



# Whatcom County

COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010

## Agenda Bill Master Report

File Number: AB2021-381

---

<b>File ID:</b>	AB2021-381	<b>Version:</b>	1	<b>Status:</b>	Adopted
<b>File Created:</b>	06/21/2021	<b>Entered by:</b>	DBrown@co.whatcom.wa.us		
<b>Department:</b>	Council Office	<b>File Type:</b>	Ordinance		
<b>Assigned to:</b>	Council			<b>Final Action:</b>	07/27/2021
<b>Agenda Date:</b>	07/27/2021			<b>Enactment #:</b>	ORD 2021-048

---

Primary Contact Email: DBrown@co.whatcom.wa.us

### TITLE FOR AGENDA ITEM:

Ordinance adopting Whatcom County Comprehensive Plan amendments concerning the Lummi Island Ferry, modifying Policy 6A-1 relating to ferry level of service and deleting Policy 6C-9 relating to a ferry feasibility study

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

This ordinance would amend the Whatcom County Comprehensive Plan concerning the Lummi Island Ferry. The proposal would modify Policy 6A-1 relating to ferry level of service and delete Policy 6C-9 relating to a ferry feasibility study.

This proposal was forwarded by Council on May 7, 2019, to be considered with other proposed Comprehensive Plan amendments (see AB2019-223). Per Whatcom County Code 2.02.115, because the ordinance was not adopted within 120 days of its original introduction date, it must be reintroduced, notice of introduction republished, and at least 13 days elapsed before the ordinance can come up for final consideration by the Council.

---

### HISTORY OF LEGISLATIVE FILE

---

Date:	Acting Body:	Action:	Sent To:
11/07/2018	Council	FORWARDED FOR CONCURRENT REVIEW	Council
06/29/2021	Council	INTRODUCED	
		Aye: 7	Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner
		Nay: 0	

**Agenda Bill Master Report Continued (AB2021-381)**

---

Absent: 0

07/27/2021 Council

ADOPTED

Aye: 7 Browne, Buchanan, Byrd, Donovan, Elenbaas, Frazey, and Kershner

Nay: 0

Absent: 0

---

**Attachments:** Staff Memo, Proposed Ordinance, Proposed Exhibit A, Planning Commission Findings, Code and RCW Language Related to Concurrent Review

**ORDINANCE NO. 2021-048**

**ADOPTING AMENDMENTS TO THE  
WHATCOM COUNTY COMPREHENSIVE PLAN  
RELATING TO THE LUMMI ISLAND FERRY**

**WHEREAS,** The Lummi Island Ferry Advisory Committee proposed modifications to the Whatcom County Comprehensive Plan relating to the Lummi Island ferry; and

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

**WHEREAS,** The County Council considered the Lummi Island Ferry Advisory Committee and Planning Commission recommendations; and

**WHEREAS,** The County Council hereby adopts the following findings of fact:

**FINDINGS OF FACT**

**Background Information**

1. The subject amendments to the Whatcom County Comprehensive Plan (Chapter 6, Transportation) are summarized as follows:
  - a. Amending Policy 6A-1 relating to Lummi Island ferry level of service.
  - b. Deleting Policy 6C-9 relating to a ferry feasibility study.
2. Notice of the subject amendments was submitted to the Washington State Department of Commerce on December 12, 2018.
3. Notice of the Planning Commission hearing was sent to citizen, media, and other groups on the County's e-mail list on January 9, 2019.
4. Notice of the Planning Commission hearing was posted on the County website on January 10, 2019.
5. Notice of the Planning Commission hearing was published in the Bellingham Herald on January 11, 2019.

6. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on January 11, 2019.
7. The Planning Commission held a public hearing on the subject amendments on January 24, 2019.
8. Pursuant to WCC 22.10.060(1), in order to approve 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 # 3 is to "Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans" (RCW 36.70A.020(3)).

11. 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)).
12. The GMA, at RCW 36.70A.070(3), requires that a comprehensive plan must include, among other things, a forecast of the future needs for such capital facilities. The level of service provides a basis to project future needs.

### **County-Wide Planning Policies**

13. County-Wide Planning Policy A-2 states that the County ". . . shall provide opportunities for citizens to become involved in the growth management planning process through various mechanisms, such as surveys, public workshops, meetings, hearings, and advisory committees. . ."

### **Interlocal Agreements**

14. There are no interlocal agreements that would prevent the subject amendments.

### **Further Studies/Changed Conditions**

15. The Lummi Island Ferry Advisory Committee was established by WCC 2.145 (adopted in 2012) to advise the County on a number of issues:
  - a. Review and provide recommendations on proposed changes to ferry operations and fares; and
  - b. Review at least annually ferry revenue and expenditures, ferry fund balance, and actual versus targeted fare return; and
  - c. Assist the county in collecting information from ferry riders on actual and desired ferry services, concerns, and ideas for improved service; and
  - d. Analyze and develop recommendations to continue and improve the cost effective operation of ferry service to Lummi Island; and
  - e. Research, review, and make recommendations regarding ferry replacement, long-term planning, parking, transportation to and from ferry docks, alternative docking locations, alternative funding sources, and other major capital and operational issues regarding ferry service to Lummi Island.
16. The Lummi Island Ferry Advisory Committee proposed modifications to Comprehensive Plan Policy 6A-1 relating to ferry level of service.

17. The *Lummi Island Ferry System Level of Service Alternatives Analysis Final Report* (July 5, 2018) was prepared by KPFF Consulting Engineers, Steer Davies Gleave, Elliott Bay Design Group, and Progressions. Therefore, Comprehensive Plan Policy 6C-9, relating to a ferry feasibility study, will be deleted because the study is complete.
18. The Whatcom County Council endorsed the Lummi Island Ferry Advisory Committee recommendations by approval of Resolution 2018-026 on July 24, 2018.

### **Public Interest**

19. The subject Comprehensive Plan amendments relating to level of service standards are intended to facilitate ferry service that meets future community needs. These amendments were developed with the advice of the Lummi Island Ferry Advisory Committee, which considered public input at meetings and through surveys.
20. The subject Comprehensive Plan amendments address the provision of adequate ferry service in the future. Planning for such service is in the public interest.

### **Spot Zoning**

21. 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.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

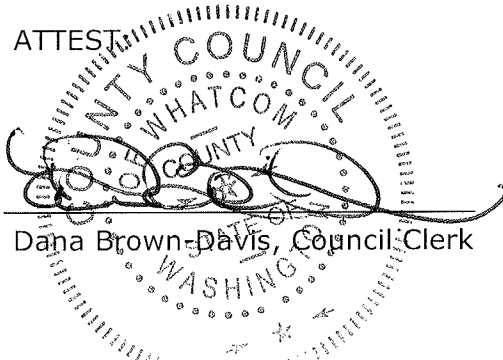
Section 1. The Whatcom County Comprehensive Plan (Chapter 6, Transportation) is hereby amended as shown on Exhibit A.

Section 2. 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 27th day of July, 2021.

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

ATTEST



Dana Brown-Davis, Council Clerk

Barry Buchanan, Chairperson

APPROVED as to form:

Approved ( ) Denied

/s/ Karen Frakes, approved electronically  
Civil Deputy Prosecutor

Satpal Sidhu  
Satpal Sidhu, Executive

Date: 7/29/21

# Exhibit A

## Whatcom County Comprehensive Plan Amendments

---

### Chapter 6 (Transportation)

Ferry service to Lummi Island does not comprise an arterial or transit route; therefore it is not subject to concurrency under GMA. It is, however, the only point of access for Lummi Island. For the purposes of future infrastructure planning, a LOS standard ~~for the Lummi Island ferry based on an estimate of the available passenger trips per capita Lummi Island population is established in Policy 6A-12. (See Lummi Island Ferry LOS methodology in Appendix J).~~

Policy 6A-1: Establish the following levels of service (LOS) for purposes of maintaining transportation concurrency:

- The Level of Service (LOS) standard for county arterials and major collectors located outside of urban growth areas during weekday p.m.-peak hours is C or better, except for specified primary routes as shown on Map 6-3, which shall have a LOS of D or better.
- The LOS standard for county arterials and major collectors within urban growth areas not associated with cities during weekday p.m. peak hours is D or better, which may be reduced for concurrency evaluation purposes in accordance with Policy 6A-4.
- The LOS standard for county arterials and major collectors within city urban growth areas weekday during p.m. peak hours is D or better, which may be reduced for concurrency evaluation purposes in accordance with Policy 6A-4.
- Coordinate with Whatcom Transportation Authority to ensure adequate transit service, in accordance with the level of service standards established in its current strategic plan.
- Public Works shall establish a performance metric to monitor service performance of the Lummi Island ferry system. This will include a week long count at least every quarter in both sailing directions. This count will include percent capacity, on-time performance, and the number of vehicles left in the queue. The count shall be compared to the desired level of service of no more than two sailing waits during average weekday peak periods.

~~The Lummi Island Ferry Advisory Committee (LIFAC) is cooperating with Public Works to develop an updated LOS standard. LIFAC will present a revision to this section when~~



~~that work is complete. The interim LOS is calculated using the scheduled trips, the estimated car unit of the ferry, and the Small Area Estimates Program (SAEP) population figure. The interim standard is established at 439. (LOS = (Scheduled one-way trips X estimated car units for the boat) X 2 / SAEP population figure from OFM for Lummi Island.)~~

~~Policy 6C-9: Conduct a ferry feasibility study to inform the next annual Comprehensive Plan update so that sufficient planning, engineering, design and cost detail is available to use in competing for grants and other sources of funding for a replacement ferry. LIFAC should provide input on the scope of work and any consultants or vendors retained, as well as reviewing and providing input on key milestones.~~

*NOTE: Re-number existing Policy 6C-10 to 6C-9*