

1 ADOPTED: 11/14/16
2 EFFECTIVE: 12/08/16

3 SNOHOMISH COUNTY COUNCIL
4 SNOHOMISH COUNTY, WASHINGTON

5
6 AMENDED ORDINANCE NO. 16-094

7
8 RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING THE 2017-2022
9 CAPITAL IMPROVEMENT PROGRAM AS PART OF THE SNOHOMISH COUNTY
10 CAPITAL FACILITIES PLAN

11
12 WHEREAS, the Growth Management Act (GMA), chapter 36.70A RCW, requires counties
13 to adopt, as part of a GMA comprehensive plan (“GMACP”), a capital facilities element that
14 includes a six-year plan providing for the financing of capital facilities within projected funding
15 capacities and clearly identifying sources of public money for such purposes; and

16
17 WHEREAS, Snohomish County (the “County”) addresses this requirement by annually
18 adopting a capital improvement program as an adjunct to its annual budget; and

19
20 WHEREAS, GMA Goal 12, RCW 36.70A.020(12), regarding public facilities and services,
21 addresses the need to ensure the adequacy of public facilities and services to serve the
22 development at the time the development is available for occupancy and without decreasing the
23 current levels of service below locally established minimum standards; and

24
25 WHEREAS, RCW 36.70A.130(2)(a)(iv) allows the County to amend the GMACP more
26 frequently than once per year if the amendment is to the capital facilities element and occurs
27 concurrently with the adoption or amendment of the County’s budget; and

28
29 WHEREAS, GMACP - General Policy Plan (GPP) Capital Facilities Objective 1.B and
30 associated policies require the County to develop a six-year financing program for capital
31 facilities that meets the requirements of the GMA; and

32
33 WHEREAS, the Snohomish County Council (the “County Council”) first adopted a capital
34 facilities plan as required by the GMA, the 1995-2000 Capital Plan, along with other mandatory
35 elements of Snohomish County’s GMACP, on June 28, 1995; and

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37 WHEREAS, on June 10, 2015, the County Council adopted the 2015 Comprehensive Plan
38 Update, which included reassessment and updates to the Land Use Element, Transportation
39 Element, Parks and Recreation Element, Capital Facilities Plan Element, Future Land Use Map,
40 and regulations and policies; and

41
42 WHEREAS, the 2015 Capital Facilities Plan Element (“2015 CFP”) establishes minimum
43 level of service (“LOS”) standards for those capital facilities necessary to support development
44 and provides an inventory of capital facilities and a forecast of future facility needs; and

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46 WHEREAS, the 2015 CFP identifies the following public capital facilities as necessary to
47 support development: fire protection services, surface transportation, parks and recreation,
48 surface water management, electric power, schools, public wastewater, and public water
49 supply; and

1 WHEREAS, Snohomish County Code (SCC) 4.26.024 requires the Snohomish County
2 Executive, on an annual basis, to prepare a six-year capital improvement program for the next
3 six fiscal years pursuant to the Snohomish County Charter (the "County Charter") and the GMA;
4 and

5
6 WHEREAS, section 6.50 of the County Charter requires the County Council to adopt a six-
7 year capital improvement program as an adjunct to the annual budget, including a balance of
8 proposed expenses and potential revenue sources; and

9
10 WHEREAS, the six-year capital improvement program is the document developed by the
11 County to detail the funding sources for County capital projects over the next six years and
12 assess whether funding sources and regulatory mechanisms are sufficient to maintain the
13 minimum LOS for those capital facilities necessary to support development; and

14
15 WHEREAS, pursuant to the County Charter and the SCC, the County Council plans to
16 update its six-year capital improvement program concurrently with the 2017 budget process;
17 and

18
19 WHEREAS, the Snohomish County Planning Commission (the "Planning Commission")
20 held a public hearing to consider the County's 2017-2022 Capital Improvement Program ("2017-
21 2022 CIP") on September 27, 2016; and

22
23 WHEREAS, at the conclusion of the public hearing, the Planning Commission voted to
24 recommend adoption of the 2017-2022 CIP as shown in its recommendation letter dated
25 September 27, 2016; and

26
27 WHEREAS, the County Council held a public hearing on November 14, 2016, to consider
28 the Planning Commission's recommendations as well as public testimony on the 2017-2022
29 CIP; and

30
31 WHEREAS, the County Council considered the 2017-2022 CIP, which is attached as
32 Exhibit A, concurrently with the 2017 budget; and

33
34 WHEREAS, the County Council considered the entire hearing record including the Planning
35 Commission's recommendation and written and oral testimony submitted during the public
36 hearings;

37
38 NOW, THEREFORE, BE IT ORDAINED:

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40 Section 1. The County Council adopts the following findings in support of this ordinance:

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42 A. The foregoing recitals are adopted as findings as if set forth in full herein.

43
44 B. The ordinance adopts the County's 2017-2022 CIP.

45
46 C. The 2017-2022 CIP was developed for compliance with the following GMA
47 requirements:

- 48
49 1. RCW 36.70A.070(3) "A capital facilities plan element consisting of: (a) An
50 inventory of existing capital facilities owned by public entities, showing the

1 locations and capacities of the capital facilities; (b) a forecast of the future needs
2 for such capital facilities; (c) the proposed locations and capacities of expanded
3 or new capital facilities; (d) at least a six-year plan that will finance such capital
4 facilities within projected funding capacities and clearly identifies sources of
5 public money for such purposes; and (e) a requirement to reassess the land use
6 element if probable funding falls short of meeting existing needs and to ensure
7 that the land use element, capital facilities plan element, and financing plan
8 within the capital facilities plan element are coordinated and consistent. Park and
9 recreation facilities shall be included in the capital facilities plan element.” The
10 2017-2022 CIP includes a six-year financing plan for all of the County’s capital
11 facilities. The 2017-2022 CIP also assesses the adequacy of funding and
12 regulatory mechanisms for those public capital facilities necessary to support
13 development to maintain their respective minimum level of service (LOS).
14

15 2. GMA planning Goal 12 (RCW 36.70A.020(12)) “Public facilities and services.
16 Ensure that those public facilities and services necessary to support
17 development shall be adequate to serve the development at the time the
18 development is available for occupancy and use without decreasing current
19 service levels below locally established minimum standards.” The 2017-2022 CIP
20 specifies proposed funding sources for the planned capital facilities and contains
21 a “statement of assessment” which addresses the need for a reassessment of
22 land use or other comprehensive plan elements if there is a projected shortfall in
23 revenue (between 2017 and 2022) that causes the LOS for a facility classified as
24 necessary to support development to fall below the minimum level identified in
25 the capital facilities plan. The statement of assessment portion of the 2017-2022
26 CIP finds that there are no funding shortfalls or regulatory inadequacies that
27 would affect the ability to maintain the minimum LOS for those capital facilities
28 necessary to support development.
29

30 D. The 2017-2022 CIP was developed for consistency with Puget Sound Regional Council
31 Vision 2040 Multicounty Planning Policies (MPP) including: MPP-PS-2 “Time and phase
32 services and facilities to guide growth and development in a manner that supports the
33 regional vision.” The County’s CFP and the 2017-2022 CIP align with the regional vision
34 to direct growth into urban areas where adequate public infrastructure and services are
35 available or can be provided in an efficient manner by establishing minimum LOS for
36 those public capital facilities necessary to support development and by ensuring that
37 adequate funding and regulatory mechanisms are in place to maintain those minimum
38 LOS.
39

40 E. The 2017-2022 CIP was developed for consistency with Snohomish County Countywide
41 Planning Policy (CPP) PS-13 “Jurisdictions should adopt capital facilities plans, and
42 coordinate with other service providers, to provide the appropriate level of service to
43 support planned growth and development in Urban Growth Areas.” The 2017-2022 CIP,
44 a component of the County’s CFP, is developed through a coordinated and collaborate
45 process between the County and non-County service providers of public capital facilities
46 such as schools, water and sewer infrastructure and services, and electric power.
47

48 F. The 2017-2022 CIP was developed to comply with and implement the following County
49 directives:
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- 1 2. Section 6.50 of the County Charter "...The county council in considering the
2 budget ordinance proposed by the county executive, may delete or add items,
3 may reduce or increase the proposed appropriations and may add provisions
4 restricting the expenditure of certain appropriations, provided that the county
5 council shall adopt a six (6) year capital improvement program as an adjunct to
6 the budget, including a balance of proposed expenses and potential revenue
7 sources." The County's annual capital improvement program, including the 2017-
8 2022 CIP, is considered and adopted as part of the annual budget.
9
 - 10 3. SCC 4.26.024 "The executive shall on an annual basis prepare a capital
11 improvement program for the next six fiscal years pursuant to the county charter
12 and chapter 36.70A RCW." The County's annual capital improvement programs,
13 including the 2017-2022 CIP, are developed for compliance with state and local
14 requirements, and is considered and adopted as part of the annual budget.
15
 - 16 4. GPP Objective CF 1.B "Develop a six-year financing program for capital facilities
17 that meets the requirements of the GMA, achieves the county's levels-of-service
18 objectives for county roads and is within its financial capabilities to carry out."
19 The 2017-2022 CIP contains: 1) an adequate financing plan for all County capital
20 facilities, including those necessary to support development, 2) the minimum
21 LOS for those capital facilities necessary to support development, including
22 roads and transit, and 3) a statement of assessment that finds adequate funding
23 and regulatory mechanisms in place to maintain the minimum LOS for those
24 capital facilities necessary to support development.
25
- 26 G. The 2017-2022 CIP will comply with and implement the following goals, objectives, and
27 policies of the GPP because it is developed in coordination with other providers of public
28 capital facilities and it provides: 1) a six-year financing plan for all County and non-
29 County capital facilities that identifies the funding sources, projects, and schedule, and
30 2) an assessment of the adequacy of funding and regulatory mechanisms for those
31 public capital facilities necessary to support development to maintain their established
32 minimum LOS:
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- 34 1. TR Policy 7.A.5 "A locally and regionally coordinated six-year program shall be
35 prepared that finances transportation improvements within projected funding
36 levels and clearly identifies sources of public money."
37
 - 38 2. PR Policy 3.A.1 "Apply a level-of-service method to: monitor the level-of-service
39 of park facilities necessary to support development; identify priority parks projects
40 that are necessary to support development; and provide a basis for collecting
41 and allocating park impact mitigation fees."
42
 - 43 3. Objective CF 6.A "Update the six-year CIP to include a capital program to
44 efficiently provide quality work space for existing and projected future staffing
45 levels through the year 2035."
46
 - 47 4. CF Policy 1.B.1 "The county shall prepare and adopt, a six-year capital
48 improvement program (pursuant to County Charter) that identifies projects,
49 outlines a schedule, and designates realistic funding sources for all county
50 capital projects."

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5. Goal CF 9 “Coordinate with non-county facility providers such as cities and special purpose districts to support the future land use pattern indicated by this plan.”
6. Objective CF 10.A “Assist school districts in developing capital facilities plans that clearly depict levels of service and how they will serve existing and projected student enrollments.”
7. Goal CF 11 “Water supply systems shall provide sufficient fire flow, as established by county development regulations, in order to provide protection at a level of service commensurate with the planned intensity of future development adopted in the comprehensive plan.”
8. Goal UT 2 “Work with provider agencies of Snohomish County to help ensure the availability of a reliable, high quality water supply for all households and businesses within the county in a manner that is consistent with the comprehensive plan and protection of the natural environment.”
9. Goal UT 3 “Work with cities and special districts to produce coordinated wastewater system plans for both incorporated and unincorporated areas within UGAs that are consistent with the land use element and city plans.”
10. Goal UT 4 “Assist electric utility providers in fulfilling their public service obligations through planning for adequate system capacity to accommodate forecasted growth in a manner that is consistent with the comprehensive plan and protection of the natural environment.”

H. Procedural requirements.

1. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
2. The environmental impacts of this proposal are within the range of impacts analyzed by the draft environmental impact statement (DEIS) and final environmental impact statement (FEIS) during the update to the GMACP in 2015. No new probable significant adverse environmental impacts from this ordinance have been identified. Therefore, State Environmental Policy Act (SEPA) requirements with respect to this non-project action have been met through issuance on September 1, 2016, of Addendum No. 9 to the FEIS for the 2015 Comprehensive Plan Update.
3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was transmitted to the Washington State Department of Commerce (“Commerce”) for distribution to state agencies on August 30, 2016.
4. The public participation process used in the adoption of this ordinance has complied with all applicable requirements of the GMA and the SCC.
5. The Washington State Attorney General last issued an advisory memorandum, as required by RCW 36.70A.370, in December of 2015 entitled “Advisory

1 Memorandum: Avoiding Unconstitutional Takings of Private Property” to help
2 local governments avoid the unconstitutional taking of private property. The
3 process outlined in the State Attorney General’s 2015 advisory memorandum
4 was used by Snohomish County in objectively evaluating the regulatory changes
5 proposed by this ordinance.
6

- 7 I. This ordinance is consistent with the record as set forth in PDS staff reports relating to
8 this proposal dated August 9, 2016, and September 13, 2016.
9

10 Section 2. The County Council makes the following conclusions:
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- 12 A. The 2017-2022 CIP is consistent with and complies with the procedural and substantive
13 requirements of the GMA.
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15 B. The 2017-2022 CIP is consistent with and implements the MPPs, CPPs, and GPP.
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17 C. All SEPA requirements with respect to this non-project action have been satisfied.
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19 D. This proposal does not result in an unconstitutional taking of private property for a public
20 purpose and does not violate substantive due process guarantees.
21

22 Section 3. The County Council bases its findings and conclusions on the entire record of the
23 Planning Commission and the County Council, including all testimony and exhibits. Any finding
24 which should be deemed a conclusion, and any conclusion which should be deemed a finding,
25 is hereby adopted as such.
26

27 Section 4. The 2017-2022 CIP, attached hereto as Exhibit A and incorporated by reference to
28 this ordinance, is hereby adopted as the six-year capital improvement program required by the
29 GMA, County Charter, MPPs, CPPs, SCC, and GPP based on the foregoing findings of fact and
30 conclusions.
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32 Section 5. The 2017-2022 CIP adopted by this ordinance supersedes all other County capital
33 improvement programs. The 2017-2022 CIP shall control in the event of any inconsistency
34 between the 2017-2022 CIP and any other capital improvement program adopted by the
35 County.
36

37 Section 6. Severability and Savings. If any section, sentence, clause or phrase of this ordinance
38 shall be held to be invalid by the Growth Management Hearings Board, or unconstitutional by a
39 court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
40 constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided,
41 however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by
42 the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in
43 effect prior to the effective date of this ordinance shall be in full force and effect for that
44 individual section, sentence, clause or phrase as if this ordinance had never been adopted.
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PASSED this 14th day of November, 2016.

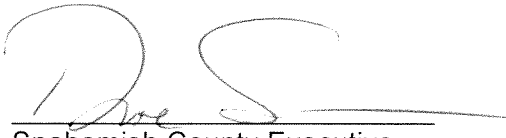
SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson


ATTEST:


Clerk of the Council

APPROVED DATE: 11/28, 2016
 VETOED
 EMERGENCY


Snohomish County Executive

ATTEST:


Approved as to form only:

Deputy Prosecuting Attorney