plan; the 75% actually came from the Board at a staff session workshop when the draft plan was first introduced.

Commissioner Caldwell added that his reading of the document stated that all of it would have to go to facilities which would be a shift of major expenses over to current expense.

Referring to page 5 to the $100,000 a year through 1994 set aside for drainage facility construction, Commissioner Colby was not aware drainage was being considered in the capital facilities plan, rather understood drainage/stormwater issues would be addressed in some other fashion. Mr. Kwarsick noted that one of the action recommendations in the planning element under capital revenues included the recommendation that the Board evaluate the possible establishment of a county wide drainage district; because competition for the $900,000, it is identified as being an unfunded activity. Commissioner Colby agreed that drainage needed to be addressed through other funding sources, other than the 1/4 of 1% real estate excise tax.

While Commissioner Caldwell felt this was a good working document he acknowledged it quite clearly had no significant input from the Board. It was incredible to him that a document of such magnitude came to the Board, approved by the Planning Commission, as an amendment to the comprehensive plan, with the Board having almost no flexibility to change anything. Specific problems identified were:

First Section
-page 2 (next to the last bullet) "capital Improvement Plan can help ensure that existing facilities are maintained and repaired or replaced before they fail" was not carried out in the list of projects, yet should be the number one priority (such as the two animal shelters which are not adequate; housing of county staff moving from temporary to permanent facility; improving the court)

- bottom of page 3 and top page 4--intent correct but language incorrect because it states that any level of service standards that came to be adopted should be used to evaluate existing development; therefore, since this is part of the comprehensive plan, an opponent of a project could argue that because level of service standards have not yet been adopted, the project could be held up until it is adopted.

-paragraph 4 (top page 5) statement of personal philosophy has no business in the document.

-action recommendations following on page 5 - 8 completely backwards and unacceptable; process to be followed in this plan should identify the minimal list of critically needed facilities, then see whether there is a basis for funding

-top page 9, no definition of what is meant by the statement that the County should create and implement fiscal evaluation and monitoring process

- section 5 - listing of projects with specific dollar amounts, all of the language following (on the policies) beginning with 3 at the bottom of page 10 should be deleted. Paragraph 3 needlessly restricts this and future boards in their decision making ability; the only restrictions on use of the capital facilities should be those imposed by law and accounting regulations.

-discussion of vehicles totally inappropriate in this document or the Comprehensive Plan.

Responding to a question from the Chair on clarifying on page 6, item 3, last sentence, Mr. Kwarsick stated this was an attempt to reconcile how much of the real estate excise tax that is presumed to finance capital facilities and improvements for the whole community is used for minor capital equipment types of activities (i.e. computers). Staff and Planning Commission recommend 100% of the cap-

ital facilities real estate money be used for capital facilities, improvements or construction.

Commissioner Caldwell asked the Deputy Prosecuting Attorney, David L. Jamieson, Jr., to describe the implication of the Board adopting this as an element of the comprehensive plan.

It was stated by Mr. Jamieson that his reading of the Growth Management Act indicated this to be a very important capital facilities plan aspect of the GMA because of the concept called concurrency, meaning that in order to manage growth, the County must make sure there are capital facilities available to handle the new growth and the new development.

There are some other aspects of concurrency, such as the requirement there be available potable water; transportation levels of service that cannot be exceeded; cannot approve developments that degrade ground water quality; and the taxing chapter, 82.02 of WAC requires that counties and cities ensure that adequate facilities are available to serve new growth and development. Also, the capital facilities plan, unlike other aspects of comprehensive plans developed under the planning enabling act, requires a financing plan. The Board can only spend the real estate excise taxes imposed, the new one spent solely on these capital facilities identified in the plan, and the old tax used primarily for capital facilities identified in the plan. The Washington Supreme Court recently ruled on what "primarily" meant in terms of the taxing statute: "as much as is possible to accomplish what the purpose is". Rolled into this plan are pre-existing commitments the Board made for the first 1/4 of 1% real estate excise tax, and it is very important that be there.

Also important to the concurrency aspect is that once the comprehensive plan of the GMA is adopted, the Board will have to adopt the regulations to enforce that within one year. Development regulations have to be consistent with the comprehensive plan and the County is required to make capital budget decisions in conformity with the comprehensive plan.

As far as what an "interim plan" means in terms of a comprehensive plan amendment, Mr. Jamieson stated that interim in this sense was being used with the idea that the Board would revisit this and perhaps change it. The word interim is not used in the GMA, but it does contemplate this would be updated once every year. In terms of how the Board might go about changing some recommendations made by the Planning Commission, Mr. Jamieson pointed out that the process was dictated by the Planning Enabling Act. If the Board wants to change anything from what the Planning Commission recommended, the Board needs to identify specifically what changes it wants to consider, and remand the matter back to the Planing Commission with those specific items the Board wishes them to reconsider, and the Planning Commission would hold a hearing or hearings for public input and discussion, and make a recommendation back to the Board whether they believe those changes should be adopted. At that time if the Commission recommends the Board adopt the changes, the Board could adopt same; if not, then the Board could hold its own public hearing and following that, could adopt the changes proposed. Mr. Jamieson pointed out there was a specific procedure under the Planning Enabling act for considering comprehensive plans and amendments to comprehensive plans different than considering changes to official controls.

Responding to a question from the Chairman concerning the projects listed under the schedule to be accomplished in 1992, whether or not the Board could opt not to do one or more, Mr. Jamieson stated it would be within the Board's purview to opt not to do a project, but would have to leave that amount in the fund and could not spend it for something else; this identifies the projects with estimates of cost; not necessarily tied to that amount of money, it could be more or less. As far as the numbers, adopting the plan does not commit just to that amount, but does commit to the projects.