PROJECT TITLE: Resolution finding and designating as a blighted area under the state Community Renewal Law the area in and adjacent to the former Asarco Smelter (Redevelopment Area).

Consent [X] Action COUNCIL BILL #
First Reading Originating Department Legal
Second Reading Contact Person Iles/Soine
Third Reading Phone Number 257-8739
Public Hearing FOR AGENDA OF July 2, 2004

Initialed by: Department Head
CAA
Council President

Location The area in and adjacent to the former Asarco Smelter (Redevelopment Area). Northeast Everett between approx. Broadway, W. Marine View Dr., Hawthorne and Butler Streets.

Preceding Action City Council approval of deal points between City and EHA on May 5, 2004

Attachments Proposed Resolution
Department(s) Approval Legal

Council approval of this agenda item authorizes a budget revision in the additional amount requested.

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DETAILED SUMMARY STATEMENT:
City Council approved a set of deal points with the Everett Housing Authority (EHA) on 5/5/04 to cooperate on EHA’s facilitation of the cleanup and redevelopment of the area in and adjacent to the former Asarco Smelter (Redevelopment Area). The City agreed to act on EHA’s request to make findings and designate the Redevelopment Area as a blighted area/community renewal area under the state Community Renewal Law. State law requires the necessary findings and designation to be in a resolution or ordinance, prior to considering designating EHA as a community renewal agency for the area.

RECOMMENDATION (Exact action requested of Council): Adopt the proposed Resolution finding and designating as a blighted area under the state Community Renewal Law the area in and adjacent to the former Asarco Smelter (Redevelopment Area).
RESOLUTION NO. ______

A RESOLUTION of the City Council of the City of Everett relating to community renewal; finding that a blighted area exists where the former Asarco Smelter was located and that rehabilitation and redevelopment is necessary in the public interest.

WHEREAS, the Washington State Department of Ecology ("Ecology") has designated portions of northeast Everett as the "Everett Asarco Site," has placed the site on the state's Hazardous Sites List, and has given the site a hazard ranking of "1" (greatest assessed risk to human health and the environment); and

WHEREAS, in November 1999, Ecology, after public review and comment and consultation with the City, issued a integrated Final Cleanup Action Plan and Final Environmental Impact Statement for the upland area of the Asarco Smelter Site ("FCAP"), in compliance with the Model Toxics Control Act ("MTCA") and State Environmental Policy Act ("SEPA"), and which included analysis of future land use under the City of Everett comprehensive plan and development regulations adopted under the Growth Management Act; and

WHEREAS, the FCAP states that "The Everett Smelter Site is a portion of Northeast Everett contaminated by arsenic, lead, and other metals. The contamination was caused by emissions from the Everett Smelter between 1894 and 1912, and by material left behind when the smelter was demolished between 1912 and 1915. The property was sold in various parcels between 1915 and 1936, and homes were built on many of the parcels;" and

WHEREAS, the FCAP describes the existence of smelter debris, flue dust and emissions, hazardous soils, substances and materials at the Asarco Smelter Site that contain arsenic, lead and other toxic chemical concentrations at very high levels in excess of than state cleanup levels for residential and other properties, which have created unsafe conditions that are conducive to ill health transmission of disease, and pose a threat to human health and the environment; and

WHEREAS, the FCAP also found that "Contaminated soils in the residential communities raise health concerns because of; among other concerns, the potential for ingestion by children in the course of their normal activities in residential yards;" and
WHEREAS, Ecology and the Snohomish Health District have found it necessary to institute health advisories and community protection measures information regarding the Everett Smelter Site, which have been translated into five different languages to accommodate the cultural diversity of the residents;

WHEREAS, the FCAP identified the most contaminated area of the Everett Smelter Site as the Former Arsenic Trioxide Processing Area where the former smelter was located, with soil concentrations of arsenic as high as 73 percent; and

WHEREAS, Asarco Incorporated ("Asarco"), an owner and operator of the smelter facility, purchased and demolished to their foundations the residences located in the Former Arsenic Trioxide Processing Area and has fenced such area as an interim action for the protection of public health and safety ("Fenced Area"); and

WHEREAS, based on the conditions identified above, the Fenced Area is an area of substantial physical dilapidation, deterioration, and contamination in an unsafe condition currently unfit for human habitation; and

WHEREAS, the Everett comprehensive plan places a high priority on safe, healthy, and attractive residential areas that encourage affordable housing and protect neighborhood character; and

WHEREAS, the residential area adjacent to and including the Fenced Area is designated "1.3 - Single Family detached" in the Everett Comprehensive Plan (the "Residential Area next to the Former Asarco Smelter"); and

WHEREAS, the Residential Area next to the Former Asarco Smelter was a functioning neighborhood that has been severely and adversely impacted by the former Asarco Smelter contamination and by the demolition of more than 20 homes within the Fenced Area, which present condition depreciates property values, retards the provision of housing accommodations, constitutes and economic and social liability, and substantially impairs the planned growth of the City;

WHEREAS, in March 2003, Ecology in consultation with the City of Everett issued an amendment to the FCAP and SEPA Addendum in 2003 to provide for an off-site disposal remedy for the Fenced Area that would allow for future single family residential use of the Fenced Area, in order to remove hazardous soils and contamination from the area and to promote housing and restore the neighborhood character of the area; and

WHEREAS, a few properties within the Residential Area next to the Former Asarco Smelter have been cleaned up, and nothing in this resolution is intended to, or shall be construed to, diminish in any way the restored quality of these remediated properties; and

WHEREAS, Chapter 35.81 RCW, the state Community Renewal Law, authorizes the City of Everett to use the means provided in that law to restore areas susceptible of rehabilitation "in such a manner that the conditions and evils hereinbefore enumerated may be eliminated,
remedied or prevented; and that to the extent feasible savable blighted areas should be rehabilitated through voluntary action and the regulatory process;” and

WHEREAS, the Community Renewal Law requires a municipality to adopt an ordinance or resolution finding that a blighted area exists and that its rehabilitation or redevelopment is necessary in the interest of the public health, safety, morals, or welfare of the residents of such municipality.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVERETT

Section 1: In light of the foregoing facts, adopted herein by reference, the City finds that: (a) the Residential Area next to the Former Asarco Smelter (shown on Exhibit A to this resolution), in its present condition, is a “blighted area” under RCW 35.81.050; and (b) the rehabilitation, redevelopment, of a combination thereof, of such area is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City of Everett.

Section 2: The City of Everett reserves the right to determine at any time that a blighted area no longer exists; provided that: (a) such determination shall not prevent the implementation of any approved community renewal plan or project for the blighted area, as may be modified from time-to-time, and (b) if the City has authorized its powers under the Community Renewal Law to be exercised by a community renewal agency, the City has consulted in advance with such agency in order to avoid any adverse effects on the accomplishment of an applicable community renewal plan or project by removing such designation.

Councilperson Introducing Resolution

PASSED and APPROVED this ____ day of __________, 2004.

Council President

Exhibit A: Map of “Residential Area next to the Former Asarco Smelter” (2 sheets)
Figure 2-3: Comprehensive Plan Land Use Designations in Project Vicinity.
EXHIBIT A – Sheet 2
Close up of a portion of the Residential Area next to the Former Asarco Smelter