



CO00032529

**SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington**

AMENDED ORDINANCE NO. 07-136

**ADOPTING THE 2008-2013 CAPITAL IMPROVEMENT PROGRAM
AS A PART OF SNOHOMISH COUNTY'S
GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN**

WHEREAS, the Growth Management Act (GMA) requires counties to adopt, as part of a GMA comprehensive plan (GMACP), a capital facilities element that includes a six-year plan providing for the financing of capital facilities within projected funding capacities and clearly identifying sources of public money for such purposes; and

WHEREAS, the County Council adopted the 1995-2000 Capital Plan, along with other mandatory elements of Snohomish County's GMACP, on June 28, 1995; and

WHEREAS, the County Council has adopted periodic updates to the Capital Improvement Program (CIP) since 1995 including, most recently, the 2007-2012 CIP adopted by Amended Ordinance No. 06-087 on November 20, 2006; and

WHEREAS, Section 6.50 of the Snohomish County Charter requires the County Council to adopt a six-year capital improvement program as an adjunct to the annual budget, including a balance of proposed expenses and potential revenue sources; and

WHEREAS, Section 4.26.024 of the Snohomish County Code requires the County Executive on an annual basis to prepare a capital improvement program for the next six fiscal years pursuant to the county charter and the GMA; and

WHEREAS, Capital Facilities Policy CF 1.B.1 of the General Policy Plan (GPP) requires that the County prepare and adopt a six-year capital improvement plan that identifies projects, outlines a schedule, and designates realistic funding sources for all county capital projects; and

WHEREAS, pursuant to the county charter and code, the County Council plans to update its six-year CIP concurrently with the 2008 budget process; and

WHEREAS, the planning commission held a work session (briefing) on August 28, 2007, and a public hearing on September 25, 2007, on the 2008-2013 CIP; and

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WHEREAS, the County Council made changes to the Executive's proposed 2008-2013 CIP, including providing approximately \$130,000,000 in additional funding for transportation projects; and

WHEREAS, the County Council changes to the Executive's proposed 2008-2013 CIP will result in transportation projects being completed years earlier than otherwise anticipated saving taxpayers millions of dollars while providing increased service; and

WHEREAS, the County Council changes to the Executive's proposed 2008-2013 CIP include partial funding of a Justice Center; and

WHEREAS, partial funding of a Justice Center will reduce the need for future property tax increases; and

WHEREAS, the County Council changes to the Executive's proposed 2008-2013 CIP also provide for renovation and rehabilitation of the Carnegie Building, possibly in partnership with the Snohomish County Museum and Historical Association, a Washington non-profit corporation; and

WHEREAS, for more than fifty years the Snohomish County Museum and Historical Association has collected and made available to the public materials relating to Snohomish County history, beginning with the County's incorporation on January 20, 1861, and continuing to the present; and

WHEREAS, the County Council recently demonstrated its support for the Snohomish County Museum and Historical Association by providing funds to the Association, pursuant to its authority under RCW 27.48.010 and 36.22.170, for emergency salvage, restoration, and preservation of museum artifacts damaged from a fire on April 1, 2007; and

WHEREAS, potential future uses of the Carnegie Building, including but not limited to the Executive's proposed Snohomish County Carnegie Historical Museum, deserve more consideration than has been provided to date or can be accomplished in the course of the 2008 budget process, but should be facilitated by means of contingency funding as set out in the revised 2008-2013 CIP; and

WHEREAS, the County Council held a public hearing on November 5, 2007, continued to November 19, 2007 to consider the planning commission's recommendations as well as public testimony on the Executive's proposed 2008-2013 CIP; and

WHEREAS, the County Council held a public hearing on November 19, 2007, to consider the 2008-2013 CIP as well as public testimony on the 2008-2013 CIP as proposed by the County Council: and

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WHEREAS, the County Council considered the 2008-2013 CIP concurrently with the 2008 budget; and

WHEREAS, the County Council considered the entire hearing record including the planning commission's recommendation and written and oral testimony submitted during the public hearings;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The County Council adopts the foregoing recitals as findings.

Section 2. The County Council makes the following additional findings:

- A. The 2008-2013 CIP is a six-year financing plan that is consistent with the directives of the GMA, the Countywide Planning Policies for Snohomish County, and the county's GMACP, including the directives of the GPP and the Capital Facilities Plan/Year 2005 Update. The 2008-2013 CIP meets the capital planning requirements contained in the Snohomish County Charter and code. The new CIP updates and replaces the previously adopted 2007-2012 Capital Improvement Plan.
- B. Snohomish County Public Utility District No. 1 (PUD) has provided updated budget and funding expenditure information, which has been incorporated into the 2008-2013 CIP.
- C. The Department of Public Works has updated information within the roads inventory and associated documents, including the Transportation Improvement Program, the Transportation Needs Report and the Annual Construction Program, which support the Transportation Element of the GMACP. This updated information has been used in the preparation of the transportation component of the 2008-2013 CIP.
- D. The adoption of the 2008-2013 CIP satisfies the policy direction contained in CF Objective 1.B of the GPP to develop a six-year financing program for capital facilities that meets the requirements of the GMA, achieves the County's levels-of-service objectives, and is within its financial capabilities to carry out.
- E. The adoption of the 2008-2013 CIP satisfies the policy direction contained in CF Policy 1.B.1 of the GPP to prepare and adopt a six-year capital improvement program that identifies projects, outlines a schedule, and designates realistic funding sources for all county capital projects.
- F. The 2008-2013 CIP furthers the GMA's goals of encouraging urban development in urban areas and ensuring the provision of adequate public facilities. It identifies short and intermediate term capital facility needs based upon the same population forecasts which drive the land use element. The projected need for parks, roads

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and other county facilities is predicated on the increasingly urban population base directed by the land use element, and the CIP focuses county infrastructure investment within UGAs.

- G. The 2008-2013 CIP specifies proposed funding sources for the planned capital facilities and contains a "statement of assessment" which addresses the need for a reassessment of land use or other comprehensive plan elements if there is a projected shortfall in revenue (between 2008 and 2013) that causes the level-of-service for a facility classified as necessary to support development to fall below the minimum level identified in the CFP.
- H. Planning staff issued Addendum No. 6 to the 2005 Final Environmental Impact Statement (FEIS) for the GMACP in compliance with the State Environmental Policy Act (SEPA), on August 10, 2007. The addendum performs the function of apprising the public of refinements to the GMACP by adding new information, but does not substantially change the analysis of significant impacts and alternatives analyzed in the existing adopted environmental documents.
- I. The FEIS and associated adopted environmental documents evaluated the impact of capital projects required to accommodate projected growth and to mitigate the impacts to existing communities related to that growth. The adoption of the 2008-2013 CIP, as revised by the Council, is within the scope of analysis contained in the FEIS and associated adopted environmental documents and results in no new significant adverse environmental impacts.

Section 3. The County Council makes the following conclusions based on its findings of fact and on the entire record of testimony and exhibits including all written and oral testimony before the County Council:

- A. The planning commission and County Council conclude that the environmental review conducted satisfies SEPA requirements.
- B. The planning commission conducted a public hearing on September 28, 2007, considered the public testimony and the full public record in preparing its recommendation and has met the applicable public participation requirements of county code and state law.
- C. The GMA allows the County to amend the GMACP more frequently than once per year if the amendment is to the capital facilities element and occurs concurrently with the adoption or amendment of the County's budget. This criterion is met because this ordinance will be considered concurrently with the County's 2008 budget ordinance, fulfilling both the GMA and the Snohomish County Charter and code requirements that tie the capital improvement program to the budget.

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Section 4. The County Council bases its findings and conclusions on the entire record of the planning commission and the county council, including all testimony and exhibits.

Section 5. The 2008-2013 CIP, attached hereto as Exhibit A and revised as set out in Exhibit B, is hereby adopted as the six-year capital improvement program required by the GMA and section 6.50 of the Snohomish County Charter based on the foregoing findings of fact and conclusions.

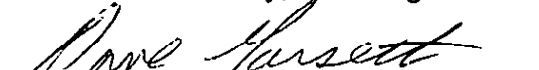
Section 6. The 2008-2013 CIP adopted by this ordinance supersedes all other county capital improvement programs. The 2008-2013 CIP shall control in the event of any inconsistency between the 2008-2013 CIP and any other capital improvement program adopted by the county.

Section 7. The county council directs the code reviser to update SCC 30.10.060 pursuant to the authority in SCC 1.02.020(3) upon adoption of this ordinance.

Section 8. 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 19th day of November, 2007.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson

ATTEST:


Clerk of the Council

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- APPROVED
- VETOED
- EMERGENCY

DATED: _____

County Executive

ATTEST:

Approved As To Form Only:

Deputy Prosecuting Attorney

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EXHIBIT A

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EXHIBIT B

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