

KITTITAS COUNTY
Board of County Commissioners
AGENDA STAFF REPORT

AGENDA DATE: 3rd of December, 2019

ACTION REQUESTED: Request by the Kittitas County Fire District No. 2, dba Kittitas Valley Fire & Rescue, to approve the annexation of approximately 95.70 acres of one petitioning landowner and no non-petitioning landowners, 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.

BACKGROUND: **RCW 52.04.021 Annexation by Petition method - Alternative to election method.** Under the petition method, one property owner submitted a petition for annexation into the Kittitas County Fire District No. 2 dba Kittitas Valley Fire & Rescue. 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 approve the annexation following notice and a public hearing.

PROPOSED PROPERTIES: Township 17, Range 18, Section 27

These sections are located in the unincorporated area of the County off Umptanum Road. The proposed annexation area is north of ___ and east of ____ . 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 95.7 acres or 0.15 square miles of a single-family residence and rangeland. The total assessed valuation of

the proposed area is \$801,850. Single family residences and rangeland surround the area.

PREPARATION:

At the regularly scheduled August 2019 meeting, the Board of Fire Commissioners set a public hearing date of September 12, 2019 to consider the annexation of the properties in in the Umptanum Road 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 August 26, 2019, September 2, 2019, and September 9, 2019. Additionally, signs advertising the public hearing were posted in two places in the vicinity of the properties in question as well as one sign posted at the Fire District headquarters at 400 E. Mountain View. 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 5-0 to approve the annexation with Resolution 19-18.

**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 contains a single-family residence and rangeland, 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 wild land 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 November __, 2019. 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 just 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 due to any defect in proceedings. Approve the annexation as proposed by Fire District No. 2

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 regarding parcel number, map number, abbreviated legal descriptions and corresponding owner of record as outlined in the Kittitas County Fire District No. 2 Resolution 19-18.

Exhibit D: Certified copy of Resolution 19-18 approving the annexation of 95.7 acres in the Umptanum Road area into the fire district.

Exhibit E: Certified copy of minutes from the Board of Fire Commissioners public hearing held on September 12, 2019.

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.

Exhibit H: True and accurate copies of the petitions for each property in Section 27 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.

INTERACTION: Shannon Hill, 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 - Shannon Hill, Fire District Secretary
Copy - County Prosecutor

LEAD STAFF: Shannon Hill, District Secretary, Kittitas County Fire District No. 2.
Neil Caulkins, Civil Deputy Prosecuting Attorney