

Legislation Text

File #: 2016-0015, **Version:** 2

Clerk 06/09/2016

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

STATEMENT OF FACTS:

1. A component part of the King County critical area mitigation reserves program is an in lieu fee mitigation program that was authorized by Ordinance 17254, as amended by Ordinances 17527 and 17752, to function under applicable federal regulations.
2. The 2015/2016 Biennial Budget Ordinance, Ordinance 17941, Section 77, Proviso P2, requires an amendment to the King County Code to include a provision requiring biennial reporting to council on the following matters related to the in lieu fee mitigation program:
 - a. Information on the amount and source of revenues received by the program;
 - b. A description and rationale for projects selected for funding;
 - c. An accounting of budgeted and actual expenditures made; and
 - d. The status of all projects approved in the previous five years, and anticipated completion date for those projects, if not yet complete.
3. This ordinance adds a new subsection to K.C.C. 21A.24.133 in order to meet the requirements of the proviso.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 15051, Section 151, as amended, and K.C.C. 21A.24.133 are hereby amended to read as follows:

A. To the maximum extent practical, an applicant shall mitigate adverse impacts to a wetland, aquatic area, wildlife habitat conservation area or wildlife habitat network on or contiguous to the development site.

The department may approve mitigation that is off the development site if an applicant demonstrates that:

1. It is not practical to mitigate on or contiguous to the development proposal site; and
2. The off-site mitigation will achieve equivalent or greater hydrological, water quality and wetland or aquatic area habitat functions.

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

1. Mitigation banking sites and resource mitigation reserves as authorized by this chapter;
2. Private mitigation sites that are established in compliance with the requirements of this chapter and approved by the department; and
3. Public mitigation sites that have been ranked in a process that has been supported by ecological assessments, including wetland and aquatic areas established as priorities for mitigation in King County basin plans or other watershed plans.

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

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

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

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

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

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

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

SECTION 3. This ordinance amends K.C.C. 21A.24.133, in accordance with the 2015/2016 Biennial Budget Ordinance, Ordinance 17941, Section 77, Proviso P2, as amended.