

1 between the National Marine Fisheries Service and other federal or state agencies,
2 local governments, Native American tribes, private landowners and members of the
3 corporate sector. These science-based agreements identify specific actions and
4 responsibilities to be implemented among the involved parties to address the factors
5 of decline of a listed species.

- 6 4. The wastewater system operated by King County is one of the largest point source
7 discharges of suspended solids, BOD and other pollutants to Puget Sound. The
8 outfall facilities from the West Division Treatment Plant in Magnolia and the East
9 Division Treatment Plant in Renton significantly impact the water quality in the
10 respective Cedar / Sammamish and the Green / Duwamish Water Resource
11 Inventory Areas (WRIAs). Modifications and expansion to the wastewater
12 collection and treatment system will likely impact the habitat of chinook salmon
13 within the sewer service area over the next twenty years. The Executive has directed
14 the Wastewater Treatment Division to apply for an incidental take permit for the
15 wastewater system by developing a Habitat Conservation Plan (HCP) with particular
16 focus on the Green / Duwamish and Cedar / Sammamish WRIAs where the system
17 has the largest potential impacts to salmonids.
- 18 5. The King County Executive submitted a supplemental appropriation request on May
19 29, 1998 seeking Metropolitan King County Council approval of a \$2.5 million
20 spending program "...to support a County-wide, integrated effort for King County's
21 initial response to the proposed chinook listing". The Endangered Species Act
22 supplemental appropriation request submitted by the King County Executive is
23 supported exclusively by road, wastewater, and building and development funding
24 sources.
- 25 6. On July 24, 1998, the prosecutor provided advice that concluded most of the uses
26 proposed by the Executive for funding with development permit revenues appear to
27 be legally appropriate under RCW 82.02.020 and the Washington State Constitution.
28 Those elements of the Executive's ESA proposal which require further review to
29 determine appropriate legal application have been withdrawn by the Executive and
30 are not funded by permit revenues in this supplemental appropriation.
- 31 7. On August 3, 1998, the Prosecuting Attorney's Office completed its legal analysis of
32 proposed Water Quality fund expenditures requested by the Executive, and
33 concluded that the necessary legal nexus between the proposed expenditures and the
34 operation of the wastewater system appears to have been established; and that the
35 appropriation of Water Quality funds for purposes requested in this supplemental
36 request would be legally appropriate.

37 The Council hereby finds that appropriations herein are necessary expenditures for the
38 wastewater system in response to proposed listings under the Endangered Species Act.

1 The maximum number of additional FTEs for Office of Budget and Strategic Planning
2 shall be: 0.00

3 SECTION 6. Ordinance 12926, Section 28, as amended, is hereby amended by adding
4 thereto and inserting therein the following:

5 PROSECUTING ATTORNEY - From the Current Expense Fund there is hereby
6 appropriated to:

7 Prosecuting Attorney \$67,832

8 The maximum number of additional TLPs for Prosecuting Attorney shall be: 0.00
9 maximum number of additional FTEs for Prosecuting Attorney shall be: 1.00

10 SECTION 7. Ordinance 12926, Section 61, as amended, is hereby amended by adding
11 thereto and inserting therein the following:

12 ROADS - From the Road Fund there is hereby appropriated to:

13 Roads \$508,779

14 The maximum number of additional TLPs for Roads shall be: 0.00

15 The maximum number of additional FTEs for Roads shall be: 0.50

16 SECTION 8. Ordinance 12926, Section 64, as amended, is hereby amended by adding
17 thereto and inserting therein the following:

18 RIVER IMPROVEMENT FUND - From the River Improvement Fund there is hereby
19 appropriated to:

20 River Improvement \$15,109

21 The maximum number of additional TLPs for River Improvement shall be: 0.25

22 The maximum number of additional FTEs for River Improvement shall be: 0.00

23 SECTION 9. Ordinance 12926, Section 73, as amended, is hereby amended by adding
24 thereto and inserting therein the following:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

WATER AND LAND RESOURCES (SWM) - From the Water and Land Resources

Fund there is hereby appropriated to:

Water and Land Resources (SWM) \$1,022,379

The maximum number of additional TLPs for Water and Land Resources (SWM) shall

be: 4.50

The maximum number of additional FTEs for Water and Land Resources (SWM) shall

be: 2.50

SECTION 10. Ordinance 12926, Section 80, as amended, is hereby amended by adding thereto and inserting therein the following:

DDES - From the Development and Environmental Services Fund there is hereby appropriated to:

DDES \$186,914

The maximum number of additional TLPs for DDES shall be: 1.25

The maximum number of additional FTEs for DDES shall be: 4.0

SECTION 11. Ordinance 12926, Section 94, as amended, is hereby amended by adding thereto and inserting therein the following:

WASTEWATER TREATMENT - From the Water Quality Fund there is hereby appropriated to:

Wastewater Treatment \$1,272,292

13267

1 SECTION 12. The executive is requested to transmit a plan for separately accounting
2 for expenditures related to the Endangered Species Act to the Council. The council expects this
3 plan to be transmitted before October 1, 1998, and to include identifying unique organization,
4 project, or cost centers that will charged with the expenditures directly related to Endangered
5 Species Act planning and plan implementation so that a full and complete accounting to the
6 council and the public can be provided on a timely basis upon request.

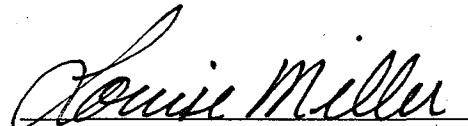
7 INTRODUCED AND READ for the first time this 8th day of June, 1998.

8 PASSED by a vote of 10 to 1 this 14th day of September
9 19 98

10
11

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

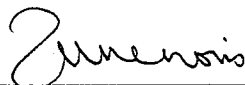
12
13


Chair

14

ATTEST:


15
16


Clerk of the Council

17

APPROVED this 21 day of September, 19 98

18
19


King County Executive

20

Attachments: None

09/09/98

Maggi Fimia
Cynthia Sullivan
Greg Nickels

Introduced By:

nl

Proposed No.:

98-354

ORDINANCE NO. **13268**

AN ORDINANCE relating to development fees,
authorizing an Endangered Species Act special review
and inspection fee for development applications
reviewed by the department of development and
environmental services, amending Ordinance 13189
Sections 3 and 4, and K.C.C. 27.24.010 and K.C.C.
27.24.020.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. FINDINGS. The Council finds that the department of development and environmental services should provide an enhanced level of environmental review and inspection of development projects subject to the county's development regulations, in response to recommended, proposed or final listings of salmonid species under the federal Endangered Species Act (ESA). In accordance with state law governing local fees, this ordinance imposes a fee to offset costs of the enhanced review and inspection of development projects. The Council finds that the fixed rate fees established herein are reasonably calculated to offset costs to the county of necessary enhanced development project regulation and are intended to provide both predictable revenues for regulation and predictable permit fee amounts for applicants.

SECTION 2. Ordinance 13189, Section 3, and K.C.C. 27.24.010 are hereby amended to read as follows: