



# King County

1200 King County  
Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Meeting Agenda Metropolitan King County Council

*Councilmembers: Girmay Zahilay, Chair;  
Sarah Perry, Vice Chair of Policy Development and Review;  
Reagan Dunn, Vice Chair of Regional Coordination;  
Claudia Balducci, Jorge L. Barón, Rod Dembowski,  
Teresa Mosqueda, De'Sean Quinn, Pete von Reichbauer*

1:30 PM

Tuesday, April 1, 2025

Hybrid Meeting

**Hybrid Meetings:** Attend King County Council meetings in person in Council Chambers (Room 1001), 516 3rd Avenue in Seattle, or through remote access. Details on how to attend and/or provide comment remotely are listed below.

**HOW TO PROVIDE PUBLIC TESTIMONY:** The Council values community input and looks forward to hearing from you. Testimony must be limited to items listed on the agenda for council action, unless it's the fourth Tuesday of the month, when the Council will hear general comment on matters relating to county government. You are not required to sign up in advance.

There are three ways to provide public testimony:

1. **In person:** You may attend the meeting in person in Council Chambers.
2. **By email:** You may testify by submitting a COMMENT email. If your testimony is submitted before 10:00 a.m. on the day of the Council meeting, your email testimony will be distributed to the Councilmembers and appropriate staff prior to the meeting. Please submit your testimony by emailing [clerk@kingcounty.gov](mailto:clerk@kingcounty.gov).
3. **Remote attendance on the Zoom Webinar:** You may provide oral public testimony at the meeting by connecting to the meeting via phone or computer using the ZOOM application at <https://zoom.us/>, and entering the Webinar ID below.



Sign language and interpreter services can be arranged given sufficient notice (206-848-0355).  
TTY Number - TTY 711.  
Council Chambers is equipped with a hearing loop, which provides a wireless signal that is picked up by a hearing aid when it is set to 'T' (Telecoil) setting.



**CONNECTING TO THE WEBINAR**

**Webinar ID: 890 5838 1493**

If you do not have access to the ZOOM application, you can connect to the meeting by calling 1 253 215 8782 and using the Webinar ID. Connecting in this manner, however, may impact your ability to be unmuted to speak.

You have the right to language access services at no cost to you. To request these services, please contact our Equity and Social Justice Coordinator, Tera Chea at (206) 477 9259 or Tera.Chea2@kingcounty.gov, three (3) days prior to the meeting.

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1. **Call to Order**

To show a PDF of the written materials for an agenda item, click on the agenda item below.

2. **Roll Call**3. **Flag Salute and Pledge of Allegiance**

*Councilmember Dunn*

4. **Approval of Minutes of March 25, 2025**

**Pg. 10**

*Councilmember Perry*

5. **Additions to the Council Agenda**

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## Hearing and Second Reading of Ordinances from Standing Committees and Regional Committees, and of Ordinances related to Collective Bargaining

There will be one public hearing on Items 6-16

### Consent Items 6-10

*Councilmember Perry*

6. [Proposed Substitute Ordinance No. 2024-0261.2](#) **Pg. 18**

AN ORDINANCE authorizing the King County executive to enter into an interlocal agreement with the City of Shoreline to implement a regional program to transfer development rights from lands in unincorporated King County into the city of Shoreline.

**Sponsors:** Dembowski

***On 8/27/2024, the Metropolitan King County Council Introduced and Referred to Local Services and Land Use Committee.***

***On 1/21/2025, the Metropolitan King County Council Reintroduced.***

***On 3/19/2025, the Local Services and Land Use Committee Recommended Do Pass Substitute Consent.***

7. [Proposed Ordinance No. 2025-0010](#) **Pg. 30**

AN ORDINANCE authorizing the King County executive to sign an agreement between King County, a political subdivision of the state of Washington, and the Central Puget Sound Regional Transit Authority, a regional transit authority organized under the laws of the state of Washington, regarding the operation and maintenance of the portion of the Downtown Redmond Link Extension that is within King County property.

**Sponsors:** Dembowski

***On 1/14/2025, the Metropolitan King County Council Introduced and Referred to Transportation, Economy, and Environment Committee.***

***On 3/18/2025, the Transportation, Economy, and Environment Committee Recommended Do Pass Consent.***

8. [Proposed Ordinance No. 2025-0038](#) **Pg. 40**

AN ORDINANCE relating to the annexation of approximately 1.1 acres of land into the Northeast Sammamish sewer and water district, known as the Parklane Annexation, for the purpose of sewer service.

**Sponsors:** Perry



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*On 1/28/2025, the Metropolitan King County Council Introduced and Referred to Local Services and Land Use Committee.*

*On 2/11/2025, the Metropolitan King County Council Hearing Held.*

*On 3/19/2025, the Local Services and Land Use Committee Recommended Do Pass Consent.*

9. [Proposed Ordinance No. 2025-0071](#) **Pg. 46**

AN ORDINANCE relating to retail establishments; changing the effective date of the requirement that retailers in unincorporated King County, unless otherwise exempted, must accept payment in cash; and amending Ordinance 19639, Section 6.

**Sponsors:** Zahilay

*On 2/18/2025, the Metropolitan King County Council Introduced and Referred to Local Services and Land Use Committee.*

*On 3/19/2025, the Local Services and Land Use Committee Recommended Do Pass Consent.*

10. [Proposed Ordinance No. 2025-0084](#) **Pg. 52**

AN ORDINANCE relating to the Lower Duwamish Waterway cleanup and authorizing the King County executive to sign and fulfill the obligations in the Consent Decree with the United States Environmental Protection Agency and the Washington state Department of Ecology and the associated multiparty Settlements to govern the cleanup of sediment contamination at the Lower Duwamish Waterway Superfund Site and address King County and other parties' roles, contributions, and obligations for cleanup.

**Sponsors:** Mosqueda

*On 3/11/2025, the Metropolitan King County Council Introduced and Referred to Transportation, Economy, and Environment Committee.*

*On 3/18/2025, the Transportation, Economy, and Environment Committee Recommended Do Pass Consent.*



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## Motions, from Standing Committees and Regional Committees and Motions related to Collective Bargaining, for Council Action

### Consent Items 11-12

*Councilmember Perry*

11. [Proposed Motion No. 2025-0059](#) **Pg. 71**

A MOTION confirming the executive's appointment of Alissa Campbell, who works in council district eight, to the King County solid waste advisory committee, as a representative from the waste management industry.

**Sponsors:** Mosqueda

***On 3/11/2025, the Metropolitan King County Council Introduced and Referred to Transportation, Economy, and Environment Committee.***

***On 3/18/2025, the Transportation, Economy, and Environment Committee Recommended Do Pass Consent.***

12. [Proposed Motion No. 2025-0060](#) **Pg. 73**

A MOTION confirming the executive's appointment of Laura Mork, councilmember, city of Shoreline, who resides in council district one, to the King County solid waste advisory committee, filling the local elected public official position.

**Sponsors:** Dembowski

***On 2/18/2025, the Metropolitan King County Council Introduced and Referred to Transportation, Economy, and Environment Committee.***

***On 3/18/2025, the Transportation, Economy, and Environment Committee Recommended Do Pass Consent.***



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**Committee of the Whole***Councilmember Balducci***13. [Proposed Motion No. 2025-0088](#)****Pg. 75**

A MOTION adopting the King County 2025 Federal Legislative Priorities.

**Sponsors:** Zahilay

*On 3/18/2025, the Metropolitan King County Council Introduced and Referred to Committee of the Whole.*

*On 3/25/2025, the Committee of the Whole Passed Out of Committee Without a Recommendation.*

**First Reading and Action on Motions Without Referral to Committee***Councilmember Perry***14. [Proposed Motion No. 2025-0110](#)****Pg. 78**

A MOTION appointing an acting King County executive.

**Sponsors:** Dunn and Perry

**SUBJECT TO A MOTION TO SUSPEND THE RULES TO TAKE ACTION WITHOUT REFERRAL  
TO COMMITTEE PURSUANT TO K.C.C. 1.24.085**

**Reappointment Consent Agenda Item 15-16****15. [Proposed Motion No. 2025-0096](#)****Pg. 80**

A MOTION confirming the executive's reappointment of Meenakshi Natarajan, who resides in council district one, to the King County children and youth advisory board.

**Sponsors:** Dembowski

**16. [Proposed Motion No. 2025-0104](#)****Pg. 82**

A MOTION confirming the executive's reappointment of Jasmine Fry, who resides in council district three, to the King County children and youth advisory board.

**Sponsors:** Perry



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## First Reading and Referral of Ordinances

17. [Proposed Ordinance No. 2025-0094](#)

AN ORDINANCE authorizing the execution of an amendment to an existing lease to support the operation of the King County sheriff's office.

**Sponsors:** Dembowski

***First Reading and Referral to the Budget and Fiscal Management Committee***

18. [Proposed Ordinance No. 2025-0106](#)

AN ORDINANCE authorizing the county executive to renew an interlocal agreement between King County and the cities of Burien, Des Moines, Normandy Park, and SeaTac for stormwater education in the Highline Public School District.

**Sponsors:** Quinn

***First Reading and Referral to the Transportation, Economy, and Environment Committee***

19. [Proposed Ordinance No. 2025-0109](#)

AN ORDINANCE authorizing the Metro transit department to file applications with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by 49 U.S.C. chapter 53, Title 23 U.S.C., and other federal statutes administered by the Federal Transit Administration; and adding a new chapter to K.C.C. Title 28.

**Sponsors:** Quinn

***First Reading and Referral to the Transportation, Economy, and Environment Committee***



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## First Reading and Referral of Motions

20. [Proposed Motion No. 2025-0105](#)

A MOTION confirming the county executive's appointment of Carol Williams to the King Conservation District, as a representative of an organization that specifically promotes equity and social justice.

**Sponsors:** Quinn

***First Reading and Referral to the Transportation, Economy, and Environment Committee***

21. [Proposed Motion No. 2025-0107](#)

A MOTION confirming the executive's appointment of Neal Black, who works in council district six, to the King County Housing Authority board of commissioners.

**Sponsors:** Balducci

***First Reading and Referral to the Health, Housing, and Human Services Committee***

22. **Reports on Special and Outside Committees**

## Other Business

23. Capital Project Notice to Release Moneys Withheld by Proviso Per Ordinance 19712, Section 89, ER2 and P3.

## Adjournment



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## Meeting Minutes

### Metropolitan King County Council

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Reagan Dunn, Vice Chair of Regional Coordination;  
Claudia Balducci, Jorge L. Barón, Rod Dembowski,  
Teresa Mosqueda, De'Sean Quinn, Pete von Reichbauer*

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1:30 PM

Tuesday, March 25, 2025

Hybrid Meeting

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#### DRAFT MINUTES

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**1. Call to Order**

*The meeting was called to order at 1:37 p.m.*

**2. Roll Call**

**Present:** 9 - Balducci, Barón, Dembowski, Dunn, Mosqueda, Perry, Quinn, von Reichbauer and Zahilay

**3. Flag Salute and Pledge of Allegiance**

*Councilmember von Reichbauer led the flag salute and Pledge of Allegiance.*

**4. Approval of Minutes of March 18, 2025**

*Councilmember Perry moved to approve the minutes of the March 18, 2025, meeting as presented. Seeing no objection, the Chair so ordered.*

**5. Additions to the Council Agenda**

*There were no additions.*

**6. Special Item****Hearing and Second Reading of Ordinances from  
Standing Committees and Regional Committees, and of  
Ordinances related to Collective Bargaining****Proclamation of March 31, 2025, as Transgender Day of Visibility in King  
County**

*Councilmember Barón and Councilmember Balducci made remarks, presented the proclamation, and introduced Danni Askini, Executive Director, Gender Justice League. Danni Askini made remarks and thanked the Council.*

**Proclamation of March 2025 as Women's History Month in King County**

*Councilmember Mosqueda, Councilmember Perry, Councilmember Balducci, and Deputy County Executive Shannon Braddock, made remarks, presented the proclamation and introduced Former King County Councilmember Jeanne Kohl-Welles. Councilmember Kohl-Welles made remarks and thanked the Council.*

**7. Public Comment**

**There will be one public hearing on Items 6-14**

*The following people spoke:*

*Alex Tsimmerman*

*Barbara Dobkin*

*Rebecca Wells*

*Matthew Renner*

*Kenneth Randolph*

*Janet Way*

*Joe Kunzler*

*Leo's Ipad*

*Nik Rusimovic*

**Consent Items 8-9****8. [Proposed Substitute Ordinance No. 2024-0409.2](#)**

AN ORDINANCE authorizing the executive to enter into a renewal of cable television franchise 5602 with WAVEDIVISION I, LLC, for a period ending July 31, 2033.

**Sponsors:** von Reichbauer

*The enacted number is 19906.*

**A Public Hearing was held and closed. This matter passed on the Consent Agenda.**

**9. [Proposed Ordinance No. 2025-0012](#)**

AN ORDINANCE authorizing the execution of a lease amendment to support the operation of natural resources and parks.

**Sponsors:** Zahilay

*The enacted number is 19907.*

**A Public Hearing was held and closed. This matter passed on the Consent Agenda.**

**Passed On The Consent Agenda**

**A motion was made by Councilmember Perry that the Consent Agenda be passed. The motion carried by the following vote:**

**Yes:** 9 - Balducci, Barón, Dembowski, Dunn, Mosqueda, Perry, Quinn, von Reichbauer, and Zahilay

## Motions, from Standing Committees and Regional Committees and Motions related to Collective Bargaining, for Council Action

### Consent Items 10-11

10. [Proposed Motion No. 2024-0407](#)

A MOTION confirming the executive's appointment of Amy Calderwood, who resides in council district four, to the King County board of ethics.

**Sponsors:** Barón

*The enacted number is 16787.*

**A Public Hearing was held and closed. This matter passed on the Consent Agenda.**

11. [Proposed Motion No. 2025-0042](#)

A MOTION confirming the executive's appointment of Nicole Cain, who resides in council district six, to the King County Museum of Flight Authority board of directors.

**Sponsors:** Balducci

*The enacted number is 16788.*

**A Public Hearing was held and closed. This matter passed on the Consent Agenda.**

### Passed On The Consent Agenda

**A motion was made by Councilmember Perry that the Consent Agenda be passed. The motion carried by the following vote:**

**Yes:** 9 - Balducci, Barón, Dembowski, Dunn, Mosqueda, Perry, Quinn, von Reichbauer, and Zahilay

## Reappointment Consent Agenda Items 12-14

12. [Proposed Motion No. 2025-0029](#)

A MOTION confirming the executive's reappointment of Annu Luthra, who resides in council district nine, to the King County children and youth advisory board.

**Sponsors:** Dunn

*The enacted number is 16789.*

**A Public Hearing was held and closed. This matter passed on the Consent Agenda.**

**13. [Proposed Motion No. 2025-0050](#)**

A MOTION confirming the executive's reappointment of Teresa Platin, who resides in council district nine, to the Washington state boundary review board for King County.

**Sponsors:** Dunn

*The enacted number is 16790.*

**A Public Hearing was held and closed. This matter passed on the Consent Agenda.**

**14. [Proposed Motion No. 2025-0098](#)**

A MOTION confirming the executive's reappointment of the Honorable Ariana Sherlock, councilmember, city of Newcastle, who resides in council district nine, to the King County children and youth advisory board, filling a position nominated by the Sound Cities Association.

**Sponsors:** Dunn

*The enacted number is 16791.*

**A Public Hearing was held and closed. This matter passed on the Consent Agenda.**

**Passed On The Consent Agenda**

**A motion was made by Councilmember Perry that the Consent Agenda be passed. The motion carried by the following vote:**

**Yes:** 9 - Balducci, Barón, Dembowski, Dunn, Mosqueda, Perry, Quinn, von Reichbauer, and Zahilay

**First Reading and Referral of Ordinances****15. [Proposed Ordinance No. 2025-0089](#)**

AN ORDINANCE authorizing the executive to execute an airspace lease agreement with the Washington state Department of Transportation for land and facilities in the State Route 520 interchange at Montlake Boulevard for a term of twenty years with the possibility of two twenty-year extensions; and to take all actions necessary to implement the terms of the lease.

**Sponsors:** Dembowski

**This matter had its first reading and was referred to the Budget and Fiscal Management Committee.**

## First Reading and Referral of Motions

16. [Proposed Motion No. 2025-0091](#)

A MOTION confirming the executive's appointment of Adrien Leavitt, who resides in council district two, to the King County public defense advisory board, representing areas or issues that may affect public defense clients.

**Sponsors:** Zahilay

**This matter had its first reading and was referred to the Law and Justice Committee.**

17. [Proposed Motion No. 2025-0099](#)

A MOTION confirming the appointment of \_\_\_\_\_ to the citizens' elections oversight committee as a representative sponsored by a junior taxing district or a city with a population of under twenty thousand.

**Sponsors:** Zahilay

**This matter had its first reading and was referred to the Employment and Administration Committee.**

18. [Proposed Motion No. 2025-0100](#)

A MOTION approving a job description for the position of director of the office of law enforcement oversight; and rescinding Motion 15790 and Motion 15790, Attachment A.

**Sponsors:** Zahilay

**This matter had its first reading and was referred to the Employment and Administration Committee.**

19. [Proposed Motion No. 2025-0101](#)

A MOTION relating to the organization of the council; and amending Motion 15998, Section I, as amended, and OR 3-120.

**Sponsors:** Zahilay

**This matter had its first reading and was referred to the Employment and Administration Committee.**

**20. Reports on Special and Outside Committees**

*No reports were given.*

**Other Business****21. Capital Project Notice to Release Moneys Withheld by Proviso Per Ordinance 19712, Section 89, ER2 and P3.**

*Chair Zahilay announced the Council received notification from Dwight Dively, regarding a capital project notice to release moneys withheld by proviso. As directed by the proviso, this shall be noticed on two Council agendas to give councilmembers an opportunity to object at either of these meetings. In addition to inclusion on the March 25, 2025, Council agenda, this notification will be included on the April 1, 2025, Council agenda.*

**Chair Zahilay announced the passing of Frank Chopp, former Speaker of the Washington State House of Representatives, for his lifetime of service to the people of Washington.**

**Adjournment**

*The meeting was adjourned in honor of Frank Chopp at 2:56 p.m.*

Approved this \_\_\_\_\_ day of \_\_\_\_\_

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Clerk's Signature



**Signature Report**

**Ordinance**

**Proposed No.** 2024-0261.2

**Sponsors** Dembowski

1           AN ORDINANCE authorizing the King County executive  
2           to enter into an interlocal agreement with the City of  
3           Shoreline to implement a regional program to transfer  
4           development rights from lands in unincorporated King  
5           County into the city of Shoreline.

6           STATEMENT OF FACTS:

- 7           1. The Washington state Growth Management Act, chapter 36.70A RCW  
8           ("the GMA"), establishes a policy of directing growth and development  
9           into urban areas, protecting rural and resource land, and encouraging the  
10          use of innovative land use tools like transfer of development rights  
11          ("TDR") to accomplish these outcomes.
- 12          2. The GMA encourages the conservation of productive agricultural and  
13          forest lands and the retention of rural open space to conserve fish and  
14          wildlife habitat and enhance recreational opportunities.
- 15          3. The Washington state Legislature affirmed the value of Regional TDR  
16          programs by adopting a framework for a regional TDR marketplace as codified in  
17          chapter 43.362 RCW.
- 18          4. King County adopted a TDR program ("the TDR program") in 2001 to  
19          conserve rural and resource lands by transferring rural development  
20          potential into existing incorporated and unincorporated urban areas. Since

21           2001, the program has protected over 147,700 acres of rural and resource  
22           lands in unincorporated King County.

23           5. King County recognizes the role of TDR in achieving the goals of the  
24           Land Conservation Initiative and supporting the Strategic Climate Action  
25           Plan.

26           6. King County has worked with the city of Shoreline to develop a means  
27           by which TDRs from unincorporated King County lands may be used to  
28           increase density and reduce parking requirements within the city's light  
29           rail station districts and certain business zones to achieve conservation that  
30           is important to the environmental health of the Puget Sound, while  
31           encouraging redevelopment within the Urban Growth Area.

32           7. The city of Shoreline, by Ordinance 1009, amended its municipal code to  
33           create a TDR program and establish receiving sites for King County TDRs; and  
34           by consent agenda item 7(f) on June 24, 2024 the city council authorized the city  
35           manager to sign an interlocal agreement with King County, attached hereto as  
36           Attachment A to this ordinance, that will provide financial incentives for the city  
37           to accept development rights by funding amenities to support growth.

38           8. K.C.C. 21A.37.140 requires the county to execute an interlocal agreement with  
39           a city before sale and transfer of TDRs from the King County TDR bank into that  
40           city.

41           9. King County and the cities within it are authorized to enter into  
42           interlocal agreements pursuant to chapter RCW 39.34, the Interlocal  
43           Cooperation Act.

44           10. King County and the city of Shoreline desire to enter into an interlocal  
45           agreement to establish a regional program to transfer development rights  
46           from lands in unincorporated King County into the city of Shoreline and to  
47           share revenue, as more fully described in the agreement.

48           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

49           SECTION 1. The executive is hereby authorized to enter into an interlocal

50 agreement with the city of Shoreline, substantially in the form of Attachment A to this  
51 ordinance.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Girmay Zahilay, Chair

ATTEST:

---

Melani Hay, Clerk of the Council

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

---

Dow Constantine, County Executive

**Attachments:** A. Interlocal Agreement For The Implementation of a Regional Program To Transfer Development Rights From Unincorporated King County To The City of Shoreline dated March 4, 2025

**INTERLOCAL AGREEMENT FOR THE IMPLEMENTATION OF A  
REGIONAL PROGRAM TO TRANSFER DEVELOPMENT RIGHTS FROM  
UNINCORPORATED KING COUNTY TO THE CITY OF SHORELINE**

This Interlocal Agreement for the Implementation of a Regional Program to Transfer Development Rights from Unincorporated King County to the City of Shoreline ("Agreement") is hereby entered into by King County, a home rule charter county and political subdivision of the State of Washington ("County"), and The City of Shoreline, a municipal corporation of the State of Washington ("City"), each a "Party" and collectively the "Parties."

**RECITALS**

- A. The Washington State Growth Management Act ("GMA"), RCW 36.70A, directs development into urban areas and discourages inappropriate conversion of undeveloped rural land into sprawling, low-density development.
- B. The GMA encourages the conservation of productive forest and agricultural lands and the retention of open space so as to enhance fish and wildlife habitat and recreational opportunities.
- C. The GMA requires counties to adopt county-wide planning policies in cooperation with cities within the County.
- D. By Interlocal Agreement, the County and the City adopted and ratified the Countywide Planning Policies for King County.
- E. The Countywide Planning Policies, at Policy DP-64, seek to use transfer of development rights to shift development from rural areas and natural resource lands into urban growth areas and seeks to implement this through a partnership between the County and its cities.
- F. The County's rural and resource areas are recognized by both the City and the County as containing important countywide public benefits such as forestry, agricultural, wildlife habitat, scenic resources, and recreational opportunities.
- G. The City has identified rural and resource lands in King County as preservation priorities.
- H. The County has, in King County Code Chapter 21A.37, adopted a Transfer of Development Rights ("TDR") program, which authorizes incorporated areas to receive development rights transferred from conserved land in unincorporated areas.
- I. By Shoreline Ordinance Nos. 702 and 750, the City adopted the 145<sup>th</sup> and 185<sup>th</sup> Street Station Subarea Plans which encourages the incorporation of a Transfer of



## King County

### Metropolitan King County Council Local Services and Land Use Committee

#### REVISED STAFF REPORT

<b>Agenda Item:</b>		<b>Name:</b>	Jake Tracy
<b>Proposed No.:</b>	2024-0261	<b>Date:</b>	

#### COMMITTEE ACTION

***Proposed Substitute Ordinance 2024-0261.2, authorizing the Executive to enter into an ILA with the City of Shoreline for a transfer of development rights program, passed out of committee on March 19, 2025 with a “Do Pass” recommendation. The Proposed Ordinance was amended in committee with Amendment 1 to make technical and clarifying changes to the ILA.***

#### SUBJECT

Proposed Ordinance (PO) 2024-0261 would authorize the Executive to enter into an interlocal agreement (ILA) with the City of Shoreline to implement a program of using transferrable development rights (TDR credits) from unincorporated King County for development within the City.

#### SUMMARY

PO 2024-0261 would authorize the Executive to enter into an ILA with the City of Shoreline to implement a program of using TDR credits from unincorporated King County for increased development within the City.

The ILA would establish receiving areas within the City of Shoreline for which TDR credits could be used for increased residential density or reductions in structured parking requirements. TDR credits from all eligible sending areas in unincorporated King County could be transferred to the City of Shoreline.

The agreement would commit the City to accepting at least 20 TDR credits, and would stipulate that the City must purchase 185 TDR credits from the County's TDR Bank before accepting any TDR credits from another source.

The County would be required to provide the City with 25% of the net revenue from sale of each TDR credit for use in providing infrastructure and amenities in the receiving area. The ILA would also suggest that the County provide up to \$1 million in

conservation futures tax funding to the City for acquisition of public open space and parks, but only if recommended by the Conservation Futures Advisory Committee and approved by the Council through budget deliberations.

The agreement would be good for 25 years, unless extended by the parties.

## **BACKGROUND**

King County adopted a transfer of development rights program ("the TDR program") in 2001 to transfer residential density from eligible sending sites to eligible receiving sites through a voluntary process that permanently preserves urban, rural, and resource lands that provide a public benefit. The TDR provisions are intended to supplement land use regulations, resource protection efforts, and open space acquisition programs and to encourage increased residential development density or increased commercial square footage, especially inside cities, where it can best be accommodated with the least impacts on the natural environment and public services.<sup>1</sup> Since 2001, the TDR program has protected more than 147,500 acres of rural area and resource lands.

The TDR Program is governed by K.C.C. 21A.37. Eligible sending sites are:

- Designated agricultural production district or forest production district and zoned accordingly;
- Designated in the Comprehensive Plan as rural area, zoned RA, and meeting the state definition of open space or farm and agricultural land;
- Designation as a regional trail or open space site;
- Habitat for endangered or threatened species;
- Designated urban separator or zoned R-1; or
- Zoned R-4 through R-48 and approved for conservation futures tax (CFT) funding.

Eligible receiving sites are:

- Unincorporated urban sites zoned R-4 through R-48;
- RA-2.5-zoned properties;
- Sites in Snoqualmie Pass Rural Town through the inclusionary housing program; and
- Cities.

The County operates a TDR Bank to assist in the implementation of the TDR program by bridging the time gap between willing sellers and buyers of development rights by purchasing and selling development rights, purchasing conservation easements, and facilitating interlocal TDR agreements with cities in King County through the provision of amenity funds. TDR credit sales through the TDR Bank are required to be at or above the fair market value of the TDR credits.<sup>2</sup>

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<sup>1</sup> K.C.C. 21A.37.010.A.

<sup>2</sup> Except those sold under a TDR for affordable housing program.

For TDRs sold by the TDR Bank to be used in cities, the County and the City are required to have an executed ILA and the City must have enacted legislation to implement the program for the receiving area.

K.C.C. 21A.37.140, quoted below, includes the requirements for TDR ILAs.

*“B.1. At a minimum, each interlocal agreement shall:*

- a. describe the legislation that the receiving jurisdiction adopted or will adopt to allow the use of TDR;*
- b. identify the receiving area;*
- c. require the execution of a TDR extinguishment document in conformance with K.C.C. 21A.37.080; and*
- d. address the conversion ratio to be used in the receiving site area.*

*2. If the city is to receive any amenity funds, the interlocal agreement shall establish the amount of funding and the amenities to be provided in accordance with K.C.C. 21A.37.150.I. Such an interlocal agreement may also indicate that a priority should be given by the county to acquiring TDRs from sending sites in specified geographic areas. If a city has a particular interest in the preservation of land in the rural area or a natural resource land, or in the specific conditions on which it will be preserved, then the interlocal agreement may provide for periodic inspection or special terms in the conservation easement to be recorded against the sending site as a preacquisition condition to purchases of TDRs within specified areas by the TDR bank.*

*C. A TDR conversion ratio for development rights purchased from a sending site and transferred to an incorporated receiving site area may express the amount of additional TDRs in terms of any combination of units, floor area, height, or other applicable development standards that may be modified by the city to provide incentives for the purchase of TDRs.”*

King County can provide money for amenities in receiving areas through the TDR program, as referenced above and outlined in an ILA. Amenities may include “the acquisition, design, or construction of: public art, cultural and community facilities, parks, open space, trails, roads, parking, landscaping, sidewalks, other streetscape improvements, transit-related improvements, affordable housing for households whose income is at or below area median income, which, for the purposes of this subsection C., is the median household income for the TDR receiving area as established by the United States Department of Housing and Urban Development, adjusted for household size, or other improvements or programs that facilitate increased densities on or near receiving sites.”<sup>3</sup>

In 2024, The City of Shoreline adopted Ordinance 1009, which adopted a Transfer of Development Rights Program authorizing and prioritizing sending sites from unincorporated King County for use in designated areas within the City.<sup>4</sup>

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<sup>3</sup> K.C.C. 21A.37.150

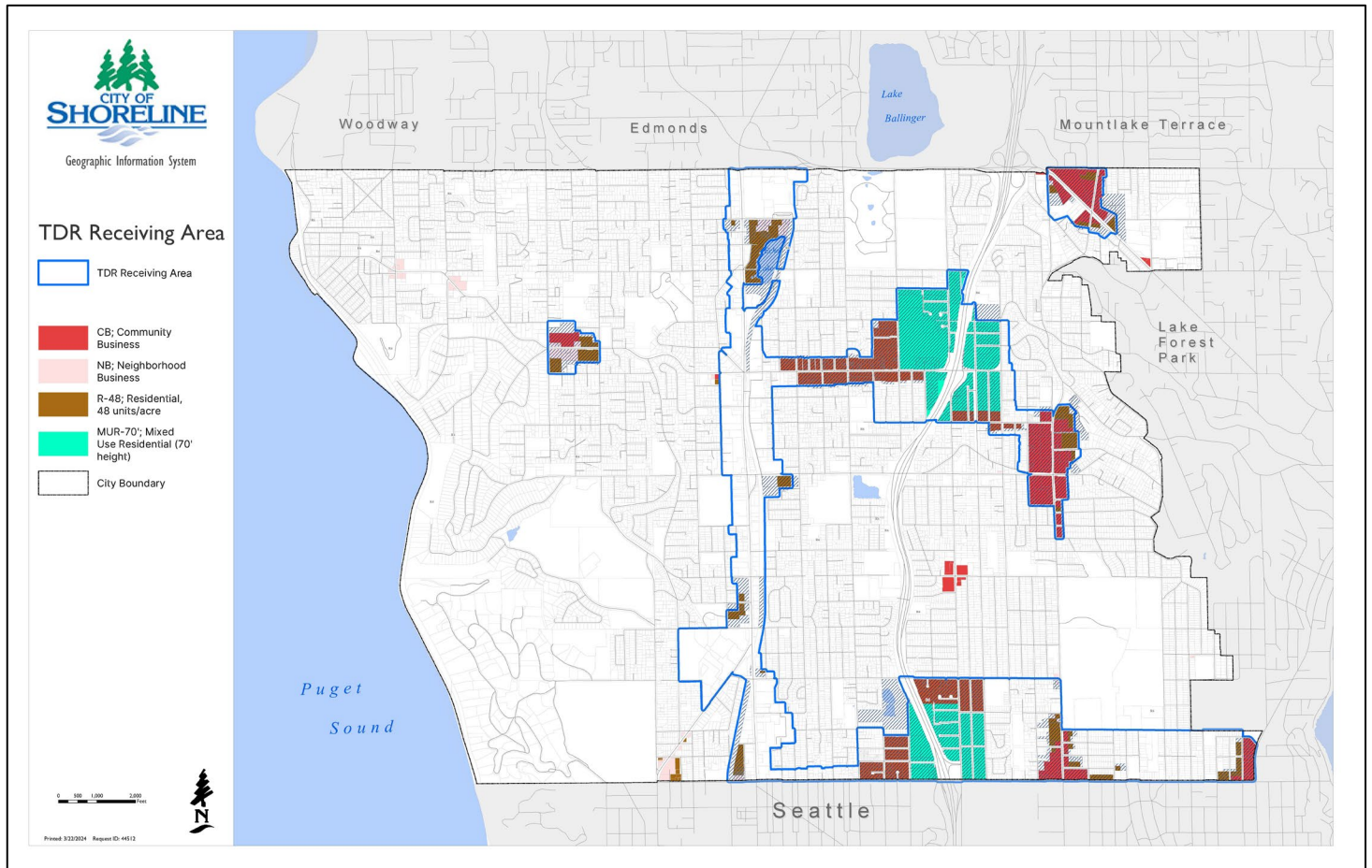
<sup>4</sup> SMC 20.50.800

## **ANALYSIS**

PO 2024-0261 would authorize the Executive to enter into an ILA with the City of Shoreline to implement a program of using TDR credits from unincorporated King County for increased development within the City. The ILA is Attachment A to the PO and contains the following substantive provisions.

**Receiving Area and Exchange Rates.** Exhibit A to Attachment A shows the eligible receiving areas, as shown in the blue-outlined areas of Figure 1 below.

**Figure 1. Eligible Receiving Areas in the City of Shoreline**



The ILA would establish the following exchange rates for TDR credits, as shown in Exhibit B, which reflects Shoreline Municipal Code 20.50.800

**Table 1. TDR Credit Exchange Rates**

Zone	Baseline Height	Max Height	Bonus	Pierce	King	Sno Co.	Type
R-48	35'	70'	Height	1 credit = 1,100 sqft 1 credit = 2,900 sqft	1 credit = 7,000 sqft 1 credit = 3,100 sqft	1 credit = 2,900 sqft 1 credit = 2,900 sqft	Farm  Non-Farm
NB	50'	70'	Height	1 credit = 1,100 sqft 1 credit = 2,900 sqft	1 credit = 7,000 sqft 1 credit = 3,100 sqft	1 credit = 2,900 sqft 1 credit = 2,900 sqft	Farm  Non-Farm
CB	60'	70'	Height	1 credit = 1,100 sqft 1 credit = 2,900 sqft	1 credit = 7,000 sqft 1 credit = 3,100 sqft	1 credit = 2,900 sqft 1 credit = 2,900 sqft	Farm  Non-Farm
MUR-45'	45'	45'	Parking Reduction	1 credit = .48 spaces 1 credit = .87 spaces	1 credit = 1.75 spaces 1 credit = .92 spaces	1 credit = .87 spaces 1 credit = .87 spaces	Farm  Non-Farm
MUR-70'	70'	70'	Parking Reduction	1 credit = .41 spaces 1 credit = .67 spaces	1 credit = 1.25 spaces 1 credit = .7 spaces	1 credit = .67 spaces 1 credit = .67 spaces	Farm  Non-Farm
MUR-70'	70'	140'	Height	1 credit = 3,100 sqft 1 credit = 8,200 sqft	1 credit = 19,700 sqft 1 credit = 8,900 sqft	1 credit = 8,200 sqft 1 credit = 8,200 sqft	Farm  Non-Farm

**City of Shoreline Responsibilities.** The City would agree to accept at least 20 TDR Credits from King County, to be used for increased building height or reductions in structured parking requirements in the Receiving Area shown in Figure 1, pursuant to the TDR conversion ratios shown in Table 1. The receiving area ratios could be modified by mutual agreement between the City and the County. Note that, while the agreement describes the increased height as “increased density,” and increased height can be used to increase residential density, this is not a given. Increased height could also be used to provide the same number of units at larger sizes, rather than more units.

The City would also agree to purchase at least 185 TDR credits from the TDR Bank and use those credits for the purposes outlined in Table 1 before buying credits from any other sellers.<sup>5</sup>

<sup>5</sup> The ILA says “from any other Sending Area,” but Executive staff have confirmed that the intent is that the credits be purchased from the bank before being purchased from private sellers.

The City would develop a notification and reporting process by which it would notify the County that it has approved the use of TDR credits in a development project, and report each year on the number and location of credits used.

**King County Responsibilities.** The County would be required to facilitate and pursue qualification and certification of sending sites in unincorporated King County and require easements on said properties. It would also be required to operate the TDR Bank and administer sales to developers in receiving areas.

King County would also be required to provide amenity funding, and be encouraged to provide conservation funding, as discussed below.

*Amenity Funding.* As discussed in the background section of this staff report, King County code allows the County to provide funding for various amenities in receiving areas through execution of an ILA. The proposed ILA would require that the County, through the TDR Bank, provide the City with 25% of the net revenue for each TDR credit used in the receiving area, after 15% of gross revenue has been retained for administrative costs. The funding must be provided to the City with 60 days of TDR credit sale. All code-allowed amenity uses (listed in the Background section of this staff report) would be eligible to receive this funding. The County could choose to provide additional amenity funding.

*Conservation Futures Funding.* The agreement would state that, if recommended by the Conservation Futures Advisory Committee and included in enacted appropriations legislation, the County will provide up to \$1 million in conservation futures tax funding to the City for acquisition of public open space and parks to “support a healthy, resilient, and sustainable community” in the Receiving Area. In accordance with K.C.C. 26.12.025, money would need be used for one of the following eligible purposes:

1. Parks, open space, gardens, or gateways;
2. Wildlife habitat;
3. Salmon habitat and aquatic resources;
4. Scenic resources;
5. Historic or cultural resources;
6. Urban passive-use natural area/greenbelt;
7. Park, open space or natural corridor addition; or
8. Passive recreation opportunity in area with unmet needs.

The City would become eligible for this funding 60 calendar days after 20 TDR Credits have been purchased from the Bank, but no sooner than January 15, 2026.

**Other Provisions.** The agreement would be in effect for twenty-five years, unless terminated earlier or renewed. It contains legal language around evaluation and monitoring, indemnification, and other general terms.

## **AMENDMENT**

Amendment 1 would replace Attachment A, the ILA, with a new version of the attachment that makes technical and clarifying changes, including updating the

receiving area map to remove extraneous data, adding hyperlinks, adding the most recent version of code provisions, and making changes to phrasing to match Executive intent.



**Signature Report**

**Ordinance**

**Proposed No. 2025-0010.1**

**Sponsors Dembowski**

1           AN ORDINANCE authorizing the King County executive  
2           to sign an agreement between King County, a political  
3           subdivision of the state of Washington, and the Central  
4           Puget Sound Regional Transit Authority, a regional transit  
5           authority organized under the laws of the state of  
6           Washington, regarding the operation and maintenance of  
7           the portion of the Downtown Redmond Link Extension that  
8           is within King County property.

9           **STATEMENT OF FACTS:**

- 10          1. King County and the Central Puget Sound Transit Authority worked  
11          cooperatively on the development of the Downtown Redmond Link  
12          Extension adjacent to the Marymoor park and East Lake Sammamish  
13          River trail.
- 14          2. A portion of the Downtown Redmond Link Extension includes light  
15          rail trackway facilities along the northern edge of Marymoor park and near  
16          the East Lake Sammamish River trail.
- 17          3. The facilities include driveways, trail, a guideway, and drainage  
18          infrastructure.
- 19          4. Through the attached operations and maintenance agreement,  
20          Attachment A to this ordinance, the county and Sound Transit agree to the

21 operations and maintenance responsibilities for the Downtown Redmond  
22 Link Extension facilities that impact King County property.

23 5. The attached agreement also outlines Sound Transit's environmental  
24 mitigation requirements for the facilities and King County's agreement to  
25 reimburse Sound Transit for a portion of the mitigation requirements.

26 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

27 SECTION 1. The King County executive is hereby authorized to enter into an  
28 operation and maintenance agreement between the King County parks and recreation  
29 division of the department of natural resources and parks and the Washington state  
30 Department of Natural Resources, substantially in the form of Attachment A to this

- 31 ordinance, for the operation and maintenance of the portion of the Downtown Redmond  
32 Link Extension that is within King County property.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Girmay Zahilay, Chair

ATTEST:

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Melani Hay, Clerk of the Council

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

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Dow Constantine, County Executive

**Attachments:** A. East Lake Sammamish Trail Corridor & Marymoor Park Operation and Maintenance Agreement between King County and The Central Puget Sound Transit Authority GA 0154-22

**EAST LAKE SAMMAMISH TRAIL CORRIDOR  
& MARYMOOR PARK**

**OPERATION AND MAINTENANCE AGREEMENT**

**between  
KING COUNTY  
and  
THE CENTRAL PUGET SOUND TRANSIT AUTHORITY  
GA 0154-22**

THIS OPERATION AND MAINTENANCE AGREEMENT (“Agreement”), effective upon the date of the latest signature, is entered into by and between KING COUNTY, a political subdivision of the State of Washington (the “County”), and the CENTRAL PUGET SOUND REGIONAL TRANSIT AUTHORITY, a regional transit authority organized under the laws of the State of Washington (“Sound Transit”), collectively the “Parties” and individually a “Party.”

**RECITALS**

- A. The County owns and operates a regional system of parks and trails that includes over 28,000 acres of parks and 175 miles of regional trails administered by the County’s Parks and Recreation Division (“King County Parks”). The County similarly owns and operates a regional wastewater treatment system and related utility infrastructure administered by the County’s Wastewater Treatment Division (“WTD”). The County is also responsible for administering state and local land use laws and development regulations that will apply to Sound Transit projects located within the County’s land-use permitting jurisdiction.
- B. The Downtown Redmond Link Extension Project (the “Project”) consists of an approximately 3.4-mile light rail extension of the Link light rail system from Redmond Technology Center Station (formerly called Overlake Transit Center) to downtown Redmond, with two stations. A portion of the Project is located within the County’s land-use permitting jurisdiction and includes planned light rail trackway facilities along the northern edge of the County’s Marymoor Park and a second portion of the Project includes planned light rail trackway facilities located within the City of Redmond on the County’s East Lake Sammamish Trail corridor (collectively, the “Project”).
- C. The Project includes facilities that were constructed on land that Sound Transit acquired from the County along the northern edge of Marymoor Park and within an easement that Sound Transit acquired from the County within the East Lake Sammamish Trail corridor.
- D. The portion of the Project located within the County’s jurisdiction and managed by the County’s Department of Natural Resources and Parks (“DNRP”) includes approximately



## King County

# Metropolitan King County Council Transportation, Economy, and Environment Committee

## STAFF REPORT

<b>Agenda Item:</b>	7	<b>Name:</b>	Mary Bourguignon
<b>Proposed No.:</b>	2025-0010	<b>Date:</b>	March 18, 2025

## SUBJECT

Proposed Ordinance 2025-0010 would authorize the Executive to sign a maintenance and operation agreement with Sound Transit to cover the portion of the Downtown Redmond Link Extension within King County property.

## SUMMARY

In 2016, voters approved the **Downtown Redmond Link Extension (DRLE)**, a 3.4-mile, two-station light rail line to extend Sound Transit's East Link (2 Line) from Redmond Technology Station on the Microsoft Campus into Downtown Redmond, traveling along SR 520 past King County's Marymoor Park.

Portions of the DRLE alignment are located within unincorporated King County and portions are on land owned by King County. In response:

- In 2018, the Council amended the County's Zoning Code to allow regional transit facilities to be permitted in urban residential zones in unincorporated areas.
- In 2020, the Council voted to authorize Sound Transit to purchase 1.92 acres of real property within Marymoor Park and secure 12.99 acres of permanent and temporary easements in Marymoor Park, along the East Lake Sammamish Trail, and along the Sammamish River, and to agree that Sound Transit would construct, at the County's expense, a trail connection between the East Lake Sammamish Trail and the City of Redmond's Central Connector Trail.

The DRLE is expected to open for service on May 10, 2025. Proposed Ordinance 2025-0010 would authorize the Executive to sign a maintenance and operation agreement (MOA) with Sound Transit to cover the portion of the DRLE within King County property. The MOA, as transmitted, would define access to and responsibilities for operation, inspection, and maintenance of driveways, trails, guideways, drainage infrastructure, and ponds in the East Lake Sammamish Trail corridor, Marymoor Park, and other County facilities. The transmitted MOA appears consistent with the 2020 property purchase and related agreements between King County and Sound Transit.

## **BACKGROUND**

**Planning for the Downtown Redmond Link Extension.** In 2008, as part of the Sound Transit 2 ballot measure,<sup>1</sup> voters approved Sound Transit's East Link light rail extension (now called the 2 Line). At that time, East Link was proposed to provide 14 miles of light rail service to 10 stations between Downtown Seattle and the Microsoft campus in Redmond. It would cross the I-90 floating bridge, travel through Bellevue, and terminate at the Redmond Technology Station (formerly known as Overlake Transit Center) at the Microsoft campus.<sup>2</sup>

In 2016, as part of the Sound Transit 3 ballot measure,<sup>3</sup> voters approved a 3.4-mile, two-station extension of East Link, to extend the line east from Redmond Technology Station into Downtown Redmond. As Attachment 4 shows, the **Downtown Redmond Link Extension (DRLE)**<sup>4</sup> is planned to travel adjacent to SR-520 along the northern edge of Marymoor Park<sup>5</sup> to its first station at Marymoor Village, then turn to continue to its second, terminal station in Downtown Redmond.

In 2018, in response to the fact that portions of the DRLE alignment along the northern edge of Marymoor Park are located within unincorporated King County, the Council approved<sup>6</sup> amendments to the County's Zoning Code<sup>7</sup> to authorize a regional transit authority facility<sup>8</sup> to be permitted outright in urban residential zones (R-1 through R-8) in unincorporated King County<sup>9</sup> and to exempt those facilities from setback and height requirements.

In 2020, in response to the fact that portions of the DRLE alignment are located on land owned by King County, the Council authorized<sup>10</sup> the Executive to enter into a purchase and sale agreement to convey real property and easements to Sound Transit for the DRLE, specifically:

- 1.92 acres of real property acquisition in Marymoor Park
- 4.33 acres of permanent easements in Marymoor Park, along the East Lake Sammamish Trail,<sup>11</sup> and along the Sammamish River

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<sup>1</sup> Sound Transit, Sound Transit 2 documents and reports ([link](#))

<sup>2</sup> The East Link starter line ([link](#)), which opened in April 2024, included service to eight stations between South Bellevue Station and Redmond Technology Station in advance of the opening of the full East Link project. Service to the two stations included in the Downtown Redmond Link Extension is anticipated to begin in May 2025. Service on the remainder of the line, including on the I-90 floating bridge to Mercer Island and Downtown Seattle, is anticipated to begin in late 2025 or early 2026.

<sup>3</sup> Sound Transit, Sound Transit 3 documents and reports ([link](#))

<sup>4</sup> Sound Transit, Downtown Redmond Link Extension ([link](#))

<sup>5</sup> Marymoor Park is a 640-acre park located on the northern shore of Lake Sammamish in Redmond and unincorporated King County. It is owned by King County ([link](#)).

<sup>6</sup> Ordinance 18671

<sup>7</sup> KCC Title 21A

<sup>8</sup> "Regional transit authority facilities" was defined to include a light rail facility serving more than one jurisdiction.

<sup>9</sup> This action allowed the DRLE project to receive permits to run along the northern boundary of Marymoor Park, which is zoned R-1.

<sup>10</sup> Ordinance 19101

<sup>11</sup> The East Lake Sammamish Trail is an 11-mile trail that extends from Redmond to Issaquah along the eastern shore of Lake Sammamish. It is owned by King County ([link](#)).

- 8.66 acres of temporary construction easements along the East Lake Sammamish Trail and Sammamish River

As part of the purchase and sale agreement, Sound Transit agreed to purchase and convey to King County a property near the East Lake Sammamish Trail. In addition, as part of a separate Betterment Agreement between King County and Sound Transit, which was referenced in the purchase and sale agreement, Sound Transit agreed to construct a regional trail connection on this conveyed property between the East Lake Sammamish Trail and the City of Redmond's Central Connector Trail.<sup>12</sup> The County agreed to reimburse Sound Transit for its trail construction work with funding from the 2020-2025 Parks Levy.<sup>13</sup>

**Maintenance and operation of the Downtown Redmond Link Extension.** In April 2024, Sound Transit began service on an East Link (2 Line) "starter line" that included service to eight stations between South Bellevue Station and Redmond Technology Station. Sound Transit plans to start service on the DRLE portion of the line on May 10, 2025, and to open the remainder of the 2 Line (including the portion along the I-90 floating bridge) in late 2025 or early 2026.<sup>14</sup>

Proposed Ordinance 2025-0010 would authorize the Executive to enter into a maintenance and operation agreement (MOA) with Sound Transit for the portion of the DRLE within King County property. As the transmitted MOA notes:

- A portion of the DRLE project is located within the County's land-use permitting jurisdiction and includes planned light rail trackway facilities along the northern edge of the County's Marymoor Park. A second portion of the DRLE project includes planned light rail trackway facilities located within the City of Redmond on the County's East Lake Sammamish Trail corridor.
- The DRLE project includes facilities that were constructed on land that Sound Transit acquired from the County along the northern edge of Marymoor Park and within an easement that Sound Transit acquired from the County within the East Lake Sammamish Trail corridor.<sup>15</sup>
- The portion of the DRLE project located within the County's jurisdiction and managed by the County's Department of Natural Resources and Parks (DNRP) includes approximately 3,200 linear feet of light rail trackway facilities along the northern edge of Marymoor Park. As part of a 2019 agreement,<sup>16</sup> King County and Sound Transit agreed to develop a formal MOA (the transmitted document) to specify roles and responsibilities for ongoing operations and maintenance.

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<sup>12</sup> The Redmond Central Connector Trail is a 3.9-mile trail corridor owned by the City of Redmond that is part of the larger Eastrail corridor ([link](#)).

<sup>13</sup> Ordinance 18890. King County voters approved the 2020-2025 Parks Levy in August 2019 ([link](#)). In Motion 15378, the Council indicated the intent to allocate \$4 million over the life of the Levy for the East Lake Sammamish Trail Redmond Light Rail Extension Project.

<sup>14</sup> As of this writing, the Sound Transit Board has not yet set an official opening date for the full 2 Line.

<sup>15</sup> Ordinance 19101

<sup>16</sup> Memorandum of Understanding between King County and Sound Transit, GA0181-18, May 19, 2019

The MOA, as transmitted, would define access to and responsibilities for operation, inspection, and maintenance of driveways, trails, guideways, drainage infrastructure, ponds, and environmental mitigation treatments in the East Lake Sammamish Trail corridor, Marymoor Park, and other County facilities. Table 1 summarizes the key substantive sections of the MOA:

**Table 1. Summary of Substantive Sections of proposed DRLE MOA**

<b>Section</b>	<b>Title</b>	<b>Summary of Substantive Issues</b>
<b>1.0</b>	<b>General</b>	<ul style="list-style-type: none"> <li>• <b>Purpose:</b> Identifies and defines the parties' responsibilities with respect to the ownership, operation, inspection, and maintenance of the roadways, trails, guideways, drainage infrastructure, ponds</li> <li>• <b>Access:</b> Sets access requirements, including notice to the other party, specific conditions for access near rail facilities or in environmental mitigation areas, and requirements to restore all accessed areas to state of good repair</li> <li>• <b>Intermittent obstructions:</b> Sets requirements, including for advance notice, signage, flagging, and trail width restrictions for non-emergency intermittent obstructions of the East Lake Sammamish Trail</li> </ul>
<b>2.0</b>	<b>East Lake Sammamish Trail Corridor (ELST)</b>	<ul style="list-style-type: none"> <li>• <b>Area covered:</b> Defines the portion of the project that falls within the ELST corridor: NE 70<sup>th</sup> Street and existing ELST to City of Redmond city limits on west side of Bear Creek</li> <li>• <b>Vehicle access:</b> Provides guidelines for Sound Transit vehicle access to the ELST corridor to access its guideway, Bear Creek mitigation site, drainage and stormwater infrastructure, and other facilities, including use of access gates</li> <li>• <b>Temporary trail traffic control:</b> Sets requirements and notice for any disruptions to trail users</li> <li>• <b>Road maintenance:</b> Specifies maintenance responsibilities for the Sound Transit access road in the vicinity of the SR 520/202 interchange that serves Sound Transit facilities, as well as other access roads and rights-of-way in the trail corridor</li> <li>• <b>Landscaping:</b> Specifies responsibilities and standards for landscaping in the trail corridor</li> <li>• <b>Graffiti:</b> Specifies responsibilities and standards for graffiti response in the trail corridor</li> <li>• <b>Drainage:</b> Specifies responsibilities for ownership and maintenance for drainage facilities and a King County infiltration trench for trail stormwater runoff</li> </ul>
<b>3.0</b>	<b>Marymoor Park and Other County Facilities</b>	<ul style="list-style-type: none"> <li>• <b>Area covered:</b> Defines the two areas within Marymoor Park that are part of the DRLE project: the sliver of land adjacent to the guideway that forms the northern park boundary, and the off-site Upper Sammamish River Wetland Mitigation Area</li> <li>• <b>Graffiti:</b> Specifies responsibilities and standards for graffiti response on Sound Transit-owned facilities within Marymoor Park</li> <li>• <b>Landscaping:</b> Specifies responsibilities and standards for landscaping along the south edge of the guideway at the north end of Marymoor Park</li> <li>• <b>Drainage:</b> Specifies responsibilities for drainage pipes that discharge to King County Wetland #3, associated energy dissipation pads within Marymoor Park, carrier pipes below the guideway, and stormwater outfalls</li> <li>• <b>Waterline:</b> Requires Sound Transit to install a water line connection to Marymoor Park at Marymoor Village Station for</li> </ul>

Section	Title	Summary of Substantive Issues
		future use by King County, and describes ongoing ownership, operation, and maintenance of waterline components by Sound Transit, King County, and the City of Redmond
4.0	Environmental Mitigation	<p>Specifies responsibilities for access, monitoring, and long-term maintenance of three environmental mitigation areas:</p> <ul style="list-style-type: none"> <li>• <b>ELST Bear Creek Crossing:</b> Requires Sound Transit to conduct mitigation work along Bear Creek, including an area underneath the ELST bike/pedestrian bridge, for approximately 10 years or until permit requirements are met, at which point King County will take over maintenance for properties it owns</li> <li>• <b>Upper Sammamish River Boathouse Site:</b> Requires Sound Transit to inspect, monitor, and maintain the wetland mitigation site it has established in Marymoor Park for approximately 10 years or until permit requirements are met, at which point King County will take over maintenance</li> <li>• <b>Sammamish River Crossing Restoration Site:</b> Requires Sound Transit to implement restoration of temporarily disturbed buffers and wetland along the north side of Marymoor Park, including the sliver of landscaping on the County-owned Bear Creek restoration area, and to inspect, monitor, and maintain the mitigation for approximately 10 years or until permit requirements are met, at which point King County will take over maintenance</li> </ul>
5.0	Compensation and Payment	<p>Specifies compensation and payment for responsibilities outlined in the MOA:</p> <ul style="list-style-type: none"> <li>• <b>Bear Creek Crossing mitigation costs:</b> Requires King County to reimburse Sound Transit for its share of the mitigation monitoring and maintenance costs, including administrative costs, until permit conditions have been satisfied</li> <li>• <b>Tree trimming costs:</b> Requires Sound Transit to reimburse King County as requested for tree limb trimming at the Sammamish River levee access way in Marymoor Park to maintain height clearance for equipment access using a cost table included in the MOA and with procedures outlined for planning, documenting, and invoicing for tree trimming activities</li> </ul>

The transmitted MOA states that it will remain in effect until terminated by the parties and that the parties are to meet every five years to review their roles and responsibilities and propose any amendments. The transmitted MOA also includes sections on indemnification, insurance requirements, and dispute resolution.

## **ANALYSIS**

Proposed Ordinance 2025-0010 would authorize the Executive to sign a maintenance and operation agreement (MOA) with Sound Transit to cover the portion of the Downtown Redmond Link Extension within King County property. As transmitted, the MOA appears to be consistent with past agreements between King County and Sound Transit related to the construction and operation of portions of the DRLE on King County property and on land acquired from King County. Legal counsel has not identified issues with the MOA as transmitted.

**Fiscal impact.** The transmitted MOA stipulates that King County and Sound Transit will each bear its own costs for performing its obligations as part of managing its properties and facilities. However, the MOA and the 2019 Betterment Agreement signed by both

parties do identify several costs that will be apportioned to each party. These costs are estimated in an updated fiscal note dated January 22, 2025 (see Attachment 3 of this staff report for a copy of the updated fiscal note) and include:

- **Mitigation monitoring and maintenance costs.** Under Section 5.1 of the transmitted MOA, King County is to reimburse Sound Transit for a share of the mitigation monitoring and maintenance costs for the Bear Creek Crossing mitigation until permit conditions have been met. These are estimated at approximately \$370,000 per year for 2025 and 2026 and will be funded from the Parks Levy (approximately half each from the operating levy and capital levy).<sup>17</sup>
- **Tree trimming.** Under Section 5.2 of the transmitted MOA, Sound Transit is to reimburse King County as requested for tree limb trimming at the Sammamish River levee access way in Marymoor Park to maintain height clearance for equipment access. The MOA includes a cost table, procedures for undertaking and documenting the work, and an invoicing process. The fiscal note estimates \$4,000 in expenses each year, to be fully reimbursed by Sound Transit.

**Next steps.** The Executive states that the MOA requires Council approval but does not require approval by the Sound Transit Board. As a result, the MOA would be executed following Council action.

## **ATTACHMENTS**

1. Proposed Ordinance 2025-0010 (and its attachments)
2. Transmittal Letter
3. Updated Fiscal Note (dated January 22, 2025)
4. Downtown Redmond Link Extension Map

## **INVITED**

- Doug Hodson, Deputy Division Director, Parks Division, Department of Natural Resources and Parks
- David St. John, Government Relations Administrator, Department of Natural Resources and Parks

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<sup>17</sup> In terms of the potential 2026-2031 Parks levy that is currently under consideration by Council (Proposed Ordinance 2025-0070 and Proposed Motion 2025-0077), on the operating side, the allocation plan includes a total of \$550.6 million for operations and maintenance. These expenditures are broken down further into categories, but not specified to individual, ongoing operations and maintenance projects at specific parks. On the capital side, the CIP Plan includes \$8 million for “other agency projects” and references “Sound Transit” Downtown Redmond Light Rail Extension project which affects and connects directly to Marymoor Park.”



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance

**Proposed No. 2025-0038.1**

**Sponsors Perry**

1 AN ORDINANCE relating to the annexation of  
2 approximately 1.1 acres of land into the Northeast  
3 Sammamish sewer and water district, known as the  
4 Parklane Annexation, for the purpose of sewer  
5 service.

6 STATEMENT OF FACTS:

- 7 1. A notice of intention proposing the annexation of approximately 1.1  
8 acres of land into the Northeast Sammamish sewer and water district,  
9 known as the Parklane Annexation, for the purpose of providing sewer  
10 service was filed with the county council on January 7, 2025.
- 11 2. The annexation was initially requested by the property owner as a  
12 transfer of part of a district under RCW 57.32.160. There is no transfer of  
13 territory as part of the proposed annexation. The Northeast Sammamish  
14 sewer and water district is proposing the annexation based upon a property  
15 owner petition under chapter 57.24 RCW.
- 16 3. The Parklane Annexation area receives water service from Sammamish  
17 Plateau water and sewer district and will continue to remain in that district  
18 for the purpose of water service.
- 19 4. Sammamish Plateau water and sewer district has approved the  
20 proposed annexation in Resolution No. 5231, passed on October 16, 2024.

21           5. Northeast Sammamish sewer and water district has approved the  
22           proposed annexation in Resolution No. 4350, passed on December 4,  
23           2024.

24           6. Northeast Sammamish sewer and water district issued a determination  
25           of nonsignificance on the proposed annexation dated November 13, 2024.

26           7. The utilities technical review committee reviewed the Northeast  
27           Sammamish sewer and water district general sewer plan and found that  
28           plan met the criteria for approval. The county approved the most recent  
29           sewer plan for the Northeast Sammamish sewer and water district in 2023,  
30           as part of Ordinance 19593.

31           8. The county council held the legally required public hearing and has  
32           considered the criteria in RCW 57.02.040.

33           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

34           SECTION 1. The annexation of approximately 1.1 acres of land into the  
35           Northeast Sammamish sewer and water district for the purpose of providing sewer  
36           service described in Attachment A to this ordinance is approved. Approval of this  
37           proposed annexation is consistent with RCW 57.02.040.

38           SECTION 2. Northeast Sammamish sewer and water district is the appropriate  
39           entity to provide sewer service to the area proposed to be annexed.

40           SECTION 3. Completion of this annexation does not constitute county approval

- 41 or disapproval of any other permits, certifications, or actions necessary to provide service  
42 to this annexation area.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Girmay Zahilay, Chair

ATTEST:

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Melani Hay, Clerk of the Council

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

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Dow Constantine, County Executive

**Attachments:** A. Legal Description





## King County

# Metropolitan King County Council Local Services and Land Use Committee

### STAFF REPORT

<b>Agenda Item:</b>	5	<b>Name:</b>	Andy Micklow
<b>Proposed No.:</b>	2025-0038	<b>Date:</b>	March 19, 2025

### SUBJECT

Proposed Ordinance 2025-0038 would approve the Parklane Annexation into the Northeast Sammamish Sewer and Water District.

### SUMMARY

Proposed Ordinance 2025-0038 would approve the annexation of approximately 1.1 acres of land into the Northeast Sammamish sewer and water district, known as the Parklane Annexation, for the purpose of sewer service. Council action on an annexation into a sewer district is required, subject to criteria found in state law.

### BACKGROUND

The Northeast Sammamish Sewer and Water District (District) is situated in a predominantly residential area located east of Lake Sammamish, encompassing the northern portion of the City of Sammamish. As of 2022, the District serves 4,673 single-family residences, 58 multi-family residences, and 24 non-residential customers.

The proposed annexation was initially requested by the property owner as a transfer of part of a district under RCW 57.32.160. As there is no transfer of territory as part of the proposed annexation, the Northeast Sammamish sewer and water district is proposing the annexation based upon a property owner petition under chapter 57.24 RCW. Annexation into the District will allow for safe and reliable sewer service to the annexed properties.

Northeast Sammamish Sewer and Water District approved the proposed annexation in Resolution No. 4350, passed on December 4, 2024. The Notice of Intention was filed with the Council on January 7, 2025.

### ANALYSIS

Under RCW 57.02.040(3), when reviewing the annexation, the Council is required to consider three criteria:

- (a) Whether the proposed action in the area under consideration is in compliance with the development program that is outlined in the county comprehensive plan, or city or town comprehensive plan where appropriate, and its supporting documents;
- (b) Whether the proposed action in the area under consideration is in compliance with the basinwide water and/or sewage plan as approved by the state department of ecology and the state department of social and health services; and
- (c) Whether the proposed action is in compliance with the policies expressed in the county plan for water and/or sewage facilities.

When the UTRC reviewed the Northeast Sammamish Sewer and Water District General Sewer Plan, which was ultimately approved by Council in 2023, their review included consideration of these criteria. While the review of the plan did not look at a specific annexation, at a planning level, the UTRC found that the District's plan met these criteria. KCC 13.24.010(A)(2) requires comprehensive plans for water and sewer districts to be adopted by the District and approved by the King County Council as a prerequisite for Council approval of annexation proposals. That requirement is satisfied with the current District plan.

## **ATTACHMENTS**

1. Proposed Ordinance 2025-0038 (and its attachment)



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance

**Proposed No.** 2025-0071.1

**Sponsors** Zahilay

1           AN ORDINANCE relating to retail establishments;  
2           changing the effective date of the requirement that retailers  
3           in unincorporated King County, unless otherwise  
4           exempted, must accept payment in cash; and amending  
5           Ordinance 19639, Section 6.

6           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7           **SECTION 1. Findings:**

8           A. King County strives to be an equitable and inclusive place and strives to  
9           empower all residents to participate in the economic life of the county. A key aspect of  
10          participation in economic life is the ability to purchase food, consumer goods and  
11          consumer services.

12          B. On July 10, 2023, Ordinance 19639 was enacted, which requires retailers in  
13          unincorporated King County, unless otherwise exempted, to accept payment in cash. The  
14          effective date of Ordinance 19639 is July 1, 2025.

15          C. Additional time and effort are necessary to ensure that retailers in  
16          unincorporated King County are educated about the requirements of Ordinance 19639  
17          and prepared to accept payment in cash.

- 18        SECTION 2. Ordinance 19639, Section 6, is hereby amended to read as follows:
- 19        ((~~This is a~~))Ordinance 19639 takes effect July 1, ((~~2025~~)) 2026.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Girmay Zahilay, Chair

ATTEST:

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Melani Hay, Clerk of the Council

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

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Dow Constantine, County Executive

**Attachments:** None



## King County

# Metropolitan King County Council Local Services and Land Use Committee

### STAFF REPORT

<b>Agenda Items:</b>	6	<b>Name:</b>	Mary Bourguignon
<b>Proposed No.:</b>	2025-0071	<b>Date:</b>	March 19, 2025

### SUBJECT

Proposed Ordinance 2025-0071 would extend the effective date of Ordinance 19639 for one year, to July 1, 2026.

### SUMMARY

Ordinance 19639, which was enacted in July 2023, requires retailers in unincorporated King County, unless otherwise exempted, to accept payment in cash beginning on July 1, 2025, when the ordinance takes effect.

The ordinance requires that unincorporated area retailers accept cash for in-person purchases up to \$200, with the caveat that a retailer can refuse cash suspected to be counterfeit, can refuse bills larger than \$20, and can refuse cash if they have a cash-to-card kiosk on the premises that converts cash into a prepaid card. Transactions made by phone, mail, Internet, mobile app, for Metro Transit fares, or when an employee is not physically present (such as at a parking lot payment kiosk) are exempt.

Retailers seeking to be exempted from the requirement can apply to the Hearing Examiner with documentation of a history of theft or attempted theft, the presence of only a single employee, the location of the retail establishment within a residence, distance of more than 15 miles by road to a bank branch, or other circumstances.

Ordinance 19639 did not specify enforcement mechanisms. Instead, the ordinance asked the Executive to transmit an implementation and enforcement plan in December 2024. The transmitted plan<sup>1</sup> outlined three potential levels of informational outreach and enforcement, which are estimated to range in cost from \$360,000 to \$770,000 annually and would require General Fund appropriations.

Proposed Ordinance 2025-0071 cites the need for additional time and effort to ensure that affected retailers are educated about the requirements of Ordinance 19639 and prepared to accept cash, and extends the effective date for one year, to July 1, 2026.

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<sup>1</sup> 2024-RTP0140, King County Department of Local Services, Unincorporated King County Retailer Cash Requirement Implementation and Enforcement Plan, November 27, 2024 ([link](#))

## **BACKGROUND**

**Trends in cash and credit use.** Over the last decade, American consumers have increasingly begun to pay for their purchases using credit cards, debit cards, and Internet-based mobile payment apps, rather than cash. This trend was furthered during the pandemic, when many retailers stopped accepting cash and switched to contactless forms of payment.

According to a study published by the Federal Reserve in 2024,<sup>2</sup> in 2023, 22% of non-bill payments were made online or remotely, an increase from 19% in 2022. The study noted that the share of card payments is increasing and that the level of cash payments is not likely to return to pre-pandemic levels.

However, the study also noted that demand for cash payments may continue in coming years because cash offers anonymity, ubiquity, and zero transaction costs. Specifically, the study pointed to a difference in cash use by age and income:

- Consumers living in households with income of less than \$50,000 a year used cash for 28% of payments, compared to 13% for consumers in households with annual income of more than \$50,000.
- Consumers 55 and older used cash for 22% of all payments, compared to 12% for consumers younger than 55.

**Local requirements for use of cash.** In recent years, in response to the trend toward cashless payments, and to ensure access to goods and services by low-income people, seniors, and others who might prefer to use cash, a number of local and state governments have passed laws requiring retail establishments to accept cash. These include the City of New York, City and County of San Francisco, City of Philadelphia, Washington DC, and Commonwealth of Massachusetts.<sup>3</sup>

**King County cash requirement.** Ordinance 19639, which was enacted in July 2023, requires retailers in unincorporated King County, unless otherwise exempted, to accept payment in cash beginning on July 1, 2025, when the ordinance takes effect.

The ordinance requires that unincorporated area retailers accept cash for in-person purchases up to \$200, with the caveat that a retailer can refuse cash suspected to be counterfeit, can refuse bills larger than \$20, and can refuse cash if they have a cash-to-card kiosk on the premises that converts cash into a prepaid card. Transactions made by phone, mail, Internet, mobile app, for Metro Transit fares, or when an employee is not physically present (such as at a parking lot payment kiosk) are exempt.

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<sup>2</sup> Bayeh, Berhan, Emily Cubides, Shaun O'Brien, The Federal Reserve Financial Services, 2024 Findings from the Diary of Consumer Payment Choice ([link](#))

<sup>3</sup> Information about the cash requirements and enforcement mechanisms in these jurisdictions can be found in 2024-RTP0140, King County Department of Local Services, Unincorporated King County Retailer Cash Requirement Implementation and Enforcement Plan, November 27, 2024 ([link](#))

The ordinance offers an exemption process for retailers that believe the cash requirement would be a hardship. To qualify for this exemption, the retailer must write to the King County Hearing Examiner and document the specific reasons that accepting cash payments will pose unique difficulties, including, but not limited to:

- A history of theft or attempted theft at the retail establishment or a bona fide concern for theft or robbery of cash,
- The presence of only a single retail employee at the retail establishment,
- Location of the retail establishment within a residence,
- Distance of 15 or more miles by road between the retail establishment and the nearest branch of a banking institution, and
- Other circumstances that affect the ability of the retailer to accept cash payments.

**Implementation and enforcement plan.** Ordinance 19639 did not outline a plan for enforcement of the cash requirement. Instead, it asked the Executive to transmit an implementation and enforcement plan by December 1, 2024.

The implementation and enforcement plan,<sup>4</sup> which was transmitted in late 2024 as required, is based on information obtained by the Department of Local Services (DLS) from the City of New York, City and County of San Francisco, City of Philadelphia, Washington DC, and Commonwealth of Massachusetts.

After noting that King County does not currently employ consumer protection or business regulation staff and does not currently operate business regulation functions, the report outlines several potential strategies for King County based on the experiences of the jurisdictions that were surveyed:

- **Building Awareness** information campaign for businesses, community-based organizations, and Chambers in seven languages. This approach would have an estimated start-up cost of \$360,000, including funding for a nine-month term-limited temporary (TLT) position and a grant program to assist with outreach. Ongoing expenses for this approach are estimated at \$10,000/year, including a frequently-asked-questions document and web site.
- **Targeted education** (letter and materials) to businesses reported as being out of compliance with the cash requirement. This would require a full-time employee (FTE) at the Administrator I level to triage and respond to complaints. Start-up costs are estimated at \$360,000, with an ongoing annual cost of \$180,000.
- **Enforcement** for businesses reported as being out of compliance that do not take corrective action after receiving targeted education materials. This approach would require a new Consumer Protection Unit within DLS. Start-up costs are estimated at \$490,000, with an ongoing annual cost of \$770,00, which would include a tracking system, two FTE code enforcement officers, a per-visit cost, and system maintenance.

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<sup>4</sup> 2024-RTP0140, King County Department of Local Services, Unincorporated King County Retailer Cash Requirement Implementation and Enforcement Plan, November 27, 2024 ([link](#))

The transmitted implementation and enforcement plan recommends proceeding with the “building awareness” level of outreach. It states that DLS would require additional General Fund resources to move forward with this recommended approach or with either of the other two options.

### **ANALYSIS**

Proposed Ordinance 2025-0071 cites the need for additional time and effort to ensure that affected retailers are educated about the requirements of Ordinance 19639 and prepared to accept cash, and extends the effective date for one year, to July 1, 2026.

### **ATTACHMENTS**

1. Proposed Ordinance 2025-0071
2. Ordinance 19639
3. 2024-RTP0140 (King County Department of Local Services, Unincorporated King County Retailer Cash Requirement Implementation and Enforcement Plan)



**Signature Report**

**Ordinance**

**Proposed No. 2025-0084.1**

**Sponsors Mosqueda**

AN ORDINANCE relating to the Lower Duwamish Waterway cleanup and authorizing the King County executive to sign and fulfill the obligations in the Consent Decree with the United States Environmental Protection Agency and the Washington state Department of Ecology and the associated multiparty Settlements to govern the cleanup of sediment contamination at the Lower Duwamish Waterway Superfund Site and address King County and other parties' roles, contributions, and obligations for cleanup.

**STATEMENT OF FACTS:**

1. The United States Environmental Protection Agency and Washington state Department of Ecology identified King County as having potential liability under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 et. seq., and the Washington state Model Toxics Control Act, chapter 70A.305 RCW, for sediment contamination at the Lower Duwamish Waterway Superfund Site related to discharges of contaminants from county facilities, including, but not limited to, the King County International Airport and the regional combined sewer system.

- 21           2. The county as part of an early performing party group voluntarily  
22           entered into an Administrative Order on Consent in 2000 to investigate  
23           sediment contamination and assess alternatives for cleanup of the site.
- 24           3. The United States Environmental Protection Agency selected a remedy  
25           or cleanup plan for the site in a Record of Decision in 2014.
- 26           4. Following the United States Environmental Protection Agency's  
27           issuance of the cleanup plan in 2014, the county and other early  
28           performing parties launched a confidential alternative dispute resolution  
29           process, known as the Lower Duwamish Waterway Allocation, designed  
30           to allocate costs and secure funding for cleanup through multiparty  
31           settlements among dozens of parties.
- 32           5. The county and other performing parties entered into multiple  
33           successive amendments to the 2000 Administrative Order on Consent that  
34           advanced site work toward cleanup while the Lower Duwamish Waterway  
35           Allocation concluded.
- 36           6. The United States Environmental Protection Agency issued Special  
37           Notice Letters to the county and other parties in January 2023, inviting the  
38           county and other recipients to participate in formal consent decree  
39           negotiations to conduct or finance the cleanup at the site in exchange for a  
40           settlement of liability.
- 41           7. Pending the conclusion of consent decree negotiations, the United  
42           States Environmental Protection Agency issued a Unilateral  
43           Administrative Order in July 2024, to the city of Seattle, King County, and

44 The Boeing Company as a bridge to ensure cleanup construction began on  
45 the United States Environmental Protection Agency's expected timeline.

46 Cleanup construction at the site began in November 2024.

47 8. The proposed Consent Decree, once effective, would supersede the  
48 2024 Unilateral Administrative Order to govern the implementation of  
49 cleanup for the site under United States Environmental Protection Agency  
50 and Washington State Department of Ecology oversight. The city of  
51 Seattle, King County, and The Boeing Company would continue to  
52 perform and fund cleanup by completing the cleanup design and  
53 construction, conducting long-term monitoring and maintenance of  
54 cleanup, and implementing institutional controls including providing  
55 outreach for ongoing seafood consumption advisories.

56 9. The associated proposed multiparty Settlements address dozens of  
57 parties' roles, obligations, and contributions to cleanup. Settling parties  
58 would pay their fair shares of costs consistent with their accepted shares of  
59 responsibility.

60 10. The parties negotiated the proposed Consent Decree and related  
61 multiparty Settlements in the Attachments to this ordinance in good faith.

62 11. King County, without admitting liability, agrees with the United  
63 States Environmental Protection Agency and the Washington state  
64 Department of Ecology that the proposed Consent Decree is fair,  
65 reasonable, and in the public interest.

66           12. King County, without admitting liability, agrees with other settling  
67           parties that the associated proposed multiparty Settlements are fair,  
68           reasonable, and in the public interest.

69           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

70           SECTION 1. The King County council hereby approves the Consent Decree as  
71           presented in Attachment A to this ordinance and the Settlements in Attachments B, C, D,

72 and E to this ordinance, and authorizes the King County executive to sign and fulfill the  
73 county's obligations contained in the Consent Decree and Settlements.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Girmay Zahilay, Chair

ATTEST:

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Melani Hay, Clerk of the Council

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

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Dow Constantine, County Executive

**Attachments:** A. Consent Decree, B. Cost Settlement and Implementation Agreement for Lower Duwamish Waterway Superfund Site, C. Settlement Agreement and Mutual Release Between Settling Cash-out Parties, The Boeing Company, the City of Seattle, and King County, D. Settlement Agreement and Mutual Release between Continental Holdings, Inc., The Boeing Company, the City of Seattle, and King County, E. Settlement Agreement Regarding Shared Allocation and Database Costs

*In an effort to save paper, rather than print out the 717 pages that make up 2025-0084 A, we have created a direct link, please click in the black title directly below:*

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

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UNITED STATES OF AMERICA,

STATE OF WASHINGTON

Plaintiffs,

Civil Action No. \_\_\_\_\_

v.

THE BOEING COMPANY, THE CITY OF  
SEATTLE, KING COUNTY, et al.

Defendants.

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**CONSENT DECREE**

CONSENT DECREE - 1

METROPOLITAN KING COUNTY COUNCIL

U.S. DEPARTMENT OF JUSTICE  
Environment and Natural Resources Division  
7600 Sand Point Way NE  
Seattle, WA 98115

April 1, 2025

57

*In an effort to save paper, rather than print out the 37 pages that make up 2025-0084 B, we have created a direct link, please click in the black title directly below:*

## **RESPONSE COST SETTLEMENT AND IMPLEMENTATION AGREEMENT FOR LOWER DUWAMISH WATERWAY SUPERFUND SITE**

This **Agreement** is made as of the **Effective Date**<sup>1</sup> between and among The **Boeing Company**, the **City of Seattle**, and **King County** (collectively, “**Performing Parties**”) whose authorized representatives have executed counterparts of this **Agreement**.

### **RECITALS**

**WHEREAS**, the **EPA**, pursuant to its authority under **CERCLA**, listed the **LDW Site** on the National Priorities List on September 13, 2001;

**WHEREAS**, the **City of Seattle**, **King County**, **Port of Seattle**, and The **Boeing Company** entered into the **LDWG MOA** to form a performing **PRP** group referred to as **LDWG** in June 2000. **LDWG** members shortly thereafter each entered into an **AOC** with **EPA** and **Ecology**, which required **LDWG** members to perform a **RI/FS** for the **LDW Site**. The **AOC** has since been amended several times to require **LDWG** members to perform other studies and a portion of the design work for the **LDW Site**. Some of that work is ongoing;

**WHEREAS**, following **LDWG’s** completion of the **RI/FS** and **EPA’s** issuance of a Proposed Plan, **EPA** issued a **ROD** in November 2014, which sets forth the remedy for remediation of the **LDW Site**;

**WHEREAS**, the **LDWG** members plus around 40 other parties entered into the **Allocation MOA**, which became effective on April 25, 2014 and was later amended multiple times, for the purpose of developing recommended shares of costs incurred to perform the **Work** under the **AOC**, other **Work** required by **EPA** or **Ecology**, and costs to be incurred in the future relating to remediation of the **LDW Site**;

**WHEREAS**, pursuant to the **Allocation MOA**, the **Allocation Parties** hired the **Allocator** for the purpose of making a recommendation of each **Allocation Party’s** allocated share of costs for the **LDW Site**;

**WHEREAS**, the **Allocation Parties** participated in the **Allocation Process** contemplated by the **Allocation MOA** and the **Allocator** issued a **Final Allocation Report** which, among other things, set forth the **Allocator’s** recommendation of each **Allocation Party’s** allocated share of costs;

**WHEREAS**, the **Port** withdrew from the **Allocation Process** and from **LDWG** in July 2022; the remaining **LDWG** members continue to perform and the **Port** continues to fund its share of ongoing **Work** under the **AOC** pursuant to the terms of the **LDWG MOA**, though the **AOC** will terminate per the terms of the Sixth Amendment to the **AOC** on the date the **Consent Decree** is entered by a federal court;

---

<sup>1</sup> All bolded terms are defined in the Definitions section.

***Settlement Agreement and Mutual Release***

**SETTLEMENT AGREEMENT AND MUTUAL RELEASE BETWEEN SETTLING CASH-OUT PARTIES, THE BOEING COMPANY, THE CITY OF SEATTLE, AND KING COUNTY**

This Settlement Agreement and Mutual Release (the “**Agreement**”) is entered into by and between the “**Settling Cash-Out Parties**” (as defined below), on the one hand, and the “**Settling LDWG Parties**” (as defined below), on the other hand. The Settling Cash-Out Parties and Settling LDWG Parties collectively shall be referred to as the “**Settling Parties**,” and each individually as a “**Settling Party**.” This Agreement shall be effective on the Effective Date as defined in Paragraph 1.2 of this Agreement.

**RECITALS**

**WHEREAS,**

**A.** In accordance with section 105 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601-9675 (“**CERCLA**”), the United States Environmental Protection Agency (“**EPA**”) listed the Site on the National Priorities List (“**NPL**”), set forth at 40 C.F.R. Part 300, Appendix B, by publication in the Federal Register on September 13, 2001, 66 Fed. Reg. 47,583.

**B.** On December 20, 2000, the City of Seattle, King County, the Port of Seattle (“**Port**”), and The Boeing Company (“**Respondents**”) entered into an Administrative Order on Consent for Remedial Investigation/Feasibility Study, U.S. EPA, Region 10 Docket No. CERCLA 10-2001-0055, Ecology Docket No 00TCPNR-1895 (12/20/2000) (the “**RI/FS AOC**”) with the EPA and the Washington Department of Ecology (“**Ecology**”). The RI/FS AOC has been amended five times and will be terminated under the terms of a sixth amendment.

***Settlement Agreement and Mutual Release***

**SETTLEMENT AGREEMENT AND MUTUAL RELEASE BETWEEN CONTINENTAL HOLDINGS, INC.,  
THE BOEING COMPANY, THE CITY OF SEATTLE, AND KING COUNTY**

This Settlement Agreement and Mutual Release (the “**Agreement**”) is entered into by and between the “**Settling Funding Party**” (as defined below), on the one hand, and the “**Settling LDWG Parties**” (as defined below), on the other hand. The Settling Funding Party and Settling LDWG Parties collectively shall be referred to as the “**Settling Parties**,” and each individually as a “**Settling Party**,” for the purpose of this Agreement only. This Agreement shall be effective on the Effective Date as defined in this Agreement.

**RECITALS**

**WHEREAS,**

**A.** In accordance with section 105 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601-9675 (“**CERCLA**”), the United States Environmental Protection Agency (“**EPA**”) listed the Site on the National Priorities List (“**NPL**”), set forth at 40 C.F.R. Part 300, Appendix B, by publication in the Federal Register on September 13, 2001, 66 Fed. Reg. 47,583.

**B.** On December 20, 2000, the City of Seattle, King County, the Port of Seattle (“**Port**”), and The Boeing Company (“**Respondents**”) entered into an Administrative Order on Consent for Remedial Investigation/Feasibility Study, U.S. EPA, Region 10 Docket No. CERCLA 10-2001-0055, Ecology Docket No 00TCPNR-1895 (12/20/2000) (the “**RI/FS AOC**”) with the EPA and the Washington Department of Ecology (“**Ecology**”). The RI/FS AOC has been amended five times and will be terminated under the terms of a sixth amendment.

**C.** In response to a release or a substantial threat of a release of hazardous substances at or from the Site, Respondents completed a Remedial Investigation for the Site in 2010, and a Feasibility Study for the Site in 2012, in accordance with 40 C.F.R. § 300.430.

**D.** EPA selected a remedial action to be implemented at the Site, which is embodied in a final Record of Decision (“**ROD**”), executed on November 21, 2014, on which the State has given its concurrence. The ROD established the remedy to be implemented at the Site. Notice of the final plan was published in accordance with section 117(b) of CERCLA. In 2021, EPA issued an Explanation of Significant Differences, which revised the cleanup levels and remedial action

***Shared Allocation and Database Costs  
Settlement Agreement***

**SETTLEMENT AGREEMENT REGARDING SHARED ALLOCATION AND  
DATABASE COSTS**

This Settlement Agreement Regarding Shared Allocation and Database Costs (“**Allocation Costs Settlement Agreement**”) is entered into by and between the “**Non-LDWG Parties**” (as defined below), on the one hand, and the “**LDWG Parties**” (as defined below), on the other hand. The Non-LDWG Parties and LDWG Parties collectively shall be referred to as the “**Settling Parties**,” and each individually as a “**Settling Party**.” This Allocation Costs Settlement Agreement shall be effective on the date when all Settling Parties have signed this Allocation Costs Settlement Agreement (“**Effective Date**”).

**WHEREAS,**

A. The Settling Parties engaged in an alternative dispute resolution process called the Duwamish Allocation;

B. The Duwamish Allocation was governed by an agreement called the Alternative Dispute Resolution Memorandum of Agreement (April 2014), and any subsequent amendments thereto (“**Allocation MOA**”);

C. Paragraph 11.2 of the Allocation MOA provided that the LDWG Parties and the Port of Seattle would initially pay half of the “Shared Costs,” as defined in the Allocation MOA (the definition of which is provided below in Paragraph 1.4), and the other half initially would be shared equally by the Non-LDWG Parties;

D. Paragraph 11.3 of the Allocation MOA provided that once the Duwamish Allocation was completed, the parties would reallocate “Shared Costs” to reflect the Final Allocation, as defined in the Allocation MOA. The Settling Parties agree that their Final Allocation shares for this purpose are the shares on the “Participating Parties Plus US” attachment to the Final



## King County

# Metropolitan King County Council Transportation, Economy, and Environment Committee

### STAFF REPORT

<b>Agenda Item:</b>	8	<b>Name:</b>	Andy Micklow
<b>Proposed No.:</b>	2025-0084	<b>Date:</b>	March 18, 2025

### SUBJECT

An ordinance relating to the Lower Duwamish Waterway cleanup and authorizing the King County executive to sign and fulfill the obligations in the consent decree and the associated multi-party settlements to govern the cleanup of sediment contamination at the Lower Duwamish Waterway Superfund Site.

### SUMMARY

Proposed Ordinance 2025-0084 would authorize the King County Executive to enter into a consent decree with the United States Environmental Protection Agency (EPA) and the Washington State Department of Ecology (Ecology) to govern cleanup of the Lower Duwamish Waterway Superfund Site. The proposed ordinance would also authorize the Executive to enter into related multi-party settlements that secure funding for cleanup costs across responsible parties.

The Lower Duwamish Waterway Superfund Site (Site) is a five-mile stretch of the Duwamish River contaminated by over 100 years of heavy industrial and commercial use. The Site extends from the southern tip of Harbor Island in Seattle and terminates in Tukwila.

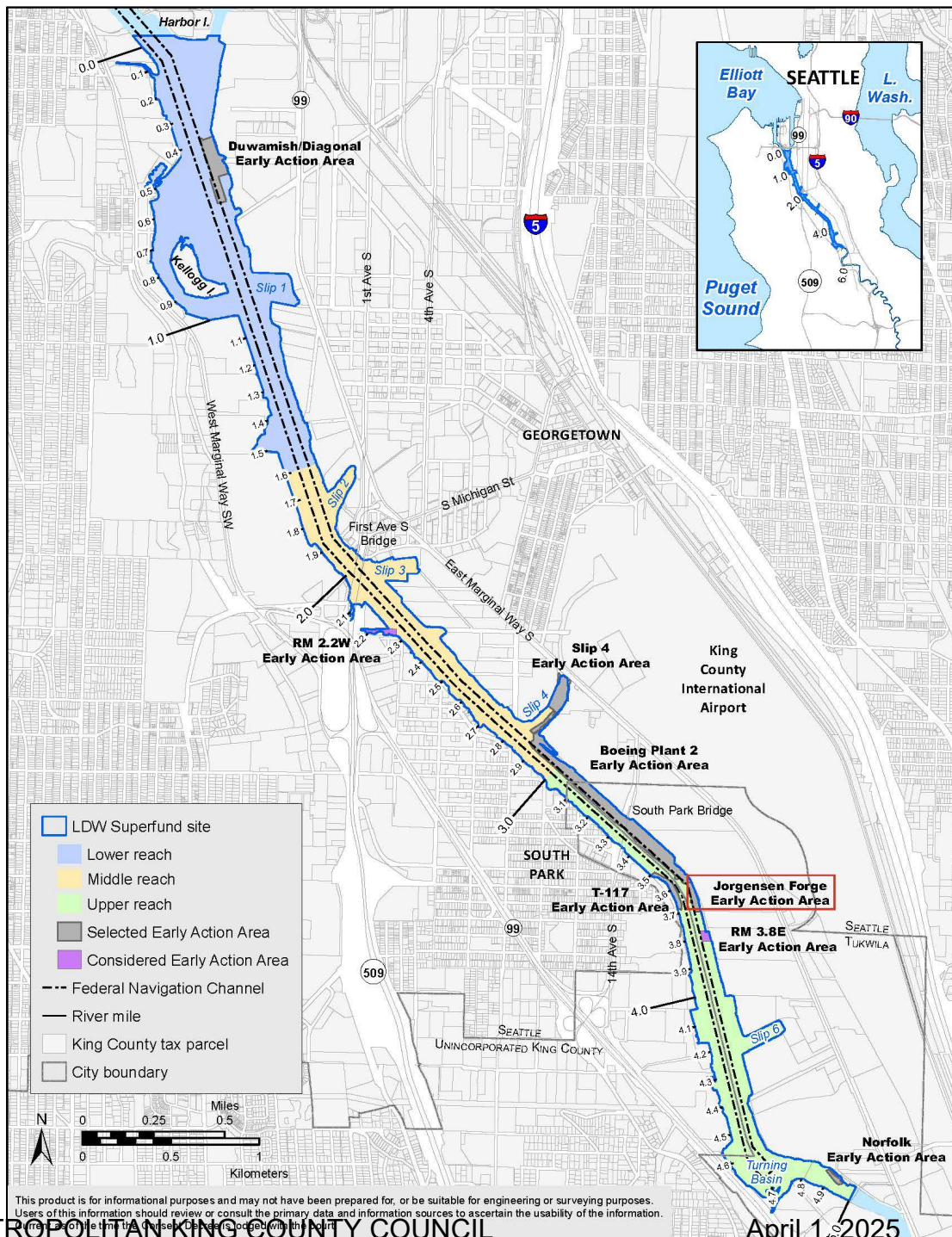
Construction for the first cleanup phase began in November 2024 under a unilateral "bridge" order issued by EPA to the City of Seattle, King County, and The Boeing Company. The EPA's bridge order allowed cleanup to begin pending completion of the consent decree and multi-party settlements.

The Consent Decree sets the timetables and scope of work for cleanup, requires long-term monitoring and controls following cleanup, and settles party liability subject to certain reservations and reopeners in exchange for the performance and/or funding of cleanup. Once executed by all parties, the consent decree would be lodged in federal court and made subject to public comment prior to being made effective. The consent decree would supersede EPA's bridge order to govern cleanup.

## BACKGROUND

The Lower Duwamish Waterway Superfund Site is a five-mile stretch of the Duwamish River contaminated by a century of heavy industrial and commercial use. The Lower Duwamish Waterway (LDW) refers to the last five miles of the Duwamish River, a section that was transformed into an engineered waterway for industrial use. The Site extends from the southern tip of Harbor Island in Seattle, five miles south to Tukwila. The Site is flanked by industrial corridors, as well as the South Park and Georgetown neighborhoods. The Site is shown in Figure 1 (detailed maps included in Appendix C to Attachment A to Proposed Ordinance 2025-0084).

**Figure 1. Lower Duwamish Waterway Superfund Site**



The Lower Duwamish Waterway and adjacent upland areas have served as Seattle's major industrial corridor since the early twentieth century when part of the Duwamish River was straightened through dredging and filling. Pollution in the Duwamish River was generated by businesses, including The Boeing Company (Boeing) and other manufacturers, Port of Seattle (Port) properties, and public drainage and sewer systems. The County's potential responsibility stems from discharges from the regional sewer system (combined sewer overflows), the King County International Airport, Harbor Bond properties<sup>1</sup>, and stormwater drainage from County roads and bridges.

Hazardous substances generated by industrial and urban activities entered the waterway environment through direct discharges, spills, leaks, dumping, and other inappropriate management practices. The primary contaminants driving most of the need for cleanup in the waterway are polychlorinated biphenyls (PCBs).

The largest health risk to users of the Site is from the consumption of contaminated local seafood. The Human Health Risk Assessment (HHRA) conducted by the Lower Duwamish Waterway Group (LDWG) in 2007 and 2009 identified four Contaminants of Concern (COCs) for human health: PCBs, arsenic, cPAHs, and dioxins/furans (polychlorinated dibenzo-p-dioxins and furans). Human health risks associated with seafood consumption are due to PCBs and arsenic in resident fish, crabs, and clams. Lower risks were associated with activities that involve direct contact with sediment, such as clamming, beach play, and net-fishing.

The Site also poses a risk to organisms that live in the sediment and the wildlife that use the site. The baseline Ecological Risk Assessment (ERA) completed by LDWG in 2010 estimated risks for four types of ecological receptors of concern exposed to the contaminants in the LDW, either directly or via ingestion of prey: benthic invertebrates and crabs, fish, birds, and certain wildlife species (river otter, harbor seal). Forty-one contaminants (including PCBs and arsenic) identified based on the ERA were selected as COCs for benthic protection.

The communities along the LDW face economic and health challenges. LDW is also the location of the Muckleshoot and Suquamish Tribal Usual and Accustomed Fishing Areas.

**Superfund.** The EPA declared the Lower Duwamish Waterway a Superfund<sup>2</sup> site in 2001, meaning it is eligible for a special federal cleanup program due to the severity of its contamination. The EPA is responsible for administering the cleanup of sediments in the Waterway, and Ecology is responsible for controlling sources of pollution to the Waterway.<sup>3</sup> The Site was also designated a state hazardous site in 2002.

**Lower Duwamish Waterway Group.** In 2000, the County joined the Port of Seattle, the City of Seattle, and The Boeing Company to form the Lower Duwamish Waterway

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<sup>1</sup> Harbor Bond properties refers to properties purchased with the proceeds of the Harbor Bonds passed by King County voters in 1910 to support the purchase of waterfront properties to be held in trust for "improvement and enlargement of county harbors."

<sup>2</sup> The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) is commonly known as Superfund.

<sup>3</sup> EPA identification number for the Site is WA00002329803.

Group<sup>4</sup> prior to the Superfund listing in 2001.<sup>5</sup> LDWG members work under a voluntary Administrative Order on Consent signed in 2000 with the EPA and Ecology to study the Site and to identify feasible options for the eventual cleanup of contaminated sediments.

LDWG members agreed to cover the costs under the 2000 Order at 25% each, subject to future reallocation. In 2014, LDWG members launched a confidential Allocation process, known as the Lower Duwamish Waterway Allocation, to secure funds from other parties and to reallocate costs between members. LDWG members also entered into multiple successive amendments of the 2000 Order to advance site work toward cleanup while the Allocation concluded.

As part of Allocation, a neutral Allocator weighed evidence to assign percent cost shares (adding to 100%) to all participants and one non-participant, the United States. Participants could accept or reject their shares for the purpose of settlement. The largest cost share was assigned to Boeing at 30.1%. The County was allocated an 8.4% share of costs. As part of the Allocation, the County's share was defined by ownership, enabling appropriate agencies to be assigned shares. The Wastewater Treatment Division (WTD) was allocated 65.4% of the County's share, the King County International Airport (KCIA) 20.7%, the Facilities Management Division (FMD) 13.6% for the Harbor Bond properties, and Roads 0.3% for stormwater drainage from County roads and bridges.

Only one participant, the Port, rejected its allocated cost share. The Port withdrew from the Allocation and LDWG in 2022 and sued Boeing, arguing Boeing should pay more for cleanup, but later withdrew its suit. The Port remains subject to the 2000 Order and continues to contribute its 25% share to pre-cleanup costs. The Port is not paying for the cleanup work being conducted under the 2024 Cleanup Order, including the construction in upper reach that commenced in November 2024.

**Overall Cleanup Strategy<sup>6</sup> and Timeline.** The overall strategy for addressing contamination and the associated risks in the Site includes:

1. early identification and cleanup of Early Action Areas (EAAs) to address the most contaminated areas in the waterway;
2. controlling sources of contamination to the waterway; and
3. cleanup of the remaining contamination in the waterway, including long-term monitoring to assess the success of the remedy in achieving cleanup goals.

The remedial investigation completed by LDWG in 2010 identified some of the most contaminated areas where early cleanups could be started. Several EAAs were selected for action by the EPA and Ecology. By the end of 2015, these early action cleanups removed 50% of PCB contamination in the river bottom.<sup>7</sup>

In December 2014, the EPA released a final cleanup plan, also known as a Record of Decision (ROD), prescribing a "remedy" or cleanup plan for the remaining sediment cleanup. Cleanup will involve dredging, capping, and natural sedimentation. In 2014, the

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<sup>4</sup> The Port of Seattle was a member of LDWG from 2000 to 2022.

<sup>5</sup> <https://ldwg.org/about-ldwg/>

<sup>6</sup> <https://semspub.epa.gov/work/10/100353876.pdf>

<sup>7</sup> <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.cleanup&id=1002020>

cleanup was estimated to cost \$342 million.<sup>8</sup> The Selected Remedy in the ROD addresses the third element of the overall cleanup strategy.

The ROD anticipated the following active remediation:

1. Dredging or partially dredging and capping approximately 105 acres of highly contaminated sediments (approximately 960,000 cubic yards).
2. Placing engineered sediment caps on approximately 24 acres of highly contaminated sediments where there is sufficient water depth for a cap.
3. Placing a thin layer of clean material (referred to as Enhanced Natural Recovery [ENR]) on approximately 48 acres of sediments in areas that meet the criteria for ENR.
4. Applying location-specific cleanup technologies to areas with structural or access restrictions, such as under-pier areas and near dolphins/pilings, bulkheads, and riprapped or engineered shorelines.

In addition, the ROD estimated 235 acres for Monitored Natural Recovery (MNR). MNR relies on natural processes to reduce ecological and human health risks to acceptable levels while monitoring sediments over time to determine remedy success. Within the LDW, the natural burial of contaminants through sedimentation from upstream is the primary natural recovery mechanism.<sup>9</sup>

In 2015, the Council adopted Motion 14368 related to the Lower Duwamish Waterway cleanup and the health of communities adjacent to the Lower Duwamish Waterway. The motion acknowledged the degradation of the sediment quality of the Lower Duwamish Waterway due to historical industrial uses in the area. Motion 14368 also encouraged the analysis of equity and social justice impacts and the development of a remedial design that best protects the health of its diverse communities of residents.

In 2016, LDWG conducted the Lower Duwamish Waterway Fishers Study Data Report<sup>10</sup> to gather information from people who either harvested or consumed resident seafood. In 2017 and 2018, two years of "baseline" sampling of sediment, water, and seafood were completed. Sampling results<sup>11</sup> showed improvements in the average levels in sediment of the four main contaminants for human health identified in the Human Health Risk Assessment conducted by LDWG in 2007 and 2009.

In 2021, the EPA published an Explanation of Significant Differences (ESD), which documents changes to the ROD issued in 2014 for the Lower Duwamish Waterway Superfund Site. The changes included remedial action levels, cleanup levels, and target tissue levels for cPAHs.

In January 2023, the EPA issued Special Notice Letters to Boeing, the City, the County, the Port, and certain United States agencies, including the Department of Defense, inviting formal Consent Decree negotiations to conduct or finance the cleanup of the LDW. Boeing, the City, and the County responded with a good faith offer to perform

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<sup>8</sup> <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.cleanup&id=1002020>

<sup>9</sup> <https://semspub.epa.gov/work/10/100353876.pdf>

<sup>10</sup> <https://semspub.epa.gov/work/10/100036528.pdf>

<sup>11</sup> [https://ldwg.org/wp-content/uploads/2020/06/LDW-Data-Evaluation-Report\\_toEPA\\_06-26-20.pdf](https://ldwg.org/wp-content/uploads/2020/06/LDW-Data-Evaluation-Report_toEPA_06-26-20.pdf)

cleanup, subject to acceptable terms being reached in settlement with the United States and other parties.

Consent Decree negotiations extended past EPA's expected start date for cleanup due to the need to negotiate separately to secure contribution from the United States. In 2024, the EPA issued a Unilateral Administrative Order in July 2024 to the City, County, and Boeing as a bridge to allow cleanup construction to begin on EPA's expected timeline, pending completion of the Consent Decree. Cleanup construction began at the Site in November 2024.

## **ANALYSIS**

Proposed Ordinance 2025-0084 would authorize the King County Executive to sign and fulfill the county's obligations in the Consent Decree and Settlements.

**Consent Decree.** The Lower Duwamish Waterway Superfund Site Consent Decree (Attachment A to Proposed Ordinance 2025-0084) would set the timetables and scope of work for implementing LDW cleanup, require 30 to 50 years of long-term monitoring and controls following cleanup, and settle party liability subject to certain reservations and reopeners in exchange for the performance and/or funding of cleanup.

As the Performing Parties, the City, County, and Boeing would continue to implement the cleanup with EPA and Ecology oversight while other parties, including federal and state agencies with responsibility, would pay their agreed-to shares of costs. One party would pay an ongoing share of costs as a Funding Party. The Consent Decree also contains all terms in settlement of the United States' government liability, including payment of a share of past costs, a share of future estimated costs, plus a premium to cash out. Key sections of the Consent Decree (Attachment A) are noted below.

*Performance of the Work.* Under paragraph 7, the County, City, and Boeing (i.e. Settling Work Defendants) would be required to "finance, develop, implement, operate, maintain, and monitor the effectiveness of the Remedial Action all in accordance with the SOW." The SOW (Statement of Work) is Appendix B to the Consent Decree.

*Reservations and Reopeners.* Paragraphs 11 and 71 through 74 are the reservations and reopeners. Paragraph 78 settles the County's liability subject to certain reservations and reopeners in exchange for the performance and/or funding of cleanup. Reopeners could be triggered by the discovery of unknown conditions and a determination by the EPA that the remedy at the Site is not protective of human health or the environment.

The Consent Decree also incorporates the following appendices:

- Appendix A - 2014 Record of Decision (pages 141 through 384 of Attachment A)
- Appendix B - Statement of Work (SOW) (pages 582 through 717 of Attachment A)
- Appendix C - map of the Site (pages 385 through 392 of Attachment A)
- Appendix D - complete list of Settling Defendants and Owner Settling Parties (pages 393 through 397 of Attachment A)

- Appendix E - 2000 Administrative Order on Consent for Remedial Investigation/ Feasibility Study and SOW, as amended (pages 398 through 571 of Attachment A)
- Appendix F - list of All Parties Considered by the LDW Allocator (pages 572 through 581 of Attachment A)

Once executed by all parties, the Consent Decree would be lodged in federal court and made subject to public comment prior to being made effective. The Consent Decree would supersede EPA's 2024 bridge order to govern cleanup.

**Settlement Agreements.** According to Executive staff, most settling Allocation parties have agreed to pay a share of past costs, their allocated shares of future estimated costs, and cover future liability by paying a premium to cash out. The Port is not part of the settlement agreements. The associated proposed multi-party settlements are included as Attachments B, C, D, and E to Proposed Ordinance 2025-0084.

*Attachment B - Performing Parties.* Performing Parties means the parties responsible for performing the work required by the Consent Decree, which are Boeing, the City, and the County. Under this agreement, the Performing Parties would perform the cleanup and cover gaps in funding at the shares discussed in the Project Costs section.

*Attachment C - Cash-Out Parties.* Under this settlement agreement, Allocation parties would pay upfront at a premium to cash out on all future liability. Settling Cash-Out Parties and Settlement Payment are listed in Appendix B to the agreement. Most Cash-Out Settlement Payments consist of a past cost payment and a future cost payment.

*Attachment D - Funding Party.* Under this settlement agreement, one Allocation party would pay an ongoing share of costs (1.7%), subject to cost overruns and reopeners. The Funding Party would also be able to seek a cash-out settlement with the Settling LDWG Parties (Boeing, the City, and the County) in the future.

*Attachment E - Allocation Costs.* This settlement agreement reallocates Allocation fees among remaining Allocation participants. In other words, between Non-LDWG Parties and LDWG Parties (Boeing, the City, and the County).

**Project Costs.** Cleanup costs were estimated to be \$668 million in 2022<sup>12</sup>. The \$668 cost estimate is based on EPA's feasibility-level assessment from 2014 of the cleanup cost, updated for inflation to 2022.

As noted in the Background section, the County's allocated share is 8.4% of cleanup costs. The County is currently paying a performance share of the ongoing cleanup cost at 14.9%. The performance share is the share of cleanup costs, in relation to their Allocation shares, that the County pays along with the City and Boeing when needed to cover 100% of costs.

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<sup>12</sup> Actual costs may be higher.

**Table 1.**  
**Shares of Cleanup Costs**

Party	Allocated Share	Performance Share
The Boeing Company	30.1%	53.6%
City of Seattle	17.7%	31.5%
King County	8.4%	14.9%

Absent the settlements described in the previous section, the Performing Parties would continue to pay performance shares for the full cost of cleanup. With settlements, other parties would pay the Performing Parties \$282 million upfront towards cleanup and one party would pay upfront costs plus an ongoing 1.7% share of costs as shown in Table 2.

**Table 2.**  
**Proposed Settlements**

Party	Proposed Settlement
United States	\$140 million upfront with premium
Cash-Out Parties	\$141 million upfront with premium
Funding Party	\$1.3 million upfront plus ongoing 1.7% share

For King County, other parties would pay the County \$52 million upfront, with \$13 million toward \$24 million in past costs and \$39 million toward future cleanup costs. Past costs are not included in the \$668 million cleanup cost estimate. Past costs include costs for conducting the remedial investigation (nature and extent of contamination), feasibility study (alternative analysis to inform EPA's Record of Decision), baseline sampling to compare post-cleanup results to determine progress towards cleanup goals, and early actions that have already reduced PCB sediment concentrations by half. Settlements will reimburse the County for part of its past costs. The Wastewater Treatment Division has paid past costs to date.

The County has recovered insurance funds that will help pay the County's share of the cost of site cleanup as well as other site cleanup/liabilities. The County also received a settlement award from the Monsanto PCB class action settlement process for the Site and multiple other site cleanups/liabilities. The County-recovered insurance settlements for claims in the Lower Duwamish and Elliott Bay will cover all KCIA's, FMD's, and Roads' costs and a portion of WTD's.

According to Executive staff, "the County's share of cleanup would be approximately \$59 million, and collateral funds could cover much of that total. Decisions are still to be made on how collateral funds are allocated to County agencies based on various responsibilities for which they were recovered." Executive staff also note that the County has received and will continue to apply for State-issued grant funding to cover cleanup costs.

**Impact on WTD Sewer Rate.** According to Executive staff, the actual effect on the rate is to be determined, but since much of the cleanup costs will come from collateral funds, the costs are not considered a significant driver for the 2026 rate proposal.

## **INVITED**

- Kamuron Gurol, King County Wastewater Treatment Division Director
- Kristie Elliott, King County Senior Deputy Prosecuting Attorney
- Sharman Herrin, Government Relations, Wastewater Treatment Division

## **ATTACHMENTS**

1. Proposed Ordinance 2025-0084 (and its attachments)
2. Transmittal Letter
3. Fiscal Note
4. Lower Duwamish Waterway Superfund Site Cleanup Consent Decree and Settlements PowerPoint, presented to the Regional Water Quality Committee by King County Executive Staff on March 5, 2025



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Motion

**Proposed No. 2025-0059.1**

**Sponsors Mosqueda**

- 1                   A MOTION confirming the executive's appointment of
- 2                   Alissa Campbell, who works in council district eight, to the
- 3                   King County solid waste advisory committee, as a
- 4                   representative from the waste management industry.
- 5                   BE IT MOVED by the Council of King County:
- 6                   The county executive's appointment of Alissa Campbell, who works in council
- 7                   district eight, to the King County solid waste advisory committee, as a representative

- 8 from the waste management industry, for a partial term to expire on September 30, 2026,  
9 is hereby confirmed.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Girmay Zahilay, Chair

ATTEST:

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Melani Hay, Clerk of the Council

**Attachments:** None



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Motion

**Proposed No.** 2025-0060.1

**Sponsors** Dembowski

- 1                   A MOTION confirming the executive's appointment of  
2                   Laura Mork, councilmember, city of Shoreline, who resides  
3                   in council district one, to the King County solid waste  
4                   advisory committee, filling the local elected public official  
5                   position.
- 6                   BE IT MOVED by the Council of King County:
- 7                   The county executive's appointment Laura Mork, councilmember, city of  
8                   Shoreline, who resides in council district one, to the King County solid waste advisory

9 committee, filling the local elected public official position, for a partial term to expire on  
10 September 30, 2026, is hereby confirmed.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Girmay Zahilay, Chair

ATTEST:

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Melani Hay, Clerk of the Council

**Attachments:** None



**Signature Report**

**Motion**

**Proposed No. 2025-0088.1**

**Sponsors Zahilay**

1                   A MOTION adopting the King County 2025 Federal  
2                   Legislative Priorities.

3                   WHEREAS, the King County council and the King County executive work  
4 together through their respective government relations staff and desire to bring their  
5 positions on federal issues to the attention of the 119th Congress, and

6                   WHEREAS, King County desires to work cooperatively with other local  
7 governments and other organizations to achieve its 2025 federal legislative goals, and

8                   WHEREAS, King County is dependent on a strong fiscal partnership with the  
9 federal government for addressing local needs in transit, transportation, infrastructure,  
10 public health, behavioral health, veterans and human services, affordable housing,  
11 poverty, homelessness, public safety, flood control, and many other areas, and

12                   WHEREAS, the King County council and the King County executive will  
13 continue to review congressional developments for possible revisions of King County's  
14 2025 federal legislative goals;

15                   NOW, THEREFORE, BE IT MOVED by the Council of King County:

16                   The King County council hereby adopts the King County 2025 Federal

- 17 Legislative Priorities, Attachment A to this motion, as King County's highest priorities  
18 for federal action.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Girmay Zahilay, Chair

ATTEST:

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Melani Hay, Clerk of the Council

**Attachments:** None



## King County

# Metropolitan King County Council Committee of the Whole

### STAFF REPORT

<b>Agenda Item:</b>	9	<b>Name:</b>	Mac Nicholson
<b>Proposed No.:</b>	2025-0088	<b>Date:</b>	March 25, 2025

### SUBJECT

A Motion adopting the King County 2025 Federal Legislative Priorities.

### SUMMARY

Proposed Motion 2025-0088 would adopt the 2025 Federal Legislative Priorities. The document is a statement of King County Federal policy priorities and provides direction to the County's Federal advocacy team.

### BACKGROUND

Each year, King County develops Federal Legislative Priorities. The Council and the Executive work together through their respective government relations staff, and in consultation with County departments, to decide on the policy positions that are most important to bring to the attention of the U.S. Congress and Federal bureaucracy. These are then reduced to writing in the form of a Legislative Priorities document.

### ATTACHMENTS

1. Proposed Motion 2025-0088



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Motion

**Proposed No.** 2025-0110.1

**Sponsors** Dunn and Perry

1 A MOTION appointing an acting King County executive.

2 WHEREAS, on March 27, 2025, Executive Dow Constantine accepted the motion  
3 of chief executive officer at Sound Transit, and

4 WHEREAS, it is expected that Executive Constantine will resign the position of  
5 King County executive, to be effective before April 1, 2025, and

6 WHEREAS, in 2024, Executive Constantine designated deputy executive  
7 Shannon Braddock to serve as the interim executive, and

8 WHEREAS, in accordance with Section 680.10 of the King County Charter, after  
9 being apprised of the vacancy in office of the executive, the council shall appoint an  
10 acting executive to temporarily serve until the executive vacancy is filled by appointment  
11 pursuant to general law for nonpartisan county elective offices;

12 NOW, THEREFORE, BE IT MOVED by the Council of King County:

13 The metropolitan King County council hereby appoints Shannon Braddock, in  
14 accordance with Section 680.10 of the King County Charter, to serve as the acting King

- 15 County executive until the executive office is filled by appointment by the council  
16 pursuant to general law for nonpartisan county elective offices.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Girmay Zahilay, Chair

ATTEST:

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Melani Hay, Clerk of the Council

**Attachments:** None



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Motion

**Proposed No.** 2025-0096.1

**Sponsors** Dembowski

- 1                   A MOTION confirming the executive's reappointment of
- 2                   Meenakshi Natarajan, who resides in council district one, to
- 3                   the King County children and youth advisory board.
- 4                   BE IT MOVED by the Council of King County:
- 5                   The county executive's reappointment of Meenakshi Natarajan, who resides in
- 6                   council district one, to the King County children and youth advisory board, for a three-

7 year term to expire on January 31, 2028, is hereby confirmed.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Girmay Zahilay, Chair

ATTEST:

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Melani Hay, Clerk of the Council

**Attachments:** None



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance

**Proposed No.** 2025-0104.1

**Sponsors** Perry

- 1                   A MOTION confirming the executive's reappointment of
- 2                   Jasmine Fry, who resides in council district three, to the
- 3                   King County children and youth advisory board.
- 4                   BE IT MOVED by the Council of King County:
- 5                   The county executive's reappointment of Jasmine Fry, who resides in council
- 6                   district three, to the King County children and youth advisory board, for a three-year term

7 to expire on January 31, 2028, is hereby confirmed.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Girmay Zahilay, Chair

ATTEST:

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Melani Hay, Clerk of the Council

**Attachments:** None



## King County

Office of Performance, Strategy and Budget  
Chinook Building  
401 Fifth Avenue, Suite 810  
Seattle, WA 98104

March 19, 2025

The Honorable Girmay Zahilay  
Chair, King County Council  
Room 1200  
COURTHOUSE

Dear Councilmember Zahilay:

Consistent with the requirements of Ordinance 19712, Section 89, ER2 and P3, I hereby certify that the requirements of this Expenditure Restriction and Proviso have been satisfied for the Property Tax Administration System (PTAS).<sup>1</sup> As required by the Proviso, this letter requests that the Clerk list this notice on two consecutive County Council agendas to allow Councilmembers to object to proceeding with the project if they choose to do so.

Ordinance 19712 appropriated funds for PTAS but specified that no more than \$7 million of the \$73 million be spent for the procurement phase and restricted the remaining funds until this notice was provided and no objections were made. As required by the Ordinance, the project has completed the procurement phase and is ready to proceed with a contract with the selected development vendor, WWT. The project has developed a budget that fits within the total appropriation while maintaining an appropriate contingency.

The approach has been approved by the PTAS Steering Committee, representing the Department of Assessments, the Finance and Business Operations Division of the Department of Executive Services, and King County Information Technology. It has also been approved by the members of the Project Review Board: Lorraine Patterson-Harris, Stephen Heard (who also serves as the Project Sponsor), and me.

As you know, the current property tax assessment, billing, and collection system is over 40 years old. It was developed to run on a mainframe computer and was migrated to servers about seven years ago when the mainframe computer approached failure. The computer code

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<sup>1</sup> PTAS is misnamed as the “Property Tax Accounting System” in the ordinance.

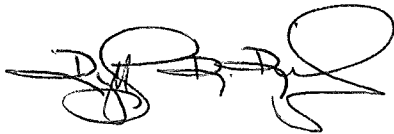
The Honorable Girmay Zahilay  
March 19, 2025  
Page 2

is inefficient and is difficult to update when new legal requirements are created. It is increasingly challenging to maintain this code and the potential for system failure is real. It is critical that the County proceed with the new PTAS system as soon as possible.

Staff from the agencies involved with this project are happy to provide additional information as needed. We look forward to proceeding with this project.

If you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Dively', with a large, stylized loop at the end.

Dwight Dively  
Director, Office of Performance, Strategy and Budget

cc: Melani Hay, Clerk of the Council  
Lorraine Patterson-Harris, DES Director  
Stephen Heard, interim Chief Information Officer and KCIT Director  
Al Dams, Deputy Assessor  
Ken Guy, FBOD Director  
Nora Bennett, FBOD  
Brent Veenstra, KCIT  
Helene Ellickson, PSB  
Sierra Anderson, PSB  
Robert Schein, ISG