

November 30, 2021

MEMORANDUM

To: Land Use and Neighborhoods Committee
From: Ketil Freeman, Analyst
Subject: Council Bill 120215 – Limited Exception for Wastewater Treatment Plant Expansion

On December 3, 2021, the Land Use and Neighborhoods (LUN) Committee will have an initial briefing on [Council Bill \(CB\) 120215](#). CB 120215 would modify otherwise applicable land use procedures to create a limited exception for an expansion of King County’s West Point treatment plant.

This memorandum (1) provides the background on the bill, (2) briefly describes what the bill would do, and (3) sets out next steps.

Background

On February 2, 2021, the Washington Department of Ecology (DOE) issued [Administrative Order 19477](#) to King County requiring the County to undertake several actions to prevent unauthorized bypasses of partially or untreated wastewater to Puget Sound from the West Point treatment plant. Pursuant to that order, the County identified a battery-based power supply system as a solution to mitigate some bypass events, which are associated with power quality and supply.¹

Construction of the battery-based power supply system would normally require a Council conditional use decision. Council conditional use decisions are a Type IV land use decision that can include a lengthy decision-making process and other schedule risks.² Order 19477 requires that the County come into compliance by December 31, 2025.

Council Bill 120215

CB 120215 would provide a limited exception to the otherwise applicable land use permit process for minor expansions of wastewater treatment plants that are subject to a DOE order. Specifically, the legislation would:

¹ DOE Order 19477 notes that six of thirteen unauthorized bypass events not associated with wet weather that occurred between January 1, 2018, and June 30, 2020, were associated with power quality issues. Seattle City Light has made improvements to the distribution system supplying power to West Point including creating a dedicated feeder line as well as a non-dedicated back-up feeder.

² [Seattle Municipal Code Section 23.76.004](#).

- Categorize proposed expansions as minor when they are below the current size threshold for minor expansions and are required to meet a Department of Ecology order for corrective action;
- Authorize the Seattle Department of Construction and Inspections (SDCI) Director, as a Type I, non-appealable decision, to waive physical development standards, such as height, provided that the waiver is the least necessary to achieve the corrective action;
- Require a construction management plan to mitigate any potential construction impacts;
- Make procedural changes to allow an applicant to apply for a building permit prior to receiving any waivers; and
- Declare a State Environmental Policy Act (SEPA) emergency to exempt the legislation and project-level review by SDCI of an application filed pursuant to the bill from SEPA.

Next Steps

The LUN Committee is scheduled to hold a public hearing and may vote on the bill at its meeting on December 8, 2021.

cc: Esther Handy, Central Staff Director
Aly Pennucci, Policy and Budget Manager