

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Dan Taylor	DJT	02/01/94		2/8/94	Council Introduction
Division Head: Dan Taylor	DJT			3/1/94	Council Hearing
Dept. Head: Nate Brown	NB			4/12/94	Planning & Development
Prosecutor:				5/24/94	Council
Purchasing/Budget:					
Executive:					

SUBJECT: An Ordinance adopting Interim Urban Growth Areas in accordance with the Growth Management Act as amended

ATTACHMENTS: Proposed Ordinance
 Agency Report with attached Staff Report
 Draft Planning Commission Minutes
 IUGAs and Interim Zoning Draft and Final EIS {available in Council Office}
 Sumas Supplemental Draft and Final EIS {available in Council Office}

*Please review correspondence in our file. New documents arrive daily. - ee
 ← on file.*

SUMMARY STATEMENT: Please complete sections of box as appropriate & explain the item below.

Related County contract #: n/a	Should Clerk schedule a hearing? NO /X/ YES / / Requested date:
Amount budgeted for this item/project: \$ n/a	Is it (or will it be) within budget? YES / / NO / / (Please explain below) n/a
Budget line item number(s): n/a	

The attached ordinance adopts Interim Urban Growth Areas (IUGAs) which were supposed to be adopted by October 31, 1993. The Planning Commission accepted the staff recommendation in general to treat the IUGAs as planning areas and basically accept the Cities' proposed boundaries with little analysis. The Commission did, however, delete agricultural land from Everson and Lynden's proposed IUGAs. The Commission also did not accept the additional area requested by Sumas. These Cities have indicated they would like a hearing to present their own case.

If Council chooses to have a hearing, it may wish to limit the focus to the three Cities, unless it intends to get into a detailed analysis of all of the boundaries.

ORIGINATOR'S RECOMMENDED ACTION: The Director of Planning and Development Services recommends Council accept the Planning Commission recommendation and adopt the proposed ordinance.

COMMITTEE ACTION TAKEN:

4/12/94:

COUNCIL ACTION TAKEN:

- 2/8/94 Council Introduction
- 3/1/94: Council request Planning staff to do an Environmental Impact Statement. Will bring back when EIS is done.
- 5/24/94: Council adopted the ordinance, with amendments

Related File Numbers: Ordinance or Resolution Number (this item only): 94--033

1 WHEREAS, the Planning Commission held a public hearing on the proposal on
2 November 17 and continued the hearing to November 30, 1993, which included interim
3 urban growth boundaries and interim zoning for Lake Whatcom; and

4 WHEREAS, the Planning Commission held the written record open until December
5 21, 1993; and

6 WHEREAS, the Planning Commission held a work session on January 12, 1994 and
7 after due deliberation and consideration of all testimony approved the staff Findings,
8 Conclusions, and Recommendation with additional conditions and with deletion of
9 agricultural area from the boundaries of the Cities of Everson and Lynden urban growth
10 areas; and

11 WHEREAS, the Planning Commission did not accept the additional area for Sumas;
12 and

13 WHEREAS, the Council at a public hearing on March 1, 1994, reviewed the
14 Planning Commission recommendation and requested the Planning Division to prepare a
15 supplemental Environmental Impact Statement (EIS) for property requested, by prior written
16 submissions or by testimony before the Planning Commission, for inclusion into the Interim
17 Urban Growth Areas; and

18 WHEREAS, the County Planning Division prepared a second draft supplemental EIS
19 on March 23, 1994, including such petition areas, along with all other Rural Residential
20 (RR) zoned areas for consistency, and issued a Final EIS on May 16, 1994; and

21 WHEREAS, the Council held three public hearings on the revised Interim Urban
22 Growth Areas proposal on April 21 in Ferndale, April 28 in Nooksack, and May 3, 1994, in
23 Bellingham; and

1 WHEREAS, the Council found the proposed IUGAs in the best interest of the public
2 health, safety, and welfare; and

3 WHEREAS, the Council found several additional amendments to be necessary in
4 order to be reasonably consistent with and to implement the Growth Management Act (GMA)
5 and County Wide Planning Policies (CWPP); and

6 WHEREAS, the Council has adopted the following Findings and Conclusions:

7 Findings

- 8 1. All of the Cities in Whatcom County have proposed Interim Urban Growth Areas
9 (IUGA).
- 10 2. The City of Bellingham is using its current urban service area established in 1985 as
11 sufficient until planning work can be completed leading to final boundaries.
- 12 3. The other six Cities have submitted Interim Urban Growth Areas which reflect their
13 best planning to date.
- 14 4. Together, the Cities indicated their proposed IUGAs provide adequate area to serve
15 the projected population for Whatcom County in accordance with the requirements of
16 the Growth Management Act and the adopted County-wide Planning Policies, but only
17 during the period prior to adoption of final UGA boundaries.
- 18 5. The County has proposed IUGAs not associated with Cities by including all of the
19 Urban zones in the County plus a loosely defined special study area along the Guide
20 Meridian. Other special areas having RR or Rural (R) zoning will be studied.
21 Designation of these additional areas as special areas is consistent with the legislative
22 intent, definitions and UGA requirements of the GMA, mainly because of:
 - 23 a) proximity to areas characterized by urban growth;
 - 24 b) adopted land use plans and zoning which allow moderate to urban
25 density development;
 - 26 c) much of the existing development is urban in character; adequate public
27 facilities and services either exist, are officially planned, or are feasible

1 without substantial public cost; and

2 d) reasonably compact shape and rational boundaries.

3 These additional special areas are identified in Exhibit A1.

4 6. These special areas not associated with cities reflect areas which could be considered,
5 or are urban in character. However, they do not address some areas with a Rural
6 Residential zoning which might be considered to have potential urban character, such
7 as small, outlying rural places such as Custer and Maple Falls. Nor do they address
8 Interim Urban Zones on the Lummi Reservation.

9 7. Present or future annexation of IUGAs or final UGAs is not a requirement of either
10 the GMA or County Wide Planning Policies (CWPP). Cities are not forced to annex,
11 and some property owners and/or residents may never choose to petition for or
12 support annexation.

13 8. The IUGAs proposed by the Cities would remove 3,273 acres of Agriculturally zoned
14 land from consideration as areas of long term agricultural significance. They remove
15 additional acres of land zoned Rural but which is being productively farmed and/or
16 has prime agricultural soils.

17 9. The IUGAs proposed by the Cities also include significant gravel resource areas,
18 flood hazard areas, and wetlands.

19 10. The nature of Whatcom County is such that if Cities need to expand their boundaries,
20 they must, of necessity, include some resource lands or lands containing critical areas.

21 11. The County-wide Policies address the need for compromise. However, it is not clear
22 that the Cities have as yet planned for in-filling and more intense development that is
23 in keeping with the goals of the Growth Management Act and the County-wide
24 Policies.

25 12. Bellingham and the County's proposed IUGAs left questions unanswered about areas
26 which have a Residential Rural zoning but appear by any normative standard to be
27 Urban in character.

28 13. The Growth Management Act does not define "urban character" nor has it been
29 defined locally as yet.

30 14. More information is needed for the County to adequately determine the final UGAs.

- 1 15. The nature of the IUGAs and the present zoning and development patterns and
2 regulations in Whatcom County adequately protects rural and natural resource areas
3 which lay outside the proposed IUGAs.
- 4 16. Existing zoning within the proposed IUGAs together with other development
5 regulations prevents development which could preclude logical urban development
6 patterns, whether annexation occurs or not.

7 Conclusions

- 8 1. The IUGAs meet the applicable objectives of the Growth Management Act and the
9 County-Wide Planning Policies.
- 10 2. Sufficient information is lacking at this time to make sound final UGA judgements,
11 but the planning presently underway should clarify the issues when permanent
12 boundaries are to be established.
- 13 3. Interim development regulations to implement IUGAs are unnecessary.
- 14 4. The Special Areas described in Exhibit C should be further studied prior to adoption
15 of the final UGAs.

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

17 Section 1. The Interim Urban Growth Areas as presented in the attached maps (Exhibits
18 A) be accepted with the following considerations:

- 19 a) The County will oppose any annexation by a city outside the boundaries of an
20 IUGA until the IUGA has been amended or replaced by a final UGA.
- 21 b) The IUGAs are recognized primarily as more definitive planning areas and any
22 annexations proposed within the boundaries will be reviewed with the same
23 scrutiny as if the IUGA did not exist.
- 24 c) The IUGAs will not be interpreted as overriding any existing plan policies,
25 zoning test or zoning maps in the review of development proposals or for any
26 other purpose.
- 27 d) Any property being proposed as one site for the purposes of a Planned Unit

1 Development (PUD) approval, portions of which lie both within and outside of
2 interim urban growth boundaries, will be considered as entirely within the
3 boundaries for purposes of the PUD approval.

4 e) The attached, proposed list of topics (Exhibit B), while not an exclusive list,
5 indicates areas of concern to the County which will be used in determining
6 final UGAs.

7 f) The attached list of Special Areas (Exhibit C) shall be further studied prior to
8 adoption of the final UGAs.

9 Section 2. Areas of special study are identified in Exhibit A1.


10 Section 3. No interim development regulations associated with IUGAs be created, as
11 existing zoning is substantially in compliance with the Growth Management act and ensures
12 the controls necessary relative to development within and outside UGAs.

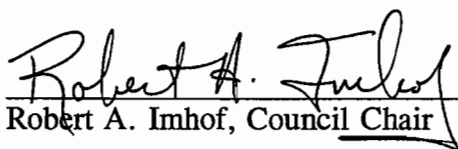
13 Section 4. Adjudication of invalidity of any of the sections, clauses, or provisions of this
14 Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part
15 thereof other than the part so declared to be invalid.

16 ADOPTED this 24th day of May, 1994.

17
18 ATTEST:

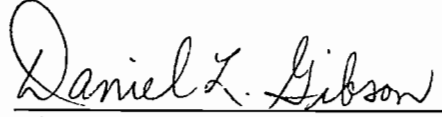
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

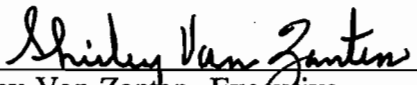
19 
20 Ramona Reeves, Council Clerk


Robert A. Imhof, Council Chair

21 APPROVED AS TO FORM:

Approved () Denied

22 
23 Daniel L. Gibson
24 Civil Deputy Prosecutor


Shirley Van Zanten, Executive
Date: 6-8-94

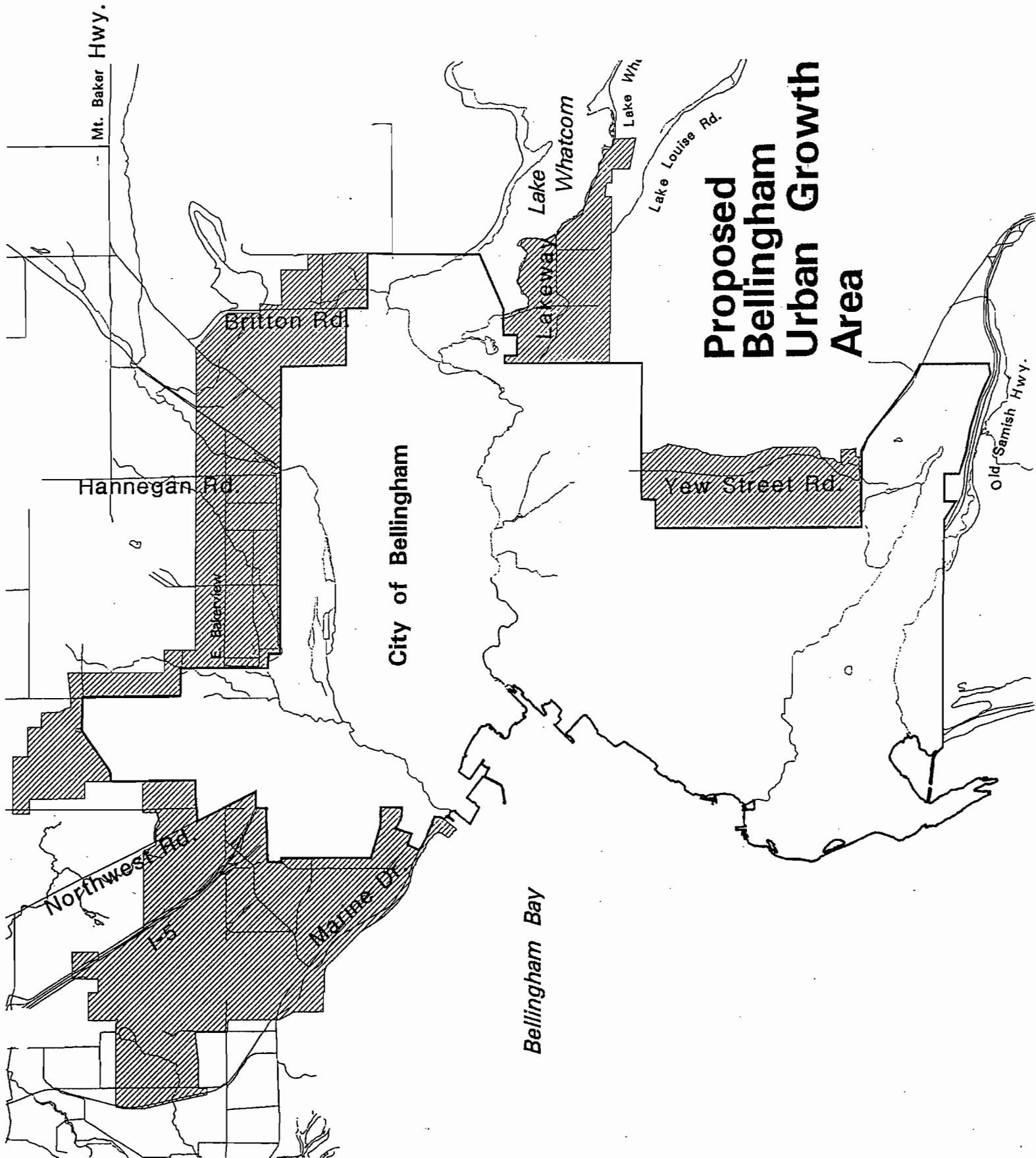


EXHIBIT B
PRELIMINARY LIST OF TOPICS TO BE ADDRESSED
FOR COUNTY ADOPTION OF FINAL UGAs

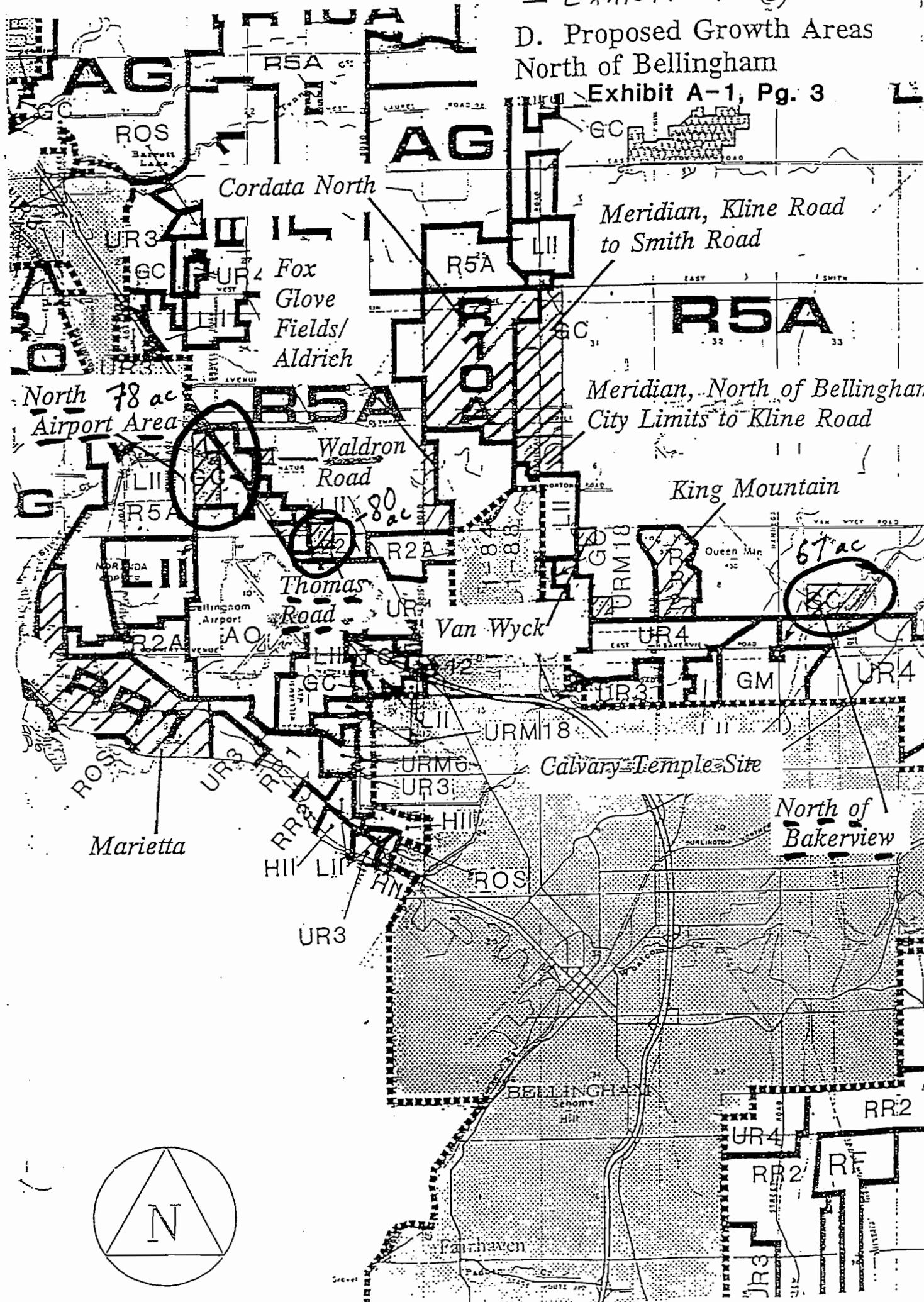
1. How proposed growth areas conform to the:
 - GMA Goals
 - Procedural Criteria
 - County-wide Planning Policies
 - Values Statement
2. When agricultural or mineral resource lands are incorporated within the UGA, how they will be protected to provide maximum utilization until urbanization is necessary.
3. When the UGA abuts designated resource lands of long term commercial significance, how the impact of urban growth on the resource lands will be minimized.
4. Prior to establishing final UGA boundaries, "urban" and "urban character" need to be defined and level of service issues resolved. At this stage of planning, Bellingham is choosing not to include established low density residential areas in its UGA, whereas Ferndale is including a similar area in its IUGA. There are many issues involved, including capital facilities planning. The County needs to have a clearer position on these transitional areas.
5. For the smaller Cities with limited staff, in addition to capital facilities planning, evidence will be needed of the capability of accommodating growth in terms of adequate review.
6. Blaine will need to demonstrate its ability to deal with wetlands and how it proposes to handle its aquifer recharge area if the City chooses to continue to annex eastward. If the Category I wetland, north of H Street, is included within the final boundaries, a firm commitment on how it will be treated needs to be made.
7. Cities annexing substantial flood hazard areas need to address the impacts of proposed development on both upstream and downstream areas, including proposed mitigation measures. These efforts should be coordinated with the overall County flood management planning.
8. Greenbelt, open space, parks and trails planning needs to be completed and correlated with Shoreline Management Programs for those Cities including riparian corridors in the UGAs.
9. If Everson intends to include the mineral resource areas in its final boundaries, an agreement needs to be reached between the City of Everson, Whatcom County, and the landowners and operators to ensure the resource is utilized as close to its full potential as possible, while providing for reclamation that will lead to an orderly transition to urban uses including housing and parks. This agreement should particularly address protecting ground water. If Everson chooses to annex this area early in the process, this becomes even more critical.

Similar agreements should be made with Blaine and Nooksack if their final boundaries include mineral resource designated lands.

10. Cities need to indicate regulatory changes that are proposed to encourage in-filling and increase densities.
11. Cities need to demonstrate the public participation process they have used to identify this final growth.
12. The appropriate allocation of financial burdens resulting from annexations of land into Cities needs to be developed.
13. Interlocal Agreements between each City and the County need to be developed to address some of the issues above, annexation programs, in general, and other topics covered by the County-wide Planning Policies.
14. Interlocal agreements between Cities and other Districts within final growth boundaries also need to be developed which address annexation and servicing.
15. Ferndale should give serious consideration to keeping its IUGA north of Slater Road except for area adjacent to the railroad north of Curtis Road.

D. Proposed Growth Areas
North of Bellingham

Exhibit A-1, Pg. 3



Cordata North

Meridian, Kline Road
to Smith Road

North 78 ac
Airport Area

Fox
Glove
Fields/
Aldrich

Meridian, North of Bellingham
City Limits to Kline Road

King Mountain

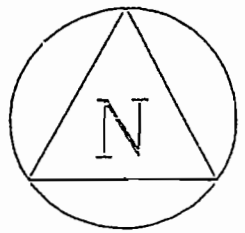
Thomas
Road

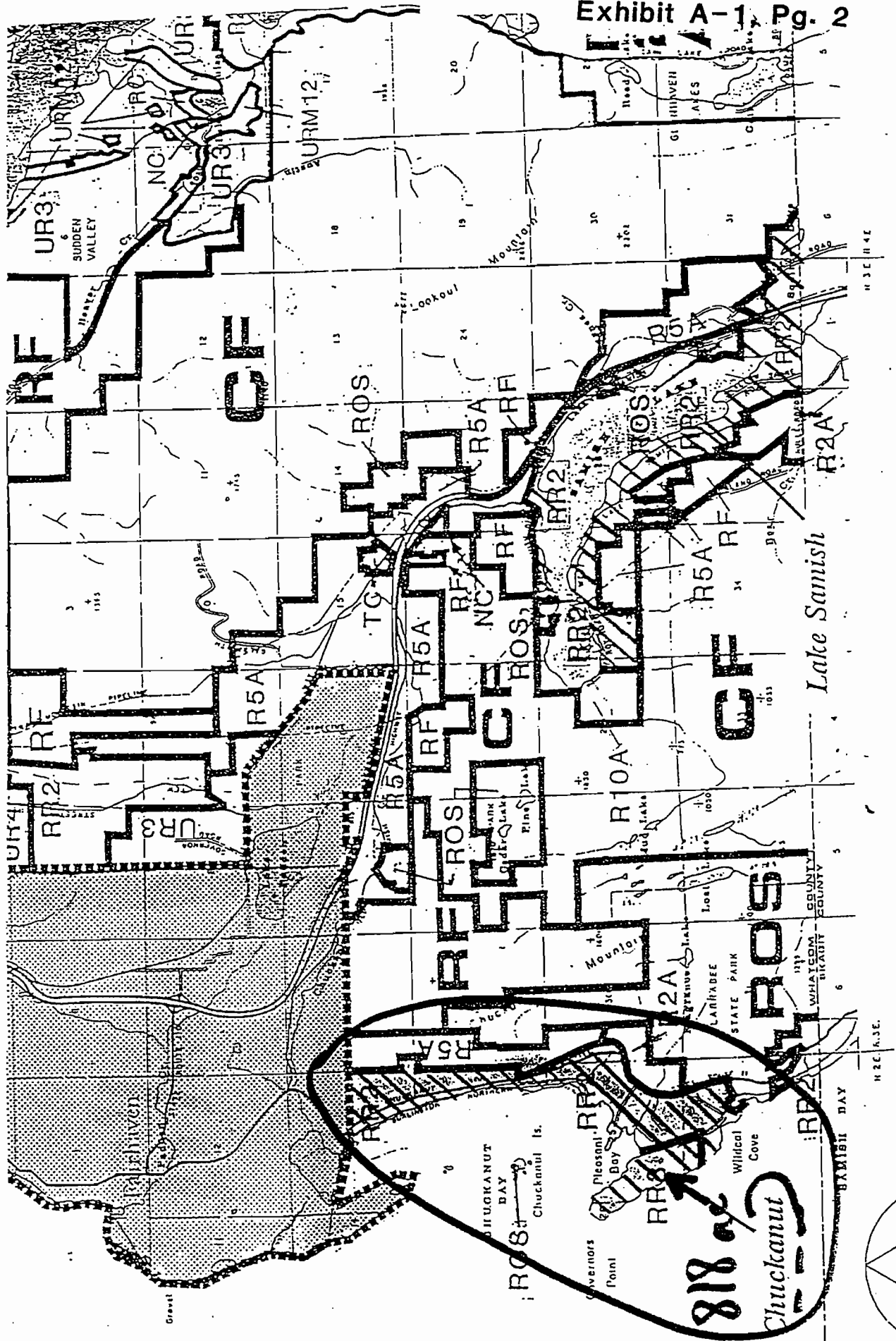
Van Wyck

North of
Bakerview

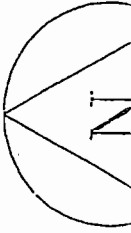
Marietta

Calvary Temple Site

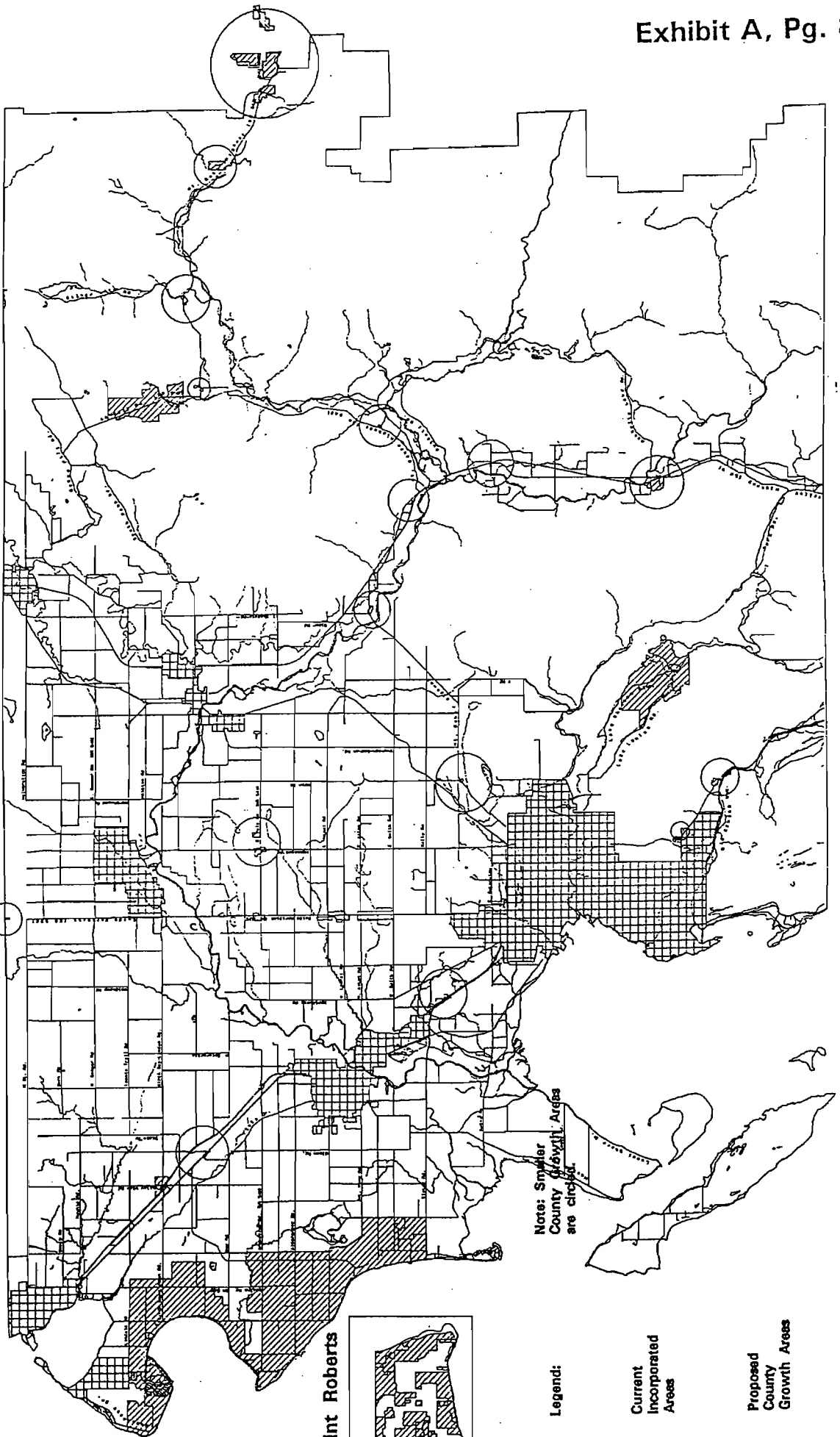




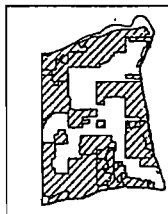
818
Chuckanut



Proposed County Interim Urban Growth Areas



Point Roberts



Note: Smaller County Growth Areas are circled.

Legend:




-  Current Incorporated Areas
-  Proposed County Growth Areas
-  Special Areas

EXHIBIT C
SPECIAL STUDY AREAS

1. The Guide Meridian corridor from the City of Bellingham's growth boundaries on the south to the floodplain of the Nooksack River on the north.
2. All the Rural Residential zoned property in the county. (Except RR-Island)
3. All of the property owners who made a request to be included:
 - a. George Leonard (380307-185495, 380307-185435) Van Wyck Road
 - b. Calvary Temple Site, Pastor Richard Strurh (380307-328297) Calvary Temple
 - c. Security Property (380203-025442; 033369, 068308, 064231, 066170 and 049155) North of Airport Area
 - d. Carolyn Dwer (Guide Meridian) Meridian, Kline Road to Smith Road.
 - e. Michael and Penny Ambler (380201-467447) Meridian, Kline Road to Smith Road.
 - f. Fox Glove Fields (Proposed Fox Gloves Fields Project) Fox Glove Fields/Aldrich Road
 - g. Joseph Burton (380309-324176, 395221,324236,328141) North of Bakerview
 - h. Mark Weinberg (parcels in the Emerald Lake area) Emerald Lake
 - i. Petition from 15 Guide Meridian residents Meridian, North of Bellingham City Limits to Kline Road or Meridian, Kline Road to Smith Road.
 - j. R. & A. Peterson and G. & J. Albee (4500 Block of Aldrich) Fox Glove Fields/Aldrich Road
 - k. Yvonne and Lyle Cheldelin (380211-488328) Already included in Bellingham's proposed Urban Growth Area.
 - l. Priscilla Sabin and Allen Needler (380310-246173) Mt Baker Highway/Britton Road
 - m. Joyce Deschenes (380203-365237) Waldron Road
 - n. Shiraz Baloila (380202-064077 and 380211-063478) Thomas Road

- o. Robert and Lora Hoffman (932 W. Axton Road) Ferndale-Axton Road
 - p. Margaret Smith (390220-380318 and 390220-292300) Ferndale-Portal Way/Nooksack
 - q. Trillium (Northshore Property) Northshore
 - r. Bob Tull for Governor's Point Project (Governor's Point) Chuckanut
 - s. Roger Almskaar for proposed Bay Road project (Bay Road area) Bay Road Area
 - t. Lee Denke (Summit View Project) South East of Bellingham
 - u. John McAfee (380309-476012 and 426012) Already included in Bellingham's proposed Urban Growth Area.
 - v. Cordata North (Proposed Cordata North Project) Cordata North
4. Cities continue to review their proposed boundaries including private requests.