

CLEARANCES	Date	Date Received in Council Office	Agenda Date	Assigned To
Orig. Dept.: Planning & Develop	11/2/1999	RECEIVED NOV 02 1999 WHATCOM COUNTY COUNCIL	11/9/1999	P&D COMM./INTRO
Division Head:			11.23.99	P&D/council
Dept. Head:				
Prosecutor:				
Budget:				
Executive:				

SUBJECT:

Ordinance amending Comp Plan re: Drayton Harbor area of the Blaine UGA

ATTACHMENTS

SUMMARY STATEMENT:

Related County Contract #:	Should the Clerk schedule a hearing? (Y/N)	Requested Date:
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Ordinance amending the Whatcom County Comprehensive Plan, authorizing provisional short term planning area status and conditions for permanent short term planning area status for the Drayton Harbor area of the Blaine UGA

RECOMMENDED MOTION (for final action):

COUNCIL ACTION TAKEN:

1999 - 435 11/9/99: Introduced
 11/23/99: Amended and adopted 6-1, Hoag opposed, Ord.
 #99-071

Related File Numbers:

Ordinance or Resolution Number (this item only):

ORD.# 99-071

SPONSORED BY : Planning
PROPOSED BY: Planning
INTRODUCTION DATE: 11/9/99

ORDINANCE NO. 99-071

ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN AND AUTHORIZING PROVISIONAL SHORT TERM PLANNING AREA STATUS AND CONDITIONS FOR PERMANENT SHORT TERM PLANNING AREA STATUS FOR THE DRAYTON HARBOR AREA OF THE BLAINE URBAN GROWTH AREA.

WHEREAS, Resolution No. 98-067 Initiating Emergency Zoning or Comprehensive Plan Amendments for the Drayton Harbor Area was adopted by Whatcom County Council on October 13; and

WHEREAS, The proposed amendments include amendments to the Comprehensive Plan Policies and a provisional zoning map amendment ; and

WHEREAS, The Deputy SEPA Official for Whatcom County issued determinations of non-significance on November 4, 1998; and

WHEREAS, Pursuant to RCW 36.70.390 and RCW 36.70.590, legal notice was published in the Bellingham Herald on January 4, 1998 and June 10, 1999; and

WHEREAS, The Planning Commission held a public hearings on the proposed amendments on January 14, 1999 and June 24, 1999, and considered all testimony;

WHEREAS, The Planning Commission held a work session on January 14, January 28, and March 25, and June 24, 1999; and

WHEREAS, The Planning Commission has evaluated the merits of the amendments in relationship to the County Wide Planning Policies and the goals, policies and objectives of the Comprehensive Plan, as required by WCC 20.10.100 and WCC 20.90.070 and recommended approval of the amendments with minor modifications, as shown on attached Exhibits 1 and 2;

WHEREAS, The County Council has reviewed and adopted the following Findings and Conclusions recommended by the Planning Commission:

FINDINGS

1. Public notice was published in the Bellingham Herald on Monday, January 4, 1999. Notice was mailed to the owners of the subject property, as shown on the records of the County Assessor, and to owners of properties within 300' of the subject property on June 10, 1999, published in the Bellingham Herald on June 10, 1999 and posted on June 10, 1999 for an additional public hearing to review options developed subsequent to the public hearing conducted on January 14, 1999 and an additional public hearing was held on June 24, 1999;
2. This proposal was given a determination of non-significance by the Whatcom County SEPA official on November 4, 1998.

3. A public hearing was held before the Whatcom County Planning Commission on January 14, 1999 at which time public testimony was received. Following public testimony and deliberation, the Planning Commission directed staff to develop options which would allow public sewer extension for the purpose of alleviating water quality problems that are the result of failing on-site septic systems within the Drayton Harbor Area.
4. The Birch Bay Water and Sewer District is currently precluded from accepting and proceeding with a formal LID request and project due to County Comprehensive Plan and Zoning restrictions placed on sewer extensions outside of Short Term Planning Areas.
5. Options were developed and reviewed with Planning Commission on January 28, and March 25, 1999.
6. Staff consultation with Birch Bay Water and Sewer District (the service provider for the area) revealed that urban development densities are required to approach affordable installation costs.
7. Adoption of the proposed Comprehensive Plan policies (Exhibit 1) would provide greater flexibility within UGAs, for areas which meet the criteria included in those policies, to address existing environmental problems.
8. Affordability of sewer extension and water system upgrades required to allow urban development within this area is yet to be determined. A petition to establish an LID must be formally initiated and upon successful completion of the LID process, approval must be granted by Birch Bay Water and Sewer District. Formal engineering studies need to be authorized to establish more accurate project specific costs.

CONCLUSION:

1. Adoption of the proposed Comprehensive Plan Policies is required to allow for any change in UGA status of the Drayton Harbor Area to occur.
2. The Drayton Harbor Area meets the requirements for a Short Term Planning Area under the proposed Comprehensive Plan Policy amendment (Exhibit 1).
3. Establishment of a Short Term Planning Area designation for the Drayton Harbor Area is unnecessary if public sewer extension and water system upgrade costs are in excess of the affordability range of the landowners in the Drayton Harbor Area.
4. Provisional County approval to change the area's UGA designation is required in order to allow Birch Bay Water and Sewer District to entertain an LID petition.

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

Section 1. The Comprehensive Plan (new policy 2R-3) is hereby amended as shown in the attached Exhibit 1.

Section 2. The Drayton Harbor portion of the City of Blaine's Urban Growth Area as depicted in Exhibit 2, is granted provisional Short Term Planning Area status and is further authorized for change to permanent Short Term Planning Area status subject to the following conditions:

1. Provisional STPA status will be provided for a period of two years from the date of formal adoption of this ordinance with the provision for a one-time extension of up to

an additional two years if evidence can be provided by affected landowners and corroborated by Birch Bay Water and Sewer District that substantial progress has been made toward the final adoption of an LID or other financing program to fund the installation of sewers.

2. The final STPA boundary will be established by the service area boundary of the LID or area where sewer service is provided. The property along Lincoln Road east of Harborview Road may be included only with the stipulation that a latecomer provision is established for land owners who do not want to pay for or connect to sewer at this time.
3. Upon successful implementation of an LID or other sewer financing program, the Provisional STPA status will become permanent.
4. Failure to a finance sewer system within the time frame and conditions included in #1 above will result in a reversion of the STPA status back to UGA status.

Section 3. The Whatcom County Code Section 20.80.634 is amended as follows to designate the Drayton Harbor Watershed as a Stormwater Special District:

20.80.634 Stormwater Special districts.

(1) Where the comprehensive plan policies identify a specific area that requires higher standards for stormwater drainage facilities, a "Stormwater special district" shall be created by council action. Requirements for these areas shall be contained in section 20.80.635 and in the Whatcom County Development Standards, Chapter 2, under the title, "Special Districts." (Ord. 94-022, 1994).

(2) Whatcom County shall establish the following geographical areas as Stormwater special districts:

(a) Drayton Harbor Watershed.

Section 4. The Whatcom County Code Section 20.80.635 is amended as follows to establish additional requirements for Stormwater Special Districts:

20.80.635 Conformance required.

All development shall conform to the following requirements.

(1) General:

(a) Stormwater discharges must be controlled and treated to provide all known available and reasonable methods of prevention, control, and treatment, as required by law.

(b) In all areas where connection to public sewer and water are required by WCC Title 20, where appropriate as determined consistent with best management practices, on-site stormwater collection and detention shall also be required for development in accordance with the Whatcom County Development Standards, unless the engineered drainage analysis proves otherwise.

(c) Best management practices (BMPs) shall be used to comply with the regulations in this ordinance. In those instances where appropriate BMPs are not referenced in the Whatcom County Development Standards, experimental BMPs should be considered. Experimental BMPs shall be encouraged as a means of

solving problems in a manner not addressed by the standards in an effort to improve stormwater quality technology. Experimental BMPs must be approved by the county technical administrator prior to implementation.

(d) Development shall minimize impervious surface areas with minimal compromise of project function and viability. Protection of groundwater and aquifer recharge are important objectives which shall be incorporated in surface water management facilities consistent with established BMPs.

(e) Stormwater systems shall not be constructed in such a manner that they materially degrade natural systems such as streams and their banks, wetlands, ponds or lakes.

(f) Natural drainage patterns shall be maintained and discharges from the site shall occur at the natural location, unless it can be shown that relocation will have no significant adverse impact to either built or natural systems as a result of the relocation.

(g) The design of stormwater systems shall be an integral part of the overall development design and, in addition to the primary storage and conveyance function, should incorporate multiple use provisions to enhance the project; such as the following:

1. Recreation;
2. Public safety;
3. Economical maintenance;
4. Aesthetic integration into the landscape and project design;
5. Wildlife habitat;
6. Education;
7. Open space.

(2) Runoff Control:

(a) Proposed development projects, except as noted below, shall provide runoff controls to limit the developed conditions peak rates of runoff to the predevelopment peak rates for the following storm events in compliance with best management practices:

1. The one year storm event when stormwater is discharged to a stream or to a drainage basin within 1,000 feet of a stream or when the project is located in a Stormwater Special District.

2. The two-year storm event;
3. The 10-year storm event;
4. The 25-year storm event;
4. The 100-year storm event.

(b) Exceptions: Direct discharge to regional facility, salt water body, rivers or lakes when demonstrated there is no significant adverse impact to the conveyance system and the receiving waters.

(3) Conveyance: Stormwater conveyance systems shall be required to convey storm flow and shall be sized to accommodate:

(a) Flow from 100-year storm events when public health and safety is put at risk by such events;

(b) Flow from 25-year storm events when property damage is probable from such events;

(c) Flow from events of periodicity of less than 25 years when the integrity of natural systems, such as the dominant stream discharge, is put at risk by such events.

(4) Water Quality: Runoff from any project shall provide a water quality assurance plan and system to achieve minimal degradation to the surface and ground water quality leaving the site, utilizing BMPs.


(5) Maintenance: All stormwater facilities shall be maintained in accordance with the stormwater system maintenance requirements of the Whatcom County Development Standards. Maintenance plans, responsibilities, and the method of financing said maintenance shall be established by the applicant or property owner prior to final approval of any development directly associated with the development proposal. (Ord. 96-056 Att. A S 10, 1996; Ord. 94-022, 1994).

(6) Stormwater Special Districts: In areas designated as Stormwater Special Districts, permanent on site stormwater quality and quantity facilities shall be required on all new construction or remodels exceeding 50% of the assessed valuation of the structure, unless common detention and water quality facilities meeting current standards have been approved as part of a comprehensive stormwater management plan for that subdivision, or major site plan approval.

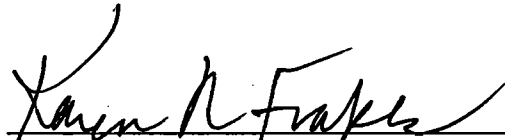
Section 5. Adjudication of invalidity of any of the sections, clauses, or provisions of the Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this 23 day of November, 1999

ATTEST:


Dana Brown-Davis, Council Clerk

APPROVED as to form:


Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Marlene Dawson, Chairperson

Approved Denied


Pete Kremen, Executive

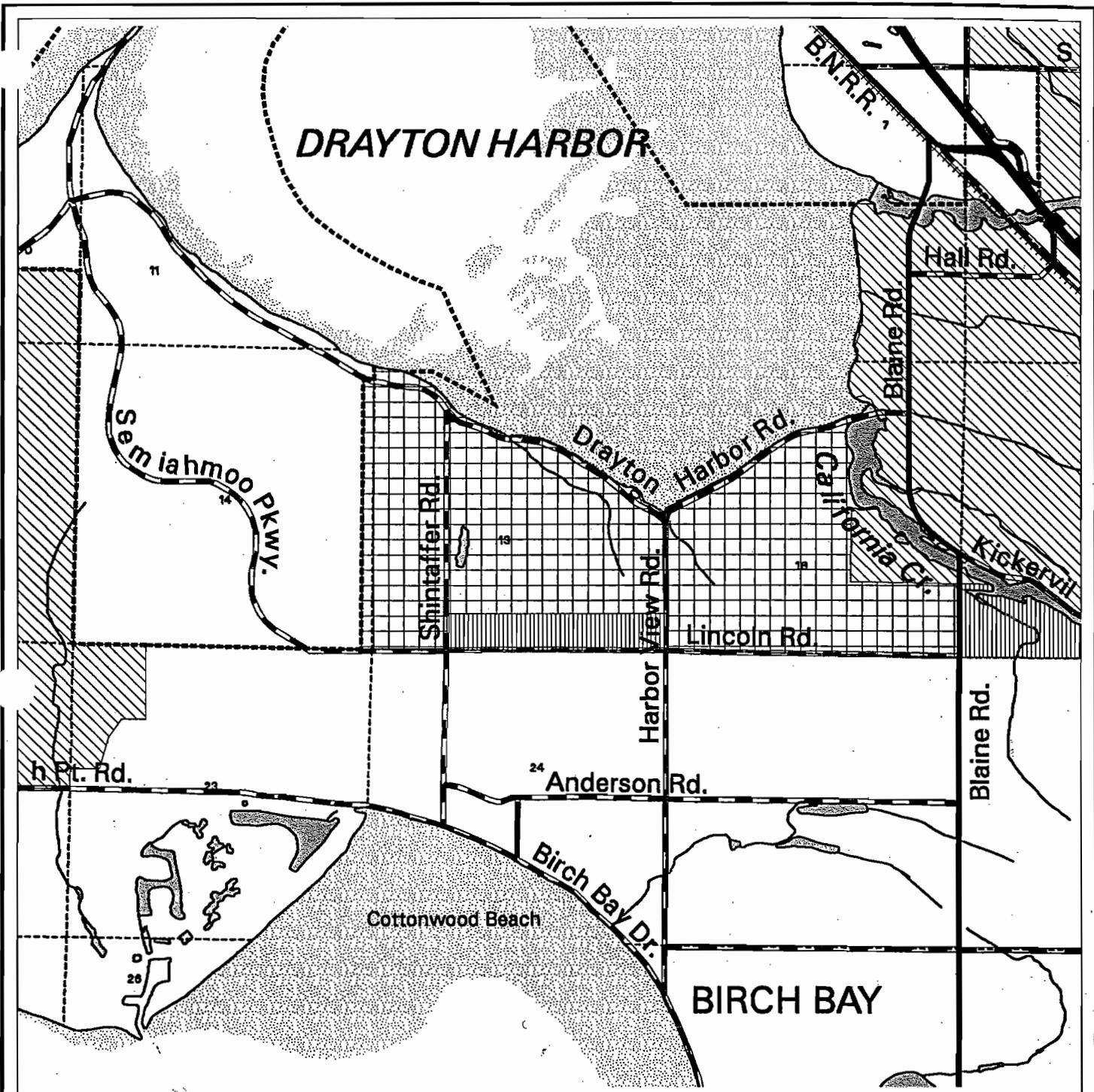
Date: 12-15-99

EXHIBIT 1

New policy supporting proposed Drayton Harbor STPA



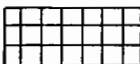

Policy 2R-3: Land which exhibits severe environmental constraints for on-site septic systems may be included within a Short Term Planning Area, to allow for the provision of sewer to reduce or eliminate on-site sewage system related environmental impacts, if all of the following conditions exist;

- The land area is contiguous to existing city limits.
- The underlying zoning is urban and the land is located in an Urban Growth Area.
- The land has been designated as an area of special concern pursuant to WCC 24.05.230 due to extenuating environmental constraints and/or failing on-site septic systems have been identified as a significant source of non-point pollution as part of the development of a *Closure Response Strategy Report* for a Shellfish Protection District.
- Continued reliance on on-site sewage systems for existing development density and future low density development, within the subject area, would not provide adequate protection of adjacent critical areas from significant environmental impacts from on-site sewage systems.
- Where a Local Improvement District for necessary urban levels of service has been established.
- Where interlocal agreements have been established between the County and the water and/or service provider.



Drayton Harbor Area -

EXHIBIT 2

-  Blaine Incorporated City
-  Short Term UGA
-  Provisional Short Term UGA
-  Long Term UGA

