

## Legislation Text

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**File #:** 2023-0053, **Version:** 1

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Clerk 02/02/2023

AN ORDINANCE related to environment, health, climate and community impacts of activities at King County International Airport/Boeing Field; amending Ordinance 12785, Section 1, as amended, and K.C.C. 15.94.010 and Ordinance 12785, Section 3, as amended, and K.C.C. 15.94.030, adding new sections to K.C.C. chapter 15.08 and adding new sections to K.C.C. chapter 15.94.

### PREAMBLE:

King County International Airport ("the airport") was established when voters approved its initial funding in 1928.

The airport sits within the Duwamish valley and runs parallel to the Duwamish river. It is located mostly within the city of Seattle with the northern boundary just south of Seattle's Georgetown neighborhood and the airport's southern tip extending into the city of Tukwila.

The majority of residents in communities adjacent to the airport are people of color and people with low incomes. Of the 5,600 residents who live in South Park and Georgetown, 70 percent are people of color, 42 percent are foreign-born and 71 percent have an income 200 percent below the federal poverty line.

There are 12 playgrounds and play fields, 21 parks, 31 schools and 61 places of worship within two miles of the airport.

The 2013 Cumulative Health Impacts Analysis published by Just Health Action and the

Duwamish River Cleanup Coalition/Technical Advisory Group characterizes the disproportionate exposure to air pollution, lack of greenspace, and high poverty rates contributing to life expectancy in South Park and Georgetown that is 13 years lower than wealthier communities in Seattle.

Residents of communities affected by the airport operations and business interests dependent on the airport have repeatedly expressed concerns about airport noise and environmental health impacts.

King County is committed to creating economic opportunity for all, stewarding our environment responsibly, partnering with communities, centering equity and social justice and being transparent and accountable.

King County has historic involvement in the Duwamish valley through the superfund cleanup and remediation as part of the Lower Duwamish Waterway Group along with the city of Seattle, Port of Seattle, and Boeing. The Lower Duwamish Waterway Group has collectively invested approximately 50,000,000 dollars in investigating contamination in the lower Duwamish waterway, developed approaches for cleanup of the waterway and means to prevent recontamination through source control.

On October 20, 2010, Ordinance 16948, also referred to as the "Equity and Social Justice Ordinance," was enacted, establishing equity and social justice from an initiative to an integrated effort that intentionally applies the countywide strategic plan's principle of "fair and just" in all the county does in order to achieve equitable opportunities for all people and communities.

On July 24, 2020, with Motion 15655 <<https://mkcclegisearch.kingcounty.gov/View.ashx?M=F&ID=8703085&GUID=13CC0A72-9A04-4620-AFED-70D290F9DA5B>>, the King County council declared racism a public health crisis and affirmed its commitment to maintain and incorporate into its work a public health approach to addressing institutional and system racism across King County government, and to rectify historic and current day trauma and disproportionality. The council also recognized that eliminating racist policies and practices and the conditions that result in disparate access to resources and opportunities based on race requires engaging and being responsive to communities and residents impacted by racism,

especially Black and Indigenous communities, as partners in identifying and implementing antiracist solutions, policies and practices. The council committed to using its authority to enact antiracist policies and practices that will meet human needs, promote healthy and strong communities, reduce structural inequities and advance equity and justice by eliminating policies and practices designed to oppress marginalized people.

On May 4, 2021, with Motion 15866, the King County council recognized that the impacts of a changing climate do not affect all King County residents in the same way. Climate change is a threat multiplier and its impacts can magnify existing health issues and limited access to resources that are already experienced disproportionately by Black, Indigenous and People of Color.

Consistent with its equity and social justice strategic plan and commitment to environmental justice called for in Ordinance 19041, King County is committed to strengthening engagement with communities facing the greatest impacts from climate change and create opportunities for shared leadership and decision-making to develop solutions and prioritize investments. The airport served as Seattle's passenger airport until it was condemned by the United States in 1941 and dedicated to aircraft production during World War II. The United States transferred the airport back to the county in 1948 through an Instrument of Transfer, which contained certain obligations and restrictions regarding the use of the airport real property.

The airport is one of the nation's busiest primary nonhub airports. The airport averages 180,000 takeoffs and landings each year, with an economic impact of over 5,000,000,000 dollars in our regional economy through labor income, business revenues and value added to the gross state and regional product.

As the sponsoring agency for the airport, the county has sought grant funding from the Federal Aviation Administration for, among other things, capital projects and planning. In consideration of the receipt of federal grant funding, the county assumed certain contractual obligations known as grant assurances. The grant assurances require the county to adhere to federal regulations, administered by the Federal Aviation Administration, in operating the airport. Those regulations include restrictions on the use of airport revenue.

King County council believes it is imperative to understand the role that the airport plays in the region and how airport operations impact airport-adjacent communities. The county council is committed to working with airport-adjacent communities to address these impacts.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 15.08 a new section to read as follows:

"Federal obligations" means federal statutes and regulations pertaining to the ownership and operation of the airport, grant agreements between the county and the Federal Aviation Administration, including, but not limited to, the Airport Improvement Program as authorized by the Airport and Airway Improvement Act of 1982, as amended, codified as 49 U.S.C. § 47101 et seq, as amended, and the terms, conditions, reservations and restrictions prescribed in the Instrument of Transfer, dated May 26, 1948, between the United States of America

and King County, as authorized by the Surplus Property Act of 1944 (58 Stat.765), codified as 49 U.S.C. §§ 47151-47153, as amended.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 15.08 a new section to read as follows:

"Overburdened communities" means geographic areas where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 15.08 a new section to read as follows:

"Vulnerable populations" means population groups that are racial or ethnic minorities, low-income, disproportionately impacted by environmental harms and population groups likely to be at higher risk for poor health outcomes in response to environmental harms due to:

A. Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and

B. Sensitivity factors, such as low birth weight and higher rates of hospitalization.

SECTION 4. Ordinance 12785, Section 1, as amended, and K.C.C. 15.94.010 are hereby amended to read as follows:

The King County Airport roundtable ((f)), which, for the purposes of this chapter, is also known as "the roundtable"((g)), is hereby established. It shall be comprised of ((sixteen)) eighteen regular voting members representing the following interests: ((eight)) ten representatives of communities directly affected by the airport, including one each from Georgetown, Magnolia or North Seattle, Tukwila, Renton/Kent/South King County, ((Beacon Hill/Rainier Valley)) Beacon Hill, Rainier Valley, West Seattle, unincorporated King County

, South Park and one at-large; four airport tenant representatives, one each from a cargo operator or scheduled air carrier, small general aviation and corporate tenants and one from Boeing; one representative from a pilots' association; one representative from a commercial enterprise (~~((which))~~) that is an off-site user or an off-site provider of airport-related services; and two labor representatives. In addition, the Federal Aviation Administration may designate one ex officio nonvoting member.

SECTION 5. Ordinance 12785, Section 3, as amended, and K.C.C. 15.94.030 are hereby amended to read as follows:

A. Except for the ten representatives of communities directly affected by the airport, ((R))regular members, as defined in K.C.C. 15.94.010, shall be appointed by the county executive subject to confirmation by the county council. The executive may appoint nonvoting ex officio members who shall serve at the executive's discretion.

B. The ten representatives of communities directly affected by the airport shall be nominated for appointment by the members of the county council and approved by motion of the county council and may be reappointed by the members of the county council to serve up to two full consecutive terms, subject to approval by motion of the county council.

C. Except as otherwise provided in subsection ~~((C-))~~ B. of this section, members may be reappointed by the executive to serve up to two full consecutive terms, subject to confirmation by the council.

~~((C-))~~ D. Representatives of Boeing and labor are exempt from term limits.

~~((D-))~~ E. Members shall serve a term of three years or until their successor is appointed and confirmed as provided in this chapter. The terms of office shall be staggered consistent with K.C.C. chapter 2.28.

~~((E-))~~ F. A vacancy shall be filled for the remainder of the term of the vacant position in the manner described in the initial appointment.

~~((F-))~~ G. A majority of the committee shall elect one of its members as chair. The term of the chair shall be for one year and the chair shall not serve more than two consecutive terms as chair.

NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 15.94 a new section to read as follows:

The roundtable community advisory subcommittee is hereby established. It shall be comprised of the representatives of Georgetown, Tukwila, Beacon Hill, Rainier Valley and South Park, as designated as representatives of communities directly affected by the airport under K.C.C. 15.94.010, and up to five additional representatives recommended by the subcommittee to the county council for appointment in the manner outlined in subsection B. of K.C.C. 15.94.030. Candidates recommended by the subcommittee shall represent overburdened communities and vulnerable populations that are disproportionately impacted by activities at the airport and representatives from community-based organizations that serve residents of airport-adjacent Duwamish valley neighborhoods, including, but not limited to, Georgetown, South Park, Tukwila-Allentown and Beacon Hill, as well as representatives from climate and other organizations.

NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 15.94 a new section to read as follows:

A. The roundtable community advisory subcommittee shall advise and make recommendations to the airport management, county executive and county council ways to strengthen the community-airport relationship, improve environmental health of highly impacted residents and livability of highly impacted neighborhoods and to increase access to workforce and economic development opportunities for residents of airport-adjacent Duwamish valley neighborhoods, including, but not limited to, Georgetown, South Park, Tukwila-Allentown and Beacon Hill communities. The subcommittee's duties shall include, but not be limited to: providing input on the airport's draft reports, including the studies required in section 12 of this ordinance; review and provide input on the airport's budget; advise on airport-related community engagement plans; and assisting with development of major airport plans, such as the airport master plan, to ensure the airport's consideration of adjacent overburdened communities and vulnerable populations. When transmitting a budget, plan or policy proposal to the King County council, the airport and county executive shall include a record of

the subcommittee's feedback and recommendations. The subcommittee may present its recommendations directly to the executive or council.

B. The county, airport and subcommittee shall cocreate and maintain a community benefits agreement addressing the environmental, climate, health, economic and livability concerns of residents and workers in airport-adjacent Duwamish valley neighborhoods, including, but not limited to Georgetown, South Park, Tukwila-Allentown and Beacon Hill communities. The policy directives and actions outlined in the agreement shall strive to address the concerns of overburdened communities and vulnerable populations, especially residents and workers of color, immigrants, refugees, Native Americans, people with low incomes, people experiencing houselessness, youth, LGBTQ people, people with disabilities, people with limited English proficiency, and women- and people of color-owned businesses and organizations. The agreement shall be transmitted for approval by motion of the King County council by December 31, 2024. The agreement shall include the following:

1. A policy directive establishing scope, responsibilities, guiding principles, shared goals, a list of immediate and future actionable items, a strategy and timeline to accomplish goals and auditable reporting standards;

2. A sample work plan. Potential work plan items include may include, but not be limited to: ways to improve targeted local hire recruitment and targeted selection of Black, Indigenous and People of Color, immigrant and refugee, and LGTBQ communities for airport training apprenticeships, jobs, and contracts; an environmental, health and spill and incident prevention and mitigation plan for communities near the fuel storage farm; a written community engagement and consultation plan for proposed changes to Perimeter Road; ways in which the airport can engage with the community to provide cost-free event space for uses including meetings and engagement with city of Seattle, county and regional agencies; a list of green canopy options, with an emphasis on species native to the Duwamish river valley, or landscape options to address heat, air quality and noise concerns; community engagement guidelines related to airport assessment of a property

acquisition; a study that defines opportunities within the county's legal authority to prevent and address displacement; and ways in which the airport can engage with community on emergency planning; and

3. A sample evaluation plan to determine whether the airport is meeting benchmarks and metrics related to goals in the sample work plan.

C. If approved by a majority of subcommittee members, the subcommittee may appoint, and the county executive may hire, a third party to facilitate discussion between the county and the subcommittee.

D. If approved by a majority of subcommittee members, and in consultation with county representatives, the subcommittee may engage a liaison from the Federal Aviation Administration.

E. The subcommittee shall submit a report to the county council, no later than December 31 of each calendar year, that describes the activities, work and progress related to the duties outlined in subsection B. of this section.

F. The incorporation of county policies shall be in compliance with federal obligations.

NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 15.94 a new section to read as follows:

A. The county executive shall designate county representatives who shall participate in meetings of the roundtable community advisory subcommittee and provide policy support where needed. The county representatives shall be employees from the following agencies: the airport, office of equity and social justice, the Public Health Seattle-King County Climate Health Action Team, and county staff for the Climate Equity Community Task Force. An additional county representative shall be the councilmember representing the council district where the airport is located, or their representative. Representatives from relevant jurisdictions' Emergency Management departments or offices should be invited to participate.

B. Administrative support shall be provided as outlined in K.C.C. 15.94.040.

NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 15.94 a new section to read as follows:



In accordance with K.C.C. 2.28.006, excepting advisory members, members of the subcommittee who are neither employees of King County nor employees of other municipal governments shall receive compensation of one hundred fifty dollars per meeting of the subcommittee. The maximum annual compensation that a subcommittee member may receive is two thousand five hundred dollars. The purpose of the compensation is to compensate those nongovernmental employees for their experience and expertise contribution to the subcommittee. Compensation may be adjusted based on future policies adopted by the county.

SECTION 10. Section 11 of this ordinance should constitute a new chapter in K.C.C. title 15.

NEW SECTION. SECTION 11. There is hereby added to the new chapter created in section 10 of this ordinance a new section to read as follows:

A. The airport shall incorporate into the airport master plan, capital program, budget, operations and environmental programs the applicable provisions of the policies in the following county documents and programs: Equity and Social Justice Strategic Plan; Strategic Climate Action Plan; King County Countywide Planning Policies; Real Property Asset Management Plan; Clean Water, Healthy Habitat Strategic Plan, Carbon Neutral Implementation Plan; King County Operational Cost of Carbon Report; and King County Priority Hire Program.

B. The airport shall consider the applicability of incorporating into the airport master plan, capital program, budget, operations and environmental programs the following county initiatives and programs: racism as a public health crisis, zero emission fleet, urban heat island mitigation and one million trees.

C. The incorporation of county policies shall be in compliance with federal obligations.

SECTION 12. Section 13 of this ordinance should constitute a new chapter in K.C.C. title 15.

NEW SECTION. SECTION 13. There is hereby added to the new chapter created in section 12 of this ordinance a new section to read as follows:

A. The airport shall conduct a comprehensive environmental impact assessment of all aeronautical,

land transportation and airport activities at the airport. The assessment shall at least include the environmental and cumulative impacts of airport infrastructure, ground traffic, deicing products, aircraft refueling, fuel storage, aircraft movement and waste produced by maintenance of the airport and facilities. For the purposes of this section, "environmental and cumulative impacts" means impacts to waste output, climate, noise, landscape, water quality, air quality, biodiversity and public health. The assessment shall also include a race, social and economic equity analysis to inform and support the consideration of overburdened communities and vulnerable populations when making decisions. The airport shall update the assessment every ten years.

B. Beginning March 1, 2022, the airport shall conduct studies related to the following:

1. Public health outcomes related to air, noise and heat emissions and ultrafine particles resulting from airport activities and strategies to reduce and mitigate those outcomes;
2. Measurement, reduction and mitigation of airport noise. The airport may use procedures in the federal Airport Noise Compatibility Planning Program, also known as the Part 150 Program, or any other procedure or method authorized by the Federal Aviation Administration;
3. Measurement, reduction and mitigation of emissions including, but not limited to, greenhouse gasses, oxides of nitrogen, particulate matter, ultrafine particles, black carbon, fuel burn and carbon dioxide related to activity of the airport. To ensure best practices for measurement methodologies, and greenhouse gas emissions reduction and mitigation strategies, the airport shall adhere to recommendations adopted by the county council from the joint aircraft emission technical and community task force. The airport shall also work to achieve any county council adopted emissions reduction targets. The airport shall collaborate with the Puget Sound Clean Air Agency, the University of Washington or another institution chosen in consultation with the roundtable community advisory subcommittee established in section 6 of this ordinance to conduct that work; and
4. Measurement, reduction and mitigation of increases in thermal air created by airport operations.

C. The airport shall update the studies required in subsection B. of this section every five years.

D. The airport shall transmit each study required in subsection B. of this section and a motion that should acknowledge receipt of each study to the King County council. Each study shall also be made accessible on the airport's website and distributed to members of the airport round table and the roundtable community advisory subcommittee established in section 6 of this ordinance.

E. The airport shall engage with regional climate partners as described in the King County 2020 Strategic Climate Action Plan, section GHG 1.1.4.

F. The incorporation of the aforementioned county policies shall be in compliance with federal obligations.