

November 23, 1998
GVC
clerk 5/21/98, 11/23/98
mc 11/21/98

Introduced By: Louise Miller

Proposed No.: 98-331

ORDINANCE NO. **13325**

AN ORDINANCE authorizing a special assessment for the control of noxious weeds of \$0.85 per parcel and \$0.09 per acre on all properties within King County, with the exception of forest lands which are assessed at one-tenth of the per parcel and per acre assessment levied against all other land, and creating the Noxious Weed Control Fund.

STATEMENT OF FACTS:

1. The King County Noxious Weed Control Board is organized under chapter 17.10 RCW to control the spread of noxious weeds in order to protect native habitat, livestock and wildlife.

2. Noxious weeds have been found to pose a serious environmental threat. Noxious weeds displace native species, mar natural landscapes, reduce the natural habitat relied upon by local wildlife species and complicate agricultural tasks.

3. County weed boards are required to direct the activities of a weed control program and a weed coordinator, whose duties include inspecting the land to determine the presence of noxious weeds, offering technical assistance and education, and developing a program to achieve compliance with the weed law, chapter 17.10 RCW and WAC 16-750.

4. The King County noxious weed control program has been operating since 1996, as part of the water and land resources division of the department of natural resources, funded by contributions from the Current Expense Fund, the Surface Water Management Fund and the County Road Fund.

5. The King County Noxious Weed Control Board has determined that the scale of the current noxious weed control program is not sufficient to carry out its purpose, which is to limit economic loss and adverse effects to King County's agricultural, natural, and human resources due to the presence and spread of noxious weeds on all terrestrial and aquatic areas in the county.

6. The King County Noxious Weed Control Board has developed a multi-year program plan and budget that extends the annual field season from four months to seven months and increases the number of field staff used for surveys, control and enforcement. New or expanded program elements include: GIS mapping of noxious weed infestations, research and evaluation of

1 eradication methods to determine which work best in this county and
2 monitoring and control of aquatic noxious weeds.

3 7. RCW 17.10.240 authorizes the council to levy an assessment for the
4 purpose of funding a noxious weed control program based on either a uniform
5 per acre rate or a flat rate per parcel plus a uniform rate per parcel for each
6 class of land.

7 8. RCW 17.10.240 states that forest lands may be subject to an annual
8 noxious weed assessment that does not exceed one-tenth the per acre and per
9 parcel rate levied on other lands that are subject to the weed assessment.

10 9. The King County Noxious Weed Control Board held a public hearing on
11 February 18, 1998 to take public testimony to serve as a basis for classification
12 of the lands within the county and for the purpose of developing a proposed
13 level of assessment for each land classification, as required by
14 RCW 17.10.240.

15 10. On March 25, 1998, following a public hearing, the King County Noxious
16 Weed Control Board made a determination that all lands in King County
17 specially benefit from the activities of the noxious weed control program and
18 adopted a proposed land classification system with two classes: (1) forest land
19 and (2) urban and rural nonforest land. The summary report on land
20 classification for the purpose of the noxious weed special assessment is
21 included as Attachment A.

22 11. On April 15, 1998, the King County Noxious Weed Control Board adopted
23 a motion proposing a level of assessment for each land classification which is
24 just and is reasonably calculated to fund the weed control activities that would
25 benefit these lands.

26 12. The Board has forwarded to the King County council its recommendation
27 that the council enact a noxious weed assessment at the level of \$0.85 per
28 parcel and \$0.09 per acre for all nonforest properties, and \$0.085 per parcel
29 and \$0.009 per acre for forest properties.

30 13. The King County Noxious Weed Control Board will provide to all parcel
31 owners or land occupiers within King County: inspection and periodic
32 monitoring of parcels to determine the presence of noxious weeds, technical
33 assistance and education to accomplish the control or eradication of noxious
34 weeds; GIS mapping of noxious weed infestations, and research and evaluation
35 of control and eradication methods. The King County council has determined
36 that all lands within the boundaries of King County would derive a benefit
37 from the noxious weed education, inspection, monitoring, control and
38 eradication activities as proposed herein. The council has determined that a
39 rate of \$0.85 per parcel and \$0.09 per acre for all non-forest lands is just and is
40 reasonably calculated to fund the activities that would benefit these lands. The
41 King County council has determined that, in accordance with RCW 17.10.240,
42 the assessment for all forest lands (as defined in RCW 84.33.035) which are

1 used solely for the planting, growing or harvesting of trees and which are
2 typified, except during a single period of five years following clear-cut
3 logging, by canopies so dense as to prohibit growth of an understory, shall be
4 \$0.085 per parcel and \$0.009 per acre and that this rate is just and is
5 reasonably calculated to fund the activities that would benefit these lands.

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7
8 SECTION 1. An assessment for the King County noxious weed control program of
9 \$0.85 per parcel and \$0.09 per acre on all property not classified as forest land shall be
10 imposed annually. Property classified as forest land, as defined in RCW 84.33.035, which is
11 used solely for the planting, growing or harvesting of trees and which is typified by canopies
12 so dense as to prohibit the growth of an understory shall be assessed at the rate of \$0.085 per
13 parcel and \$0.009 per acre.

14 SECTION 2. The amount of such assessment shall constitute a lien against any
15 property for which the assessment has not been paid by the date it is due, as provided in RCW
16 17.10.240. A notice of lien shall be sent to each owner of such property.

17 SECTION 3. The work plan submitted by board for 1999, as shown in Attachment B,
18 is hereby approved. The executive shall report to the council annually on the work program of
19 the noxious weed control board.

20 SECTION 4. Given the public process outlined in paragraphs 9 and 10 in the
21 statement of facts of this ordinance and the statement of facts in Paragraphs 2, 5, 6, 11, 12, 13
22 and 14 in the statement of facts of this ordinance, the King County council finds that the
23 public interest will be served by the imposition of the special assessments made under this
24 legislation, and that the special assessments to be imposed on any land will not exceed the
25 special benefit that the land receives or will receive from the activities of the King County
26 noxious weed control board.

1 SECTION 5. There is hereby created the Noxious Weed Control Fund which shall be
2 used to support the activities of the King County Noxious Weed Control Board, with revenues
3 from the noxious weed special assessment.

4 SECTION 6. The Noxious Weed Control Fund shall be a first tier fund as described
5 in K.C.C. chapter 4.08. The Noxious Weed Control Fund shall be classified as a special
6 revenue fund. The department of natural resources shall be the fund manager of the Noxious
7 Weed Control Fund.

8 SECTION 7. The proceeds of the special assessment imposed by Section 1 of this
9 ordinance shall be credited to the Noxious Weed Control Fund and may only be used to
10 support the activities of the King County Noxious Weed Control Board and the department of
11 natural resources to control noxious weeds.

12 SECTION 8. The assessments levied herein shall take effect as of January 1, 1999.

13 SECTION 9. Direction to the clerk. The clerk is given direction to edit and revise this
14 ordinance to the extent deemed necessary or desirable by the clerk and without changing the
15 meaning of any such law, in the following respects only:

- 16 A. Make capitalization uniform with that followed generally by the state.
- 17 B. Make chapter or section division and subdivision designations uniform with that
18 followed in the code.
- 19 C. Substitute for the term "this ordinance," where necessary, the term "section," "part,"
20 "code," "chapter," or "title," or reference to specific section or chapter numbers, as the case may
21 require.
- 22 D. Substitute for reference to a section of "this ordinance," the proper code section
23 number reference.
- 24 E. Strike out figures where merely a repetition of written words and substitute, where
25 deemed advisable for uniformity, written words for figures.

1 F. Rearrange any misplaced statutory material, incorporate any omitted statutory
2 material as well as correct manifest errors in spelling, and manifest clerical or typographical
3 errors, or errors by way of additions or omissions.

4 G. Correct manifest errors in references, by chapter or section number, to other code.

5 H. Correct manifest errors or omissions in numbering or renumbering sections of the
6 code.

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I. Divide long sections into two or more sections, and rearrange the order of sections to conform to such logical arrangement of subject matter as may most generally be followed in the code when to do so will not change the meaning or effect of such sections.

J. Change the wording of section captions, if any, and provide captions to new chapters and sections.


K. Strike provisions manifestly obsolete.

INTRODUCED AND READ for the first time this 26th day of

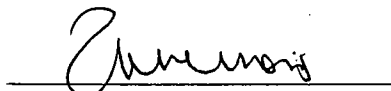
May, 19 98

PASSED by a vote of 7 to 6 on this 23rd day of November, 19 98

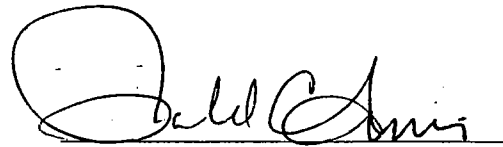
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Chair

ATTEST:


Clerk of the Council

APPROVED this 4 day of December, 19 98


King County Executive

Attachments: A. Land Classification Report
B. Noxious Weed Control Program Work Plan

Attachment A
King County Noxious Weed Control Board
Land Classification Staff Report for Proposed Assessment
March 25, 1998

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RCW 171.0.240 – “Prior to the levying of an assessment the county noxious weed control board shall hold a public hearing at which it will gather information to serve as a basis for classification and then classify the lands into suitable classifications, including but not limited to dry lands, range lands, irrigated lands, non-use lands, forest lands, or federal lands. The board shall develop and forward to the county legislative authority, as a proposed level of assessment for each class, an amount as seems just.
... Provided, that if no benefits are found to accrue to a class of land, a zero assessment may be levied.”

The King County Noxious Weed Control Board held a public hearing on February 18, 1998 for the purpose of collecting information to serve as a basis for classification of lands. A review of the data collected during the first two years of the program, and the field experience of the weed coordinator and Board members, led to the determination that all lands in King County receive an equal benefit from the noxious weed control program, and that the assessment does not exceed the benefit. Priority noxious weeds are found in urban, suburban, agricultural, forested and rural areas, on land, in bodies of water, in open spaces and natural areas, and in incorporated and unincorporated areas.

The following data are from the 1996 and 1997 surveys. Infestations in unincorporated areas have been included with adjacent cities to facilitate tracking data within the program database.

- Giant hogweed - 410 known infestations, in all Council districts. Hogweed is predominantly an urban weed and most of the known infestations occur in Seattle (224 sites). Hogweed is found in the county as far south as Auburn and Federal Way, north as far as Shoreline and Bothell, on Vashon Island, and as far east as Skykomish. Hogweed can grow up to 15 feet in height and its sap can cause skin blisters and scarring.
- Tansy ragwort – 307 known infestations in Council districts 7, 8, 9, and 13. Tansy ragwort is more likely to infest pastures and roadsides. The greatest numbers of sites occur on Vashon Island (122 sites), and in Federal Way (86), Auburn (43), and in and around Enumclaw (28). Tansy ragwort has toxins that can be fatal to cows and horses and can be found in milk and in honey. A single plant can produce 150,000 seeds that are spread by wind.
- Spotted and Diffuse knapweeds– 264 known infestations, found in all Council districts. Both knapweeds threaten wildlife habitat, pastures, grasses, and Christmas tree farms by displacing beneficial species.
- Meadow knapweed – 32 known infestations in districts 3, 7, 9, and 11. The heaviest infestations appear to be in and around Kirkland. This weed out-competes grasses and other pasture species and is difficult to control.
- Dalmatian toadflax – 51 known infestations in districts 2, 3, 4, 5, 6, 7, 8, and 13. Crowds out valuable forage. Eradication requires at least 2 years of weekly control during the growing season since plants regenerate from plant fragments
- Purple loosestrife – Infestations occur in districts 2, 3, 6, 7, 8, 11, 12, and 13. (Actual numbers of infestations were not tracked before 1998). Grows in wetlands and along lakes, rivers and streams, chokes out wildlife habitat and clogs drainage ditches and irrigation canals.

Attachment A
King County Noxious Weed Control Board
Land Classification Staff Report for Proposed Assessment

- Hydrilla – Infestations of this freshwater aquatic species are found in Pipe and Lucerne Lakes in Maple Valley and Covington. Considered to be the most problematic aquatic plant in the US. Hydrilla forms extensive surface mats that destroy freshwater fish habitat and recreation areas.
- Parrotfeather – A single infestation of this freshwater aquatic species has been found in Renton. This escaped aquatic ornamental is used in water gardens and aquariums and is still being sold in KC. It chokes out prime salmon habitat and reduces availability of refuge, exposing salmon to predators.
- Orange hawkweed – 3 known infestations occur in Auburn, Federal Way, and the Mount Baker-Snoqualmie National Forest. It has invaded forest lands in Kittitas County. The flower is popular in wildflower meadow mixes. It displaces native and other desirable plant species.

Although the data collected in field surveys during 1996 and 1997 focussed mainly on the western portion of the county, additional infestations are expected to be found as surveys expand to include more of the county. The wide diversity of habitats in King County, such as agricultural, rural, urban, forested and aquatic, provides for a diversity of noxious weeds.

According to RCW 17.10, forest or timber lands that are used solely for planting, growing and harvesting of trees may be subject to an annual assessment that does not exceed one-tenth of the average rate.

Based on the information received at the public hearing, the review of existing program data, the collective experience of the weed board and weed coordinator, and the statutory exemption for timber lands, a motion to use two classifications of land, 1) timber land and 2) all other lands was passed unanimously by the board at the March 25, 1998 board meeting.

Attachment B
King County Noxious Weed Control Program
Annual Work Plan

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1) Organization and Operation

A full time Program Coordinator, as an agent of the Board, is responsible for administering the Noxious Weed Control Program including those duties specified in RCW 17.10.060, the adopted King County Noxious Weed Control Board's Rules and Regulations and the annual work plan.

A full time Administrative Assistant will provide administrative support to the Coordinator and program staff.

The Program Coordinator will be responsible for supervising all program staff and their work and for ongoing tasks that include, but are not limited to, the following:

- Maintain working relationships with agencies responsible for noxious weed control on public lands and major urban and rural transportation routes such as WSDOT, Port of Seattle, City of Seattle, KC Roads, KC Parks, and suburban cities.
- Provide staff support to the Board to include monthly meetings, briefings, and progress reports.
- Attend bi-monthly meetings of the State Noxious Weed Control Board, and the annual Weed Coordinators conference.
- Meet with coordinators from surrounding counties as needed for current and updated information regarding their programs and specific weed problems.
- Respond to citizen's requests for information on identification, control and characteristics of noxious weeds.
- Provide educational materials to landowners, agencies, groups, organizations and individuals in an effort to provide outreach to as large a base possible.
- Distribute/display educational materials as requested/needed.
- As new information is reported, update weed inventory into database in a format that will allow GIS mapping of parcels by infestation.
- Continually work with suburban cities, the State and U.S. Forest Service to address noxious weed issues on public lands.
- Maintain working relationships with large private landholders such as Weyerhaeuser and Burlington Northern Rail Road to ensure effective control programs are in place.
- Develop working relationships with the Muckleshoot tribe to address noxious weed issues on tribal land.
- Attend noxious weed-related meetings: City of Seattle senior gardeners meetings; Adopt-a-Beach; King Conservation District (KCD) as requested and other organizations as requested or as the need arises.

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King County Noxious Weed Control Program
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2) Survey and Control Program

The survey and control component is designed to assist landowners in controlling noxious weeds on their properties and in obtaining voluntary compliance with chapter 17.10 RCW.

After reviewing noxious weed programs in various counties, the Board determined eight field staff would be the minimum needed during the weed season to cover King County's 1,365,000 acres. Pierce County, with just over 1 million acres, has 11 field staff. There are over 550,000 parcels in King County and it is not known what percentage of these is infested with noxious weeds. Thurston County estimates one field staff can handle approximately 6,000 infested parcels a year, and it is likely King County has significantly more infestations than other counties with older, more established weed control programs.

Field staff are required to hold a pesticide license, be experienced in weed control, be familiar with the noxious weeds in the area, and most importantly, enjoy working with people. Staff would be hired and trained by the Coordinator and be responsible for responding to phone calls and requests for information, infestation reports, working with landowners, and identifying weed infestations. The goal of the program is not to create a type of noxious weed "police force" but to provide a resource for landowners with noxious weed problems.

Staff are recruited from universities, colleges, and other areas to work a 6-8 month period from March through October. Field staff employed by the noxious weed control program are seasonal term-limited employees and receive \$12.50 per hour plus benefits

Surveys for new sites and inspections of previously recorded sites typically follow this schedule:

Ongoing - Report all new infestations of any noxious weed found throughout the season.

March - Survey for gorse.

April - Survey all known infestations of Dalmatian toadflax, giant hogweed, gorse and knapweeds.

May - Survey for infestations of Dalmatian toadflax, giant hogweed, knapweeds and yellow nutsedge.

June - Survey for infestations of Dalmatian toadflax, giant hogweed, knapweeds, leafy spurge, tansy ragwort and yellow nutsedge.

July - Survey for blueweed, Dalmatian toadflax, garden loosestrife, giant hogweed, purple loosestrife, rush skeletonweed and tansy ragwort.

August - Survey for blueweed, garden loosestrife, Japanese knotweed, purple loosestrife, rush skeletonweed and tansy ragwort.

September and October - Complete follow-up and new surveys.

Attachment B
King County Noxious Weed Control Program
Annual Work Plan

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3) Education, Research & Evaluation Program

The Board knows that education is the most effective method for preventing the spread of noxious weeds. A long-term educational component is needed to:

- Increase the awareness of the economic and environmental impacts of noxious weeds;
- Promote the goal of effective weed control in ways that will build credibility for the program; and
- Foster cooperation and responsibility for weed control as aspects of land ownership/management and environmental stewardship.

The Board favors an aggressive education program that will reach a wide range of audiences by using a variety of education methods, including the mass media. In order to disseminate the most accurate information about effective weed control methods and alternatives, the Board plans to fund small research projects to acquire information specific to the climate and terrain of King County.

One full time Education and Research Planner will be hired to work with the Program Coordinator to develop and implement a comprehensive educational component to the weed program. The work includes developing exhibits, brochures and advertising, making presentations, and staffing exhibits and display booths. The Education & Research Planner will identify the issues needing research and will coordinate research projects.

The educational component will target a variety of audiences including, but not limited to:

- Rural landowners, particularly growers and those who own livestock (e.g. Executive Horse Council, Dairy Association, Granges, Nursery Growers Association, timber companies).
- Activity groups involved in outdoor activities (e.g. Volunteers for Outdoor WA, Earth Corps, Water Tenders, Trail Clubs, Adopt-A-Road, community clubs).
- People who can be trained as resources to disseminate information within their specialized fields (e.g. WSU Extension Master Gardeners, Master Composters, Wetland Stewards, Wildlife Stewards, King Conservation District).
- Youth groups with outdoor orientation (e.g. 4-H, Voc-Ed, FFA, Scouts, Earth Keepers, Kids for Saving the Earth, School Science and ecology clubs, Adopt-A-Stream).
- Staff of other King County agencies who may encounter noxious weed infestations in the course of their work (e.g. Roads crews, DDES inspectors, site maintenance workers)
- Organizations with natural resources interests (e.g. Audubon Society, Washington Native Plant Society, Nature Conservancy, Ducks Unlimited, WA Trout).

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King County Noxious Weed Control Program
Annual Work Plan

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4) GIS Mapping Program

Research suggests that early detection and intervention to prevent the further spread of noxious weeds is more cost-effective than controlling most established infestations. Developmental pressures within King County have altered native plant communities creating conditions ideally suited to the establishment of weed species.

The purpose of this program element is to map all survey data to track noxious weeds in King County. The Board is interested in surveying and mapping infestations in order to better direct its control efforts and to determine rates of expansion.

A 0.25 FTE GIS Analyst will be used to design and implement the mapping program by entering the data collected by field staff into the system and producing maps as needed for tracking and for presentations. This information will be analyzed to determine common factors and to help the Board target problem areas and monitor the range of noxious weed invasions. It will also provide data for determining best management practices for minimizing noxious weed infestations.

Identification of the extent of the noxious weed problem in King County will significantly increase the ability of the King County Noxious Weed Control Board to effectively manage noxious weeds. The increased knowledge gained from mapping the survey data will aid efforts to maintain the biological and economic diversity that is an inherent part of the quality of life in King County.

Attachment B
King County Noxious Weed Control Program
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Responding to information requests and infestation reports occurs all year long.

January

- Develop and update public information and educational materials.
- Coordinate with other County and City agencies on reporting infestations of noxious weeds.
- Develop and project GIS mapping products and needs.
- Adopt Rules & Regulations with any necessary or desired revisions.
- Outline research needs for effective weed control and alternatives to herbicides.
- Coordinate with appropriate agencies on aquatic noxious weed control.
- Recruit and interview personnel for staff positions.

February

- Determine survey routes based on previous years' findings and weed board priorities.
- Work with Board to finalize and adopt annual King County Weed List.
- Coordinate workshops with KC Parks, and KC Roads.
- Outreach - Northwest Flower and Garden Show.
- Recruit and interview prospective personnel as noxious weed inspectors.
- Coordinate production and distribution of interpretive signs for purple loosestrife.
- Coordinate solid waste versus composting issues with appropriate agencies.
- Prepare input to State Weed Board for state weed list.

March

- Prepare mailing lists and educational materials for Class A and B-designate weeds, known infestations, nurseries, feed stores, libraries, horse organizations/clubs, incorporated and suburban cities, et al.
- Prepare training materials for inspectors.
- Hire and train seasonal weed inspectors.
- Publish press release on weed surveys and program.
- Solicit proposals from control contractors.

April

- Hire control contractors.
- Conduct follow-up and new surveys for Class A, B-designates and County select weeds.

May

- Continue follow-up and new surveys. Begin enforcement actions if necessary.
- Work with landowners of parcels infested with noxious weeds.
- Develop a list of volunteers to participate in organized weed pulls
- Begin aquatic noxious weed surveys.
- Coordinate biological control collections and releases.
- Surveys

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King County Noxious Weed Control Program
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June

- Continue follow-up on landowners that have been notified of noxious weed infestations.
- Provide technical and other assistance to ensure control procedures are in place.
- Coordinate volunteer weed pulls with other agencies such as WLRD, King Conservation District, The Nature Conservancy, and Youth Conservation Corps.
- Coordinate biological control collection and releases.

July

- Education and outreach efforts at local festivals and fairs.
- Coordinate volunteer weed pulls with another agencies such as SWM, King Conservation District, and The Nature Conservancy.
- Coordinate biological control collection and releases.
- Weed control if necessary.

August

- Education and outreach.
- Weed control if necessary.
- Surveys

September

- Mail thank you postcards to all landowners that have controlled their weeds.
- Final season ending progress reports from the weed inspectors.
- Complete any follow-up surveys and database work.

October

- Compilation of weed inspectors reports to be summarized and delivered to the Weed Board.
- Schedule presentations and public outreach events.
- Prepare press release for end of season.
- Work on budget and program priorities.

November

- Produce summary maps from GIS and database.
- Identify areas that may be of concern for the following year. Parcels with large infestations or transit routes with continued infestations should be included.
- Review County Weed Board's Rules and Regulations.

December

- Generate summary reports from database.
- Summarize and discuss with the King County Weed Board the performance and effectiveness of the program.
- Develop work plan for the following year.
- Prepare Annual Report.