

IV. IMPLEMENTATION PROGRAMS

The following programs shall be implemented by December 31, 1998, or such earlier date as may be adopted by the County, to ensure that the goals and policies established in the Capital Facilities Plan will be achieved or exceeded, and that the capital improvements will be constructed. Each implementation program will be adopted by ordinance, resolution or executive order, as appropriate for each implementation program.

Review of Applications for Development Permits

The County shall amend its land development regulations to provide for a system of review of various applications for development permits which applications, if granted, would impact the levels of service of certain public facilities. Such system of review shall assure that no final development permit shall be issued which results in a reduction in the levels of service below the standards adopted in Policy 1.3.1 for certain public facilities. The land development regulations shall include, at a minimum, the provisions of Policy 3.3 in determining whether a development permit can be issued.

The land development regulations shall also address the circumstances under which public facilities may be provided by applicants for development permits. Applicants for development permits may offer to provide public facilities at the applicant's own expense in order to insure sufficient capacity of certain public facilities. Development permits may be issued subject to the provision of public facilities by the applicant subject to the following requirements:

A. The County and the applicant enter into an enforceable development agreement which shall provide, at a minimum, a schedule for construction of the public facilities and mechanisms for monitoring to insure that the public facilities are completed concurrent with the impacts of the development, or the development will not be allowed to proceed.

B. The public facilities to be provided by the applicant are contained in the schedule of capital improvements of the Comprehensive Plan and will achieve and maintain the adopted standard for levels of service concurrent with the impacts of development.

Impact Fees

Impact fee ordinances shall require the same standard for the level of service as is required by Policy 1.3.1., and may include standards for other types of public facilities not addressed under Policy 1.3.1. All impact fee ordinances necessary to support the financial feasibility of this element shall be adopted, or amended to the required standard for the level of service by July 1, 1998.

Annual Budget

The annual budget shall include in its capital appropriations all projects in the schedule of capital improvements that are planned for expenditure during the subsequent fiscal year.

Update of Capital Facilities Plan

The Capital Facilities Plan shall be reviewed and updated annually. The Plan shall be updated in conjunction with the budget process and the release of the official population estimates and projections by the Office of Financial Management of the State of Washington. The update shall include:

- A. Revision of population projections
- B. Update of inventory of public facilities
- C. Update of costs of public facilities
- D. Update of public facilities requirements analysis (actual levels of service compared to adopted standards)
- E. Update of revenue forecasts
- F. Revise and develop capital improvements projects for the next six fiscal years
- G. Update analysis of financial capacity
- H. Amendments to the CFP, including amendments to levels of service standards, capital projects, and/or the financing plan sources of revenue.

Concurrency Implementation and Monitoring System

The County shall establish and maintain Concurrency Implementation and Monitoring Systems. The Systems shall consist of the following components:

A. Annual Report on the Capacity and Levels of Service of Public Facilities. The report shall summarize the actual capacity of public facilities compared to the standards for levels of service adopted in Policies 1.3.1 and 1.3.2, and forecast the capacity of public facilities for each of the six succeeding fiscal years. The forecast shall be based on the most recently updated schedule of capital improvements in the Capital Facilities Plan. The annual report shall provide the initial determination of the capacity and levels of service of public facilities for the purpose of issuing development permits during the 12 months following completion of the annual report. Each application, will be analyzed separately for concurrency, as described in B, below.

B. Public Facility Capacity Review of Development Applications. The County shall use the procedures specified in Implementation Program 1, above, to enforce the requirements of Policy 3.3 at the time each application for development in the unincorporated area is reviewed. Reviews of applications for development within the County's boundary will be conducted according to the terms of interlocal agreement(s) between the County and municipalities within the County. Records shall be maintained during each fiscal year to indicate the cumulative impacts of all

development permits approved during the fiscal year-to-date on the capacity of public facilities as set forth in the most recent annual report on capacity and levels of service of public facilities.

The land development regulations of the County shall provide that applications for development permits that are denied because of insufficient capacity of public facilities may be resubmitted after a time period to be specified in the land development regulations. Such time period is in lieu of, and not in addition to, other minimum waiting periods imposed on applications for development permits that are denied for reasons other than lack of capacity of public facilities. Land development regulations shall require that development commence within a specified time after a development permit is issued, or the development permit shall expire, subject to reasonable extensions of time based on criteria included in the regulations.

C. Review of Changes to Planned Capacity of Public Facilities. The County shall review each amendment to this Capital Improvement Element, in particular any changes in standards for levels of service and changes in the schedule of capital improvements, in order to enforce the requirements of Policy 3.1.4.

D. Concurrency Implementation Strategies. The County shall annually review the concurrency implementation strategies that are developed to implement Policy 3.3 of this Capital Facilities Plan. Such strategies may include, but are not limited to, the following:

(1) Standards for levels of service may be phased to reflect the County's financial ability to increase public facility capacity, and resulting levels of service, from year to year. Standards for levels of service may be phased to specific fiscal years in order to provide clear, unambiguous standards for issuance of development permits. Phased standards will appear in Policy 1.3.

(2) Standards for levels of service may be applied according to the timing of the impacts of development on public facilities. Final development permits, which impact public facilities in a matter of months, are issued subject to the availability of public facilities prior to the issuance of the building permit (except roads and transit which must be available within 6 years of the final development permit).

Preliminary development permits may be issued subject to public facility capacity, but the capacity determination expires unless the applicant provides financial assurances to the County and obtains subsequent development permits before the expiration of the initial development permit. As an alternative, the determination of public facility capacity for preliminary development permits can be waived with an agreement that a capacity determination must be made prior to issuance of any final development permit for the subject property. Such a waiver specifically precludes the acquisition of rights to a final development permit as a result of the issuance of the preliminary development permit. (See Policy 3.3.3 a and b)

(3) Public facility capital improvements are prioritized among competing applications for the same amount of facility capacity according to the criteria in Policy 1.5.2.d. If any applications have to be deferred to a future fiscal year because of insufficient capacity of

public facilities during the current fiscal year, the applications to be deferred will be selected on the basis of rational criteria.

E. Capacity of Public Facilities for Development Permits Issued Prior to Adoption of the Plan. The County will "reserve" capacity of public facilities for development permits for proposed development projects already "in the pipeline" that were issued by the County prior to the adoption of this Comprehensive Plan.

The County will recognize legitimate and substantial vested development rights obtained with some previous development permits. The County will identify properties which have vested development rights pursuant to procedures to be adopted in the land development regulations. Properties not identified by the County as having vested development rights may petition for a determination of such rights.

The County will reserve capacity of public facilities to serve the needs of properties with vested development rights. In the event that there is not sufficient capacity to serve the vested properties, the County will create a "lien" on future capacity of public facilities in order to serve the vested property at the adopted level of service standard before allowing non-vested property to use future public facility capacity. In such circumstances, the vested development will be allowed to commence in order to avoid a "taking" of the vested rights.

The County intends to require vested properties to commence development and to continue in good faith in order to maintain the "reservation" of capacity of public facilities which are provided by the County. The County also intends to evaluate the timing and estimated density/intensity of vested properties in order to phase the reservation of capacity to meet the probable needs of such properties. Experience indicates that some vested development permits are not used to the maximum allowable uses, densities or intensities, or reach such development limits over extended periods of time.

The County finds that it is not necessary to automatically "reserve" capacity of public facilities for non-vested development permits issued prior to the adoption of the plan. Such development permits should be subject to the concurrency requirement. The County finds that the population forecasts that are the basis for this plan are a reasonable prediction of the absorption rate for development, and that the capital facilities which are planned to serve the forecast development are available for that absorption rate. Reserving public facility capacity for non-vested previously issued development permits would deny new applicants access to public facilities, and would arbitrarily enhance the value of dormant development permits.

Evaluation Reports

Evaluation reports will address the implementation of the goals and policies of the Capital Facilities Plan. The monitoring procedures necessary to enable the completion of evaluation include:

A. Review of Annual Reports of the Concurrency Implementation and Monitoring System.

B. Review of Annual Updates of this Capital Facilities Plan, including updated supporting documents.

Contractor Performance System

The County has developed a system of monitoring the actual performance of contractors who design and/or construct public facilities for the County. The monitoring system tracks such items as actual vs. planned time schedule, and actual vs. bid cost. The performance of contractors are considered when the County awards contracts for public facilities.