



STATE OF WASHINGTON  
DEPARTMENT OF COMMUNITY, TRADE  
AND ECONOMIC DEVELOPMENT

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March 26, 2004

Mr. Rick Cisar  
City Administrator/Planner  
319 Main Street, Suite 200  
Post Office Box 1199  
Sultan, Washington 98294

Re: Capital Facilities Plan

Dear Mr. Cisar:

This is in response to your request for a letter from our office addressing two questions for your City Council meeting on March 31, 2004.

**Can a capital facilities plan be adopted outside the update schedule for the comprehensive plan?**

The Growth Management Act (GMA) permits the amendment of the comprehensive plan no more than once per year so the cumulative effects of the proposed amendments can be ascertained. RCW 36.70A.130(2)(iii) does allow jurisdictions to amend a capital facilities plan when it occurs concurrently with the adoption or amendment of a county or city budget. This is not the situation in the City of Sultan.

The GMA sets out planning goals for jurisdictions to encourage urban development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner [RCW 36.70A.020(1)] and 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 [RCW 36.70A.020(12)].

The City of Sultan Urban Growth Area (UGA) expansion proposals require an analysis of the capital facilities needed to support those proposed UGA expansion areas. This analysis must occur concurrently with the review and consideration of a UGA expansion. This analysis needs

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to include: a forecast of future needs, the proposed location and capacities of expanded or new facilities, and at least a 6-year financing plan that will finance such capital facilities within projected funding capacities and clearly identify sources of public money for such purposes. If the City of Sultan is unable to fund the provisions of these services for the 6-year plan, the Land Use Element needs to be reassessed. In addition, the capital facilities plan, the Land Use Element, and the financing plan are required to be coordinated [RCW 36.70A.070(3)].

In addition, the GMA requires UGAs to be established first in areas already characterized by urban growth with adequate public facilities, then in areas already characterized by urban growth that can be provided with a combination of existing public facilities and services and additional new services and finally, as a last resort, those areas outside of area characterized by urban growth [RCW 36.70A.110(3)]. The Central Puget Sound Growth Management Hearings Board (CPSGMHB) stated in *Rural Residents* "Urban growth may be allocated to unincorporated areas that are not now characterized by urban growth only as a third rank order choice and only in unusual circumstances." [*Rural Residents v. Kitsap County*, No. 93-3-0010 (Final Decision and Order, June 3, 1994)].

The CPSGMHB has discussed the relationship between capital facilities planning and the Land Use Element. We highly recommend you review *Bremerton, et al v. Kitsap County*, No. 95-3-0039c (Final Decision and Order, October 6, 1995). You may find this case on the CPSGMHB Web page at <http://www.gmhb.wa.gov/central/>. In this case, the CPSGMHB included the following critical discussion on capital facilities plans.

"By the County's own admission, its plan does not include a complete Capital Facilities Element. The county asks that it be directed to adopt one on remand and, in the interim, be permitted to allow the balance of the plan to survive and function. This request indicates a fundamental lack of understanding of the necessity for a Capital Facilities Element and, indeed, all of the mandatory plan elements listed at RCW 36.70A.070, to be adopted simultaneously with the Land Use Element in order to have a comprehensive plan.

Although not defined by the Act, the word "comprehensive" is given GMA context by the definition of "comprehensive plan" at RCW 36.70A.030(4) and by the mandatory elements required in a comprehensive plan at RCW 36.70A.070. The county's plan is not comprehensive, in the GMA meaning of the term, because it is not complete. All of the mandatory requirements of a comprehensive plan must be fully complete at the time of plan adoption. [*WSDF I*, Final Decision and Order, at 14.] A comprehensive plan's Capital Facilities Element is inextricably linked to the Land Use Element. The two must be consistent. [RCW 36.70A.070(3)] The linkage between the two elements is what makes planning under the GMA truly comprehensive (i.e., complete, inclusive; connected) as compared to pre-GMA planning.

Jurisdictions cannot set land use policy without completing the necessary capital facilities analysis. **The Board holds that the lack of a fully completed capital facilities plan is more than a conceptual shortcoming — it is a fatal legal defect in the county's plan.**

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It alone is sufficient cause for the Board to find that the Land Use Element and every other component of the county's plan violates the requirements of the Act."

As we stated in our letter dated February 26, 2004, we suggest you not adopt your updated comprehensive plan until the CFP is complete. The process of expanding a UGA needs to be thoroughly evaluated in conjunction with the ability to provide adequate public facilities and services to the entire UGA.

**How do the provisions in RCW 36.70A.045 – Phasing of a comprehensive plan submittal – apply to the City of Sultan?**

The provisions of RCW 36.70A.045 do not apply to the City of Sultan. This section was intended for the initial adoption of comprehensive plans under the GMA. It is no longer relevant since all comprehensive plans are now amendments to those initially adopted plans.

I hope this answers your questions. If you have any further questions or concerns about our comments or any other growth management issues, please call me at (360) 725-3051 or Dave Andersen at (360) 725-3052. We extend our continued support to the City of Sultan in achieving the goals of growth management.

Sincerely,



Wendy Compton-Ring, AICP  
Senior Planner  
Growth Management Services

WCR:lw

cc: Dave Andersen, AICP, Planning and Review Team Manager, CTED