

AGENDA

Finance and Economic Development Committee Meeting

Thursday February 11, 2016

5:30 p.m. – 6:50 p.m.

South Conference Room

1. Call to Order

2. Approval of the January 14th, 2016 meeting minutes

3. Recreational Marijuana Zoning

There has been some recent interest expressed by some to potentially expand the number of recreational marijuana businesses within the City of Des Moines. Staff will provide a discussion on current zoning and land use regulations for recreational marijuana, and seek direction from the Committee.

4. Siting of Essential Public Facilities

Staff will provide a discussion and comparison of various siting criteria for essential public facilities, and seek direction from the committee for the draft ordinance.

MINUTES

Finance and Economic Development Committee Meeting

Thursday January 14, 2016

5:30 p.m. – 6:50 p.m.

South Conference Room

<u>City Staff</u>	<u>Council Members</u>
Chair Matt Pina	Michael Matthias – Assistant City Manager/Economic Development Director (ACM/FED)
Jeremy Nutting	Dan Brewer – PBPW Director
Vic Pennington	Denise Lathrop – Community Development Mgr.
	Grant Fredricks – Consultant
	Autumn Lingle- Exec. Admin. Asst.

Guests:

Robert Weis
Bob Sheckler
Ono family members
Darrell Vange
Radim Blazej
Matt Chan

1. Call to Order

Chair Matt Pina called the meeting to order at 5:38 p.m.

2. Selection of Chair and Co-Chair

Direction/Action

Motion was made to name Jeremy Nutting as Chair and Vic Pennington as Co-Chair.
Passed unanimously.

3. Approval of the December 10th, 2015 meeting minutes

Minutes approved as submitted.

4. Ono Property Rezone Request Update

ACM/FED Michael Matthias introduced independent consultant Robert Weis to explain his conclusion regarding the rezone request. Key points from Mr. Weis include:

- Premature to change zoning
- Preserve current regulations
- Mixed use zone
 - Not enough sales tax realized
- Diversify revenue streams to include more commercial and retail
- Healthy growth projection

Darrell Vange and members of the Ono family spoke in favor of the rezoning request, stating that:

- Land not large enough for big box retailer
- Rezoning responds to current desires of population
- Poor freeway access

- History of family business
- Uncle's aspirations for his land
- Requested the rezone be brought before full Council

Direction/Action

Motion was made to table the rezone. Passed unanimously.

5. 2016 Work Program

PBPW Dan Brewer reviewed document outlining work program for 2016. Committee approved outline.

- Adult entertainment
 - Public Hearing Set
- Essential Public Facilities - Noticing guidelines
 - Staff recommended looking at this issue holistically. The committee supported this, provided that that work could be accomplished
- School impact fees
 - Bring back to Council
 - Ask City for support
- CODM fees
- Timeline estimations
- Fire impact fees
- Park impact fees

Direction/Action

Motion was made to approve work program and for staff to provide updated timelines to committee next month. Passed unanimously.

The next meeting is scheduled for February 11, 5:30-6:50 pm in the South Conference room.

Adjourned at 6:52 p.m.

Respectfully submitted by,

Autumn Lingle, Executive Administrative Assistant

Tim George, Assistant City Attorney
21630 11th Avenue So., Suite C
Des Moines, WA 98198
206.870.6553
Fax: 206.870.6872

**OFFICE OF THE
DES MOINES
CITY ATTORNEY**

Memo

Date: February 3, 2016
To: Council Finance & Economic Development Committee
From: Tim George, Assistant City Attorney *TG*
Re: Recreational Marijuana Zoning

Council has directed staff to provide the Committee with information regarding amending the current zoning for recreational marijuana to allow for additional business locations within the City of Des Moines. Staff will provide a discussion on current zoning and land use regulations for recreational marijuana and seek direction from the Committee.

The following attachments are provided:

1. Current Zoning Code (Chapter 18.250 DMMC)
2. Current Zoning Map
3. Potential Zoning Map
4. I-502 Des Moines' Election Results By Precinct
5. Liquor and Cannabis Board Proposed Licenses by Jurisdiction
6. 2016 Distributions of Marijuana Tax to Local Governments
7. Des Moines Monthly Marijuana Retail Sales and State Tax

ATTACHMENT

1

Chapter 18.250 STATE-LICENSED MARIJUANA PRODUCERS, PROCESSORS, AND RETAILERS

Sections

- 18.250.010 Title.
- 18.250.020 Application.
- 18.250.030 Purpose.
- 18.250.040 Authority.
- 18.250.050 Definitions.
- 18.250.060 Recreational marijuana regulations for producers and processors.
- 18.250.070 Recreational marijuana regulations for retailers.
- 18.250.080 Location of a state-licensed marijuana producer, processor or retailer.

18.250.010 Title.

This chapter shall be entitled "State-Licensed Marijuana Producers, Processors, and Retailers." [Ord. 1591 § 645, 2014.]

18.250.020 Application.

This chapter applies to state-licensed marijuana producers, processors, and retailers. [Ord. 1591 § 646, 2014.]

18.250.030 Purpose.

The purpose of this chapter is to provide regulations and zoning standards for producers, processors, and retailers of recreational marijuana licensed by the State of Washington, pursuant to chapter 69.50 RCW and rules adopted by the WSLCB. [Ord. 1591 § 647, 2014.]

18.250.040 Authority.

This chapter is adopted pursuant to chapter 69.50 RCW and other applicable Washington laws. [Ord. 1591 § 648, 2014.]

18.250.050 Definitions.

The definitions provided in RCW 69.50.101 and WAC 314-55-010 are adopted by reference. [Ord. 1591 § 649, 2014.]

18.250.060 Recreational marijuana regulations for producers and processors.¹

State-licensed marijuana producers and marijuana processors may locate in the City of Des Moines pursuant to the following restrictions:

(1) Marijuana producers and marijuana processors must comply with all requirements of chapter 69.50 RCW, chapter 314-55 WAC, and other applicable Washington laws.

(2) Persons may conduct business within the City of Des Moines as a state-licensed marijuana producer and/or marijuana processor if located within the Business Park (B-P) Zone located north of

South 216th Street and south of South 208th Street, and within the Highway Commercial (H-C), Transit Community (T-C), and Community Commercial (C-C) Zones generally located along Pacific Highway South south of Kent-Des Moines Road.

(3) Marijuana producers and processors shall not locate on a site or in a building in which nonconforming production or processing uses have been established in any location or zone other than those referenced in subsection (2) of this section.

(4) Marijuana producers and processors shall not operate as an accessory to a primary use or as a home occupation. [Ord. 1601 § 17, 2014; Ord. 1591 § 650, 2014.]

18.250.070 Recreational marijuana regulations for retailers.

State-licensed marijuana retailers may locate in the City pursuant to the following restrictions:

(1) Marijuana retailers must comply with all requirements of chapter 69.50 RCW, chapter 314-55 WAC, and other applicable Washington laws.

(2) Persons may conduct business within the City as a state-licensed marijuana retailer if located within the Transit Community (T-C), Highway Commercial (H-C) and Community Commercial (C-C) Zones generally located along Pacific Highway South south of Kent-Des Moines Road.

(3) Marijuana retailers shall not locate in a building in which nonconforming retail uses have been established in any location or zone other than those referenced in subsection (2) of this section.

(4) Marijuana retailers shall not operate as an accessory to a primary use or as a home occupation. [Ord. 1601 § 18, 2014; Ord. 1591 § 651, 2014.]

18.250.080 Location of a state-licensed marijuana producer, processor or retailer.

The location of a state-licensed marijuana producer, processor, and retailer shall be as established in WAC 314-55-050 and as required under this chapter. The owner or operator of the state-licensed marijuana producer, processor, and retailer shall have the responsibility to demonstrate that the state-licensed marijuana producer, processor, and retailer meets the location requirements of WAC 314-55-050. [Ord. 1591 § 652, 2014.]

¹Code reviser's note: Ord. 1601's amendment to DMMC 18.250.060 is only intended to replace subsections (1) and (2) to add requirements pertaining to the T-C Zone. Existing subsections (3) and (4) have been retained.

The Des Moines Municipal Code is current through Ordinance 1636, passed November 19, 2015.

Disclaimer: The City Clerk's Office has the official version of the Des Moines Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

ATTACHMENT

2



City of Des Moines

Initiative 502 Locations

Recreational Marijuana Regulated Areas DM Ord. 1587

Legend

Recreational Marijuana Allowed Area



Producers and Processors



Producers, Processors and Retailers



I-502 Restrictive Buffer



Des Moines City Limits



Legal Department

21630 11th Ave S, Suite D
Des Moines, WA 98198-6398
PHONE: (206) 870-3301 * FAX: (206) 870-7626
WEB: <http://www.desmoineswa.gov>

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

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ATTACHMENT

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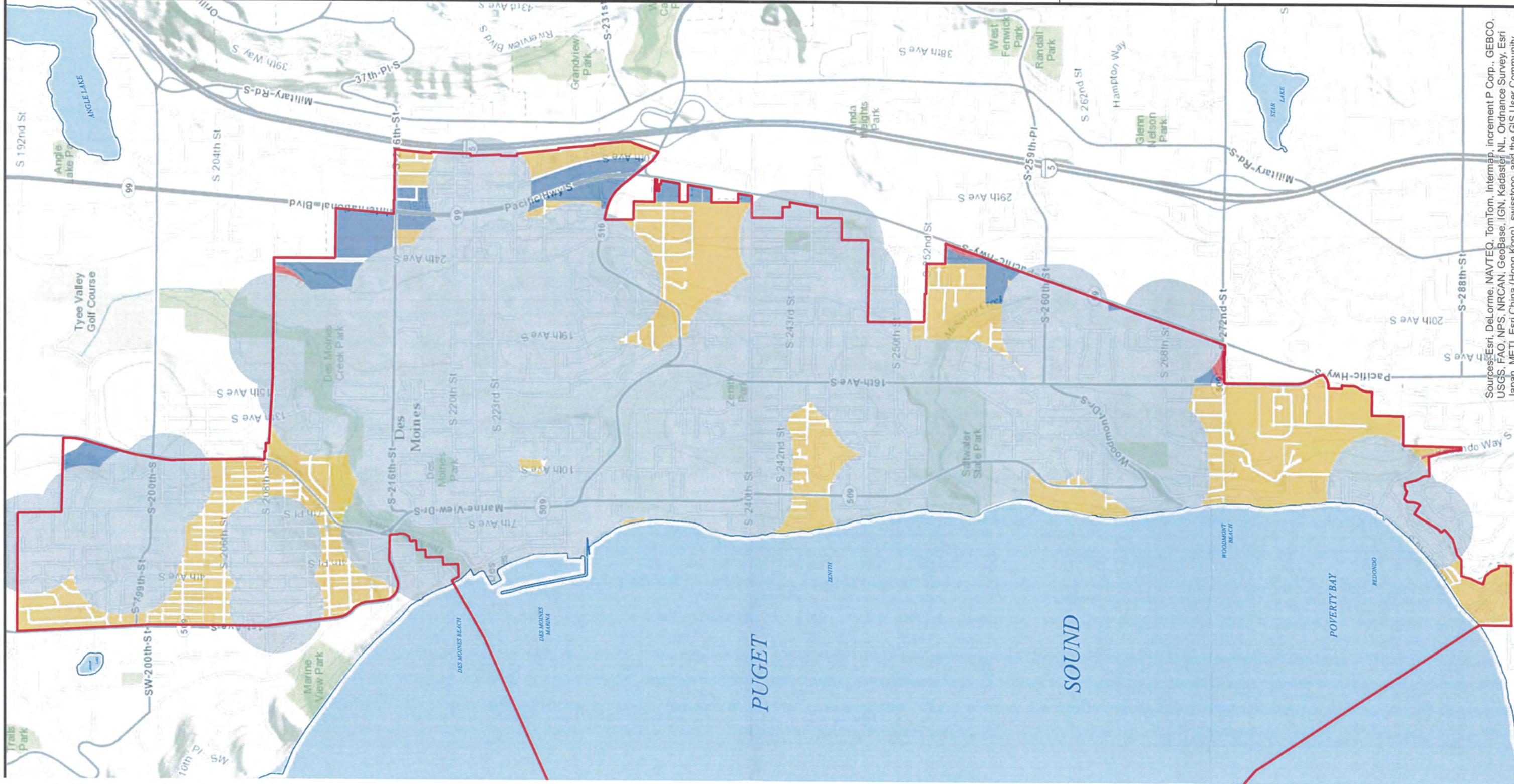
City of Des Moines

Initiative 502 Locations

Potential Marijuana Areas

Legend

- Des Moines City Limits
- I-502 Buffer
- Residential Zoning
- Outside Juris I-502 Buffer
- Potential Marijuana Area



Legal Department

21630 11th Ave S, Suite D
Des Moines, WA 98198-6398
PHONE: (206) 870-3301 * FAX: (206) 870-7626
WEB: <http://www.desmoineswa.gov>

Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, and the GIS User Community

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ATTACHMENT

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Precinct		No	Yes
DES 30-0954	No	266	
	Yes		342
DES 30-1227	No	225	
	Yes		314
DES 33-0016	No	113	
	Yes		121
DES 33-0272	No	151	
	Yes		209
DES 33-0297	No	75	
	Yes		102
DES 33-0360	No	185	
	Yes		295
DES 33-0361	No	114	
	Yes		173
DES 33-0362	No	161	
	Yes		231
DES 33-0363	No	111	
	Yes		154
DES 33-0364	No	141	
	Yes		186
DES 33-0366	No	179	
	Yes		306
DES 33-0367	No	136	
	Yes		182
DES 33-0437	No	107	
	Yes		126
DES 33-0532	No	89	
	Yes		120
DES 33-0668	No	97	
	Yes		90
DES 33-0682	No	158	
	Yes		192
DES 33-0864	No	103	
	Yes		171
DES 33-0911	No	147	
	Yes		176
DES 33-1071	No	128	
	Yes		164
DES 33-1078	No	103	
	Yes		165
DES 33-1128	No	85	
	Yes		137
DES 33-1146	No	211	
	Yes		248
DES 33-2394	No	156	

Precinct		No	Yes	
	Yes		184	
DES 33-2395	No	84		
	Yes		132	
DES 33-2416	No	153		
	Yes		203	
DES 33-2455	No	177		
	Yes		210	
DES 33-2623	No	105		
	Yes		177	
DES 33-2625	No	163		
	Yes		181	
DES 33-2626	No	146		
	Yes		151	
DES 33-2627	No	121		
	Yes		159	
DES 33-2637	No	135		
	Yes		208	
DES 33-2671	No	323		
	Yes		342	
DES 33-2672	No	140		
	Yes		249	
DES 33-2673	No	127		
	Yes		134	
DES 33-2674	No	152		
	Yes		259	
DES 33-2820	No	124		
	Yes		157	
DES 33-3131	No	88		
	Yes		109	
TOTALS		5279	7059	12338
PERCENTAGE		43%	57%	
REGISTERED VOTERS	15982	VOTERS WHO VOTED	12647	

ATTACHMENT

5



**Washington State
Liquor and Cannabis Board**

Legend

Counties increased by 75%	
Counties increased 100%	
Ban or Moratorium	

Jurisdiction	Allotments	Current or pending license	Proposed Additional Allotment	Total Proposed Allotment	Ban or Moratorium
Adams County					
At Large	2	0	1	3	
Asotin County					
At Large	2	2	1	3	
Benton County					
At Large	2	2	0	2	Moratorium
Kennewick	4	1	0	4	Ban
Richland	3	0	0	3	Ban
West Richland	1	1	0	1	Ban
Chelan County					
At Large	3	3	0	3	Moratorium
Wenatchee	3	2	2	5	
Clallam County					
At Large	3	3	2	5	
Port Angeles	2	2	1	3	
Sequim	1	1	1	2	
Clark County					
At Large	6	5	0	6	Ban
Battle Ground	1	1	1	2	
Camas	1	1	0	1	Ban
Vancouver	6	6	6	12	
Washougal	1	1	0	1	Ban

Columbia County					
At Large	1	0	0	1	Ban

Jurisdiction	Allotments	Current or pending license	Proposed Additional Allotment	Total Proposed Allotment	Ban or Moratorium
Cowlitz County					
At Large	3	3	3	6	
Kelso	1	0	1	2	
Longview	3	3	3	6	
Douglas County					
At Large	2	3	0	2	Moratorium
East Wenatchee	1	1	1	2	
Ferry County					
At Large	1	1	1	2	
Franklin County					
At Large	1	0	0	1	Ban
Pasco	4	3	0	4	Ban
Garfield County					
At Large	1	0	0	1	Ban
Grant County					
At Large	3	2	2	5	
Ephrata	1	1	1	2	
Moses Lake	2	2	1	3	
Quincy	1	0	0	1	Ban
Grays Harbor County					
At Large	3	3	2	5	
Aberdeen	1	2	1	2	
Hoquiam	1	1	1	2	
Ocean Shores	1	1	1	2	
Island County					
At Large	3	3	2	5	
Oak Harbor	1	1	1	2	

Jefferson County					
At Large	3	3	2	5	
Port Townsend	1	1	1	2	
Jurisdiction	Allotments	Current or pending license	Proposed Additional Allotment	Total Proposed Allotment	Ban or Moratorium
King County					
At Large	11	11	11	22	
Auburn (part)	2	2	2	4	
Bellevue	4	4	4	8	
Burien	1	0	1	2	
Des Moines	1	1	1	2	
Federal Way	3	4	0	3	Moratorium
Issaquah	1	1	1	2	
Kent	3	3	0	3	Ban
Kirkland	2	2	2	4	
Maple Valley	1	0	1	2	
Mercer Island	1	0	1	2	
Redmond	2	2	2	4	
Renton	3	3	3	6	
Sammamish	1	0	0	1	Ban
SeaTac	1	1	0	1	Ban
Seattle	21	27	21	42	
Shoreline	2	2	2	4	
Tukwila	1	0	1	2	
Kitsap County					
At Large	7	7	7	14	
Bainbridge Island	1	1	1	2	
Bremerton	2	3	2	4	
Kittitas County					
At Large	2	2	1	3	
Ellensburg	2	2	1	3	
Klickitat County					
At Large	3	2	2	5	
Goldendale	1	1	0	1	Ban

Lewis County					
At Large	4	3	3	7	
Centralia	2	2	1	3	
Chehalis	1	1	1	2	
Jurisdiction	Allotments	Current or pending license	Proposed Additional Allotment	Total Proposed Allotment	Ban or Moratorium
Lincoln County					
At Large	2	0	1	3	
Mason County					
At Large	4	4	3	7	
Shelton	1	1	1	2	
Okanogan County					
At Large	4	3	3	7	
Omak	1	1	0	1	Ban
Pacific County					
At Large	2	2	1	3	
Pend Oreille County					
At Large	2	1	1	3	
Pierce County					
At Large	17	17	0	17	Ban
Bonney Lake	1	1	0	1	Ban
Lakewood	2	2	0	2	Ban
Puyallup	2	2	0	2	Ban
Tacoma	8	9	8	16	
University Place	1	0	0	1	Ban
San Juan County					
At Large	0	0	0	0	
San Juan Island	1	1	1	2	
Lopez Island	1	1	1	2	
Orcas Island	1	1	1	2	

Skagit County					
At Large	4	4	4	8	
Anacortes	1	1	1	2	
Burlington	1	1	1	2	
Mount Vernon	3	3	3	6	
Sedro-Woolley	1	1	1	2	
Jurisdiction	Allotments	Current or pending license	Proposed Additional Allotment	Total Proposed Allotment	Ban or Moratorium
Skamania County					
At Large	2	2	1	3	
Snohomish County					
At Large	16	16	16	32	
Arlington	1	1	1	2	
Bothell (part)	1	1	1	2	
Edmonds	2	1	2	4	
Everett	5	5	5	10	
Lake Stevens	1	1	1	2	
Lynnwood	2	2	2	4	
Marysville	3	3	0	3	Ban
Mill Creek	1	1	0	1	Ban
Monroe	1	0	1	2	
Mountlake Terrace	1	1	1	2	
Mukilteo	1	0	1	2	
Spokane County					
At Large	7	7	7	14	
Spokane	8	8	8	16	
Spokane Valley	3	3	0	3	Moratorium
Stevens County					
At Large	4	3	3	7	
Thurston County					
At Large	6	6	6	12	
Lacey	2	2	2	4	
Olympia	2	2	2	4	
Tumwater	1	1	1	2	

Wahkiakum County					
At Large	1	0	1	2	
Walla Walla County					
At Large	2	2	0	2	Ban
Walla Walla	2	2	1	3	
Jurisdiction	Allotments	Current or pending license	Proposed Additional Allotment	Total Proposed Allotment	Ban or Moratorium
Whatcom County					
At Large	7	6	7	14	
Bellingham	6	6	6	12	
Ferndale	1	1	1	2	
Lynden	1	0	0	1	Ban
Whitman County					
At Large	1	0	1	2	
Pullman	3	3	2	5	
Yakima County					
At Large	6	5	0	6	Ban
Grandview	1	0	0	1	Ban
Selah	1	0	0	1	Ban
Sunnyside	1	1	0	1	Ban
Yakima	5	5	0	5	Moratorium
Total	334	305	222	556	35

ATTACHMENT

6

FY 2016 Distributions to Local Governments for Marijuana Enforcement

CITY NAME	FY16 DISTRIBUTION
AIRWAY HEIGHTS	\$ 12,614.07
ANACORTES	\$ 8,365.75
ARLINGTON	\$ 54,756.18
AUBURN	\$ 19,516.32
BAINBRIDGE ISLAND	\$ 728.72
BATTLE GROUND	\$ 35,585.56
BELLEVUE	\$ 102,275.30
BELLINGHAM	\$ 102,286.52
BINGEN	\$ 16,867.24
BLAINE	\$ 4,672.48
BOTHELL	\$ 86,721.00
BREMERTON	\$ 9.20
BUCKLEY	\$ 100,720.84
CHEHALIS	\$ 6,963.60
CLARKSTON	\$ 1,047.36
COLVILLE	\$ 13,310.72
COVINGTON	\$ 4,564.19
DES MOINES	\$ 55,914.52
EAST WENATCHEE	\$ 20,225.40
EDGEWOOD	\$ 16.64
ELLENSBURG	\$ 18,363.24
EPHRATA	\$ 7,294.32
EVERETT	\$ 68,322.32
GOLDENDALE	\$ 1,186.28
GRANITE FALLS	\$ 6,951.36
HOQUIAM	\$ 3,448.28
ISSAQUAH	\$ 20,656.21
KENMORE	\$ 248.98
KIRKLAND	\$ 19,162.50
LACEY	\$ 17,451.40
LAKE STEVENS	\$ 16,418.00
LONGVIEW	\$ 61,241.00
MILLWOOD	\$ 83,827.64
MOSES LAKE	\$ 10,418.00
MOUNT VERNON	\$ 36,343.52
NORTH BONNEVILLE	\$ 4,697.56
OAK HARBOR	\$ 15,832.92
OCEAN SHORES	\$ 9,650.96
OLYMPIA	\$ 53,475.72
OMAK	\$ 2,331.36
PORT ANGELES	\$ 18,710.40
PORT ORCHARD	\$ 65,211.92
PROSSER	\$ 37,949.40
PULLMAN	\$ 26,957.52
RAYMOND	\$ 3,313.04
RENTON	\$ 11,710.42
SEATTLE	\$ 383,167.83
SEDRO WOOLLEY	\$ 14,127.68
SHELTON	\$ 4,886.44
SHORELINE	\$ 26,321.81
SOUTH BEND	\$ 1,337.35
SPOKANE	\$ 123,011.60
SPOKANE VALLEY	\$ 75,824.92
SUNNYSIDE	\$ 13.84
TACOMA	\$ 447,883.84
TENINO	\$ 1,238.76
TUMWATER	\$ 6,500.72
UNION GAP	\$ 93,722.24
VANCOUVER	\$ 790,516.24
WENATCHEE	\$ 18,599.16
WINTHROP	\$ 5,921.99
YAKIMA	\$ 86.28
CITIES TOTAL	\$ 3,261,496.58

COUNTY NAME	FY16 DISTRIBUTION
ASOTIN	\$ 1,571.02
BENTON	\$ 56,924.11
CHELAN	\$ 27,898.76
CLALLAM	\$ 28,065.62
COWLITZ	\$ 91,861.51
DOUGLAS	\$ 30,338.11
GRANT	\$ 26,568.45
GRAYS HARBOR	\$ 19,648.85
ISLAND	\$ 23,749.37
JEFFERSON	\$ 51,134.99
KING	\$ 965,307.15
KITSAP	\$ 98,924.69
KITTITAS	\$ 27,544.85
KLICKITAT	\$ 27,080.22
MASON	\$ 7,329.65
OKANOGAN	\$ 12,380.03
PACIFIC	\$ 6,975.58
SAN JUAN	\$ 8,387.40
SKAGIT	\$ 88,255.32
SKAMANIA	\$ 7,046.32
SNOHOMISH	\$ 349,753.30
SPOKANE	\$ 442,917.32
STEVENS	\$ 19,966.07
THURSTON	\$ 117,999.88
WHATCOM	\$ 160,438.59
WHITMAN	\$ 40,436.26
COUNTIES TOTAL	\$ 2,738,503.42

	FY16 DISTRIBUTION
TOTAL TO CITIES	\$ 3,261,496.58
TOTAL TO COUNTIES	\$ 2,738,503.42
TOTAL DISTRIBUTION	\$ 6,000,000.00

ATTACHMENT

7

Des Moines monthly marijuana retail sales and state tax				
License Number	Reporting Period	Total Sales	Excise Tax Due	
414295	10/1/2014 - 10/31/2014	\$ 17,045	\$	4,261
414295	11/1/2014 - 11/30/2014	\$ 114,960	\$	28,740
414295	12/1/2014 - 12/31/2014	\$ 218,092	\$	54,523
414295	1/1/2015 - 1/31/2015	\$ 377,103	\$	94,276
414295	2/1/2015 - 2/28/2015	\$ 481,724	\$	120,431
414295	3/1/2015 - 3/31/2015	\$ 615,765	\$	153,941
414295	4/1/2015 - 4/30/2015	\$ 690,002	\$	172,501
414295	5/1/2015 - 5/31/2015	\$ 781,435	\$	195,359
414295	6/1/2015 - 6/30/2015	\$ 773,237	\$	193,309
414295	7/1/2015 - 7/31/2015	\$ 648,486	\$	239,940
414295	8/1/2015 - 8/31/2015	\$ 709,300	\$	262,441
414295	9/1/2015 - 9/30/2015	\$ 742,070	\$	274,566
414295	10/1/2015 - 10/31/2015	\$ 804,635	\$	297,715
414295	11/1/2015 - 11/30/2015	\$ 746,106	\$	276,059
414295	12/1/2015 - 12/31/2015	\$ 805,786	\$	298,141
414295	1/1/2016 - 1/31/2016	\$ 781,303	\$	289,082
		\$ 9,290,004	\$	2,951,023

Memo

To: Council Finance and Economic Development Committee

From: Denise Lathrop, AICP - Community Development Manager

cc: Tony Piasecki, Michael Matthias and Dan Brewer

Date: February 4, 2016

Re: Siting of Essential Public Facilities (EPFs)

At the January 14, 2016 Council Finance and Economic Development Committee meeting, the Planning, Building and Public Works Director discussed the importance of addressing the siting of EPFs in a more holistic manner. The Committee was supportive of this recommendation, and asked for further information and update at their next meeting.

Staff has conducted research to determine the review and permitting processes for siting of EPFs. This memorandum is intended to summarize what is required by State law, Des Moines process and what other jurisdictions are doing.

State Law

According to RCW 36.70A.200, EPFs include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW [47.06.140](#), regional transit authority facilities as defined in RCW [81.112.020](#), state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW [71.09.020](#). WAC 365-196-550 provides more information on the EPF siting process (see Attachment 1).

Per the requirements of RCW 36.70A.200, the comprehensive plan of each county and city that is planning under RCW [36.70A.040](#) shall include a process for identifying and siting essential public facilities, and no local comprehensive plan or development regulation may preclude the siting of essential public facilities.

City of Des Moines

The City of Des Moines 2035 Comprehensive Plan establishes the policy framework for the siting of EPFs (see Attachment 2). EPFs are permitted through the City's Conditional Use Permit (CUP) and Unclassified Use Permit (UUP) processes pursuant to the criteria established in Chapter 18.140 DMMC.

CUPs are a Type III land use decision made by the Hearing Examiner, while UUPs are a Type IV land use decision made by the City Council.

Public noticing requirements for land use actions are provided for in Title 16 and Title 18 of the Des Moines Municipal Code. Currently, for a State Environmental Policy Act (SEPA) Determination of Non-significance (DNS), mitigated DNS (MDNS), or Determination of Significance (DS), the noticing requirement to adjacent property owners and occupants is a 300 foot radius (DMMC 16.05.190(5)).

Other Jurisdictions

For discussion purposes, staff identified 5 jurisdictions and one county that have established more comprehensive review and approval processes for EPFs. These jurisdictions include the Cities of SeaTac, Tukwila, Edmonds, Mountlake Terrace and Woodinville and Snohomish County. A number of these jurisdictions established their processes in anticipation of the Brightwater regional wastewater treatment plant and conveyance system that affected multiple jurisdictions in Snohomish and King Counties.

The following summary indicates the most common permit type, decision authority and review criteria:

Permit Type: Conditional Use Permit

Decision Authority: Hearing Examiner

Process/Criteria:

- Local EPFs vs. Regional\State\Federal EPFs
 - Local - must demonstrate local need and CUP typically tied to underlying zoning requirements
 - Regional - requires a regional siting study to ensure multiple sites were considered; more stringent review and approval process
- Project Notification - varies from 300 feet (SEPA); ½ mile (Mountlake Terrace); 1,000 feet (Snohomish County)

Attachment 3 provides more detail about the permitting processes and review criteria for the selected jurisdictions that were evaluated.

ATTACHMENT I

WAC 365-196-550**Essential public facilities.**

(1) Determining what facilities are essential public facilities.

(a) The term "essential public facilities" refers to public facilities that are typically difficult to site. Consistent with county-wide planning policies, counties and cities should create their own lists of "essential public facilities," to include at a minimum those set forth in RCW 36.70A.200.

(b) For the purposes of identifying facilities subject to the "essential public facilities" siting process, it is not necessary that the facilities be publicly owned.

(c) Essential public facilities include both new and existing facilities. It may include the expansion of existing essential public facilities or support activities and facilities necessary for an essential public facility.

(d) The following facilities and types of facilities are identified in RCW 36.70A.200 as essential public facilities:

- (i) Airports;
- (ii) State education facilities;
- (iii) State or regional transportation facilities;
- (iv) Transportation facilities of statewide significance as defined in RCW 47.06.140. These include:
 - (A) The interstate highway system;
 - (B) Interregional state principal arterials including ferry connections that serve statewide travel;
 - (C) Intercity passenger rail services;
 - (D) Intercity high-speed ground transportation;
 - (E) Major passenger intermodal terminals excluding all airport facilities and services;
 - (F) The freight railroad system;
 - (G) The Columbia/Snake navigable river system;
 - (H) Marine port facilities and services that are related solely to marine activities affecting international and interstate trade;
 - (I) High capacity transportation systems.
- (v) Regional transit authority facilities as defined under RCW 81.112.020;
- (vi) State and local correctional facilities;
- (vii) Solid waste handling facilities;
- (viii) In-patient facilities, including substance abuse facilities;
- (ix) Mental health facilities;
- (x) Group homes;
- (xi) Secure community transition facilities;
- (xii) Any facility on the state ten-year capital plan maintained by the office of financial management.

(e) Essential public facility criteria apply to the facilities and not the operator. Cities and counties may not require applicants who operate essential public facilities to use an essential public facility siting process for projects that would otherwise be allowed by the development regulations. Applicants who operate essential public facilities may not use an essential public facility siting process to obtain approval for projects that are not essential public facilities.

(f) Regardless of whether it is a new, existing or an expansion or modification of an existing public facility, the major component in the identification of an essential public facility is whether it provides or is necessary to provide a public service and whether it is difficult to site.

(2) Criteria to determine if the facility is difficult to site. Any one or more of the following conditions is sufficient to make a facility difficult to site.

(a) The public facility needs a specific type of site of such as size, location, available public services, which there are few choices.

(b) The public facility needs to be located near another public facility or is an expansion of an essential public facility at an existing location.

(c) The public facility has, or is generally perceived by the public to have, significant adverse impacts that make it difficult to site.

(d) Use of the normal development review process would effectively preclude the siting of an essential public facility.

(e) Development regulations require the proposed facility to use an essential public facility siting process.

(3) Preclusion of essential public facilities.

(a) Cities and counties may not use their comprehensive plan or development regulations to preclude the siting of essential public facilities. Comprehensive plan provisions or development regulations preclude the siting of an essential public facility if their combined effects would make the siting of an essential public facility impossible or impracticable.

(i) Siting of an essential public facility is "impracticable" if it is incapable of being performed or accomplished by the means employed or at command.

(ii) Impracticability may also include restrictive zoning; comprehensive plan policies directing opposition to a regional decision; or the imposition of unreasonable conditions or requirements.

(iii) Limitations on essential public facilities such as capacity limits; internal staffing requirements; resident eligibility restrictions; internal security plan requirements; and provisions to demonstrate need may be considered preclusive in some circumstances.

(b) A local jurisdiction may not include criteria in its land use approval process which would allow the essential public facility to be denied, but may impose reasonable permitting requirements and require mitigation of the essential public facility's adverse effects.

(c) An essential public facility is not precluded simply because the comprehensive plan provisions would be too costly or time consuming to comply with.

(d) If the essential public facility and its location have been evaluated through a state or regional siting process, the county or city may not require the facility to go through the local siting process.

(e) Essential public facilities that are sited through a regional or state agency are distinct from those that are "sited by" a city or county or a private organization or individual. When a city or county is siting its own essential public facility, public or private, it is free to establish a nonpreclusive siting process with reasonable criteria.

(4) Comprehensive plan.

(a) Requirements:

(i) Each comprehensive plan shall include a process for identifying and siting essential public facilities. This process must be consistent with and implement applicable county-wide planning policies.

(ii) No local comprehensive plan may preclude the siting of essential public facilities.

(b) Recommendations for meeting requirements:

(i) Identification of essential public facilities. When identifying essential public facilities, counties and cities should take a broad view of what constitutes a public facility, involving the full range of services to the public provided by the government, substantially funded by the government, contracted for by the government, or provided by private entities subject to public service obligations.

(ii) Agreements among jurisdictions should be sought to mitigate any disproportionate financial burden which may fall on the county or city which becomes the site of a facility of a statewide, regional, or county-wide nature.

(iii) Where essential public facilities may be provided by special districts, the plans under which those districts operate must be consistent with the comprehensive plan of the city or county. Counties and cities should adopt provisions for consultation to ensure that such districts exercise their powers in a way that does not conflict with the relevant comprehensive plan.

(c) The siting process should take into consideration the need for county-wide, regional, or statewide uniformity in connection with the kind of facility under review.

(5) Development regulations governing essential public facilities.

(a) Development regulations governing the siting of essential public facilities must be consistent with and implement the process set forth in the comprehensive plan.

(b) Except where county-wide planning policies have otherwise dictated siting choices, provision should be made for the possibility of siting each of the listed essential public facilities somewhere within each county's or city's planning area.

(c) Counties and cities should consider the criteria established in their comprehensive plan, in consultation with this section to determine if a project is an essential public facility. Counties and cities may also adopt criteria for identifying an essential public facility.

(d) If an essential public facility does not present siting difficulties and can be permitted through the normal development review process, project review should be through the normal development review process otherwise applicable to facilities of its type.

(e) If an essential public facility presents siting difficulties, the application should be reviewed using the essential public facility siting process.

(6) The essential public facility siting process.

(a) The siting process may not be used to deny the approval of the essential public facility. The purpose of the essential public facility siting process is to allow a county or city to impose reasonable conditions on an essential public facility necessary to mitigate the impacts of the project while ensuring that its development regulations do not preclude the siting of an essential public facility.

(b) The review process for siting essential public facilities should include a requirement for notice and an opportunity to comment to other interested counties and cities and the public.

(c) The permit process may include reasonable requirements such as a conditional use permit, but the process used must ensure a decision on the essential public facility is completed without unreasonable delay.

(d) The essential public facility siting process should identify what conditions are necessary to mitigate the impacts associated with the essential public facility. The combination of any existing development regulations and any new conditions may not render impossible or impracticable, the siting, development or operation of the essential public facility.

(e) Counties and cities should consider the extent to which design conditions can be used to make a facility compatible with its surroundings. Counties and cities may also consider

provisions for amenities or incentives for neighborhoods in which facilities are sited. Any conditions imposed must be necessary to mitigate an identified impact of the essential public facility.

[Statutory Authority: RCW **36.70A.050**, **36.70A.190**. WSR 10-22-103, § 365-196-550, filed 11/2/10, effective 12/3/10; WSR 10-03-085, § 365-196-550, filed 1/19/10, effective 2/19/10.]

Attachment 2
Excerpts from the Des Moines 2035 Comprehensive Plan
Establishing the Policy Framework for Siting EPFs

Goal LU 5 *Maintain regulations and procedures that allow for siting of essential public facilities.*

LU 5.1 Ensure land use decisions on essential public facilities meet the following criteria to be made consistent with the process and criteria set forth in the DMMC:

1. The facility meets the Growth Management Act definition of an essential public facility, as defined in RCW 36.70A.200(1) and as amended; or
2. The facility is on the statewide list maintained by the Office of Financial Management, ref. RCW 36.70A.200(4) or on the countywide list of essential public facilities; and
3. The facility is not otherwise regulated by the Des Moines Municipal Code (DMMC).

LU 5.1.1 Recognize and use the Conditional Use Permit process and criteria to site essential public facilities as regulated by the DMMC.

LU 5.1.2 Consider social equity and health issues when siting essential public facilities, to provide protection from exposure to harmful substances and environments.

CF 1.3 Ensure essential capital facilities/utilities (i.e., domestic water, fire protection, sanitary and storm sewer, transportation, etc.) are available at the time of development.

CF 1.3.1 Adopt procedures that encourage mutual review of, and comment on, proposed actions and policies between Des Moines and other providers of public services. Review of development proposals by providers of public facilities and utilities should ensure that there will be sufficient capacity at the time of development.

CF 1.4 City plans and development regulations should identify, and provide a process for consideration of the siting of essential public facilities. Essential public facilities should include: A) domestic water, sanitary sewer, public schools, and fire protection; B) difficult-to-site facilities such as those identified by RCW 36.70A.200 and County-wide Planning Policies; and C) essential state facilities specified by the office of financial management. Des Moines should not accept a disproportionate share of the adverse impacts resulting from the siting of essential public facilities.

CF 1.4.1 Utilize the plans of public facility and utility providers, and the Des Moines Capital Improvement Plan, to identify lands useful for public facility or utility purposes. Essential Public Facilities as defined by RCW36.70A.200 are processed as Unclassified Use Permits (UUP) unless the use is permitted outright in a given zoning classification.

CF 1.4.2 Work cooperatively with surrounding municipalities and King County during the siting and development of facilities of regional significance.

CF 1.4.3 As permitted by state and federal law, including the lawful exercise by the City of its SEPA authority pursuant to RCW 43.21C.060, City approvals related to essential public facilities, operations and activities within the City of Des Moines, including but not limited to, necessary support activities, connected-actions and projects, require a Conditional Use Permit and may include conditions that are necessary to mitigate specific adverse environmental impacts on the City of Des Moines identified in environmental documents prepared pursuant to SEPA.

ATTACHMENT 3

Essential Public Facilities Regulations – Examples from State, Representative Cities and Snohomish County

Des Moines	SeaTac	Tukwila	Edmonds	Mountlake Terrace	Woodinville	Snohomish County
Permit Type						
Unclassified Use Permit (UUP) or Conditional Use Permit (CUP)	CUP	UUP	CUP	CUP – Type A EPF & Secure Community Transitional Facility (SCTF) CUP for Accessory – Type B EPF	Special Use Permit	CUP or Development Agreement
Decision Authority						
Hearing Examiner – CUP City Council - UUP	Hearing Examiner	City Council	Hearing Examiner	Hearing Examiner – Type A & B City Council – SC	Hearing Examiner	Hearing Examiner
Decision Criteria						
<p>The Hearing Examiner may grant an unconditional or conditional use permit after a hearing if, but only if, sufficient evidence is presented that the characteristics of any such proposed use shall not be unreasonably incompatible with the type of uses permitted in surrounding areas, or, that the proposed use shall not be unreasonably incompatible with the type of uses permitted in surrounding areas if certain conditions are attached to the proposed use. Furthermore, the Hearing Examiner shall give due regard for the nature and condition of all adjacent uses and structures and any testimony presented with reference to such adjacent uses and structures, and, in authorizing a conditional use, may impose such requirements and conditions with respect to location, landscaping, traffic control, dedication, maintenance, and operation in addition to those expressly set forth in this chapter and other ordinances as may be deemed necessary for the protection of adjacent properties and the public interest. [Ord. 1591 § 329, 2014.]</p>	<p>18.66.060 Criteria The City Council shall be guided by the following criteria in granting an unclassified use permit:</p> <ol style="list-style-type: none"> 1. Where appropriate and feasible, all facilities shall be undergrounded. 2. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity. 3. The proposed use shall meet or exceed the same standards for parking, landscaping, yards and other development regulations that are required in the district it will occupy. 4. The proposed development shall be compatible generally with the surrounding land uses. 5. The proposed development shall to the maximum extent feasible be consistent with and promote the goals, objectives, and policies of the Comprehensive Land Use Policy Plan and applicable adopted area plans. 	<p>18.66.060 Criteria The City Council shall be guided by the following criteria in granting an unclassified use permit:</p> <ol style="list-style-type: none"> 1. Where appropriate and feasible, all facilities shall be undergrounded. 2. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity. 3. The proposed use shall meet or exceed the same standards for parking, landscaping, yards and other development regulations that are required in the district it will occupy. 4. The proposed development shall be compatible generally with the surrounding land uses. 5. The proposed development shall to the maximum extent feasible be consistent with and promote the goals, objectives, and policies of the Comprehensive Land Use Policy Plan and applicable adopted area plans. 	<p>20.16.070 Decision criteria. An application for EPF conditional use permit approval shall comply with all other applicable requirements for the proposed use – including SEPA and design review, as applicable – and the following decision criteria:</p> <ol style="list-style-type: none"> A. The project sponsor has demonstrated a need for the project, as supported by a detailed written analysis of the projected service population, an inventory of existing and planned comparable facilities, and the projected demand for the type of facility proposed. B. The project will reasonably serve the project's overall service population. Regional EPFs shall comply, in the alternative, with ECDC 20.16.080(A)(1) and (2). C. The project sponsor has reasonably investigated alternative sites, as evidenced by a detailed explanation of site selection methodology, as verified by the city and reviewed by associated jurisdictions and agencies. D. The project is consistent with the sponsor's own long-range plans for facilities and operations, as well as the plans of those jurisdictions and agencies that may also be participating in a facilities plan. 	<p>19.110.200 Conditional use permits. C. Authority to Impose Conditions. In approving a conditional use permit, the Hearing Examiner may impose any conditions he or she feels necessary to ensure that designated uses or activities are compatible with other uses in the same land (or zoning) district and in the vicinity of the subject property. D. Criteria for Review and Conclusions of Law. The Hearing Examiner may approve a conditional use permit only if the request either conforms to all the criteria in this subsection or the request will so conform under applicable codes and any specified conditions. The Hearing Examiner shall make written findings and conclusions for the record which support his or her decision. The criteria are as follows:</p> <ol style="list-style-type: none"> 1. The proposal is in accordance with the goals, policies and relevant land use designations of the Comprehensive Plan. 2. The proposal will not adversely impact the established character of the surrounding vicinity. For purposes of this section, "character" shall mean: <ol style="list-style-type: none"> a. The distinctive features or attributes of buildings and site design, including but not limited to building facade, scale, building modulation, tree cover, landscaping, size and location of signs, amount and location of parking, fencing and walkability; b. The level of noise, vibrations or odors; and c. The type of vehicular traffic and traffic patterns associated with the permitted uses in the zoning district. 3. The proposed use will not endanger the public health, safety, and general welfare of the community or create obstacles to neighborhood circulation. 4. The proposal complies with the purpose and all requirements of the zoning district classification in which it is located and with the general provisions of the municipal code. 5. The proposal will be served by existing public facilities as may be necessary. This standard may be met if the applicant pays the cost of or installs any additional facilities needed. (Ord. 2542 § 1, 2010; amended by City request, 1/11; Ord. 2481 § 49, 2008; Ord. 2251 § 6, 2000; Ord. 2116, 1996; Ord. 2074 § 5.3(C), 1995).¹ 	<p>21.25.045 Permit conditions. (1) In issuing a special use permit under this chapter, the Hearing Examiner may impose such reasonable conditions as necessary in order to ensure that a proposed essential public facility satisfies, to the extent practicable, the applicable permit criteria therefor and does not unreasonably impact the public health, safety, environment and welfare. Such conditions may include, but are not limited to, the following:</p> <ol style="list-style-type: none"> (a) Limiting the manner in which the proposed special use is conducted, including restricting the time during which an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor; (b) Requiring a special yard or other open space or lot area or dimension; (c) Limiting the height, size or location of a building or other structure; (d) Designating the size, number, location or nature of vehicle access points; (e) Designating the amount of street dedication, roadway width or improvements within the street right-of-way; (f) Designating the size, location, screening, drainage, surfacing or other improvement of parking or vehicle loading areas; (g) Limiting or otherwise designating the number, size, location, and height of lighting of signs; (h) Limiting the location and intensity of outdoor lighting, and/or requiring shielding thereof; (i) Requiring screening, landscaping or another facility to protect adjacent or nearby property, and designate standards for the installation or maintenance of such facility; (j) Designating the size, height, location or constituent materials for on-site fencing; (k) Protecting existing trees, vegetation, water resources, wildlife habitat or other significant natural resources; (l) Requiring provisions for public access, both physical and visual, to natural, scenic and recreational resources; (m) Requiring provisions for stormwater drainage, including designating the size, location, screening, or other improvements of detention ponds and related facilities; 	<p>30.42D.060 Decision criteria for local essential public facilities. (1) The hearing examiner may impose reasonable conditions (including mitigation measures) on a proposal for a local EPF. As a condition of approval the hearing examiner may:</p> <ol style="list-style-type: none"> (a) Increase requirements in standards, criteria, or policies established by this title; (b) Stipulate the exact location of a local EPF as a means of minimizing hazards to life or limb, property damage, impacts to the environment, erosion, underground collapse, landslides, and transportation systems; (c) Impose reasonable conditions necessary to avoid, minimize or mitigate any adverse impacts identified as a result of the project; and (d) Require the posting of construction and maintenance bonds or other security as provided in chapter 30.84 SCC, sufficient to secure to the county the estimated cost of construction, installation and maintenance of required improvements. <p>(2) The hearing examiner may approve or approve with conditions, a conditional use permit for a local EPF when the proposal complies with the applicable requirements of chapters 30.42C and this chapter. The hearing examiner also may consider whether the proposal is consistent with the following factors:</p> <ol style="list-style-type: none"> (a) The proposal is consistent with the objectives and policies under Goal 12 in the Capital Facilities chapter of the General Policy Plan; (b) The project applicant has demonstrated a need for the project, as supported by an analysis of the projected service population, an inventory of existing and planned comparable facilities, and the projected demand for the type of facility proposed; (c) If applicable, the project would serve a significant share of the county's population, and the proposed site will reasonably serve the project's overall service population; (d) The applicant has reasonably investigated alternative sites, as evidenced by a detailed explanation of site selection methodology; (e) The project is consistent with the applicant's own long-range plans for facilities

(n) Imposing special conditions on the proposed special use to reasonably ensure its conformance with the surrounding neighborhood and the intent and purpose of the underlying zoning district; and
 (o) Requiring financial guarantees regarding the installation of required infrastructure and landscaping improvements, as well as reasonable evidence or assurances that any permit conditions will be complied with.
 (2) The list of conditions enumerated in subsection (1) of this section is nonexclusive. Nothing in this chapter is intended to diminish or otherwise abridge the City's authority to require mitigation measures or impose conditions pursuant to any other applicable State or local requirement, including but not limited to the SEPA regulations codified at Chapter 14.04 WMC and the subdivision regulations codified at WMC Title 20. (Ord. 425 § 11, 2006)

and operations;
 (f) The project will not result in a disproportionate burden on a particular geographic area;
 (g) The applicant has provided an opportunity for public participation in the siting decision and development of mitigation measures that is appropriate in light of the project's scope, applicable requirements of the county code, and state or federal law;
 (h) The project site meets the facility's minimum physical site requirements, including projected expansion needs. Site requirements shall be determined by the minimum size of the facility, setbacks, access, support facilities, topography, geology, and on-site mitigation;
 (i) The proposal, as conditioned, adequately mitigates adverse impacts to life, limb, property, the environment, public health and safety, transportation systems, economic development and other identified impacts;
 (j) The proposal incorporates specific features to ensure it responds appropriately to the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding property; and
 (k) The applicant has proposed mitigation measures that provide assistance to displaced or impacted businesses including assistance in relocating within the county. (Added by Ord. 13-067, Sep. 25, 2013, Eff date Oct. 11, 2013)

Review Process

18.140.020 Application.

Unconditional and conditional use permits may be granted upon the filing of an application therefor by a property owner or a lessee pursuant to chapters [18.20](#) and [18.240](#) DMMC and the provisions of this chapter. The procedure to be followed in considering an application for a conditional use permit shall be those for a Type III land use action as set forth in chapter [18.20](#) DMMC. The procedure to be followed in considering an application for an unclassified use permit shall be those for a Type IV land use action as set forth in chapter [18.20](#) DMMC. Conditional use permit applications filed for uses defined as essential public facilities will be processed in accordance with state law. [Ord. 1591 § 321, 2014.]

15.22.030 Conditional Use Permit (CUP)

E. CUP-EPF review Process. All EPGs shall be subject to the following CUP-EPF review procedure:
 1. Project Notification. The applicant, after a preapplication meeting, shall notify the City as soon as possible of intent to submit a CUP-EPF review application. If the applicant does not notify the City of a pending EPF review application, the City may make an initial determination of whether the proposed project is subject to CUP-EPF review, and shall notify the project proponent, in writing, of the City's determination.
 2. Environment Review.
 3. Formation of Ad Hoc Committee.
 4. Ad Hoc Committee Review and Coordination. The Ad Hoc Committee shall make recommendations to the designated hearing body, regarding the appropriate conditions to mitigate the impacts of the proposed EPF under the authority of the City's SEPA regulations, Comprehensive Plan and development regulations. The Ad Hoc Committee shall present its draft recommendations to the Planning Commission and, upon receiving input of the Planning Commission, shall prepare final written recommendations

30.42D.020 Affected jurisdictions, agencies and neighborhood meeting.

(1) The applicant shall conduct at least one neighborhood meeting to discuss the proposed EPF development. The meeting shall be held at least 30 days before submitting the EPF determination application pursuant to SCC 30.42D.030.
 (2) The purpose of the neighborhood meeting is to:
 (a) Ensure that an applicant pursues early public participation in conjunction with and prior to the application, giving the applicant an opportunity to understand and mitigate any impacts that the proposed development might have; and
 (b) Ensure that neighborhood residents, tribes, cities, towns, special purpose districts, fire and police agencies, water and sewer providers, federal, state and local governments and business owners have an opportunity at an early stage to learn about how the proposed development might affect them and to work with the applicant to resolve concerns prior to submitting an application.
 (3) The applicant is responsible for notifying, facilitating and summarizing the neighborhood meeting pursuant to

to the designated hearing body.

the following requirements:

(b) The public notice must be mailed to the department at least 10 days prior to the neighborhood meeting. The public notice also shall, at a minimum, be mailed to:

(i) Each taxpayer of record and each known site address within 1,000 feet of any portion of the boundary of the property on which the EPF is proposed to be located and any contiguous property owned by the applicant;

(ii) Any city or town whose boundaries are within one mile of the property on which the EPF is proposed to be located and any contiguous property owned by the applicant; and

(iii) Any affected special purpose districts, fire and police agencies, water and sewer providers, federal, state and local governments.

30.42D.030 Local, regional, state, and federal essential public facilities – Determination process, notice, and appeal.

(1) Any public or private entity proposing to site an EPF in the unincorporated area of the county shall provide a written determination notice to the director of its intent to site the EPF at least 90 days prior to submittal of an application.

Mountlake Terrace 18.15.020 Definitions.

I. **“Type A essential public facilities”** means essential public facilities that are typically difficult to site because they have significant multicounty or statewide impacts, are otherwise of a controversial nature or not specifically included as a Type B essential public facility. Type A essential public facilities include only correctional facilities, secure community transition facilities, drug treatment facilities, transportation facilities of statewide significance, and public facilities that are part of a multicounty project, have significant multicounty or statewide impacts, and are not a Type B essential public facility.¹ J. **“Type B essential public facilities”** means essential public facilities that are not included in the definition of Type A essential public facilities. Type B essential public facilities include, but are not limited to, public and private schools, capital facilities that are included in the City’s capital improvement plan or transportation.

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