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**SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington**

AMENDED ORDINANCE NO. 95-117

**AMENDING ORDINANCE 94-125 AND THE GENERAL POLICY PLAN TO
INCORPORATE THE COMMON SITING PROCESS FOR ESSENTIAL PUBLIC
FACILITIES DEVELOPED BY SNOHOMISH COUNTY TOMORROW**

WHEREAS, on February 3, 1993 the County adopted Countywide Planning Policies as required by the Growth Management Act, Chapter 36.70A RCW (hereinafter, the GMA), including Policy CF-1 which requires the formulation of a common siting process to be used by the County and cities of Snohomish County; and

WHEREAS, the GMA requires Snohomish County (hereinafter, the County) to adopt a comprehensive plan which will accommodate the next 20 years of population and employment growth in a manner consistent with the requirements of the GMA, and to include therein a process for siting essential public facilities; and

WHEREAS, on June 28, 1995 the County adopted Amended Ordinance 94-125 Adopting the Snohomish County GMA Comprehensive Plan, which included policy CF 11.A.1 reaffirming the County's commitment to the Snohomish County Tomorrow siting process; and

WHEREAS, the GMA provides for periodic amendments to the comprehensive plan, including emergency amendments that may be considered at any time; and

WHEREAS, on October 25, 1995 - after over 2 years of staff work, public discussion by the Community Advisory Board, and deliberation by the Executive Committee and Steering Committee - the Snohomish County Tomorrow Steering Committee adopted a common siting process for essential public facilities of a countywide or statewide nature; and

WHEREAS, The final design of the common siting process, approved by Snohomish County Tomorrow on October 25, 1995 and incorporated herein as Attachment A, satisfies the requirements of the Countywide Planning Policies and the GMA pertaining to the siting of essential public facilities; and

WHEREAS, Amending the GMA Comprehensive Plan to include the final design for the common siting process is necessary and appropriate at this time to reflect the recent action of Snohomish County Tomorrow and to permit the County to fully meet the mandate of the GMA; and

WHEREAS, on November 28, 1995 the Snohomish County Planning Commission held a public hearing to consider the common siting process adopted by Snohomish County Tomorrow and recommended it for inclusion within the GMA Comprehensive Plan; and

WHEREAS, The Snohomish County Council considered the common siting process for essential public facilities of a countywide or statewide nature developed by Snohomish County Tomorrow and the recommendation of the Planning Commission at a public hearing on January 10, 1996; and

WHEREAS, the county fully complied with the county's adopted GMA public participation process set forth in Snohomish County Code Chapter 32.05 in its consideration of the proposed siting process for essential public facilities; and

WHEREAS, Amendment of the GMA Comprehensive Plan is needed at this time to correct a deficiency in the plan and the adopting action constitutes an emergency as provided in RCW 36.70A(130).

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Pages CF 19 and 20 of the General Policy Plan adopted by section 4 of Ordinance 94-125 on June 28, 1995, are amended to read:

Siting Of Essential Public Facilities

The GMA addresses facility siting in two separate sections, one dealing with countywide planning policies and the other with local comprehensive plans. The question that the legislature asks us to address is how to site facilities that are needed by both urban and rural populations, but which no one wants near their own property or home. Almost any public facility or use is vulnerable to neighborhood opposition which can and frequently does lead to delay or denial of facility permits.

Snohomish County's countywide planning policies include provisions to meet the GMA requirement. The policies call for the cities and county to develop a common site review process to be included by all local jurisdictions within their comprehensive plans. The policies establish certain parameters for the design of this process which collectively provide a broad outline for what it should contain. Following adoption of the policies by the county council, a joint staff subcommittee formed under the auspices of Snohomish County Tomorrow began working on the design of this siting process. ~~((Although a preliminary draft has been prepared, further work is needed before the process design is ready for adoption.))~~ After the review and consideration of numerous drafts and modifications by the Planning Advisory Committee, the Infrastructure Coordinating Committee, an ad hoc legal review team, the Community Advisory Board, the Executive Board, and the Steering Committee of Snohomish County Tomorrow, on October 25, 1995 the Steering Committee approved the process design contained in Appendix B of the General Policy Plan.

The GMA also requires local jurisdictions to include within their comprehensive plans a process for siting essential public facilities. The common site review process called for in the countywide planning policies, as supplemented by the goals, objectives, policies, and implementation measures can effectively serve that role for Snohomish County. Most of the county's own facilities serve populations from more than one local jurisdiction and can, therefore, be considered facilities of a countywide nature. By adopting the major provisions of this siting process, Snohomish County will be placing most of its own facilities under its umbrella.

Similar facilities proposed by other local and state agencies as well as by private utility companies and nonprofit organizations will also be subject to its provisions.

Operating procedures for the new siting process, including hearings and prehearing steps, must also be created and accepted before it can be implemented. ~~((It is anticipated that Snohomish County Tomorrow will endorse a design similar to the one contained in Appendix B subsequent to the adoption of this plan. It can then be included by Snohomish County and the cities within their comprehensive plans. This process was reviewed by Snohomish County Tomorrow's Citizen Advisory Board and Steering Committee in December 1994. The Steering Committee is expected to recommend a final siting process to the County Council following completion of legal review.))~~ Snohomish County will review and modify its code and administrative procedures as necessary, and will continue to work with Snohomish County Tomorrow on the development of its administrative guidelines and with any other actions necessary to fully implement the common siting process.

GOAL CF 11 **Facilitate the siting of essential public facilities sponsored by public or private entities and whose location within unincorporated areas may be appropriate.**

Objective CF 11.A **Secure a consensus of Snohomish County jurisdictions on a design for a common siting process.**

CF Policy 11.A.1 The county shall ~~((incorporate))~~ follow the Process for Siting Essential Public Facilities of a Countywide or Statewide Nature in Snohomish County, ~~((one))~~ as adopted by Snohomish County Tomorrow ~~((, into its comprehensive plan))~~ and as presented in Appendix B.

CF Policy 11.A.2 ~~((The county acknowledges the current draft siting process for essential public facilities by setting forth the text in full in Appendix B to the General Policy Plan.))~~ Snohomish County will review and modify its code provisions and administrative procedures as necessary to fully implement the common siting process within its areas of land use jurisdiction.

Objective CF 11.B Identify and secure sites for county facilities that are consistent with the plans of the host community.

Section 2. Appendix B to Attachment A of Ordinance 94-125 (the General Policy Plan) is repealed and Attachment A to this ordinance, entitled "Final SCT-Approved Text - October, 1995," incorporated herein by this reference, is adopted as a New Appendix B to Attachment A of Ordinance 94-125.

Section 3: Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or its application of the provision to other persons or circumstances is not affected.

PASSED this 10th day of January, 1996.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Richard C. Johnson
Chair

ATTEST:

Sheila McCallister
Clerk of the Council *asst*

- APPROVED
 VETOED
 EMERGENCY

DATE: 1-11-96

Joan M. Earl
County Executive

ATTEST:

Sheila McCallister

**PROCESS FOR SITING ESSENTIAL PUBLIC FACILITIES
OF A COUNTYWIDE OR STATEWIDE NATURE
IN SNOHOMISH COUNTY**

[APPROVED BY SCT STEERING COMMITTEE - OCTOBER , 1995]

PURPOSE

In accordance with the requirements of the Washington Growth Management Act, and following an extensive policy review process by the Snohomish County Tomorrow Steering Committee, the Snohomish County Council has adopted a series of county-wide planning policies to guide the preparation of city and county comprehensive plans. Included therein are policies addressing the siting of "public capital facilities of a countywide or statewide nature" (identified as Policies CF-1 through CF-5), as specifically required by the GMA. These policies commit the GMA planning jurisdictions of Snohomish County to develop a common siting process for these facilities.

The GMA further requires local governments to develop a process for identifying and siting "essential public facilities" and to incorporate that process into their local comprehensive plans. As indicated and defined by WAC 365-195-340 essential public facilities can be difficult to site, and their location in a community may be locally unpopular. Local and state governments are charged by GMA with the task of ensuring that such facilities, as needed to support orderly growth and delivery of public services, are sited in a timely and efficient manner.

The process described here is intended to address the siting of essential public facilities not already sited by a local comprehensive plan and for which discretionary land use action is required. The siting process set forth below is also intended to meet GMA requirements, as well as the intent of the countywide planning policies. A final objective is to enhance public participation during the early stages of facility siting to reduce the time spent analyzing unacceptable sites and thereby produce earlier siting decisions that are also consistent with community goals.

DEFINITION OF ESSENTIAL PUBLIC FACILITY

Any facility owned or operated by a unit of local or state government, by a public utility or transportation company, or by any other entity providing a public service as its primary mission may qualify as an "essential public facility" (or, EPF). In general, an essential public facility will be characterized by the

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following:

- 1) it is a necessary component of a system or network which provides a public service or good; and
- 2) it may be difficult to site because of potential significant opposition.

Essential public facilities of a **county-wide** nature are those which serve a population base extending beyond the host community - which may include several local jurisdictions within Snohomish County or a significant share of the total County population. Such facilities may include, but are not limited to, the following examples: airports, state education facilities, state or regional transportation facilities, state or local correctional facilities, solid waste-handling facilities, in-patient facilities including substance abuse facilities, mental health facilities, and group homes.¹ Other facilities meeting the basic definition above and whose sponsor desires to utilize this siting process may be qualified as essential public facilities by completing the designation procedure described below.

Essential public facilities of a **regional or state-wide** nature may include, but are not limited to, those facilities listed above which serve a multi-county population base; and other large public facilities appearing on the OFM list to be maintained under RCW 36.70A.

ESSENTIAL PUBLIC FACILITIES ELIGIBLE FOR COMMON SITE REVIEW

Essential public facilities of a county-wide or statewide nature which are not already sited in a local comprehensive plan are eligible for review under the common siting process described below. Candidate facility proposals may be submitted for review under this Common Siting Process by either the project sponsor or by a local jurisdiction wishing to site the project (the "host community").

A facility may be designated an essential public facility eligible for review under this process under the following conditions:

- 1) the Snohomish County Tomorrow Steering Committee or the governing board of the host community makes a determination that the proposed facility meets the definition of an essential public facility; or, the facility appears on the

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The application of this definition for group homes and similar facilities, as well as of the siting process for these facilities, will be within the legal parameters of fair housing laws.

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State, County, or the host community's list of essential public facilities;

AND

- 2) either the sponsoring agency or the host community determines that the facility will be difficult to site.

COMMON SITE REVIEW PROCESS

Either the sponsor of an essential public facility within Snohomish County which is eligible for review under the Common Site Review Process, or the proposed host community, may elect to follow the process described herein. Alternatively, sponsors of such facilities having a preferred site location already identified may choose to seek siting approval under the local process provided by the host community (the jurisdiction having land use authority over that site), if that approach is acceptable to the host community.

The Common Site Review Process will involve the steps described below.

1. Determination of Eligibility. The project sponsor must receive a determination of eligibility from either the host community or the Snohomish County Tomorrow Steering Committee that the proposed facility constitutes an essential public facility as defined above. This initial step will also include a determination, as a threshold matter, of whether the facility in question presents siting difficulties. If the facility does not present siting difficulties, it should be relegated to the normal siting process, as recommended in WAC 365-195-340 (2)(a)(iii).
2. Site Search Consultation. As an optional service to project sponsors, the Planning Advisory Committee (PAC) and/or the Infrastructure Coordinating Committee (ICC) will, upon request, provide a forum for project sponsors prior to the initiation of the formal siting review process. Sponsors will have the opportunity to present proposed projects involving essential public facilities for the purpose of seeking information on potential sites within Snohomish County and about potential concerns related to siting. Sponsors may also propose possible incentives for host communities.

Through the PAC/ICC local jurisdictions may be requested to provide information to sponsors regarding potential sites within their communities. The sponsor of an eligible project electing to utilize this siting process may initiate this communication by contacting Snohomish County Tomorrow and requesting aid in the siting of its proposed facility.

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3. Local Land Use Review. Following site consultation with the PAC and/or the ICC (when that step is taken by the sponsor) the sponsor may then apply for site approval with the local land use or permit authority, as required under local law. The local jurisdiction shall conduct its review as required by this common siting process, as well its own codes and ordinances. This shall include the conduct of public hearings required for any land use action which may be needed by the proposal, including comprehensive plan amendment, rezoning, conditional use permit, or similar approval.

The local authority shall evaluate the proposal against the common siting criteria described herein, as well as against any local criteria generally applicable to the type of action required, in making its land use decision on the project proposal. Where no local land use action is required the sponsor may proceed directly to the permit application stage.

4. Advisory Review Process. The local land use authority's decision, as it relates to matters encompassed by the site evaluation criteria described below, is subject to an advisory review process as provided herein. This process, if utilized, would occur prior to any appeal processes already provided by local ordinance.

Within 21 days following the decision by the local land use authority required to approve the proposal, an advisory review process may be utilized by the sponsor involving a 3-member advisory review board appointed by the Snohomish County Tomorrow Executive Board. Qualifications for board members, as well as procedures for board creation and conduct of board business shall be governed by written guidelines to be established by Snohomish County Tomorrow, provided that no official or employee of Snohomish County or any local jurisdiction within Snohomish County shall be a board member.

The advisory review board shall not have the authority to overturn a local decision. The board, on a review of the record, shall only find that the local decision does or does not accurately reflect the evidence provided by the sponsor, or that adequate consideration was or was not given to the evaluation criteria, and may recommend to the local agency that it reconsider its decision.

A recommended alternative for host communities and sponsors would be to use arbitration as the final recourse for resolution of differences. In cases where this option is agreed to in advance, a pre-selected arbitrator would serve as the appeal agent for these parties.

Nothing herein shall be construed to limit the administrative

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appeal or legal remedies otherwise available to sponsors, host communities or third parties.

5. Permit Application. Upon receipt of the required land use approvals by the local land use authority, the sponsor may then apply for the required permits to construct the proposed facility. When a permit is denied for reasons relating to this siting process, the permitting authority will submit in writing the reasons for permit denial to the sponsor.

SITE EVALUATION CRITERIA

The following criteria will be utilized by all county and city review authorities in evaluating siting proposals made by sponsoring agencies seeking to site an essential public facility (EPF) in Snohomish County. The sponsor shall provide the information needed for the reviewing body to evaluate a site(s) and make a recommendation or decision on a specific proposal. These criteria encompass an evaluation of regional need and local site suitability for the proposed and designated essential public facility. Findings concerning the proposal's conformance with each criterion shall be included in the documentation of the local authority's decision.

1. Documentation of Need. Project sponsors must demonstrate the need for their proposed EPFs. Included in the analysis of need should be the projected service population, an inventory of existing and planned comparable facilities and projected demand for this type of essential public facility.
2. Consistency with Sponsor's Plans. The proposed project should be consistent with the sponsor's own long-range plans for facilities and operations.
3. Consistency with Other Plans. The proposal must demonstrate the relationship of the project to local, regional and state plans. The proposal should be consistent with the comprehensive plan and other adopted plans of the prospective host community. In evaluating this consistency, consideration shall be given to urban growth area designations and critical area designations, population and employment holding capacities and targets, and the land use, capital facilities and utilities elements of these adopted plans.
4. Relationship of Service Area to Population. The facility's service area population should include a significant share of the host community's population, and the proposed site should be able to reasonably serve its over-all service area population. [Note: linear transmission facilities are exempt from this criterion]

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5. Minimum Site Requirements. Sponsors shall submit documentation showing the minimum siting requirements for the proposed facility. Site requirements may be determined by the following factors: minimum size of the facility, access, support facilities, topography, geology, and mitigation needs. The sponsor shall also identify future expansion needs of the facility.
6. Alternative Site Selection. In general, the project sponsor should search for and investigate alternative sites before submitting a proposal for siting review. Additionally, the proposal should indicate whether any alternative sites have been identified that meet the minimum site requirements of the facility. The sponsor's site selection methodology will also be reviewed. Where a proposal involves expansion of an existing facility, the documentation should indicate why relocation of the facility to another site would be infeasible.
7. Concentration of Essential Public Facilities. In considering a proposal, the local review agency will examine the overall concentration of essential public facilities within Snohomish County to avoid placing an undue burden on any one community.
8. Public Participation. Sponsors should encourage local public participation, particularly by any affected parties outside of the host community's corporate limits, in the development of the proposal, including mitigation measures. Sponsors should conduct local outreach efforts with early notification to prospective neighbors to inform them about the project and to engage local residents in site planning and mitigation design prior to the initiation of formal hearings. The sponsor's efforts in this regard should be evaluated.
9. Consistency with Local Land Use Regulations. The proposed facility must conform to local land use and zoning regulations that are consistent with the County-wide Planning Policies. Compliance with other applicable local regulations shall also be required.
10. Compatibility with Surrounding Land Uses. The sponsor's documentation should demonstrate that the site, as developed for the proposed project, will be compatible with surrounding land uses.
11. Proposed Impact Mitigation. The proposal must include adequate and appropriate mitigation measures for the impacted area(s) and community(ies). Mitigation measures may include, but are not limited to, natural features that will be preserved or created to serve as buffers, other site design elements used in the

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development plan, and/or operational or other programmatic measures contained in the proposal. The proposed measures should be adequate to substantially reduce or compensate for anticipated adverse impacts on the local environment.

AMENDMENTS

This siting process may be amended, upon recommendation by the Snohomish County Tomorrow Steering Committee, through established procedures for amending the comprehensive plan in accordance with local code and the State Growth Management Act.