



## Legislation Details (With Text)

**File #:** 2004-0016 **Version:** 2

**Type:** Ordinance **Status:** Passed

**File created:** 4/5/2004 **In control:** Growth Management and Natural Resources Committee

**On agenda:** 1/23/2006 **Final action:** 3/13/2006

**Enactment date:** 3/22/2006 **Enactment #:** 15391

**Title:** AN ORDINANCE relating to the operation of the West Point Treatment Plant, confirming satisfaction of the 1991 City of Seattle Council Conditional Use Approval (Project-Level) to Expand the West Point Treatment Plant, adopting findings, in satisfaction of condition 1c of said approval, regarding future use of digesters at the treatment plant, and authorizing a memorandum of agreement for payments to the city of Seattle in satisfaction of Section 1(d) of the settlement agreement regarding the continuing use of the digesters at West Point.

**Sponsors:** Carolyn Edmonds, Larry Phillips

**Indexes:** Council, Seattle, City of, West Point

**Code sections:**

**Attachments:** 1. 15391.pdf, 2. 2004-0016 Revised Staff Report West Point Agreement-transfer of mitigation funding1.doc, 3. 2004-0016 scanned transmittal letter.pdf, 4. 2004-0016 Staff Report West Point Agreement-transfer of mitigation funding1.doc, 5. 2004-0016 transmittal letter.doc, 6. 2004-0016 West Point Digesters-transfer of mitigation funding staff report--attachment 3.doc, 7. A. Project Level Conditions Established by the City of Seattle Council for the Conditional Use Approval to Expand the West Point Treatment Plan, January 14, 1991, 8. A. Project Level Conditions Established by the City of Seattle Council for the Conditional Use Approval to Expand the West Point Treatment Plan, January 14, 1991, 9. B. West Point Settlement Agreement, February 19, 1991, 10. B. West Point Settlement Agreement, February 19, 1991, 11. C. Draft West Point Memorandum of Agreement with Attachment, 12. C. West Point Memorandum of Agreement dated Dec. 2005 with attachment dated May 3, 2005, 13. C. West Point Memorandum of Agreement dated Dec. 2005 with attachment dated May 3, 2005

Date	Ver.	Action By	Action	Result
3/13/2006	2	Metropolitan King County Council	Hearing Held	
3/13/2006	2	Metropolitan King County Council	Passed	Pass
2/28/2006	2	Growth Management and Natural Resources Committee	Amended	Pass
2/28/2006	2	Growth Management and Natural Resources Committee	Recommended Do Pass Substitute	Pass
1/23/2006	1	Metropolitan King County Council	Reintroduced	
1/31/2005	1	Metropolitan King County Council	Reintroduced	
9/16/2004	1	Natural Resources and Utilities Committee	Deferred	
4/5/2004	1	Metropolitan King County Council	Introduced and Referred	

Clerk 03/02/2006

AN ORDINANCE relating to the operation of the West Point Treatment Plant,

confirming satisfaction of the 1991 City of Seattle Council Conditional Use Approval (Project-Level) to Expand the West Point Treatment Plant, adopting findings, in satisfaction of condition 1c of said approval, regarding future use of digesters at the treatment plant, and authorizing a memorandum of agreement for payments to the city of Seattle in satisfaction of Section 1(d) of the settlement agreement regarding the continuing use of the digesters at West Point.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Definitions.** The definitions in this section apply throughout this ordinance.

A. "West Point permit" means the project-level conditions established by the Seattle City Council for the Council Conditional Use Approval (Project-Level) to expand the West Point Treatment Plant, January 14, 1991.

B. "West Point Settlement Agreement" means the February 19, 1991, agreement which requires that if neither the Riedel/SMI process nor any alternative meeting the requirements for removing the digesters at West Point is implemented by December 31, 2005, King County shall pay to the city of Seattle, for deposit in the city's Shoreline park improvement fund one million dollars per acre for the land which, because of the presence of the digesters, is not available for public access.

C. "Memorandum of agreement" means a new document to be executed by King County and the city of Seattle regarding the digester funds and accrued interest from King County, which is to be deposited in the city's Shoreline park improvement fund, pursuant to the 1991 West Point Settlement Agreement.

**SECTION 2. Findings of fact.**

A. King County implemented a privatized solids drying facility at the West Point treatment plant that, if successful, could have resulted in the eventual removal of digesters in accordance with West Point Permit Condition 1c. The facility started operation in 1995. On May 7, 1997, King County terminated the contract

for the privatized solids drying facility. This decision was based, in part, on eighteen months of full-scale operating experience and a subsequent third-party engineering report that concluded: "Thermal drying cannot reliably replace digesters at West Point."

B. King County has continued to investigate and test technologies that have the potential to replace some or all of the digesters at the West Point treatment plant through its applied wastewater technologies program.

C. King County's technology assessment efforts to date have not identified any single technology that, given the constraints and objectives at West Point, can safely, reliably and cost-effectively be substituted for digesters at West Point.

D. Pursuant to the requirements of the West Point Settlement Agreement, Section 1(d), King County has deposited in an interest-bearing account one million dollars per acre for the land area, which, because of the presence of the digesters, is not available for public access.

E. As of December 31, 2005, the accumulated value of the digester funds that King County has deposited in an interest bearing account deposit in the city's Shoreline park improvement fund totals five million three hundred sixty five thousand three hundred one dollars.

### SECTION 3. Declaration.

A. Based on the findings of fact in section 2 of this ordinance, King County declares that no technology has been identified that would have allowed removal of the digesters at the West Point treatment plant prior to December 31, 2005, and that all provisions of Condition 1c of the West Point Permit have been satisfied.

B. Based on the declaration in subsection A. of this section, King County declares that the conditions for the deposit of five million three hundred sixty five thousand three hundred one dollars in digester funds into the city's Shoreline park improvement fund be dedicated to improvements to Discovery park, pursuant to the 1991 West Point Settlement Agreement, have been satisfied.

### SECTION 4. The executive shall execute a memorandum of agreement with the city of Seattle, for

deposit in the city's Shoreline park improvement fund one million dollars per acre plus accrued interest for the land area, which, because of the presence of the digesters, is not available for public access. Pursuant to Section 1(d) of the West Point Settlement Agreement, the memorandum of agreement shall state that all funds deposited with the city of Seattle shall be dedicated to improvements to Discovery park, consistent with the terms of the 1991 West Point Settlement Agreement.