
Env. Div., Environmental
Health, DHS Coop.
Extension
Status: Pending

-- Prepare suggested special assessment classifications and funding levels for a 1993 noxious weed assessment.

Time: Sept. 1992
Actor: Noxious Weed Planner,
Assessor's Office
Status: Pending