

March 28, 1995  
DUWA.JC1  
April 3, 1995 clerk

Introduced By:

Proposed No.:

95 - 168

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 institution are not willing to share this risk.
7. The current law which makes past and current owners and financial institutions joint 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

1 environment. The Coalition will further address regulatory, infrastructure and  
 2 institutional barriers to economic growth and environmental protection in the  
 3 corridor. The mission will be accomplished through a private and multi-  
 4 jurisdictional public partnership." The Coalition provides a unique opportunity  
 5 for the county to complement the work of other jurisdictions, business, labor,  
 6 environmental interests and community groups in preserving and reclaiming  
 7 industrial land.

- 8 10. The Duwamish Coalition has been studying the extent of contamination of soil,  
 9 sediment and ground water in the Corridor and the obstacles to cleanup of  
 10 properties. The Coalition is also reviewing examples of how obstacles could be  
 11 overcome. An example of a major cleanup is the Port of Seattle's Southwest  
 12 Harbor Project. This Project had the advantage of dealing with a large property;  
 13 of having significant technical and financial resources to conduct analysis and  
 14 generate remedies for contamination which related to actual conditions and  
 15 risks rather than generic, hypothetical risk scenarios; of regulatory and  
 16 permitting agencies providing dedicated staff, and of the ability to coordinate  
 17 cleanup and development efforts.
- 18 11. The Duwamish Coalition is engaged in investigating and evaluating the impact  
 19 of cleanup regulations and how they are applied to industrial land. The  
 20 Coalition is expected to propose changes in regulations. One major objective of  
 21 the changes would be having cleanups not default to generic risks but rather  
 22 protect human health and the environment from the specific risks of any  
 23 identified contamination. For example, a study of the complex chemical  
 24 mixture of total petroleum hydrocarbons (TPH) could produce data to enable  
 25 regulators to approve risk-specific remedies.
- 26 12. The Duwamish Coalition is generating action plans that are expected to include  
 27 demonstration projects of how the changes in regulations can facilitate property  
 28 remediation.
- 29 13. The county wishes to provide direct technical and financial support to a  
 30 demonstration project involving cleanup of properties either through a  
 31 purchase, clean up and resale, or through an area-wide cleanup by owners of  
 32 smaller properties. A major objective of this demonstration project would be the  
 33 establishment of scientifically defensible alternative cleanup standards for  
 34 protecting the environment and human health. The alternative standards could  
 35 significantly lower cleanup costs, thus rendering such reclamation economically  
 36 viable.  
 37  
 38

39 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

46 SECTION 2. Need for the county to provide technical and financial resources. The  
 47 county is a regional government and must assume a major role in economic development

1 programs, complementing the efforts of other governmental entities and acting in  
2 partnership with business, labor and other interested parties. With respect to the specific  
3 area of the Duwamish Corridor, the county will offer significant technical and financial  
4 resources to complement those of the cities of Seattle, Tukwila and Renton, the Port of  
5 Seattle and private sector members of the Duwamish Coalition to produce property ready  
6 for development or redevelopment for industrial uses.

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

11 SECTION 4. Work Program. A work program shall be generated by the Economic  
12 Development Section of Parks, Planning and Resources Department, or its successor, and  
13 submitted, by June 30, 1995, to the council for approval. The work program shall include  
14 but not be limited to the following elements:

15 A. Identification of a demonstration project(s). A demonstration project or projects  
16 relating to cleaning up industrially-zoned property shall be identified. The project(s) could  
17 be to purchase, clean up and resell property, or to assist owners of smaller properties to  
18 form voluntary temporary partnerships with the specific purpose of achieving an area-wide  
19 cleanup.

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

25 1) Whether the project was proposed by Duwamish Coalition Subcommittee and  
26 approved by the Coalition Steering Committee;

27 2) Whether the site(s) is available for a demonstration project through (a) current  
28 county ownership, (b) purchase or (c) property owners forming a partnership to achieve  
29 cleanup;

1           3) Whether there is support from the governmental entity with land use jurisdiction  
2 for the demonstration project on a particular site(s);

3           4) The likelihood that the site(s) involves contaminants where risk-specific  
4 evaluation can be conducted and risk-specific remedies implemented. Contaminants which  
5 have been the subject of Duwamish Coalition work would be of particular importance;

6           5) The cost of project implementation on the site(s), including both private and  
7 public sector costs; and

8           6) Whether the site(s) predicted "after project value" shows a favorable return on  
9 investment;

10          7) Whether the site(s) would support expansion of an existing  
11 industrial/manufacturing business which would not be viable without program assistance,  
12 and/or whether the site(s) would promote establishment of a new industrial/manufacturing  
13 business which would not be viable without program assistance; and

14          8) Whether the site(s) would yield information and experience which would  
15 provide valuable assistance for the development of regulatory reform initiatives or future  
16 demonstration projects.

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

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

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

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

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  
29  
30  
31

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

Kent Pullen  
Chair

ATTEST:

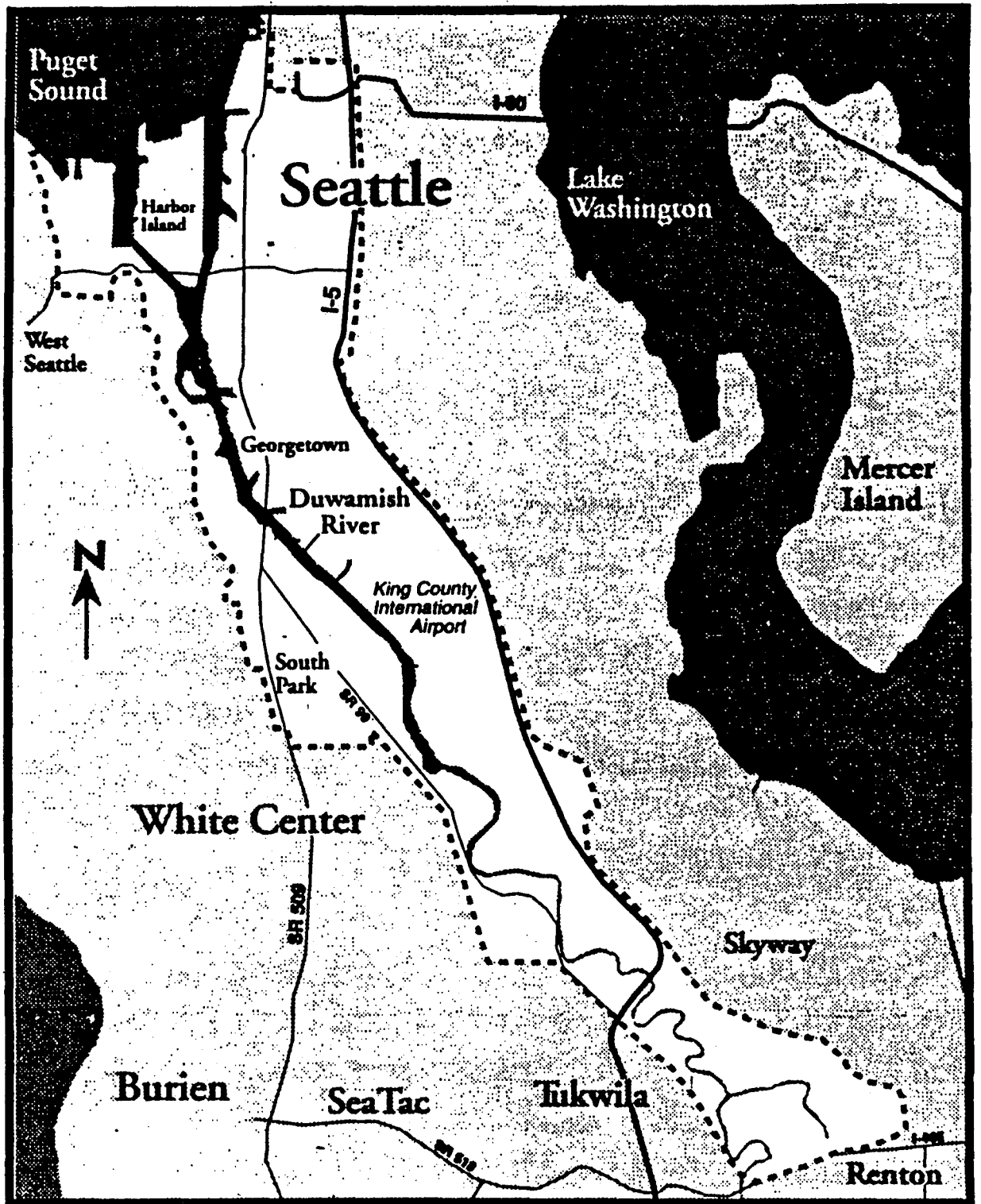
Gerald A. Peterson  
Clerk of the Council

APPROVED this 12<sup>th</sup> day of April, 1995.

Jonny Lohr  
King County Executive

Attachments: 1. Map of the Duwamish Corridor

11737



**DUWAMISH INDUSTRIAL CORRIDOR**