Legislation Details (With Text)

File #:	2018-0475 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	10/1/2018	**In control:**	Budget and Fiscal Management Committee
On agenda:		**Final action:**	11/13/2018
Enactment date:	11/19/2018	**Enactment #:**	18823
Title:	AN ORDINANCE relating to changing the natural resources mitigation fund from a special revenue fund to a capital fund and updating the types of moneys contributed to the fund and types of allowed disbursements from the fund; and amending Ordinance 17527, Section 150, as amended, and K.C.C. 4A.200.455.		
Sponsors:	Dave Upthegrove		
Indexes:	Budget, Natural Resources, Department of		
Code sections:	4A.200.455 - .		
Attachments:	1. Ordinance 18823.pdf, 2. 2018-0475 legislative review form, 3. 2018-0475 transmittal letter, 4. 2018-0475 - 2019-2020 Fee and Budget Advertising, 5. 2018-0475 Fiscal Note, 6. 2018-0475_SR_NRMitigation_Fund.docx, 7. 2018-0466-0478 fee Affidavit of pUB - SEATTLE TIMES 10-31-18.pdf		

Date	Ver.	Action By	Action	Result
11/13/2018	1	Metropolitan King County Council	Hearing Held	
11/13/2018	1	Metropolitan King County Council	Passed	Pass
11/6/2018	1	Budget and Fiscal Management Committee	Recommended Do Pass Consent	Pass
11/5/2018	1	Metropolitan King County Council	Hearing Held	
10/30/2018	1	Budget and Fiscal Management Committee	Deferred	
10/1/2018	1	Metropolitan King County Council	Introduced and Referred	

Clerk 09/25/2018

AN ORDINANCE relating to changing the natural resources mitigation fund from a special revenue fund to a capital fund and updating the types of moneys contributed to the fund and types of allowed disbursements from the fund; and amending Ordinance 17527, Section 150, as amended, and K.C.C. 4A.200.455.

PREAMBLE:

The water and land resources division within the department of natural resources and parks operates the King County mitigation reserves program. The program enables sponsors to pay a

fee to King County in lieu of providing their own compensatory mitigation for unavoidable impacts to aquatic resources such as wetlands and streams. One component of the mitigation reserves program is a federally authorized in-lieu fee program which was authorized in 2012 to function under applicable federal regulations by Ordinance 17254. The mitigation reserves program also has a component called the integrated restoration and permitting program, which is a program run in partnership with the National Marine Fisheries Service whereby sponsors of projects to replace waterfront docks and piers on Lake Washington and Lake Sammamish can pay a conservation fee to King County in lieu of providing onsite conservation measures. The water and land resources division is also exploring development of a voluntary carbon credit program; this program would involve voluntary payments to King County for carbon credits created by preserving intact forests or restoring forests to store more carbon, and expenditure of credit sales revenue to protect more forests and sequester more carbon.

The natural resources mitigation fund was established by Ordinance 17257, Section 150, which was codified as K.C.C. 4A.200.455. This ordinance makes several amendments to the types of moneys that can be contributed and types of expenditures allowed from the fund, primarily to accommodate the contribution and expenditure of moneys for the carbon credit program.

This ordinance also changes the natural resources mitigation fund to a capital projects fund, which is consistent with the types of expenditures from the fund.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 17527, Section 150, as amended, and K.C.C. 4A.200.455 are each hereby amended to read as follows:

A. There is hereby created a natural resources mitigation fund.

B. The fund is a first tier fund. The fund is a ((~~special revenue~~)) capital projects fund.

C. The director of natural resources and parks shall be the manager of the fund.

D. Moneys received from the following sources for capital projects to be administered by the water and land resources division shall be deposited in the fund:

1. Moneys received as mitigation payments through King County's in-lieu fee mitigation program;

2. Moneys received as a result of a directive from local, state or federal regulatory agencies or resource management entities for the purpose of implementing ((~~programs, activities or~~)) acquisitions or other capital projects that will enhance or improve the environment to offset environmental impacts as directed by the local, state or federal regulatory agencies or resource management entities((~~.~~));

3. Moneys received as an offset or mitigation payment through a voluntary program intended to create natural resources or environmental benefits; and

4. Moneys received as an offset or mitigation payment through a voluntary program intended to protect natural resources or provide environmental benefits; and

((~~E.~~)) 5. Moneys received from the entry of consent decrees, court orders, court-approved settlement agreements and decisions or orders arising out of administrative proceedings ((~~may be contributed to the fund~~)).

((~~F.~~)) E. Moneys in the fund are to be held and disbursed as follows:

1. Moneys collected as mitigation payments through King County's in-lieu fee program shall be used for ((~~programs, activities~~)) acquisitions or other capital projects in King County's in-lieu fee program;

2. Moneys received ((~~from sources other than mitigation payments through King County's in-lieu fee program may be used for:~~

~~a. programs, activities or projects in King County's in-lieu fee program; and~~

~~b. programs, activities or~~)) as a result of a directive from local, state or federal regulatory agencies or resource management entities under subsection D.2. of this section, must be used for acquisitions or other capital projects that will enhance or improve the environment to offset impacts to the environment in accordance with the terms of any directive to pay the moneys into the fund; ((~~and~~))

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3. Moneys received under a voluntary program under subsection D.3. and 4. of this section shall be used for acquisitions or other capital projects to enhance or improve the environment to offset impacts to the environment in accordance with the requirements of the voluntary program as agreed to by the county; and

4. Moneys received from the entry of consent decrees, court orders, court-approved settlement agreements and decisions or orders arising out of administrative proceedings under subsection D.5. of this section shall be used in a manner consistent with the terms of the originating source.

((~~G. Moneys in the fund not needed for immediate expenditure shall be deposited into an investment fund in accordance with RCW 36.29.020.~~))

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