



Legislation Text

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Clerk 05/09/2013

AN ORDINANCE authorizing the parks and recreation division of the department of natural resources and parks to administer permit programs for the Brightwater Environmental Education and Community Center; establishing and setting use fees for the Brightwater Environmental Education and Community Center; providing authority to the department director to set and modify use fees for the Brightwater Environmental Education and Community Center; amending Ordinance 11955, Section 9, as amended and K.C.C. 2.16.045, Ordinance 12045, Section 14, as amended, and K.C.C. 4.56.150, adding a new section to K.C.C. chapter 7.02 and adding a new section to K.C.C. chapter 28.84.

STATEMENT OF FACTS:

1. The department of natural resources and parks opened the Brightwater Environmental Education and Community Center to the public on September 24, 2011.
2. The Brightwater Environmental Education and Community Center is managed by the wastewater treatment division of the department of natural resources and parks.
3. The Brightwater Environmental Education and Community Center provides indoor learning opportunities through its partnership with IslandWood, a local organization that offers programs to help students understand the pivotal role people play in our region's water cycle.
4. The Brightwater Environmental Education and Community Center also provides outdoor learning opportunities with seventy acres of publicly accessible open space, three miles of trails

and forty acres of restored fish and wildlife habitat.

5. The Brightwater Environmental Education and Community Center also has meeting rooms that provide space for community groups, conferences, business meetings, weddings and other special events and can accommodate up to two hundred fifty people.

6. The Brightwater development agreement and settlement agreement dated December 20, 2005, between Snohomish county and King County requires that King County provide the Brightwater Environmental Education and Community Center for use by government agencies and bona fide nonprofit organizations located within Snohomish county at no charge when the Brightwater Environmental Education and Community Center is to be used by such government agency or nonprofit organization to provide services that will benefit the public, in accordance with K.C.C. 4.56.150.E.1.d.

7. The wastewater treatment division currently does not have the authority to administer use agreements under K.C.C. 4.56.150 E.1.d, nor administer rental or lease agreements under K.C.C. 4.56.150 F, nor issue permits under K.C.C. 7.12.040 or special use permits under 7.12.050 for rental of the Brightwater Environmental Education and Community Center.

8. The parks and recreation division of the department of natural resources and parks currently rents facilities similar to the Brightwater Environmental Education and Community Center throughout King County.

9. The parks and recreation division employs staff familiar with reservations and rental procedures for facilities similar to the Brightwater Environmental Education and Community Center.

10. Amending King County Code to authorize the wastewater treatment division to enter into a contractual agreement with the parks and recreation division to provide rental services for the Brightwater Environmental Education and Community Center is the most efficient method of

administering permits, special use permits and rental or use agreements for the public to utilize the Brightwater Environmental Education and Community Center.

11. The use fees for the Brightwater Environmental Education and Community Center, as established in this ordinance, are consistent with applicable law, including 43.09.210 RCW; Section 230.10.10 of the King County Charter and K.C.C. 28.86.160.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 11955, Section 9, as amended, and K.C.C. 2.16.045, are each hereby amended to read as follows:

A. The department of natural resources and parks is responsible to manage and be fiscally accountable for the wastewater treatment division, water and land resources division, solid waste division and parks and recreation division. The department shall manage, design, develop, operate, maintain and enhance the geographic information systems for the county and other contracting agencies. The department shall administer and implement the requirements of the federal Clean Water Act, federal Endangered Species Act and other federal and state laws and regulations related to those requirements. The department shall perform the metropolitan water pollution abatement function referred to in this section as "the water quality program," as set forth in chapter 35.58 RCW, K.C.C. Title 28 and other federal and state laws and regulations applicable to that function, although financial planning for and administration of the water quality program shall be conducted consistent with financial policies approved by the council. The department shall coordinate the county's National Pollutant Discharge Elimination System ("NPDES") municipal stormwater permit program. The department shall provide the support to the county's participation in the regional water supply planning process including the development of reclaimed water and the review of local utility district plans for conformance with county plans and policies and shall participate in the process of preparing coordinated water system plans to ensure conformance with county plans and policies. The department shall provide for the active and passive recreational needs of the region, consistent with the mission of the parks and recreation division described in

subsection E.1 of this section. The department shall designate as natural resource lands those county-owned lands that serve important natural resource functions, including, but not limited to, benefiting and protecting natural drainage systems, drainage basins, flood control systems, ecosystems, water quality, ground water, fisheries and wildlife habitat and other natural resource purposes. The department shall act to ensure integration of environmental programs across utility and resource functions and to balance stewardship with economic development issues. To ensure integration and balanced stewardship through the director's office the department shall oversee strategic planning using staff resources budgeted in the department's divisions. Strategic planning may include, but not be limited to: integration of land and water resource protection; coordination of groundwater, water reuse and water supply plan approval; development of new funding approaches for resource protection; establishment of new partnerships with businesses, community organizations and citizens; and better coordination of sewerage and flood control facilities to prevent water quality degradation.

B.1. The duties of the wastewater treatment division shall include the following:

- a. administering the functions and programs related to the operation, maintenance, construction, repair, replacement and improvement of the metropolitan sewerage system and its financing;
- b. administering the county's sewage disposal agreements with cities and special districts;
- c. providing planning for the water quality capital program;
- d. providing design, engineering and construction management services related to the water quality capital programs including new facilities development and maintenance of the existing infrastructure;
- e. providing support services such as project management, environmental review, permit and right-of-way acquisitions, scheduling and project control; and
- f. regulating industrial discharges into the metropolitan sewerage system.

2. The council may assign responsibility for services ancillary to and in support of the operation and maintenance of the metropolitan water pollution abatement system under chapter 35.58 RCW, including, but

not limited to, human resources, accounting, budgeting, finance, engineering, fleet administration, maintenance, laboratory, monitoring, inspection and planning, as it determines appropriate.

C. The duties of the water and land resources division shall include the following:

1. Proposing or updating, or both, and implementing adopted policies, plans and programs relating to water and land resources, open space and other natural resources that protect fisheries, natural resources, water quality and ground water and that solve and prevent drainage problems;

2. Responding to major river floods and addressing drainage problems in unincorporated portions of the county as provided in K.C.C. Title 9, the Surface Water Management Program, in K.C.C. chapter 20.12, the King County Flood Hazard Reduction Plan Policies and other policies established by the council;

3. Within available resources, maintaining major river channels, and surface and storm drainage systems and lands to minimize flood hazards and protect fisheries resources, drainage systems and lands, and water quality;

4. Providing coordination and technical assistance within the county and other governments to assist in setting and implementing priorities for water and land resources, including sample collection, laboratory services, monitoring, analysis and other activities to protect, enhance and evaluate the quality of land, habitat and water resources in the county;

5. Planning the surface water management capital program, providing design, engineering and construction management services related to the surface water management capital program including new facilities development and maintenance of the existing infrastructure and providing support services such as project management, environmental review, permit and right-of-way acquisitions, scheduling and project control;

6. Preparing standards for storm water management facilities that are constructed as part of land development;

7. Providing technical assistance and education to businesses and the general public to encourage

environmental stewardship;

8. Implementing the county park, open space, trails, agriculture, forestry, and other natural resources acquisition programs, including planning, site selection, financing, acquisition, project budget management and purchasing fee and less than fee interests;

9. Monitoring and protecting the county's development rights interests related to agricultural lands;

10. Consulting in the preparation of management plans for protection and use of the natural resource values of county owned lands, including natural resource lands, dedicated and deeded open space lands and lands acquired by the county as a condition of land development approval, and consulting with the parks and recreation division the appropriate means to execute such management plans;

11. The office of rural and resource lands shall be a distinct functional unit of the division reporting directly to the water and land resources division manager. The office shall plan, manage and be responsible for administering the county's rural and resource lands programs including, but not limited to, agriculture, farmlands preservation, current use taxation programs, forestry, noxious weeds, terrestrial wildlife and habitat, rural economic development, and encouraging environmental stewardship; and

12. Planning, prioritizing, seeking funding for, designing and implementing restoration projects on natural resource lands, dedicated and deeded open space lands and lands acquired by the county as a condition of land development approval in coordination with the parks and recreation division.

D. The duties of the solid waste division shall include the following:

1. Managing and operating the county's comprehensive solid waste program on a self-supporting basis;

2. Administering the county's solid waste interlocal agreements with cities and towns;

3. Diverting as much material as possible from disposal in a manner that reduces the overall costs of solid waste management to county residents and businesses, conserves resources, protects the environment and strengthens the county's economy;

4. Managing and being accountable for all transfer station operations and landfills, as well as the transportation of waste between county facilities;
5. Procuring and maintaining all capital and operating equipment specific to the solid waste function;
6. Providing planning, design, engineering and construction management services related to the solid waste capital program including new facilities development and maintenance of existing infrastructure;
7. Providing support services such as project management, environmental review, permit acquisitions, scheduling and project control; and
8. Actively pursuing all revenue sources in an effort to maintain the lowest possible rate structure for the benefit of county residents.

E. The duties of the parks and recreation division shall include the following:

1. Carrying out the county's parks and recreation division mission, which is to provide regional trails, regional passive parks, regional resource and ecological lands and regional active recreation facilities, rural parks and local unincorporated area parks within the urban growth boundary until annexed, by employing entrepreneurial strategies that raise revenues to support park operations and facilitating agreements with other jurisdictions and entities to provide for recreational services and other activities;
2. Proposing and implementing adopted policies, plans and programs related to the provision of regional and rural parks and recreation facilities and programs and natural resource lands in King County and local parks in the unincorporated portion of King County within the urban growth boundary until those areas are annexed;
3. Within available resources, managing, operating and maintaining or facilitating the management, operation and maintenance of the county parks and recreation facilities;
4. Within available resources, maintaining, restoring or facilitating the maintenance of regional resource and ecological lands in consultation with the water and land resources division;
5. Monitoring and protecting the county's real property and development rights interests acquired

through the conservation futures and other open space and natural resource programs, with the exception of development rights on agricultural lands, ensuring to the greatest extent practicable that subsequent county land use policies remain compatible with the acquired interests;

6. Preparing and implementing in consultation with the water and land resources division the management plans for protection and use of the natural resource values of county owned lands, including natural resource lands, dedicated and deeded open space lands and lands acquired by the county as a condition of land development approval, and determining appropriate means to execute those management plans;

7. Administering, operating and maintaining those lands designated as natural resource lands, using any work forces as appropriate;

8. Developing and maintaining an operational master plan and develop and monitoring a capital improvement plan as defined in K.C.C. chapter 4.04;

9. Within available resources, developing and facilitating agreements for the development of specific active park and recreation facilities;

10. Coordinating with other departments and divisions as appropriate in the preparation of grant applications for park and open space acquisition, development and operations;

11. Developing, managing, or facilitating agreements for the provision of recreational programs;(~~and~~))

12. Facilitating programs that promote the safe enjoyment of county-owned swimming pools and guarded swim beaches; and

13. Developing and administering for the wastewater treatment division use agreements under K.C.C. 4.56.150 E.1.d., rental or lease agreements under K.C.C. 4.56.150 F., permits under K.C.C. 7.12.040 or special use permits under K.C.C. 7.12.050, for the Brightwater Environmental Education and Community Center. The applicable provisions for use of the Brightwater Environmental Education and Community Center facility are

contained in K.C.C. chapter 28.84.

SECTION 2. Ordinance 12045, Section 14, as amended, and K.C.C. 4.56.150, are each 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.

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 D₂ and E₂ 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.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 7.02 a new section to read as

follows:

A. In furtherance of K.C.C. 2.16.045.E.13, the manager is authorized to enter into a contract or agreement with the wastewater treatment division to administer lease, rental or use agreements in accordance with K.C.C. 4.56.150, permits under K.C.C. 7.12.040 or special use permits under K.C.C. 7.12.050, for use of the Brightwater Environmental Education and Community Center. The contract shall be consistent with section four of this ordinance relating to the use of the Brightwater Environmental Education and Community Center.

B. The rules for use of facilities in K.C.C. chapter 7.12 apply to lease, rental or use agreements in accordance with K.C.C. 4.56.150, permits under K.C.C. 7.12.040 or special use permits under K.C.C. 7.12.050, for the Brightwater Environmental Education and Community Center only to the extent necessary to operate the permit and use program as determined by the director in a public rule established under K.C.C. chapter 2.98.

NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 28.84 a new section to read as follows:

A. The following definitions apply to this section.

1. "Brightwater Environmental Education and Community Center" means the environmental education and community center located at the Brightwater Regional Wastewater Treatment Plant, 22505 SR 9 SE, Woodinville, WA 98072.

2. "Director" means the director of the department of natural resources and parks.

3. "Use fee" means a fee collected for the use and rental of the Brightwater Environmental Education and Community Center.

B. Use fees for the Brightwater Environmental Education and Community Center shall be established for the following:

1. Classroom or lab room;

2. Room rentals;

3. Outdoor area rentals;
4. Banquets, weddings, special events;
5. Cleaning;
6. Deposits;
 - a. damage; and
 - b. key;
7. Cancellations;
8. Equipment or materials use;
9. Facility use;
10. Special personnel requests, including, but not limited to, security and after hours event staff and facility openings; and
11. Utilities.

C. The director shall set the initial use fees for any uses of the Brightwater Environmental Education and Community Center that are not established in Attachment A to this ordinance and may modify any use fee from time to time in accordance with this section.

D. In setting and modifying use fees, the director shall consider the following, among other factors:

1. The cost of providing the facilities and services and the demand for the facilities and services;
2. The administrative costs of collecting the fees; and
3. The target revenue rate from use fees is at least one hundred percent of operation and maintenance costs, including overhead.

E. Consistent with applicable law the director may waive, in whole or in part, the use fee for use agreements as set forth in K.C.C. 4.56.150 E.1.d. The director shall document all waivers of use fees.

F. The director shall set and modify use fees in a way that clearly and simply states the amounts and events or facilities to which the fees apply.

G.1. The director shall give at least twenty days' notice of the director's intention to set or modify use fees by providing notice:

a. in writing or in electronic format to:

(1) the clerk of the council;

(2) all councilmembers; and

(3) all persons who have made a timely request for advance notice of fee setting;

b. by posting notice at the Brightwater Environmental Education and Community Center; and

c. by publishing in the official county newspaper a summary of the notice of the proposed action, including the information in subsection 2. a. through e. of this section.

2. The notice made in subsection F.1.a and b of this section shall:

a. include a reference to this section;

b. include a date and place by which comments must be submitted;

c. specify whether the proposal is the determination, modification or elimination of a fee;

d. if the proposal is to modify a fee, indicate both the amount of the existing fee and the proposed fee; and

e. state the reason for and methodology used to determine the proposed new fee.

3. The director shall consider all comments received by the prescribed date for comment before the user fee is set or modified.

4. The use fees set or modified by the director under this section shall be consistent with applicable law, including 43.09.210 RCW; Section 230.10.10 of the King County Charter; and K.C.C. 28.86.160.

5. A modified use fee is set when signed by the director. A use fee takes effect ten days after it is set.

6. The director may not increase the use fee more than fifty percent unless the authority to increase the fee is granted by the council by ordinance.

7. The director may not increase the use fee within one hundred twenty days of a previous increase to

the fee unless the authority for the increase is granted by the council by ordinance.

8. A use fee may not be established unless the original fee is approved by the council by ordinance.

9. Once the use fee is set, the director shall post the amount of the fee in both written and electronic form for inspection, review and copying by the public, including providing a copy, in writing or by electronic format, of the fee to the clerk of the county council and each member of the county council and posting the fee on the Internet.

10. Use fees generated under this section shall be applied and used for the exclusive benefit of the wastewater system.

SECTION 5. The council hereby establishes the initial use fees for the Brightwater Environmental Education and Community Center in accordance with Attachment A to this ordinance.