

Bond Case Briefs

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SPECIAL ASSESSMENTS - WASHINGTON

Kittitas County v. Washington State Department of Transportation

Court of Appeals of Washington, Division 2 - April 21, 2020 - P.3d - 2020 WL 1921926

County brought declaratory judgment action against Department of Transportation, seeking to require Department to pay assessment for noxious weed control efforts in county.

The Superior Court granted summary judgment to Department. County appealed.

The Court of Appeals held that:

- Statutory funding mechanism for county's noxious weed control was a special assessment rather than a rate, and thus it required clear and express authority to be assessed against state-owned land, and
- No such authority existed.

Statutory funding mechanism for county's noxious weed control was a special assessment rather than a rate, and thus it required clear and express authority to be assessed against state-owned land; purpose of charge was to compensate a noxious weed control board for the services provided to specific lands benefiting from that board's noxious weed control efforts, and charge was designed to be proportional to the benefit received by the assessed land.

Statutes setting out special assessments for funding of county noxious weed control districts do not expressly authorize levy of charges against state-owned lands and thus may not be levied against such lands.