

11-A
LAND USE PLANS AND
POLICIES: BRIGHTWATER
REGIONAL WASTEWATER
TREATMENT SYSTEM

FINAL
ENVIRONMENTAL
IMPACT STATEMENT

Brightwater
Regional Wastewater
Treatment System

APPENDICES

Final

Appendix 11-A
Land Use Plans and Policies:
Brightwater Regional Wastewater
Treatment System

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Introduction

King County has prepared a Draft Environmental Impact Statement (Draft EIS) on the Brightwater Regional Wastewater Treatment System. The Draft EIS and Final EIS are intended to provide decision-makers, regulatory agencies and the public with information regarding the probable significant adverse environmental impacts of the Brightwater proposal and identify alternatives and reasonable mitigation measures.

Based on preliminary studies the County Executive identified a preferred alternative. The designation of the preferred alternative is not intended to prejudge the County's final decision, which will be made after completion of the EIS process. After issuance of the Final EIS, the King County Executive will select the final Brightwater system, including location for the treatment plant, marine outfall and associated conveyance facilities.

Methods

The following documentation provides the land use and planning context within which the Brightwater System has been developed. The analysis on how the proposed alternatives affect or are affected by the proposals is contained in Chapter 11, Land and Shoreline Use of the EIS. This information builds upon and supplements the information discussed in that Chapter.

The following plans and regulations were examined to determine the potential impacts associated with construction and operation of the Brightwater Regional Wastewater Treatment System for the Route 9 195th Street System, Route 9-228th Street System and Unocal System (treatment plant, associated conveyance corridors and outfall zones) within the affected jurisdictions and determine consistency with specific policies related to the siting of essential public facilities (EPFs):

- City of Brier Comprehensive Plan (2000)
- City of Brier Municipal Code (1988)
- City of Bothell Comprehensive Plan (1997)
- City of Bothell Municipal Code (1997)
- City of Edmonds Comprehensive Plan (2002)
- City of Edmonds Downtown Waterfront Plan (1994)
- City of Edmonds Municipal Code, Volume II Community Development (2002) which includes the Edmonds Shoreline Master Program
- City of Kenmore Final Integrated Comprehensive Plan and Environmental Impact Statement (2001)
- City of Kenmore Municipal Code (1998)
- City of Lake Forest Park Comprehensive Plan (2001)

- City of Lake Forest Park Municipal Code (2000)
- City of Mountlake Terrace Updated Comprehensive Policy Plan (1996)
- City of Mountlake Terrace Municipal Code (2000)
- City of Shoreline Comprehensive Plan (1998)
- City of Shoreline Municipal Code (2002)
- City of Woodinville Comprehensive Plan (1996)
- City of Woodinville Zoning Code (1997)
- King County Code, current through Ordinance 14311 (1981)
- King County Comprehensive Plan 2000 (2001)
- King County Countywide Planning Policies (2000)
- King County Regional Wastewater Services Plan (1999)
- Port of Edmonds Master Plan (2001)
- Port of Edmonds Strategic Plan (2003)
- Snohomish County Countywide Planning Policies (1994)
- Snohomish County GMA Comprehensive Plan (2000)
- Snohomish County Zoning Code (2001)
- Snohomish County Shoreline Management Master Program (1993)
- Town of Woodway Comprehensive Plan (2000)
- Town of Woodway Zoning Ordinance (1987)
- VISION 2020 (1995)

Regulatory Environment

The Growth Management Act, Puget Sound Regional Council VISION 2020, Snohomish County Countywide Planning Policies, and King County Countywide Planning Policies all provide information relevant to the siting of regional EPFs, such as Brightwater while the comprehensive plans and zoning and development codes of local jurisdictions are the primary sources of site specific land use regulation.

These documents are discussed to provide a description of the planning framework, which effects the siting applicable to a utility service provider, such as King County. This includes a discussion of the plans and policies of the affected jurisdictions.

A more specific discussion of local policies and regulations is provided under the discussion for each Brightwater System in Chapter 11 of this Final EIS. The regional planning context as it

relates to the Regional Wastewater Services Plan and forecast population and wastewater flow is contained in Chapter 2.

Washington State Growth Management Act

The Washington State Growth Management Act (GMA) of 1990 established a regulatory framework for all land use planning in Washington State. The Act required that all planning activities be based upon 20-year population and employment forecasts developed by the Office of Finance and Management (OFM) using 1990 census data. The OFM provides population and employment growth forecasts for each county. Then counties and their cities work together to accommodate the projected numbers of future residents in their land use plans and policies.

Intergovernmental coordination is an important part of growth management. The GMA requires that “the comprehensive plan of each county or city that is adopted pursuant to RCW 36.70A.040 shall be coordinated with, and consistent with, the adopted comprehensive plans of other counties or cities with which the county or city has, in part, common borders or related regional issues.” This includes the development of countywide and multi-county planning policies to provide a framework from which county and city comprehensive plans are developed and adopted.

Planning under GMA proceeds from a regional to a local level, with local plans detailing and expanding on the goals of broader regional plans. In the Puget Sound region, the Vision 2020 plan that was adopted in 1990 by the Puget Sound Council of Governments, predecessor to the Puget Sound Regional Council, establishes the economic, land use and transportation strategy for King, Kitsap, Pierce, and Snohomish Counties. Each county has established a set of planning policies, referred to as Countywide Planning Policies (CPPs) that further the Vision 2020 goals.

The GMA requires the designation of urban growth boundaries (UGAs) and adoption of comprehensive plans by the region’s counties and cities. Within the UGAs, adequate infrastructure (transportation, water, sewer, and other urban services) must be timely provided to achieve population and employment targets established by the region. Jurisdictions are required to support the concentration of growth within the UGAs by setting standards for concurrency and levels of service. Concurrency means that public facilities and services are provided at levels that keep up with the increased demand of the forecast growth.

Under the GMA, local governments are charged with accommodating “essential public facilities” within their jurisdiction. “Essential public facilities” (EPFs) is a specialized term that pertains to large, potentially unpopular public capital facilities, and refers to facilities that are typically difficult to site (WAC 365-195-070(4)). The GMA provides some latitude in the identification of EPFs. WAC 365-195-340(2)(a)(i) states that “The broadest view should be taken of what constitutes a public facility, involving the full range of services to the public provided by government, substantially funded by government, contracted for by government, or provided by private entities subject to public service obligations.” A regional wastewater treatment system meets the criteria of an essential public facility.

Local jurisdictions are tasked to create their own lists of EPFs guided by the examples set forth in RCW 36.70A.200, but not necessarily bound by those examples. It also requires that comprehensive plans include policies and outline a process for siting EPFs, acknowledging the need for these types of public services (RCW 36.70A.200).

Both the legislature and courts have found that in the past EPFs have not been sited in the optimal locations. To ensure the siting and development of the region's EPFs, the GMA states, "No local comprehensive plan or development regulation may preclude the siting of essential public facilities" (RCW 36.70A.200(5)). Consequently, local jurisdictions have a duty to ensure that local plans and regulations allow for EPFs. While local jurisdictions cannot preclude EPFs, they can require reasonable mitigation of EPFs, provided it does not make the siting or operation of an essential public facility impracticable. One of the GMA Hearings Boards has held that where a regional EPF has been sited through a regional process, a local jurisdiction's regulatory role is limited to imposing reasonable mitigation at the site designated through the regional process. *City of Tukwila v. Central Puget Sound Regional Transit Authority*, 9303, FDO, at 6-7.

Puget Sound Regional Council – VISION 2020

The VISION 2020 strategy contains the following eight parts: urban growth areas; contiguous and orderly development; regional capital facilities; housing; rural areas; open space, resource protection and critical areas; economics; and transportation. Together, these eight parts constitute the Multicounty Policies for King, Kitsap, Pierce and Snohomish counties and meet the multicounty planning requirements of the Growth Management Act (RCW 36.70A.210).

In adopting VISION 2020, the elected officials that make up the Puget Sound Regional Council (PSRC) recognize that jurisdictions in the region are increasingly interdependent. VISION 2020 provides a regional framework for managing growth that builds upon and supports local, countywide, regional and state planning efforts. Countywide planning policies in each of the counties supply the local framework and provide additional guidance for individual county and city comprehensive plans (PSRC, 1995).

VISION 2020 recognizes the difficulty in siting regional capital facilities and calls for strategically locating major capital facilities to support the proposed growth pattern. Regional capital facilities, as defined in VISION 2020, include "transportation, recreation, education, human services, water, sewer and similar facilities that are significant to two or more counties." Specific policies that relate to the siting of the Brightwater wastewater treatment system are stated as follows:

- RF-3 Strategically locate public facilities and amenities in a manner that adequately considers alternatives to new facilities, implements regional growth planning objectives, maximizes public benefit and minimizes and mitigates adverse impacts.

- RF-3.3 Site specifically defined regional capital facilities in a manner that (1) reduces adverse societal, environmental and economic impacts on the host community; (2) equitably balances the location of new facilities;

and (3) addresses regional growth planning objectives. Regionally share the burden and provide mitigation to communities impacted by regional capital facilities.

- RF-3.4 Regional capital facilities proposed to be located in rural areas must either demonstrate that a non-urban site is the only appropriate location for the facility (for example, a dam) or (in the case of urban facilities) demonstrate that no urban sites are feasible as determined by siting processes. If rural siting is necessary, measures should be taken to mitigate adverse impacts and prohibit development incompatible with rural character (PSRC, 1995).

After thorough analysis and public discussion during the development of the Regional Wastewater Services Plan, the Brightwater Regional Wastewater Treatment System has been proposed to provide a strategic, efficient, and coordinated capital facility serving regional needs for wastewater services to support the urban growth planned in Snohomish and King Counties.

Countywide Planning Policies

The Countywide Planning Policies (CPPs) that directly affect the study area were ratified by the King County and Snohomish County cities. King County's CPPs were adopted by the King County Council in 1992 and Snohomish County CPPs were adopted in 1993. The CPPs established the vision and framework for the said counties and their cities to incorporate into their comprehensive plans. These regional plans and policies are discussed further below.

Countywide planning policies developed under the mandates of the GMA establish Urban Growth Areas (UGAs) within which all urban growth is to be concentrated over the next 20 years. UGAs encompass all of the lands in existing cities and some peripheral areas. By directing growth into the UGAs – where transportation, utilities and other services are available and expandable – the policies seek to reduce urban sprawl and protect open space and rural lands.

King County Countywide Planning Policies

The King County Countywide Planning Policies (CPPs) chapter entitled Land Use Pattern (Chapter III) contains policies for phasing development within the UGAs and ensuring that development is accompanied by a full range of urban services. It is emphasized that infrastructure improvements should not be provided in advance of development as this could undermine the countywide development pattern.

In support of the Land Use Pattern policies, CPPs in Chapter VII relate to the contiguous and orderly development and provision of urban services as growth occurs (FW-29 through FW-31 and CO-1). CPPs encourage regional coordination, conjunctive use of resources and sharing of facilities by jurisdictions and urban service providers to ensure land use is accompanied with the maximum use of existing facilities and cost-effective service provisions and extensions while protecting the environment (CO-2 through CO-9). In addition, Policies CO-10 and Policies CO-

11 through CO-13 address the provision of urban water and sewer systems in identified UGAs. Urban water and sewer systems are preferred for areas designated for growth.

The King County Countywide Planning Policies do not provide any specific direction for the siting of EPFs but do provide general direction that public capital facilities of a regional nature “shall be sited to support the Countywide land use pattern, support economic activities, mitigate environmental impacts, provide amenities or incentives, and minimize public costs ” (King County Countywide Planning Policy FW-32). With this general direction for capital facilities and utility services timed to serve the needs for urban growth, King County developed the Regional Wastewater Services Plan (RWSP), which addresses the region’s wastewater treatment needs. The RWSP is discussed further in this chapter.

Snohomish County Countywide Planning Policies

Snohomish County’s countywide planning policies are coordinated through Snohomish County Tomorrow (SCT). Snohomish County Tomorrow is the designated, countywide planning organization composed of Snohomish County, its 20 cities and towns, and the Tulalip Tribes. SCT provides a forum to discuss all aspects of land use planning, transportation, and other issues facing the County and its cities and towns. SCT also works with the counties of Pierce, King, and Kitsap to provide input to the PSRC regarding land use and transportation planning.

Snohomish County Countywide Planning Policies call for UGAs that can be supported by “an urban level of service consistent with capital facilities plans for public facilities and utilities” (Snohomish County Countywide Planning Policy UG-1(c)). “UGAs are to provide sufficient . . . public facilities and public services to accommodate most of the projected population and employment growth” (Snohomish County Countywide Planning Policy UG-8). In addition, the countywide planning policies encourage Snohomish County jurisdictions to “ensure the capital facilities plans of jurisdictions within an UGA will provide adequate level of service for planned growth” (Snohomish County Countywide Planning Policy OD-6). Each city’s comprehensive plans “shall include strategies and land use policies to achieve urban densities and provide for urban governmental services and capital facilities” (Snohomish County Countywide Planning Policy OD-2(a)).

Snohomish County Tomorrow developed guidelines to assist jurisdictions with the GMA requirement that they develop their own EPF siting process (Appendix B of the Snohomish County GMA Comprehensive Plan, 2000). The EPF siting guidelines were developed in 1995. An interlocal agreement to formally consider local legislation to implement the EPF siting process was approved and executed on November 1, 2001, by Snohomish County and the Cities of Arlington, Bothell, Edmonds, Gold Bar, Marysville, Monroe, Mountlake Terrace, Mukilteo, Stanwood, and Sultan and the Town of Woodway (Snohomish County Motion No. 01-416). Snohomish County and many of these cities have taken action to adopt this process into their local comprehensive plans. Details regarding Snohomish County’s recently adopted EPF Ordinance are set forth below.

Regional Wastewater Services Plan (RWSP)

In 1992 King County assumed, pursuant to state law, the regional governance responsibilities that had previously been exercised by Metro, including the planning and implementation of the region's wastewater needs. The Brightwater plant is part of a larger plan for meeting the region's wastewater treatment needs. King County adopted the Regional Wastewater Services Plan (RWSP) in 1999 after several years of analysis and extensive public review. The RWSP reflects the region's strong commitment to preserving water quality – before it becomes an emergency and public health hazard– and to intelligently recycle these water resources. As recognized in the King County and Snohomish County Comprehensive Plans, the RWSP is a core capital facility regional planning document. It was designed to meet GMA's requirements to plan for and provide utilities to serve growth planned in the urban areas and to ensure that public facilities and services meet locally established minimum standards of service (RCW 36.70A.020(12)).

The RWSP is a capital facility-planning document, designed to meet regional needs to ensure adequate wastewater treatment. It was adopted through a lengthy public participation process, with participation from local jurisdictions in both King and Snohomish counties. The RWSP has been amended since 1999. These amendments, which were designed to be consistent with the King County Comprehensive Plan, recognize that the RWSP is both a regional planning document and a siting document.

The siting issues raised in the RWSP provide that the County “should strive to site EPFs equitably ... should consider environmental equity and environmental, economic, technical and service area factors,” and “should ensure that no racial, cultural or class group is unduly impacted by essential public facility siting ... decisions” (King County 2000 Comprehensive Plan Policy F-221).

The RWSP, its associated SEPA documents, and other planning documents include analysis of the issues below, also as directed by the King County Comprehensive Plan:

- An inventory of similar existing EPFs in King County and neighboring counties, including their locations and capacities
- A forecast of the future needs for the essential public facility
- An analysis of the potential social and economic impacts and benefits to jurisdictions receiving or surrounding the facilities
- An analysis of the proposal's consistency with policies F-219 through F-222 (discussed further below, under King County Comprehensive Plan)
- An analysis of alternatives to the facility, including decentralization, conservation, demand management and other strategies
- An analysis of economic and environmental impacts, including mitigation, of any existing essential public facility, as well as of any new site(s) under consideration as an alternative to expansion of an existing facility
- Extensive public involvement

- Consideration of any applicable prior review conducted by a public agency, local government, or citizen's group

Implementing ordinances that were adopted subsequent to the RWSP are King County Ordinance 14043 and Ordinance 14107. Ordinance 14043 established the policy and procedural direction and Phase I screening criteria for the construction of a north treatment plant (NTP), conveyance facilities and outfall. Ordinance 14107 adopted candidate sites for the NTP and the Phase II criteria for selecting final candidate sites for evaluation in the EIS. These ordinances are summarized below. Each was preceded by SEPA review.

King County Ordinance 14043

On February 12, 2001, King County Council adopted Ordinance 14043 which established the policy and procedural direction and Phase I screening criteria for the construction of a north treatment plant, outfall and conveyance facilities ("NTF" or "north treatment facilities"). In accordance with this policy, the King County and Snohomish County executives jointly appointed a twenty-four-member siting advisory committee. The siting advisory committee was composed of representatives from two tribal governments, eleven cities and towns located in the approximate site selection area, three utility districts and representatives from environmental, labor, business, community and economic development organizations and agencies. This committee was responsible for the evaluation and refinement of the policy siting criteria established by Ordinance 14043. In addition, King County provided opportunity for public input on the criteria. Ordinance 14043 is summarized below.

The Phase I screening criteria were divided into four primary policy categories -- community policy, technical, environmental and financial. The community policy site screening criteria relate to community impacts, cultural resources and community amenity. Technical policy site screening criteria relate to a site's size, shape and topography; geology, soils and groundwater; site access and utilities; conveyance routes; system reliability; sustainability; and land acquisition, easements and rights-of-way. The environmental site screening criteria relate to biological resource protection, water resource protection, human health and contamination. Financial site screening criteria relate to the overall system costs. Application of these siting criteria is documented in *Siting the Brightwater Treatment Facilities Site Selection and Screening Activities* (King County, March 2001).

King County Ordinance 14107

On May 15, 2001, King County Council adopted Ordinance 14107 that adopted candidate sites for the NTP and the Phase II criteria for selecting final candidate sites for evaluation in the EIS. Six candidate sites (including Unocal and Route 9 sites) and eight marine outfall zones were selected for further review using the site selection criteria. Prior to and consistent with Ordinance 14043, four public workshops and a public hearing were held, following transmittal of the candidate sites to the King County Council,

The site selection criteria were the same as that used in the Phase I screening with some added specifics related to water reclamation and reuse, energy self-generation, reuse of treatment process by-products such as biosolids, methane gas and reclaimed water; future treatment process upgrades, pump stations, and displacement of existing facilities that are difficult to site elsewhere. Application of these siting criteria was documented in the Brightwater Siting Project, Phase 2 System Descriptions and Evaluation (King County, September 2001).

Comprehensive Plans

Comprehensive plans set the general direction of future land use within a jurisdiction. State laws, such as GMA, establish the scope and limits of local comprehensive plans. Zoning codes regulate what uses are permitted within a particular land use designation and how they are to be developed on a given parcel of land. Municipal codes typically contain zoning and other development regulations specific to shorelines, critical areas, and permit requirements.

GMA requires that county and city comprehensive plans include a process for identifying and siting EPFs. As previously described, EPFs include those facilities that are essential elements of the public infrastructure but are also typically difficult to site, such as airports, solid waste handling facilities, and correctional facilities. GMA provides that no local comprehensive plan or development regulation may preclude the siting of EPFs.

As discussed earlier in this appendix, an interlocal agreement to formally consider local legislation to implement the Snohomish County EPF siting process was approved and executed on November 1, 2001, by Snohomish County and the Cities of Arlington, Bothell, Edmonds, Gold Bar, Marysville, Monroe, Mountlake Terrace, Mukilteo, Stanwood, and Sultan and the Town of Woodway (Snohomish County Motion No. 01-416). Snohomish County and many of these cities have taken action to adopt this process into their local comprehensive plans.

King County Comprehensive Plan

The King County Comprehensive Plan includes policies requiring the County to ensure that “needed facilities and services are provided in the region” (King County, 2001). The Comprehensive Plan acknowledges that King County government is a regional and local service provider. Regional services provided by the County include transit, wastewater treatment, and solid waste management. Emphasis is placed on the County’s role as the provider of regional services and protector of the County's rural and resource areas. The following policies direct the County in this role:

- F-101: King County, the cities, special purpose districts and/or local service providers shall plan as partners. King County's planning will focus on unclaimed urban unincorporated areas and cities' Potential Annexation Areas.
- F-102: King County shall work with cities, special purpose districts, other local service providers and citizens to identify and distinguish local and countywide services. Over time, cities will assume primary responsibility for coordinating the provision of local services delivery. The County will assume primary responsibility for coordinating the provision of

countywide services, including countywide services that must be delivered within city boundaries. The County will also work with cities, special purpose districts, and other counties to identify regional service and facility needs and develop strategies to provide them.

- F-103: King County will provide or manage countywide services which include but are not limited to:
 - a. Transit;
 - b. Economic Development;
 - c. Harborview Hospital;
 - d. Public Health;
 - e. Regional park, trails and open space systems;
 - f. Waste water collection and treatment;
 - g. Solid waste management and recycling;
 - h. Hazardous waste management;
 - i. Water resource management;
 - j. Surface water management and flood warning;
 - k. Protection and preservation of natural resource lands;
 - l. Regional Arterial Network (RAN) and freight mobility; and
 - m. Affordable housing.
- F-104: King County will, in cooperation with special purpose districts and/or local service providers, continue to plan for and provide public services to the Rural Area, consistent with rural standards and needs.
- F-105: To support the intent of the Growth Management Act, King County should work with cities and other service providers to establish priority areas for public funding of capital facilities, services and infrastructure.

Comprehensive Plan policies call for sharing EPFs with neighboring counties, where advantageous to both jurisdictions, “to increase efficiency of operation” (King County Comprehensive Plan, Policy F-220).

Public capital facilities of a countywide or statewide nature, as defined by King County, “generally have characteristics that make these facilities difficult to site. Characteristics include the number of jurisdictions affected or served by the facility, the size of the facility, and the facility’s potential adverse impacts such as noise, odor, traffic and pollution generation” (King County, 2001). Facilities with these types of characteristics include, but are not limited to, utility and transportation corridors, airports, wastewater treatment plants, solid waste landfills, higher educational facilities, correctional and in-patient treatment facilities, and energy-generating facilities.

King County Comprehensive Plan policies relevant to the siting of EPFs are listed below.

- F-219: Proposed new or expansions to existing essential public facilities should be sited consistent with the King County Comprehensive Plan. Listed existing essential public facilities should be preserved and maintained until alternatives or replacements for such facilities can be provided.
- F-220: King County and neighboring counties, if advantageous to both, should share essential public facilities to increase efficiency of operation. Efficiency of operation should take into account the overall value of the essential public facility to the region and the County and the extent to which, if properly mitigated, expansion of an existing essential public facility located in the County might be more economical and environmentally sound.
- F-221: King County should strive to site essential public facilities equitably so that no racial, cultural, or socio-economic group is unduly impacted by essential public facility siting or expansion decisions. No single community should absorb an inequitable share of these facilities and their impacts. Siting should consider environmental equity and environmental, economic, technical and service area factors. The net impact of siting new essential public facilities should be weighted against the net impact of expansion of existing essential public facilities, with appropriate buffering and mitigation. Essential public facilities that directly serve the public beyond their general vicinity shall be discouraged from locating in the Rural Area.
- F-222: A facility shall be determined to be an essential public facility if it has one or more of the following characteristics: a. The facility meets the Growth Management Act definition of an essential public facility; b. The facility is on a state, county or local community list of essential public facilities; c. The facility serves a significant portion of the County or metropolitan region or is part of a Countywide service system; or d. The facility is the sole existing facility in the County for providing that essential public service.
- F-223: Siting analysis for proposed new or expansions to existing essential public facilities shall consist of the following:
 - a. An inventory of similar existing essential public facilities in King County and neighboring counties, including their locations and capacities;
 - b. A forecast of the future needs for the essential public facility;
 - c. An analysis of the potential social and economic impacts and benefits to jurisdictions receiving or surrounding the facilities;
 - d. An analysis of the proposal's consistency with policies F-219 through F-222;
 - e. An analysis of alternatives to the facility, including decentralization, conservation, demand management and other strategies;
 - f. An analysis of economic and environmental impacts, including mitigation, of any existing essential public facility, as well as of any new site(s) under consideration as an alternative to expansion of an existing facility;
 - g. Extensive public involvement; and

- h. Consideration of any applicable prior review conducted by a public agency, local government, or citizen's group.
- F-224: King County supports coordination of regional water supply planning, sales of excess water supplies among municipalities in the region, water quality programs and water conservation and reuse programs.

The King County Comprehensive Plan recognizes the Regional Wastewater Services Plan (RWSP), which plans for conveyance, treatment, and disposal of wastewater, as a Functional Plan, which is designed to “guide specific siting of facilities” (King County, 2001). The King County Comprehensive Plan refers to the RWSP as follows:

In 1999, King County adopted the RWSP, guiding the development of new facilities to manage wastewater into the future. The RWSP addresses four areas: wastewater treatment plants, combined sewer overflow control, wastewater reuse, and biosolids management. The RWSP outlines where new facilities will be built, the types of technology to be used and the future of reclaimed water and biosolids. Short-term needs through 2006 are specified, and long-term alternatives to the current Metro system are identified (King County 2000 Comprehensive Plan, definitions section).

This adopted regional wastewater plan was developed with input from King and Snohomish Counties, local jurisdictions in the region, Tribes and utility districts. As recognized in the King County and Snohomish County Comprehensive Plans, the RWSP is a core capital facilities (as well as EPFs) regional planning document. It was designed to meet the GMA’s requirements to plan for and provide utilities to ensure that public facilities and services meet locally established minimum standards of service. In recognition of the importance of providing sewer availability to urban areas, the King County Comprehensive Plan defines sewer availability as:

The presence of sewers now or within six years through extensions included in adopted sewer comprehensive plans. In the case of Urban Planning Development, 1) the capacity to intercept and treat wastewater as evidenced by a King County approved sewer system plan or a Metro utility plan, 2) a firm commitment to serve an area with sewer as evidenced by either a sewer availability certificate, utility extension agreement, or an approved sewer system plan, and 3) a firm financial commitment to provide sewer, as evidenced by either a capital improvement program or utility extension agreement.

Snohomish County Comprehensive Plan

The Snohomish County Comprehensive Plan considers water supply, wastewater collection and treatment, and electric power as essential infrastructure to support urban development. Comprehensive plan policies direct the County to develop wastewater treatment plants to support urban growth within designated UGAs in a manner consistent with the protection of the natural environment (Snohomish County Comprehensive Plan, 2000, Goal UT-3).

The Comprehensive Plan contains specific policies and a process for siting of EPFs that were developed by Snohomish County Tomorrow. The EPF siting process was approved in 1995 and

is an appendix to the County's adopted Comprehensive Plan. Eleven factors are considered in the siting process. These factors are summarized below:

- Factor 1 – The project sponsor must demonstrate a need for the EPF.
- Factor 2 – The facility must be consistent with the sponsor's long-range plans for facilities and operations.
- Factor 3 – The EPF should demonstrate its relationship to local, regional, and state plans, and should be consistent with the adopted plans of the host community.
- Factor 4 – The facility should include a significant share of the host community's population.
- Factor 5 – Sponsors are to submit documentation on the minimum siting requirements for proposed facilities, such as facility size, access, future expansion and mitigation needs.
- Factor 6 – The project sponsor should investigate alternative sites.
- Factor 7 – The overall concentration of essential public facilities in the County shall be reviewed to avoid an undue concentration in any one community.
- Factor 8 – Sponsors should encourage local public participation.
- Factor 9 – The project must be consistent with local land use regulations.
- Factor 10 – The project should be compatible with surrounding land uses.
- Factor 11 – Adequate mitigation must be provided.

On February 13, 2003, the Snohomish County Council adopted Amended Ordinance No. 03-006 entitled Amending Snohomish County Code to Implement an Essential Public Facility Siting Process; Adding Chapter 30.42 SCC; Amending Chapter 30.22.020 ("EPF Ordinance"). The EPF Ordinance established a Conditional Use Permit ("CUP") process that required an Essential Public Facility ("EPF") project sponsor to participate in a hearing before a hearing examiner and to demonstrate that the proposed EPF would meet four preexisting CUP criteria and ten additional decision criteria established in the EPF Ordinance. These criteria included demonstration of need, investigation of alternative sites, public participation in the siting decision, and consistency and compatibility with Snohomish County's comprehensive plan and land use regulations. The hearing examiner was given the authority to approve, condition, or deny the CUP.

On April 16, 2003, King County challenged Snohomish County's adoption of the EPF Ordinance to the Central Puget Sound Growth Management Hearing Board ("Board"). King County alleged that the EPF Ordinance did not comply with the goals and requirements of the Growth Management Act (RCW Ch. 36.70C "GMA") because the EPF Ordinance would allow Snohomish County to deny a proposed EPF on the basis of the CUP criteria.

On October 13, 2003, the Board issued its decision on King County's appeal. It found that the EPF Ordinance did not comply with the GMA and issued a Declaration of Invalidity based on the EPF Ordinance's non-compliance. The Board has given Snohomish County until January 14, 2004 to take appropriate legislative action to bring the EPF provisions of its development

regulations into compliance with the goals and requirements of the GMA. In the meantime, Snohomish County's existing comprehensive plan policies and land use regulations govern the siting of EPFs, to the extent that those policies and regulations do not preclude EPF siting.

Until the Snohomish County Council takes action consistent with the Board's Order, it is not possible to ascertain the final form of Snohomish County's EPF regulations. Thus, King County will address Snohomish County's EPF development regulations when King County is ready to proceed with the Brightwater project.

In late October 2003, in response to the Central Puget Sound GMA Board ruling which invalidated Snohomish County's EPF ordinance, Snohomish County adopted a moratorium that will preclude the siting of any Brightwater Facilities at least until the moratorium is repealed.

Comprehensive Plans for Affected Jurisdictions

Comprehensive plans and policies were reviewed for King and Snohomish Counties, the Cities of Bothell, Brier, Edmonds, Kenmore, Lake Forest Park, Mountlake Terrace, Shoreline, and Woodinville, and the Town of Woodway. Comprehensive plan policies that relate to the siting of the Brightwater system are discussed below. The consistency with these plans and policies is discussed under the Findings section of this appendix and in the Impacts and Mitigation section of Chapter 11, Land and Shoreline Use. Comprehensive plan policies for King and Snohomish Counties are discussed above.

Following the policy discussion for each jurisdiction a description of the proposed feature of the Brightwater system that could be located within the affected jurisdiction.

City of Bothell

The City of Bothell is located in both King and Snohomish counties, so it is guided by the Countywide Planning Policies of both jurisdictions. The City of Bothell Comprehensive Plan Land Use and Utility Elements contain policies and guidelines related to the siting of EPFs. Land use policy LU-P-16 and Utility policy UT-P14 are aimed at ensuring that EPFs are sited in an equitable manner that balances local and regional objectives. The City defines EPFs as those facilities with the following characteristics:

- They are necessary components of a system or network that provides a public service or good;
- They serve a population base that extends beyond the limits of the host community; and
- They have perceived or real adverse environmental impacts on the surrounding area that commonly result in local opposition to such facilities.

Wastewater treatment plants are included in this definition. These policies endorse the concept of a common siting process, as proposed by Snohomish County Tomorrow, but do not endorse the process itself (Bothell, 1997).

There are five potential portal siting areas (PSAs) located in the City of Bothell (13, 14, 37, 39 and 41). The primary portals are PSA 41 (Route 9 influent corridor), PSA 14 (common to the Route 9-195th and 228th Street corridors), and PSA 39 (228th Street corridor). PSA 37 (Route 9-228th Street corridor) and PSA 13 (Unocal corridor) are secondary portals. Identified candidate sites within these PSAs and their respective zoning is as follows:

- Candidate Site 13A is zoned P (Park), Sites 13B and 13C are zoned R11-15, OP (Office Professional) and CB (Community Business).
- Candidate Sites 14A and 14B are zoned P (Park) and Site 14D is zoned R11-15 (Residential 11-15 du/ac), OP (Office-Professional), CB (Community Business), and LI (Light Industrial).
- Candidate Site 37A is zoned R 11-15 (Residential 11-15 du/ac), OP (Office-Professional) and CB (Community Business); Site 37 C is zoned R 2-5 (2-5 du/ac); and Site 37D is zoned R6-10 (6-10 du/ac).
- Candidate Sites 39B, 39C and 39E, are zoned R-1 Growth Reserve (Residential 1 du/ac).
- Candidate Sites 41A, 41C, 41D and 41X are zoned R-15: Residential 1 dwelling unit per 2,800 square foot of lot area, OP: Office Professional, CB: Community Business and LI: Light Industrial. Site 41W is zoned R4: Residential 9,600 square foot lot size and OP: Office Professional.

City of Brier

The Utilities Element of the City of Brier Comprehensive Plan acknowledges that King County proposes to build a treatment facility; however, it assumes the location would be in north King County. Appendix A of the Capital Facilities Element of the comprehensive plan outlines the process for siting EPFs in the City. A facility may be designated as an EPF based on the following:

- It is determined by Snohomish County Steering Committee or Brier City Council;
- The facility appears on the State OFM, county or Brier's list of EPFs; or
- The City of Brier or sponsoring agency determines that the facility will be difficult to site.

As part of the review process, the applicant must receive a determination of eligibility that the facility is an EPF; the City would conduct a review of the public facility using the City's site evaluation criteria and local regulations; and upon approval, the applicant would then need to apply for construction permits. Brier has identified 12 site evaluation criteria to be used in the evaluation of EPFs. With the exception of criterion 12, the first 11 criteria are the same as those developed by Snohomish County Tomorrow and described above. Criterion 12 requires the evaluation of financial and infrastructure impacts from a state or county facility locating in Brier and requires an interjurisdictional agreement to mitigate or avoid any disproportionate financial burden to the City (City of Brier, 2000).

General policies G-17, G18 and G19 in the Land Use Element relate to the siting of utilities. These policies are aimed at ensuring utilities are planned and coordinated, avoid significant

adverse environmental impacts, protect valuable environmental features, meet desired design goals and provide desired amenities.

There are two potential PSAs located in the City of Brier – primary PSA 33 and secondary PSA 30. Both of these PSAs are associated with the Route 9-228th Street corridor. One candidate identified in PSA 33 (Site 33A) and all of the candidate sites identified in PSA 30 (Sites 30A, 30B and 30C) are located in the City of Brier and are zoned Single Family Residential (RS 12,500).

City of Edmonds

The City of Edmonds Comprehensive Plan provides policies requiring the City to “ensure that the siting of essential public facilities is not precluded by the implementation of this Comprehensive Plan” (Edmonds Comprehensive Plan, Policy E.2). The Comprehensive Plan adopts the same EPF siting guidelines developed by Snohomish County Tomorrow and notes, “the location of new or improved capital facilities should take into account existing service delivery systems and the location and access of service populations” (Edmonds Comprehensive Plan, Policies E.3 and E.1).

Edmonds Comprehensive Plan policies related to the siting of utilities are intended to ensure that utility structures are located with similar types of structures, wherever possible, to minimize impacts on surrounding neighborhoods. “When such locations are not available, utility structures should be located or sited so that they are as unobtrusive as possible and are integrated with the design of their site and surrounding area. Free-standing structures should be discouraged when other siting opportunities are available” (Utilities Element, Policy A.3).

The Edmonds Comprehensive Plan designates the Unocal site and adjacent areas to the north, east, and west as Downtown/Waterfront Activity Center, with a Master Plan Development Overlay. Policies for the Downtown/Waterfront Activity Center promote an extension of downtown westward to the water. Activities envisioned for this area are mixed-use development; retail, office, and entertainment businesses; and recreational and park-like shoreline features. Development and redevelopment for the area including this site are meant to reinforce “Edmonds’ attractive, small town pedestrian oriented character” (Edmonds Comprehensive Plan, Downtown/Waterfront Activity Center Policies A.1, A.2, A.4, and A.6). The Port of Edmonds Master Plan and Strategic Plan also support these policies.

The Master Plan Development Overlay provides for “areas dominated by a special set of circumstances with a highly coordinated, planned development, with phasing over time” (Edmonds, 2001a). Master Planned Developments must be consistent with the goals and policies of the underlying Downtown/Waterfront Activity Center.

In addition to the Unocal site, all or a portion of five proposed PSAs are located in the City of Edmonds (3, 23, 24, 26, and 27). PSA 26 is a primary portal associated with the Route 9-228th Street corridor and PSA 3 is a primary portal associated with the Unocal corridor. PSAs 23 and 27 are secondary portals associated with the Route 9-195th Street corridor and PSA 24 is a

secondary portal associated with the Route 9-228th Street corridor. Identified candidate sites within these PSAs and their respective zoning are as follows:

- All of the candidate sites in PSA 3 are located in Edmonds (Sites 3D, 3E and 3F). Site 3D is zoned RS-8 (8,000 square foot lots) and RM-1.5 Multi-Family (1,500 square foot lot area/DU); Site 3E is zoned RS-8, RM-1.5, and BN (Neighborhood Business); and Site 3F is zoned RS-8.
- Two candidate sites in PSA 23 are located in Edmonds. Site 23A is zoned BN and Site 23D is zoned RS-8.
- All of the candidate sites in PSA 24 are located in Edmonds. Candidate Site 24A is zoned RM-1.5, Site 24B and 24C are zoned RS-8.
- One of the three candidate sites identified for PSA 26 (Site 26C) is located in Edmonds. Candidate Site 26C is zoned CG (General Commercial) and BC (Community Business).
- Only one of the candidate sites identified for PSA 27 is located in Edmonds. Site 27C is zoned RS-8.

City of Kenmore

As mandated by the GMA, the City of Kenmore Comprehensive Plan recognizes that no local comprehensive plan or development regulation may preclude the siting of EPFs. Both the Capital Facilities and Utility Elements identify planned EPFs, including those identified in King County's RWSP. The Plan acknowledges that a wastewater treatment plant, pump station and conveyance facilities could be sited in the City and that these projects will have the potential of impacting the City both during construction and on-going operation.

Utility Element Goal 48, Objective 48.1 and supporting Policies U-48.1.2, U-48.1.8, U-48.1.11, focus on the need to coordinate with King County to ensure that sufficient sanitary sewer infrastructure and treatment are available or can be provided to meet existing and future needs while protecting the environment. These include:

- Regular updates of population, employment and development projections;
- Establishing memorandums of understanding or other methods to ensure implementation of King County's RWSP results in full mitigation of siting, construction, and operational impacts of new or expanded facilities in Kenmore; and
- Ensuring implementation of King County's RWSP minimizes failures, overflows and contamination affecting the City's surface waters.

The Capital Facilities Element of the Comprehensive Plan provides the policy framework for the siting of EPFs. Capital Facilities Element Goals 54, 58, and 60 and their supporting objectives and policies relate to the coordination, location, design and siting of public facilities.

Specifically, Goal 60 and its supporting objectives and policies focus on the appropriate siting of EPFs. Key objectives include:

- An interjurisdictional approach to the siting of EPFs that address definitions, inventories, incentives, compensation, public involvement, environmental protection and alternative site analysis;
- A local public review and permit process for EPFs;
- Regional cooperation to ensure appropriate and equitable (including environmental equity as well as environmental, economic, technical and service area factors) siting of EPFs; and
- The need to mitigate disproportionate financial burdens to the City due to the siting of EPFs.

There are four potential PSAs located in the City of Kenmore (11, 12, 44 and 45). PSAs 11 and 44 are primary portals and PSAs 12 and 45 are secondary portals. PSA 11 is common to all conveyance corridors, PSA 44 is associated with the Route 9-195th Street and 228th Street corridors, PSA 45 is associated with the Route 9-195th Street corridor, and PSA 12 is associated with the Unocal corridor. Following is a list of the candidate sites located in the City of Kenmore and the zoning designation for these sites:

- Candidate Sites 11A, 11B and 11C are zoned RB-Regional Business.
- Candidate Sites 12C and 12E are zoned R-1-Residential (one dwelling unit per acre).
- Candidate Sites 44C, 44D and 44E are zoned R-6-Residential, 6 DU per acre. A portion of Site 44D is also zoned R-4-Residential, 4 DU per acre.
- Candidate Sites 45A and 45D are located in the City of Kenmore and are zoned R-6-Residential.

City of Lake Forest Park

The City of Lake Forest Park is in the process of updating its comprehensive plan. The existing Comprehensive Plan contains a Capital Facilities Element and a Utilities Element. The criteria for siting EPFs are included in the Utilities Element. The existing plan includes separate goals and policies for siting EPFs. The draft Comprehensive Plan Update modifies these sections of the plan by combining them to create a Capital Facilities and Siting of Essential Public Facilities Element and a Utilities and Surface Water Management Element.

Utilities Element Goal UE 4 and supporting policies establish the policy framework for the siting of EPFs. The intent of these policies is to minimize the impact associated with the siting, development and operation of utility services and utilities on adjacent properties and the natural environment (City of Lake Forest Park, 2001). This includes:

- Coordination with surrounding municipalities and King County during the siting and development of facilities of regional significance to ensure the consistency of each jurisdiction's utility element and regional utility plans;
- Regulation of aboveground facilities to ensure they are located in a secure safe area and are screened or enclosed in a manner that is compatible with the surrounding environment; and
- Establishing a process for identifying and siting EPFs that include requirements for project review to ensure proposed facilities are compatible with adjacent land uses and design

standards; design standards to ensure compatibility with adjacent land uses and to mitigate negative impacts; and provision of amenities or incentives to the neighborhood as a condition of approval.

The draft Capital Facilities and Siting of Essential Public Facilities Element Goal EF 1 and supporting policies EF 1.1 and 1.2 are aimed at minimizing impacts associated with the siting, development and operation of EPFs on adjacent properties and the natural environment and to ensure adequate public participation in their development. This includes establishing a process for reviewing proposals for siting EPFs. As part of the siting process, the City would seek an agreement with neighboring jurisdictions, state or county agencies to mitigate any disproportionate financial burden that may fall on the City due to the siting. The following requirements for siting of proposed public facilities would apply should the City become the site of a facility of a statewide, regional or countywide nature:

- Proposed public facilities be reviewed for compatibility with adjacent land uses, and those land uses designated on the future land use map, particularly residential neighborhoods and the town center;
- Design standards be required to ensure compatibility with adjacent land uses and mitigate any negative impacts;
- Amenities or incentives to the neighborhood may be required as a condition of approval; and
- At least one public hearing should be required to ensure adequate public participation.”

There are three possible PSAs located in the City of Lake Forest Park. PSA 7 has been designated as a primary portal for the Unocal corridor and a secondary portal for the Route 9-195th Street corridor. PSAs 10 and 45 are now secondary portals. PSA 45 is associated with the Route 9-195th Street corridor and PSA 10 is associated with the Unocal corridor. Of the final list of candidate sites identified during the Level 2 portal screening, none of the candidate sites for PSA 7 are located in the City of Lake Forest Park. All of the sites for PSA 10 and one candidate site for PSA 45 are located in the City. Following is a list of the candidate sites located in the City of Lake Forest Park and the zoning designation for these sites:

- Four candidate sites have been identified for PSA 10 (Sites 10A, 10C, 10D and 10E). Site 10A is zoned Single Family Residential, Low, Sites 10C and 10E are zoned Single Family Residential, Moderate, a portion of Site 10E is also designated Recreation/Open Space, and Site 10D (4 acres) is located in the City of Lake Forest Park designated Town Center and is zoned Corridor Commercial.
- Site 45C is zoned Single Family Residential, High.

City of Mountlake Terrace

The City of Mountlake Terrace Comprehensive Plan does not contain specific policies related to the siting of EPFs. In general, Land Use Element policies LU-6 through LU-8, Capital Facilities Element policies CF1 and CF-2, and Utilities Element policies UT-2 relate to the provision of local urban services and facilities as indicated below:

- Contiguous and orderly development and provision of urban services (LU-6, CF-1);
- Establishment of adequate and compatible public and private services, facilities and institutions (LU-7, CF-2);
- Adequate and cost effective utility support systems that will assure a quality community environment (LU-8); and
- Utilities will be provided in a manner that is environmentally sensitive, safe and reliable, aesthetically compatible with the surrounding land use, and available at a reasonable economic cost (UT-2).

Section 18.05.080 “E” of the City of Mountlake Terrace Municipal Code defines “Essential public services” as land uses that require conditional use permits due to the scale and for the nature of the service. Essential public services are generally difficult to locate due to the nature of the activity, or regional impacts of the service. (Ord. 2117 § 1.3, 1996). Section 13.20.120 identifies permit requirements and Section 13.20.180 outlines construction standards for service laterals and side sewers.

A portion of potential PSAs 5, 26, 27 and 30 are located in the City of Mountlake Terrace. PSA 5 is a primary portal for the Route 9-195th Street corridor and a secondary portal for the Unocal corridor. PSA 26 is a primary portal for the Route 9-228th Street corridor. Both PSA 27 and 30 have been designated as secondary portal sites; meaning construction is not anticipated to be required at these PSAs.

Of the final list of candidate sites identified during the Level 2 portal screening, two sites in PSA 26 (26A and 26D) and one of the sites in PSA 27 (27A) are located in the City of Mountlake Terrace. None of the candidate sites for PSA 5 or PSA 30 are in the City. Site 26A and Site 27A are zoned Recreation and Park District (REC). The portion of the site 26D that is within Mountlake Terrace is zoned Single Household Residential (RS 7200).

City of Shoreline

The City of Shoreline Comprehensive Plan contains an Essential Public Facilities Element. EPFs are defined as facilities that are typically difficult to site, including publicly owned and operated facilities such as utilities and essential regional public facilities. The City acknowledges, “regional public facilities in Shoreline could serve a significant portion of the State of Washington, North King County or South Snohomish County, or Shoreline’s metropolitan region (including Shoreline, Edmonds, Mountlake Terrace, Lake Forest Park, Seattle, and/or unincorporated King County)” (City of Shoreline, 1998).

The Essential Public Facilities Element provides guidance for the siting and review of major public facilities and amenities. It outlines the process for identifying EPFs and defining locational criteria for siting specific facilities. In addition, it establishes a foundation for appropriate development standards. Policies in this element consider the long-term as well as short-term benefits and costs of siting criteria, provide for effective public review of major facilities and amenities for affected neighborhoods, and emphasize reasonable compatibility with

neighboring land use (City of Shoreline, 1998). Siting criteria identified in the Essential Public Facilities Element are implemented through the City's Development Code (Title 20).

There are six possible PSAs located wholly or partially within the City of Shoreline (5, 7, 19, 22, 23 and 27). PSA 5 is designated as a primary portal for the Route 9-195th Street corridor and a secondary portal for the Unocal corridor. PSA 7 is a primary portal for the Unocal and a secondary portal for the Route 9-195th Street corridor. PSA 19 is a primary portal common to both Route 9 corridors. PSAs 22 and 23 are secondary portals for the Route 9-195th Street and Route 9-228th Street corridors and PSA 27 is a secondary portal for the Route 9-195th Street corridor.

All of the candidate sites in PSAs 5, 7, 22 are located within the City of Shoreline. Below is a listing of the candidate sites located in the City of Shoreline and the zoning designation for the sites:

- Sites 5B, 5G, and 5X are zoned CB: Community Business.
- Site 7A is zoned R-6: Residential, 6 units/acre, Site 7B is zoned R-24: Residential, 24 units/acre, and Site 7C is zoned Park.
- Sites 19E, 22C, 22E and 22/23F and 27B are zoned R-6: Residential, 6 units/acre.

Outfall Zone 7S is located within the shoreline area adjacent to Point Wells in unincorporated Snohomish County and residential neighborhoods in the City of Shoreline and Town of Woodway. A portion of this outfall zone is within an area designated as Urban Industrial in the City of Shoreline Comprehensive Plan and zoned Residential (6 units/acre).

Town of Woodway

Woodway entered into an interlocal agreement with Snohomish County to implement a common siting process for EPFs. The siting process was established by Snohomish County and participating cities acting collectively as Snohomish County Tomorrow. The siting process is discussed earlier in this appendix.

The Land Use Element of the Town of Woodway Comprehensive Plan includes language related to the siting of EPFs. Land use policy LUP-58 indicates the City should "consider comprehensive plan amendments and code amendments as may be required to implement the common siting process" (Town of Woodway, 2000).

A portion of PSA 19 is located in the Town of Woodway. Of the three candidate sites identified within this PSA, Site 19A is located in Woodway and is zoned R14.5 Residence Zone.

Outfall Zone 7S is located within the shoreline area adjacent to Point Wells in unincorporated Snohomish County and residential neighborhoods in the City of Shoreline and Town of Woodway. A small area to the east that is within the Town of Woodway is zoned R-14.5 Residence Zone.

City of Woodinville

While the City of Woodinville is in King County, its urban growth area includes Snohomish County. The majority of the Route 9 treatment plant site is located within the adopted UGA for the City of Woodinville that includes the Grace Neighborhood in Snohomish County. Within its UGA, Woodinville currently proposes annexation of an area that does not include the Route 9 plant site. It should be noted that the City's UGA also overlaps the Maltby Unincorporated UGA for Snohomish County. As part of a subarea plan for this area, the City of Woodinville is pursuing a joint planning agreement with Snohomish County to include the Grace Neighborhood in the City of Woodinville. This would occur through an interlocal agreement for joint planning and the annexation process.

Woodinville's Comprehensive Plan designates this area as Industrial. The industrial designation has been applied to areas located along major arterials that are currently suited for industrial and business park activities (City of Woodinville, 1996).

A number of policies in the Woodinville Comprehensive Plan pertain to the siting of EPFs. Goal LU-6 and supporting policies LU-6.1, 6.2 and 6.3 are aimed at ensuring that the City provides a process for siting EPFs. These include defining EPFs consistent with the intent of the GMA; coordinating and participating in the interjurisdictional process established by the King County Growth Management Planning Council and adopted by the Snohomish County Tomorrow Steering Committee; and following the interim siting process to site EPFs. Woodinville also adopted the EPF siting guidelines developed by Snohomish County Tomorrow. These guidelines are discussed earlier in this appendix.

Findings

The King County Comprehensive Plan includes policies requiring the County to ensure that "needed facilities and services are provided in the region" (King County, 2001). While the Comprehensive Plan policies focus on others coming to site EPFs in King County, the County has followed the guidance provided by the Comprehensive Plan in the siting of Brightwater facilities.

Brightwater is necessary to provide adequate wastewater treatment services for the communities served by King County Metro, which include areas in both Snohomish County and King County. Approximately 60 percent of Brightwater's service area will be located in Snohomish County. Comprehensive Plan policies call for sharing EPFs with neighboring counties, where advantageous to both jurisdictions, "to increase efficiency of operation" (King County Comprehensive Plan Policy F-220). The Brightwater site locations are designed to increase operational efficiency, starting in 2010 as planned for in the RWSP. Here, the two-year siting and public participation process conducted by King County has concluded that the Brightwater facility locations identified in the Final EIS are the optimal and most efficient locations.

The King County and Snohomish County comprehensive plans are predicated on the development of adequate wastewater capacity through projects such as Brightwater, as planned

growth in the UGAs is dependent on the provision of adequate wastewater treatment capacity. The Utilities Element of the Snohomish County comprehensive plan specifically states:

Another important service provider is King County METRO, which provides wastewater treatment for sections of south Snohomish County within drainage basins served by its West Point Treatment Plant. This is a major regional facility that serves large areas of northwest King County and north Seattle in addition to the relatively small but growing sections of south Snohomish County. King County METRO is currently upgrading its two large treatment plants and is considering the construction of a third plant within the next 10-15 years. One location under consideration for this plant is near the King/Snohomish County line (Snohomish County, 2000).

Snohomish County's Comprehensive Plan directs the County to develop wastewater treatment facilities to support urban growth within UGAs in a manner consistent with the protection of the natural environment. (Snohomish County Comprehensive Plan, Goal UT-3.) The 2001 Snohomish County Capital Facilities Plan also makes specific note of Brightwater, for purposes of planning for Snohomish County needs:

King County has identified a need for a third regional treatment plant at the north end of its service area and is now in the process of selecting a site. Part of the demand for this additional treatment capacity is originating in south Snohomish County, where wastewater flows from the Alderwood and Cross Valley service areas southward into the King County system. Existing state and local regulations will ensure that planning, designing, and construction of necessary treatment capacity is completed before new development is allowed to connect to wastewater systems that are at or over treatment plant capacity (Snohomish County, 2000).

The additional wastewater treatment capacity to be provided by Brightwater supports growth anticipated within Snohomish County UGAs in the local and County GMA comprehensive plans.

The Brightwater siting process has been consistent with the criteria and process for siting EPFs that were developed by Snohomish County Tomorrow and adopted by Snohomish County and the majority of its cities, including the City of Edmonds. Snohomish County has recently amended its zoning code to implement the EPF process (SCC 30.42D).

There are eleven factors that are considered in Appendix B of Snohomish County's siting process, each of which could be applied to the Brightwater project:

Factor 1 – The project sponsor must demonstrate a need for the EPF. The need for the Brightwater facilities is identified in the RWSP, which considers the issues identified in this criterion.

Factor 2 – The facility must be consistent with the sponsor's long-range plans for facilities and operations. Here, the RWSP is regional in scope and elaborates on the need for Brightwater and its consistency with King County's and Snohomish County's long range plans. It is adopted by reference.

Factor 3 – The EPF should demonstrate its relationship to local, regional, and state plans, and should be consistent with the adopted plans of the host community. The Brightwater facilities carry out the mandate found in various state laws to provide adequate wastewater treatment facilities for regional, county and local residents. Regionally, King County provides wastewater services to 36 cities and sewer districts in both King and Snohomish Counties. However, at present, very few local plans contemplate the siting of a regional wastewater treatment plant. As part of the siting process, King County will be discussing with the host jurisdiction compliance with their comprehensive plans and development regulations and if needed, modifications required to achieve the desired consistency. As discussed in this EIS, reasonable mitigation will be provided to help make Brightwater as compatible as practicable with the vision of land development for that community. Once the specific locations for Brightwater facilities are decided on in late 2003, after a multiple year regional siting process, it is anticipated that pursuant to the GMA, host jurisdictions will amend, as needed, their comprehensive plans or development regulations to acknowledge this regional EPF or in the alternative, King County will initiate this amendment process in any host jurisdiction, as needed. *City of Tukwila v. Central Puget Sound Regional Transit Authority.*

Factor 4 – The facility should include a significant share of the host community’s population. The Brightwater facilities encompass a large part of South Snohomish County and North King County. Generally speaking, most of the jurisdictions in which components of the Brightwater system are proposed fall within the King County service area. At present, a small portion in the vicinity of Edmonds would not be included in the service area. However, King County has offered to combine any treatment plant located in Edmonds with the two existing treatment plants in Edmonds operated by the Cities of Edmonds and Lynnwood. The Agreement for Sewage Treatment between King County and Edmonds provides that in 2012, King County will be treating wastewater from most of the eastern area of the Edmonds wastewater service area year round and Edmonds will treat wastewater from the portion of King County’s tributary to the Richmond Beach pumping station.

Factor 5 – Sponsors are to submit documentation on the minimum siting requirements for Brightwater, such as facility size, and mitigation needs. These siting requirements are documented in the RWSP, implementing ordinances, Phase 1 and 2 siting documents, and this EIS.

Factor 6 – The project sponsor should investigate alternative sites. King County has engaged in an extensive 3-year siting process evaluating over 100 alternative sites as documented in the *Phase 1: Siting the Brightwater Facilities, March 2001* and *Phase 2 - Executive Summary: Siting the Brightwater Facilities, September 2001*. This evaluation process has been the subject of much public discussion and environmental review, which continues in this EIS.

Factor 7 – The overall concentration of essential public facilities in the County shall be reviewed to avoid an undue concentration in any one community. EPFs take many forms, as reflected in the state legislation found at RCW 36.70A.200. These include jails,

schools, regional facilities, treatment plants, airports, etc. Two existing wastewater treatment facilities serving local and regional needs, a Washington State Ferry terminal, an Amtrak station and soon a Sound Transit station are located in the City of Edmonds. Other jurisdictions throughout Snohomish County also have multiple EPFs located within their boundaries.

Factor 8 – Sponsors should encourage local public participation. King County has conducted a multiple year series of public participation activities that exceeds applicable legal requirements. Following issuance of the EIS King County will continue to involve affected jurisdictions and the community in the design and permitting of the Brightwater system.

Factor 9 – The project must be consistent with local land use regulations. See analysis in Factor 3.

Factor 10 – The project should be compatible with surrounding land uses. Extensive analysis on the efforts to make Brightwater as compatible as practicable with surrounding land uses is included in documents such as the RWSP, Phase 1 and 2 siting documents, and this EIS.

Factor 11 – Adequate mitigation must be provided. This EIS identifies reasonable mitigation measures in a wide variety of areas.

It should be noted that the Appendix B siting criteria are advisory guidelines and not rules. Throughout the planning of Brightwater, King County has worked with affected jurisdictions on the siting and evaluation of Brightwater. This is demonstrated through Ordinance 14043 and 14107 that were adopted to implement the RWSP. As indicated in earlier discussion, Snohomish County and the affected jurisdictions were involved in the development of the siting criteria that were adopted into these ordinances.

With the exception of the City of Edmonds, conveyance facilities are either permitted as a primary or conditional use within potentially affected jurisdictions. A rezone to the P zoning district would be required to site regional public facilities within the City of Edmonds. A shoreline substantial development permit would be required if a portal is sited within regulated shorelines.

Consistent with most jurisdictions' siting policies, portals and any permanent aboveground facilities would be sited to avoid displacing existing land uses when feasible. In addition, these facilities would be sited near compatible land uses or where the facilities would have the least impact. For facilities sited adjacent to residential areas, King County would work with local jurisdictions to ensure that appropriate buffers and facility design are implemented to minimize impacts. Measures to reduce noise, light and glare, and construction dust/odors would be implemented. (Refer to Chapters 5, 10, and 13.) In commercial areas, King County would develop construction traffic plans in accordance with local permits that minimize impacts to local businesses.

Several DEIS comments focused on the extent to which current development regulations or essential public facility ("EPF") criteria may not ultimately be met by the Project. In some instances, as identified in the EIS, legislative changes (i.e., rezone) may be required for the Brightwater facility to be built. This is not unusual at this early stage in the siting process for large regional facilities. In other instances, King County will, following issuance of the Final EIS and selection of a specific Brightwater system, proceed to apply for regulatory permits and approvals and will be demonstrating compliance with permit criterion. In the alternative, pursuant to GMA case law, host jurisdictions may also amend their own plans and regulations once the locations for the Brightwater facilities are selected in late 2003. In all cases, the Brightwater facilities will be constructed under applicable laws.

As previously stated, on October 13, 2003, the Central Puget Sound Growth Management Hearing Board issued its decision on King County's appeal. It found that the EPF Ordinance did not comply with the GMA and issued a Declaration of Invalidity based on the EPF Ordinance's non-compliance. The Board has given Snohomish County until January 14, 2004 to take appropriate legislative action to bring the EPF provisions of its development regulations into compliance with the goals and requirements of the GMA. In the meantime, Snohomish County's existing comprehensive plan policies and land use regulations govern the siting of EPFs, to the extent that those policies and regulations do not preclude EPF siting.

Until the Snohomish County Council takes action consistent with the Central Puget Sound Growth Management Hearing Board's Order, it is not possible to ascertain the final form of Snohomish County's EPF regulations. Thus, King County will address Snohomish County's EPF development regulations when King County is ready to proceed with the Brightwater project. Until the issues in these cases are resolved, permitting of Brightwater facilities in these jurisdictions will be uncertain.

References

- City of Bothell. 1996. Title 13, Shoreline Management. Current through Ordinance 1630, March 21, 1996. Bothell, Washington.
- City of Bothell. 1997. Imagine Bothell. City of Bothell Comprehensive Plan. Adopted June 30, 1997. Bothell, Washington.
- City of Bothell. 1997. City of Bothell Municipal Code. Current through Ordinance 1904 § 1, 2003. Bothell, Washington. Available online at: <http://www.mrsc.org/codes.aspx>
- City of Brier. 2000. City of Brier 2000 Comprehensive Plan Update. Adopted November 28, 2000. Brier, Washington. Available online at: <http://www.ci.brier.wa.us>
- City of Brier. 1988. City of Brier Municipal Code (Ord. 209 §1, 1988). Current through Ordinance 293.A § 5, 2001. Brier, Washington. Available online at: <http://www.ci.brier.wa.us/municipalcode>
- City of Edmonds. 2002. City of Edmonds Comprehensive Plan. Edmonds, Washington.
- City of Edmonds. 2002. Edmonds Municipal Code, Volume II, Community Development. Adopted December 2, 1980. Current through Ordinance 3452 § 4, 2003. Edmonds, Washington. Available online at: <http://www.mrsc.org/codes.aspx>
- City of Kenmore. 2002. City of Kenmore Municipal Code. Current through Ordinance 02-0161 § 12, 2002. Kenmore, Washington. Available online at: <http://www.mrsc.org/codes.aspx>
- City of Kenmore. 2001. Final Integrated Comprehensive Plan and Environmental Impact Statement. March 2001. Kenmore, Washington. Available online at: <http://www.cityofkenmore.com/dept/cd/compplan/compplan.html>
- City of Lake Forest Park. 2001. City of Lake Forest Park Comprehensive Plan. Adopted April 19, 1995 and updated November 29, 2001. Lake Forest Park, Washington.
- City of Lake Forest Park. 2002. Lake Forest Park City Code. Current through Ordinance 900 § 1, 2003. Lake Forest Park, Washington. Available online at: <http://www.mrsc.org/codes.aspx>
- City of Mountlake Terrace. 1996. Updated Comprehensive Policy Plan. Adopted December 16, 1996. Mountlake Terrace, Washington.
- City of Mountlake Terrace. 2002. Municipal Code. Current through Ordinance 2236 § 1, 2000. Mountlake Terrace, Washington. Available online at: <http://www.mrsc.org/codes.aspx>
- City of Shoreline. 1998. Final Plan, Shoreline's Comprehensive Plan. Adopted November 23, 1998. Shoreline, Washington.

- City of Shoreline. 2002. Shoreline Municipal Code. Current through Ordinance 329 § 4,2003. Shoreline, Washington. Available online at: <http://www.mrsc.org/codes.aspx>
- City of Woodinville. 2002. City of Woodinville Comprehensive Plan. Adopted May 1996 and amended in July 1999 and May 2002. Woodinville, Washington.
- City of Woodinville. 2002a. City of Woodinville Determination of Non-Significance, Annual Comprehensive Plan Amendment to Chapter 10. May 13, 2002. Woodinville, Washington.
- City of Woodinville. 1996. Woodinville Municipal Code. Current through Ordinance 334 § 2003. Woodinville, Washington. Available online at: <http://www.mrsc.org/codes.aspx>
- King County. 2002. King County Buildable Lands Evaluation Report. September 5, 2002. King County, Washington.
- King County. 1981. King County Code. Current through June 24, 2002, as amended. King County, Washington.
- King County. 2001. King County Comprehensive Plan 2000. Adopted February 12, 2001. King County, Washington.
- King County. 2000. King County Countywide Planning Policies. King County Office of Regional Policy and Planning. August 2000. King County, Washington.
- King County Department of Natural Resources and Parks, Wastewater Treatment Division. *Phase 2 - Executive Summary: Siting the Brightwater Facilities, September 2001.*
- King County Department of Natural Resources and Parks, Wastewater Treatment Division. 2001. *Phase 1: Siting the Brightwater Facilities, March 2001.*
- King County Department of Natural Resources Wastewater Treatment Division. 1997. RWSP Draft EIS, May 1997.
- King County Office of Regional Policy Planning. 2002. King County Buildable Lands Evaluation Report. September 2002.
- Port of Edmonds. 2003. Port of Edmonds Strategic Plan. July 2003.
- Port of Edmonds. 2001. Port of Edmonds Master Plan. May 21, 2001.
- Puget Sound Regional Council (PSRC). 1995. VISION 2020 1995 Update: Growth Management, Economic and Transportation Strategy for the Central Puget Sound Region. 1995. Seattle, Washington.
- Snohomish County. 2003. Snohomish County Tomorrow 2002 Growth Monitoring/Buildable Lands Report. January 2003 Final. Snohomish County, Washington.

Snohomish County, 2001. Capital Facilities Plan for Snohomish County. August 29, 2001.
Snohomish County, Washington

Snohomish County. 2001. Snohomish County Zoning Code, Title 18. Adopted May 7, 1986.
Current through January 31, 2001, as amended. Snohomish County, WA.

Snohomish County. 2000. Snohomish County Growth Management Act Comprehensive Plan.
Adopted June 28, 1995 and updated in 2000. Snohomish County, Washington.

Snohomish County. 1993. Snohomish County Shoreline Management Master Program. Adopted
May 31, 1988; Amended 1993. Snohomish County, Washington.

Town of Woodway. 1987. Woodway Zoning Ordinance. Amended March 2001. Woodway,
Washington.

Town of Woodway. 2000. The Town of Woodway Comprehensive Plan, Year 2000 Update.
Capital Facilities Element. Woodway, Washington.

Personal Communications

Clifton, Stephen. City of Edmonds. Personal communication. Meeting with Ikuno Masterson.
June 18, 2003.

Smith, Carl. City of Woodinville. Personal communication. April 28, 2003.

Smith, Carl. City of Woodinville. Personal communication. August 20, 2003.