

AB2009-52f



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Pacific Surveying & Engineering

www.psesurvey.com

DISTRIBUTED TO

OCT. 22 2009

ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

October 21, 2009

Attn: **Barbara Brenner**
Ward Nelson
Sam Crawford
Carl Weimer
Seth Fleetwood
Bob Kelly
Laurie Caskey-Schreiber
Whatcom County Council
311 Grand Avenue, Suite 105
Bellingham, Washington 98225

Subject: **Proposed UGA Boundary Revisions- Birch Bay**

Dear County Council,

On behalf of our client, Anchor Manor, LLC, and as a tool to assist you in your upcoming analysis of the proposed revisions to the Birch Bay Urban Growth Area, we offer the attached letters and exhibits for your review. These attachments have already been submitted to the Planning Commission and Planning Department and are currently a part of the public record.

We are seeking County Council reconsideration for retention of our client's 21-acre property in the Birch Bay Urban Growth Area.

As a point of reference, the property subject to our request is located northeasterly of the Birch Bay Road – Blaine Road intersection and is designated by the County Assessor as Tax Parcel No. 400120 050110. There is a current development permit pending on the property, the history of which was detailed in the attached letter to the Planning Director, David Stalheim, dated October 13, 2009.

It is our opinion that the subject property, being surrounded by public services on three sides and situated directly adjacent to the proposed traffic improvements at Birch Bay Lynden and Blaine Roads, meets the underlying objectives of the Growth Management Act and the Whatcom County Comprehensive Plan for establishment (or in this case, retention) of urban growth areas- namely, to set aside feasible development property for

future Urban Growth and residential housing in areas that do not require substantial infrastructure improvements to serve. Our currently vested development proposal attests to the immediate availability and feasibility of this land for that use and purpose. The "will serve" letters already gathered as a part of the development permit further indicate the ability of this project to provide housing in this area without being an excessive burden on the neighborhood. This property is proven to be feasible for more dense urban development, which in turn will reduce sprawl and create needed housing units for lower income families and first time home buyers in Birch Bay and the surrounding rural community.

The property is not only surrounded by existing public water and sewer facilities, but is also lodged in between existing urban density developments (90-unit mobile home park to the east and 80-unit single family residential development to the south) and commercially zoned properties (west and south). Removal of the subject property from the UGA as currently proposed would essentially create a "donut effect," leaving high density developed properties surrounding a rural enclave. Based on the discussions heard to date during the ongoing review of the Executive's recommendation, this type of reconfiguration of land use boundaries is exactly what the County is intending to avoid.

Below we have included two sections of the Revised Code of Washington which are intended to be a guide for the development and adoption of comprehensive plans in Washington State. We believe that these sections constitute sufficient argument for why this property should be considered for retention in the UGA:

RCW 36.70A.020 (1) Urban Growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

RCW 36.70A.110 (3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas...

The proposed changes to Whatcom County's Comprehensive Plan also address these goals in the following section:

Whatcom County Comprehensive Plan (proposed)

Chapter 2 (Land Use)

Urban Growth Areas

Purpose

The Growth Management Act requires the designation of urban growth areas (RCW 36.70A.110). These areas are to include cities and other areas characterized by urban growth or adjacent to such areas, and are to be designed to accommodate the projected population growth for twenty years. Any growth that occurs outside the areas

cannot be urban in nature. The Act further specifies that **urban growth should, first, be located in areas that already have adequate existing public facilities and service capacity** and, second, in areas where such services if not already available, can be served adequately by a combination of both existing public facilities and serves services and any additional public facilities and services that are provided by either public or **private sources.**(emphasis added)

In consideration of all of the above, and in light of the currently proposed modifications to the Birch Bay UGA, we formally request that the County Council retain this property within the Birch Bay Urban Growth Area, as it currently sits and as it obviously belongs.

We encourage each one of you to visit the subject property with the landowner, in an effort to properly analyze this proposed removal area in context with the surrounding land uses (current and future). If you do so, we are confident that you will realize that this property and proposed development are a natural addition to what will likely be a future urban village at the leading edge of the Birch Bay Subarea.

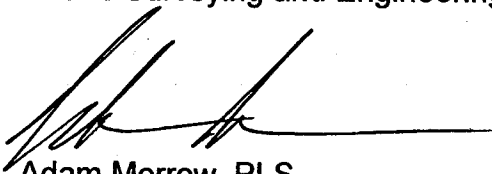
We appreciate your review and consideration of our request and look forward to any questions you may have.

Please use the following numbers for any inquiries regarding our request or to schedule an appointment to visit the property:

Property Owner:	<i>Tom Fenton</i>	<i>Home: 366-4048</i>	<i>Cell: 305-1252</i>
	<i>Sue Williamson</i>	<i>Cell: 719-1860</i>	

Property Owner Rep.	<i>Adam Morrow</i>	<i>Office: 671-7387</i>
---------------------	--------------------	-------------------------

Sincerely,
Pacific Surveying and Engineering



Adam Morrow, PLS
Principal

cc: County Executive *Pete Kremen*
Planning Director *David Stalheim*



1812 Cornwall Avenue ^ Bellingham, WA 98225
Phone 360.671.7387 ^ fax 360.671.4685
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Pacific Surveying & Engineering

www.psesurvey.com

October 13, 2009

**To: David Stalheim, Planning Director
Whatcom County Planning and Development
Northwest Annex
5280 Northwest Drive
Bellingham, WA 98226**

Subject: Maritime Manor PUD- Birch Bay

Dear David,

I prepared this letter as a follow up to our email correspondence. Its purpose is to help bring you and your staff up to speed on our past, present and future work on the Maritime Manor PUD project.

As you are aware, our firm represents Anchor Manor, LLC, a local housing developer and the owner of 20 acres in the northeast corner of the Birch-Bay Lynden Road and Blaine Road intersection. This 20 acre parcel is the proposed Maritime Manor Planned Unit Development (PUD).

Project History

In May of 2005, our firm submitted a project application for a 52-lot single family housing subdivision and site specific rezone to Whatcom County PDS on this property. Shortly thereafter, the application was deemed complete and the project obtained vested status. A Technical Review Committee (TRC) meeting was held on September 2, 2005. Since that time, our project team has been working with County, State and Federal agencies on the various environmental and land use studies and permits required as part of the long subdivision proposal. The property currently falls within the long-term planning designation of the Birch Bay UGA, and as such would require a site specific rezone to short-term planning prior to completion of the development proposal.

In addition to the complete application notice, the project has obtained the following preliminary approvals:

Army Corps of Engineers wetlands fill permit
Fire District "Will Serve"
Birch Bay Water and Sewer District "Will Serve"
School District "Will Serve"

It is important to note, and has been noted during the public process over the last month, that public water and sewer already front the property on three sides. In fact, our client actually installed a portion of these utilities for Birch Bay Water and Sewer District in the 1990's, as a condition of Plat approval for their 80-lot Anchor Manor PUD lying immediately south of Birch Bay Lynden Road. For your reference, a copy of a map depicting the location of these utilities in reference to the project site has been attached to this letter.

The Maritime Manor PUD was designed to accommodate runoff from the development utilizing engineered stormwater management facilities and low impact development features. An environmental mitigation plan was reviewed and approved by Whatcom County and the Army Corps of Engineers for proposed wetlands fill and critical areas impact.

During the TRC meeting for this project, it was noted that impacts to the County road system were being analyzed as a part of adjacent commercial development proposals. As a result, our project was waiting for the results of these studies and reports to determine our necessary role in any vicinity road or traffic improvement projects. It is our understanding that although these adjacent projects have since been abandoned, the studies *did* determine that the Birch Bay Lynden Road / Blaine Road intersection was in need of improvements. As a result, the Whatcom County Council recently placed this intersection on their 6-year Transportation Improvement Program docket. It is likely that this project, if granted the appropriate approvals, would play a major role in providing the financial resources to construct these very necessary and overdue improvements.

In late 2006, as a part of the site specific rezone application and under the direction of Troy Holbrook and the County Planning staff, our team had hired a consultant to prepare a study of housing needs in this area. Shortly thereafter, this study was placed on hold for reasons unassociated with the development project. However, our client has agreed to again hire this consultant to finish the land use study, which will be submitted with other requested information shortly in preparation for the public hearing for the project.

Enclosures

For your reference, we have enclosed the following pertinent exhibits:

- Exhibit map of the proposed PUD
- Map of public Water and Sewer in vicinity of project (BBW&S District)

Affects of Proposed UGA Boundary Changes

After reviewing the most recent proposal for modifications to the UGA boundary in this vicinity, it appears that the property as a whole has been recommended for removal from the UGA.

We understand that the newly proposed UGA boundaries were the result of a lengthy County review effort. We also understand that these boundaries are not intended to be arbitrary, but rather are intended to consider feasibility of construction and development to meet projected build out needs. After considering the efforts already put forth on this property, and the proven development capability of the land, we can't help but think that this property and the underlying development permit were simply missed during this exercise. As such, on behalf of Anchor Manor, LLC, we request that this property remain in the UGA boundary.

This project fits the intent and patterns of growth in Birch Bay. As mentioned above, Whatcom County recently placed the Birch Bay-Lynden Road/Blaine Road intersection on its 6-year TIP and water and sewer are readily available for the property in Birch Bay-Lynden Road and Blaine Road. Additionally, Anchor Manor, LLC has a proven track record with successful housing projects in this vicinity and is prepared to work closely with the County to assess and mitigate for the applicable impacts to the regional public facilities created or exacerbated by this project. As we have stated before, it is our hope that with the information recently provided to the County regarding our pending project permit, the Planning Department will recommend revising the current proposal such that this property retains its UGA status. This could be accomplished by removing a similar area of land from another part of the subarea that has less immediate or short term development potential.

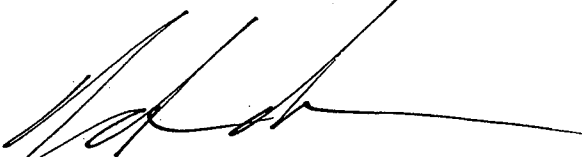
Project Goals and Future Permit Submittals

Undoubtedly, our client will continue to voice his objections to the current proposal if unchanged. At the same time, he has tasked the project team with continuing work towards our original end goal: approval of the site specific rezone and Preliminary and Final PUD. In this regard, we look forward to working closely with you and your staff and hope that we can continue to rely on your Department for due consideration and assistance. We trust that after reviewing the project files, and after considering the specific circumstances that make this proposal both feasible and appropriate, we can count on the support of you and your staff while we move forward with the original development proposal.

In the meantime, any clarity that you can give to the Planning Commission (for its October 15, 2009 work session where it will re-visit the Birch Bay UGA) and County Council regarding our project, the specifics noted above, and the process involved in the site specific rezone is appreciated.

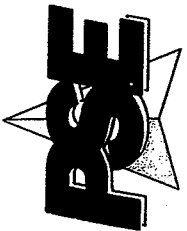
Thank you for your consideration and your patience while we worked with our client to respond appropriately to your request for information. You should receive additional documentation regarding the pending permit in short order.

Sincerely,
Pacific Surveying and Engineering

A handwritten signature in black ink, appearing to read 'Adam Morrow', with a long horizontal line extending to the right.

Adam Morrow, PLS
Principal

cc: *Brad Swanson, PE, Atty at Law*
Chet Lackey, Atty at Law
Tom Fenton



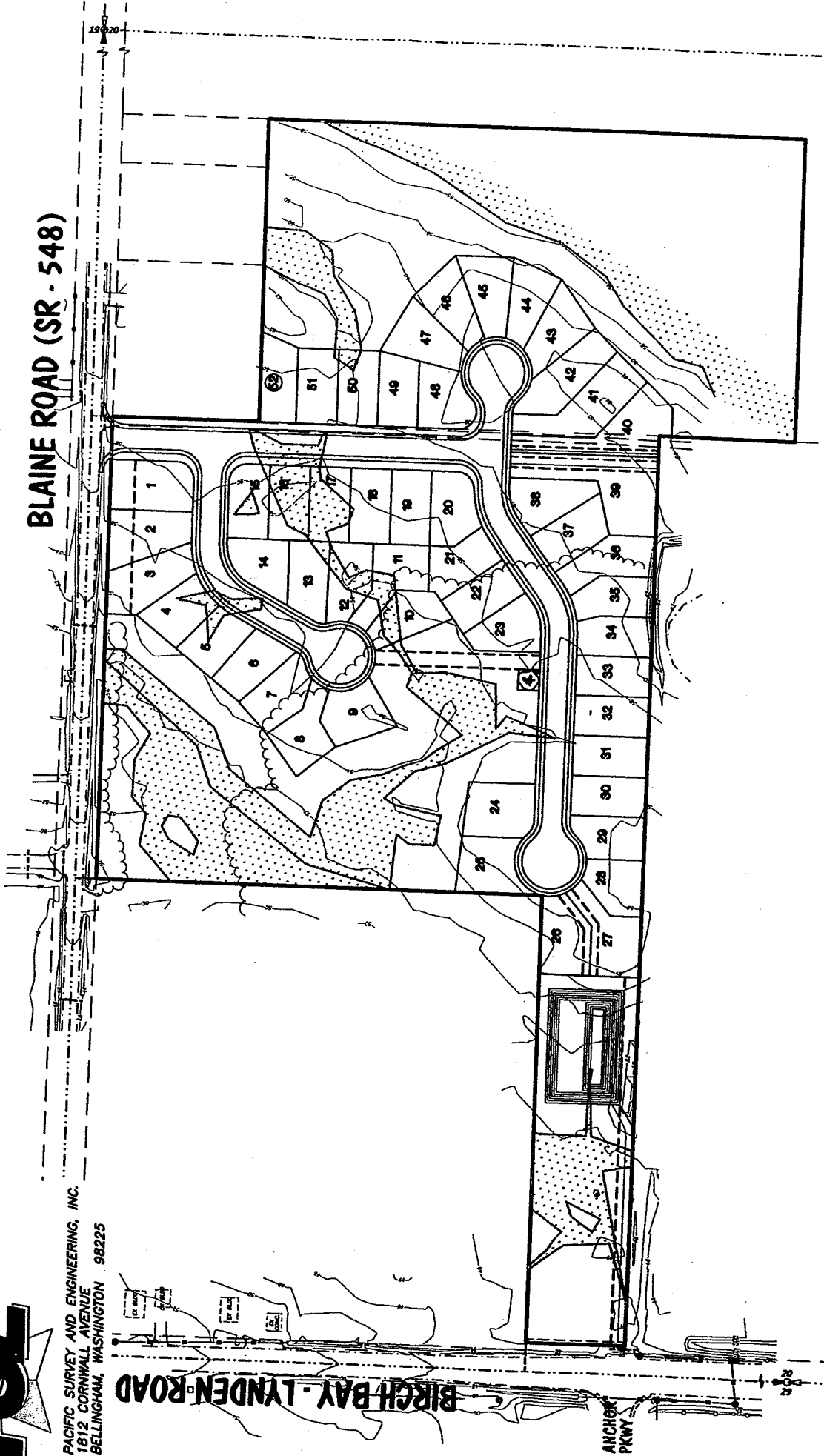
PACIFIC SURVEY AND ENGINEERING, INC.
1812 CORNWALL AVENUE
BELLINGHAM, WASHINGTON 98225

NORTH

BLAINE ROAD (SR - 548)

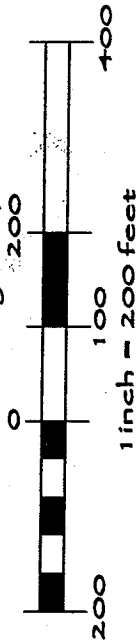
BIRCH BAY - LYNDEN ROAD

ANCHOR PKWY



GRAPHIC SCALE

(as survey feet)



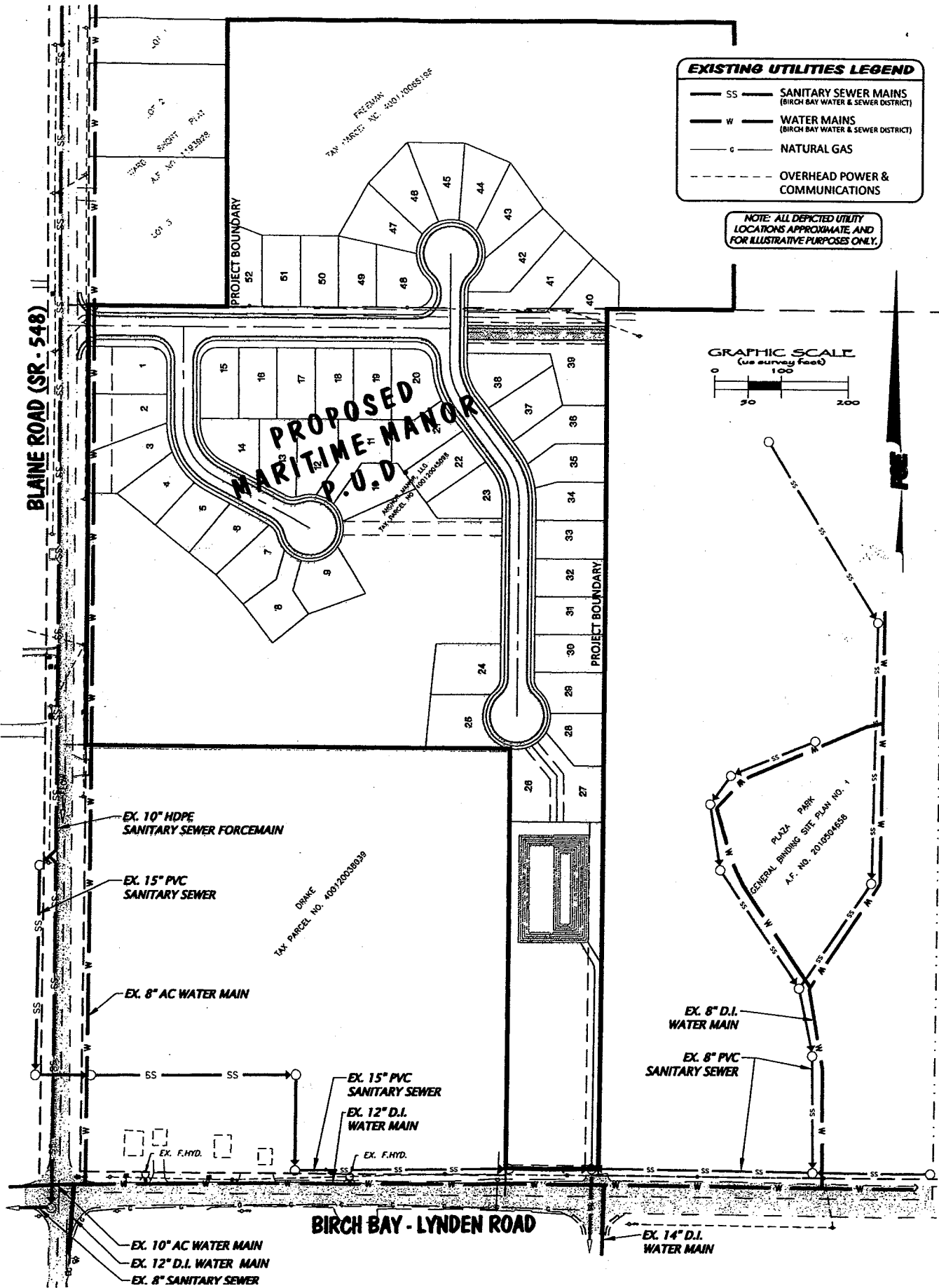
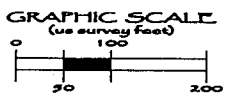
MARITIME MANOR
P.U.D.

BLAINE ROAD (SR - 548)

EXISTING UTILITIES LEGEND

SS	SANITARY SEWER MAINS (BIRCH BAY WATER & SEWER DISTRICT)
W	WATER MAINS (BIRCH BAY WATER & SEWER DISTRICT)
G	NATURAL GAS
---	OVERHEAD POWER & COMMUNICATIONS

NOTE: ALL DEPICTED UTILITY LOCATIONS APPROXIMATE AND FOR ILLUSTRATIVE PURPOSES ONLY.



EX. 10" HDPE SANITARY SEWER FORCEMAIN

EX. 15" PVC SANITARY SEWER

EX. 8" AC WATER MAIN

EX. 15" PVC SANITARY SEWER

EX. 12" D.I. WATER MAIN

EX. 10" AC WATER MAIN
EX. 12" D.I. WATER MAIN
EX. 8" SANITARY SEWER

EX. 8" D.I. WATER MAIN

EX. 8" PVC SANITARY SEWER

EX. 14" D.I. WATER MAIN

BIRCH BAY - LYNDEN ROAD



PACIFIC SURVEY AND ENGINEERING, INC.
1812 CORNWALL AVENUE
BELLINGHAM, WASHINGTON 98225

EXHIBIT
MARITIME MANOR P.U.D.
EXISTING VICINITY UTILITIES



Pacific Surveying & Engineering

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www.psurvey.com

September 17, 2009

**To: Whatcom County Planning Commission
Whatcom County Council**

Subject: Proposed Revisions to UGA Boundary- Birch Bay

Planning Commission and County Council Members:

I write this letter to summarize my planned oral presentation at the Public Hearing scheduled for this evening's joint Planning Commission and County Council meeting. My firm represents Anchor Manor Homes, a local housing developer, and owner of 20 acres in the northeast corner of the Birch-Bay Lynden Road and Blaine Road intersection.

Project History

The 20 acre parcel noted above is also known as the Maritime Manor Planned Unit Development (PUD). In May of 2005, our firm submitted a project application for a 52-lot single family housing subdivision and site specific rezone to Whatcom County PDS on this property. Shortly thereafter, the application was deemed complete and the project obtained vested status. Since that time, our project team has been working with County, State and Federal agencies on the various environmental and land use studies and permits required as part of the long subdivision proposal. The property currently falls within the long term planning designation of the Birch Bay UGA, and as such would require a site specific rezone to short term planning prior to completion of the development proposal.

In addition to the complete application notice, the project has obtained the following preliminary approvals:

Army Corps of Engineers wetlands fill permit
Fire District "Will Serve"
Birch Bay Water and Sewer District "Will Serve"
School District "Will Serve"

It is important to note that public water and sewer already front the property on two sides. The proposed PUD was designed to accommodate runoff from the development using engineered stormwater management facilities and low impact development features. An environmental mitigation plan was reviewed and approved by Whatcom County and the Army Corps of Engineers for proposed wetlands fill and critical areas impact. Impacts to the County road system were being analyzed as a part of adjacent development proposals, and our project was waiting for the results of these studies and reports to determine our necessary role in any vicinity road or traffic improvement projects. At a time immediately prior to the departure of the previous Planning Director, the project was on the docket for long range planning staff to prepare a staff report for presentation to the Hearing Examiner for the site specific rezone request. Shortly thereafter, those projects were superseded by the UGA and other GMA related modifications that we are discussing today.

Enclosures

For your reference, we have enclosed the following pertinent exhibits:

- Exhibit map of the proposed PUD
- As-Built maps of public Water and Sewer (BBW&S District)
- Proposed UGA Boundary Map- Birch Bay (property highlighted)
- Existing UGA Boundary Map- Long Term and Short Term Planning Areas hatched

Affects of Proposed UGA Boundary Changes

After reviewing the most recent proposal for modifications to the UGA boundary in this vicinity, it appears that the property as a whole has been removed from not only the UGA, but also from the new "UGA Reserve." Further review indicates that areas immediately adjacent to and westerly of this property, but much less feasible for development due to environmental concerns, have been encompassed within the new "UGA Reserve" boundary. It is our understanding that the UGA Reserve, or Urban Reserve designation is intended to serve much as the long-term planning designation currently does. These properties are to be set aside for future growth needs and should be considered as feasible development sites only if they have been deemed developable by today's standards.

We understand that the newly proposed UGA boundaries were the result of a lengthy County review effort. We also understand that these boundaries are not intended to be arbitrary, but rather are intended to consider feasibility of construction and development to meet projected build out needs. After considering the efforts already put forth on this property, and the proven development capability of the land, we can't help but think that this property and the underlying development permit were completely dismissed (or perhaps simply missed) during this exercise.

Request for Reconsideration

We formally request that the Commission and Council direct the staff to revisit this proposal and consider adding the subject property back into the UGA. As noted above, the property is readily serviceable, with a development plan already in place.

This development was originally considered as an extension of the recently completed (and completely built out) Anchor Manor subdivisions lying south of the project site. That development alone provided 80 housing units for low to middle-income families. The Maritime Manor project is capable of continuing this successful development style, and likely within the next 5 to 10 years. Adding this property to the UGA or the UGA Reserve would permit easy transition of the property to development, at a time deemed appropriate by both the property owner and the County administration.

Thank you for your consideration.

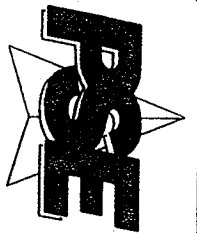
Sincerely,
Pacific Surveying and Engineering



Adam Morrow, PLS
Principal

Representing:

Anchor Manor Homes, LLC



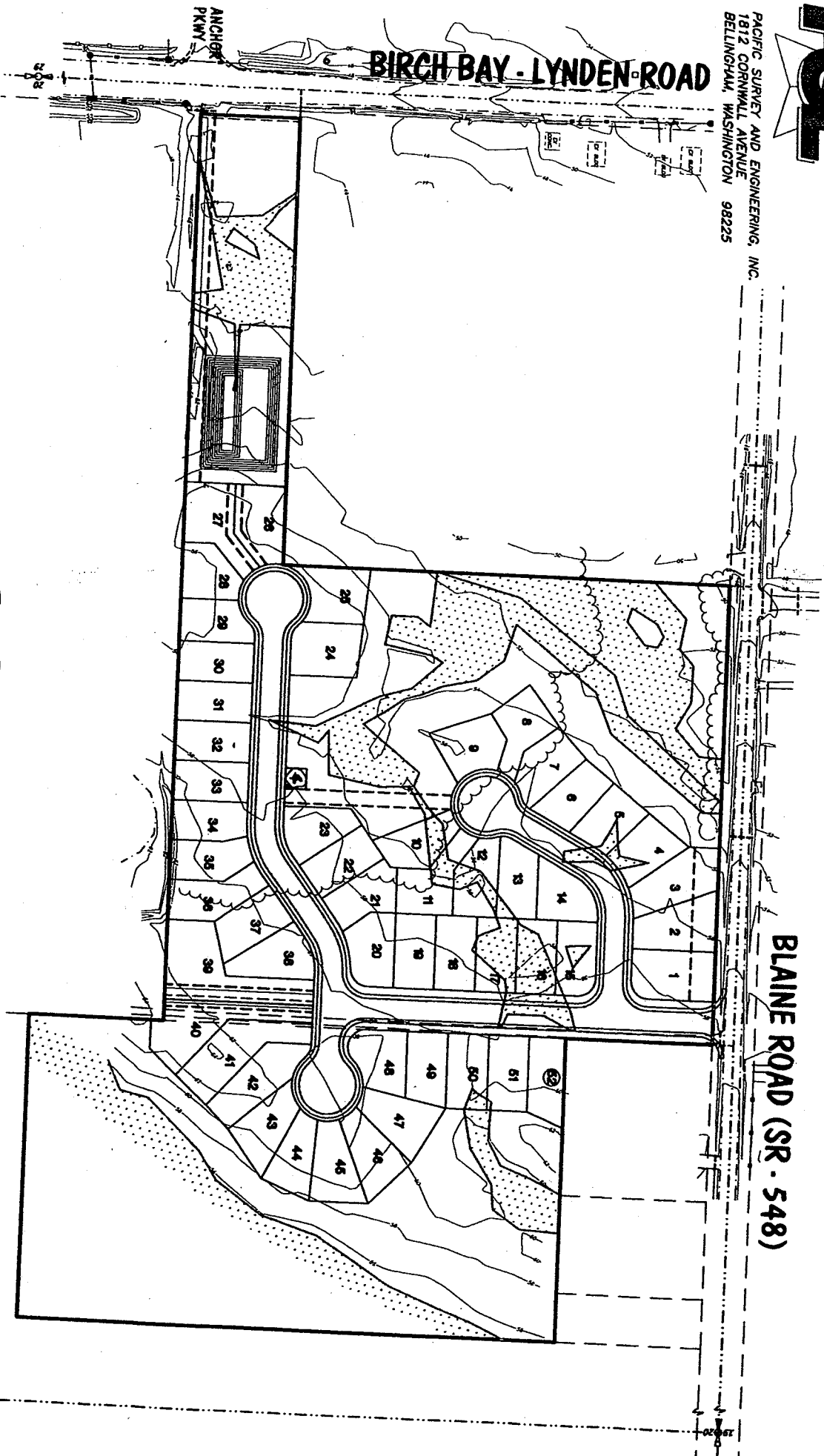
PACIFIC SURVEY AND ENGINEERING, INC.
1812 CORNWALL AVENUE
BELLINGHAM, WASHINGTON 98225

BIRCH BAY - LYNDEN ROAD

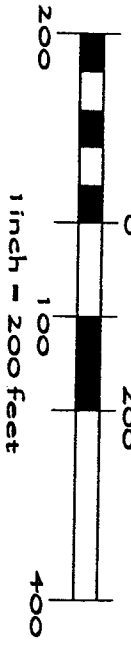
ANCHOR
PKWY

BLAINE ROAD (SR - 548)

NORTH

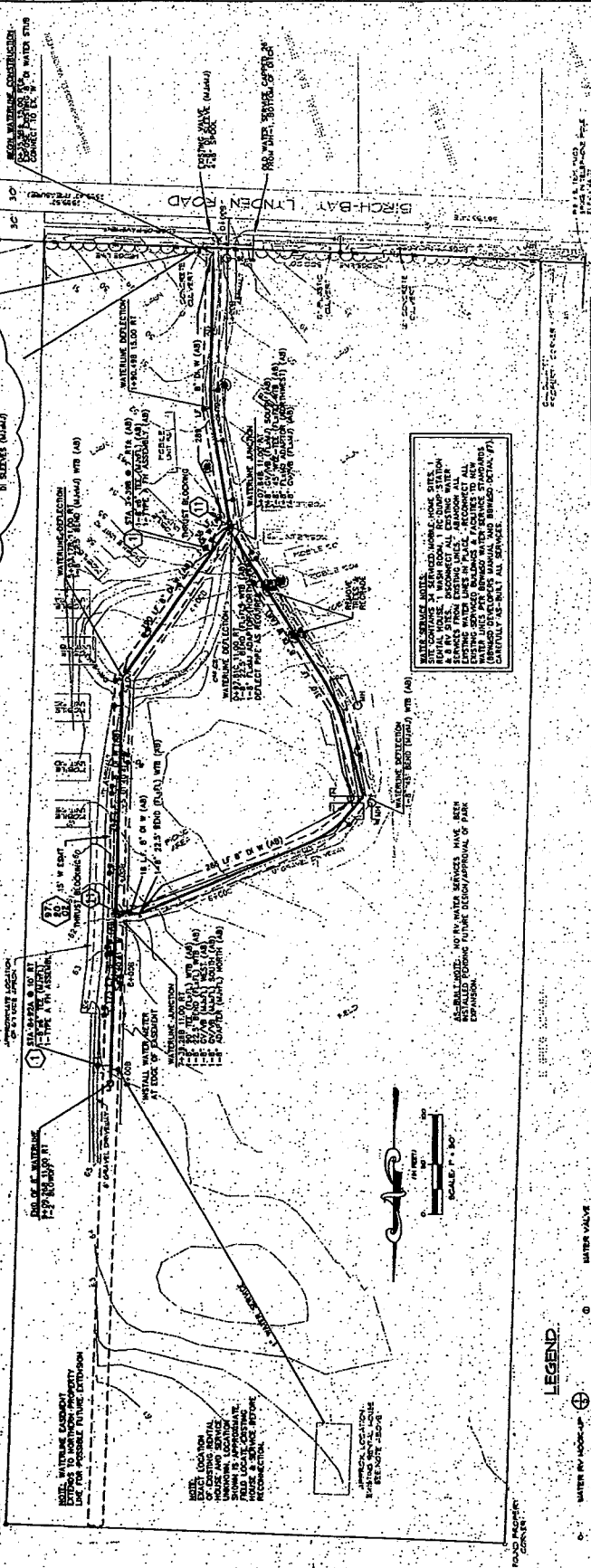
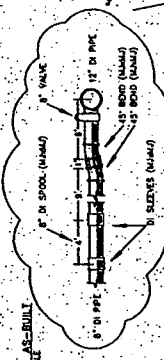


GRAPHIC SCALE
(as survey feet)



MARITIME MANOR
P.U.D.

WATER CONNECTION AS-BUILT



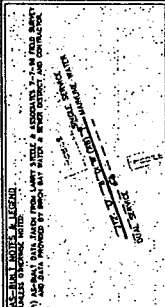
THIS DRAWING CONTAINS A SHOWN WORKING SITE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL EXISTING UTILITIES AND TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

AS-BUILT: NOT TO SCALE. ALL DIMENSIONS ARE AS SHOWN. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UTILITIES AND STRUCTURES BEFORE CONSTRUCTION.



LEGEND

- WATER VALVE
- AS-BUILT VALVE
- LIGHT POLE
- STREET LIGHT
- ROAD DRAIN MANHOLE
- WATER MANHOLE
- WATER TAP
- SET MANHOLE
- QUARTER CORNER
- SECTION CORNER
- FIRE HYDRANT
- WATER METER
- PUBLIC TELEPHONE POLE
- TYPICAL DEBRIS DITCH CALLOUT
- TYPICAL PROJECT DETAIL CALLOUT



REVISED TO CONFORM WITH DISTRICT RECORDS
 DATE: 11-11-11
 BY: [Signature]

POTABLE WATER ALIGNMENTS

REDUCED TO HALF SIZE

PLAZA PARK
 POTABLE WATER
 ALIGNMENTS
 STA 0+00 TO STA 12+50
 WATER DEPT-97-A
 SEWER DEPT-97-A

NOTE: THESE AS-BUILT PLANS ARE BASED ON PLANS REVISIONS AS PROVIDED BY THE CITY OF BIRCH BAY. THESE PLANS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS THEY ARE APPROVED BY THE CITY ENGINEER.



NO.	DESCRIPTION
1	AS-BUILT DEBRIS DITCH
2	AS-BUILT DEBRIS DITCH
3	AS-BUILT DEBRIS DITCH

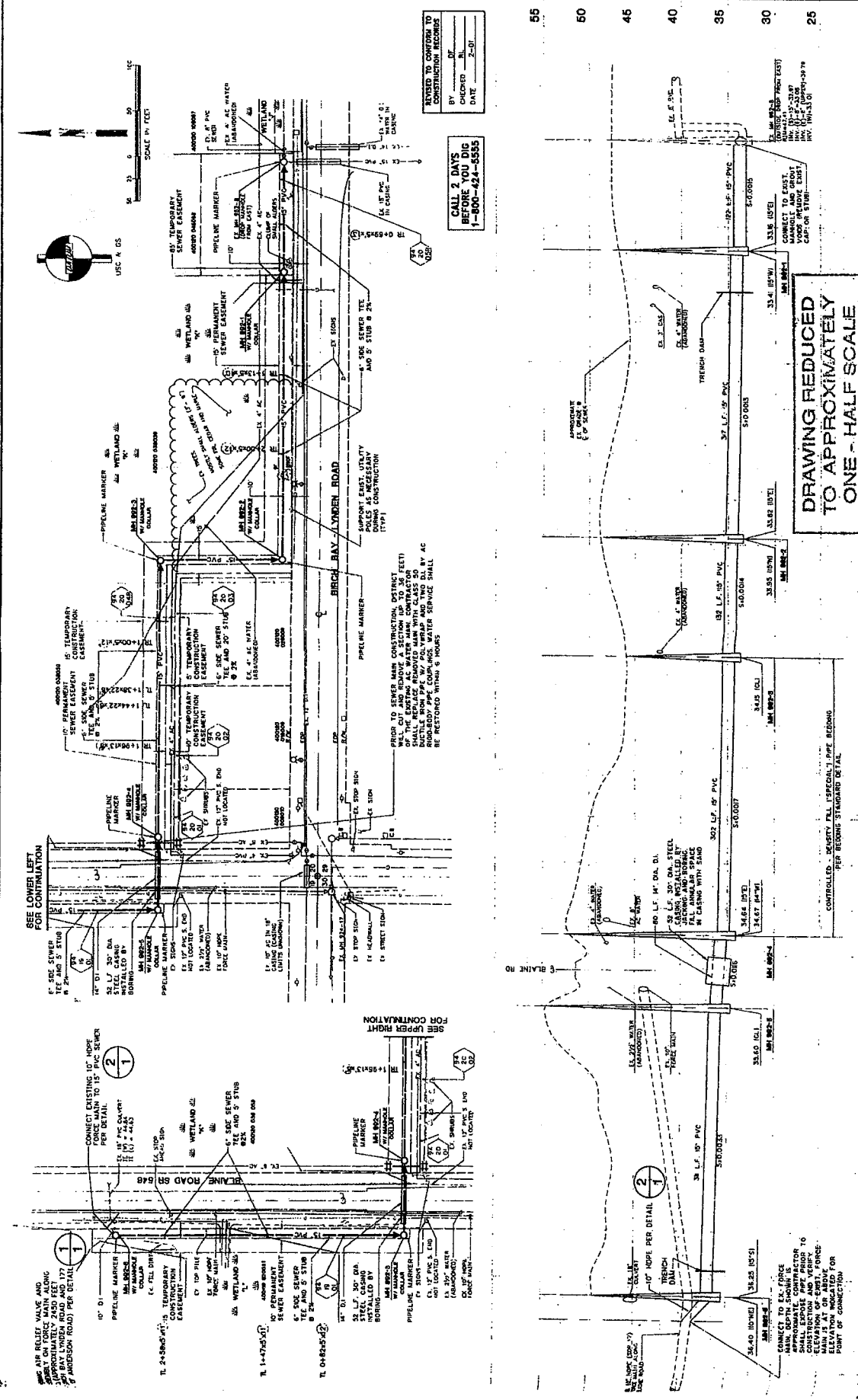
Schome planning & engineering, inc.
 1000 North Park Road, Suite 200
 Everett, WA 98201
 Phone: 425-799-1111



01-3 Drayton Heights

VERTICAL CURVE DATA
 1. DATE
 2. BY
 3. CHECKED
 4. DATE

SCALE
 1" = 50'
 07/03/03



BIRCH BAY WATER & SEWER DISTRICT

LOOMIS TRAIL FORCE MAIN BYPASS

PLAN & PROFILE

EASEMENT ALONG BLAINE ROAD

Scale: Horiz. 1"=50', Vert. 1"=5'

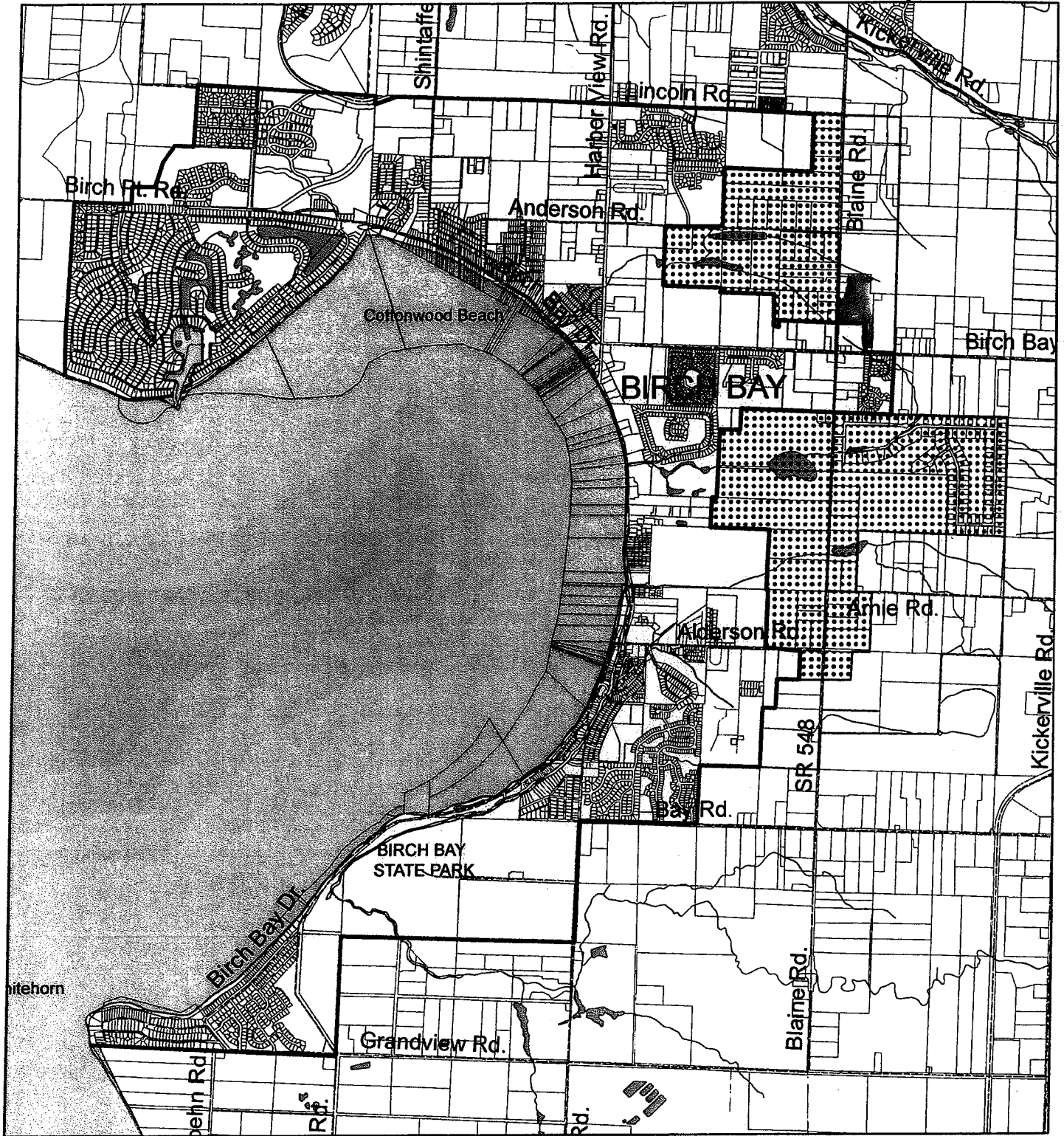
Job No. _____

Drawn By: _____ Date: _____

Checked By: _____ Date: _____



Reviewed By: _____ Date: _____

Sheet 2 of 2



- Birch Bay Urban Growth Area

Whatcom County
Comprehensive Plan
- August 2009

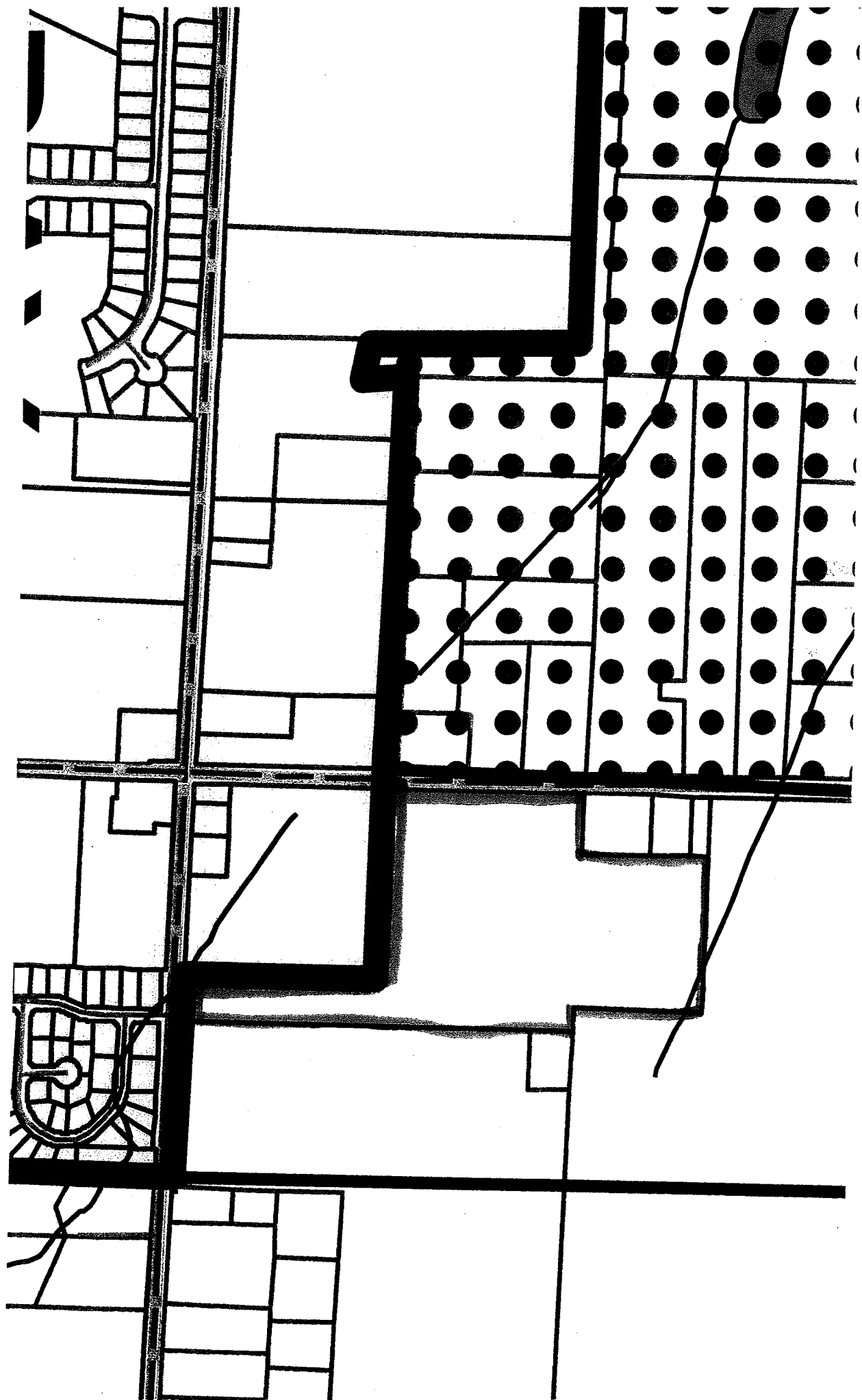
-  Urban Growth Area
-  Urban Growth Area Reserve

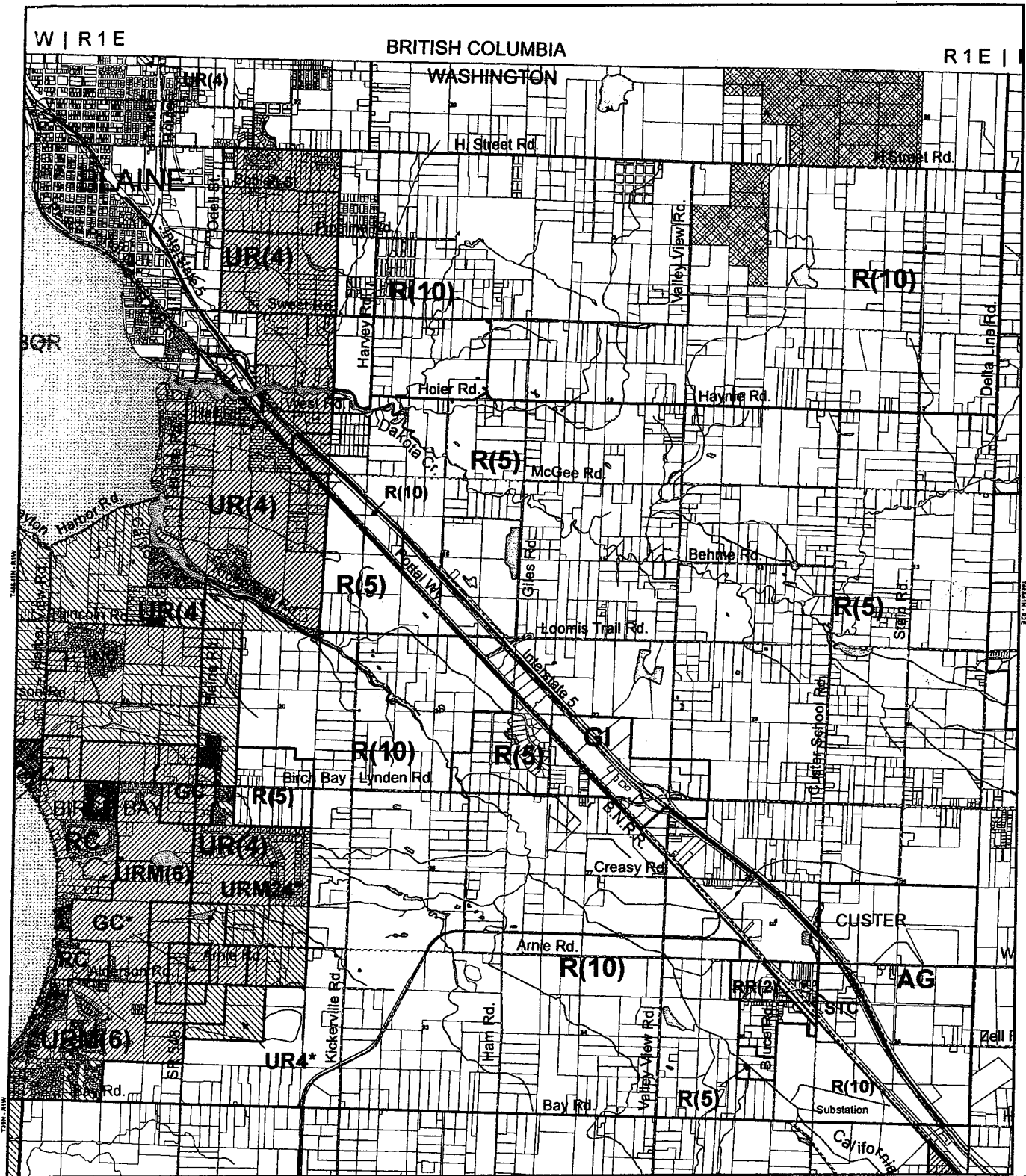
USE OF WHATCOM COUNTY'S GIS DATA IMPLIES THE USER'S AGREEMENT WITH THE FOLLOWING STATEMENT:

Whatcom County disclaims any warranty of merchantability or warranty of fitness of this map for any particular purpose, either express or implied. No representation or warranty is made concerning the accuracy, currency, completeness or quality of data included on this map. Any user of this map assumes all responsibility for use thereof, and further agrees to hold Whatcom County harmless from and against any damage, loss, or liability arising from any use of this map.

0 0.125 0.25 0.5 0.75 1 Miles

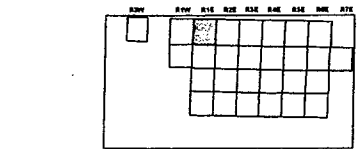






WHATCOM COUNTY - Title 20 Zoning Designations

- | | |
|---|--|
| <p>INDUSTRIAL</p> <ul style="list-style-type: none"> HI Heavy Impact Industrial LI Light Impact Industrial GM General Manufacturing GI Gateway Industrial AO Airport Operations <p>COMMERCIAL</p> <ul style="list-style-type: none"> GC General Commercial TC Tourist Commercial NC Neighborhood Commercial STC Small Town Commercial RC Resort Commercial <p>URBAN RESIDENTIAL</p> <ul style="list-style-type: none"> URMX Urban Resid. Mixed Use URM(10-24) Urban Resid. Mixed Use 10-24 Units/Acre URM(6-12) Urban Resid. Mixed Use 6-12 Units/Acre URM(6-10) Urban Resid. Mixed Use 6-10 Units/Acre URM(24) Urban Resid. Medium Density 24 Units/Acre URM(18) Urban Resid. Medium Density 18 Units/Acre URM(12) Urban Resid. Medium Density 12 Units/Acre URM(6) Urban Resid. Medium Density 6 Units/Acre UR(4) Urban Residential 4 Units/Acre UR(3) Urban Residential 3 Units/Acre <p>RURAL RESIDENTIAL</p> <ul style="list-style-type: none"> RR(3) Rural Residential 3 Units/Acre RR(2) Rural Residential 2 Units/Acre RR(1) Rural Residential 1 Unit/Acre RR1 Rural Residential Island TZ Trans Non - RSA1 | <p>RURAL</p> <ul style="list-style-type: none"> R(2) Rural 1 Unit/2 Acres R(5) Rural 1 Unit/5 Acres R(10) Rural 1 Unit/10 Acres <p>RESOURCES</p> <ul style="list-style-type: none"> AG Agriculture CF Commercial Forestry RF Rural Forestry MRL Mineral Resource Lands (Overlay Zone) <p>OTHER</p> <ul style="list-style-type: none"> ROS Recreation Open Space EI Elks Island PUD Planned Unit Development |
|---|--|



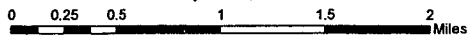
- UGA - Short Term Planning Area
- UGA - Long Term Planning Area
- UGA - Major Port/Industrial
- MRL Overlay Zone
- Lake Whatcom Water Resource Protection Overlay Zone and TDR Sending Area (Sudden Valley excluded from TDR Sending Area)
- Lake Simish Water Resource Protection Overlay Zone

Feb 04, 2009
 Processed by SBW & MAP
 This map was produced from information provided by the Whatcom County Geographic Information System by the Planning and Development Services Division and the Information Office. For further information regarding maps, data sources, or the availability of GIS products, and services please contact Planning & Development Services at (509) 875-0907.

USE OF WHATCOM COUNTY'S GIS DATA IMPLIES THE USER'S AGREEMENT WITH THE FOLLOWING PROVISIONS:
 Whatcom County warrants the accuracy of the information contained in this map for any particular purpose, other than for a specific project. No representation is made by the County as to the accuracy of any data not contained in this map. The County does not warrant the accuracy of any data not contained in this map. The County does not warrant the accuracy of any data not contained in this map. The County does not warrant the accuracy of any data not contained in this map.



1:18,000
 1 inch equals 1,500 feet



T40&41N - R1E



