



Snohomish County Council

## **NEWS RELEASE**

For Release: February 11, 2004

### **County Council approves regulations governing the siting of essential public facilities**

The Snohomish County Council has unanimously approved new regulations to govern the siting of essential public facilities in the county. The action by the council brings the county into compliance with a Growth Management Hearings Board decision regarding its process for siting essential facilities. It also sets up a fair process for public involvement in the siting and permitting of such facilities.

The new regulations take effect immediately. With the approval of the new regulations, the council also took action to repeal its moratorium on the acceptance of applications for large sewage treatment plans. The removal of the moratorium was approved on a 4-1 vote, Council member Sax voting no.

The new ordinance establishes clear criteria to be used in the siting and permitting of various types of essential public facilities including those sponsored by a local entity, the state, or a regional authority. Permitting and siting of local EPF's would be governed by 12 criteria. In keeping with the Hearings Board decision, the county would not be able to deny the siting of a state or regional EPF, but would apply specific criteria to the conditional use permitting process for those facilities.

Snohomish County was sued by King County over its previous ordinance relating to the siting of essential public facilities and the Hearings Board invalidated Snohomish County's regulation. King County is attempting to site a large sewage treatment plant in Snohomish County on Route 9 near Woodinville. The Snohomish County Council passed a moratorium on the acceptance of permit applications for large treatment plants until it could respond to the Hearings Board decision and adopt a new EPF ordinance. King County has not yet applied for the sewage treatment plant. If it does, its application would be subject to this regulation.

The new ordinance also provides a 120-day process for the approval of an EPF. That timeline could be extended by mutual agreement or if more information is essential to the decision.

The 12-criteria for permitting a local essential public facility include being consistent with the comprehensive plan, there is a demonstrated need for the

project, it would serve a significant share of the county's population if that is applicable, there has been an investigation of alternative sites, there has been a significant public participation plan, and that the proposal adequately mitigates adverse impacts.

Under the ordinance, the director of the county's Department of Planning and Community Development would determine if an application is for an essential public facility. The director would then determine if it was a federal state or regional EPF or if it is a local EPF. The county's hearing examiner then conducts a public, quasi judicial process, to consider the conditional use permit. Any appeal of that decision goes before the county council.

The county council is continuing its appeal of the Growth Management Hearings Board decision. That appeal is being heard in Thurston County Superior Court.

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