

Chapter 3

PLANNING PROCESS

Birch Bay Community

Community Planning Area

The Birch Bay Community Planning Area is located in northwest Whatcom County as shown in Figure 3 -1. The Planning Area is located along Birch Bay, a saltwater inlet of Puget Sound, northeast of the City of Ferndale and south of the City of Blaine. The Canadian border is six miles to the north and the City of Bellingham is seventeen miles to the south. The Birch Bay Community Plan boundaries include most of the Birch Bay US Census Designated Place, the Birch Bay Urban Growth Area, those areas whose development is likely to affect Birch Bay, and those areas that are likely to be affected by development in Birch Bay. The heart of Birch Bay Planning Area is the 12.2 miles of saltwater shoreline most of which is designated as Whatcom County's only Washington State designated Marine Shoreline of Statewide Significance. The primary shoreline attraction is the exposed tide flats which extend out as far as a mile at summer low tides providing crabbing, clamming and warm, marine water swimming.

Initially, Birch Bay developed as a summer vacation or resort area catering to vacationing urban populations from the Cities of Seattle and Vancouver. Summertime cabins and camper/trailer lots dotted the waterfront properties. Amusement facilities provided the vacationing public a variety of recreational opportunities. Today, the Birch Bay area is rapidly changing. Vacationers and recreation seekers come to Birch Bay year around. The children who visited Birch Bay with their parents twenty/thirty years ago are returning to purchase a year round home or to buy a lot to build a home in the near future. Birch Bay is turning into a mature community with year-round residents. Birch Bay was the fastest growing urban area of Whatcom County from 1990 to 2000. The planning area is approximately 8,700 acres or 15.5 square miles.

U.S. Census Designated Place

In 1990, the US Census created the Birch Bay Census Designated Place. In 1990, the population of the Birch Bay Census Designated Place was 2,656 persons. By the year 2000, the population had increased to 4,961 persons, a ten-year growth rate of 86.7 percent.

The Birch Bay Community Planning Area differs somewhat from the Birch Bay Census Designated Place. The boundaries of the Birch Bay Census Designated Place and the Community Planning area are shown on Figure 3 –1. The northern portion of the Birch Point area and the Drayton Harbor area were excluded from the Birch Bay Community Planning area because these areas are part of the Urban Growth Area of the City of Blaine.

Urban Growth Areas

As an unincorporated community, Birch Bay comprehensive planning is the responsibility of Whatcom County. Recognizing that certain areas of Whatcom County are urban in nature and, to be in compliance with the Washington State Growth Management Act requirements, the County has designated these areas as Urban Growth Areas. Whatcom County, in their GMA Comprehensive Plan, has delineated two urban growth areas for Birch Bay. The Birch Bay urban growth area and the Cherry Point industrial urban growth areas are shown in Figure 3 -2. The Birch Bay urban growth area is further divided into short and long term planning areas also shown in Figure 3 –2. Utility services (sewer and water) are generally available in the short term planning area and therefore, building permits can be readily issued. In the long term planning area utility services may need to be constructed or extended prior to issuance of building permits. Along the north border, the Birch Bay urban growth area joins the urban growth area of the City of Blaine.

Past Planning Work

As an unincorporated urban area, Birch Bay’s comprehensive planning is the responsibility of the Whatcom County Planning and Development Services Department. There have been three past comprehensive planning efforts which have directly affected Birch Bay:

Figure 3-1
Planning Area
and
Census Designated Place

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- Birch Bay Comprehensive Plan, 1977
- Blaine – Birch Bay Sub-Area Plan, 1987
- Whatcom County Comprehensive Plan, 1997

Birch Bay Comprehensive Plan 1977

The 1976-77 Plan was similar in structure to today's 2002 Birch Bay Community Plan in that it established a Citizens Steering Committee to guide community discussion. The recommendations and resulting zoning from the 1976-77 process are essentially still in place today.

Birch Bay – Blaine Sub-Area Plan 1987

To accomplish its comprehensive planning goals in the late seventies, the County divided the western third of the county into ten geographic sub-areas. The Birch Bay and Blaine area represented a logical geographic sub-area. While the 1987 plan left much of the 1977 plan intact, the new plan reflected the County's desire to integrate local community thinking with a regional approach.

Whatcom County Comprehensive Plan 1997

This planning effort reflected a county-wide implementation of the goals, policies and procedures of the 1990 Washington State Growth Management Act. The plan was the first to be formatted around the thirteen required Growth Management Act goals. It included extensive citizen involvement resulting in a support document titled Visioning Community Value Statements. The plan also included a major review of existing Urban Growth Areas. As a result of this planning process, the concept of short and long term land use designations was implemented as part of Birch Bay's Urban Growth Area.

Birch Bay Economic Development Action Plan 2000

In addition to the above plans, the Birch Bay Chamber of Commerce facilitated preparation of the Birch Bay Economic Development Action Plan, which was completed and published in the fall of 2000. The plan was

**Figure 3-2
Existing Urban Growth Areas**

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overseen by a committee called the Birch Bay Planning and Development Group and was funded by the Port of Bellingham. The Group consisted of a cross section of residents, the business community, and representatives from various organizations and public agencies. The Plan's primary funding came from the Port of Bellingham with additional funds provided by the Trillium Corporation to conduct a community survey. The Plan, as its name implies, had an original goal of mapping out economic development and marketing strategies. As the process evolved, it became clear to the Group that more comprehensive planning was needed before effective economic development plans could be implemented. Before the Group disbanded in December of 2000, they initiated the structure and funding for the 2002 Birch Bay Community Plan update. Some of the important accomplishments of the group included:

- A Vision Statement of what Birch Bay could be in the year 2020
- A community attitude survey to help prioritize planning efforts.
- The establishment of a recommended planning area and ten Neighborhoods within the area.
- The establishment of a partnership with various Stakeholders to provide needed funds and expertise.
- A primary relationship with the Whatcom County Planning and Development Services Department so that the Community Plan could become, without extensive additional work, a part of a 2003 update of Whatcom County's Comprehensive Plan.

Birch Bay Shoreline Planning 1999

In 1999, the Birch Bay Chamber of Commerce began a commitment to enhance Birch Bay's shoreline and raised funds to hire a consultant for design work and implementation strategies. The effort was centered on reviving a concept developed in a 1975 Birch Bay Shore Resource Analysis by Wolf Bauer. In addition to an analysis of the geohydraulic characteristics of the bay waters and shoreline, the study recommended the establishment of a shoreline sand and cobble berm as a storm defense alternative to bulkheads, rip rapping, gabions and concrete groins. In 1982, as a result of major storm damage to Birch Bay Drive and adjacent properties, a berm

was created from the mouth of Terrell Creek to the south boundary of Jacobs Landing Condominiums. Besides acting as effective protection from storms, the berm has the added benefit of creating additional shoreland for public pedestrian use.

In light of new shoreline regulations and restrictions, a grant was sought and received in 2001 from the Coastal Zone Management Act Program under sponsorship of the Washington State Department of Ecology and the Whatcom County Council of Governments. Under grant requirements, a Birch Bay Shoreline Enhancement Citizen Advisory Committee was established to provide input to a Technical Committee made up of, among others, Department of Ecology, Washington State Fish and Wildlife Department, Department of Natural Resources, Whatcom County Planning and Development Services, and Whatcom County Public Works Department. A great deal of inventory data has been assembled utilizing the volunteer efforts of the Citizen Committee. The data analysis and study recommendations are being conducted by the Technical Committee, leading to a goal of improving the beach environment through the creation of beach berms and removal of some or all of the existing cement groins. This planning effort was completed in 2003.

Planning Organization

Neighborhoods

To better coordinate community and citizen involvement, the Planning Area was divided into ten neighborhoods as shown in Figure 3-3. Throughout the process, the neighborhoods have been the building blocks in preparing the Plan.

Each neighborhood has its own characteristic and geographic identity. For example, people living in the Point Whitehorn neighborhood, clearly identify themselves as Point Whitehorn people of Birch Bay. Table 3-1 gives the number of acres and the year 2000 population in each neighborhood.

Population in each neighborhood varies. For example, the year 2000 US Census counted population in the Birch Bay Village Reach neighborhood amounts to 1,031 persons. The population in the Point Whitehorn neighborhood amounted to 388 persons. West Cherry Point Neighborhood had no residences and therefore zero population.

**Table 3-1
Neighborhood Acreage**

Neighborhood	Number of Acres	2000 Population
Birch Point	721	51
Birch Bay Village Reach	444	1,031
Cottonwood Reach	622	946
Hillsdale	812	677
Central Reaches	397	428
Central Uplands	2,275	733
State Park Reach	688	169
Terrell Creek	1,300	62
Point Whitehorn	546	388
West Cherry Point	894	--
Total	8,699	4,485

Steering Committee

To direct the preparation of the Birch Bay community plan or sub-area plan, the Birch Bay community created a Steering Committee, composed of elected representatives from each of the ten neighborhoods. The Steering Committee elected from amongst themselves a Chairman and Vice-Chairman. The Steering Committee is made up of representatives as shown below:

Chairman
Vice-Chairman

Neighborhood Representatives

Birch Point (2)
Birch Bay Village Reach (2)
Cottonwood Reach (2)

**Figure 3-3
Birch Bay Community and Neighborhoods**

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Hillsdale (2)
Central Uplands (2)
Central Reaches (2)
State Park Reach (2)
Terrell Creek (2)
Point Whitehorn (2)
West Cherry Point (1)

Stakeholders

The planning process was financed by a group of eleven Stakeholders. In addition to contributing their funds, the Stakeholders also contributed their expertise and in-kind services. For example, Whatcom County contributed map making and printing services, in addition to contributing their expert planning advice. The eleven Stakeholders are listed below:

- Birch Bay Chamber of Commerce
- Blaine School District
- Brown and Cole Stores
- BP – Cherry Point
- Port of Bellingham
- Trillium Corporation
- Washington State Department of Ecology
- Whatcom County Planning & Development Services
- Whatcom County Fire District # 7
- Whatcom County Fire District # 13
- Williams Energy

Whatcom County

The Whatcom County Planning and Development Services Department agreed to act as an administrator for the planning process, providing Interlocal Agreements with Stakeholders, billing and budgeting service, and absorbing mailing and printing costs. The County also provides technical oversight and guidance to the Steering Committee.

Consultants

Kask Consulting, Inc. was selected as the lead consultant to prepare the Plan with sub consultant involvement of J. Patrick Milliken and James Zervas and Associates. James Wiggins was retained by the Washington State Department of Ecology to prepare a reconnaissance level survey of wetlands in the Birch Bay planning area.

Planning Process

Overview

In September 2000 a Birch Bay Economic Action Plan was published. The Plan was the results of a years work by a citizen-based Birch Bay Planning & Development Group with facilitation and funding by the Port of Bellingham. One of the primary recommendations of this Plan was that the community goes through a more comprehensive planning process. In early January 2001 just over 5,000 invitation letters to participate in the process were mailed to property owners in the planning area, 37% to Birch Bay addresses and 37% to Canada. Over 600 different property owners and residents have either attended meetings or indicated their desire to be kept informed of progress via E-mail or postal service.

A number of public agencies and the private sector have committed to act as Stakeholders providing both funding and expertise. This plan is titled the Birch Bay Community Plan and, as such, is a stand-alone document. The Birch Bay Community Plan has been prepared in close cooperation with the Whatcom County Planning and Development Services Department. The intended result is that the Birch Bay Community Plan that will be the major input to Whatcom County's 2003 Comprehensive Plan update.

Neighborhoods

The planning process began on 27 January 2001 when about 300 Birch Bay property owners and residents attended a meeting to introduce the process and to invite community and citizen participation in neighborhood meetings. Initial neighborhood meetings were held in February and March of 2001 and focused on the following:

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- a) Finalizing neighborhood boundaries
- b) Identification of neighborhood values and issues
- c) Selection of neighborhood Steering Committee members.

In April the consultants prepared baseline data and draft materials for presentation at neighborhood meetings. Beginning in May, and throughout the process, neighborhoods reviewed and commented on the various planning elements. In the fall, the process evolved from individual neighborhood meetings to groupings of neighborhoods to deal with issues relating to southern, central and northern Birch Bay areas. And finally, draft plan recommendations were presented to the community at large for review and comment.

Steering Committee

Steering Committee members had their initial meeting on 14 March 2001 having accepted the responsibility to represent their neighborhood. Having two representatives and an alternate from each neighborhood provided a structure which better assured cross sectional representation and higher attendance at meetings. The Steering Committee and the citizens at large are to be congratulated for not only attending many meetings, but also for reading a great deal of material and participating in thoughtful, constructive discussion. A summary of meetings, rosters and attendance is on file with Whatcom County Planning & Development Services.

General Public

In addition to the Neighborhood meetings and the Steering Committee meetings, there were three general public or community meetings. At these meetings, the general public was invited to review the planning work completed to date, to ask questions and provide their comments on issues of concern to them.

Plan Adoption Process

Steering Committee

Throughout the planning process, all direction to the consultants was given either by Steering Committee consensus or by voting on motions. As drafts were prepared, they were presented and reviewed at neighborhood and community meetings prior to action by the Steering Committee. The Steering Committee adopted the plan on 28 August 2002. The Steering Committee made minor amendments on February 26, 2003. Additionally, on April 23, 2003, the Steering Committee voted to “put the West Cherry Point Neighborhood on a separate track from the balance of the Birch Bay Community Plan.”

Whatcom County

After the Birch Bay Community Plan was adopted by the Steering Committee, the Whatcom County Planning Commission began its review of the adopted Plan as a Sub-Area element of the County’s Comprehensive Plan. The Planning Commission conducted two public hearings as part of their review and then forward the Plan as amended to the County Council for final approval. Upon receipt from the Planning Commission, the Whatcom County Council will vote on whether to adopt the Sub-Area element, as presented, as an official component of the County’s Comprehensive Plan update. The Council may make changes and may conduct their own public hearings. The County Council action is anticipated sometime in 2004.

Washington State Office of Community Development

The Whatcom County Comprehensive Plan, containing the Birch Bay Sub-Area or Community Plan will be reviewed for consistency with the Growth Management Act by the Washington State Office of Community Development. All cities and counties Comprehensive Plans are required by the Growth Management Act procedure to be updated by December 2004. The Office of Community Development acts as the administrator for the Growth Management Act compliance.

Appeals Procedure

There are a number of appeals processes built into the planning process. If a citizen, a business, a property owner or an organization does not like what they see, they can appeal, in written form, to the Steering Committee for a specific action. If they fail to persuade the Steering Committee to see their way, they can appeal to the Whatcom County Planning Commission when they review the work of the Steering Committee. If they fail to persuade the Planning Commission, they can appeal to the Whatcom County Council. The next appeal after the Whatcom County Council is to the Washington State Growth Management Hearings Board for Western Washington. Any appeals after that need to go to a Superior Court in the State of Washington.

Environmental Documentation

Before the Whatcom County Council can adopt the County's Comprehensive Plan, containing the Birch Bay Community or Sub-Area Plan, the Council must subject the entire Plan to environmental review in accordance with the Washington State Environmental Policy Act. The environmental review is the responsibility of the County. On July 7, 2003 the Whatcom County SEPA Administrator issued a Determination of Nonsignificance (DNS) for adoption of the Birch Bay Community Plan. The SEPA Administrator re-affirmed that determination on June 14, 2004 and again on September 3, 2004.

Plan Implementation

Many of the Plan recommendations, once they are adopted by the Whatcom County Council, become substantive changes in the County's Development Regulations, such as the Zoning Code or Subdivision Code. The responsibility to see that policy changes are carried through and are made part of the Development Regulations is the responsibility of the County Planning and Development Services Department. Any significant changes to the County's Development Regulations must go through a public review and environmental review process of their own.