



KITTITAS VALLEY FIRE & RESCUE

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FEB 24 2012

**KITTITAS COUNTY
Board of County Commissioners
AGENDA STAFF REPORT**

1st _____ 2nd _____ 3rd _____
KITTITAS COUNTY BOARD OF COMMISSIONERS

AGENDA DATE: To be determined by the Board of County Commissioners

ACTION REQUESTED: Request by the Kittitas County Fire District No. 2, dba Kittitas Valley Fire & Rescue, to approve the annexation of approximately 322 acres of land involving 42 total parcels in the Badger Pocket area into the fire district. Upon annexation, the property owners will pay current annual levy per mil of assessed valuation to the fire district in exchange for fire protection to include wild land and structural fire responses.

**INITIAL
BACKGROUND
INFORMATION:**

RCW 52.04.021 Annexation by Petition Method – Alternative to election method. Several property owners submitted requests for annexation to the Kittitas County Fire District No. 2 under the petition method of annexation. This method allows a petition for annexation of an area adjacent to a fire district to be signed by the owners of not less than 60% of the area of land included in the annexation petition and submitted to the Board of Fire Commissioners. The Board of Fire Commissioners may then hold a public hearing to consider public comment on the proposed annexation. If they choose to approve the annexation by resolution, then the proposed annexation is subject to action by the county legislative authority.

Since Kittitas County does not have a Boundary Review Board, the petition must be acted upon by the County according to statute. Chapter 52.04 RCW governs annexations for fire protection districts. The petition method of annexation is governed by RCW 52.04.021, .031, .041, and .051, as well as by other statutes to which reference is made within those statutes.

In accord with RCW 52.04.031, the annexation petition was filed with the board of fire commissioners of Fire District No. 2, signed by the owners of at least 60% of the area of land to be annexed, and included a legal description and a plat outlining the boundaries of the proposed annexation. In accord with RCW 52.04.041, the District No. 2 fire commissioners by Resolution approved the annexation following notice and a public hearing.

**PROPOSED
PROPERTIES:**

Township 16, Range 19, Section 11
Township 16, Range 19, Section 12

These sections are located in the unincorporated area of the County commonly referred to as Badger Pocket. The proposed annexation area is west of Lawrence Road and south of 4th Parallel Rd. The maps attached in Exhibit A and Exhibit B indicate the properties being considered and show the continuity with current properties in Fire District No. 2.

These rural parcels are comprised of 321.94 acres or 0.50 square miles of single family residences, farm operations, and agricultural land. The total assessed valuation of the proposed area is \$3,462,920. The area is surrounded by single family residences, farm operations, and agricultural land on three sides with the Yakima Training Center adjacent on the south side.

**PETITION
INFORMATION:**

Residents of the area first submitted a petition for annexation in 2005. The Kittitas County Fire District No. 2 Board of Fire Commissioners passed Resolution 05-10 to approve the annexation. However, the process stalled after the resolution was passed and the annexation proposal was not submitted to Kittitas County. Therefore, tax revenue for fire protection was never collected from the residents. Fire district staff was tasked in early 2011 to create a fresh start on the petition process with the current landowners to make sure it is done correctly and in its entirety.

There are 42 parcels in the proposed annexation area. Signed petitions were received from the owners of 17 parcels indicating their support of annexation while the owners of 25 parcels did not respond. The 17 parcels (200.60 acres) account for 62.31% of the 321.94 total acres in the area, thus exceeding the 60% minimum required by RCW 52.04.021.

PREPARATION:

At the regularly scheduled January 2012 meeting, the Board of Fire Commissioners set a public hearing date of February 9, 2012 to consider the annexation of the properties in the Badger Pocket area. Letters were sent to each landowner of the affected parcels to notify them of the public hearing. Legal notices were published in *The Daily Record* on January 25, 2012, February 1, 2012, and February 8, 2012. Additionally, signs advertising the public hearing were posted in two places in Badger Pocket in the vicinity of the properties in question as well as one sign posted at the Fire District headquarters at 102 N. Pearl Street. The public hearing was held as scheduled at which a staff report was presented, public comment was taken, and the Board of Fire Commissioners voted 3-0 to approve the annexation with Resolution 12-06.

**BENEFITS OF
ANNEXATION AND
BOCC RESOLUTION:**

Benefits to Kittitas County Fire District No. 2: Property owners are participating in financially supporting the fire district for services they are likely to receive anyway.

Benefits to Property Owners: Lower insurance rates, possible increased flexibility in development options, and emergency fire response without a bill for services. The area proposed to be annexed is rural residential, farm and agricultural in nature, and is in an unincorporated area with no projected incorporation during the next ten (10) years, with unknown growth projection. The annexation will provide fire protection to include wildland and structure fire responses, which will help protect and ensure the well being of the community. The annexation will be conducive to the public safety, welfare and convenience.

BOCC Resolution: Pursuant to RCW 52.04.051, the next step in the process is to submit the fire commissioners' resolution to the Kittitas County BOCC. Where there is no BRB, the BOCC must hold a public hearing.

After notice duly given, the matter has been set for the BOCC's approval on _____, March ____, 2012. Pursuant to RCW 52.02.070, the BOCC has the following authority at the public hearing:

- Consider the petition and receive evidence in favor of or opposed to the annexation.
- The BOCC may consider only those areas located within the County, and cannot include any lands outside the boundaries of the proposed annexation.
- The BOCC cannot exclude any lands from the boundaries described in the petition unless the BOCC finds that certain lands will receive no benefit from the proposed annexation.
- If finding no benefit, the BOCC will deny the petition.
- If finding that the lands will receive a benefit, the BOCC must issue a Resolution finding that the lands described will be benefited and that the annexation will be conducive to the public safety, welfare and convenience.
- After the BOCC enters its order annexing the territory into the existing fire protection district, the new territory becomes subject to the indebtedness of the existing district. The BOCC is not involved with fixing any monetary obligations, benefit charges, etc., as these are the responsibility of the fire protection district.
- After 5 days from the BOCC's approval of the resolution declaring the annexation, and after filing certified copies of the resolution with the county auditor and county assessor, the annexation is complete and no one can later question the

process by reason of any defect in proceedings.

RECOMMENDATION: Approve the annexation as proposed by Fire District No. 2.

EXHIBITS:

Exhibit A: Large map of existing Fire District #2 properties and the proposed annexation area.

Exhibit B: Detailed map of the individual parcels in the proposed annexation area.

Exhibit C: Kittitas County Assessor's letter certifying that the parcels have been verified in regard to parcel number, map number, abbreviated legal descriptions and corresponding owner of record as outlined in the Kittitas County Fire District No. 2 Resolution 12-06.

Exhibit D: Certified copy of Resolution 12-06 approving the annexation of 321.94 acres in the Badger Pocket area into the fire district.

Exhibit E: Certified copy of minutes from the Board of Fire Commissioners public hearing held on February 9, 2012.

Exhibit F: Copy of affidavit of publication of public hearing notice.

Exhibit G: Listing of properties within the proposed annexation showing details of ownership, location, property size, taxable value, and proposed fire tax.

Exhibits H and I: True and accurate copies of the petitions for each property in Sections 11 and 12 wishing to annex into the Fire District. Included with each petition is a map showing the location of the property and a Property Summary printed from the Kittitas County Public TaxSifter program.

Exhibit J: Maps and TaxSifter Property Summaries for each property within the proposed annexation area for which petitions were not returned.

INTERACTION: Amber Simon, Kittitas County Fire District No. 2 District Secretary, requested that the Kittitas County Prosecutor's office research the process and draft a resolution for the annexation.

HANDLING:

BOCC Resolution:
Original/Certified Copy – Filed with County Auditor
Original/Certified Copy – Filed with County Assessor
Copy/Original – Clerk of the Board
Copy/Original – Amber Simon, Fire District Secretary
Copy – County Prosecutor

LEAD STAFF:

Kittitas County Fire District No. 2:
Amber Simon, Financial Services Manager/District Secretary
Manda Mellergaard, Administrative Assistant

Kittitas County Prosecutor's Office:
Zera Lowe, Civil Deputy Prosecuting Attorney