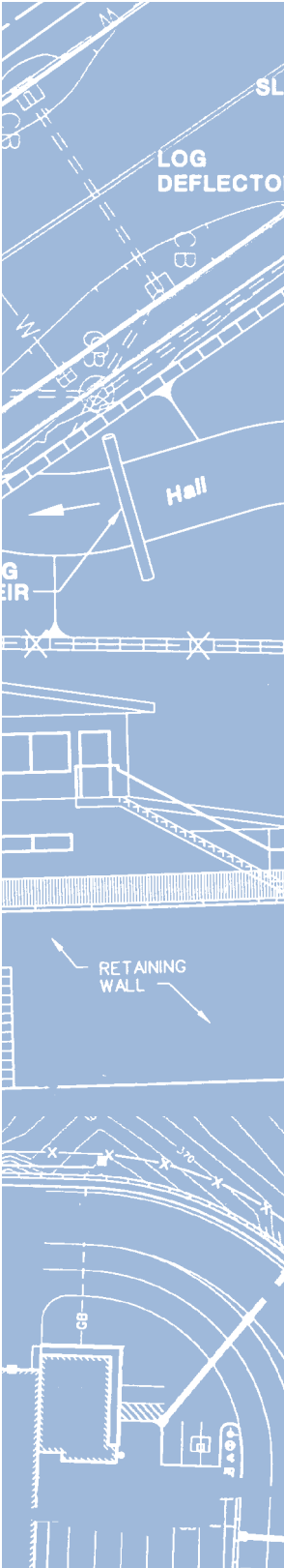


Essential Public Facilities (EPFs) Permit Application Process **Bulletin #65**



Introduction

In 2003 Snohomish County adopted new code regulations for “essential public facilities,” or “EPFs.” The new code regulations are found in Chapter 30.42D SCC. These regulations were adopted in response to provisions in the Growth Management Act (see RCW 36.70A.200) that require local governments to adopt a siting process for EPFs and to ensure that the siting of EPFs is not precluded in a given jurisdiction. The County’s new regulations require that an applicant/sponsor for such facilities secure a conditional use permit when the project is considered difficult to site.

Q: What is an essential public facility (EPF)?

A: Snohomish County Code defines an EPF as “...any facility owned or operated by a unit of local or state government, a public utility or transportation company, or any other entity under contract to a unit of local or state government to provide an essential public facility.” Examples are listed in RCW 36.70A.200 and include airports, state educational facilities, state or local correctional facilities, etc. County staff will make an administrative determination of whether or not a project meets the definition of an essential public facility.

Q: What is a conditional use permit?

A: A conditional use permit (CUP) is a land use approval that is required for certain types of land uses in certain zones. For EPF projects that are difficult to site, a CUP is required anywhere in unincorporated Snohomish County. CUPs are granted or denied by the Hearing Examiner following a public hearing.

Q: What is the first step for the sponsor of an EPF?

A: EPF sponsors are strongly encouraged to consult with the County Planning Manager before beginning the permit process. The Planning Manager will advise the sponsor about the optional consultation process for siting through Snohomish County Tomorrow (SCT), and consult with the sponsor about whether the proposed facility may be difficult to site

Q: Does this process apply to expansions of existing EPFs?

A: The process may apply to the expansion of an existing facility if reasonable alternatives to the expansion could occur at other sites. For example, a major expansion of an existing landfill could conceivably be avoided through the opening of a new landfill in another location. The decision to expand rather than to open a new

(continued on back)

landfill represents a siting decision to which the EPF siting process would apply, provided that the expansion is deemed difficult to site. However, if an expansion is part of a phased development program that was part of the facility's original conditional use permit, an additional CUP under these regulations would not be required.

Q: Does this process apply to "secure community transition facilities" for sexual predators?

A: No. In recognition of state law governing the siting and operation of secure community transition facilities, Snohomish County has elected not to regulate these facilities.

Q: Are all other EPFs required to use the CUP process in Chapter 30.42D SCC?

A: No. Only "difficult to site" EPFs are processed under the County's new regulations. EPFs that are not difficult to site will proceed under normal permitting processes.

Q: Who determines if an EPF is "difficult to site"?

A: An applicant may declare that his/her EPF project may be difficult to site and elect to pursue the CUP utilizing these regulations. The sponsor must submit a letter to the Department describing the proposal and why it may be difficult to site. The Department will then transmit the letter to the Snohomish County Hearing Examiner and to the SCT Coordinator. In the absence of such an applicant declaration, County staff will determine whether or not they believe the project is an EPF that may be difficult to site. When County staff make such a determination, they will notify the applicant in writing and will prepare a memorandum to the Hearing Examiner requesting a determination of the matter. This memorandum will also be transmitted to the SCT Coordinator.

Q: What does the Hearing Examiner do?

A: Within 90 days of receiving a letter from an applicant or a memorandum from Planning & Development Services (PDS), the Hearing Examiner will schedule a public hearing to determine whether or not the project is an EPF that is difficult to site. Following the public hearing, the Hearing Examiner will render a decision. If the Hearing Examiner determines that a project is an EPF that is difficult to site, the sponsor will be required to follow the procedures outlined in Chapter 30.42D SCC.

Q: What if the sponsor and the County staff agree that a project is an EPF that is difficult to site?

A: When the sponsor and County staff agree that a project is an EPF that is difficult to site, the public hearing and Hearing Examiner determination described above is NOT required. The sponsor may immediately prepare a CUP application for processing under Chapter 30.42D SCC procedures.

Q: How do I apply for a conditional use permit for an EPF?

A: The general procedures for conditional use permits are described in PDS Bulletin #39, Conditional Use Permits. Applications for EPF conditional use permits must also address how the proposal meets the decision criteria enumerated in SCC 30.42D.070. Sponsors of EPFs are also required to submit a public participation plan to encourage early public involvement in the siting decision and in the determination of mitigation measures. The application must also include a supplemental application fee of \$1,000 (in addition to the normal application fee for a CUP) and a deposit to be used to defray the cost of an independent consultant review, when required by PDS.

Q: How can I appeal a Hearing Examiner decision?

A: A project sponsor may request reconsideration by the Hearing Examiner of either an initial decision that an EPF is difficult to site or on the subsequent conditional use permit decision. An advisory review by a panel appointed through SCT may also be requested. The advisory board has 60 days from the receipt of a request to complete its review. When such a review is requested, the Hearing Examiner will delay his/her decision on reconsideration until receiving the report from the advisory review board. Final decisions by the Hearing Examiner may then be appealed to the Snohomish County Council.

Q: Whom should I call if I have more questions?

A: Contact the Planning Manager at (425) 388-3311.

Acronyms used in this bulletin:

CUP	Conditional Use Permit
EPF	Essential Public Facility
GMA	Growth Management Act
PDS	Snohomish County Planning & Development Services Department
RCW	Revised Code of Washington
SCC	Snohomish County Code
SCT	Snohomish County Tomorrow

This bulletin is intended only as an information guide. The information may not be complete and is subject to change. For complete legal information, refer to the Snohomish County Code.