
**WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES
STAFF REPORT**

I. OVERVIEW

File # PLN2009-00013

File Name: Six-Year Capital Improvement Program (CIP) Amendments

Applicant: Whatcom County Administrative Services

Requested Action:

The proposal is for a Comprehensive Plan amendment to the 2009-2014 Six-Year Capital Improvement Program (CIP). The amendment would facilitate updates to Sheriff Facilities in Point Roberts.

Reason for Request:

Currently the Sherriff's in Point Roberts are renting housing on private property in Point Roberts for office space. The proposed amendment if approved would allow for Real Estate Excise Tax (REET) funds to be used to repair/replace two mobile homes located on County owned property at 430 South Beach Rd, the two mobile homes had previously been used as Sheriff's office space. After the updates to the facilities are completed the Sherriff's will end their use of the rented property and return to the Whatcom County owned facilities.

Administrative services plans to use REET money for the updates to the sheriff facilities. RCW 82.46.035(3) states "Revenues generated from the tax imposed under subsection (2) of this section shall be used by such counties and cities solely for financing capital projects specified in a capital facilities plan element of a comprehensive plan." The proposed Comprehensive Plan amendment is necessary to amend the Six-Year CIP to allow for REET money to be used on the project.

Recommendation:

Staff recommends approval for the Comprehensive Plan amendments.

II. BACKGROUND

This project was originally scheduled for 2007 however; rental housing units on private property were utilized instead. The Sheriff has again requested, and Council approved (ASR2009-2010), repair and replacement of the two county-owned mobile home units used for Sherriff facilities in Point Roberts.

III. ANALYSIS

Description and Analysis of Comprehensive Plan Proposed Amendments

The proposal would add the Point Robert's Sheriff Facilities project along with the associated costs into the Six-Year CIP.

Discussion:

WCC Evaluation Criteria

The following analysis evaluates the amendments in relation to approval criteria for comprehensive plan amendments (WCC 2.160.080).

(1) The amendment conforms to the requirements of the Growth Management Act (GMA), is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.

The proposed amendment is for consistency with the GMA. RCW 36.70A.070(3) of the GMA requires a Capital Facilities element be incorporated into the Comprehensive Plan, and a six-year plan that will finance the capital facility projects. The Six-Year CIP is required to identify the source of the public money used for the projects. The proposed amendment to the Six-Year CIP is for consistency with the GMA and RCWs.

The proposed amendment has no inconsistencies with any of the County Wide Planning Policies or any interlocal agreements.

(2) Further studies made or accepted by the department of planning and development services and planning commission indicate a need for the amendment or that changed conditions indicate a need for the amendment.

Updates to the Pt. Roberts Sheriff facilities were originally scheduled for 2007, but the project was delayed. The Sheriff's department applied for additional funds from the Whatcom County Council in 2009 which was approved. Therefore, the amendment to the CIP is necessary to allow these projects to proceed.

(3) 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:

(a) The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the Comprehensive Plan.

Updates to these facilities will have no effect upon the rate or distribution of population, growth, employment growth, development, and conversion of land as envisioned in the Comprehensive Plan.

(b) The anticipated effect upon 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.

There will be adverse no effect on service providers and public or transportation facilities.

(c) Anticipated impact upon designated agricultural, forest and mineral resource lands

There are no anticipated impacts to agricultural, forest or mineral resource lands.

(4) The amendment does not include nor facilitate illegal spot zoning.

The amendment does not rezone property nor facilitate illegal spot zoning.

5. Urban growth area amendments that propose the expansion of an urban growth area boundary shall be required to acquire development rights from a designated TDR sending area.

The criteria of this section do not apply to this Comprehensive Plan amendment. This amendment does not expand the boundaries of an Urban Growth Area.

III. PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION

1. A Comprehensive Plan amendment application was submitted by Whatcom County Administrative Services. The application was received by Whatcom County Planning and Development Services on June 24, 2009.
2. In accordance with RCW 36.70A.106 Whatcom County provided the Department of Community Trade and Economic Development (CTED) with 60-Day notice of the intent to adopt a Comprehensive Plan amendment.
3. On July 11, 2009 Whatcom County received acknowledgement from CTED of Whatcom County's intent to adopt a Comprehensive Plan amendment.
4. Resolution 2009-044 was approved by the Whatcom County Council on July 21, 2009. This resolution added to the docket an amendment to the Six-Year Capital Improvement Program regarding updates to the Pt. Roberts Sherriff facilities.
5. The Six-Year CIP was adopted in Ordinance 2008-056 on December 9, 2008.
6. A Determination of Non-Significance was issued by the Whatcom County SEPA official on August 8, 2008 for the adoption of the 2009-2014 Whatcom County Six-Year Capital Improvement Program.

7. No SEPA determination was issued for this amendment. The Whatcom County SEPA official determined that the amendment to the Six-Year CIP is minor in nature and does not require additional environmental review.
8. A legal notice of the Whatcom County Planning Commission Public Hearing was published October 11, 2009 in the Bellingham Herald.
9. A Whatcom County Planning Commission Public Hearing was held October 22, 2009.

IV. PROPOSED CONCLUSIONS

The subject amendment is consistent with the approval criteria of WCC 20.160.080 and serves the public interest.

V. RECOMMENDATION

Staff recommends approval of Exhibit A, the proposed Comprehensive Plan amendments. This recommendation is based on the findings and conclusions identified by staff in the staff report.

Attachments:
Exhibit A – Comprehensive Plan Amendment