



KING COUNTY
Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

May 20, 2013

Ordinance 17586

Proposed No. 2013-0124.2

Sponsors Phillips

1 AN ORDINANCE authorizing the parks and recreation
2 division of the department of natural resources and parks to
3 administer permit programs for the Brightwater
4 Environmental Education and Community Center;
5 establishing and setting use fees for the Brightwater
6 Environmental Education and Community Center;
7 providing authority to the department director to set and
8 modify use fees for the Brightwater Environmental
9 Education and Community Center; amending Ordinance
10 11955, Section 9, as amended and K.C.C. 2.16.045,
11 Ordinance 12045, Section 14, as amended, and K.C.C.
12 4.56.150, adding a new section to K.C.C. chapter 7.02 and
13 adding a new section to K.C.C. chapter 28.84.

14 **STATEMENT OF FACTS:**

15 1. The department of natural resources and parks opened the Brightwater
16 Environmental Education and Community Center to the public on
17 September 24, 2011.

18 2. The Brightwater Environmental Education and Community Center is
19 managed by the wastewater treatment division of the department of natural
20 resources and parks.

21 3. The Brightwater Environmental Education and Community Center
22 provides indoor learning opportunities through its partnership with
23 IslandWood, a local organization that offers programs to help students
24 understand the pivotal role people play in our region's water cycle.

25 4. The Brightwater Environmental Education and Community Center also
26 provides outdoor learning opportunities with seventy acres of publicly
27 accessible open space, three miles of trails and forty acres of restored fish
28 and wildlife habitat.

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

33 6. The Brightwater development agreement and settlement agreement
34 dated December 20, 2005, between Snohomish county and King County
35 requires that King County provide the Brightwater Environmental
36 Education and Community Center for use by government agencies and
37 bona fide nonprofit organizations located within Snohomish county at no
38 charge when the Brightwater Environmental Education and Community
39 Center is to be used by such government agency or nonprofit organization

40 to provide services that will benefit the public, in accordance with K.C.C.
41 4.56.150.E.1.d.

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

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

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

54 10. Amending King County Code to authorize the wastewater treatment
55 division to enter into a contractual agreement with the parks and recreation
56 division to provide rental services for the Brightwater Environmental
57 Education and Community Center is the most efficient method of
58 administering permits, special use permits and rental or use agreements for
59 the public to utilize the Brightwater Environmental Education and
60 Community Center.

61 11. The use fees for the Brightwater Environmental Education and
62 Community Center, as established in this ordinance, are consistent with

63 applicable law, including 43.09.210 RCW; Section 230.10.10 of the King
64 County Charter and K.C.C. 28.86.160.

65 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

68 A. The department of natural resources and parks is responsible to manage and
69 be fiscally accountable for the wastewater treatment division, water and land resources
70 division, solid waste division and parks and recreation division. The department shall
71 manage, design, develop, operate, maintain and enhance the geographic information
72 systems for the county and other contracting agencies. The department shall administer
73 and implement the requirements of the federal Clean Water Act, federal Endangered
74 Species Act and other federal and state laws and regulations related to those
75 requirements. The department shall perform the metropolitan water pollution abatement
76 function referred to in this section as "the water quality program," as set forth in chapter
77 35.58 RCW, K.C.C. Title 28 and other federal and state laws and regulations applicable
78 to that function, although financial planning for and administration of the water quality
79 program shall be conducted consistent with financial policies approved by the council.
80 The department shall coordinate the county's National Pollutant Discharge Elimination
81 System ("NPDES") municipal stormwater permit program. The department shall
82 provide the support to the county's participation in the regional water supply planning
83 process including the development of reclaimed water and the review of local utility
84 district plans for conformance with county plans and policies and shall participate in the
85 process of preparing coordinated water system plans to ensure conformance with county

86 plans and policies. The department shall provide for the active and passive recreational
87 needs of the region, consistent with the mission of the parks and recreation division
88 described in subsection E.1 of this section. The department shall designate as natural
89 resource lands those county-owned lands that serve important natural resource functions,
90 including, but not limited to, benefiting and protecting natural drainage systems, drainage
91 basins, flood control systems, ecosystems, water quality, ground water, fisheries and
92 wildlife habitat and other natural resource purposes. The department shall act to ensure
93 integration of environmental programs across utility and resource functions and to
94 balance stewardship with economic development issues. To ensure integration and
95 balanced stewardship through the director's office the department shall oversee strategic
96 planning using staff resources budgeted in the department's divisions. Strategic planning
97 may include, but not be limited to: integration of land and water resource protection;
98 coordination of groundwater, water reuse and water supply plan approval; development
99 of new funding approaches for resource protection; establishment of new partnerships
100 with businesses, community organizations and citizens; and better coordination of
101 sewerage and flood control facilities to prevent water quality degradation.

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

103 a. administering the functions and programs related to the operation,
104 maintenance, construction, repair, replacement and improvement of the metropolitan
105 sewerage system and its financing;

106 b. administering the county's sewage disposal agreements with cities and
107 special districts;

108 c. providing planning for the water quality capital program;

109 d. providing design, engineering and construction management services related
110 to the water quality capital programs including new facilities development and
111 maintenance of the existing infrastructure;

112 e. providing support services such as project management, environmental
113 review, permit and right-of-way acquisitions, scheduling and project control; and

114 f. regulating industrial discharges into the metropolitan sewerage system.

115 2. The council may assign responsibility for services ancillary to and in support
116 of the operation and maintenance of the metropolitan water pollution abatement system
117 under chapter 35.58 RCW, including, but not limited to, human resources, accounting,
118 budgeting, finance, engineering, fleet administration, maintenance, laboratory,
119 monitoring, inspection and planning, as it determines appropriate.

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

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

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

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

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

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

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

146 7. Providing technical assistance and education to businesses and the general
147 public to encourage environmental stewardship;

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

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

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

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

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

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

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

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

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

177 4. Managing and being accountable for all transfer station operations and
178 landfills, as well as the transportation of waste between county facilities;

179 5. Procuring and maintaining all capital and operating equipment specific to the
180 solid waste function;

181 6. Providing planning, design, engineering and construction management
182 services related to the solid waste capital program including new facilities development
183 and maintenance of existing infrastructure;

184 7. Providing support services such as project management, environmental
185 review, permit acquisitions, scheduling and project control; and

186 8. Actively pursuing all revenue sources in an effort to maintain the lowest
187 possible rate structure for the benefit of county residents.

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

189 1. Carrying out the county's parks and recreation division mission, which is to
190 provide regional trails, regional passive parks, regional resource and ecological lands and
191 regional active recreation facilities, rural parks and local unincorporated area parks within
192 the urban growth boundary until annexed, by employing entrepreneurial strategies that
193 raise revenues to support park operations and facilitating agreements with other
194 jurisdictions and entities to provide for recreational services and other activities;

195 2. Proposing and implementing adopted policies, plans and programs related to
196 the provision of regional and rural parks and recreation facilities and programs and

197 natural resource lands in King County and local parks in the unincorporated portion of
198 King County within the urban growth boundary until those areas are annexed;

199 3. Within available resources, managing, operating and maintaining or
200 facilitating the management, operation and maintenance of the county parks and
201 recreation facilities;

202 4. Within available resources, maintaining, restoring or facilitating the
203 maintenance of regional resource and ecological lands in consultation with the water and
204 land resources division;

205 5. Monitoring and protecting the county's real property and development rights
206 interests acquired through the conservation futures and other open space and natural
207 resource programs, with the exception of development rights on agricultural lands,
208 ensuring to the greatest extent practicable that subsequent county land use policies remain
209 compatible with the acquired interests;

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

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

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

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

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

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

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

228 13. Developing and administering for the wastewater treatment division use
229 agreements under K.C.C. 4.56.150 E.1.d., rental or lease agreements under K.C.C.
230 4.56.150 F., permits under K.C.C. 7.12.040 or special use permits under K.C.C.
231 7.12.050, for the Brightwater Environmental Education and Community Center. The
232 applicable provisions for use of the Brightwater Environmental Education and
233 Community Center facility are contained in K.C.C. chapter 28.84.

234 SECTION 2. Ordinance 12045, Section 14, as amended, and K.C.C. 4.56.150,
235 are each hereby amended to read as follows:

236 A. If it appears that it is in the best interests of the county, the county may lease
237 any county real property and its appurtenances for a year or a term of years under the
238 limitations and restrictions and in the manner provided in this chapter.

239 B. The county may lease county real property and its appurtenances in
240 accordance with subsection A. of this section whether the property was acquired by tax

241 deed under foreclosure proceedings for nonpayment of taxes or the property is held or
242 acquired in any other manner.

243 C. Any lease executed under this section creates a vested interest and a contract
244 binding upon the county and the lessee.

245 D. The county may enter into rental agreements for a term less than one year,
246 including month-to-month rental agreements, on terms and conditions that are in the best
247 interest of the county. All rental agreements for a term less than one year are subject to
248 approval by the executive based on recommendations of the facilities management
249 division. Rental agreements for a term less than one year are exempt from the appraisal,
250 and notice requirements pertaining to leases for a year or more. The facilities
251 management division shall maintain a file of appropriate correspondence or other
252 information that leads to a recommendation by the facilities management division to the
253 county executive to enter into such an agreement. The information shall be available for
254 public inspection at the facilities management division for one year after termination of
255 the tenancies.

256 E.1. The county may enter into agreements for the use of county property with
257 bona fide nonprofit organizations or with another governmental agency if the property is
258 to be used in any one or more of the following ways:

259 a. for a medical training and research facility connected with a county hospital;

260 or

261 b. by the nonprofit organization or governmental agency for affordable
262 housing;

263 c. by the nonprofit organization or government agency to make improvements
264 to the county property; or

265 d. by the nonprofit organization or government agency to provide services that
266 will benefit the public.

267 2. The agreements are exempt from the requirements of fair market value,
268 appraisal and notice. The agreements are subject to the approval of the executive, based
269 upon recommendation of the facilities management division and the department having
270 custodianship of the property subject to the agreement. The facilities management
271 division shall maintain a file of appropriate correspondence or other information that
272 leads to a recommendation by the division to the county executive to enter into such an
273 agreement. The information shall be available for public inspection at the facilities
274 management division for one year after termination of the tenancies.

275 F. For rental or lease agreements for parks and recreation facilities and for rental,
276 lease or use agreements for the Brightwater Environmental Education and Community
277 Center as defined in K.C.C. chapter 28.84, the natural resources and parks department
278 shall have the authorities and responsibilities specified in subsections D₂ and E₂ of this
279 section for the facilities management division. County council approval is not required
280 for rental or lease agreements for parks and recreational facilities with an original term of
281 five years or less. For the purposes of this subsection, "original term" includes extensions
282 that could be effective without county approval. Revenue derived from rentals and leases
283 of parks and recreation facilities shall be applied solely to parks and recreation purposes.
284 Revenue derived from the use and rentals of the Brightwater Environmental Education

285 and Community Center shall be applied and used for the exclusive benefit of the
286 wastewater system.

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

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

296 B. The rules for use of facilities in K.C.C. chapter 7.12 apply to lease, rental or
297 use agreements in accordance with K.C.C. 4.56.150, permits under K.C.C. 7.12.040 or
298 special use permits under K.C.C. 7.12.050, for the Brightwater Environmental Education
299 and Community Center only to the extent necessary to operate the permit and use
300 program as determined by the director in a public rule established under K.C.C. chapter
301 2.98.

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

304 A. The following definitions apply to this section.

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

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

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

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

- 314 1. Classroom or lab room;
- 315 2. Room rentals;
- 316 3. Outdoor area rentals;
- 317 4. Banquets, weddings, special events;
- 318 5. Cleaning;
- 319 6. Deposits;
 - 320 a. damage; and
 - 321 b. key;
- 322 7. Cancellations;
- 323 8. Equipment or materials use;
- 324 9. Facility use;
- 325 10. Special personnel requests, including, but not limited to, security and after
326 hours event staff and facility openings; and
- 327 11. Utilities.

328 C. The director shall set the initial use fees for any uses of the Brightwater
329 Environmental Education and Community Center that are not established in Attachment

330 A to this ordinance and may modify any use fee from time to time in accordance with this
331 section.

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

334 1. The cost of providing the facilities and services and the demand for the
335 facilities and services;

336 2. The administrative costs of collecting the fees; and

337 3. The target revenue rate from use fees is at least one hundred percent of
338 operation and maintenance costs, including overhead.

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

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

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

346 a. in writing or in electronic format to:

347 (1) the clerk of the council;

348 (2) all councilmembers; and

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

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

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

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

357 a. include a reference to this section;

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

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

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

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

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

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

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

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

374 7. The director may not increase the use fee within one hundred twenty days of
375 a previous increase to the fee unless the authority for the increase is granted by the
376 council by ordinance.

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

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

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

385 SECTION 5. The council hereby establishes the initial use fees for the

386 Brightwater Environmental Education and Community Center in accordance with
387 Attachment A to this ordinance.
388


Ordinance 17586 was introduced on 3/11/2013 and passed by the Metropolitan King County Council on 5/20/2013, by the following vote:

Yes: 8 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Lambert, Mr. Dunn, Mr. McDermott and Mr. Dembowski
No: 0
Excused: 1 - Ms. Patterson

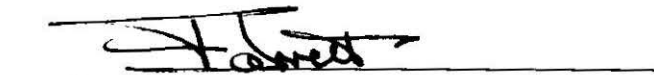
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 31 day of May, 2013.


Dow Constantine, County Executive

RECEIVED
2013 MAY 31 PM 3:58
CLERK
KING COUNTY COUNCIL

Attachments: A. Initial Use Fees for Brightwater Environmental Education and Community Center

Initial Use Fees for Brightwater Environmental Education and Community Center

1. Classroom or Lab Room: standard rate is forty dollars per hour; for a government agency or bona fide non-profit I.R.C. 501(c)(3) organization hosting a meeting open to and providing service to the general public, rate is fifteen dollars per hour.
2. North or South Meeting Room: standard rate is forty dollars per hour; for a government agency or bona fide non-profit I.R.C. 501(c)(3) organization hosting a meeting open to and providing service to the general public, rate is fifteen dollars per hour.
3. Community Room and Hearth Room: standard rate is one hundred twenty dollars per hour; for a government agency or bona fide non-profit I.R.C. 501(c)(3) organization hosting a meeting open to and providing service to the general public, rate is thirty dollars per hour.
4. Combined (North, South and Community Rooms): standard rate is two hundred dollars per hour; for a government agency or bona fide non-profit I.R.C. 501(c)(3) organization hosting a meeting open to and providing service to the general public, rate is sixty dollars per hour.
5. Patio Area (North or South): standard rate is thirty dollars per hour; for a government agency or bona fide non-profit I.R.C. 501(c)(3) organization hosting a meeting open to and providing service to the general public, rate is ten dollars per hour.
6. Lawn Area (North or South): standard rate is thirty dollars per hour; for a government agency or bona fide non-profit I.R.C. 501(c)(3) organization hosting a meeting open to and providing service to the general public, rate is ten dollars per hour.
7. Garden Area: standard rate is thirty dollars per hour; for a government agency or bona fide non-profit I.R.C. 501(c)(3) organization hosting a meeting open to and providing service to the general public, rate is ten dollars per hour.
8. Natural Area, including use of trails: standard rate is thirty dollars per hour; for a government agency or bona fide non-profit I.R.C. 501(c)(3) organization hosting a meeting open to and providing service to the general public, rate is ten dollars per hour.
9. Wedding or similar event, indoors only, (up to eight hours total, including site visit, set-up, and clean-up): two thousand dollars, plus two hundred dollars for each additional hour.
10. Wedding or similar event, outdoors only, (up to eight hours total, including site visit, set-up, and clean-up): four hundred dollars, plus forty dollars for each additional hour.
11. Event staff for hours other than Monday through Friday, 8:00 a.m. to 5:00 p.m., standard rate is twenty dollars per hour; for a government agency or bona fide non-profit I.R.C. 501(c)(3) organization hosting a meeting open to and providing service to the general public, rate is twenty dollars per hour.