

Ordinance No. 121656

MW

Council Bill No. 115071

The City of Seattle Council Bill/Ordinance

AN ORDINANCE setting P-Patch plot fees for 2005-2006, amending SMC Section 3.35.060.

11-9-04 Pass R

11-22-04 Pass

CF No.

Date Introduced: <u>OCT 18 2004</u>		
Date 1st Referred: <u>OCT 18 2004</u>	To: (committee) BUDGET	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>11-22-04</u>	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor: <u>11-22-04</u>	Date Approved: <u>11/30/04</u>	
Date Returned to City Clerk: <u>11/30/04</u>	Date Published: <u>3/04</u>	T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetted by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready

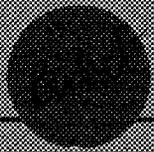
Leo Deland

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Richard J. Miller
Councilmember



Committee Action:

11-9-04 Pass RM, JC, RC, DD, JD, JG, DL, TR

11-22-04 Passed 9-0

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

Committee: _____

(initial/date)

Law Department

Law Dept. Review

OMP
Review

City Clerk
Review

Electronic
Copy Loaded

Indexed

Handwritten notes:
Herald News
Attachment
James
Full Council
copy Bill
NO Bill
James

ORDINANCE 121656

AN ORDINANCE setting P-Patch plot fees for 2005-2006, amending SMC Section 3.35.060.

WHEREAS, the Director of the Department of Neighborhoods is authorized to establish and collect fees for applications for, and for the use of, P-Patch garden plots; and

WHEREAS, P-Patch plot fees include a permit fee, which varies according to the size of the garden plot, and an application fee, which does not; and

WHEREAS, the Director of the Department of Neighborhoods is recommending an increase in the P-Patch plot application fee, effective January 1, 2005, for 2005 and 2006; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

SMC 3.35.060 Garden plot fee schedule; permits

A. To partially offset the costs of the P-Patch program, the Director of the Department of Neighborhoods ("Director") is authorized to establish and collect fees for applications for, and for the use of, P-Patch garden plots and to grant revocable permits for such use. Fees shall include an application fee and a permit fee. The permit fee shall vary in accordance with the size of garden plot used by the program participant and shall generally be based on a standard unit of one hundred square feet. Beginning January 1, 2005 (~~(2004)~~), the base application fee shall be Twenty-one (~~(Twenty)~~) Dollars (\$21) (~~(\$20)~~) per year for any size plot, and the base permit fee shall be Ten Dollars (\$10) per year for each standard unit or any part of a standard unit. These (~~(initial)~~) base fees shall be subject to adjustments as authorized in subsections B, C and D of this section. The



1 Director may waive fees and allow reductions from base fees as authorized in subsections
2 E and F of this section.

3 B. The Director shall adjust the base fees every two (2) years approximately in
4 proportion to the change in the Consumer Price Index, All Urban Consumers, published by
5 the federal government, or a substitute or successor index selected by the Director. The
6 ((first)) next such adjustment shall take effect January 1, 200((5))7.

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

14 D. The Director may establish reduced base application fees or base permit fees, or
15 both, for plots substantially smaller than a standard unit, including accessible raised beds,
16 so long as the total base fees per square foot are no less than an amount generally consistent
17 with the total base fees per square foot for the standard unit.

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

23 F. The Director may waive application fees or permit fees, or both, or set reduced
24 fees, for plots used by low-income persons, and for organizations using plots dedicated to
25 food bank gardening, otherwise operated to benefit low-income persons, or dedicated to
26 educational purposes. If the Director waives or reduces fees under this section, the Director
27
28



1 shall adopt policies regarding the income levels eligible for waivers or reduced fees, the
2 types of organizations and programs eligible for such waivers or reductions, and conditions
3 of eligibility, consistent with the intended public purposes for such waivers and reductions.
4 The Director may limit the amount of area for which specified waivers or reductions may
5 be allowed in order to prevent undue impacts on the revenues of the program.
6

7 Section 2. Nothing in this ordinance shall affect P-Patch fees for periods ending earlier
8 than January 1, 2005. Subject to the foregoing, this ordinance shall take effect and be in force
9 thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the
10 Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code
11 Section 1.04.020.
12

13 Passed by the City Council the 22nd day of November, 2004, and signed by me in open
14 session in authentication of its passage this 22nd day of November, 2004.

15
16 Jan Drago
17 President _____ of the City Council

18 Approved by me this 30th day of November, 2004.

19
20 Gregory J. Nickels
21 Gregory J. Nickels, Mayor

22 Filed by me this 30th day of Nov., 2004.

23
24 Janet E. Shepperd
25 City Clerk
26
27
28

(Seal)





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

September 27, 2004

Honorable Jan Drago
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Drago:

I am transmitting the attached proposed Council Bill, which raises P-Patch plot fees in accordance with the Seattle Municipal Code. The proposed approximate 3.6 percent increase is based on the percentage of change from 2001 to 2003 in the annual Consumer Price Index - All Urban Consumers (CPI-U), All Items for the Seattle-Tacoma-Bremerton, WA metropolitan area. This change will result in an anticipated \$1,500 increase in revenue, and a total of approximately \$60,000 that we plan to collect from plot fees in 2005.

The P-Patch program has 68 gardens benefiting approximately 6,000 people throughout the city. Special programs, some in partnership with P-Patch Trust and the Seattle Housing Authority, serve low-income and special-needs populations. In 2004, the Director of the Department of Neighborhoods established a new fee structure that included an application fee and base permit fee assessed by plot size. This fee structure is being utilized in the attached legislation.

Thank you for your consideration. Should you have questions, please contact Rich Macdonald at 386-0088.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Greg Nickels".

GREG NICKELS
Mayor of Seattle

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

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

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



2005 BUDGET LEGISLATION FISCAL NOTE

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

Legislation Title:

AN ORDINANCE setting P-Patch plot fees for 2005-2006, amending SMC Section 3.35.060.

• Summary of the Legislation:

Pursuant to Seattle Municipal Code Section 3.35.060, the Director of the Department of Neighborhoods is authorized to raise plot fees every two years, with the first adjustment to be implemented on January 1, 2005. Fees are adjusted based on the percentage change from 2001 to 2003 in the annual Consumer Price Index - All Urban Consumers (CPI-U), All Items for the Seattle-Tacoma-Bremerton, WA metropolitan area. That percentage change was 3.6%. The expected revenue effect of the plot fee increase for 2005 is \$1,500, while total plot fees will be approximately \$60,000.

• Background:

The Director of the Department of Neighborhoods last adjusted P-Patch plot fees for inflation effective January 1, 2003 and, in 2004 established a new fee structure that included an application fee and base permit fee assessed by plot size. At that time, fees were increased based on an increase in water rates. As noted above, the new fee structure adjusts fees based on the percentage change from 2001 to 2003 in the annual Consumer Price Index - All Urban Consumers (CPI-U), All Items for the Seattle-Tacoma-Bremerton, WA metropolitan area.

The P-Patch program has 68 gardens benefiting approximately six thousand people throughout the city. Special programs, some in partnership with P-Patch Trust and Seattle Housing Authority, serve low-income and special-needs populations.

• *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:

Fund Name and Number	Department	Revenue Source	2005 Revenue	2006 Revenue
General Fund 00100	Neighborhoods	P-Patch Fees	\$1,500	\$1,500
TOTAL			\$1,500	\$1,500

*The amount above is the anticipated incremental revenue resulting from the increase to the plot fees.

Notes:

- 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 operational costs, or P-Patch staff would incur extra staff expense trying to assist each of the 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 staff could work with individual gardeners or groups of gardeners at each P-Patch to find other ways to pay for additional operating expenses. This would be an added burden for P-Patch staff and P-Patch volunteers that may, or may not, result in acquiring the amount of funds necessary to cover the additional expenses. Alternatively, the City could implement P-Patch fee adjustments through the administrative rule-making process.
- Is the legislation subject to public hearing requirements? No
- Other Issues (including long-term implications of the legislation): None



STATE OF WASHINGTON – KING COUNTY

--SS.

179626
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

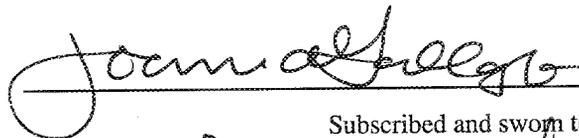
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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:ORDINANCE 121656

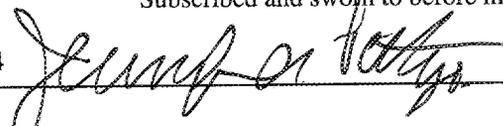
was published on

12/9/2004



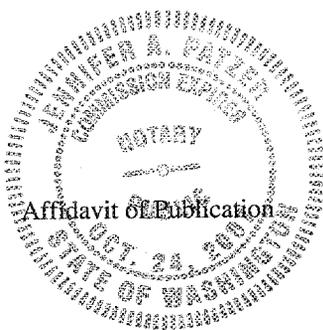
Subscribed and sworn to before me on

12/9/2004



Notary public for the State of Washington,

residing in Seattle



State of Washington, King County

City of Seattle

ORDINANCE 121856

AN ORDINANCE setting P-Patch plot fees for 2005-2006, amending SMC Section 3.35.060.

WHEREAS, the Director of the Department of Neighborhoods is authorized to establish and collect fees for applications for, and for the use of, P-Patch garden plots, and

WHEREAS, P-Patch plot fees include a permit fee, which varies according to the size of the garden plot, and an application fee, which does not, and

WHEREAS, the Director of the Department of Neighborhoods is recommending an increase in the P-Patch plot application fee, effective January 1, 2005, for 2005 and 2006; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

SMC 3.35.060 Garden plot fee schedule; permits

A. To partially offset the costs of the P-Patch program, the Director of the Department of Neighborhoods ("Director") is authorized to establish and collect fees for applications for, and for the use of, P-Patch garden plots and to grant revocable permits for such use. Fees shall include an application fee and a permit fee. The permit fee shall vary in accordance with the size of garden plot used by the program participant and shall generally be based on a standard unit of the hundred square feet. Beginning January 1, 2005 (~~2004~~), the base application fee shall be Twenty-one (~~Twenty~~) Dollars (\$21) (~~(\$20)~~) per year for any size plot, and the base permit fee shall be Ten Dollars (\$10) per year for each standard unit or any part of a standard unit. These (~~limits~~) base fees shall be subject to adjustments as authorized in subsections B, C and D of this section. The Director may waive fees and allow reductions from base fees as authorized in subsections E and F of this section.

B. The Director shall adjust the base fees every two (2) years approximately in proportion to the change in the Consumer Price Index, All Urban Consumers, published by the federal government, or a substitute or successor index selected by the Director. The (~~first~~) next such adjustment shall take effect January 1, 200(~~5~~)7.

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

D. The Director may establish reduced base application fees or base permit fees, or both, for plots substantially smaller than a standard unit, including accessible raised beds, so long as the total base fees per square foot are no less than an amount generally consistent with the total base fees per square foot for the standard unit.

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

F. The Director may waive application fees or permit fees, or both, or set reduced fees, for plots used by low-income persons and for organizations using plots dedicated to food bank gardening, otherwise operated to benefit low-income persons, or dedicated to educational purposes. If the Director waives or reduces fees under this section, the Director shall adopt policies regarding the income levels of such persons.