

## Washington State Department of Community, Trade and Economic Development Capital Facility Planning Laws

### Relevant Laws:

The specific requirements for the Capital Facility Element are set forth in:

(RCW 36.70A.030 Comprehensive plans - **Mandatory elements**

Section (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 are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element."

WAC 365-195-315 Capital facilities element provides a little more clarification:

(2) "**Recommendations for meeting requirements.** The capital facilities element should serve as a check on the practicality of achieving other elements of the plan. The following steps are recommended in preparing the capital facilities element:

(a) Inventory of existing capital facilities showing locations and capacities, including an inventory of the extent to which existing facilities possess presently unused capacity. Capital facilities involved should include water systems, sanitary sewer systems, storm water facilities, schools, parks and recreational facilities, police and fire protection facilities.

(b) The selection of levels of service or planning assumptions for the various facilities to apply during the planning period (twenty years or more) and which reflect community goals.

(c) A forecast of the future needs for such capital facilities based on the levels of service or planning assumptions selected and consistent with the growth, densities and distribution of growth anticipated in the land use element.

(d) The creation of a six-year capital facilities plan for financing capital facilities needed within the time frame. Projected funding capacities, are to be evaluated, followed by the identification of sources of public or private funds for which there is reasonable assurance of availability. The six-year plan should be updated at least biennially so that financial planning remains sufficiently ahead of the present for concurrency to be evaluated.

(e) The needs for capital facilities should be dictated by the phasing schedule set forth in the land use element.

(f) Provision should be made to reassess the land use element and other elements of the plan periodically in light of the evolving capital facilities plan. If the probable funding for capital facilities at any time is insufficient to meet existing needs, the land use element must be reassessed. At the same time funding possibilities and levels of

service might also be reassessed. The plan should require that as a result of such reassessment, appropriate action must be taken to ensure the internal consistency of the land use and capital facilities portions of the plan. The plan should set forth how, if at all, pending applications for development will be affected while such reassessment is being undertaken.

In addition to the capital facilities element, GMA also requires a separate element for transportation facilities. The transportation element (RCW 36.70A.070 (6)) has requirements similar to those of the capital facility element quoted above, although stated differently. The transportation element requires a financial plan which includes:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the six-year improvement program developed by the department of transportation as required by RCW 47.05.030 ;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met.

RCW36.70A.070(6) includes transit facilities as a part of the transportation element:

(iii)(B) "Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated."

(C) "For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. the purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the department of transportation's six-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes..."

### **GMA Planning Goals:**

Two major public policy objectives are reflected in the capital facility provisions of the GMA: to reduce the costs of serving new development with public facilities; and to ensure that public facilities will be available at the time of development.

GMA Planning Goal 12 places emphasis on ensuring that new development will be served by adequate public facilities as new development occurs: (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.

To implement these planning goals, GMA requires comprehensive plans to include a capital facility element, also referred to as a capital facility plan (CFP). Since the Act requires all comprehensive plan elements to be consistent, this CFP must be integrated with the land use element, as well as the other elements of the comprehensive plan.

**Definitions:**

RCW 36.70A.030 defines "Public facilities" as;

"streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools."

"Public services" are defined as; "fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services."

WAC 365-195-210 Definitions of terms as used in this chapter:

"Transportation facilities' includes capital facilities related to air, water or land transportation."

"Concurrency' means that adequate public facilities are available when the impacts of development occur. This definition includes the two concepts or 'adequate public facilities' and of 'available public facilities' as defined above."

"Adequate public facilities' means facilities which have the capacity to serve development without decreasing levels of service below locally established minimums."

"Available public facilities means that facilities or services are in place or that a financial commitment is in place to provide the facilities or services within a specified time. In the case of transportation, the specified time is six years from the time of development."