

1 ADOPTED: 11/19/18
2 EFFECTIVE: 12/08/18

3
4 SNOHOMISH COUNTY COUNCIL
5 SNOHOMISH COUNTY, WASHINGTON

6
7 AMENDED ORDINANCE NO. 18-082

8
9 RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING THE 2019-2024
10 CAPITAL IMPROVEMENT PROGRAM AS PART OF THE SNOHOMISH COUNTY
11 CAPITAL FACILITIES PLAN
12

13 WHEREAS, the Growth Management Act (GMA), chapter 36.70A RCW, requires counties to
14 adopt, as part of a GMA comprehensive plan (“GMACP”), a capital facilities element that includes a
15 six-year plan providing for the financing of capital facilities within projected funding capacities and
16 clearly identifying sources of public money for such purposes; and
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18 WHEREAS, Snohomish County (the “County”) addresses this requirement by annually
19 adopting a capital improvement program (“CIP”) as an adjunct to its annual budget; and
20

21 WHEREAS, GMA Goal 12, RCW 36.70A.020(12), regarding public facilities and services,
22 addresses the need to ensure the adequacy of public facilities and services to serve the
23 development at the time the development is available for occupancy and without decreasing the
24 current levels of service below locally established minimum standards; and
25

26 WHEREAS, RCW 36.70A.130(2)(a)(iv) allows the County to amend the GMACP more
27 frequently than once per year if the amendment is to the capital facilities element and occurs
28 concurrently with the adoption or amendment of the County’s budget; and
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30 WHEREAS, GMACP - General Policy Plan (GPP) Capital Facilities Objective 1.B and
31 associated policies require the County to develop a six-year financing program for capital facilities
32 that meets the requirements of the GMA; and
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34 WHEREAS, on June 28, 1995, the Snohomish County Council (the “County Council”) first
35 adopted a capital facilities plan as required by the GMA, the 1995-2000 Capital Facilities Plan,
36 along with other mandatory elements of Snohomish County’s GMACP; and
37

38 WHEREAS, on June 10, 2015, the County Council adopted the 2015 Comprehensive Plan
39 Update, which included reassessment and updates to the Land Use Element, Transportation
40 Element, Parks and Recreation Element, Capital Facilities Plan Element, Future Land Use Map,
41 and regulations and policies; and
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43 WHEREAS, the 2015 Capital Facilities Plan Element (“2015 CFP”) establishes minimum level
44 of service (“LOS”) standards for those capital facilities necessary to support development and
45 provides an inventory of capital facilities and a forecast of future facility needs; and
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47 WHEREAS, the 2015 CFP identifies the following public capital facilities as necessary to
48 support development: fire protection services, surface transportation, parks land and recreational
49 facilities, surface water management, electric power, schools, public wastewater systems, and
50 public water supply; and

1
2 WHEREAS, Snohomish County Code (SCC) 4.26.024 requires the Snohomish County
3 Executive, on an annual basis, to prepare a six-year capital improvement program for the next six
4 fiscal years pursuant to the Snohomish County Charter (the "County Charter") and the GMA; and
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6 WHEREAS, section 6.50 of the County Charter requires the County Council to adopt a six-
7 year CIP as an adjunct to the annual budget, including a balance of proposed expenses and
8 potential revenue sources; and
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10 WHEREAS, the six-year CIP is the document developed by the County to detail the funding
11 sources for County capital projects over the next six years and assess whether funding sources
12 and regulatory mechanisms are sufficient to maintain the minimum LOS for those capital facilities
13 necessary to support development; and
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15 WHEREAS, on November 21, 2017, the County adopted the 2018-2023 Capital Improvement
16 Program by Amended Ordinance 17-079, and has adopted regular updates to the capital
17 improvement program since 1995; and
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19 WHEREAS, pursuant to the County Charter and the SCC, the County Council will review and
20 update its six-year CIP concurrently with the 2019 budget process; and
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22 WHEREAS, on September 25, 2018, the Snohomish County Planning Commission (the
23 "Planning Commission") held a public hearing to consider the County's 2019-2024 Capital
24 Improvement Program ("2019-2024 CIP"); and
25

26 WHEREAS, on September 25, 2018, the Planning Commission sent a letter that stated that at
27 the conclusion of the public hearing, the Planning Commission voted to recommend adoption of
28 the 2019-2024 CIP; and
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30 WHEREAS, on November 19, 2018, the County Council held a public hearing to consider the
31 Planning Commission's recommendations as well as public testimony on the 2019-2024 CIP; and
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33 WHEREAS, the County Council considered the 2019-2024 CIP, which is attached as Exhibit A,
34 concurrently with the 2019 budget; and
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36 WHEREAS, the County Council considered the entire hearing record including the Planning
37 Commission's recommendation and written and oral testimony submitted during the public
38 hearings;
39

40 NOW, THEREFORE, BE IT ORDAINED:
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42 Section 1. The County Council adopts the following findings in support of this ordinance:
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44 A. The foregoing recitals are adopted as findings as if set forth in full herein.
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46 B. The ordinance adopts the County's 2019-2024 CIP.
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48 C. The 2019-2024 CIP was developed for compliance with the following GMA requirements:
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1. RCW 36.70A.070(3) “A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.” The 2019-2024 CIP includes a six-year financing plan for all of the County’s capital facilities. The 2019-2024 CIP also assesses the adequacy of funding and regulatory mechanisms for those public capital facilities necessary to support development to maintain their respective minimum level of service (LOS).
2. GMA planning Goal 12 (RCW 36.70A.020(12)) “Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.” The 2019-2024 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 2019 and 2024) that causes the LOS for a facility classified as necessary to support development to fall below the minimum level identified in the capital facilities plan. The statement of assessment portion of the 2019-2024 CIP finds that there are no funding shortfalls or regulatory inadequacies that would affect the ability to maintain the minimum LOS for those capital facilities necessary to support development.

D. The 2019-2024 CIP was developed for consistency with Puget Sound Regional Council Vision 2040 Multicounty Planning Policies (MPP) including: MPP-PS-2 “Time and phase services and facilities to guide growth and development in a manner that supports the regional vision.” The County’s CFP and the 2019-2024 CIP align with the regional vision to direct growth into urban areas where adequate public infrastructure and services are available or can be provided in an efficient manner by establishing minimum LOS for those public capital facilities necessary to support development and by ensuring that adequate funding and regulatory mechanisms are in place to maintain those minimum LOS.

E. The 2019-2024 CIP was developed for consistency with Snohomish County Countywide Planning Policy (CPP) PS-13 “Jurisdictions should adopt capital facilities plans, and coordinate with other service providers, to provide the appropriate level of service to support planned growth and development in Urban Growth Areas.” The 2019-2024 CIP, a component of the County’s CFP, is developed through a coordinated and collaborate process between the County and non-County service providers of public capital facilities such as schools, water and sewer infrastructure and services, and electric power.

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2 F. The 2019-2024 CIP was developed to comply with and implement the following County
3 directives:
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- 5 1. Section 6.50 of the County Charter "...The county council in considering the budget
6 ordinance proposed by the county executive, may delete or add items, may reduce
7 or increase the proposed appropriations and may add provisions restricting the
8 expenditure of certain appropriations, provided that the county council shall adopt a
9 six (6) year capital improvement program as an adjunct to the budget, including a
10 balance of proposed expenses and potential revenue sources." The County's
11 annual capital improvement program, including the 2019-2024 CIP, is considered
12 and adopted as part of the annual budget.
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- 14 2. SCC 4.26.024 "The executive shall on an annual basis prepare a capital
15 improvement program for the next six fiscal years pursuant to the county charter
16 and chapter 36.70A RCW." The County's annual capital improvement programs,
17 including the 2019-2024 CIP, are developed for compliance with state and local
18 requirements, and is considered and adopted as part of the annual budget.
19
- 20 3. GPP Objective CF 1.B "Develop a six-year financing program for capital facilities
21 that meets the requirements of the GMA, achieves the county's levels-of-service
22 objectives for county roads and is within its financial capabilities to carry out." The
23 2019-2024 CIP contains: 1) an adequate financing plan for all County capital
24 facilities, including those necessary to support development, 2) the minimum LOS
25 for those capital facilities necessary to support development, including roads and
26 transit, and 3) a statement of assessment that finds adequate funding and
27 regulatory mechanisms in place to maintain the minimum LOS for those capital
28 facilities necessary to support development.
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30 G. The 2019-2024 CIP will comply with and implement the following goals, objectives, and
31 policies of the GPP because it is developed in coordination with other providers of public
32 capital facilities and it provides: 1) a six-year financing plan for all County and non-County
33 capital facilities that identifies the funding sources, projects, and schedule, and 2) an
34 assessment of the adequacy of funding and regulatory mechanisms for those public capital
35 facilities necessary to support development to maintain their established minimum LOS:
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- 37 1. TR Policy 7.A.5 "A locally and regionally coordinated six-year program shall be
38 prepared that finances transportation improvements within projected funding levels
39 and clearly identifies sources of public money."
40
- 41 2. PR Policy 3.A.1 "Apply a level-of-service method to: monitor the level-of-service of
42 park facilities necessary to support development; identify priority parks projects that
43 are necessary to support development; and provide a basis for collecting and
44 allocating park impact mitigation fees."
45
- 46 3. Objective CF 6.A "Update the six-year CIP to include a capital program to efficiently
47 provide quality work space for existing and projected future staffing levels through
48 the year 2035."
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- 1 4. CF Policy 1.B.1 “The county shall prepare and adopt, a six-year capital
2 improvement program (pursuant to County Charter) that identifies projects, outlines
3 a schedule, and designates realistic funding sources for all county capital projects.”
4
- 5 5. Goal CF 9 “Coordinate with non-county facility providers such as cities and special
6 purpose districts to support the future land use pattern indicated by this plan.”
7
- 8 6. Objective CF 10.A “Assist school districts in developing capital facilities plans that
9 clearly depict levels of service and how they will serve existing and projected
10 student enrollments.”
11
- 12 7. Goal CF 11 “Water supply systems shall provide sufficient fire flow, as established
13 by county development regulations, in order to provide protection at a level of
14 service commensurate with the planned intensity of future development adopted in
15 the comprehensive plan.”
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- 17 8. Goal UT 2 “Work with provider agencies of Snohomish County to help ensure the
18 availability of a reliable, high quality water supply for all households and businesses
19 within the county in a manner that is consistent with the comprehensive plan and
20 protection of the natural environment.”
21
- 22 9. Goal UT 3 “Work with cities and special districts to produce coordinated wastewater
23 system plans for both incorporated and unincorporated areas within UGAs that are
24 consistent with the land use element and city plans.”
25
- 26 10. Goal UT 4 “Assist electric utility providers in fulfilling their public service obligations
27 through planning for adequate system capacity to accommodate forecasted growth
28 in a manner that is consistent with the comprehensive plan and protection of the
29 natural environment.”
30

31 H. Procedural requirements.

- 32
- 33 1. The proposal is a Type 3 legislative action under SCC 30.73.010.
34
- 35 2. The environmental impacts of this proposal are within the range of impacts analyzed
36 by the draft environmental impact statement (DEIS) and final environmental impact
37 statement (FEIS) during the update to the GMACP in 2015. No new probable
38 significant adverse environmental impacts from this ordinance have been identified.
39 Therefore, State Environmental Policy Act (SEPA) requirements with respect to this
40 non-project action have been met through issuance on September 7, 2018, of
41 Addendum No. 16 to the FEIS for the 2015 Comprehensive Plan Update.
42
- 43 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
44 transmitted to the Washington State Department of Commerce (“Commerce”) for
45 distribution to state agencies on August 30, 2018.
46
- 47 4. The public participation process used in the adoption of this ordinance has complied
48 with all applicable requirements of the GMA and the SCC.
49

1 5. The Washington State Attorney General last issued an advisory memorandum, as
2 required by RCW 36.70A.370, in December of 2015 entitled “Advisory
3 Memorandum: Avoiding Unconstitutional Takings of Private Property” to help local
4 governments avoid the unconstitutional taking of private property. The process
5 outlined in the State Attorney General’s 2015 advisory memorandum was used by
6 Snohomish County in objectively evaluating the regulatory changes proposed by
7 this ordinance.
8

9 I. This ordinance is consistent with the record as set forth in PDS staff reports relating to this
10 proposal dated August 10, 2018, and September 7, 2018.
11

12 Section 2. The County Council makes the following conclusions:
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- 14 A. The 2019-2024 CIP is consistent with and complies with the procedural and substantive
15 requirements of the GMA.
- 16
- 17 B. The 2019-2024 CIP is consistent with and implements the MPPs, CPPs, and GPP.
18
- 19 C. All SEPA requirements with respect to this non-project action have been satisfied.
20
- 21 D. This proposal does not result in an unconstitutional taking of private property for a public
22 purpose and does not violate substantive due process guarantees.
23

24 Section 3. The County Council bases its findings and conclusions on the entire record of the
25 Planning Commission and the County Council, including all testimony and exhibits. Any finding
26 which should be deemed a conclusion, and any conclusion which should be deemed a finding, is
27 hereby adopted as such.
28

29 Section 4. The 2019-2024 CIP, attached hereto as Exhibit A and incorporated by reference to this
30 ordinance, is hereby adopted as the six-year capital improvement program required by the GMA,
31 County Charter, MPPs, CPPs, SCC, and GPP based on the foregoing findings of fact and
32 conclusions.
33

34 Section 5. The 2019-2024 CIP adopted by this ordinance supersedes all other County capital
35 improvement programs. The 2019-2024 CIP shall control in the event of any inconsistency
36 between the 2019-2024 CIP and any other capital improvement program adopted by the County.
37

38 Section 6. Severability and Savings. If any section, sentence, clause or phrase of this ordinance
39 shall be held to be invalid or unconstitutional by the Growth Management Hearings Board (“Board”)
40 or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity
41 or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided,
42 however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by
43 the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect
44 prior to the effective date of this ordinance shall be in full force and effect for that individual section,
45 sentence, clause or phrase as if this ordinance had never been adopted.
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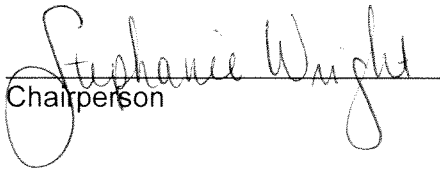
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2 Section 7. **Budget notes and conditions.**
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4 A. Budget Notes. The 2019-2024 Capital Improvement Program is adopted with the following
5 statements of County Council intent and requests for information or agency action:
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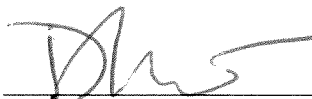
- 7 1. Use of REET 2 funds in future years for city partnership projects. Use of REET 2
8 funds in future years for city partnership projects in the Community Parks program as
9 set forth in the 2019-2024 Capital Improvement Program are subject to the availability
10 of REET 2 funds.
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12
13 PASSED this 19th day of November, 2018.
14

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16 SNOHOMISH COUNTY COUNCIL
17 Snohomish County, Washington
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19
20 
21 Chairperson
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23 ATTEST:


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26 _____
27 Clerk of the Council
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29 APPROVED
30 VETOED
31 EMERGENCY
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33
34 DATE: 11/20, 2018
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37 _____
38 Snohomish County Executive
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40 ATTEST:

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42 _____
43 Deputy Prosecuting Attorney
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D-16