

PROPOSED BY: Planning & Development Services
INTRODUCTION DATE: _____

ORDINANCE NO. _____

**ADOPTING AMENDMENTS TO THE
WHATCOM COUNTY COMPREHENSIVE PLAN
SIX-YEAR CAPITAL IMPROVEMENT PROGRAM**

WHEREAS, The Whatcom County Planning Commission held a public hearing and issued recommendations on the proposed amendments; and

WHEREAS, The County Council considered Planning Commission recommendations; and

WHEREAS, The County Council held a public hearing; and

FINDINGS OF FACT AND REASONS FOR ACTION

Background Information

1. The proposal is to amend the Whatcom County Comprehensive Plan as follows:
 - a. Adopting the new Seven-Year Capital Improvement Program (CIP) for Whatcom County Facilities 2025-2031 (Appendix F of the Whatcom County Comprehensive Plan).
 - b. Repealing the existing Six-Year CIP for Whatcom County Facilities 2023-2028.
2. Notice of the subject amendments was submitted to the Washington State Department of Commerce on August 7, 2024.
3. A Determination of Non-Significance was issued under the State Environmental Policy Act (SEPA) by the Responsible Official on August 19th, 2024.
4. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on September 25, 2024.
5. Notice of the Planning Commission hearing was posted on the County website on October 2, 2024.
6. Notice of the Planning Commission hearing was sent to citizens, media, cities

and others on the County's e-mail list on October 2, 2024.

7. The Planning Commission held a public hearing on the subject amendments on October 10, 2024.
8. Pursuant to WCC 22.10.060(1), in order to approve the proposed comprehensive plan amendments, the County must find all of the following:
 - a. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.
 - b. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.
 - c. The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
 - i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.
 - ii. The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
 - iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.
 - d. The amendment does not include or facilitate spot zoning.

Growth Management Act

9. The Growth Management Act (GMA) establishes planning goals in RCW 36.70A.020 to guide adoption of comprehensive plan amendments.
10. GMA planning goal # 12 is to "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)).

-
11. The subject amendments update the Seven-Year CIP for Whatcom County Facilities for the 2025-2031 planning period. Updating the CIP is one step in the process of planning regional facilities provided by the County to serve the people of Whatcom County.
 12. The GMA, at RCW 36.70A.070(3), requires that a comprehensive plan must include 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.
 - 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, and financing plan within the capital facilities plan element are coordinated and consistent.
 13. The Seven-Year CIP for Whatcom County Facilities contains an inventory of existing facilities, a forecast of future needs based upon the level of service standards adopted in the Whatcom County Comprehensive Plan and/or other relevant factors, proposed capital facility projects, costs and funding sources.
 14. Existing Comprehensive Plan Policy 4A-4 addresses the GMA requirement to reassess the land use element if probable capital facility funding falls short.

County-Wide Planning Policies

15. County-Wide Planning Policy K-1 indicates that, as part of the comprehensive planning process, the County must identify appropriate land for public facilities that meets the needs of the community including recreation, transportation and human service facilities.
16. The Seven-Year CIP identifies County park, trail, activity center, transportation and other improvements as contemplated by the County Wide Planning Policies.

Interlocal Agreements

17. Existing interlocal agreements between Whatcom County and the cities indicate that the County will consult with the appropriate city in planning new road construction projects within the city's urban growth area. The interlocal agreements also address joint planning for parks.
18. The County Engineer confirmed on August 7, 2024 that the County sends a copy of the six-year transportation improvement program to cities and coordinates projects with the applicable city. The Whatcom County Parks Director confirmed on August 12, 2024 that the County Parks' staff maintains a working relationship with appropriate staff from cities on joint park projects and planning. Therefore, the type of cooperation envisioned by the interlocal agreements is occurring.

Further Studies/Changed Conditions

19. The Whatcom County Comprehensive Plan calls for an update of the Six-Year CIP for County facilities every other year. Specifically, Policy 4B-1 is to:

Maintain and update, on at least a biennial basis, a six-year capital improvement program (CIP) that identifies projects, outlines a schedule, and designates realistic funding sources for all county capital projects based on a review of population and revenue conditions existing at that time.
20. A revised CIP has been formulated for County owned or operated facilities, which presents improvement projects over the new seven-year planning period.

Public Interest

21. The Seven-Year CIP for Whatcom County Facilities 2025-2031 is based upon anticipated population growth over the seven-year planning period and other relevant factors. Therefore, the proposal should complement the County's growth and development plans.
22. The Seven-Year CIP for Whatcom County Facilities will have a positive impact on the County's ability to provide public facilities by planning ahead for such facilities.
23. The goal of the Seven-Year CIP for Whatcom County Facilities is to plan for County owned or operated parks, trails, activity centers, maintenance and operations, general government buildings and sites, Sheriff's Office, emergency management, adult corrections, juvenile detention, transportation, and stormwater facilities to serve the people of Whatcom County. Planning for such County facilities is in the public interest.

Spot Zoning

24. The subject proposal does not involve rezoning property.

CONCLUSION

The subject Whatcom County Comprehensive Plan amendments are consistent with the approval criteria in WCC 22.10.060.

RECOMMENDATION

Based upon the above findings and conclusions, Whatcom County Planning Commission recommends :

1. Approval of Exhibit A, the Seven-Year Capital Improvement Program for Whatcom County Facilities 2025-2031 (Appendix F of the Whatcom County Comprehensive Plan).
2. Repealing Exhibit B, the Six-Year Capital Improvement Program for Whatcom County Facilities 2023-2028.
3. Section 3. Adjudication of invalidity of any of the sections, clauses, or provisions of this ordinance shall not affect or impair the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this _____ day of _____, 2024.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:

Cathy Halka, Council Clerk

Barry Buchanan, Council Chair

APPROVED as to form:
Denied

() Approved ()

George Roche, Civil Deputy Prosecutor

Satpal Sidhu, Executive

Date: _____