



**KING COUNTY**  
**Signature Report**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**May 9, 2013**

**Ordinance**

**Proposed No.** 2013-0124.2

**Sponsors** Phillips

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

16 **STATEMENT OF FACTS:**

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

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

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

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

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

35           6. The Brightwater development agreement and settlement agreement  
36           dated December 20, 2005, between Snohomish county and King County  
37           requires that King County provide the Brightwater Environmental

38 Education and Community Center for use by government agencies and  
39 bona fide nonprofit organizations located within Snohomish county at no  
40 charge when the Brightwater Environmental Education and Community  
41 Center is to be used by such government agency or nonprofit organization  
42 to provide services that will benefit the public, in accordance with K.C.C.  
43 4.56.150.E.1.d.

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

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

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

56 10. Amending King County Code to authorize the wastewater treatment  
57 division to enter into a contractual agreement with the parks and recreation  
58 division to provide rental services for the Brightwater Environmental

59 Education and Community Center is the most efficient method of  
60 administering permits, special use permits and rental or use agreements for  
61 the public to utilize the Brightwater Environmental Education and  
62 Community Center.

63 11. The use fees for the Brightwater Environmental Education and  
64 Community Center, as established in this ordinance, are consistent with  
65 applicable law, including 43.09.210 RCW; Section 230.10.10 of the King  
66 County Charter and K.C.C. 28.86.160.

67 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

70 A. The department of natural resources and parks is responsible to manage and  
71 be fiscally accountable for the wastewater treatment division, water and land resources  
72 division, solid waste division and parks and recreation division. The department shall  
73 manage, design, develop, operate, maintain and enhance the geographic information  
74 systems for the county and other contracting agencies. The department shall administer  
75 and implement the requirements of the federal Clean Water Act, federal Endangered  
76 Species Act and other federal and state laws and regulations related to those  
77 requirements. The department shall perform the metropolitan water pollution abatement  
78 function referred to in this section as "the water quality program," as set forth in chapter  
79 35.58 RCW, K.C.C. Title 28 and other federal and state laws and regulations applicable

80 to that function, although financial planning for and administration of the water quality  
81 program shall be conducted consistent with financial policies approved by the council.  
82 The department shall coordinate the county's National Pollutant Discharge Elimination  
83 System ("NPDES") municipal stormwater permit program. The department shall  
84 provide the support to the county's participation in the regional water supply planning  
85 process including the development of reclaimed water and the review of local utility  
86 district plans for conformance with county plans and policies and shall participate in the  
87 process of preparing coordinated water system plans to ensure conformance with county  
88 plans and policies. The department shall provide for the active and passive recreational  
89 needs of the region, consistent with the mission of the parks and recreation division  
90 described in subsection E.1 of this section. The department shall designate as natural  
91 resource lands those county-owned lands that serve important natural resource functions,  
92 including, but not limited to, benefiting and protecting natural drainage systems, drainage  
93 basins, flood control systems, ecosystems, water quality, ground water, fisheries and  
94 wildlife habitat and other natural resource purposes. The department shall act to ensure  
95 integration of environmental programs across utility and resource functions and to  
96 balance stewardship with economic development issues. To ensure integration and  
97 balanced stewardship through the director's office the department shall oversee strategic  
98 planning using staff resources budgeted in the department's divisions. Strategic planning  
99 may include, but not be limited to: integration of land and water resource protection;  
100 coordination of groundwater, water reuse and water supply plan approval; development  
101 of new funding approaches for resource protection; establishment of new partnerships

102 with businesses, community organizations and citizens; and better coordination of  
103 sewerage and flood control facilities to prevent water quality degradation.

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

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

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

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

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

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

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

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

122 C. The duties of the water and land resources division shall include the  
123 following:

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

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

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

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

140 5. Planning the surface water management capital program, providing design,  
141 engineering and construction management services related to the surface water  
142 management capital program including new facilities development and maintenance of

143 the existing infrastructure and providing support services such as project management,  
144 environmental review, permit and right-of-way acquisitions, scheduling and project  
145 control;

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

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

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

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

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

161           11. The office of rural and resource lands shall be a distinct functional unit of  
162 the division reporting directly to the water and land resources division manager. The  
163 office shall plan, manage and be responsible for administering the county's rural and



164 resource lands programs including, but not limited to, agriculture, farmlands preservation,  
165 current use taxation programs, forestry, noxious weeds, terrestrial wildlife and habitat,  
166 rural economic development, and encouraging environmental stewardship; and

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

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

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

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

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

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

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

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

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

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

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

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

197           2. Proposing and implementing adopted policies, plans and programs related to  
198 the provision of regional and rural parks and recreation facilities and programs and  
199 natural resource lands in King County and local parks in the unincorporated portion of  
200 King County within the urban growth boundary until those areas are annexed;

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

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

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

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

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

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

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

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

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

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

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

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

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

241           B. The county may lease county real property and its appurtenances in  
242 accordance with subsection A<sub>2</sub> of this section whether the property was acquired by tax

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

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

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

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

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

262 or

263           b. by the nonprofit organization or governmental agency for affordable  
264 housing;

265           c. by the nonprofit organization or government agency to make improvements  
266 to the county property; or

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

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

277           F. For rental or lease agreements for parks and recreation facilities and for rental,  
278 lease or use agreements for the Brightwater Environmental Education and Community  
279 Center as defined in K.C.C. chapter 28.84, the natural resources and parks department  
280 shall have the authorities and responsibilities specified in subsections D<sub>2</sub> and E<sub>2</sub> of this  
281 section for the facilities management division. County council approval is not required  
282 for rental or lease agreements for parks and recreational facilities with an original term of  
283 five years or less. For the purposes of this subsection, "original term" includes extensions

284 that could be effective without county approval. Revenue derived from rentals and leases  
285 of parks and recreation facilities shall be applied solely to parks and recreation purposes.  
286 Revenue derived from the use and rentals of the Brightwater Environmental Education  
287 and Community Center shall be applied and used for the exclusive benefit of the  
288 wastewater system.

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

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

298 B. The rules for use of facilities in K.C.C. chapter 7.12 apply to lease, rental or  
299 use agreements in accordance with K.C.C. 4.56.150, permits under K.C.C. 7.12.040 or  
300 special use permits under K.C.C. 7.12.050, for the Brightwater Environmental Education  
301 and Community Center only to the extent necessary to operate the permit and use  
302 program as determined by the director in a public rule established under K.C.C. chapter  
303 2.98.

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

306            A. The following definitions apply to this section.

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

310            2. "Director" means the director of the department of natural resources and  
311 parks.

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

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

316            1. Classroom or lab room;

317            2. Room rentals;

318            3. Outdoor area rentals;

319            4. Banquets, weddings, special events;

320            5. Cleaning;

321            6. Deposits;

322            a. damage; and



323 b. key;

324 7. Cancellations;

325 8. Equipment or materials use;

326 9. Facility use;

327 10. Special personnel requests, including, but not limited to, security and after  
328 hours event staff and facility openings; and

329 11. Utilities.

330 C. The director shall set the initial use fees for any uses of the Brightwater  
331 Environmental Education and Community Center that are not established in Attachment  
332 A to this ordinance and may modify any use fee from time to time in accordance with this  
333 section.

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

336 1. The cost of providing the facilities and services and the demand for the  
337 facilities and services;

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

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

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

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

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

348 a. in writing or in electronic format to:

349 (1) the clerk of the council;

350 (2) all councilmembers; and

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

353 b. by posting notice at the Brightwater Environmental Education and  
354 Community Center; and

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

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

359 a. include a reference to this section;

- 360           b. include a date and place by which comments must be submitted;
- 361           c. specify whether the proposal is the determination, modification or  
362 elimination of a fee;
- 363           d. if the proposal is to modify a fee, indicate both the amount of the existing  
364 fee and the proposed fee; and
- 365           e. state the reason for and methodology used to determine the proposed new  
366 fee.
- 367           3. The director shall consider all comments received by the prescribed date for  
368 comment before the user fee is set or modified.
- 369           4. The use fees set or modified by the director under this section shall be  
370 consistent with applicable law, including 43.09.210 RCW; Section 230.10.10 of the King  
371 County Charter; and K.C.C. 28.86.160.
- 372           5. A modified use fee is set when signed by the director. A use fee takes effect  
373 ten days after it is set.
- 374           6. The director may not increase the use fee more than fifty percent unless the  
375 authority to increase the fee is granted by the council by ordinance.
- 376           7. The director may not increase the use fee within one hundred twenty days of  
377 a previous increase to the fee unless the authority for the increase is granted by the  
378 council by ordinance.

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

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

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

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389 SECTION 5. The council hereby establishes the initial use fees for the Brightwater  
390 Environmental Education and Community Center in accordance with Attachment A to  
391 this ordinance.  
392

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Larry Gossett, Chair

ATTEST:

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Anne Noris, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

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