



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 21, 2016

Ordinance 18302

Proposed No. 2016-0015.2

Sponsors Dembowski

1 AN ORDINANCE relating to reporting requirements for
2 funds received and used by the in lieu fee mitigation
3 program, a component of King County's critical area
4 mitigation reserves program, in accordance with the
5 2015/2016 Biennial Budget Ordinance, Ordinance 17941,
6 Section 77, Proviso P2, as amended; and amending
7 Ordinance 15051, Section 151, as amended, and K.C.C.
8 21A.24.133.

9 STATEMENT OF FACTS:

10 1. A component part of the King County critical area mitigation reserves
11 program is an in lieu fee mitigation program that was authorized by
12 Ordinance 17254, as amended by Ordinances 17527 and 17752, to
13 function under applicable federal regulations.

14 2. The 2015/2016 Biennial Budget Ordinance, Ordinance 17941, Section
15 77, Proviso P2, requires an amendment to the King County Code to
16 include a provision requiring biennial reporting to council on the
17 following matters related to the in lieu fee mitigation program:

18 a. Information on the amount and source of revenues received by the
19 program;

- 20 b. A description and rationale for projects selected for funding;
21 c. An accounting of budgeted and actual expenditures made; and
22 d. The status of all projects approved in the previous five years, and
23 anticipated completion date for those projects, if not yet complete.

24 3. This ordinance adds a new subsection to K.C.C. 21A.24.133 in order to meet
25 the requirements of the proviso.

26 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

27 SECTION 1. Ordinance 15051, Section 151, as amended, and K.C.C.

28 21A.24.133 are hereby amended to read as follows:

29 A. To the maximum extent practical, an applicant shall mitigate adverse impacts
30 to a wetland, aquatic area, wildlife habitat conservation area or wildlife habitat network
31 on or contiguous to the development site. The department may approve mitigation that is
32 off the development site if an applicant demonstrates that:

33 1. It is not practical to mitigate on or contiguous to the development proposal
34 site; and

35 2. The off-site mitigation will achieve equivalent or greater hydrological, water
36 quality and wetland or aquatic area habitat functions.

37 B. When off-site mitigation is authorized, the department shall give priority to
38 locations within the same drainage subbasin as the development proposal site that meet
39 the following:

40 1. Mitigation banking sites and resource mitigation reserves as authorized by
41 this chapter;

42 2. Private mitigation sites that are established in compliance with the
43 requirements of this chapter and approved by the department; and

44 3. Public mitigation sites that have been ranked in a process that has been
45 supported by ecological assessments, including wetland and aquatic areas established as
46 priorities for mitigation in King County basin plans or other watershed plans.

47 C. The department may require documentation that the mitigation site has been
48 permanently preserved from future development or alteration that would be inconsistent
49 with the functions of the mitigation. The documentation may include, but is not limited
50 to, a conservation easement or other agreement between the applicant and owner of the
51 mitigation site. King County may enter into agreements or become a party to any
52 easement or other agreement necessary to ensure that the site continues to exist in its
53 mitigated condition.

54 D. The department shall maintain a list of sites available for use for off-site
55 mitigation projects.

56 E.1. The department and the department of natural resources and parks have
57 developed a program to allow the payment of a fee in lieu of providing mitigation on a
58 development site. The program addresses:

59 ~~((1.))~~ a. ~~((W))~~when the payment of a fee is allowed considering the availability
60 of a site in geographic proximity with comparable hydrologic and biological functions
61 and potential for future habitat fragmentation and degradation; and

62 ~~((2.))~~ b. ~~((F))~~the use of the fees for mitigation on public or private sites that
63 have been ranked according to ecological criteria through one or more programs that
64 have included a public process.

65 2. The in lieu fee mitigation program shall submit a report by May 1 in the first
66 year of the biennial budget cycle, filed in the form of a paper original and an electronic
67 copy with the clerk of the council, who shall retain the original and provide an electronic
68 copy to all councilmembers, the council chief of staff and the lead staff for the
69 transportation economy and environment committee or its successor. The report should
70 address the following:

- 71 a. information on the amount and source of revenues received by the program;
- 72 b. a description and rationale for projects selected for funding;
- 73 c. an accounting of budgeted and actual expenditures made;
- 74 d. the status of all projects approved in the previous five years, and anticipated
75 completion date for those projects, if not yet complete.

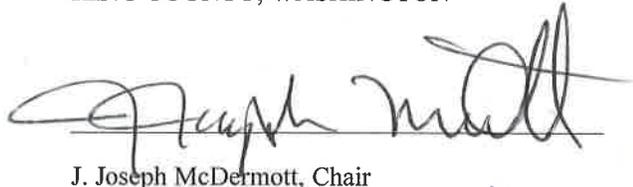
76 SECTION 3. This ordinance amends K.C.C. 21A.24.133, in accordance with the

77 2015/2016 Biennial Budget Ordinance, Ordinance 17941, Section 77, Proviso P2, as
78 amended.
79

Ordinance 18302 was introduced on 1/19/2016 and passed by the Metropolitan King County Council on 6/20/2016, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



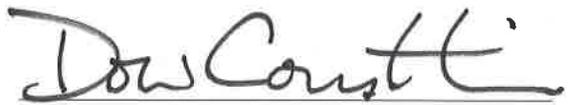
J. Joseph McDermott, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 28 day of JUNE, 2016.



Dow Constantine, County Executive

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Attachments: None