

WHATCOM COUNTY PLANNING COMMISSION

Repeal the Cherry Point Ferndale Subarea Plan and Delete a Reference to the Subarea Plan in the Whatcom County Comprehensive Plan

FINDINGS OF FACT AND REASONS FOR ACTION

1. The subject amendments include:
 - a. Deleting text in the Whatcom County Comprehensive Plan relating to the Cherry Point Ferndale Subarea Plan.
 - b. Repealing the Cherry Point Ferndale Subarea Plan (1981).
2. Notice of the subject amendments was submitted to the Washington State Department of Commerce on April 3, 2018.
3. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on April 23, 2018.
4. Notice of the Planning Commission hearings for the subject amendments was posted on the County website on June 26, 2018 and October 18, 2021.
5. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on June 29, 2018 and October 15, 2021.
6. Notice of the Planning Commission hearing was sent to the County's e-mail list on July 3, 2018 and October 18, 2021.
7. The Planning Commission held public hearings on the subject amendments on July 12, 2018 and October 28, 2021.
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) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080 ("Comprehensive plans – Optional elements").
- 10. However, the GMA requires that subarea plans must be consistent with a county's comprehensive plan. Specifically, RCW 36.70A.080(2) states: "A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan."
- 11. The Cherry Point Ferndale Subarea Plan was adopted in 1981, prior to enactment of the GMA in 1990. The Whatcom County Comprehensive Plan was adopted in 1997 and subsequently amended from time to time.

County-Wide Planning Policies

- 12. The County-Wide Planning Policies do not require the County to retain old subarea plans.

Interlocal Agreements

13. There are no interlocal agreements relating to the Cherry Point Ferndale Subarea Plan.

Further Studies/Changed Conditions

14. The GMA, adopted in 1990, included a requirement to designate Urban Growth Areas (UGAs). The 1981 Cherry Point Ferndale Subarea Plan does not address UGAs.
15. The GMA was amended in 1997 to include criteria for limited areas of more intensive rural development (LAMIRDs). The 1981 Cherry Point Ferndale Subarea Plan does not address LAMIRDs.
16. The Whatcom County Comprehensive Plan utilizes a planning horizon of 2036. The 1981 Cherry Point Ferndale Subarea Plan utilized a 15-year planning period (which ended in 1996).
17. The Whatcom County Comprehensive Plan contains population projections through the year 2036. The 1981 Cherry Point Ferndale Subarea Plan contains population forecasts through the year 2000.
18. The 1981 Cherry Point Ferndale Subarea Plan contains density policies that are not consistent with the Whatcom County Zoning Code.
19. The 1981 Cherry Point Ferndale Subarea Plan is inconsistent with the Whatcom County Comprehensive Plan. Specifically, the Subarea Plan does not address UGAs, contains different land use designations, is inconsistent with the Comprehensive Plan's rural element, has a different planning period, and contains different population projections.
20. Changed conditions including enactment of the GMA, adoption of the Whatcom County Comprehensive Plan, and the passage of time warrant repealing the 1981 Cherry Point Ferndale Subarea Plan.

Public Interest

21. Repealing the 1981 Cherry Point Ferndale Subarea Plan will serve the public interest by removing a plan that is inconsistent with the Whatcom County Comprehensive Plan. Removing a reference to the Subarea Plan in the Whatcom County Comprehensive Plan is consistent with repealing the Subarea Plan.

Spot Zoning

22. The subject proposal does not involve rezoning property.

CONCLUSION

The subject comprehensive plan amendments, which include repealing the Subarea Plan, are consistent with the approval criteria of WCC 22.10.060.

RECOMMENDATION

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

1. Approving Exhibit A, Whatcom County Comprehensive Plan Amendment; and
2. Repealing Exhibit B, the Cherry Point Ferndale Subarea Plan.

WHATCOM COUNTY PLANNING COMMISSION



Kelvin Barton, Chair



Tammy Axlund, Secretary

10-28-2021
Date

10/28/2021
Date

Commissioners voted to recommend approval on October 28, 2021 (vote was 7-1 with 1 member absent). Members present at the meeting when the vote was taken: Robert Bartel, Kelvin Barton, Atul Deshmane, Jim Hansen, Kimberley Lund, Jon Maberry, Natalie McClendon, and Dominic Mocerri.