

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Matt W. Aamot	WA	10-15-99	<b>RECEIVED</b>  <b>OCT 19 1999</b>  <b>WHATCOM COUNTY COUNCIL</b>	10-26-99	Council Introduction
Division Head: Sylvia Goodwin	SG	10-15-99		11-9-99	Planning & Development Committee
Dept. Head: Michael T. Knapp	MK	10-15-99		11-23-99	PED / COUNCIL
Prosecutor: Dave Grant	DMG	10-15-99			
Purchasing/Budget:					
Executive: Pete Kremen	PK	10-19			

**SUBJECT:** Ordinance adopting Comprehensive Plan amendments relating to the Blaine Urban Growth Area (File # CMP99-00006).

**ATTACHMENTS:**

(1) Proposed Ordinance.

SEPA review required? ( x ) Yes ( ) NO  
 SEPA review completed? ( x ) Yes ( ) NO

Should Clerk schedule a hearing? ( ) Yes ( x<sup>1</sup> ) NO  
 Requested Date:

<sup>1</sup> The Council must hold a hearing if they want to change the Planning Commission's recommendation (WCC 20.10.110 and WCC 20.90.090).

**SUMMARY STATEMENT:** The request is to adopt amendments to the Whatcom County Comprehensive Plan that would remove an area east of Blaine from the Urban Growth Area and modify the policies of the Comprehensive Plan.

The Growth Management Act requires that Comprehensive Plan amendments be considered only once per year, with certain exceptions. All amendments must be considered concurrently. In 1999, the County Council initiated 13 amendments for review under Resolution No. 99-012. The Planning Commission held multiple hearings to consider these amendments. The Planning Commission took a final vote on the package of the 13 amendments on October 14, 1999. The Council is requested to adopt the Planning Commission's recommendations or, alternatively, to hold a hearing and adopt modifications to the Commission's recommendations. The Council can not adopt the amendments until 60 days after they were sent to the State Department of Community, Trade & Economic Development, which occurred on September 23, 1999 (RCW 36.70A.106/WAC 365-195-620). Additionally, the amendments have to be adopted prior to or along with the budget (WCC 20.10.040). Therefore, it appears that the request should be voted on at the Council's November 23, 1999 meeting.

**Distribution Request**

Indicate those who should receive a copy after Council action. List specific names to the right.

ADS Facilities Management	
ADS Finance	
ADS Human Resources	
ADS Info Services	
Assessor	
Auditor	
Cooperative Extension	
District Court	
Executive	
Health	
Hearing Examiner	Michael Bobbink
Jail	
Juvenile	
Parks	
Planning	Michael T. Knapp
Prosecutor	
Public Works	
Sheriff	
Superior Court	
Treasurer	
Other	

**COUNCIL ACTION TAKEN:**

1999 - 410 10/26/99: Introduced  
 11/9/99: Held in Committee  
 11/23/99: Amended and adopted 7-0, Ord. #99-074

lat.

Related File Numbers: AB99-074

Ordinance or Resolution Number (this item): **ORD # 99-074**

SPONSORED BY: Consent  
PROPOSED BY: Planning & Development Services  
INTRODUCTION DATE: 10/26/99

ORDINANCE NO. 99-074

**AMENDING THE WHATCOM COUNTY  
COMPREHENSIVE PLAN TEXT AND MAP REGARDING  
THE BLAINE UGA**

**WHEREAS**, The Whatcom County Council passed Resolution 99-012 on March 23, 1999 initiating 13 Comprehensive Plan amendments, and related amendments to the Official Whatcom County Zoning Ordinance (Title 20), for review in 1999; and

**WHEREAS**, One of the proposed amendments is a request to amend the Comprehensive Plan text and map relating to the Blaine Urban Growth Area; and

**WHEREAS**, The Deputy SEPA Official for Whatcom County issued a determination of non-significance on May 11, 1999; and

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

**WHEREAS**, The Planning Commission held a public hearing on the subject amendment on June 24, 1999 and considered all testimony;

**WHEREAS**, The Planning Commission held a work session on October 14, 1999 to consider all the amendments concurrently, as required by WCC 20.10.100; and

**WHEREAS**, The Planning Commission evaluated the merits of each amendment 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

**WHEREAS**, The Planning Commission issued Findings of Fact & Reasons for Actions, Conclusions and Recommendations on the amendments; and

**WHEREAS**, the County Council has considered the Planning Commission's Findings of Fact & Reasons for Action, Conclusions, and Recommendations for all the amendments, as required by WCC 20.10.110; and

**WHEREAS**, the County Council has considered all the amendments concurrently so that the cumulative effect of the various proposals can be ascertained, as required by the Growth Management Act (RCW 36.70A.130) and WCC 20.10.010; and

**WHEREAS**, the County Council finds that the Comprehensive Plan amendments recommended by the Planning Commission conform to the Growth Management Act; and

**WHEREAS**, the County Council finds the subject Comprehensive Plan amendments are in the best interest of the public health, safety, and welfare, based on the following findings and conclusions:

## **FINDINGS**

1. Public notice was published in the Bellingham Herald June 10, 1999.
2. A determination of nonsignificance was issued by the SEPA Official on May 11 1999.
3. Whatcom County's Comprehensive Plan was deemed invalid by the Western Washington Growth Management Hearings Board (Final Decision and Order, Case NO. 97-2-0030c in September of 1996). Blaine's Urban Growth Area was included in the list of items deemed out of compliance.
4. The City of Blaine submitted a hearing brief in response to the September 1996 invalidity determination in which the City offered to remove the Aquifer Protection and Drayton Harbor areas if their removal would allow the WWGMHB to remove the invalidity issue regarding Blaine's UGA. The WWGMHB agreed that the invalidity ruling pertaining to the Blaine UGA would be removed from the list of invalidity issues if the two areas were removed.
5. Whatcom County appealed the WWGMHB determination of invalidity to the Washington State Superior Court (NO. 98-005463). A Superior Court Decision overturned the determination of invalidity made by the WWGMHB and affirmed the County's assertion that the WWGMB erred in its definition of standing and presumption of validity.
6. The City of Blaine had proceeded with amending its comprehensive plan prior to the Superior Court Decision issued in Case No. 98-005463.
7. Whatcom County Council passed Emergency Resolution NO. 98-067 in October of 1998. This resolution was passed in response to Drayton Harbor resident's requests to allow sewer expansion into the area to alleviate a severe water quality problem.
8. Whatcom County Planning Commission held a public hearing on January 14, 1999 to take public testimony regarding changing the area UGA designation to Short Term Planning Area. Additional study sessions were held with Planning Commission to discuss possible options. As a result, draft policies were developed that allowed for a change from Long Term to Short Term Planning Area designation.
9. Removing the Drayton Harbor Area from Blaine's UGA would preclude the potential for extension of public sewer to that area.
10. Removing the Aquifer Protection Area will have no impact on potential development in that area. Blaine held no future development plans for the area. Whatcom County's current Comprehensive Plan designation is Rural. The zoning designation is R10A.
11. Protection of the Aquifer is addressed in the items for inclusion in an interlocal agreement between Blaine and Whatcom County and by the County's Critical Area Ordinance WCC 16.16.

**CONCLUSIONS**

1. Whatcom County asserts that the Blaine UGA is valid and has always been valid as evidenced by Superior Court Decision NO.98-2-005463 and that removing this area is not required to remove the WWGMHB determination of invalidity.
2. Removal of the Drayton Harbor Area would preclude the option for public sewer and improved water quality in Drayton Harbor due to GMA and County Comprehensive Plan restriction of sewer service extension outside of Short Term Planning Areas.
3. Removal of the Aquifer Protection Area would not have any major impacts to either potential development in that area or in additional environmental protections for that area due to the provisions listed for inclusion within Blaine's Interlocal Agreement with Whatcom County.
4. Several additions were proposed for Policy 2T-7. Bullets #16 and #17 provide potential difficulties if imposed as County requirements. Whatcom County encourages the City of Blaine to require developers to comply with City standards as a condition of service provision rather than requesting the County to require standards, which were authorized by another jurisdiction. Similar difficulties are inherent with #17. The alternative language included in the Analysis section of this report is preferred.

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

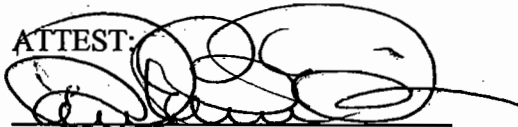
Section 1. The text of the Whatcom County Comprehensive Plan is hereby amended as shown on Exhibit 1.

Section 2. The map of the Whatcom County Comprehensive Plan is hereby amended as shown on Exhibit 2.

Section 3. 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 23 day of November 1999.

ATTEST:



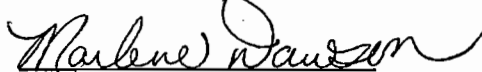
Dana Brown-Davis, Council Clerk

APPROVED as to form:



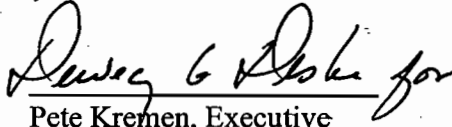
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON



Marlene Dawson, Chairperson

Approved     Denied



Pete Kremen, Executive

Date: 12/2/99

## **Exhibit 1**

*Amend Chapter 2 the Whatcom County Comprehensive Plan as follows:*

### **Blaine**

County goals encourage Blaine to develop at average net densities of four units per residential acre. Although future densities are lower than those sought by county goals, there is good justification for the Blaine Urban Growth Area. It should be particularly noted that the City of Blaine has completed a detailed wetland inventory for its urban growth area. This inventory identified as much as twice as many wetlands as the National Wetland Inventory which was used by the county.

Blaine is a unique community within Whatcom County. The central part of Blaine has developed at relatively moderate to high densities. However, newer outlying areas, particularly the Semiahmoo area, which has developed as a resort community with low density residential clustered around a golf course, are zoned residential but contain large open spaces which contribute to the very low average density for the city.

Issues in determining the Blaine Urban Growth Area include housing affordability, water quality protection, overlapping jurisdiction of service provision with the Birch Bay Water and Sewer District, and an abundance of urban zoning adjacent to the existing city limits.

### **Housing Affordability**

According to the *Blaine Comprehensive Plan*, well over 50% of the building permits issued since 1989 have been in the Semiahmoo area with an average value of \$240,000. Of the 365 single-family residential lots sold at Semiahmoo between 1987 and 1994, only 124 have been developed. At the same time, only 37% of people employed within Blaine live within the city limits (City of Blaine survey, 1993). A number of lots in the area are purchased for recreational homes, investment, or future development as retirement residences. Most of the jobs in Blaine are in hotels, motels, restaurants, bars, gas stations, retail sales, nursing homes and fish processing plants. The above statistics paint a picture of a community with a shortage of housing in the lower income brackets. The urban growth area for Blaine is intended to be of sufficient size and location to provide an adequate housing supply for low and moderate income workers and to allow for master planned resort and residential communities and long-term development.

## **Water Quality and Quantity**

The City of Blaine has a draft 20-year water system plan that is currently under review by the City Council. The City owns and operates a municipal water system which provides domestic, commercial, industrial and irrigation water to retail customers within the City limits and within greater Blaine. The system also provides surplus water on a wholesale contract basis to the Birch Bay Water and Sewer District and the Bell Bay Jackson Water Association.

The source supply for the City derives from a 30-square mile groundwater aquifer system in the Dakota Creek watershed east of the City. The City currently has permitted water rights to withdraw up to 2770 GPM of water supplies from the aquifers and has completed the drilling of two additional wells. Application has also been made for water rights to allow for the expansion of its system to meet growth requirements. Based on an investigation and analysis of the aquifers, the City can adequately meet its current 20-year projected needs.

## **Service Provision**

The Utility Element of the proposed *Blaine Comprehensive Plan* discusses the availability of services. Without obtaining further water supply or reducing demands, it appears Blaine may have difficulty providing an adequate water supply. Several options are proposed to increase the supply; none are guaranteed.

Immediately south of Blaine is Birch Bay, a large unincorporated county urban growth area. Zoning in this area is currently at urban levels, subject to availability of adequate water and sewer, primarily four units to the acre. Birch Bay is served by the Birch Bay Water and Sewer District, which presently receives water through a contract with Blaine. There is some question whether this contract will stay in force. The district has contracted with Public Utility District #1 for an alternate or additional source of water using the Public Utility District allocation from the Nooksack River. A legal challenge may delay this action for some time.

The water issues in and around Blaine are complicated and clear solutions have not yet been achieved. It may be appropriate to re-evaluate expanding Short-Term Planning Areas the boundaries of the Urban Growth Area when resolutions to water supply have been achieved.

#### IV. Existing Urban Levels of Zoning

Blaine is surrounded by areas of County Urban Residential zoning. These areas are historically where urban growth is anticipated but are limited in their development levels until water and sewer service are extended. Community Value Statements prohibit the use of down zoning as an implementation tool to achieve Growth Management goals. Thus, wherever Blaine has requested the inclusion of land zoned UR, it has been included in the UGA. In some cases, however, water and potential sewer service are by the Birch Bay Water and Sewer District. Efforts to develop interlocal agreements between Birch Bay Water and Sewer District and Blaine continue on an ongoing basis. ~~further complicating the issues.~~

#### Areas included in the UGA - (Map UGA-2)

##### East

The urban growth area for Blaine includes land designated for medium to high density development in the area immediately east of the City. It has historically been identified as a growth area for Blaine and has been designated with Urban Residential zoning by the county. Services are easily provided and it is an appropriate area to include and it provides an opportunity for Blaine to encourage the development of median income housing. Blaine is the only city in the county where the number of people employed exceeds the population. It appears that there is not sufficient housing to accommodate workers. Inclusion of this area should help to resolve this problem.

~~A 1,410-acre area south and east of Blaine zoned Rural 10 Acre has been included for wellhead protection purposes. Blaine has adopted a wellhead protection program which has been approved by the State. In part, the purpose served by including this area is to allow the City of Blaine control over its wellhead protection area. The area is not primarily intended to serve urban growth needs. The City currently owns the property upon which the wells are located.~~

##### South

The land area south of Drayton Harbor has been included because of its location, sandwiched between the western and eastern expanses of the Blaine city limits which, at this time, is only connected by water. It is also included because of the urban level of zoning historically assigned by the county (UR4). Blaine does not propose to serve this area with utilities. The Birch Bay Water and Sewer District will provide water and sewer when future development occurs. Blaine seeks control of the area to coordinate transportation planning and ensure water quality protection and coordinated shoreline management. In recognition of these factors, the county has included this area; however, the county is very concerned that the water quality of Drayton Harbor be protected. Blaine's protection of the area must meet or exceed the county levels.

An area south of Blaine known as West Semiahmoo and Cannery Hill has been included. This area has been traditionally zoned for urban development, has approved preliminary plats, and is intended to be served with water and sewer from either the Birch Bay Water

and Sewer District or Blaine.

The Loomis Trail area located south of Blaine and just west of Interstate-5 has been included in the growth area requested by Blaine, based on the fact that it presently has a vested application for a planned unit development permit for urban development under Whatcom County zoning regulations. The City of Blaine and the Birch Bay Water and Sewer District will provide services to the Loomis Trail development. An additional development, Sunday Harbor, located just south of California Creek, west of Blaine Road was also included. This development provides smaller, urban density residential lots and is served by Birch Bay Water and Sewer District

**GOAL 2T:**            **Provide a sufficient Urban Growth Area for Blaine to ~~provide~~ ensure an adequate housing supply and obtain Growth Management Act and county land use goals.**

~~Policy 2T-1:            Require Blaine to study and propose long term measures to assure compatibility of adjacent uses to mineral resource lands and demonstrate how future uses of mined areas will protect underlying aquifers prior to inclusion in the Short Term Planning Area for Blaine.~~

Policy 2T-2-1:            No annexation of Cannery Hill or West Semiahmoo is permitted until the identity of the sewer and water purveyor in that area is resolved by determination of the agency with jurisdiction or by agreement between the Birch Bay Water and Sewer District and the City of Blaine. The conditions of annexations should be consistent with this resolution or agreement.

Policy 2T-32:            Require Blaine to increase critical area protection and water quality controls within Blaine's jurisdiction sufficient to protect Drayton Harbor.

Policy 2T-43:            Ensure that Blaine adopts measures to implement in-fill policies in the proposed *Blaine Comprehensive Plan*.

Policy 2T-54:            Re-adjust the Short-Term Planning Areas as urban services are made available.

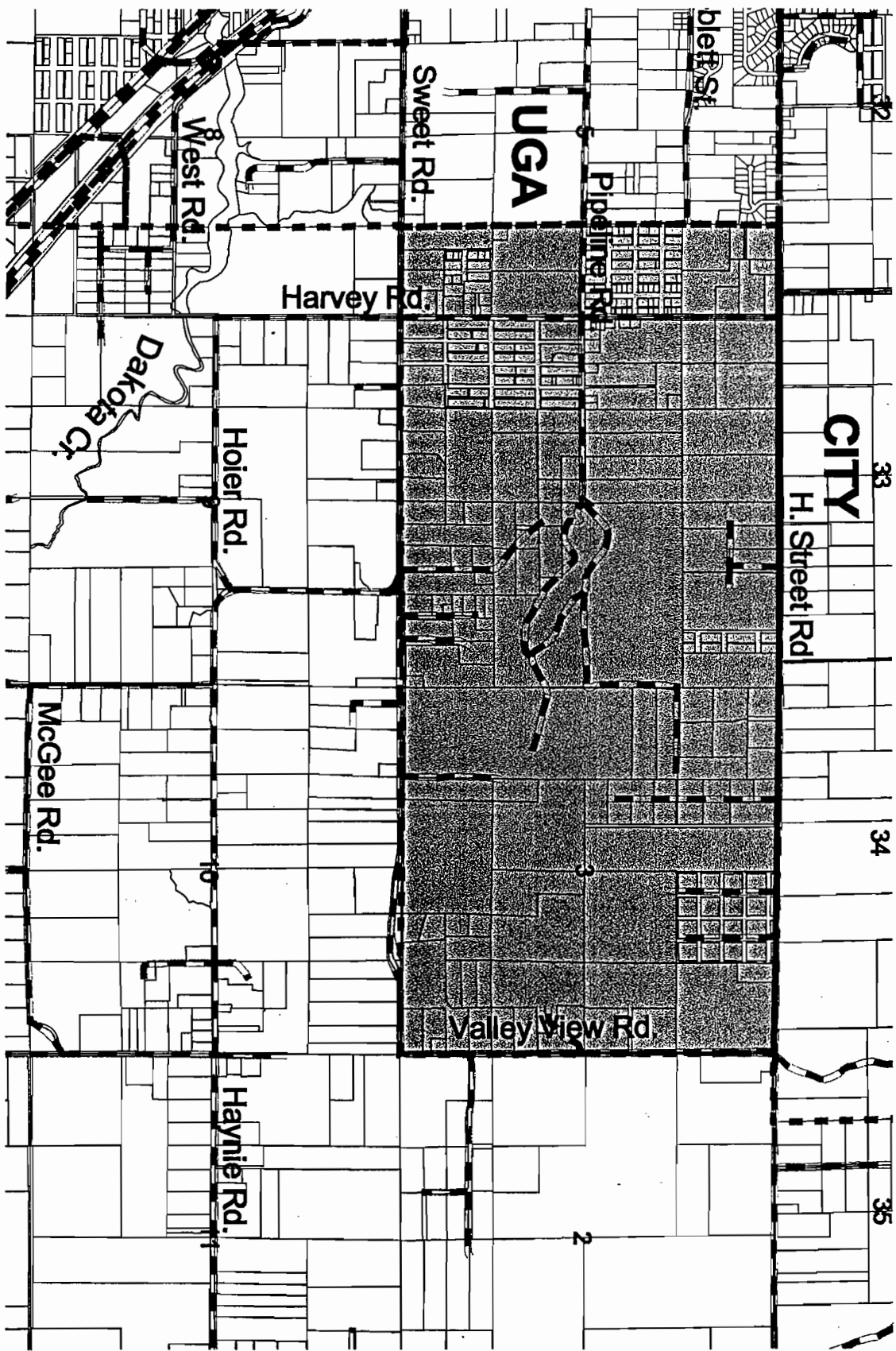
Policy 2T-65:            Ensure that adequate capital facilities can be provided to the Blaine Urban Growth Area.

Policy 2T-76:

Negotiate and adopt an interlocal agreement which provides for:

- restriction of extension of urban levels of service to urban uses outside the Short-Term Planning Areas of the UGA
- revenue sharing formula.
- establishing and maintaining urban levels of service within the UGA.
- identification of needed improvements and establishment of how they will be paid for.
- land use and zoning designations and levels of development within the UGA and review of procedures and standards, including water quality protection for Drayton Harbor, for development proposals.
- coordination with the county of greenbelts and open space.
- use and coordination of a Geographic Information System.
- timing and procedures for review of adequate land supply.
- consistency with the *Coordinated Water System Plan*.
- exploration of transferring densities from rural areas of the county into Blaine or the UGA.
- re-examination of the boundaries between Blaine UGA and the county's unincorporated Birch Bay UGA once service issues have been resolved.
- implementation of the proposed *Critical Aquifer Recharge Protection Plan*, as included in the current *Blaine Groundwater Management Program*, including adequate protection of the Category I Wetlands located in the area.
- Creation of an Aquifer Recharge Protection Overlay.
- Establishment of a transfer of development rights program to further reduce development impacts within the established watershed protection area.
- County will provide timely notification of any development application within the city UGA and shall assign considerable weight to all city comments prior to making a final decision.

Exhibit 2



**BLAINE UGA:**

File: CMP99-00006

Current Comp. Plan: UGA  
Planning Commission Recommendation: RURAL

Legend:  
Subject Property

