

**WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES**

Foothills Subarea Plan and Related Amendments

PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION

Background Information

1. The subject proposal consists of the following comprehensive plan and zoning amendments:
 - a. Adopting a new Foothills Subarea Plan and repealing the 1988 Subarea Plan;
 - b. Amending Whatcom County Comprehensive Plan Policy 2AA-12, relating to light impact industrial zoning in the Columbia Valley Urban Growth Area (UGA);
 - c. Amending zoning text to prohibit single family dwellings and restrict duplex and multi-family development in the General Commercial zoning district of the Columbia Valley UGA;
 - d. Amending the zoning map by rezoning approximately 51 acres from Rural one dwelling/two acres (R(2)) to Small Town Commercial (STC) in Deming; and
 - e. Amending the zoning map by rezoning approximately 40 acres east of the Columbia Valley UGA from Rural Forestry (RF) to Rural one dwelling/ten acres (R(10)) for consistency with the existing Rural comprehensive plan designation.
2. The Foothills Subarea Plan covers a portion of the east County including the Columbia Valley, Kendall, Maple Falls, Glacier, forestry lands, rural lands, recreational developments, the North and Middle Forks of the Nooksack River, and a segment of the Mount Baker Highway corridor. The 1988 Foothills Subarea Plan did not include Deming, but the Subarea boundary will be modified to include Deming in the new Subarea Plan.
3. Whatcom County Comprehensive Plan Policy 2L-2 is to “Retain and periodically update the adopted Subarea Plans” including the Foothills Subarea Plan. The 1988 Foothills Subarea Plan had a 15-year planning period and is due for an update.
4. The County Council passed Resolution #2005-062 in November 2005 establishing a Foothills Subarea Plan Advisory Committee. The County Executive appointed 11 members to the Committee and the County Council confirmed these appointments. The members of the Committee represented their respective communities, recommended methods of reaching out to the community and obtaining public input, provided advice to the County Planning Department, reviewed work of the planning consultant, and recommended a Draft Foothills Subarea Plan in October 2007. The Foothills Subarea Plan Advisory Committee made modifications to the Draft Plan in 2010 to address the 10-Year UGA review, rural element review and other issues.

State Environmental Policy Act

5. In December 2007, the Planning and Development Services Department determined that a supplemental environmental impact statement (SEIS) would be prepared for the Draft Foothills Subarea Plan and alternatives. The Draft SEIS was issued on August 1, 2008. A public hearing on the Draft SEIS was held on September 4, 2008. The Final SEIS was issued on December 19, 2008. The Final SEIS studied land use, transportation, public schools, fire protection/EMS, law enforcement, water & sewer, parks, trails & activity centers, water quantity and water quality.
6. The Final SEIS evaluated three land use alternatives:
 - a. The Draft Foothills Subarea Plan (Oct. 2007) with a modified planning horizon year;
 - b. The No Action Alternative, which retained land use designations as they existed in 2008 when the EIS was completed; and
 - c. The Rural/LAMIRD (Limited areas of more intensive rural development) alternative. Main features of this alternative included eliminating the Columbia Valley/Kendall Urban Growth Area (UGA) and reducing or eliminating areas of more intensive rural development in the Deming, Welcome, Maple Falls, and Glacier areas.
7. The subject amendments are within the range of alternatives studied in the EIS.

Approval Criteria

8. The criteria of WCC 2.160.080, summarized below, must be satisfied in order to approve a comprehensive plan amendment.
 - The amendment conforms to the requirements of Growth Management Act (GMA), is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.
 - Further studies made or accepted by the department of planning and development services indicate changed conditions that show a need for the amendment.
 - The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
 - The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the Comprehensive Plan.
 - The anticipated effect upon the ability of the County and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
 - Anticipated impact upon designated agricultural, forest and mineral resource lands.

- The amendment does not include or facilitate spot zoning.
 - Transfer of development rights may be required if an urban growth area is expanded.
9. In addition to comprehensive plan amendments, the subject proposal also includes several zoning amendments. Pursuant to WCC 20.90.050(4), the hearing body is to evaluate the zoning amendments in relationship to the goals, policies and objectives of the comprehensive plan.

Subarea Plans

10. The GMA, in a section entitled “Optional Elements,” states that a “comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan” (RCW 36.70A.080).

11. The Western Washington Growth Management Hearings Board has stated that:

Subarea plans are optional elements of a comprehensive plan. While a jurisdiction has discretion to utilize subarea plans, RCW 36.70A.080(2) requires that subarea plans be consistent with the comprehensive plan and are subject to the goals and requirements of the GMA. Subarea plans are, as the prefix “sub” implies, a subset of the comprehensive plan of a jurisdiction and they typically augment or amplify policies contained in the comprehensive plan. There is no GMA requirement that a subarea plan contain *all* the mandatory elements required by RCW 36.70A.070 (Campbell v. San Juan County, Case No. 09-2-0014, FDO, January 27, 2010).

12. The Foothills Subarea Plan is an optional element of the comprehensive plan that Whatcom County has chosen to develop, at the County’s discretion, in order to facilitate community-based planning in the Foothills Subarea.

Public Participation

13. GMA planning goals are set forth in RCW 36.70A.020. The GMA citizen participation and coordination planning goal is to “Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts” (RCW 36.70A.020 (11)).

14. County-wide Planning Policy A-2 states that:

The county and the cities shall provide opportunities for citizens to become involved in the growth management planning process through various mechanisms, such as surveys, public workshops, meetings, hearings, and advisory committees. The method of citizen involvement may vary based on the needs and constituents in various communities and shall include representation of both rural and urban interests on those issues that affect both urban and rural areas.

15. The Foothills Subarea Plan Advisory Committee met more than 45 times between March 2006 and May 2010 in the effort of developing the Draft Foothills Subarea Plan. The Advisory Committee typically provided a period for public comments at their meetings.
16. Whatcom County Planning and Development Services Department, in conjunction with the Foothills Subarea Plan Advisory Committee and planning consultant Studio Cascade, hosted the following workshops in the process of developing the Subarea Plan:
 - a. A series of four visioning workshops the week of June 5 through June 8, 2006. These meetings were held in Deming, Kendall, Glacier and Maple Falls;
 - b. A Kendall Small Town workshop on September 15 and 16, 2006;
 - c. A Columbia Valley Urban Growth Area (UGA) Workshop in Kendall on October 14, 2006;
 - d. A Foothills Subarea Plan Policy Workshop in Deming on November 16, 2006; and
 - e. A Draft Foothills Subarea Plan rollout meeting on October 15, 2007 at the Kendall Elementary School
17. Whatcom County Planning and Development Services Department, in conjunction with the Foothills Subarea Plan Advisory Committee and planning consultant Studio Cascade, circulated a questionnaire in October and November 2006. The results of the questionnaire are presented in the Foothills Subarea Plan Questionnaire Report (January 2007).
18. The Planning Commission held a work session on the Draft Foothills Subarea Plan (October 2007 version) on November 29, 2007.
19. The Planning Commission held public hearings on the Draft Foothills Subarea Plan on January 15, 2009 and June 10, 2010.

Urban Growth

20. GMA 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.” Under the GMA, urban growth areas have been designated pursuant to RCW 36.70A.110.
21. County-wide Planning Policy C-1 states “Urban growth needs shall be met by a combination of in-fill within cities and by growth within designated municipal and non-municipal Urban Growth Areas.” This County-wide Planning Policy indicates UGAs that are not associated with an existing city, such as the Columbia Valley UGA, are appropriate to meet the urban growth needs in Whatcom County.
22. The Whatcom County Comprehensive Plan contains goals and policies supporting the Columbia Valley Urban Growth Area designation including Goal 2AA, Policy 2AA-6, and Policy 2AA-13.

23. Whatcom County Comprehensive Plan Land Use Action Plan item # 11 (chapter 2) is to:

Revise county subarea plans to incorporate urban growth area boundaries as identified in this plan, ensure consistency with this plan, and eliminate any redundancy in policy. Continue to implement existing subarea plan action items that are consistent with this plan.
24. The Columbia Valley UGA was adopted by the Whatcom County Council in 1999 (Ordinance 99-075).
25. Whatcom County re-affirmed that the Columbia Valley would retain UGA status, but reduced the size of the UGA, in November 2009 in the context of the 10-year urban growth area review (Ordinance 2009-071).
26. The majority of the Foothills Subarea Plan Advisory Committee recommended a Draft Foothills Subarea Plan (May 2010) that retains and supports the Columbia Valley UGA.
27. There are two large residential subdivisions with urban densities and a recreational development existing in the Columbia Valley UGA. The Columbia Valley UGA had an estimated 2006 population of 3,853, which was larger than three cities in Whatcom County. Portions of the UGA are already characterized by urban growth as defined by RCW 36.70A.030 (19).
28. In November 2009, the County Council rezoned land within the Columbia Valley UGA to General Commercial (GC), in conjunction with the 10-year UGA review. This GC zone, which allows commercial, institutional and high density residential land uses, coincides with the Planned Town Center in the Foothills Subarea Plan.
29. The Foothills Subarea Plan contains goals and policies that address development and public facilities in the Columbia Valley UGA.

Low Density Sprawl

30. GMA planning goal # 2 is to “Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.”
31. The Foothills Subarea Plan protects land from sprawling low-density development because:
 - a. The Whatcom County Comprehensive Plan encourages net densities of 4 dwellings/acre in the Columbia Valley UGA (Goal 2P) and the UR4 zoning district establishes a minimum net density of 4 dwellings/acre when public water and sewer are provided (WCC 20.20.252). When public water and sewer are not provided, the maximum density is one dwelling/ten acres and development must be clustered to

- allow future urban development once water and sewer are available. The UGA occupies less than 1% of the land in the Foothills Subarea. A total population of 5,000 was allocated to the Columbia Valley UGA for the 2029 planning horizon year, which was near the low end of the alternative population allocations studied in the environmental impact statement for the 10-year UGA review.
- b. Approximately 88% of the land within the Foothills Subarea is designated resource lands (mostly forestry, but also mineral resource and agricultural lands). The development regulations for these resource lands do not permit sprawling, low density development.
 - c. About 11% of the land within the Subarea is classified as rural under the comprehensive plan.

Transportation

- 32. GMA planning goal # 3 is to “Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.”
- 33. County-wide Planning Policy J-2 states that “Whatcom County jurisdictions shall encourage alternative modes of transportation to the single occupancy vehicle. . .”
- 34. The primary transportation routes to and from the Foothills Subarea are State highways. There are also a number of County roads in the Subarea. Chapter 6 of the Foothills Subarea Plan indentifies needed highway improvements within the Foothills Subarea, including improvements within the 20-year planning period to the Mount Baker Highway/Kendall Rd. intersection and the Mount Baker Highway/Valley Highway intersection.
- 35. The Foothills Subarea Plan contains policies to promote and encourage public transit, bikeways, and pedestrian walkways (Goal T11 and associated policies in chapter 6).
- 36. Because of the recreational nature of the Foothills and Mount Baker region, one of the issues identified in the planning process was the impact of new development on weekend traffic, especially on Mount Baker Highway. This issue is addressed by Policy T11-E in chapter 6 of the Foothills Subarea Plan.
- 37. The Foothills Subarea Plan encourages job growth in the Columbia Valley UGA, which should provide opportunities for people in the area to work closer to their homes.

Housing

- 38. GMA planning goal # 4 is to “Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.”

39. County-wide Planning Policy G-2 states that “The county and the cities shall plan for a range of housing types and costs commensurate with their affordable housing needs.”
40. The Foothills Subarea Plan contains policies to encourage affordable housing, provide for a variety of housing types, and rehabilitate existing housing (Chapter 3). Permitted zoning densities in the Foothills Subarea range from 18 dwellings/acre in the Columbia Valley UGA Planned Town Center to one dwelling/40 acres in the Agriculture zone, with a variety of densities in between.

Economic Development

41. GMA planning goal # 5 is to “Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.”
42. County-wide Planning Policy I-7 states:

Economic vitality and job development shall be encouraged in all the cities and in designated areas of the county consistent with community growth policies, particularly addressing adequacy of transportation corridors, public transportation, impacts on the environment, and the ability of the area to provide urban services.
43. The Foothills Subarea Plan includes a Planned Town Center comprehensive plan designation that is centrally located in the Columbia Valley UGA. The Planned Town Center designation is intended to be a mixed use area consisting of commercial uses, a variety of high density residential housing types, and institutional uses. The UGA also includes a planned light impact industrial area.
44. The Rural Centers of Deming, Kendall, Maple Falls and Glacier contain commercial zoning districts that can accommodate job growth. Other rural areas in the Foothills Subarea allow home occupations and cottage industries.
45. Designated forestry lands allow related resource-based industries.

Property Rights

46. GMA planning goal # 6 states that “Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.”
47. The Attorney General’s *Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property* (December 2006) has been reviewed and it does not appear that the regulatory amendments would result in a “taking” of private property.

Permitting

48. GMA planning goal # 7 states “Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.”
49. The Foothills Subarea Plan supports timely permit processing and clear development regulations (Policy EC4-E in chapter 7).

Resource Lands and Industries

50. GMA planning goal # 8 is to “Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.”
51. County-wide Planning Policy I-9 states:

The County and the cities recognize the need for the protection and utilization of natural resources and resource lands including agricultural, mineral, forestry and fishing. As part of a broad based economy, productive timber, agriculture and fisheries industries should be supported in a sustainable manner.
52. Policies in the Foothills Subarea Plan discourage re-designation of Rural Forestry and Commercial Forestry comprehensive plan designations to UGA (see Policy LU1-D in chapter 2 and Policy RL1-A in chapter 8).
53. Policies in the Foothills Subarea Plan also discourage rezoning Commercial Forestry and Rural Forestry zoning districts to allow more dwellings or increased intensity of use (see Policies LU1-B and LU1-C in Chapter 2).

Open Space/Recreation/Fish & Wildlife

54. GMA planning goal # 9 is to “Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.”

55. County-wide Planning Policy H-1 states:

Adequate open space is vital to the quality of life and sense of place in Whatcom County. The county, cities, Port of Bellingham, and other appropriate jurisdictions should coordinate protection of linked greenbelts, within and between Urban Growth Areas, parks, and open space to protect wildlife corridors and to enhance recreational opportunities, public access and trail development.

56. The Foothills Subarea Plan contains provisions relating to preservation of open space (Policies LU1-G and LU1-I in chapter 2), promotion of recreational opportunities (Recreation goals and policies in chapter 9), and protection of fish and wildlife habitat (Goal EN1 and associated policies in chapter 11).

Environment

57. GMA planning goal # 10 is to “Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.”

58. County-wide Planning Policy N-1 states:

The cities, and the county, in cooperation with other municipal corporations, tribal governments, federal and state agencies, and public and private utilities shall cooperate in the protection of water resources and in drawing upon said water to support growth.

59. The Foothills Subarea Plan contains policies to protect water quality and quantity (Goal EN1 and associated policies in chapter 11). The Plan also addresses air pollution (Policy T4-C in chapter 6) and contains an implementation project in chapter 15 to study air quality in UGA.

Public Facilities

60. GMA planning goal # 12 is to “Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.”

61. County-wide Planning Policy E-4 states:

The County shall assure that there are plans to provide appropriate levels of urban facilities and services within non-city Urban Growth Areas. These plans should be developed by special purpose districts, water associations and private service providers within each of these Areas, and should be implemented, where appropriate, through interlocal agreements. . .

62. Water District 13 and Evergreen Water and Sewer District 19 serve the Columbia Valley UGA with public water. Together, they have sufficient water connections available to serve planned residential growth in the UGA.
63. Pursuant to state regulations, Evergreen Water and Sewer District is required to update its water system plan by August 2010.
64. Pursuant to state regulations, Water District 13 is required to update its water system plan by March 2011.
65. Water District 13 provides sewer service to a portion of the Columbia Valley UGA. The District is in the process of updating its comprehensive sewer plan.
66. Fire District 14 serves the Columbia Valley UGA. The District is in the process of updating its capital facilities plan.
67. The Whatcom County Comprehensive Plan was amended in 2004 to allocate a population projection of 5,000 people to the Columbia Valley UGA (Ordinance 2004-013). Whatcom County maintained this allocation in the 10-year urban growth area review in 2009, as capital facility planning did not support allocation of additional population (Ordinance 2009-071).
68. The water purveyors serving the Rural Centers in Maple Falls and Glacier have sufficient water for planned growth. The Deming water system will need improvements to serve growth in the Rural Center. The Kendall Rural Center is not served by a water district or association at the current time.

Historical and Archaeological

69. GMA planning goal # 13 is to “Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.”
70. The Foothills Subarea Plan policies support the recognition and preservation of culturally and historically significant sites within the Foothills (Policies LU5-B and LU5-C).

Accommodation of Growth

71. RCW 36.70A.115 indicates that Counties and cities shall ensure that, taken collectively, adoption of and amendments to their comprehensive plans and/or development regulations provide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth, including commercial, industrial, medical, governmental, educational and institutional.
72. WAC 365-196-325 clarifies that the land capacity analyses required under RCW 36.70A.115 are primarily to take place at the periodic reviews that counties and cities undertake. However, land capacity estimates are recommended during review of other comprehensive plan and development regulation amendments, if they increase or decrease allowed densities.
73. A land capacity analysis for the Columbia Valley UGA conducted at the time of the 10-year UGA review in 2009 demonstrates that it can accommodate allocated population and employment growth.
74. A review of land available in rural areas indicates that these areas can accommodate allocated population and employment growth.
75. The subarea planning process has identified the importance of medical facilities and other services in the Foothills. The zoning districts in the Foothills Subarea allow a variety of medical, governmental, educational and institutional land uses.

Interlocal Agreement

76. The Foothills Subarea does not include any cities and there are not any interlocal agreements affecting the subarea plan.

Further Studies/Changed Conditions

77. The 1988 Foothills Subarea Plan had a 15-year planning horizon and, with the passage of time, has become outdated.
78. Review by the Foothills Subarea Plan Advisory Committee has resulted in new information and proposed policies.
79. The Foothills Subarea Plan Final Supplemental Environmental Impact Statement (December 2008), incorporated a transportation analysis conducted by The Transpo Group and a water quantity and quality report prepared by Aspect Consulting.

80. The Columbia Valley UGA was adopted in 1999. Ordinance 2009-071, which was adopted by the County Council in November 2009, modified the boundary of the Columbia Valley UGA in the context of the 10-year UGA review. A land capacity analysis and environmental impact statement were prepared in association with this review.
81. Adoption of an ordinance relating to the rural element of the comprehensive plan, including limited areas of more intensive rural development, is anticipated.
82. Further studies, including information associated with the Foothills Subarea Plan Advisory Committee work, environmental impact statements, 10-year UGA review, and rural element revisions, indicate changed conditions that show a need for the subject amendments.

Public Interest

83. It is in the public interest to repeal the 1988 Foothills Subarea Plan and replace it with the new Foothills Subarea Plan because:
 - a. The new Foothills Subarea Plan is consistent with the rate and distribution of population growth, employment growth, development, and conversion of land envisioned in the Whatcom County Comprehensive Plan.
 - b. While there are pre-existing public facility and service issues in the Foothills, adoption of the Subarea Plan does not create these issues. Rather, the Subarea Plan includes goals and policies that address public facility and service issues.
 - c. Designated forestry, mineral resource and agricultural resource lands are protected by the policies in the Subarea Plan.
 - d. The 1988 Foothills Subarea Plan had a 15-year planning period, was adopted prior to the Growth Management Act, and was adopted prior to the current Whatcom County Comprehensive Plan. The Foothills Subarea Plan Advisory Committee was appointed to recommend a new subarea plan, as a new plan is needed in order to address community issues and changed conditions since adoption of the 1988 Subarea Plan.

Spot Zoning

84. The Official Whatcom County Zoning Ordinance (Title 20) defines illegal spot zoning as follows:
- “Illegal spot zoning” means a zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from, and inconsistent with, the classification of surrounding land and not in accordance with the Comprehensive Plan. Spot zoning is zoning for private gain designed to favor or benefit a particular individual or group and not the welfare of the community as a whole (WCC 20.97.186).
85. Under the Foothills Subarea Plan, it is anticipated that area within the UGA, north of Limestone Rd., would be rezoned to Light Impact Industrial within the 20-year planning period. Whatcom County Comprehensive Plan Policy 2AA-12 and Foothills Subarea Plan Policy CV1-D in chapter 12 support considering a rezone of this area to Light Impact Industrial after certain conditions are met. The rationale for the Foothills Subarea Plan policy direction includes providing jobs in the UGA, which would benefit the community as a whole. Therefore, any future rezoning to Light Impact Industrial in the UGA that meets the conditions set forth in the comprehensive plan would not constitute illegal spot zoning.
86. The subject amendments include expanding the Deming Small Town Commercial (STC) zone from 23 acres to 74 acres. This would increase the size of the STC zone by 51 acres. However, the Mount Baker School District owns approximately 75% of the property that would be rezoned to STC. School facilities are a permitted use in the STC zone but require a conditional use permit in the existing Rural one dwelling/two acre (R(2)) zone. Rezoning from R(2) to STC would streamline the permitting process for school facilities. This expansion of the Deming STC zoning district is consistent with land use Map 2.1 in the new Foothills Subarea Plan. Additionally, the STC zoning is not totally different from the zoning classification of surrounding land, as the land immediately to the east is already zoned STC. Therefore, expansion of the STC zone in Deming does not constitute illegal spot zoning.
87. The subject amendments include rezoning approximately 40 acres immediately east of the Columbia Valley UGA from Rural Forestry (RF) to Rural one dwelling/ten acres (R(10)). The existing Whatcom County Comprehensive Plan designation is Rural. This property is not designated forestry land of long-term significance (see map 20 in chapter 8 of the Whatcom County Comprehensive Plan). The primary purpose of the RF zoning district is to “implement the forestry designation of the Whatcom County Comprehensive Plan” (WCC 20.42.010). The purpose statement for the RF zoning district does not include implementing the Rural comprehensive plan designation. Rezoning from RF to R(10) would be consistent with and implement the existing Rural comprehensive plan designation. Therefore, the rezone would not constitute illegal spot zoning.

Transfer of Development Rights for Expanding UGAs

88. The comprehensive plan amendment criteria require transfer of development rights, with certain exceptions, if an urban growth area is being expanded. The Columbia Valley UGA was reduced in size from 1,489 acres to 1,156 acres in the 10-year UGA review in 2009 (see Ordinance 2009-071). This 2009 action reduced the size of the UGA by 333 acres or 22%. The Subarea Plan maintains the current UGA size. Therefore, transfer of development rights is not required.

Whatcom County Comprehensive Plan Policy 2AA-12

89. The subject proposal includes an amendment to Whatcom County Comprehensive Plan Policy 2AA-12, which relates to light impact industrial zoning in the Columbia Valley UGA north of Limestone Rd.
90. The subject amendment would reference the more detailed policies in the Foothills Subarea Plan, while avoiding the redundancy of repeating this language in the County Comprehensive Plan.

General Commercial Zoning Text Amendment

91. Whatcom County adopted General Commercial (GC) zoning in the Columbia Valley UGA in 2009 in conjunction with the 10-year UGA review. This GC zone coincides with the Planned Town Center designation in the Foothills Subarea Plan.
92. The subject proposal includes two amendments to the General Commercial zoning district text.
93. The first amendment would prohibit single family dwellings in the General Commercial zone within the Columbia Valley UGA.
94. The second amendment would limit duplex and multi-family development to 25% of the total land area in the General Commercial zone, except that this would not apply to dwellings above ground floor commercial development.
95. The intent is to preserve land in the Planned Town Center (which is zoned General Commercial) for commercial, higher density residential and institutional uses in order to implement Foothills Subarea Plan Policy CV1-E (chapter 12).

LAMIRD/Rural Element Recommendations

96. In 2010, the Foothills Subarea Plan Advisory Committee reviewed the Planning Commission's 2009 recommendations relating to limited areas of more intensive rural development (LAMIRDS) and rural zoning outside of the LAMIRDS. The Advisory Committee recommended the following changes to the Planning Commission's work:
- a. Deming - The Advisory Committee recommended maintaining their previous proposal to expand the Small Town Commercial zone west of Mitchell Rd. (see finding 86 above).
 - b. Welcome - The Planning Commission recommended rezoning the area around Welcome from Rural one dwelling/two acres (R(2)) to Rural one dwelling/10 acres (R(10)). The Advisory Committee recommended rezoning this area to Rural one dwelling/five acres (R(5)) instead of R(10).
 - c. Glacier - The Advisory Committee recommended adding the triangular 14-acre parcel immediately east of Mt. Baker Rim to the Rural Center LAMIRD designation. The committee did not address proposed zoning for the 14-acre parcel.

PROPOSED CONCLUSIONS

1. The subject comprehensive plan amendments satisfy the approval criteria of WCC 2.160.080.
2. The subject comprehensive plan amendments conform to applicable requirements of the Growth Management Act and are consistent with county-wide planning policies.
3. Changed conditions show a need for the subject comprehensive plan amendments. These changed conditions include adoption of an ordinance relating to the 10-year UGA review, proposed amendments to the rural element of the comprehensive plan, the fact that the existing Subarea Plan from 1988 is outdated, and new information and policies developed by the Foothills Subarea Plan Advisory Committee.
4. The subject comprehensive plan amendments serve the public interest by guiding urban and rural development as envisioned in the Whatcom County Comprehensive Plan, and by conserving designated resource lands.
5. The subject amendments do not include or facilitate spot zoning. The subject zoning amendments are consistent with and implement the comprehensive plan.

RECOMMENDATION

Based upon the above findings and conclusions, staff recommends approval of:

1. Exhibit 1, the Foothills Subarea Plan (May 2010)
2. Exhibit 2, an amendment to Whatcom County Comprehensive Plan Policy 2AA-12.
3. Exhibit 3, an amendment to WCC 20.62 (the General Commercial District text).
4. Exhibit 4, zoning map amendment for the Deming area.
5. Exhibit 5, zoning map amendment for the area east of the Columbia Valley UGA

Staff also recommends repealing the 1988 Foothills Subarea Plan.

Note: This staff report assumes that the rural element/LAMIRD ordinance will be adopted by the County Council prior to the Foothills Subarea Plan.