

CITY OF BURIEN, WASHINGTON
1995 Washington State Budget Proviso
June 19, 1995

- I. Budget Proviso, Paragraph 16
- II. Concept Paper dated February 14, 1995
- III. Community Distress Proposal, dated February 14, 1995
- IV. New Community and Rapid Development Impact Assistance
- V. Letter dated June 7, 1995 to Governor Lowry from Mayor Jhaveri
- VI. Letter dated June 7, 1995, to Governor Lowry from Mayor Clymer
- VII. Letter dated June 5, 1995 to Governor Lowry from Mike Fitzgerald,
Director of the state Department of Community , Trade and Economic
Development
- VIII. Letter dated June 7, 1995 to Governor Lowry from Fred Stouder,
Burien City Manager.

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Bob Olander

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(e) Other relevant information.

(9) \$350,000 of the general fund--state appropriation is provided solely for the retired senior volunteer program.

(10) \$300,000 of the general fund--state appropriation is provided solely to implement House Bill No. 1687 (court-appointed special advocates). If the bill is not enacted by June 30, 1995, the amount provided in this subsection shall lapse.

(11) \$50,000 of the general fund--state appropriation is provided solely for the purpose of a feasibility study of the infrastructure, logistical, and informational needs for the region involving Washington, Oregon, and British Columbia to host the Summer Olympic Games in the year 2004 or 2008. The feasibility study shall be conducted using the services of a nonprofit corporation currently pursuing and having shown progress toward this purpose. The amount provided in this subsection may be expended only to the extent that it is matched on a dollar-for-dollar basis by funds for the same purpose from nonstate sources.

(12) \$100,000 of the general fund--state appropriation is provided solely as a grant to a nonprofit organization for costs associated with development of the Columbia Breaks Fire Interpretive Center.

(13) \$150,000 of the general fund--state appropriation is provided solely for operation of the marketplace program and to provide state matching funds for a federal grant.

(14) \$100,000 of the general fund--state appropriation is provided solely for the Pierce county long-term care ombudsman program.

(15) \$60,000 of the general fund--state appropriation is provided solely for the Pacific Northwest economic region.

(16) \$500,000 of the general fund--state appropriation is provided solely for distribution to the city of Burien for analysis of the proposed Port of Seattle third runway including preparation of a draft environmental impact statement and other technical studies. The amount provided in this subsection shall not be expended directly or indirectly for litigation, public relations, or any form of consulting services for the purposes of opposing the construction of the proposed third runway.

(17) Not more than \$458,000 of the general fund--state appropriation may be expended for the operation of the Pacific northwest export assistance project. The department will continue to implement a plan for assessing fees for services provided by the

MEMORANDUM

February 14, 1995

TO: Bob Olander, Assistant City Manager, City of Des Moines
Chester Beattie, Jr., Policy Analyst, City of Des Moines

FROM: Frederick C. Stouder, City Manager

SUBJECT: Impact Assistance Budget Rider Request to the State of Washington
Legislature.

Attached is a draft bill budget rider proposal and concept on the idea we have talked about several times requesting funds from the State of Washington for impact assistance as a result of the proposed Sea-Tac International Airport third runway. As I have mentioned in previous discussions, there are several precedents for this type of impact assistance from the State, usually administered by the State Department of Community, Trade, and Economic Development.

For example, one impact project I was involved in as a consultant was the Creston - Mt. Tolman Impact Assistance Project in the late 1970's and early 1980's. In this project the State of Washington through the then Planning and Community Affairs Agency, later the Department of Community Development, provided both technical and financial assistance to a consortium of cities and counties located in North Central Washington headquartered in the town of Creston, Lincoln County. The basis of this assistance was the proposed construction and operation of a coal fired electrical generating plant which would be headquartered in Creston in Lincoln County, a county with a total population of less than 8,000 and a city with population of less than 200. This coal fired electrical generating plant would create during the construction, over 2,500 jobs, and a permanent work force of 1,800 - 2,200. In addition, by coincidence, less than a half hour away to the north, in Mt. Tolman, the international mining and mineral company, Amax, was in the process of negotiation with the Colville Indian Nation an agreement for the operation of a molybdenum mine that would bring an additional 1,500 employees and ultimately create a permanent work force of 500 to 800. These two proposed construction projects would have created a 2 to 4 year immediate impact on housing, schools, water, sewer,

transportation, air quality, and the environment in general that none of these communities or the counties were prepared to handle financially or technically. As a result through the initiative of the State of Washington and a White House Rural Demonstration Project, Impacts From Large Construction Projects in Rural Areas, this five county area was one of four of five projects selected in the country to receive national technical assistance. An interlocal agreement created a Board consisting of representatives of the state, cities and counties, the two industries, the White House, to govern the impact planning. Four staff were hired and several consultants retained to do studies and assessment. I have more history on these from my files if helpful.

A second example is the economic impacts due to El Nino on the shell fish industry and the communities along the Washington coast several years ago. At that time the shell fish industry along the Washington Coast was severely distressed and unemployment and income losses were rising. The State of Washington through the Department of Community Development provided technical assistance, job training funds and other financial assistance to the communities for economic recovery programs. The communities would often get special consideration or priority attention from state loan and grant programs.

A third example is the Timber Impact Assistance Team that has been operating for several years throughout the State of Washington through which a number of counties have been identified as Timber Distressed and as a result receive priorities for grants and loans, under a variety of state programs plus some direct money to plan as a result of the impacts. The purpose includes building the necessary facilities and programs to compensate for the economic losses and regain a competitive economic position along with planning assistance.

In some of these cases special programs are created by the State of Washington, in other cases federal funds or federal initiatives provide the stimulus or are used in cooperation with state funds, and still in other cases, existing programs are targeted or particular emphasis with existing programs is placed on the impacted areas through a combination of administrative or legislative initiatives.

In our case, I would suggest that it is not necessary to initiate a particular legislative program particularly in this legislative environment, but may be more appropriate to secure some leadership from one of our legislators to take initiative that would introduce a bill budget rider at the appropriate time at the final budget deliberations, that would provide funds for administrative action. We should talk with Tom Campbell, and Mike Fitzgerald, Director of the Department of Community, Trade and Economic Development prior to any specific proposal with a legislator.

The basis of our request obviously, is the economic loss potential due to the third runway, decline in property values, transportation impacts, as well as the environmental question such as water and air quality. The question or need can be framed in a variety of ways, but the opportunity is clear. I think it will make a difference how we frame the particular

needs. One simple basic argument is that we do not have the technical ability to respond, and analyze the impact statements, and that we need funds to retain this technical assistance.

cc: City of Burien City Council

STATE OF WASHINGTON COMMUNITY DISTRESS PROPOSAL FOR INTERNATIONAL AIRPORT COMMUNITY IMPACT ASSISTANCE

February 14, 1995

WHEREAS, Seattle-Tacoma International Airport (Sea-Tac) is a facility of statewide significance and importance to the economy; and

WHEREAS, all residents of the State of Washington benefit from the operation of the international airport; and

WHEREAS, communities neighboring the airport experience significant adverse impacts from its operations, including but not limited to, noise, traffic, environmental degradation in air and water quality, decline in property value and loss of economic competitiveness; and

WHEREAS, the Port of Seattle continues to spend substantial public resources to plan for the potential expansion upgrading and improvement of the airport; and

WHEREAS, the cities of Burien, Normandy Park, Des Moines, Tukwila, and Federal Way, bear the vast majority of the adverse impacts, but do not have resources to assess the impacts of existing airport facilities, the proposed airport expansion and improvement, or to plan for these impacts; and

WHEREAS, as beneficiaries and users of the airport, all citizens of the state and those that fly through the airport, have a responsibility to share in the airport related costs incurred by these cities;

WHEREAS, the Washington State Growth Management Act imposes other requirements by the state that further require local response, planning, and preparation for, particularly to facilities that have statewide significance

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE

- 1) The State of Washington Department of Trade, Economic and Community Development shall establish an international airport impacts mitigation planning account. Funds in this account shall be distributed as grants to cities who, by interlocal agreement, have joined together to form a SeaTac planning coalition in order to promote orderly and coordinated planning for impacts associated with existing and potential developments at Sea-Tac International Airport, including but not limited to the addition of a third runway.

- a) The department shall work with the cities of Burien, Normandy Park, Des Moines, Tukwila, and Federal Way to develop a formula and process for distributing these funds.

2. Eligible activities to be undertaken with these funds shall include, but are not limited to:
 - a) Environmental assessments and data gathering.
 - b) Impact assessments.
 - c) Technical studies.
 - d) Retaining professional staff and professional services
 - e) Preparing community plans and neighborhood studies.
 - f) Matching funds for other local, state or federal grant and loan programs for planning and capital projects to insure the economic solvency and vitality of these communities.
3. The Washington State Department of Community, Trade and Economic Development staff shall actively explore other funding programs and opportunities to supplement state appropriations to the fund.
 - a) The department shall provide an annual report to the participating cities, the governor and legislature on opportunities identified, and the success of their efforts to secure additional funds.
4. The department may use up to 5% of the state general funds appropriated as a result of this act to administer this fund and to perform the required duties in this Act.
5. Recipients of these funds shall provide the department with an annual report highlighting the use of the funds and local accomplishments.
6. The department shall maintain and seek to recapitalize this fund until such a time that a final decision has been made not to proceed with plans for the expansion of the airport or until all construction activities are completed.
7. \$465,000 shall be appropriated for the purposes of this act.
 - a. The department shall submit biennial budget requests to recapitalize the fund at an appropriate level.
8. This budget proviso shall be effective July 1, 1995, with funds directed to the City of _____ for local delivery.

NEW COMMUNITY AND RAPID DEVELOPMENT IMPACT ASSISTANCE RESULTING FROM PROPOSED THIRD RUNWAY

Assessment of socio-economic conditions and tax revenue base resulting from potential airport expansion; development of strategy.	\$75,000 to \$125,000
Analysis of impacts from increased ground transportation usage in communities adjacent to the airport; creation of 10 year capital improvement program.	\$100,000 to \$125,000
Quality of life assessment regarding noise water and air quality resulting from increased development pressures as well as direct impacts from the third runway.	\$100,000 to \$125,000
Establishment of geo-based information system to adequately collect, street revenues and display base line and subsequent changes.	\$150,000 to \$200,000
Final number would include costs for pass thru state agency to administer which usually by states rules is 5%.	\$425,000 to \$575,000

cc. City Manager

AIRPORT COMMUNITIES COALITION
21630 11th Avenue South, Des Moines, WA 98198
(206) 870-6541

RECEIVED

JUN 12 1995

CITY OF BURIE

City of Burien

City of Des Moines

City of Normandy Park

City of Tukwila

Highline School District

June 7, 1995

The Honorable Mike Lowry
Governor
Legislative Building
P. O. Box 40002
Olympia, WA. 98504-0002

Re: Impact Analysis Funding for the City of Burien

Dear Governor Lowry:

On behalf of the City of Burien and several other communities in King County, I ask for your support of Section 16 of the General Fund. This provision directs \$500,000 dollars be made available for the orderly and coordinated planning for impacts associated with existing and potential developments of the Seattle-Tacoma International Airport.

My community, along with the cities of Des Moines, Tukwila and Normandy Park, has joined together through an interlocal agreement to find better deal with the substantial present impacts and prospective effects of airport expansion. As you may know, the Federal Aviation Administration and the Port of Seattle released the \$4,000,000 draft Environmental Impact Statement (EIS) on airport expansion almost two weeks ago. Unlike a limited purpose government such as the Port or the vast federal government, these impacted cities cannot call upon large financial resources.

There are many significant impacts presented in this 2,200 page document. These funds will allow for the analysis of the impacts and an understanding of what types of adjustments are possible if the airport proceeds with its expansion plans. The communities must address the anticipated economic loss potential and the impacts to local growth management planning from airport development.

Many of the impacts that are identified cannot be examined in the EIS. The impacted communities need to plan for contingencies such as a loss of taxable property, municipal limitations to expansion of local economic development, cumulative impacts upon surface transportation and growth management. The EIS alone cannot provide assistance to the communities since its main focus is upon environmental impacts, not socio-economic impacts. This EIS suggests that many of the socio-economic impacts are insignificant and are few in number. However, these may have significant impact and require some resolution under the Growth Management Act.

The funds will not eliminate the existence of the airport nor jeopardize its future. The airport is an essential public facility that already exists. While the funds are directed to the City of Burien, the City will work with surrounding jurisdictions, incorporated or unincorporated, to focus the impact analysis. There is precedence for providing impact assistance and mitigation with the Creston coal-fired power plant, the Everett Home Port and the Timber Impact Assistance Team. Without the ability to thoughtfully examine the substantive impacts, these communities cannot substantively address the potential mitigation that will likely occur.

There is also support from the Puget Sound Regional Council Executive Board (PSRC) on the concept of impact assistance. The PSRC passed resolution EB-94-01 on October 27, 1994. This resolution was forwarded to Secretary of Transportation Sid Morrison by letter dated November 15, 1994. The resolution states, in pertinent part:

"FURTHER, the Executive Board recommends that the region work with the State to enact legislation allowing for substantial and equitable incentives and compensation for communities impacted by the proximity of essential public facilities."

It is critical that the State of Washington become involved in this issue. By providing essential public funds, the State can understand better the full range of impacts throughout the region and benefit from the analysis that these communities will perform.

On behalf of my fellow elected representatives throughout King County, representing nearly 250,000 people, I appreciate your support and commitment to maintain the funds in the budget. I shall gladly meet with interested parties to put to rest any concerns, real or imaginary, on how the funds are directed.

Sincerely,



Arun Jhaveri
Mayor, City of Burien

cc: Mayor Richard Kennedy
City of Des Moines

Mayor Dave Miller
City of Normandy Park

Mayor John Rants
City of Tukwila

Mayor Mary Gates
City of Federal Way

Mayor Judy Clibborn
City of Mercer Island

Board Member Ed Pina
Highline School District

Suburban Cities Association

OF KING COUNTY, WASHINGTON

ALGONA
AUBURN
BEAUX ARTS
BELLEVUE
BLACK DIAMOND
BOTHELL
CARNATION
CLYDE HILL
DES MOINES
DUVALL

ENUMCLAW
FEDERAL WAY
HUNTS POINT
ISSAQUAH
KENT
KIRKLAND
LAKE FOREST PARK
MEDINA
MERCER ISLAND
NORMANDY PARK

NORTH BEND
PACIFIC
REDMOND
RENTON
SEA-TAC
SKYKOMISH
SNOQUALMIE
TUKWILA
YARROW POINT

June 7, 1995

The Honorable Mike Lowry
Governor, State of Washington
P.O. Box 40002
Olympia, WA 98504-0002

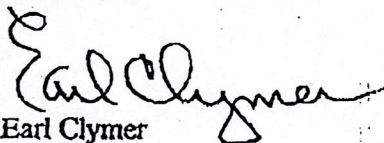
Dear Governor Lowry:

On behalf of the Executive Committee of the Suburban Cities Association of King County, I am writing to express our support for your approval of the \$500,000 set aside in the 1995-1997 budget to help our member cities located in Southwest King County study and plan for potential adverse impacts from the proposed Sea-Tac International Airport expansion. Our member cities of Burien, Normandy Park, Tukwila, Des Moines and Federal Way have a responsibility to plan for health, welfare, safety and quality of life for the nearly 250,000 people they serve.

I am sure you are aware that the expansion of Sea-Tac Airport has been a most difficult and contentious issue for our membership. While our region continues to struggle with this issue, let there be no doubt about our organization's commitment to the need for the allocation of this money to prepare for and plan in anticipation of the impacts of the proposed expansion.

Thank you for your support. Please feel free to contact our office at 206-236-7676 if I can be of any additional assistance.

Sincerely,



Earl Clymer
Mayor of Renton
President, Suburban Cities Assn. of King County

cc: SCA Board

Burien, Normandy Park, Tukwila, Des Moines, Federal Way

Lowry695



STATE OF WASHINGTON

DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

906 Columbia St. SW • PO Box 48300 • Olympia, Washington 98504-8300 • (360) 753-2200

June 5, 1995

The Honorable Mike Lowry

Governor

Legislative Building

Post Office Box 400025

Olympia, Washington 98504-0002

Dear Governor Lowry:

The 1995-97 Operating Budget for the Department of Community, Trade and Economic Development, (CTED), Section 126, as adopted by the House and Senate, includes a total appropriation of \$276,399,000 subject to 18 conditions and limitations. One condition restricts Executive Branch flexibility, and may likely create undue liability for CTED.

City of Burien

Proviso 16 states: "\$500,000 of the general fund--state appropriation is provided solely for distribution to the City of Burien for analysis of the proposed Port of Seattle third runway including preparation of a draft environmental impact statement and other technical studies. The amount provided in this subsection shall not be expended directly or indirectly for litigation, public relations, or any form of consulting services for the purposes of opposing the construction of the proposed third runway." This language is problematic for three reasons. First, our conversations with drafters of the language, along with documents they provided, have led us to believe that this proviso was requested by a consortium which included the cities of Burien, Normandy Park, Des Moines, Tukwila and Federal Way. The language does not list any of the other jurisdictions as recipients of the provided monies. Second, CTED knows of no State Environmental Protection Act (SEPA) action that the City of Burien is taking that would trigger a determination of significance, and therefore an Environmental Impact Statement (EIS). The only exception might be their comprehensive plan under the Growth Management Act (GMA), but this is not referenced in the proviso language. The Port of Seattle has already published a draft environmental impact statement on the third runway. Further, if these funds are to be used to support SEPA-based analysis, then the products should not be limited to only a draft EIS. Third, we are unable to provide assurance that the monies will not be expended "indirectly for litigation, public relations, or any form of consulting services for the purposes of opposing the construction of the proposed third runway".

The Honorable Mike Lowry

June 5, 1995

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Even though the specific language of the proviso is problematic, there is potentially a positive outcome contained within the intent of this proviso. CTED has a long and successful history in working with communities on impact assistance and mitigation. Examples of this history include the recent salmon crisis, Bangor, Everett Home Port, and the Creston coal-fired power plant. Our Growth Management Services Area provides grants to local communities which are targeted to meet state interests and goals. These grants are combined with local and federal monies to accomplish local and federal goals respectively. Grants to jurisdictions which will be affected by a major public facility would be consistent with our current structure for financial assistance to local governments. Additionally, the geographic area surrounding the proposed third runway has several newly incorporated cities that are in the early stages of their growth management planning. This is an appropriate time to incorporate possible impacts of a third runway into the communities' planning within a SEPA-GMA framework (HB 1724), as opposed to a SEPA-NEPA (National Environmental Policy Act) framework.

Given the recent adoption of new law (HB 1724) integrating the Growth Management Act with SEPA, the potentially affected communities have the option of an environmental review of their GMA comprehensive plan, using one alternative with a third runway without prejudging the outcome of that alternative. The Growth Management Act addresses the siting of essential state public facilities. Arguably, the third runway has the greatest impact of essential state public facilities considered since the adoption of the Act. The department needs flexibility to build an appropriate model for assisting local communities with impact assessment under the newly adopted SEPA-GMA integration called for in HB 1724. We believe that work on this model will be of significant value to the Land Use Commission and Land Use Study.

For the above stated reasons, we request veto of proviso 16 in the CTED budget. The Department will commit to working closely with the communities surrounding the proposed runway to provide grant funds for mitigation and impact analysis and capital facilities planning as a fully integrated part of their growth management comprehensive planning. We will structure this work to comply with the proviso intent to not expend monies for the purpose of opposing the third runway.

Sincerely,

Mike
Mike Fitzgerald
Director



CITY OF BURIEN

415 Southwest 150th Street
Burien, Washington 98166-1973

Phone: (206) 241-4647
Fax: (206) 248-5539

Mayor
Don Ihaveri
Deputy Mayor
City Silue
Councilmembers
Kevin James
John Kennedy
Alan Matthews
Duffy Nelson
Don Newby

June 7, 1995

The Honorable Mike Lowry
Governor, State of Washington
P.O. Box 40002
Olympia, Washington 98504-0002

Dear Governor Lowry:

This is in response to the June 5, 1995 letter to you from Mike Fitzgerald, Director of the Department of Community, Trade and Economic Development, which recommends a veto of proviso 16 of the 1995 - 1997 operating budget for CTED. As you know, proviso 16 dedicates \$500,000 of the General Fund to the City of Burien for analysis of the impacts generated by the Port of Seattle's proposed third runway at Seattle-Tacoma International Airport. The City of Burien strongly supports this proviso and asks that you join us in promoting rational land use planning, environmental enhancement and sound community development.

The rationale for recommending a veto is unsupported. For example, the Director declares that proviso 16 "restricts Executive Branch flexibility, and very likely creates undue liability for CTED." The proviso does neither and the Director cites no basis for this proposition.

Rather, the proviso provides funding for Burien as lead agency for a coalition of cities near the airport -- all of which will be severely and adversely impacted by both the construction of the proposed third runway and increased air traffic upon its possible completion -- to identify and only begin to address these impacts on our cities and citizens.

Furthermore, the Director lists three specific problems with the proviso none of which apply. First, he notes that the drafters of the proviso said that the funds were requested by a group of cities, and only Burien is listed in the proviso. As above, Burien will act as lead agency for those cities. This is not an unusual arrangement and one that the State is very familiar with in similar projects. As appropriate interlocal agreement can be drafted, for CTED concurrence and approval, if desired.

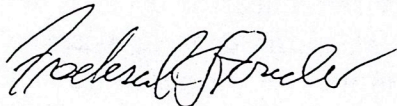
Second, the Director indicated that Burien has not taken any SEPA action which would trigger an EIS requirement. This is accurate but not relevant. The main purpose of the proviso is to assess impacts facing South King County communities from major new development and unusual growth patterns. As the author of the letter acknowledges that he has spoken with the drafters and ascertained their intent, he must also know that these funds are needed to address, in part but not solely, the EIS for the proposed third runway as well as other associated impacts. The Airport EIS, by the way, was prepared at a cost of \$4,000,000, compared to \$500,000 funded through this provision which will provide for true impact planning assistance.

Finally, the letter states that CTED cannot provide assurance that the funds will not be expended for litigation or other consulting services "for the purposes of opposing the construction of the third runway," in contravention of the proviso language. The CTED routinely approves contract vouchers prior to payment to ensure compliance any contract or budget item. While legislative language can always be debated, this proviso is certainly workable, can achieve the intent and should be approved as wished by the State Legislature.

Finally, to suggest that 37,000 plus construction jobs and 63 to 115 truck trips per hour for 16 hours a day 6 days a week 50 weeks per year for a 2.5 year period (using just two examples) can somehow be addressed by integrating SEPA with GMA clearly misses the point of what true impact assistance planning should do. The Department of Community Trade and Economic Development in the past has taken an active role in supporting efforts to build local capacity and to assess the impacts of large scale development projects, as the veto letter notes. This proviso is consistent with that tradition and represents an appropriate investment of State funds for the betterment of local communities. While we are disappointed in the director's recommendations, we urge you to support communities facing a perilous future unless adequate preparation occurs. We request that you approve this budget proviso as submitted.

Your attention to this matter is greatly appreciated. Thank you very much for your assistance.

Sincerely,



Frederick C. Stouder
City Manager

cc: Mayor Arun Jhaveri, City of Burien
Mayor John Rants, City of Tukwila
Mayor Richard Kennedy, City of Des Moines
Mayor Mary Gates, City of Federal Way
Mayor Robert Davis, City of Federal Way