

Topic:	Urban Renewal; Brownfields
Resource Type:	Regulations
State:	Washington
Jurisdiction Type:	Municipal
Municipality:	County of King County
Year (adopted, written, etc.):	1995
Community Type - applicable to:	Urban; Suburban
Title:	King County Redevelopment Ordinance
Document Last Updated in Database:	April 13, 2017

Abstract

Contaminated Industrial Lands in the Duwamish Corridor of King County, Washington present regional and local threats to environmental health and economic development. This ordinance calls for the environmental risks resulting from specific site contamination to be evaluated, as well as developing an initiative program for small landowners to create voluntary temporary partnerships to achieve clean up of the area.

Resource

King County Ordinance Number 11737

ORDINANCE NO. 11737

AN ORDINANCE providing for assistance in reclaiming contaminated industrial land in the Duwamish Corridor.

Findings:

1. In its roles of regional and local government, economic development and job growth are high priority goals for King County. The county has authority to engage in economic development programs under RCW 36.01.085, which reads: "It shall be in the public purpose for all counties to engage in economic development programs. In addition, counties may contract with nonprofit corporations in furtherance of this and other acts relating to economic development."
2. High quality family wage jobs are significant contributors to the quality of life of the region; manufacturing and industrial businesses can provide these high quality family wage jobs.
3. Based on analysis supporting the King County Countywide Planning Policies for Growth Management and other work associated with economic development elements in local comprehensive plans, there is reported to be a limited supply of industrially zoned land in King County. Such a limited supply could distort the market and preclude the achievement of the goal for creating additional family wage industrial jobs.

4. In areas, such as the Duwamish Corridor (Attachment 1), where there has been long-term manufacturing or other industrial activities, a significant portion of the industrially zoned land is considered to be contaminated by today's standards, preventing or delaying use at its highest industrial potential.

5. Reclaiming contaminated industrial land improves water and air quality and can reduce pressures to expand the urban area in this and other Puget Sound Region counties.

6. The high risks of liability for costly clean-up of contamination can discourage owners from developing or redeveloping such industrial properties; financial institutions are not willing to share this risk.

7. The current law which makes past and current owners and financial institutions jointly and severally liable for clean-up often leads to no action to remediate contaminated land and, therefore, continuing water and air pollution and, at times, the abandonment of such properties.

8. Contaminated industrially zoned land in the Duwamish Corridor can be reclaimed and developed or redeveloped for businesses that provide high quality family wage jobs.

9. The Duwamish Coalition established pursuant to Motion 9234 is a private-public partnership focused on the Duwamish Corridor whose Mission is "to preserve and reclaim industrial land for the purpose of expanding the manufacturing and industrial job base, and protecting and enhancing the natural environment. The Coalition will further address regulatory, infrastructure and institutional barriers to economic growth and environmental protection in the corridor. The mission will be accomplished through a private and multi-jurisdictional public partnership." The Coalition provides a unique opportunity for the county to complement the work of other jurisdictions, business, labor, environmental interests and community groups in preserving and reclaiming industrial land.

10. The Duwamish Coalition has been studying the extent of contamination of soil, sediment and ground water in the Corridor and the obstacles to cleanup of properties. The Coalition is also reviewing examples of how obstacles could be overcome. An example of a major cleanup is the Port of Seattle's Southwest Harbor Project. This Project had the advantage of dealing with a large property; of having significant technical and financial resources to conduct analysis and generate remedies for contamination which related to actual conditions and risks rather than generic, hypothetical risk scenarios; of regulatory and permitting agencies providing dedicated staff, and of the ability to coordinate cleanup and development efforts.

11. The Duwamish Coalition is engaged in investigating and evaluating the impact of cleanup regulations and how they are applied to industrial land. The Coalition is expected to propose changes in regulations. One major objective of the changes would be having cleanups not default to generic risks but rather protect human health and the environment from the specific risks of any identified contamination. For example, a study of the complex

chemical mixture of total petroleum hydrocarbons (TPH) could produce data to enable regulators to approve risk-specific remedies.

12. The Duwamish Coalition is generating action plans that are expected to include demonstration projects of how the changes in regulations can facilitate property remediation.

13. The county wishes to provide direct technical and financial support to a demonstration project involving cleanup of properties either through a purchase, clean up and resale, or through an area-wide cleanup by owners of smaller properties. A major objective of this demonstration project would be the establishment of scientifically defensible alternative cleanup standards for protecting the environment and human health. The alternative standards could significantly lower cleanup costs, thus rendering such reclamation economically viable.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Purpose. The purpose of this ordinance is to provide technical and financial resources to demonstrate how cleanup of contaminated land can be facilitated by (1) evaluating contamination on property for its specific risks to human health and the environment, and conducting risk-specific cleanup; and (2) implementing an initiative to assist smaller property owners to form voluntary temporary partnerships with the specific purpose of achieving an area-wide clean up.

SECTION 2. Need for the county to provide technical and financial resources. The county is a regional government and must assume a major role in economic development programs, complementing the efforts of other governmental entities and acting in partnership with business, labor and other interested parties. With respect to the specific area of the Duwamish Corridor, the county will offer significant technical and financial resources to complement those of the cities of Seattle, Tukwila and Renton, the Port of Seattle and private sector members of the Duwamish Coalition to produce property ready for development or redevelopment for industrial uses.

SECTION 3. Implementing agency. The Economic Development Section of Parks, Planning and Resources Department, or its successor, shall be responsible for generating the work program required by Section 4, and implementing the approved work program.

SECTION 4. Work Program. A work program shall be generated by the Economic Development Section of Parks, Planning and Resources Department, or its successor, and submitted, by May 1, 1995, to the council for approval. The work program shall include but not be limited to the following elements:

A. Identification of a demonstration project(s). A demonstration project or projects relating to cleaning up industrially-zoned property shall be identified. The project(s) could be to purchase, clean up and resell property, or to assist owners of smaller properties to form

voluntary temporary partnerships with the specific purpose of achieving an area-wide cleanup.

B. Selection and feasibility study of a site or sites for implementing the demonstration project or projects. The Criteria for selecting a site or sites for implementing the demonstration project(s) shall be proposed. These criteria are critical to a successful and efficient demonstration of reclaiming industrial land for business operations and jobs creation and, therefore, shall include but not be limited to the following:

- 1) Whether the project was proposed by Duwamish Coalition Subcommittee and approved by the Coalition Steering Committee;
- 2) Whether the site(s) is available for a demonstration project through (a) current county ownership, (b) purchase or (c) property owners forming a partnership to achieve cleanup;
- 3) Whether there is support from the governmental entity with land use jurisdiction for the demonstration project on a particular site(s);
- 4) The likelihood that the site(s) involves contaminants where risk-specific evaluation can be conducted and risk-specific remedies implemented. Contaminants which have been the subject of Duwamish Coalition work would be of particular importance;
- 5) The cost of project implementation on the site(s), including both private and public sector costs; and
- 6) Whether the site(s) predicted "after project value" shows a favorable return on investment
- 7) Whether the site(s) would support expansion of an existing industrial/manufacturing business which would not be viable without program assistance, and/or whether the site(s) would promote establishment of a new industrial/manufacturing business which would not be viable without program assistance; and
- 8) Whether the site(s) would yield information and experience which would provide valuable assistance for the development of regulatory reform initiatives or future demonstration projects.

The investigation of economic viability should include what incentives the county could provide, including how the site(s) would be priced after cleanup, to insure that buyers who would operate an industrial/manufacturing business could purchase and profitably operate on the site.

C. Project Evaluation. A project evaluation plan, including such information as number and type of jobs created, cost of cleanup and other investments of the public and private sectors (except for proprietary information), shall be prepared.

D. Schedule for implementing the demonstration project. A schedule of major milestones shall be proposed.

E. Resources required. A project budget for technical staff and its support shall be proposed.

SECTION 5. There is created a new fund entitled the "Industrial Land Reclamation Fund" for the sole purpose of accumulating and disbursing financial resources for the reclamation of industrial land so that the manufacturing and industrial job base can be expanded and the natural environment protected and enhanced.

INTRODUCED AND READ for the first time this 6th day of March, 1995.

PASSED by a vote of 13 to 0 this 3rd day of April, 1995.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Chair

ATTEST:

Clerk of the Council

APPROVED this 12th day of April, 1995.

King County Executive

Attachments: 1. Map of the Duwamish Corridor

Preserve and Reclaim Industrial Land
Duwamish Coalition Home Page
last updated: September 15, 1995