



## Legislation Details (With Text)

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**Title:** AN ORDINANCE related to surplus county real property; and amending Ordinance 12045, Section 5, as amended, and K.C.C. 4.56.070 and Ordinance 12045, Section 14, as amended, and K.C.C. 4.56.150.

**Sponsors:** Girmay Zahilay, Jeanne Kohl-Welles

**Indexes:** Surplus Property

**Code sections:** 4.56.070 -, 4.56.150 -

**Attachments:** 1. Ordinance 19330, 2. 2021-0257 Public Comments, 3. 2021-0257\_SR\_VacantSurplusProperty

| Date      | Ver. | Action By                        | Action                  | Result |
|-----------|------|----------------------------------|-------------------------|--------|
| 9/7/2021  | 1    | Metropolitan King County Council | Passed                  | Pass   |
| 8/18/2021 | 1    | Committee of the Whole           | Recommended Do Pass     | Pass   |
| 7/13/2021 | 1    | Metropolitan King County Council | Introduced and Referred |        |

Clerk 07/02/2021

AN ORDINANCE related to surplus county real property; and amending Ordinance 12045, Section 5, as amended, and K.C.C. 4.56.070 and Ordinance 12045, Section 14, as amended, and K.C.C. 4.56.150.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 12045, Section 5, as amended, and K.C.C. 4.56.070 are hereby amended to read as follows:

A. The facilities management division shall, no later than the end of the first quarter of the calendar year, maintain and update a current inventory of all county titled real property with detailed information as to current departmental custodianship, vacancies, uses and as to the characteristics that determine its economic value and potential uses. However, all county roads shall be excluded from this section. The facilities management division shall also maintain and update a list of departmental custodians that have not submitted

the report required in subsection B. of this section.

B. No later than April 1 of each calendar year, each department shall submit a report to the facilities management division on the status of all real property for which the department is the custodian and include in the report whether or not the property is being used by the department or leased to another municipality or other party or whether or not the real property is vacant or unused. The report shall also include any change in use or status since the previous year's report.

C. County departments shall be required to report no later than April 1 of every year to justify departmental retention of all real property for which the department is the custodian to the facilities management division.

1. If in the judgment of the facilities management division a county department cannot justify the retention of real property for which it is the custodian or if a department determines that real property is surplus to its needs, the facilities management division shall determine whether any other county department has a need for the property that is related to the provision of essential government services, including, but not limited to, services for the public health, public safety or services related to transportation, water quality, surface water or other utilities. If the property is not needed for the provision of essential government services, the facilities management division shall, except if the property is sold under K.C.C. 4.56.100.A.12., then determine if the parcel is suitable for affordable housing. If it is deemed suitable for affordable housing the county shall first attempt to make it available or use it for affordable housing in accordance with K.C.C. 4.56.085 or 4.56.100. "Suitable for affordable housing" for the purpose of this section means the parcel is located within the Urban Growth Area, zoned residential and the housing development is compatible with the neighborhood. If the property is not deemed suitable for the purposes described in this subsection C.1., then it shall be determined whether any other department has a need for the parcel.

2. If another department can demonstrate a need for the real property, custodianship of the real property shall be transferred to that department without any financial transaction between present and future

custodial organizations, except as required by RCW 43.09.210, as amended, or under grants.

3. If another department cannot demonstrate a need for the real property, the real property shall be declared surplus to the future foreseeable needs of the county and may be disposed of as set forth in this chapter.

4. If the real property is vacant or unused for two consecutive years or longer, the facilities management division shall conduct the analysis in subsection C.1. through 3. of this section.

D. The facilities management division shall create and maintain a publicly accessible database of all county real property that has been declared surplus. The database shall include, but not be limited to, the address, dimensions and zoning restrictions for each parcel of county real property that has been declared surplus, except that tax title properties shall not be included in the database.

E. The facilities management division shall review and make recommendations to the executive for uses other than the sale of surplus real property before a decision by the executive to dispose of such properties through sale. Other possible uses that shall be considered by the division in accordance with this chapter are:

1. Exchanges for other privately or publicly owned lands that meet the county's land needs;
2. Lease with necessary restrictive covenants;
3. Use by other governmental agencies;
4. Retention by the county if the parcel is classified as floodplain or slide hazard property;
5. Use by nonprofit organizations for public purposes;
6. Long-term lease or sale for on-site development of affordable housing; and
7. A sale under K.C.C. 4.56.100.A.12.

~~(E.)~~ F. The facilities management division in consultation with the department of community and human services shall, no later than July 1 of each year, submit a report to the council identifying surplus county real property suitable for the development of affordable housing. "Affordable housing" for the purpose of this chapter means residential housing that is rented or owned by a person:

1. Who is from a special needs population and whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income; or

2. Who qualifies as a very low-income, low-income or moderate-income household as those terms are defined in RCW 43.63A.510.

~~((F.))~~ G. A park or recreational facility located in a potential annexation area may be transferred to the city designated to annex the area in which the park or recreational facility is located without being subject to this section, but any such a transfer must require that the park or recreational facility shall be used in perpetuity for park or recreation purposes unless other equivalent lands or facilities within the county or the city are received in exchange therefore and the replacement lands or facilities are used in perpetuity for park or recreation purposes.

~~((G.))~~ H. The facilities management division shall review and make recommendations to the county executive regarding the surplus of any property, property rights and rights in property that are acquired by the department of natural resources and parks in accordance with Ordinance 14699, Section 2, Ordinance 14699, Section 4, or K.C.C. 4.56.080, no more than thirty days after receiving a written notice from the department of natural resources and parks that the property is surplus to the needs of siting or constructing the Brightwater wastewater treatment plant. Upon approval by the council of an ordinance authorizing the disposal of property acquired in accordance with Ordinance 14699, Section 2, Ordinance 14699, Section 4, or K.C.C. 4.56.080, the facilities management division shall consult with the department of natural resources and parks to determine the timing for disposal of this property.

SECTION 2. Ordinance 12045, Section 14, as amended, and K.C.C. 4.56.150 are hereby amended to read as follows:

A. If it appears that it is in the best interests of the county, the county may lease any county real property and its appurtenances for a year or a term of years under the limitations and restrictions and in the manner provided in this chapter.

B. The county may lease county real property and its appurtenances in accordance with subsection A of this section whether the property was acquired by tax deed under foreclosure proceedings for nonpayment of taxes or the property is held or acquired in any other manner.

C. Any lease executed under this section creates a vested interest and a contract binding upon the county and the lessee.

D. The county may enter into rental agreements for a term less than one year, including month-to-month rental agreements, on terms and conditions that are in the best interest of the county. All rental agreements for a term less than one year are subject to approval by the executive based on recommendations of the facilities management division. Rental agreements for a term less than one year are exempt from the appraisal, and notice requirements pertaining to leases for a year or more. The facilities management division shall maintain a file of appropriate correspondence or other information that leads to a recommendation by the facilities management division to the county executive to enter into such an agreement. The information shall be available for public inspection at the facilities management division for one year after termination of the tenancies.

E.1. The county may enter into agreements for the use of county property with bona fide nonprofit organizations or with another governmental agency if the property is to be used in any one or more of the following ways:

- a. for a medical training and research facility connected with a county hospital; or
- b. by the nonprofit organization or governmental agency for affordable housing;
- c. by the nonprofit organization or government agency to make improvements to the county property; or
- d. by the nonprofit organization or government agency to provide services that will benefit the public.

2. The agreements are exempt from the requirements of fair market value, appraisal and notice. The

agreements are subject to the approval of the executive, based upon recommendation of the facilities management division and the department having custodianship of the property subject to the agreement. The facilities management division shall maintain a file of appropriate correspondence or other information that leads to a recommendation by the division to the county executive to enter into such an agreement. The information shall be available for public inspection at the facilities management division for one year after termination of the tenancies.

3. If a county department leases real property for which the department is the custodian to the facilities management division but has neither made use of nor has occupied a portion of the property for at least two years, the department must work in conjunction with the facilities management division and other county agencies or departments to determine whether that portion of property can be leased to a bona fide nonprofit organization that provides services that will benefit the public.

F. For rental or lease agreements for parks and recreation facilities and for rental, lease or use agreements for the Brightwater Environmental Education and Community Center as defined in K.C.C. chapter 28.84, the natural resources and parks department shall have the authorities and responsibilities specified in subsections D. and E. of this section for the facilities management division. County council approval is not required for rental or lease agreements for parks and recreational facilities with an original term of five years or less. For the purposes of this subsection, "original term" includes extensions that could be effective without county approval. Revenue derived from rentals and leases of parks and recreation facilities shall be applied solely to parks and recreation purposes. Revenue derived from the use and rentals of the Brightwater Environmental Education and Community Center shall be applied and used for the exclusive benefit of the wastewater system.