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Whatcom County P&DS

December 22, 2009

**VIA US MAIL**

David Stalheim  
Whatcom County Planning  
5280 Northwest Drive  
Bellingham, WA 98226

**RE: Whatcom County Comprehensive Plan Update – Birch Bay Community Plan**  
**Our Client: Whatcom County Fire District No. 21 (the “District”)**

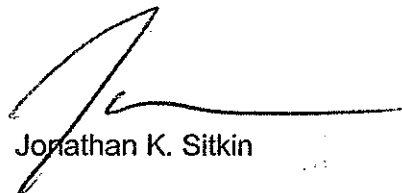
Dear David:

On behalf of the District, we applaud the County's intention to bring the District's years-old proposed Comprehensive Plan amendments related to the inaccuracies of the County's Birch Bay Community Plan and the internal inconsistencies between the recently adopted County Comprehensive Plan and the Birch Bay Community Plan. The District will join the County planning staff in supporting the removal of the unachievable level of service standard contained in the Birch Bay Community Plan that is inconsistent with the County's Comprehensive Plan and the District's Capital Facilities Plan.

We urge the County's expeditious review of this amendment. The deadline for appealing the County's Comprehensive Plan update will fall in mid-February, 60 days after the publication of Ordinance No. 2009-071. In order to ensure that the County does not retain the internal inconsistencies of the Comprehensive Plan, if the County Council has not adopted these corrections by the deadline for appealing the County's Comprehensive Plan update, the District will have no choice but to appeal the designation of the Birch Bay Urban Growth Area within the County's Comprehensive Plan. Of course, if the County is moving expeditiously, but has not yet acted by the deadline for the appeal, the County and the District can agree to stay the appeal pending the outcome of the then-pending actions of the County to eliminate the internal inconsistencies in the County's Comprehensive Plan.

Sincerely,

CHMELIK SITKIN & DAVIS P.S.



Jonathan K. Sitkin

JKS/ams

cc: Client

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**Kate Blystone - Planning in the works**

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**From:** <chairkathy@birchbayinfo.org>  
**To:** <Undisclosed-Recipient;>  
**Date:** 12/8/2009 8:17 AM  
**Subject:** Planning in the works

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**#1.** I find it curious that there has not been enough time allowed in this process for the Birch Bay community, as organized through the Birch Bay Steering Committee, to consider this significant amendment to the Birch Bay Community Plan. So much for respecting the established system for the people of Birch Bay to have explained and be involved in the planning for their own future and listening to what the people actually effected may think. This is especially concerning to me because, as best as I understand the situation at the moment, the Birch Bay UGA developers are now and will be asked to pay impact fees (because of State law, called mitigation fees in this case) to mitigate the impact of and contribute to concurrency for fire and EMS services from potential growth for the entire Fire District #21 at an urban level over the next 20 years. Interesting to note that the City of Blaine has just done away with all their impact-type fees. -kb

Dec. 4, 2009

Greetings,

Yesterday I asked Kate Blystone to prepare the staff report and amendments to the Birch Bay Community Plan with respect to Fire level of service. This is a docketed plan amendment from the fire district that has awaited completion of the district's CFP and UGA decisions. Now that the County has acted to adopt the Fire District 21's CFP by reference in the overall comprehensive plan, it is appropriate to finalize the amendment to the Birch Bay Community Plan.

See references at Chapter 4, Capital Facilities (Policy 4N-4. [http://www.co.whatcom.wa.us/pds/2031/pdf/4.Chapter4-CapitalFacilities\\_112409.pdf](http://www.co.whatcom.wa.us/pds/2031/pdf/4.Chapter4-CapitalFacilities_112409.pdf). [http://www.co.whatcom.wa.us/pds/2031/pdf/20091110\\_fire\\_district\\_21.pdf](http://www.co.whatcom.wa.us/pds/2031/pdf/20091110_fire_district_21.pdf)

We are scheduling this public hearing before the Planning Commission on Thursday, January 14th. Kate will be preparing the proposed amendment before her vacation that starts on December 16th. We will distribute that for public comments prior to the hearing. This is our only time opportunity to get this done in our annual plan amendment process, due to be finished by the County Council by the beginning of May.

If you have any questions, please feel free to drop me a line or give me a call.

Regards,

David Stalheim, Director  
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 Planning & Development Services  
 Phone: 360-676-6907  
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 Email: [dstalhei@co.whatcom.wa.us](mailto:dstalhei@co.whatcom.wa.us)

**#2.** (L1038) WHATCOM COUNTY NOTICE OF APPLICATION FOR A PRELIMINARY LONG SUBDIVISION AND PLANNED UNIT DEVELOPMENT Notice is hereby given that the **Semiahmo Company** submitted an application on October 30, 2009, for a **Planned Unit Development (PUD2009-00002)** for 1246 residential units and up to 60,000 square feet of commercial space. Also, on November 3, 2009, a **Preliminary Long Subdivision (LSS2009-00005)** (**Semiahmo West Long Subdivision**) was submitted for 28 residential lots, 6 open space tracts and 5 phased residential development tracts. The approximately 624-acre site has a zoning designation of UR(4) and is located in the Blaine Urban