



Snohomish County Council

NEWS RELEASE

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Judge Rules that Snohomish County can have input on the siting of essential public facilities

[Everett, Wash.] The Snohomish County Council had another victorious day in Thurston County Court today with regard litigation with King County over its Essential Public Facilities (EPF) ordinance. The Growth Managements Hearings Board (Growth Board) had invalidated Snohomish County's EPF's (ordinances 03-006 & 04-019), giving King County a victory at the administrative hearing level. The Snohomish County Council appealed the Growth Board's ruling to the Thurston County Superior Court, where Judge Casey heard the Council's case.

"We have been informed by our prosecuting attorney's office that Judge Paula Casey has ruled in our favor and is signing our order, holding that Snohomish County *can regulate the siting* of essential public facilities, namely Brightwater," stated Councilman Jeff Sax.

Previously Judge Casey overturned Growth Board rulings and allowed for Snohomish County to have negotiating power over mitigation and other key aspects of the Brightwater facility. She also overruled the Growth Board and found that it is reasonable for Snohomish County to look into the issue for the benefit of the public.

"All along Ron Sims has directed a process with regard to Brightwater has been an affront to representative democracy," added Sax. "To say that I am overjoyed that Judge Casey has ruled that King County cannot site a facility like Brightwater outside of its jurisdiction, without input of the 'receiver' and its citizens is an understatement."

Snohomish County Council has passed ordinance no. 03-006, which regulates essential public facilities, such as Brightwater and requires local support and consent of such facilities and No. 04-019 which established new regulations dealing with essential public facilities.

"I am proud of our prosecuting attorney's office today, namely Millie Judge and John Moffat and their team who have combed over fifty years of contracts, local legislation and case law to demand that Snohomish County has a role in the siting and regulations of essential public facilities, like Brightwater," concluded Sax.

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