

Cherry Point Major/Port Industrial UGA – Community Proposal

Introduction

The Cherry Point UGA is a Major/Port Industrial UGA that was designated pursuant to provisions of the Growth Management Act which allows industrial development outside of Urban Growth Areas. RCW 36.70A.365 allows jurisdictions to designate an Industrial UGA if there is not sufficient land available within existing UGAs. The Cherry Point UGA was designated in 1997.

Below is the provision of the Growth Management Act regarding major industrial development in which Cherry Point UGA was designated:

RCW 36.70A.365

Major industrial developments.

A county required or choosing to plan under RCW [36.70A.040](#) may establish, in consultation with cities consistent with provisions of RCW [36.70A.210](#), a process for reviewing and approving proposals to authorize siting of specific major industrial developments outside urban growth areas.

(1) "Major industrial development" means a master planned location for a specific manufacturing, industrial, or commercial business that: (a) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or (b) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent. The major industrial development shall not be for the purpose of retail commercial development or multitenant office parks.

(2) A major industrial development may be approved outside an urban growth area in a county planning under this chapter if criteria including, but not limited to the following, are met:

(a) New infrastructure is provided for and/or applicable impact fees are paid;

(b) Transit-oriented site planning and traffic demand management programs are implemented;

(c) Buffers are provided between the major industrial development and adjacent nonurban areas;

(d) Environmental protection including air and water quality has been addressed and provided for;

(e) Development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas;

(f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands;

(g) The plan for the major industrial development is consistent with the county's development regulations established for protection of critical areas; and

(h) An inventory of developable land has been conducted and the county has determined and entered findings that land suitable to site the major industrial development is unavailable within the urban growth area. Priority shall be given to applications for sites that are adjacent to or in close proximity to the urban growth area.

(3) Final approval of an application for a major industrial development shall be considered an adopted amendment to the comprehensive plan adopted pursuant to RCW [36.70A.070](#) designating the major industrial development site on the land use map as an urban growth area. Final approval of an application for a major industrial development shall not be considered an amendment to the comprehensive plan for the purposes of RCW [36.70A.130](#)(2) and may be considered at any time.

Existing Conditions

Cherry Point Profile

The Cherry Point Urban Growth Area (UGA) contains approximately 7,000 acres of industrial land. The land has long been planned and designated by Whatcom County for industrial development and is currently the site of three major industrial facilities including two oil refineries and an aluminum smelter.

Because of the special characteristics of Cherry Point, this area has regional significance for the siting of large industrial or related facilities because of the large acreage demands of the types of industries likely to locate there. Additionally access to a deep water port, proximity to Canada, energy service from three providers and access to the Burlington Northern Railroad all contribute to the characteristics that make Cherry Point a desirable location for industry.

The Cherry Point shoreline not only has an importance to industry being a deep water port but also has great importance to the fisheries and ecology of Northern Puget Sound because it provides essential spawning habitat for the largest herring stock in Washington State. This herring stock has supported important commercial fisheries and provides forage for salmonids and other important marine species. In September 2003, the DNR accepted the recommendation that Cherry Point be further evaluated for Aquatic Reserve status. The proposed reserve extends from the southern boundary of Birch Bay State Park to the northern border of the Lummi Indian Nation Reservation. The site excludes three existing leases (BP, Intalco, ConocoPhillips shipping piers) and one proposed lease (Gateway Pacific Terminal site).

Existing Plan

The existing Whatcom County Comprehensive Plan includes a chapter with goals and policies to support the Cherry Point UGA. The goal of the chapter recognizes keeping Cherry Point as

an unincorporated UGA because of its unique location and its significant contribution to the overall industrial land supply and Whatcom County's tax base.

To permit the Cherry Point UGA staff analyzed whether consistency existed between the existing plan and the GMA requirements in RCW 36.70A.365.:

(a) New infrastructure is provided for and/or applicable impact fees are paid;

The infrastructure to support industrial developments such as, roads, electrical, fire, water and sewer service are available. If additional infrastructure requirements are necessary because of new development, the necessary expansion of infrastructure will occur at the time of development.

(b) Transit-oriented site planning and traffic demand management programs are implemented;

Implementing a Traffic Demand Management (TDM) programs for business located within the UGA is a requirement of RCW 36.70A.365. Currently businesses located in Cherry Point are exempt from the state TDM requirements. Some of the employers in this area have voluntarily begun programs. However, the requirement is necessary for designating Cherry Point a UGA, staff has proposed a policy for the Comprehensive Plan which could lead to the creation of an ordinance requiring businesses with over 100 employees in Cherry Point to implement a TDM program.

(c) Buffers are provided between the major industrial development and adjacent nonurban areas;

Buffers between residential and industrial uses exist in the zoning code. The HII zone has a buffer requirement of 660 ft between industrial and residential uses, WCC 20.68.552.

(d) Environmental protection including air and water quality has been addressed and provided for;

Shoreline requirements along with critical area requirements will protect water ways. Policy 2BB-10 in the Comprehensive Plan does not allow for the addition of any new piers to Cherry Point. This will aid in limiting the expansion of new impacts on water quality.

Addition of a new policy that would allow for a TDM for Cherry Point business would aid in lowering Cherry Point's air emissions. Employees of the Cherry Point UGA must drive from various locations of Whatcom County. Emissions from transportation are a leading cause of carbon emissions. Employers implementing TDM programs would create programs that would aid reducing the number of trips taken while commuting to work; this would assist in lowering the Cherry Point's UGA carbon footprint.

(e) Development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas;

North of the Cherry Point UGA is the Birch Bay UGA. However, to the east and south are Rural and Rural Residential zoning districts which will not be developed at urban levels.

(f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands;

The Cherry Point region of Whatcom County has historically been designated for industrial uses. The proposal will not affect any agricultural, forest or mineral resource lands as the existing plan and proposal are the same boundaries that have historically been designated in Whatcom County.

(g) The plan for the major industrial development is consistent with the county's development regulations established for protection of critical areas; and

The businesses already located in the Cherry Point UGA have been required to meet any Critical Area Ordinance (CAO) requirements and be compliant with the Shoreline Management Program (SMP) requirements that were in place at the time of development. If any new development is proposed in the Cherry Point UGA compliance with the CAO and the SMP would be required.

(h) An inventory of developable land has been conducted and the county has determined and entered findings that land suitable to site the major industrial development is unavailable within the urban growth area. Priority shall be given to applications for sites that are adjacent to or in close proximity to the urban growth area.

This region of Whatcom County has historically been designated for industrial growth. The area serves as a regional employer and is a site more suitable for heavy impact industrial than land within any other UGAs. The size of the Cherry Point UGA and the demand for industrial land has been supported by the previous studies on Whatcom County and Cherry Point; *Supply and Demand of Industrial Land in Whatcom County and at Cherry Point*, Property Counselors, January 1997

Evaluation for Industry Recruitment in Whatcom County and Cherry Point, Deloitte & Touche, November 2000

Whatcom County Industrial Lands Study, Port of Bellingham, August 2003

2008 Population

No residential population in the Cherry Point UGA.

2008 Employment

The 2008 employment for the Cherry Point UGA is estimated at 1,182 employees.

Land Capacity Analysis Overview

The Land Capacity Analysis shows the Cherry Point UGA to have 5,495 gross developable acres. After the removal of pending projects, publicly owned developable lands, and critical area subtractions the UGA has 1,468 net developable acres for industrial use. This indicates a total employment growth capacity of 1,320 employees.

Public Facilities and Services

<i>Water</i>	Whatcom County Public Utility District #1 provides water service to all major industrial facilities at Cherry Point. Other industries operate their own water treatment facilities and treat processed water to provide potable water for their facilities.
<i>Sewer</i>	Sewer service is not typically required for large industrial developments. Most existing industrial users provide their own on-site sewage treatment and waste water treatment. For domestic water service in Cherry Point the Birch Bay Water and Sewer District, which borders Cherry Point could provide water and sewer service on a contractual basis.
<i>Fire</i>	Whatcom County Fire District #7
<i>Schools</i>	N/A, Cherry Point has no residential development
<i>Parks</i>	Pt. Whitehorn Marine Reserve

Open Spaces and Green Belts

Pt. Whitehorn Marine Reserve on the west end of the Cherry Point UGA is a Whatcom County owned park. On the east side of the UGA is 146 acres of land that is owned by the Department of Natural Resources. The Growth Management Act requires open space corridors to be identified within and between urban growth areas. (RCW 36.70A.160)

UGA Update Process

Public Participation

Whatcom County Planning Staff held a meeting organized by the Bellingham/Whatcom Economic Development Council (BWEDC) on April 15, 2009. Industry representatives, property holders as well as jurisdiction representatives attended the meeting. Discussion at the meeting included the results of the land capacity analysis, as well as discussion on how historically the Cherry Point UGA had been permitted.

Proposal

Comprehensive Plan Changes

One condition for designating the Cherry Point UGA is that industries located within the UGA implement Transfer Demand Management (TDM) programs. The Whatcom Council of Governments (COG) is the agency responsible for overseeing businesses TDM programs. Staff's proposal would include a Comprehensive Plan amendment with the addition of policy language on implementation of TDM programs in Cherry Point.

2029/31 Population

No projected population for the 2029/31 population projection.

2029/31 Employment

The employment proposal is 1,942 as proposed by the Growth Management Coordinating Council.

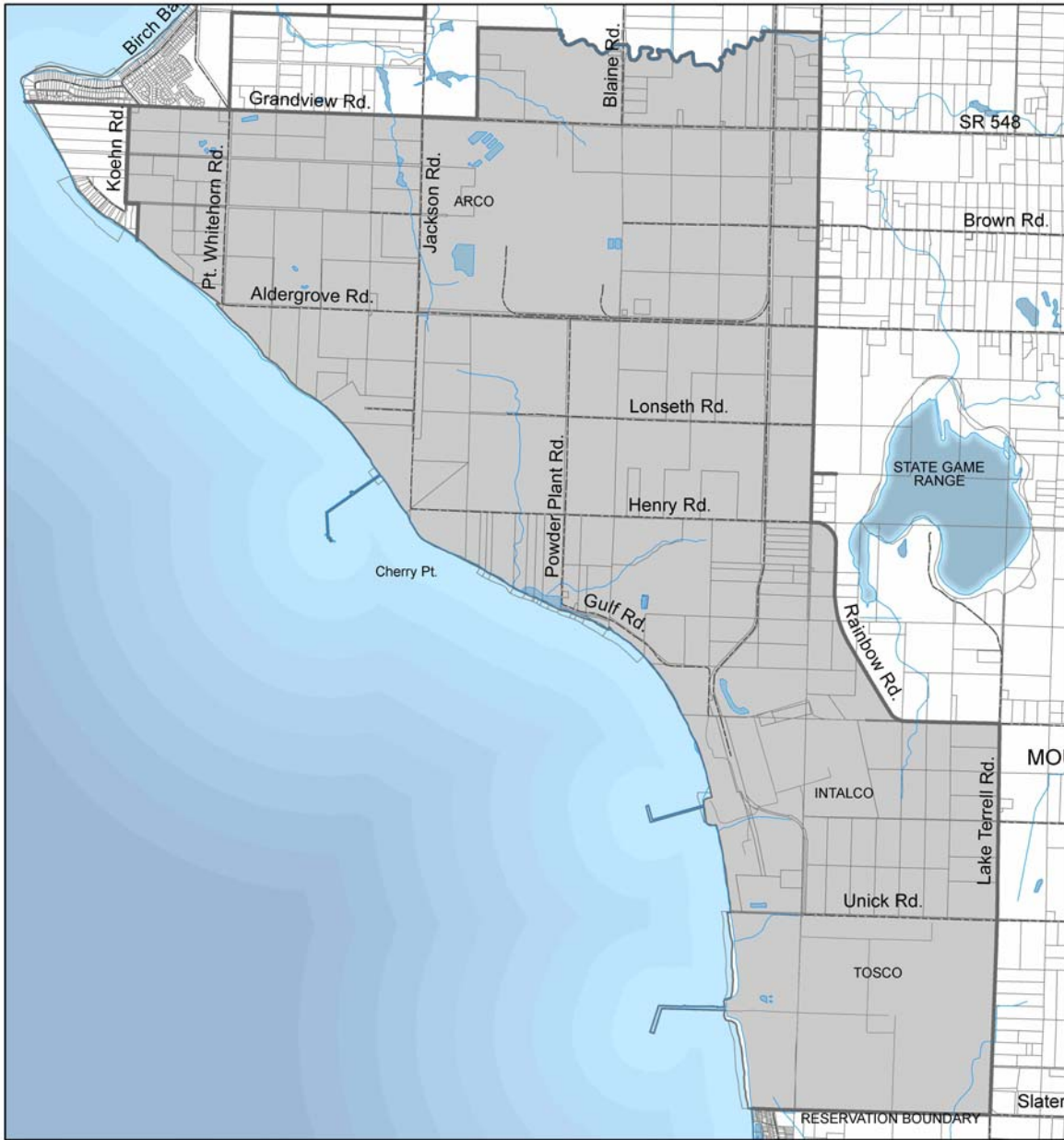
UGA Size

<i>UGA Additions/Subtractions</i>		
1	Existing UGA Size (Total Acres)	7,000
2	Total Acres Added (or Subtracted) to Accommodate Population	-
3	Total Acres Added (or Subtracted) to Accommodate Employment	-
4	Proposed UGA Size (Total Acres)	

Land Capacity Analysis

<i>Residential Land Capacity Analysis Results</i>		
1	Gross Developable Acres	-
2	Net Developable Acres Available (after reductions for pending or master planned projects, critical areas, public uses, infrastructure, and market factor)	-
3	Net Developable Acres Needed to Accommodate Population Growth Request	-
4	Surplus (Deficit) in Net Acres	
5	Population Growth Capacity of UGA request (based on GMCC adopted land supply methodology)	-
6	Population Growth Allocation Requested	-
7	Surplus (Deficit) in Population	
8	Average Net Density Used in Land Capacity Analysis	-
9	Comments:	

<i>Commercial/Industrial Land Capacity Analysis Results</i>		
1	Gross Developable Acres	5,836
2	Net Developable Acres Available <i>(after reductions for pending or master planned projects, critical areas, public uses, infrastructure, and market factor)</i>	1,468
3	Net Developable Acres Needed to Accommodate Employment Growth Request	837
4	Surplus (Deficit) in Net Acres	631
5	Employment Growth Capacity	1320
6	Employment Growth Allocation Requested	760
7	Surplus (Deficit) in Employment	560
8	Average Floor/Area Ratio Used in Land Capacity Analysis	.08
9	Comments:	



June 2009

Cherry Point - Urban Growth Area Proposal

- Existing Urban Growth Area
- Proposed UGA Addition
- Proposed UGA Removal

Please Note: There are no proposed changes to the existing UGA Boundary

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0 0.1 0.2 0.4 0.6 0.8 Miles

