



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 14, 2018

Ordinance 18823

Proposed No. 2018-0475.1

Sponsors Upthegrove

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

7 PREAMBLE:

8 The water and land resources division within the department of natural
9 resources and parks operates the King County mitigation reserves
10 program. The program enables sponsors to pay a fee to King County in
11 lieu of providing their own compensatory mitigation for unavoidable
12 impacts to aquatic resources such as wetlands and streams. One
13 component of the mitigation reserves program is a federally authorized in-
14 lieu fee program which was authorized in 2012 to function under
15 applicable federal regulations by Ordinance 17254. The mitigation
16 reserves program also has a component called the integrated restoration
17 and permitting program, which is a program run in partnership with the
18 National Marine Fisheries Service whereby sponsors of projects to replace
19 waterfront docks and piers on Lake Washington and Lake Sammamish can

20 pay a conservation fee to King County in lieu of providing onsite
21 conservation measures. The water and land resources division is also
22 exploring development of a voluntary carbon credit program; this program
23 would involve voluntary payments to King County for carbon credits
24 created by preserving intact forests or restoring forests to store more
25 carbon, and expenditure of credit sales revenue to protect more forests and
26 sequester more carbon.

27 The natural resources mitigation fund was established by Ordinance
28 17257, Section 150, which was codified as K.C.C. 4A.200.455. This
29 ordinance makes several amendments to the types of moneys that can be
30 contributed and types of expenditures allowed from the fund, primarily to
31 accommodate the contribution and expenditure of moneys for the carbon
32 credit program.

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

36 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

37 SECTION 1. Ordinance 17527, Section 150, as amended, and K.C.C.

38 4A.200.455 are each hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

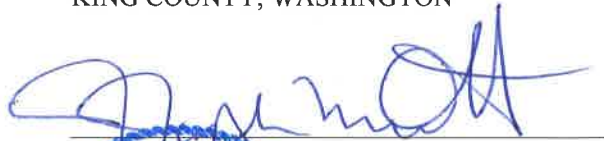
75 4. Moneys received from the entry of consent decrees, court orders, court-
76 approved settlement agreements and decisions or orders arising out of administrative
77 proceedings under subsection D.5. of this section shall be used in a manner consistent
78 with the terms of the originating source.

79 ~~((G. Moneys in the fund not needed for immediate expenditure shall be~~
80 ~~deposited into an investment fund in accordance with RCW 36.29.020.))~~
81

Ordinance 18823 was introduced on 10/1/2018 and passed by the Metropolitan King
County Council on 11/13/2018, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Joseph McDermott, Chair

ATTEST:



Melani Pedroza, Clerk of the Council



APPROVED this 19 day of NOVEMBER, 2018.



Dow Constantine, County Executive

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KING COUNTY COUNCIL CLERK

Attachments: None