

1 ADOPTED: 11/25/24
2 EFFECTIVE: 12/23/24
3

4 SNOHOMISH COUNTY COUNCIL
5 SNOHOMISH COUNTY, WASHINGTON
6

7 AMENDED ORDINANCE NO. 24-081
8

9 RELATING TO THE GROWTH MANAGEMENT ACT, ADOPTING THE 2025-2030
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
14 to adopt, as part of a GMA comprehensive plan ("GMACP"), a capital facilities element that
15 includes a six-year plan providing for the financing of capital facilities within projected funding
16 capacities and clearly identifying sources of public money for such purposes; and
17

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

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

27 WHEREAS, GMACP Capital Facilities and Utilities Element Objective 1.B and associated
28 policies require the County to develop a six-year financing program for capital facilities that
29 meet the requirements of the GMA; and
30

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

35 WHEREAS, on August 19, 2024, the County Council began a public hearing to consider
36 updates to the GMACP, which includes reassessment and updates to the Land Use Element,
37 Transportation Element, Parks and Recreation Element, Capital Facilities and Utilities
38 Element, Future Land Use Map, and regulations and policies.
39

40 WHEREAS, the County Council continued the public hearing until December 4, 2024, and
41 anticipates adopting the 2024 GMACP at a public hearing prior to December 31, 2024; and
42

43 WHEREAS, the Capital Facilities and Utilities Element of the 2024 Comprehensive Plan
44 Update establishes minimum level of service ("LOS") standards for those capital facilities
45 necessary to support development and provides an inventory of capital facilities and a forecast
46 of future facility needs; and
47

AMENDED ORDINANCE NO. 24-081
RELATING TO THE GROWTH MANAGEMENT ACT,
ADOPTING THE 2025-2030 CAPITAL IMPROVEMENT
PROGRAM AS PART OF THE SNOHOMISH COUNTY
CAPITAL FACILITIES PLAN- 1

1 WHEREAS, the Capital Facilities and Utilities Element of the GMACP identifies the
2 following public capital facilities as necessary to support development: fire protection services,
3 surface transportation, park land and recreational facilities, surface water management,
4 electric power, schools, public wastewater systems, and public water supply; and
5

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

11 WHEREAS, section 6.50 of the Snohomish County Charter ("County Charter") requires
12 the County Council to adopt a six-year capital improvement program as an adjunct to the
13 budget, including a balance of proposed expenses and potential revenue sources; and
14

15 WHEREAS, section 4.26.024 of the Snohomish County Code (SCC) requires the County
16 Executive to annually prepare a six-year capital improvement program for the next six fiscal
17 years pursuant to the County Charter and the GMA; and
18

19 WHEREAS, on November 8, 2023, the County adopted the 2024-2029 Capital
20 Improvement Program by Amended Ordinance 23-120, and has adopted regular updates to
21 the capital improvement program since 1995; and
22

23 WHEREAS, on August 27, 2024, the Snohomish County Planning Commission (the
24 "Planning Commission") held a public hearing to consider the County's 2025-2030 Capital
25 Improvement Program ("2025-2030 CIP"); and
26

27 WHEREAS, on August 28, 2024, the Planning Commission sent a letter that stated that at
28 the conclusion of the public hearing, the Planning Commission voted to recommend approval
29 of the 2025-2030 CIP; and
30

31 WHEREAS, pursuant to the County Charter and the SCC, the County Council has reviewed
32 and will update its six-year CIP concurrently with the 2025 biennial budget process; and
33

34 WHEREAS, on November 25, 2024, the County Council held a public hearing to consider
35 the Planning Commission's recommendations as well as public testimony on the 2025-2030
36 CIP; and
37

38 WHEREAS, the County Council considered the 2025-2030 CIP, which is attached as
39 Exhibit A, concurrently with the 2025-2026 biennial budget; and
40

41 WHEREAS, the County Council considered the entire hearing record including the
42 Planning Commission's recommendation and written and oral testimony submitted during the
43 public hearings;
44

1
2 NOW, THEREFORE, BE IT ORDAINED:
3

4 Section 1. The County Council adopts the following findings in support of this ordinance:
5

6 A. The foregoing recitals are adopted as findings as if set forth in full herein.
7

8 B. The ordinance adopts the County's 2025-2030 CIP.
9

10 C. The 2025-2030 CIP was developed for compliance with the following GMA
11 requirements:
12

13 1. RCW 36.70A.070(3) "A capital facilities plan element consisting of: (a) An
14 inventory of existing capital facilities owned by public entities, including green
15 infrastructure, showing the locations and capacities of the capital facilities; (b) a
16 forecast of the future needs for such capital facilities; (c) the proposed locations
17 and capacities of expanded or new capital facilities; (d) at least a six-year plan
18 that will finance such capital facilities within projected funding capacities and
19 clearly identifies sources of public money for such purposes; and (e) a
20 requirement to reassess the land use element if probable funding falls short of
21 meeting existing needs and to ensure that the land use element, capital facilities
22 plan element, and financing plan within the capital facilities plan element are
23 coordinated and consistent. Park and recreation facilities shall be included in the
24 capital facilities plan element." The 2025-2030 CIP includes a six-year financing
25 plan for all of the County's capital facilities. The 2025-2030 CIP also assesses
26 the adequacy of funding and regulatory mechanisms for those public capital
27 facilities necessary to support development to maintain their respective minimum
28 level of service (LOS).
29

30 2. GMA planning Goal 12 (RCW 36.70A.020(12)) "Public facilities and services.
31 Ensure that those public facilities and services necessary to support
32 development shall be adequate to serve the development at the time the
33 development is available for occupancy and use without decreasing current
34 service levels below locally established minimum standards." The 2025-2030
35 CIP specifies proposed funding sources for the planned capital facilities and
36 contains a "statement of assessment" which addresses the need for a
37 reassessment of land use or other comprehensive plan elements if there is a
38 projected shortfall in revenue (between 2025 and 2030) that causes the LOS for
39 a facility classified as necessary to support development to fall below the
40 minimum level identified in the Capital Facilities Plan Element. The statement of
41 assessment portion of the 2025-2030 CIP finds that there are no funding
42 shortfalls or regulatory inadequacies that would affect the ability to maintain the
43 minimum LOS for those capital facilities necessary to support development.
44

45 D. The 2025-2030 CIP was developed for consistency with Puget Sound Regional Council
46 VISION 2050 Multicounty Planning Policies (MPP) including: MPP-PS-3 "Time and
47 phase services and facilities to guide growth and development in a manner that

1 supports the Regional Growth Strategy.” The County’s Capital Facilities and Utilities
2 Element and the 2025-2030 CIP align with the regional growth strategy to direct growth
3 into urban areas where adequate public infrastructure and services are available or can
4 be provided in an efficient manner by establishing minimum LOS for those public capital
5 facilities necessary to support development and by ensuring that adequate funding and
6 regulatory mechanisms are in place to maintain those minimum LOS.
7

- 8 E. The 2025-2030 CIP was developed for consistency with Snohomish County
9 Countywide Planning Policy (CPP) PS-15 “Jurisdictions should adopt capital facilities
10 plans, and coordinate with other service providers, to provide the appropriate level of
11 service to support planned growth and development in Urban Growth Areas.” The
12 2025-2030 CIP, a component of the County’s Capital Facilities and Utilities Element, is
13 developed through a coordinated and collaborative process between the County and
14 non-County service providers of public capital facilities such as schools, water and
15 sewer infrastructure and services, and electric power.
16
- 17 F. The 2025-2030 CIP was developed to comply with and implement the following County
18 directives:
19
- 20 1. Section 6.50 of the County Charter “...The county council in considering the
21 budget ordinance proposed by the county executive, may delete or add items,
22 may reduce or increase the proposed appropriations and may add provisions
23 restricting the expenditure of certain appropriations, provided that the county
24 council shall adopt a six (6) year capital improvement program as an adjunct to
25 the budget, including a balance of proposed expenses and potential revenue
26 sources.” The County’s biennial capital improvement program, including the
27 2025-2030 CIP, is considered and adopted as part of the biennial budget.
28
 - 29 2. SCC 4.26.024 “The executive shall on an annual basis prepare a capital
30 improvement program for the next six fiscal years pursuant to the county charter
31 and chapter 36.70A RCW.” The County’s annual capital improvement programs,
32 including the 2025-2030 CIP, are developed for compliance with state and local
33 requirements, were previously considered and adopted as part of the annual
34 budget, and will now be considered and adopted as part of the biennial budget.
35
 - 36 3. GPP Objective CF 1.B “Develop a six-year financing program for capital facilities
37 that meets the requirements of the GMA, achieves the county's levels-of-service
38 objectives for county roads and is within its financial capabilities to carry out.”
39 The 2025-2030 CIP contains: 1) an adequate financing plan for all County
40 capital facilities, including those necessary to support development, 2) the
41 minimum LOS for those capital facilities necessary to support development,
42 including roads and transit, and 3) a statement of assessment that finds
43 adequate funding and regulatory mechanisms in place to maintain the minimum
44 LOS for those capital facilities necessary to support development.
45

1
2 G. The 2025-2030 CIP will comply with and implement the following goals, objectives, and
3 policies of the 2024 Comprehensive Plan because it is developed in coordination with
4 other providers of public capital facilities and it provides: 1) a six-year financing plan for
5 all County and non-County capital facilities that identifies the funding sources, projects,
6 and schedule, and 2) an assessment of the adequacy of funding and regulatory
7 mechanisms for those public capital facilities necessary to support development to
8 maintain their established minimum LOS:
9

- 10 1. TR Policy 9.A.1 "A locally and regionally coordinated six-year Transportation
11 Improvement Program shall be prepared by the County that finances
12 transportation improvements within projected funding levels and clearly identifies
13 sources of public money."
14
- 15 2. Objective PR 7.A "Complete an annual "Statement of Assessment" for the
16 Snohomish County CIP to track current level of service for park classifications
17 and park facilities that are necessary to support development."
18
- 19 3. PR Policy 7.A.1 "The county shall apply a level of service method to: monitor the
20 level of service of park facilities necessary to support development; identify
21 priority parks projects that are necessary to support development; and provide a
22 basis for collecting and allocating park impact mitigation fees."
23
- 24 4. PR Policy 8.A.1 "The county should evaluate potential park acquisitions,
25 developments and renovations by considering the priorities identified in the Park
26 and Recreation Element, the Capital Improvement Program and emerging needs
27 identified by the Parks Division."
28
- 29 5. CUE Policy 1.A.9 "The County shall coordinate with providers of utilities, public
30 facilities, and public services on capital facility plans that are mutually supportive
31 and consistent with cities and County comprehensive plans."
32
- 33 6. Objective CUE 1.B "Document, monitor, and track all utilities, public facilities,
34 and public services that are required by the GMA."
35
- 36 7. CUE Policy 1.B.1 "The County shall establish a list of those utilities, public
37 facilities, and public services that are necessary to support urban and rural
38 development with associated level of service standards."
39
- 40 8. CUE Policy 1.B.2 "The County shall include, in its six-year capital improvement
41 program, a statement of assessment for those utilities, public facilities, and
42 public services deemed necessary to support development that evaluates the
43 adequacy of funding and current regulations in meeting the established level of
44 service standards, differentiating between urban and rural areas."
45

- 1 9. Objective CUE 3.A “Develop a six-year financing program for capital facilities
2 and services that meets the requirements of the GMA, achieves the County’s
3 levels-of-service objectives and is within its financial capabilities to carry out.”
4
- 5 10. CUE Policy 3.A.1 “The County shall prepare and adopt a six-year capital
6 improvement program (pursuant to the County Charter) that identifies projects,
7 outlines a schedule, and designates realistic funding sources for all County
8 capital projects.”
9
- 10 11. Objective CUE 7.A “Update the six-year Capital Improvement Program to
11 include a capital program to efficiently provide quality workspace for existing and
12 projected future staffing levels through the year 2044.”
13
- 14 12. Objective CUE 10.A “Assist school districts in developing capital facilities plans
15 that clearly depict levels of service and how they will serve existing and
16 projected student enrollments.”
17
- 18 13. CUE Policy 10.A.1 “The County shall review school district capital facility plans
19 and include subsequent periodic updates to determine whether they meet the
20 criteria contained in Appendix F of the County’s comprehensive plan. Those
21 district plans which meet the criteria as determined by the Planning and
22 Development Services Director will become a part of the County comprehensive
23 plan - subject to Council review.”
24
- 25 14. CUE Policy 13.B.1 “The County shall notify provider agencies of potential
26 inconsistencies between their system plans and the comprehensive plan and
27 shall work with them to find acceptable solutions.”
28
- 29 15. Objective CUE 14.A “Utilize wastewater system plans as a basis for orderly
30 development or expansion within UGAs in accordance with the Countywide
31 Planning Policies.”
32
- 33 H. Procedural requirements.
34
- 35 1. The proposal is a Type 3 legislative action under SCC 30.73.010.
36
- 37 2. The environmental impacts of this proposal are within the range of impacts
38 analyzed by the final environmental impact statement (FEIS) for the 2024
39 Comprehensive Plan Update. No new probable significant adverse
40 environmental impacts from this ordinance have been identified.
41
- 42 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
43 received by the Washington State Department of Commerce (“Commerce”) for
44 distribution to state agencies on August 15, 2024.
45
- 46 4. The public participation process used in the adoption of this ordinance has
47 complied with all applicable requirements of the GMA and the SCC.

1 5. The Washington State Attorney General last issued an advisory memorandum,
2 as required by RCW 36.70A.370, in September of 2018 entitled "Advisory
3 Memorandum and Recommended Process for Evaluating Proposed Regulatory
4 or Administrative Actions to Avoid Unconstitutional Takings of Private Property"
5 to help local governments avoid the unconstitutional taking of private property.
6 The process outlined in the State Attorney General's 2018 advisory
7 memorandum was used by Snohomish County in objectively evaluating the
8 regulatory changes proposed by this ordinance.
9

10 I. This ordinance is consistent with the record as set forth in PDS staff reports relating to
11 this proposal dated July 25, 2024, and August 15, 2024.
12

13 Section 2. The County Council makes the following conclusions:
14

- 15 A. The 2025-2030 CIP is consistent with and complies with the procedural and substantive
16 requirements of the GMA.
17
18 B. The 2025-2030 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
23 public 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,
28 is hereby adopted as such.
29

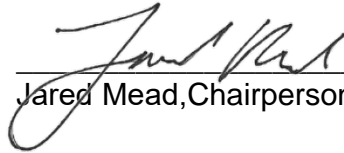
30 Section 4. The 2025-2030 CIP, attached hereto as Exhibit A and incorporated by reference to
31 this ordinance, is hereby adopted as the six-year capital improvement program required by the
32 GMA, County Charter, MPPs, CPPs, SCC, and GPP based on the foregoing findings of fact
33 and conclusions.
34

35 Section 5. The 2025-2030 CIP adopted by this ordinance supersedes all other County capital
36 improvement programs. The 2025-2030 CIP shall control in the event of any inconsistency
37 between the 2025-2030 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
41 ("Board") or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect
42 the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.
43 Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be
44 invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or
45 phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that
46 individual section, sentence, clause or phrase as if this ordinance had never been adopted.
47

1 PASSED this 25th day of November, 2024.

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3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

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8 
Jared Mead, Chairperson

9 ATTEST:

10 
11
12
13 Clerk of the Council

14
15 (X) APPROVED
16 () VETOED
17 () EMERGENCY

18
19
20
21 DATE: December 13, 2024

22 
23
24
25 Snohomish County Executive

26 ATTEST:

27 *Melissa Geraghty*
28

Approved as to form only:

Deputy Prosecuting Attorney