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SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 05-071

AMENDING THE SNOHOMISH COUNTY CAPITAL FACILITIES PLAN,  
AN ELEMENT OF THE SNOHOMISH COUNTY GROWTH  
MANAGEMENT ACT COMPREHENSIVE PLAN, AS PART OF THE  
TEN-YEAR COMPREHENSIVE PLAN UPDATE

WHEREAS, on June 28, 1995, Snohomish County enacted Amended Ordinance No. 94-125, which adopted the county's 1995-2000 Capital Facilities Plan (CFP), together with other elements of the county's Growth Management Act Comprehensive Plan ("GMACP"); and

WHEREAS, the Snohomish County Council has adopted periodic updates to the CFP since 1995 including, most recently, the CFP / Year 2001 Update adopted by Amended Ordinance No. 00-090 on November 20, 2001, which was subsequently amended by Amended Ordinance No. 01-111 on December 20, 2001, and by Ordinance No. 04-107 on November 22, 2004; and

WHEREAS, RCW 36.70A.130(1) requires jurisdictions to review and, if necessary, update their comprehensive plans every seven years; and

WHEREAS, the Central Puget Sound Growth Management Hearings Board ("Board") has consistently held that the county's CFP complies with all substantive requirements of the GMA, but in *Jody McVittie v. Snohomish County*, CPSPGMHB Case No. 99-3-0016c (Final Decision and Order, Feb. 9, 2000) (*McVittie I*), the Board suggested that the county should update its inventory of publicly-owned capital facilities as part of the 7-year compliance review; and

WHEREAS, consistent with the Board's decision in *McVittie I*, the county council passed Amended Motion 04-329 on August 11, 2004, directing the Department of Planning and Development Services ("PDS") to develop amendments to the inventories contained in CFP / Year 2001 Update as part of its seven-year compliance review; and

WHEREAS, consistent with Amended Motion 04-329, PDS updated the capital facilities inventory and the county council, as part of its seven-year compliance-review, updated the new inventory through CFP amendments adopted by Ordinance No. 04-107 on November 22, 2004; and

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WHEREAS, in addition to establishing the scope of the seven-year compliance review, Amended Motion 04-329 established a work plan for the separate 10-year update required by RCW 36.70A.130(3) in order to ensure that the county's comprehensive plan and development regulations are capable of accommodating the 20-year population forecast; and

WHEREAS, the work plan for the 10-year update adopted by Amended Motion 04-329 directed PDS to develop a more comprehensive CFP update to reflect changes in the forecast of future capital facility needs, capacities, and locations based on an updated Future Land Use ("FLU") Map and associated amendments to the General Policy Plan ("GPP"); and

WHEREAS, the public process for the 10-year update began in the spring of 2003, when the county provided general notice through the *Focus on Tomorrow Newsletter* that it was undertaking the process for the 10-year update and seven-year compliance review; and

WHEREAS, public open houses concerning the 10-year update and seven-year compliance review were held in Everett on February 4, 2003, Lynnwood on February 6, 2003, Monroe on February 10, 2003, and Arlington on February 19, 2003; and

WHEREAS, on July 22, 2003, a joint public meeting before the county council and planning commission hearing was held in Everett concerning the 10-year update and seven-year compliance review; and

WHEREAS, on November 8, 2003, all-day events referred to as "Planners in the Library" were held in Lynnwood, Marysville and Monroe for the purpose of discussing the 10-year update and seven-year compliance review; and

WHEREAS, in April 2004, the county updated the public on the 10-year update and seven-year compliance review through its widely disseminated *Focus on the Future Newsletter* and through updates to the county website; and

WHEREAS, the county held public hearings concerning the 10-year update and seven-year compliance review in Arlington on June 1, 2004, and June 8, 2004, as well as in Everett on June 3, 2004; and

WHEREAS, on May 15, 2004, all-day events known as "Planners in the Library" were held in Lynnwood, Marysville and Monroe for the purpose of discussing the 10-year update and seven-year compliance review; and

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WHEREAS, PDS hosted public workshops on the 10-year update and seven-year compliance review in Lynnwood on June 14, 2004, in Monroe on June 16, 2004, and in Arlington on June 17, 2004; and

WHEREAS, on June 29, 2004, a joint public hearing before the county council and planning commission was held in Everett concerning the seven-year compliance review and 10-year update; and

WHEREAS, on July 27, 2004, PDS presented overviews of the 10-year update and seven-year compliance review to the planning commission and the county council planning committee; and

WHEREAS, on October 12, 2004, PDS unveiled its proposed FLU Map at an advertised public meeting before the planning commission; and

WHEREAS, on October 14 and 20, 2004, PDS held public open houses to facilitate public knowledge of and to receive public input concerning the proposed FLU Map; and

WHEREAS, on November 3, 4, 9 and 18, 2004, PDS held public workshops with city and county planning commissioners to discuss key policy issues related to the comprehensive plan, including infrastructure challenges for capital facilities such as transportation, parks, and drainage facilities; and

WHEREAS, on April 19, 21, and 28, 2005, PDS held public open houses on the department's recommended package of comprehensive plan amendments for the 10-year update, including amendments to the CFP, the GPP, the Transportation Element, the Comprehensive Park and Recreation Plan, the Future Land use Map, the county zoning map, and certain development regulations; and

WHEREAS, on May 24 and 26, and June 1 and 2, 2005, the Snohomish County Planning Commission and the Snohomish County Council held joint public hearings to receive public testimony concerning the amendments proposed for adoption as part of the 10-year update; and

WHEREAS, on June 7, 9, 14, 16 and 21, 2005, the Snohomish County Planning Commission deliberated on PDS' recommended package of amendments to the GMACP and development regulations at an advertised public hearing; and

WHEREAS, at the conclusion of the public hearing the planning commission voted to recommend adoption of the proposed package of amendments, with certain modifications as enumerated in its recommendation letter of July 26, 2005; and

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WHEREAS, the county council held public hearings on October 3, 4, 5, and 6, 2005 to consider the entire record, including the planning commission's recommendations on the full package of comprehensive plan amendments, and to hear public testimony on this Ordinance No. 05-071; and

WHEREAS, the county council deliberated on the planning commission recommendations, executive alternatives, and public testimony on October 10, 11, 12, 17, 18, 19, 20 and 31, 2005 and November 3 and 9, 2005 and December 14, 19 and 21, 2005.

NOW, THEREFORE, BE IT ORDAINED:

**Section 1.** The county council adopts the foregoing recitals as findings and incorporates them herein as if set forth in full.

**Section 2.** The county council makes the following additional findings:

- A. The Central Board has found that the county's CFP complies with the substantive requirements of the GMA in three separate cases: *McVittie I*, CPSGMHB Case No. 99-3-0016c (Final Decision and Order, February 9, 2000); *McVittie II*, CPSGMHB Case No. (Final Decision and Order, September 11, 2000); and *McVittie VI*, CPSGMHB Case No. (Final Decision and Order).
- B. The CFP amendments adopted by this ordinance do not change the specific facilities designated as "necessary for development" in the CFP / Year 2001 Update, although the amendments do reflect changes to LOS standards for transportation and surface water management as well as related amendments to the GPP policies for capital facilities.
- C. Published notices in the Everett Herald and local weekly newspapers, as well as letters to interested parties, were used to notify the public of hearings held before the planning commission and county council to consider the amendments adopted by this ordinance.
- D. Environmental review for the ten-year update to the county's GMACP, which includes the Draft Environmental Impact Statement ("DEIS") issued on May 5, 2004 and the Final Environmental Impact Statement ("FEIS") issued on December 13, 2005, addressed the impacts of the amendments adopted by this ordinance.

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**Section 3.** The county council makes the following conclusions:

- A. The CFP amendments adopted by this ordinance do not fundamentally change the structure or guiding elements of the prior CFPs at issue in the *McVittie* capital facilities cases, but merely updates level of service ("LOS") standards and facilities forecasts to reflect changes to the FLU Map and GPP adopted as part of the 10-year update. Thus, the county's CFP, as amended by this ordinance, complies with the substantive requirements of the GMA, as interpreted by the Central Board.
- B. The CFP amendments adopted by this ordinance further the GMA's goals of encouraging development in urban areas (RCW 36.70A.020(1)) and ensuring the provision of adequate public facilities (RCW 36.70A.020(12)). The CFP, as amended, identifies short and intermediate capital facility needs based upon the population targets that drive the updated land use element of the county's GMACP. The projected need for parks, roads, surface water management facilities, and other county facilities are also predicated on increasingly urban population base directed by the land use element of the updated GMACP.
- C. The CFP amendments adopted by this ordinance are consistent with all substantive and procedural requirements of Snohomish County's GMACP and Countywide Planning Policies (CPPs), including but not limited to the goals, objectives, and policies of the Capital Facilities chapter of the GPP, as well as CPP OD-8 and OD-9.
- D. The CFP amendments adopted by this ordinance are consistent with other elements of the county's GMACP, including but not limited to: the Comprehensive Park and Recreation Plan; the GPP; the Transportation Element; and separate CFPs adopted by individual Snohomish County school districts and approved by the county pursuant to chapter 30.66C SCC.
- E. The CFP amendments by this ordinance are consistent with decisions of the Central Board requiring local governments to choose public facilities to be designated as "necessary for development" under RCW 36.70A.020(12) and to adopt a minimum LOS standards for each of those facilities.
- F. The public participation process related to the adoption of this ordinance has been early and continuous and has complied with all applicable requirements, including but not limited to RCW 36.70A.130, RCW 36.70A.140, chapter 30.73 SCC, and the Snohomish County Charter.

- G. Published notices for the hearings before the planning commission and county council complied with all applicable requirements, including but not limited to RCW 36.70A.035, RCW 36.70A.140, chapter 30.73 SCC, and the Snohomish County Charter.
- H. Environmental review conducted for the amendments adopted by this ordinance complies with all procedural and substantive requirements of the State Environmental Policy Act, Chapter 43.21C RCW.
- I. The DEIS, FEIS, and associated public process satisfy the requirements of the State Environmental Policy Act, chapter 43.21C RCW, with respect to the amendments adopted by this ordinance.
- J. The CFP amendments adopted by this ordinance are within the range of alternatives analyzed in the DEIS and the scope of additional analysis contained in the FEIS and related environmental documents issued for the ten-year update to the county's GMACP.
- K. This ordinance is adopted pursuant to the GMA, codified at chapter 36.70A RCW, the Snohomish County Charter, and the Washington State Constitution, art. XI, sec. 11.

**Section 4.** The county council bases its findings and conclusions on the entire record before the planning commission and the county council, including all testimony and exhibits related to this ordinance. Any finding, which should be deemed a conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.

**Section 5.** Based on the foregoing findings and conclusions, the Snohomish County Capital Facilities Plan / Year 2001 Update, adopted on November 20, 2001, as Exhibit A to Amended Ordinance No. 01-090, and last amended on November 22, 2004, by Exhibit A to Ordinance No. 04-107, is hereby amended as indicated in Exhibit A to this ordinance ("Text Amendments to the Capital Facilities Plan / Year 2001 Update, an Element of the Snohomish County GMA Comprehensive Plan").

**Section 6.** Based on the foregoing findings and conclusions, the Snohomish County Capital Facilities Plan / Year 2001 Update, adopted on November 20, 2001, as Exhibit A to Amended Ordinance No. 01-090, and last amended on November 22, 2004, by Exhibit A to Ordinance No. 04-107, is hereby amended as indicated in Exhibit B to this ordinance ("Table Amendments to Appendix A of the Capital Facilities Plan / Year 2001 Update, an Element of the Snohomish County GMA Comprehensive Plan").

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**Section 7.** Based on the foregoing findings and conclusions, the Snohomish County Capital Facilities Plan / Year 2001 Update, adopted on November 20, 2001, as Exhibit A to Amended Ordinance No. 01-090, and last amended on November 22, 2004, by Exhibit A to Ordinance No. 04-107, is hereby amended as indicated in Exhibit C to this ordinance ("Map Amendments to Appendix B of the Capital Facilities Plan / Year 2001 Update, an Element of the Snohomish County GMA Comprehensive Plan").

**Section 8.** Based on the foregoing findings and conclusions, the Snohomish County Capital Facilities Plan / Year 2001 Update, adopted on November 20, 2001, as Exhibit A to Amended Ordinance No. 01-090, and last amended on November 22, 2004, by Exhibit A to Ordinance No. 04-107, is hereby amended as indicated in Exhibit D to this ordinance ("Amendments to Forecast of Future Needs in the Capital Facilities Plan / Year 2001 Update, an Element of the Snohomish County GMA Comprehensive Plan").

**Section 9.** The amended document set forth in Exhibits A-D of this ordinance, which is entitled the "Snohomish County Capital Facilities Plan / Year 2005 Update," constitutes the county's capital facilities plan under the requirements of the GMA.

**Section 10.** Effective date. The provisions of this ordinance shall take effect on February 1, 2006.

**Section 11.** If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board, or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this 21<sup>st</sup> day of Dec. 2005.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
Council Vice-Chair

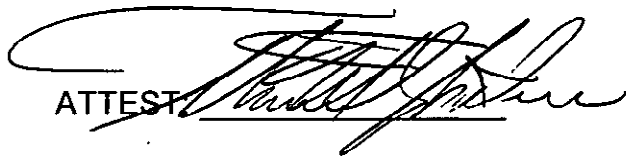
ATTEST:

  
Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE: 12/30, 2005

  
Aaron G. Reardon  
Snohomish County Executive

  
ATTEST

Approved as to form only:

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Brent D. Lloyd  
Deputy Prosecuting Attorney

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