

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2009-064

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:			RECEIVED JAN 06 2009 WHATCOM COUNTY COUNCIL	1-13-09	Introduction
Division Head:				1/27/09	P&D / Council
Dept. Head: David Stalheim	<i>DS</i>	1-2-09		5/12/2009	Council
Prosecutor:	<i>RS</i>	1-2-09			
Purchasing/Budget:					
Executive:	<i>PR</i>	1-6-09			

TITLE OF DOCUMENT:
Ordinance amending Whatcom County Comprehensive Plan, Chapter Four, Capital Facilities.

ATTACHMENTS:
Ordinance

SEPA review required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> NO SEPA review completed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> NO	Should Clerk schedule a hearing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> NO Requested Date:
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SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: *(If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)*

Ordinance amending Chapter Four, Capital Facilities, of the Whatcom County Comprehensive Plan. Amendments would allow the county to adopt by reference capital facility plans of other public entities for water, sewer, fire protection, storm water, schools, parks and recreation facilities. Amendments would adopt the capital facility plans for Bellingham, Ferndale and Lynden School Districts.

COMMITTEE ACTION:
 1/27/2009: Forwarded to Council for approval for concurrency

COUNCIL ACTION:
 1/13/2009: Introduced
 1/27/2009: Council Approved forwarding to concurrency 7-0
 5/12/2009: Council Adopted 7-0
 Ord. 2009-038

Related County Contract #:	Related File Numbers:	Ordinance or Resolution Number: Ord. 2009-038
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Please Note: *Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.*

SPONSORED BY: Consent

PROPOSED BY: PDS

INTRODUCTION DATE: 1/13/09

ORDINANCE NO. 2009-038

**AMENDING WHATCOM COUNTY COMPREHENSIVE PLAN
CHAPTER FOUR, CAPITAL FACILITIES**

WHEREAS, the Washington State Legislature, with the passage of the Growth Management Act, has removed previously enacted restrictions and authorized the imposition of development of impact fees as an additional source of funding for common school facilities, in addition to local tax revenues and state grants from the common school construction fund;

WHEREAS, the Washington State Legislature, through Chapter 82.02 RCW, authorizes cities and counties planning under GMA to impose impact fees on development activity as part of the financing for public facilities to help ensure that adequate facilities are available to serve new growth and development;

WHEREAS, new residential development resulting from forecasted population growth will create additional demand for public school facilities;

WHEREAS, while the general community benefits from new public facilities and should continue to pay the majority of facility costs, it is appropriate to require new development to pay its proportionate share of the cost of new facilities;

WHEREAS, the Whatcom County Council adopted Ordinance No. 2007-067 adding a new chapter to Title 20, School Impact Fees;

WHEREAS, the Planning Commission held a public hearing on December 11, 2008 and have forwarded amendments to Chapter 20.75 for Whatcom County Council consideration;

WHEREAS, the Planning Commission held a public hearing on December 11, 2008 and have forwarded amendments to Chapter Four, Capital Facilities that would adopt by reference capital facility plans of other public entities for water, sewer, fire protection, storm water, schools, parks and recreation facilities;

WHEREAS, the Planning Commission held a public hearing on December 11, 2008 and have forwarded amendments to Chapter Four, Capital Facilities that adopt the capital facility plans for Bellingham, Ferndale and Lynden School Districts;

WHEREAS, the County Council enters the following findings of fact and conclusions of law:


1. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on December 8, 2008.
2. Notice of the Planning Commission hearing for the subject amendment was posted on the County's website on December 3, 2008.
3. Notice of the Planning Commission hearing for the subject amendment was published in the Bellingham Herald on November 30, 2008.
4. The Planning Commission held a public hearing on the subject amendment on December 11, 2008.
5. RCW 82.02.050(2) authorizes counties that plan under RCW 36.70A.040 to impose impact fees on development activity as part of funding for public facilities, provided that there is a balance between impact fees and other sources of public funds. RCW 82.02.090(7) defines public facilities to include "(a) public streets and roads; (b) publicly owned parks, open space, and recreation facilities; (c) school facilities; and (d) fire protection facilities in jurisdictions that are not part of a fire district."
6. RCW 82.02.050(4) requires that impact fees may be collected and spent only for public facilities addressed by a capital facilities element of a comprehensive plan.
7. County-Wide Planning Policy L-1 encourages the county and cities to adopt fair and reasonable impact and/or mitigation fee ordinances to ensure that new growth pays its fair share of the cost of capital facilities, such as transportation improvements, parks, and schools.
8. County-Wide Planning Policy L-2 states the county and cities shall work with their school districts to develop impact fee formulas as appropriate to the district's capital needs.
9. Whatcom County Code 20.75.060(1) states, "A school district becomes eligible to receive school impact fees once the county adopts the school district's six-year capital facilities plan (CFP)."
10. Whatcom County Code 20.75.080(3) requires that school district capital facilities plans contain certain information, including facility needs and financing plans over a six-year period, student enrollment projections, and a methodology for calculation of impact fees.
11. The Bellingham, Ferndale, Lynden, and Mount Baker School Districts have sent to Whatcom County Planning and Development Services their adopted capital facilities, which include proposed amounts for the impact fees.
12. PDS staff has reviewed the capital facilities plans and finds that the Bellingham, Ferndale, and Lynden School District capital facilities plans meet the requirements of 20.75.080(3).
13. RCW 82.02.060(2) authorizes local ordinances to exempt low-income housing and other development activities with broad public purposes from impact fees.
14. WAC 365-195-850(4) recommends jurisdictions exempt low-income housing from impact fees.
15. The subject comprehensive plan amendment complies with the approval criteria of WCC 20.10.080 for comprehensive plan amendments, and is in the public interest
16. The subject zoning code amendments comply with the goals, policies, and objectives of the comprehensive plan, and is in the public interest

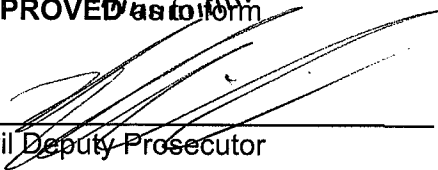
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

Section 1. Whatcom County Comprehensive Plan Chapters Four, Capital Facilities, is 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 12th day of May, 2009.

ATTEST

Dana Browns Davis,
Clerk of the Council

APPROVED 
Civil Deputy Prosecutor

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**


Seth Fleetwood, Council Chair

Approved Denied


Pete Kremen, County Executive

Date: 5-14-09

Chapter Four
CAPITAL FACILITIES

INTRODUCTION

Capital facilities as defined here, and for purposes of the plan, include all facilities owned by Whatcom County and other public entities, used directly or indirectly to serve the public interest. These Capital facilities typically have long useful lives, significant costs, and are not mobile. Whatcom County capital facilities include buildings, land, parks, and roads.

Capital facilities provided by other public entities may be included in this plan by reference. Those capital facility plans that may be adopted by reference include plans for water, sewer, fire protection, storm water, schools, parks and recreation facilities. Whereas some jurisdictions are also purveyors of public services such as water and sewer, Whatcom County currently is not and therefore has no capital facilities related to them.

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GOAL 4M: Enable school districts to receive impact fees to fund a proportionate share of system improvements reasonably related to new development by adopting into this plan their capital facilities plans and establishing interlocal agreements with the districts to collect and transfer funds.

Policy 4M-1: The capital facilities plan for the Bellingham School District, adopted by the district on March 25, 2004, is adopted into the comprehensive plan by reference.

Policy 4M-2: The capital facilities plan for the Ferndale School District, adopted by the district on December 23, 2005, is adopted into the comprehensive plan by reference.

Policy 4M-3: The capital facilities plan for the Lynden School District, adopted by the district on June 29, 2006, is adopted into the comprehensive plan by reference.

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