

1 ADOPTED: 11/12/19  
2 EFFECTIVE: 11/28/19

3  
4 SNOHOMISH COUNTY COUNCIL  
5 SNOHOMISH COUNTY, WASHINGTON

6  
7 AMENDED ORDINANCE NO. 19-072

8  
9 RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING THE 2020-2025  
10 CAPITAL IMPROVEMENT PROGRAM AS PART OF THE SNOHOMISH COUNTY  
11 CAPITAL FACILITIES PLAN  
12  
13

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

18  
19 WHEREAS, Snohomish County (the "County") addresses this requirement by annually  
20 adopting a capital improvement program ("CIP") as an adjunct to its annual budget; and

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

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

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

34  
35 WHEREAS, on June 28, 1995, the Snohomish County Council (the "County Council") first  
36 adopted a capital facilities plan as required by the GMA, the 1995-2000 Capital Facilities Plan,  
37 along with other mandatory elements of Snohomish County's GMACP; and

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

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

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48 WHEREAS, the 2015 CFP identifies the following public capital facilities as necessary to  
49 support development: fire protection services, surface transportation, park land and recreational

1 facilities, surface water management, electric power, schools, public wastewater systems, and  
2 public water supply; and  
3

4 WHEREAS, Snohomish County Code (SCC) 4.26.024 requires the Snohomish County  
5 Executive, on an annual basis, to prepare a six-year capital improvement program for the next six  
6 fiscal years pursuant to the Snohomish County Charter (the "County Charter") and the GMA; and  
7

8 WHEREAS, section 6.50 of the County Charter requires the County Council to adopt a six-  
9 year CIP as an adjunct to the annual budget, including a balance of proposed expenses and  
10 potential revenue sources; and  
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12 WHEREAS, the six-year CIP is the document developed by the County to detail the funding  
13 sources for County capital projects over the next six years and assess whether funding sources  
14 and regulatory mechanisms are sufficient to maintain the minimum LOS for those capital facilities  
15 necessary to support development; and  
16

17 WHEREAS, on November 19, 2018, the County adopted the 2019-2024 Capital Improvement  
18 Program by Amended Ordinance 18-082, and has adopted regular updates to the capital  
19 improvement program since 1995; and  
20

21 WHEREAS, pursuant to the County Charter and the SCC, the County Council will review and  
22 update its six-year CIP concurrently with the 2020 budget process; and  
23

24 WHEREAS, on September 24, 2019, the Snohomish County Planning Commission (the  
25 "Planning Commission") held a public hearing to consider the County's 2020-2025 Capital  
26 Improvement Program ("2020-2025 CIP"); and  
27

28 WHEREAS, on September 24, 2019, the Planning Commission sent a letter that stated that at  
29 the conclusion of the public hearing, the Planning Commission voted to recommend approval of  
30 the 2020-2025 CIP; and  
31

32 WHEREAS, on November 12, 2019, the County Council held a public hearing to consider the  
33 Planning Commission's recommendations as well as public testimony on the 2020-2025 CIP; and  
34

35 WHEREAS, the County Council considered the 2020-2025 CIP, which is attached as Exhibit  
36 A, concurrently with the 2020 budget; and  
37

38 WHEREAS, the County Council considered the entire hearing record including the Planning  
39 Commission's recommendation and written and oral testimony submitted during the public  
40 hearings;  
41

42 NOW, THEREFORE, BE IT ORDAINED:  
43

44 Section 1. The County Council adopts the following findings in support of this ordinance:  
45

46 A. The foregoing recitals are adopted as findings as if set forth in full herein.  
47

48 B. The ordinance adopts the County's 2020-2025 CIP.  
49

1 C. The 2020-2025 CIP was developed for compliance with the following GMA requirements:  
2

3 1. RCW 36.70A.070(3) "A capital facilities plan element consisting of: (a) An inventory  
4 of existing capital facilities owned by public entities, showing the locations and  
5 capacities of the capital facilities; (b) a forecast of the future needs for such capital  
6 facilities; (c) the proposed locations and capacities of expanded or new capital  
7 facilities; (d) at least a six-year plan that will finance such capital facilities within  
8 projected funding capacities and clearly identifies sources of public money for such  
9 purposes; and (e) a requirement to reassess the land use element if probable  
10 funding falls short of meeting existing needs and to ensure that the land use  
11 element, capital facilities plan element, and financing plan within the capital facilities  
12 plan element are coordinated and consistent. Park and recreation facilities shall be  
13 included in the capital facilities plan element." The 2020-2025 CIP includes a six-  
14 year financing plan for all of the County's capital facilities. The 2020-2025 CIP also  
15 assesses the adequacy of funding and regulatory mechanisms for those public  
16 capital facilities necessary to support development to maintain their respective  
17 minimum level of service (LOS).  
18

19 2. GMA planning Goal 12 (RCW 36.70A.020(12)) "Public facilities and services.  
20 Ensure that those public facilities and services necessary to support development  
21 shall be adequate to serve the development at the time the development is available  
22 for occupancy and use without decreasing current service levels below locally  
23 established minimum standards." The 2020-2025 CIP specifies proposed funding  
24 sources for the planned capital facilities and contains a "statement of assessment"  
25 which addresses the need for a reassessment of land use or other comprehensive  
26 plan elements if there is a projected shortfall in revenue (between 2020 and 2025)  
27 that causes the LOS for a facility classified as necessary to support development to  
28 fall below the minimum level identified in the capital facilities plan. The statement of  
29 assessment portion of the 2020-2025 CIP finds that there are no funding shortfalls  
30 or regulatory inadequacies that would affect the ability to maintain the minimum LOS  
31 for those capital facilities necessary to support development.  
32

33 D. The 2020-2025 CIP was developed for consistency with Puget Sound Regional Council  
34 Vision 2040 Multicounty Planning Policies (MPP) including: MPP-PS-2 "Time and phase  
35 services and facilities to guide growth and development in a manner that supports the  
36 regional vision." The County's CFP and the 2020-2025 CIP align with the regional vision to  
37 direct growth into urban areas where adequate public infrastructure and services are  
38 available or can be provided in an efficient manner by establishing minimum LOS for those  
39 public capital facilities necessary to support development and by ensuring that adequate  
40 funding and regulatory mechanisms are in place to maintain those minimum LOS.  
41

42 E. The 2020-2025 CIP was developed for consistency with Snohomish County Countywide  
43 Planning Policy (CPP) PS-13 "Jurisdictions should adopt capital facilities plans, and  
44 coordinate with other service providers, to provide the appropriate level of service to  
45 support planned growth and development in Urban Growth Areas." The 2020-2025 CIP, a  
46 component of the County's CFP, is developed through a coordinated and collaborative  
47 process between the County and non-County service providers of public capital facilities  
48 such as schools, water and sewer infrastructure and services, and electric power.  
49

1 F. The 2020-2025 CIP was developed to comply with and implement the following County  
2 directives:

- 3
- 4 1. Section 6.50 of the County Charter "...The county council in considering the budget  
5 ordinance proposed by the county executive, may delete or add items, may reduce  
6 or increase the proposed appropriations and may add provisions restricting the  
7 expenditure of certain appropriations, provided that the county council shall adopt a  
8 six (6) year capital improvement program as an adjunct to the budget, including a  
9 balance of proposed expenses and potential revenue sources." The County's  
10 annual capital improvement program, including the 2020-2025 CIP, is considered  
11 and adopted as part of the annual budget.  
12
  - 13 2. SCC 4.26.024 "The executive shall on an annual basis prepare a capital  
14 improvement program for the next six fiscal years pursuant to the county charter  
15 and chapter 36.70A RCW." The County's annual capital improvement programs,  
16 including the 2020-2025 CIP, are developed for compliance with state and local  
17 requirements, and is considered and adopted as part of the annual budget.  
18
  - 19 3. GPP Objective CF 1.B "Develop a six-year financing program for capital facilities  
20 that meets the requirements of the GMA, achieves the county's levels-of-service  
21 objectives for county roads and is within its financial capabilities to carry out." The  
22 2020-2025 CIP contains: 1) an adequate financing plan for all County capital  
23 facilities, including those necessary to support development, 2) the minimum LOS  
24 for those capital facilities necessary to support development, including roads and  
25 transit, and 3) a statement of assessment that finds adequate funding and  
26 regulatory mechanisms in place to maintain the minimum LOS for those capital  
27 facilities necessary to support development.  
28

29 G. The 2020-2025 CIP will comply with and implement the following goals, objectives, and  
30 policies of the GPP because it is developed in coordination with other providers of public  
31 capital facilities and it provides: 1) a six-year financing plan for all County and non-County  
32 capital facilities that identifies the funding sources, projects, and schedule, and 2) an  
33 assessment of the adequacy of funding and regulatory mechanisms for those public capital  
34 facilities necessary to support development to maintain their established minimum LOS:  
35

- 36 1. TR Policy 7.A.5 "A locally and regionally coordinated six-year program shall be  
37 prepared that finances transportation improvements within projected funding levels  
38 and clearly identifies sources of public money."  
39
- 40 2. PR Policy 3.A.1 "Apply a level-of-service method to: monitor the level-of-service of  
41 park facilities necessary to support development; identify priority parks projects that  
42 are necessary to support development; and provide a basis for collecting and  
43 allocating park impact mitigation fees."  
44
- 45 3. Objective CF 6.A "Update the six-year CIP to include a capital program to efficiently  
46 provide quality work space for existing and projected future staffing levels through  
47 the year 2035."  
48

- 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.”  
16
- 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 9, 2019, of  
41 Addendum No. 19 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 received by the Washington State Department of Commerce (“Commerce”) for  
45 distribution to state agencies on August 28, 2019.  
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 September of 2018 entitled “Advisory  
3           Memorandum and Recommended Process for Evaluating Proposed Regulatory or  
4           Administrative Actions to Avoid Unconstitutional Takings of Private Property” to help  
5           local governments avoid the unconstitutional taking of private property. The process  
6           outlined in the State Attorney General’s 2018 advisory memorandum was used by  
7           Snohomish County in objectively evaluating the regulatory changes proposed by  
8           this ordinance.

9  
10          I. This ordinance is consistent with the record as set forth in PDS staff reports relating to this  
11          proposal dated August 6, 2019, and September 12, 2019.

12  
13       Section 2. The County Council makes the following conclusions:

- 14  
15          A. The 2020-2025 CIP is consistent with and complies with the procedural and substantive  
16          requirements of the GMA.  
17  
18          B. The 2020-2025 CIP is consistent with and implements the MPPs, CPPs, and GPP.  
19  
20          C. All SEPA requirements with respect to this non-project action have been satisfied.  
21  
22          D. This proposal does not result in an unconstitutional taking of private property for a public  
23          purpose and does not violate substantive due process guarantees.  
24

25       Section 3. The County Council bases its findings and conclusions on the entire record of the  
26       Planning Commission and the County Council, including all testimony and exhibits. Any finding  
27       which should be deemed a conclusion, and any conclusion which should be deemed a finding, is  
28       hereby adopted as such.  
29

30       Section 4. The 2020-2025 CIP, attached hereto as Exhibit A and incorporated by reference to this  
31       ordinance, is hereby adopted as the six-year capital improvement program required by the GMA,  
32       County Charter, MPPs, CPPs, SCC, and GPP based on the foregoing findings of fact and  
33       conclusions.  
34

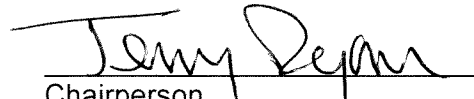
35       Section 5. The 2020-2025 CIP adopted by this ordinance supersedes all other County capital  
36       improvement programs. The 2020-2025 CIP shall control in the event of any inconsistency  
37       between the 2020-2025 CIP and any other capital improvement program adopted by the County.  
38

39       Section 6. Severability and Savings. If any section, sentence, clause or phrase of this ordinance  
40       shall be held to be invalid or unconstitutional by the Growth Management Hearings Board (“Board”)  
41       or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity  
42       or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided,  
43       however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by  
44       the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect  
45       prior to the effective date of this ordinance shall be in full force and effect for that individual section,  
46       sentence, clause or phrase as if this ordinance had never been adopted.  
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PASSED this 12<sup>th</sup> day of November, 2019.


SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
Chairperson


ATTEST:

  
Clerk of the Council

- APPROVED
- VETOED
- EMERGENCY

DATE: 11/18, 2019  
  
Snohomish County Executive

ATTEST:

  
Approved as to form only:  
  
Deputy Prosecuting Attorney