



## Legislation Text

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**File #:** 2004-0310, **Version:** 1

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Clerk 06/24/2004

AN ORDINANCE authorizing the executive to enter into an agreement with the city of Bothell regarding mitigation for the Brightwater project.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

A. In November 2003, King County issued its Final Environmental Impact Statement ("FEIS") regarding the Brightwater regional wastewater treatment system and, in December 2003, the King County executive selected the Route 9 - 195th Street system as the system alternative that would be advanced for final design, permitting and construction.

B. The selected Brightwater regional wastewater treatment system includes the construction of a new regional treatment plant in unincorporated Snohomish county, deep tunnel conveyance facilities through several jurisdictions, a marine outfall in unincorporated Snohomish county and five primary portal sites in the cities of Bothell, Kenmore and Shoreline and unincorporated Snohomish county.

C. In December 2003 the city of Bothell filed an appeal with the King County hearing examiner challenging the adequacy of the Brightwater FEIS under the state Environmental Policy Act. The appeal hearing is scheduled to commence on July 6, 2004.

D. King County has been working with all host jurisdictions and agencies to agree upon appropriate mitigation associated with the Brightwater facilities. The city of Bothell and King County have negotiated the attached mitigation agreement to address the possible impacts of the Brightwater project on the city, its residents, businesses and the environment. This agreement is not an admission by King County that the FEIS is

inadequate.

E. The city of Bothell has approved the agreement and has agreed to withdraw its appeal of the FEIS.

F. This agreement is consistent with the county's environmental mitigation policies in K.C.C.

28.86.140, the state Environmental Policy Act and the Growth Management Act. The agreement provides mitigation of the adverse environmental impacts identified in the FEIS and provides for community mitigation and amenities in the neighborhoods and jurisdictions in which the Brightwater facilities will be constructed.

SECTION 2. The executive or the executive's designee is hereby authorized to

enter into an agreement with the city of Bothell, substantially in the form of Attachment A to this ordinance, regarding mitigation for the Brightwater project.