

Legislation Text

File #: 2015-0328, **Version:** 1

Clerk 08/12/2015

AN ORDINANCE making an appropriation of \$400,000 to the DPER abatement subfund, to provide for the abatement of an illegal materials processing operation in the Skyway area; amending the 2015/2016 Biennial Budget Ordinance, Ordinance 17941, Section 84, as amended; and declaring an emergency.

STATEMENT OF FACTS

1. A materials processing business in the Skyway area has been operating in violation the county's land use and health codes, by stockpiling and processing concrete material imported to its property without permits.
2. The continued stockpiling and processing jeopardizes the environment and public health.
3. The business is in receivership, and the court has ruled it is to cease importing material, including concrete, but that order will not go into effect until a plan to process the existing stockpiled concrete material is approved by the court.
4. The land use designation on this property is residential.
5. The property is currently being marketed; but the importing of material, including concrete, will continue until the concrete stockpile is abated by processing it into fill.
6. In order to satisfy the court's condition, and as a cost of the administration of the receivership estate, the department of permitting and environmental review has proposed that the county fund a partial abatement of the stockpiled concrete in exchange for the receiver ending its import of all material and repayment of this administrative cost out of the sale proceeds of the property.

7. The receiver and the department have further agreed to request that the court rule the costs of the partial abatement be considered as an administrative cost of the receivership estate and order the abatement expenses be paid to the county from any future sale proceeds.

8. The receiver and the department have agreed to a draft management plan to implement the parties' agreement, to present to the court. The draft plan sets forth conditions of business operations, schedule for completion of materials processing, and milestones for disbursement of county funds for the abatement work.

9. Processing the remaining concrete material on the site is expected to require four months and cost \$400,000 in labor and equipment.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings: An emergency appropriation is required to meet court timelines and provide sufficient funding to abate the property.

SECTION 2. Ordinance 17941, Section 84, as amended, is hereby amended to read as follows:

DPER ABATEMENT - From the DPER abatement subfund there is hereby appropriated to:

DPER abatement (((\$194,000)) \$594,000

ER1 EXPENDITURE RESTRICTION:

Of this appropriation, \$400,000 shall be expended solely on the partial abatement of the code enforcement violation described in Case File Number E-03-000011 and known colloquially as "Mount Anderson." The partial abatement includes completion of concrete materials processing and only after the receivership court determines the partial abatement costs to be a necessary cost or expense to the administration of the receivership estate and also orders that the county be reimbursed for its costs incurred for the partial abatement out of proceeds from any sale of the property before any other cost or expense of the estate.

SECTION 3. The county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace,

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