

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2006 - 286 A

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator:	<i>DBA</i>	7/11/2006		7/11/2006	Introduction
Division Head:				7/25/06	P&D/Council
Dept. Head:				9/12/06	P&D/Council
Prosecutor:					
Purchasing/Budget:					
Executive:					

**TITLE OF DOCUMENT:**  
 Ord. Adopting short term plan zoning in the Birch Bay UGA for Horizon Village

**ATTACHMENTS:**

SEPA review required?    (    ) Yes    (    ) NO SEPA review completed?    (    ) Yes    (    ) NO	Should Clerk schedule a hearing ?    (    ) Yes    (    ) 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 adopting a short term planning zoning overlay designation in the Birch Bay UGA for Horizons Village

**COMMITTEE ACTION:**

7/25/06: Was not discussed in Committee  
 9/12/06: Committee decided not to discuss until Council meeting. Will hear Hearing Examiner's appeal during Committee of the Whole.

**COUNCIL ACTION:**

7/11/06: Introduced  
 7/25/06: Held until 9/12/06  
 9/12/06: Council Adopted 7-0  
 Ord. 2006-039

<b>Related County Contract #:</b>	<b>Related File Numbers:</b>	<b>Ordinance or Resolution Number:</b> Ord. 2006-039
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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](http://www.co.whatcom.wa.us/council).

**PROPOSED BY:** Planning  
**SPONSORED BY:** Consent  
**INTRODUCTION DATE:** July 11, 2006

**ORDINANCE#** 2006-039

**ADOPTING THE SHORT TERM PLANNING AREA ZONING OVERLAY  
DESIGNATION IN THE BIRCH BAY UGA FOR HORIZONS VILLAGE AT SEMIAHMOO**

**WHEREAS,** Birch Point Village LLC submitted an application to rezone approximately 36.3 acres from long term planning area (LTPA) to short term planning area (STPA) in the Birch Bay Urban Growth Area; and

**WHEREAS,** the proposed rezone is located within the NW¼ of Section 24, T40N, R1W, W.M, Assessor's Parcel Nos: 059532, 063475, and 095449; and

**WHEREAS,** rezoning to STPA is a prerequisite to developing the site at urban densities; and

**WHEREAS,** legal notice requirements have been met; and

**WHEREAS,** the Hearing Examiner held a public hearing on the proposal; and

**WHEREAS,** the Hearing Examiner has evaluated the proposed amendments for consistency with the Whatcom County Plan; and

**WHEREAS,** the County Council has considered the Hearing Examiner's Findings of Fact and Reasons for Action, Conclusions and Recommendations;

The Council makes the following findings of fact and conclusions:

**FINDINGS OF FACT:**

1. Notice of the rezone application was sent to the Blaine Fire District and other government agencies on 8-31-2005.
2. Notice that the County received the rezone application was published in the Bellingham Herald on 8-31-2005.
3. Notice of the Hearing Examiner hearing for the rezone application was posted on the County's website on 8-31-2005.
4. Notice of the Hearing Examiner hearing for the rezone application was mailed to the Blaine Fire District, Blaine School District, other special districts and Tribal representatives who may have requested such notice on 5-03-2006.
5. Notice of the Hearing Examiner hearing for the rezone application was mailed to surrounding property owners within 300' of the subject site on 8-31-2005.
6. Notice of the Hearing Examiner hearing was posted on the subject site on 4-17-2006.

7. Notice of the Hearing Examiner for the rezone application was published in the Bellingham Herald on 8-31-2005 and on 4-20-2006.
8. The Hearing Examiner held a public hearing relating to the rezone application on 5-03-2006.
9. A Mitigated Determination of Non – Significance (MDNS) was issued under the State Environmental Policy Act (SEPA) on 4-13-2006.
10. Whatcom County Comprehensive Plan Policy 2S-1 contains criteria for rezoning property from Long Term Planning Area to Short Term Planning Area.
11. Comprehensive Plan Policy 2A-1 recognizes the purpose of the urban growth area to: "Concentrate urban levels of development within designated urban growth areas".
12. Comprehensive Plan Policy 2A-10 acknowledges the balance between economy and community relevant to regions such as Birch Bay: "Recognize the importance of tourism and its influence on the need for land for various types of development".
13. Comprehensive Plan Goal 2Z links Birch Bay to urban levels of development and service provisions and coordination: "Recognize Birch Bay as major unincorporated county growth area."
14. Comprehensive Plan Policy 2Z-4 "Recognize the resort natural of Birch Bay including significant second home factor when analyzing land supply for urban growth area boundaries."
15. Comprehensive Plan Policy 2A-1: "Ensure provision of sufficient land in all designation to accommodate the growth needs of Whatcom County and protect the qualities which make the county a desirable place to live."
16. Whatcom County Comprehensive Plan Goal 2S "Establish short term planning areas within which annexations and urban levels of development can occur and outside of which annexation and urban levels of development will not occur. This is intended to be a sprawl preventing measure where a need exists to promote phased development from the urban core outward where final plans for urban services are not yet in place, and where joint planning at the development regulation level is appropriate. This will assure both conformance and consistency for future plans and developments."
17. Growth Management Act Planning Goal 1 is to "Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner (RCW 36.70A.020(1)).
18. Countywide Planning Policy D-3 states "...Short term and long term boundaries may be used to facilitate provision of urban levels of service and to not preclude future urban densities *as defined within the Whatcom County Comprehensive Plan*" (italics added for emphasis).
19. County-wide Planning Policy J-3 is: "To encourage use of a single occupant vehicle alternative and development of pedestrian scale neighborhoods, high density residential development shall be encouraged in urban growth areas with particular

attention to those locations within cities and in close proximity to arterials and main transit routes.”

20. The subject site is within the Birch Bay Urban Growth Area, where Planning Policy J-3 encourages high density. Other large projects are located near to this site and through clustering developments coordination with special districts can be encouraged so that they locate necessary facilities in relatively close proximity to these developments as the UGA more fully develops. Establishing higher density residential developments in proximity to project future services could facilitate greater use of alternative transportation modes.
21. The Whatcom County Comprehensive Plan states that “Short Term Planning Area” (STPA) is designed to promote urban levels of density and cost-effective provision of services and avoid sprawl.
22. Whatcom County’s important interest in ensuring appropriate urban densities is expressed in the Whatcom County Comprehensive Plan Goal 2A, which is to “ensure provision of sufficient land and densities to accommodate the growth needs of Whatcom County and protect the qualities that make the county a desirable place to live.” Additional Comprehensive Plan Policy 2P-1 is to “ensure that cities have adopted mechanisms which will encourage densities at desired levels”.
23. Whatcom County’s important interest in protecting rural and agricultural lands in the County (including those rural and agricultural lands that may surround Urban Growth Areas) is also expressed in the Comprehensive Plan. Specifically, Policy 2A-9 is to “Retain existing rural and heavy industrial areas in the northwestern region of the County.” Additionally, Comprehensive Plan Goal 8A is to “Conserve and enhance Whatcom County’s agricultural land base for the continued production of food and fiber.”
24. The subject site is located at south side of Semiahmoo Parkway, west of Shintaffer Road, and south of the City of Blaine City limits and designated Urban Growth Area. The applicant has proposed that of the total 36.23 acre parcel a maximum of 76 single family lots or a maximum of 124 multi-family units be permitted on this site.
25. Therefore, Whatcom County, which has authority to grant or deny applications to rezone property in the Birch Bay Urban Growth Area, finds that development on the subject site should occur at a minimum density of the UR-4 zone and to ensure compliance 11.4% of the site will be dedicated to open space all other code sections relevant to Planned Unit Developments shall be complied with including: WCC 20.85.105 (buffers); WCC 20.80.345 Critical Areas;

## **CONCLUSION**

The subject amendment is consistent with the Whatcom County Plan and the Birch Bay Sub Area Plan.

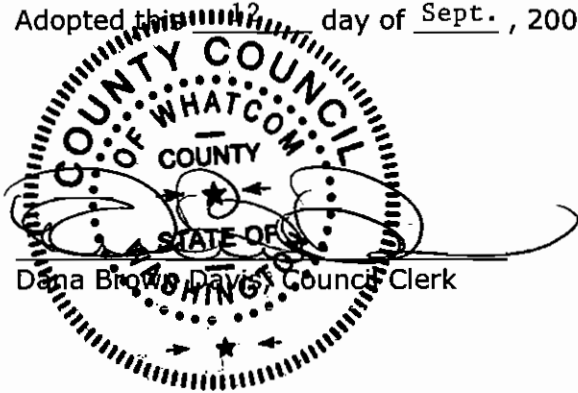
**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:

Section 1: The Official Whatcom County Zoning Ordinance map is hereby amended from long term to short term planning area for the subject site shown on Exhibit A.

Section 2: This amendment to the Official Whatcom County Zoning Ordinance map is subject to the condition shown on Exhibit B.

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 17 day of Sept., 2006



Dana Brown Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Laurie Caskey-Schreiber, Chairperson

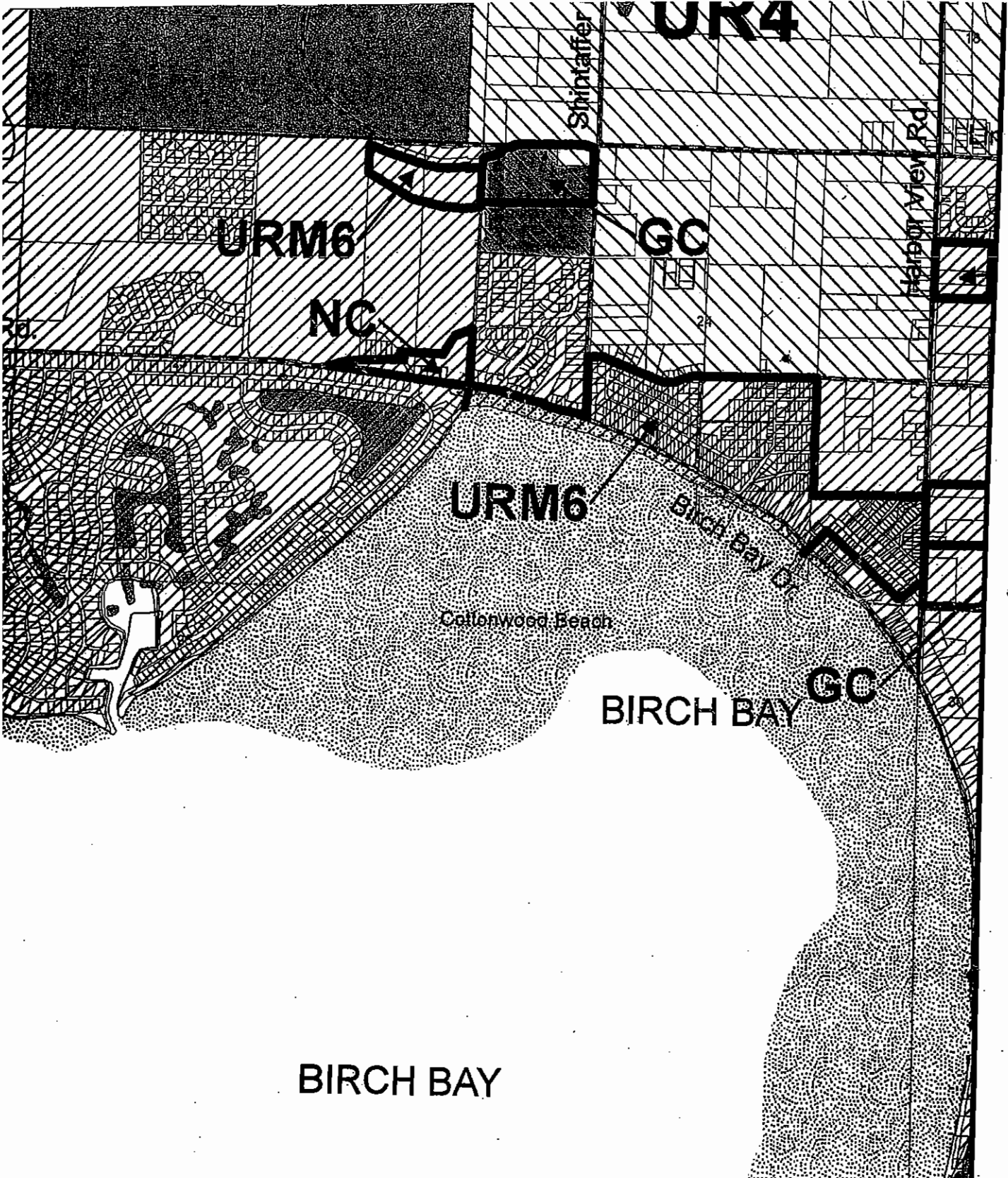
APPROVED as to form:

  
Civil Deputy Prosecutor

Approved                       Denied  
  
Pete Kremen, Executive

Date: 9-15-06

Exhibit A



BIRCH BAY

Exhibit B

