

Ordinance No. 121341

Council Bill No. 114740

The City of Seattle
Council Bill/Ordinance

AN ORDINANCE relating to P-Patch fees, authorizing application fees; establishing new base permit fees by plot size; allowing the Director of the Department of Neighborhoods to adjust fees to reflect increased operating costs and waive or reduce fees under certain circumstances; and amending SMC Section 3.35.060.

CF No. _____

Date Introduced: <u>OCT 20 2003</u>		
Date 1st Referred: <u>OCT 20 2003</u>	To: (committee) BUDGET	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>11-24-03</u>	Full Council Vote: <u>90</u>	
Date Presented to Mayor: <u>11-25-03</u>	Date Approved: <u>12/5/03</u>	
Date Returned to City Clerk: <u>12/9/03</u>	Date Published: <u>4/8</u>	T.O. <input checked="" type="checkbox"/> E.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

Pass 100
11-24-03 Pass

This file is complete and ready

Law Department

Law Dept. Review

Jan Pease

Council Bill/Ordinance sponsored by: _____

Councilmember

Committee Action:

Pass: JTC, RC, JD, RM, JD, MP, PS

11-24-03 Passed 9-0

This file is complete and ready for presentation to Full Council.

Committee: _____

(initial/date)

Department

Law Dept. Review

OMP
Review

City Clerk
Review

Electronic
Copy Loaded

Indexed

*And the committee
has approved
the bill
and the committee
has approved
the bill
and the committee
has approved
the bill*



ORDINANCE 121341

1
2
3 AN ORDINANCE relating to P-Patch fees, authorizing application fees; establishing new base
4 permit fees by plot size; allowing the Director of the Department of Neighborhoods to
5 adjust fees to reflect increased operating costs and waive or reduce fees under certain
6 circumstances; and amending SMC Section 3.35.060.

7 WHEREAS, in an effort to simplify fee collection and create a more comprehensive fee
8 structure, the Department of Neighborhoods is proposing new base application fees and
9 permit fees for the P-Patch program; and

10 WHEREAS, the Mayor and City Council intend that P-Patch plots continue to be accessible and
11 affordable for low-income persons, and that the Director of the Department of
12 Neighborhoods grant reductions in fees and/or waivers for that purpose; and

13 WHEREAS, Seattle Municipal Code Section 3.35.060 authorizes the Director of the Department
14 of Neighborhoods to partially offset costs for the P-Patch Program by collecting fees; and

15 WHEREAS, the Mayor and City Council intend that the P-Patch Program's base fees be adjusted
16 to account for changes in the Consumer Price Index and to reflect actual or expected
17 increases in operating costs including, but not limited to, water, lease fees, or equipment
18 maintenance; and

19 WHEREAS, the increase in water usage and utility rates is impacting the costs of running the P-
20 Patch program; NOW, THEREFORE

21 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

22 Section 1. Seattle Municipal Code Section 3.35.060, as last amended by Ordinance
23 120985, is hereby amended as follows:

24 **SMC 3.35.060 Garden plot fee schedule; permits**

25 A. To partially offset the costs of the P-Patch program, the Director of the Department of
26 Neighborhoods ("Director") is authorized to establish and collect fees for applications for, and
27 for the use of, P-Patch garden plots and to grant revocable permits for such use. ((Subject to
28 adjustments authorized in this section, f)) Fees shall include an application fee ((be)) and a permit
fee. The permit fee shall vary ((established)) in accordance with the size of garden plot used by
the program participant((s)) and shall ((be as follows:)) generally be based on a standard unit of
one hundred square feet. Beginning January 1, 2004, the base application fee shall be Twenty



1 Dollars (\$20) per year for any size plot, and the base permit fee shall be Ten Dollars (\$10) per
2 year for each standard unit or any part of a standard unit. These initial base fees shall be subject
3 to adjustments as authorized in subsections B, C and D of this section. The Director may waive
4 fees and allow reductions from base fees as authorized in subsections E and F of this section.

5 A. ~~Ten (10) foot by ten (10) foot plots, Twenty five Dollars (\$25) per year;~~

6 B. ~~Ten (10) foot by twenty (20) foot plots, Thirty eight Dollars (\$38) per year;~~

7 C. ~~Ten (10) foot by forty (40) foot plots, Fifty eight Dollars (\$58) per year.)~~

8
9 B. The Director shall adjust the base fees every two (2) years approximately in
10 proportion to the change in the Consumer Price Index, All Urban Consumers, published by the
11 federal government, or a substitute or successor index selected by the Director. The ((next)) first
12 such adjustment shall take effect January 1, 2005.

13
14 C. The Director also may increase base fees for any year to reflect actual or expected
15 increases in operating costs, including but not limited to water, lease fees, or equipment
16 maintenance, provided that neither the base application fee nor the base permit fee for a standard
17 unit shall vary by more than five per cent (5%) from the respective fee that would apply under
18 subsections A and B of this section.

19
20 D. The Director may establish reduced base application fees or base permit fees, or both,
21 for plots substantially smaller than a standard unit, including accessible raised beds, ((with
22 different dimensions than those set forth above,)) so long as the total base fees ((at a rate)) per
23 square foot are no less than an amount generally consistent with the total base fees per square
24 foot ((rate)) for the standard unit. ((plot most nearly equal in size, as established under this
25 section. For participants from households with incomes at or below the poverty level as defined
26



1 ~~by the federal government, the fee for any size plot shall be Five Dollars (\$5), subject to cost of~~
2 ~~living adjustment as stated in this section.))~~

3 E. The Director may accept a reduced permit fee from a participant who is given access
4 to a plot after a significant portion of the growing season has expired, prorated to reflect the
5 number of months remaining in the growing season.

7 F. The Director may waive application fees or permit fees, or both, or set reduced fees,
8 for plots used by low-income persons, and for organizations using plots dedicated to food bank
9 gardening, otherwise operated to benefit low-income persons, or dedicated to educational
10 purposes. If the Director waives or reduces fees under this section, the Director shall adopt
11 policies regarding the income levels eligible for waivers or reduced fees, the types of
12 organizations and programs eligible for such waivers or reductions, and conditions of eligibility,
13 consistent with the intended public purposes for such waivers and reductions. The Director may
14 limit the amount of area for which specified waivers or reductions may be allowed in order to
15 prevent undue impacts on the revenues of the program.

18 Section 2. The City Council finds that the new fee structure authorized in Section 1 of
19 this ordinance, which is expected to increase revenues by approximately ten thousand dollars
20 (\$10,000) in 2004, is necessary to cover the estimated increased costs of water due to rate
21 increases and the increased number of P-Patches.



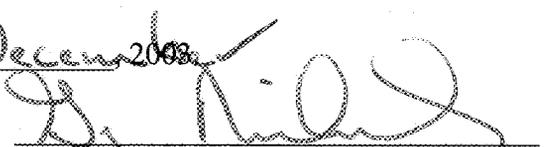
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Section 3. Nothing in this ordinance shall affect P-Patch fees for periods ending earlier than January 1, 2004. Subject to the foregoing, this ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

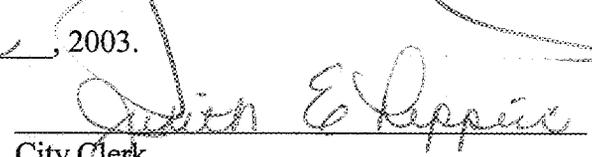
Passed by the City Council the 24th day of November, 2003, and signed by me in open session in authentication of its passage this 24th day of November, 2003.



President _____ of the City Council

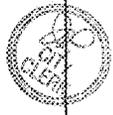
Approved by me this 7 day of December, 2003.


Gregory J. Nickels, Mayor

Filed by me this 5 day of Dec, 2003.


City Clerk

(Seal)





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

September 29, 2003

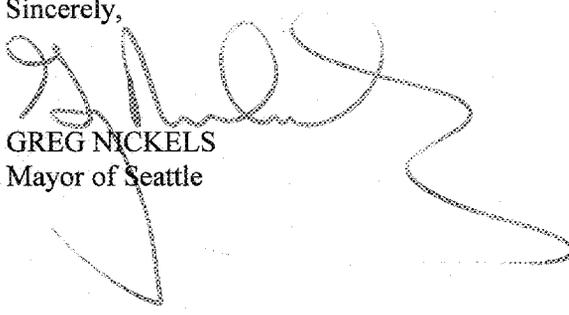
Honorable Peter Steinbrueck
President
Seattle City Council
City Hall, Second Floor

Dear Council President Steinbrueck:

The attached ordinance amends Seattle Municipal Code (SMC) Section 3.35.060 relating to P-Patch plot fees in order to: 1) establish a new fee structure that includes an application fee and base permit fee assessed by plot size; 2) allow the Director of the Department of Neighborhoods to adjust fees based on increased operating costs; and 3) waive plot fees to benefit low-income gardeners. The new fees, which include an increase that will raise approximately ten thousand dollars (\$10,000) to cover rising water costs, are structured so as to simplify fee collection.

Thank you for your consideration of this legislation. Should you have questions, please contact Rich Macdonald, Department of Neighborhoods at 386-0088.

Sincerely,


GREG NICKELS
Mayor of Seattle

600 Fourth Avenue, 7th Floor, Seattle, WA 98104

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: mayors.office@ci.seattle.wa.us

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



2004 BUDGET LEGISLATION FISCAL NOTE

Note: This fiscal note template may be used for most pieces of budget legislation. Certain legislation submitted with the budget (e.g., the Supplemental Ordinance, Drug Forfeiture Legislation, Money Laundering Forfeiture Legislation, etc.), require that the standard fiscal note template be used with some modification. Please work with your Budget Analyst so that your fiscal note provides the information that is required during the budget process. The standard template can be found on the Legislation Tracking Page on the inweb at <http://inweb/legislationtracking/>

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Department of Neighborhoods	Rich Macdonald/386-0088	Sara Levin/684-8691

Legislation Title:

AN ORDINANCE relating to P-Patch fees, authorizing application fees; establishing new base permit fees by plot size; allowing the Director of the Department of Neighborhoods to adjust fees to reflect increased operating costs and waive or reduce fees under certain circumstances; and amending SMC Section 3.35.060.

- Summary of the Legislation: The Director of the Department of Neighborhoods, pursuant to Seattle Municipal Code Section 3.35.060, is authorized to partially offset costs for the P-Patch Program by collecting fees. In addition, this legislation establishes a new fee structure that includes an application fee and base permit fee assessed by plot size effective January 1, 2004. The legislation also allows the Director to adjust fees to reflect increased operating costs; in 2004, fees reflect increased water costs. Finally, the legislation allows the Director to waive or set reduced fees for plots that support low-income gardeners or serve educational purposes.

Background: Seattle Municipal Code Section 3.35.060 authorizes the Director of the Department of Neighborhoods to offset costs for the P-Patch Program by collecting fees. The legislation establishes a new fee structure that includes an application fee and base permit fee assessed by plot size, effective January 1, 2004. The new fee structure should ease administrative collection time. In addition to creating the new fee structure, the attached ordinance provides an increase in revenue to cover water costs that have grown in recent years due to an increase in utility rates and additional gardens being added to the P-Patch Program. During the 2004 application cycle, the increased revenue will total approximately ten thousand dollars (\$10,000). Finally, the ordinance allows the Director to waive or set reduced fees for plots that support low-income gardeners or serve educational purposes. This change reflects the special effort that P-Patch performs to reach out to low income and under-served populations. (It should be noted that P-Patch Program fees do not fully cover the cost of the Program (e.g., utilities, land



acquisition/maintenance, administration, etc.) P-Patch Program costs not covered by fee revenue are paid from the General Fund.

- Please check one of the following:

This legislation does not have any financial implications. (Stop here and delete the remainder of this document prior to saving and printing.)

This legislation has financial implications. (Please complete all relevant sections that follow.)

Anticipated Revenue/Reimbursement (in \$1,000s):

Fund Name and Number	Department	Revenue Source	2003 Revenue	2004 Revenue
General Fund 00100	Neighborhoods	Plot fees	\$0	\$10
TOTAL				\$10

Notes: P-Patch plot fees were last raised for the budget cycle 2003-2004 pursuant to Seattle Municipal Code Section 3.35.060, which authorizes the Director of the Department of Neighborhoods to adjust P-Patch plot fees for inflation, as approximated by the Consumer Price Index, All Urban Consumers, every two years. Seattle's P-Patch plot fees generally exceed fees in community garden programs in other parts of the nation.

- What is the financial cost of not implementing this legislation? Without the ability to adjust fees to reflect increased costs, the City would either have to allocate additional funds from the General Subfund to cover increased water rates, or P-Patch staff would incur extra staff expense trying to assist each of 70 P-Patches to pay for their own water.
- What are the possible alternatives to the legislation that could achieve the same or similar objectives? P-Patch staffs are working with gardeners to educate them about water conservation; however, there is no viable alternative to generate the revenue that this legislation allows.
- Is the legislation subject to public hearing requirements? N/A
- Other Issues (including long-term implications of the legislation): The contemplated surcharge and change to the plot fee structure may make the costs of the program exorbitant for some individuals, potentially driving gardeners from the Program. P-Patch staff will work to ensure that alternatives exist for those who cannot pay.



STATE OF WASHINGTON – KING COUNTY

--SS.

166332
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

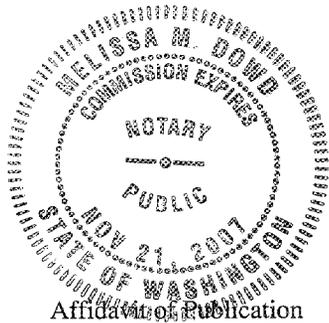
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121341 ORD IN FULL

was published on

12/16/2003



Fernando P. Torres

Subscribed and sworn to before me on

12/16/2003

Melissa Dowd

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 121341

AN ORDINANCE relating to P-Patch fees, authorizing application fees, establishing new base permit fees by plot size, allowing the Director of the Department of Neighborhoods to adopt...

Dated December 15, 2003

the said child shall appear to be for the welfare of the court such as will be taken by the court and action will be granted and answer the said petition or the court are directed to appear and petitioned court at which time an over, WA before a judge of the Superior Court, Juvenile Department, 1211 E. Alder Street, at King County Superior Court, at the hour of 10:00 a.m., on January 4, 2004, at the hour of 4:30 p.m.

Said Petition will be heard on January 4, 2004, at the hour of 10:00 a.m., on January 4, 2004, at the hour of 4:30 p.m. FOR FURTHER INFORMATION, CALL 206-720-3293, 8:00 a.m. - 4:30 p.m.]

whose parents are Skye Marie Rhannon and Michael Randolph Rhannon Marie Keith, a minor, born August 8, 2002.

gardening, 1.34.080 and/or RCW 26.33.310. The Superior Court, pursuant to RCW 26.33.310, was notified that on November 6, 2003, a petition for termination of Parent-Child relationship was filed in the above titled Court, pursuant to RCW 26.33.310.

You are hereby notified that on November 6, 2003, a petition for termination of Parent-Child relationship was filed in the above titled Court, pursuant to RCW 26.33.310.

TO: Skye Marie June, Mother; Michael Randolph Keith, Father; NOTICE OF HEARING

NO. 03-7-02287-8 SEA DOB: 08/08/02 RHANNNON MARIE KEITH

DEPENDENCY MATTER OF: RHANNNON MARIE KEITH

IN RE THE JUVENILE DEPARTMENT

THE COUNTY OF KING, WASHINGTON IN AND FOR

OF THE STATE OF THE SUPERIOR COURT

BARBARA MINER KING COUNTY SUPERIOR COURT CLERK BY: EPC, Deputy Clerk

Dated December 15, 2003

Dated December 15, 2003. Seattle Daily Journal of Commerce, December 16, 23 and 30, 2003. (12/30/0366109)