

KINGCOUNTY

1200 King County Courthouse 516 Third Avenue Seattle, WA 98104

Signature Report

September 1, 2015

Ordinance 18096

	Proposed	No. 2015-0328.1	Sponsors McDermott and Gossett
1		AN ORDINANCE ma	aking an appropriation of \$400,000 to
2		the DPER abatement	subfund, to provide for the abatement
3		of an illegal materials	processing operation in the Skyway
4		area; amending the 20	15/2016 Biennial Budget Ordinance,
5		Ordinance 17941, Sec	tion 84, as amended; and declaring an
6		emergency.	
7	ST	ATEMENT OF FACTS	
8	1	A materials processing bu	siness in the Skyway area has been operating
9	in v	riolation the county's land	use and health codes, by stockpiling and
10	pro	cessing concrete material	imported to its property without permits.
11	2.	The continued stockpiling	and processing jeopardizes the environment
12	and	public health.	
13	3.	The business is in receiver	ship, and the court has ruled it is to cease
14	imp	oorting material, including	concrete, but that order will not go into
15	effe	ect until a plan to process t	he existing stockpiled concrete material is
16	app	roved by the court.	
17	4.	The land use designation c	n this property is residential.

18	5. The property is currently being marketed; but the importing of material,
19	including concrete, will continue until the concrete stockpile is abated by
20	processing it into fill.
21	6. In order to satisfy the court's condition, and as a cost of the
22	administration of the receivership estate, the department of permitting and
23	environmental review has proposed that the county fund a partial
24	abatement of the stockpiled concrete in exchange for the receiver ending
25	its import of all material and repayment of this administrative cost out of
26	the sale proceeds of the property.
27	7. The receiver and the department have further agreed to request that the
28	court rule the costs of the partial abatement be considered as an
29	administrative cost of the receivership estate and order the abatement
30	expenses be paid to the county from any future sale proceeds.
31	8. The receiver and the department have agreed to a draft management
32	plan to implement the parties' agreement, to present to the court. The draft
33	plan sets forth conditions of business operations, schedule for completion
34	of materials processing, and milestones for disbursement of county funds
35	for the abatement work.
36	9. Processing the remaining concrete material on the site is expected to
37	require four months and cost \$400,000 in labor and equipment.
38	BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:
39	SECTION 1. Findings: An emergency appropriation is required to meet cour
40	timelines and provide sufficient funding to abate the property.

41	SECTION 2. Ordinance 17941, Section 84, as amended, is hereby amended to
42	read as follows:
43	<u>DPER ABATEMENT</u> - From the DPER abatement subfund there is hereby
44	appropriated to:
45	DPER abatement ((\$194,000))
46	<u>\$594,000</u>
47	ER1 EXPENDITURE RESTRICTION:
48	Of this appropriation, \$400,000 shall be expended solely on the partial abatement
49	of the code enforcement violation described in Case File Number E-03-000011 and
50	known colloquially as "Mount Anderson." The partial abatement includes completion of
51	concrete materials processing and only after the receivership court determines the partial
52	abatement costs to be a necessary cost or expense to the administration of the
53	receivership estate and also orders that the county be reimbursed for its costs incurred for
54	the partial abatement out of proceeds from any sale of the property before any other cost
55	or expense of the estate.
56	SECTION 3. The county council finds as a fact and declares that an emergency
E 7	exists and that this ordinance is necessary for the immediate preservation of nublic neace

- health or safety or for the support of county government and its existing public
- 59 institutions.

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Ordinance 18096 was introduced on 8/24/2015 and passed by the Metropolitan King County Council on 8/31/2015, by the following vote:

Yes: 8 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague, Ms. Lambert, Mr. McDermott, Mr. Dembowski and Mr. Upthegrove

No: 0

Excused: 1 - Mr. Dunn

KING COUNTY, WASHINGTON

arry Phillips, Chai

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this 10 day of EPTEMBER, 2015.

Dow Constantine, County Executive

Attachments: None