



Snohomish County Council

NEWS RELEASE

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Contact: Councilmembers (425) 388-3494

Brightwater Settlement Agreement set for action October 17th

The Snohomish County Council is expected to take action on Monday October 17th on a motion that authorizes the County Executive to sign an agreement with King County to process the permits and regulate the proposed Brightwater Treatment plant. The agreement spells out significant community mitigation, a public review process, a binding site plan, and critical regulations for seismic and odor standards that King County must meet. While the agreement is not the granting of a permit, a court has ruled Snohomish County cannot deny a permit for the plant. The agreement also resolves a number of suits and challenges brought by King County against Snohomish County.

The motion is the first step toward settlement of the issue. In addition to the agreement, an ordinance to approve a corresponding development agreement with King County is also required. The motion will be up for action on Monday the 17th at 1:30 p.m. and public comment will be allowed. The ordinance approving the development agreement will be subject to a later public hearing at a time to be set by the county council. The council meets in the Jackson Board Room, Eighth Floor, County Administration Building, 3000 Rockefeller, Everett, WA.

The agreement was worked out during negotiations between the offices of the King County and Snohomish County executives, the two councils, and prosecuting attorneys for the two counties.

Highlights of the agreement include:

- King County will enter into a "Binding Site Plan" agreement with Snohomish County to conduct the permit process and build the plant once a permit is issued.
- An independent Hearing Examiner will conduct a public hearing and take testimony on the permit before issuing a final decision on site-specific mitigation.
- King County will provide \$70 million in direct mitigation to Snohomish County to fund parks acquisition and construction, habitat enhancement, stream and drainage projects, and public safety features such as sidewalks, walkways, and bike lanes in the neighborhoods around the plant. In addition the site's community meeting facility will be available free of charge.

- King County will meet odor standards that Snohomish County consultants say will make odors virtually undetectable at the property line of the plant.
- King County will establish a fund and an advisory board and will have a quick response to deal with any odor complaints at the plant.
- The entire facility will be designed to meet the highest earthquake standards and significant new seismic trenching of the site will be done with emphasis on the location of the chemical storage buildings to enhance earthquake protection.
- If there are faults found on site, King County will be required to set its buildings back from the fault lines following guidance from the International Building Code. Where the conveyance line crosses a known fault, the pipeline will meet stringent IBC guidelines.
- The plant will be designed to contain spills of sewage should a major seismic event occur that would rupture tanks.
- The agreement will settle a series of lawsuits and Puget Sound Growth Management Hearings Board disputes between the two counties relating to essential public facilities.

The agreement meets the publicly stated criteria established by the Snohomish County Council. It provides for meaningful and extensive mitigation in the area of the plant, it protects and enhances the natural environment, it allows for citizen involvement in the final permit process, and it binds King County to keep its word as a good neighbor to the citizens. The proposed odor standards are among the toughest in the nation and the seismic standards recognize the structures that would cause the most damage in an earthquake and mitigate that danger by applying the International Building Code. In addition, it resolves the legal issues between the two counties.

The mitigation package was worked out in negotiations as is based on extensive testimony to King County and on Snohomish County's established plans for capital improvements. The negotiation took into account the need to have an established legal nexus for the projects to the plant.

Documents related to the settlement will be posted by Tuesday October 11th on the Snohomish County website, www.co.snohomish.wa.us.

The Mitigation Agreement includes the following list:

Brightwater Community Mitigation Package

Total Mitigation Package	\$70,000,000	
Recreation Projects		Comments
Maltby Area Park	Community Mitigation - Active Recreation	Active recreation for the broad community surrounding the plant site. Multiple locations considered for acquisition and development
Tambark Creek Park-Development	Community Mitigation – Active Recreation	Development of park already in Snohomish County ownership. Active and passive recreation
39 th /228 th Park Facility	Community Mitigation – Active Recreation	Community park land acquisition and development
Total Recreation Projects	\$30,400,000	
Habitat Mitigation		
Little Bear Creek Headwater Forest Preservation	Community Mitigation – Habitat	Seek to acquire Little Bear Creek headwater watershed to preserve fish habitat
Cutthroat Creek Headwaters Protection	Community Mitigation – Habitat	Seek to acquire Cutthroat Creek headwater watershed to preserve fish habitat
Middle Little Bear Creek Fens Preservation	Community Mitigation – Habitat & Potential multiple uses	Seek to acquire Little Bear Creek watershed to preserve fish habitat
Little Bear Creek Fish Passage	Community Mitigation – Habitat	Replacing and upgrading approximately 22 culverts primarily to improve fish passage. These improvements will involve community-based non-profit organizations where practical
Total Habitat Mitigation Projects	\$10,800,000	Note: up to 10% of habitat and recreation money is transferable between categories.

Community Resources		
Education/ Community Center	Community Mitigation – Meeting facility	King County will provide free use of the community meeting facility to be built on the site to bona fide non-profit Snohomish County organizations.
Total Community Resources	\$2,950,000	
Public Safety Projects		
Sno-Wood Road (3 lane widening)	Community Mitigation Safety and Operational improvements	Widen Snohomish-Woodinville Road to 3 lanes between SR 522 and Woodinville City limits. This improvement will ease traffic movement to and from the treatment plant site.
228 th St. S.E.: SE 39 th to SR-9 Add pedestrian sidewalks and bike lanes	Community Mitigation – Pedestrian connections	Facilitate safe pedestrian and bike access to public spaces on Brightwater site. Project will be designed to include natural drainage where practical.
45 th Ave. SE: 240 th to 212 th (north and south of 228 th) add pedestrian sidewalk on one side	Community Mitigation – Pedestrian connections	Provides sidewalk and bike lanes for safe pedestrian and bicycle access to public spaces at Brightwater site. This project will be designed to include impervious sidewalks where practical. Minor road widening may be included to match curb if installed
49 th Ave. SE: 226 th to 228 th Add pedestrian sidewalk on one side	Community Mitigation – Pedestrian connections	Sidewalk along 49 th Ave SE. provides access to public spaces at Brightwater site. Design will include impervious sidewalks where practical. Minor road widening to be included if curb is installed.
53 rd Ave. SE: 233 rd to 228 th Add pedestrian sidewalk on one side	Community Mitigation – Pedestrian connections	Sidewalk along 53 rd Ave. SE. provides access to public spaces at Brightwater site. Design will include impervious sidewalks where practical. Minor road widening to be included if curb is installed.
57 th Ave. SE: 236 th to 228 th Add pedestrian sidewalk on one side	Community Mitigation – Pedestrian connections	Sidewalk along 57 th Ave. SE. provides access to public spaces at Brightwater site. Design will include impervious sidewalks where practical. Minor road

		widening to be included if curb is installed.
North Creek Trail, Bothell to Mill Creek (North Creek Park to Filbert Road)	Community Mitigation – Pedestrian connections	Planning, public involvement and Right of Way acquisition to develop a new multi-use trail segment between North Creek Park and Filbert Road (SR 524). The community will be included in the design process that will be lead by Snohomish County
Broadway SR 524 – 164 th St SE Add pave shoulders	Community Mitigation – Pedestrian connections	Provide a paved shoulder for safe bicycle/walking travel along Broadway. This project subject to available funds.
Total Public Safety Projects	\$ 25,850,000	
Total Mitigation Package	\$70,000,000	

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