

**Whatcom County  
Draft Long Range Work Program – 2010 through 2011  
February 11, 2010**

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Prepared by Whatcom County Planning and Development Services  
David Stalheim, Director

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The draft long range work program identifies projects and staff resources necessary to complete the projects. There are 45 projects identified in the draft work program. One of the projects, the required 2011 plan and development regulation update, has at least ten elements. Like previous work plans, the list of activities and projects exceed staff resources, and priorities need to be set.

The work program focuses on activities through 2011 and is organized around the following themes: statutory mandates, internal consistency issues in plans, city UGA implementation, reoccurring projects, previously docketed projects, interim ordinances, code amendments (new), and new docket requests.

Several of the projects have a deadline, or will have a deadline set shortly by the Growth Management Hearings Board. The projects with deadlines include:

1. LAMIRD – the Growth Management Hearings Board will set a deadline for compliance upon remand from the Supreme Court. It is anticipated that this deadline will be in 2010.
2. UGA – the Growth Management Hearings Board will hear the case and make a decision this spring. If the Hearings Board finds issues of noncompliance, the County will need to revisit those issues within a likely six month deadline.
3. PLAN AND DEVELOPMENT CODES REVIEW AND UPDATE – the Growth Management Act requires that we complete the review and update of the comprehensive plan and development regulations by December 2011.
4. INTERNAL CONSISTENCY – there are several projects that are required to meet internal consistency requirements of GMA, which will need to be completed as part of the 2011 update.
5. CITY UGA IMPLEMENTATION – the implementation of city plans and development regulations for UGAs and UGA Reserves will coincide with the 2011 update process.
6. BIRCH BAY WATERSHED CHARACTERIZATION – this is an EPA grant funded project with a completion date in 2011.

#### **STAFFING ASSUMPTIONS**

- Existing staff levels for long range planning include:
  - 5 full time equivalent long range planning, plus 2 GIS staff
- Planning and Development Services has lost 16 authorized positions in the past two years; further reductions in staffing will affect work program
- Work program does NOT address water resource projects prioritized through County Water Resource Integration Project (CWRIP)
- Work program assumes that each FTE has available approximately 1200 hours per year

## Statutory Mandates

The following projects are either court or hearings board orders directing compliance with planning statutes or statutory requirements that must be met.

### ***Limited Areas of More Intensive Rural Development***

Whatcom County was found out of compliance by the Growth Management Hearings Board with respect to land uses allowed in rural areas (**05-2-0013**; *Futurewise v. Whatcom County and Intervenor Gold Star Resorts, Inc.*; [Final Decision and Order](#); WWGMHB (September 20, 2005)). Please see [RCW 36.70A.070\(5\)](#) for legislative requirements to meet this standard.

The Whatcom County Planning Commission passed [recommendations](#) to the County Council for their consideration which would meet the requirements of the Growth Management Hearings Board. On December 17<sup>th</sup>, the Washington Supreme Court [ruled](#) unanimously on the case of Gold Star Resorts, Inc. v. Futurewise regarding the rural element. The Supreme Court ruled the County “*must revise its comprehensive plan to conform to 1997 amendments to the GMA that set out criteria for establishing limited areas of more intensive rural development and rural densities.*” A portion of the Hearings Board decision regarding rural densities was remanded to the Hearings Board for reconsideration on rural density designations without applying a bright line rule.

- **Staffing:** There were three staff members, plus GIS staff and supervisors assigned to this effort during the public participation and planning commission review. While this amount of staff time will likely not be necessary for council review, this effort will likely entail 1.5 FTEs over 2010.
- **Timeline:** Initial discussion with Council to be accomplished by spring 2010; public hearings in spring or summer of 2010; action by Council by fall of 2010.

### ***Urban Growth Area Review and Update***

Whatcom County is required to review “its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area.” (RCW 36.70A.130(3)) Whatcom County was found out of compliance with this requirement by the Growth Management Hearings Board (**07-2-0009**: *Robert Wiesen v. Whatcom County*, [Order on Petitioner’s Motion](#), WWGMHB (August 27, 2007)).

Whatcom County completed the review, as required, on November 24, 2009. [Ordinance 2009-071](#) confirmed completion of the urban growth area review. Parties to the previous action (Caitac, Futurewise, Petree and Wiesen) have all filed objections to the county’s position that it has achieved compliance. Additional petitions and/or objections were filed from the cities of Blaine, Ferndale, Nooksack and Sumas, from Fire District 14 and from private property owners affecting UGAs in Bellingham, Blaine and Birch Bay.

Staff will continue to be needed to review and respond to legal briefs and consideration of alternatives to resolve appeals. If the Growth Management Hearings Board finds that the decision is non-compliant with the Act, then the County will have to revisit those issues as directed by the Board.

- **Staffing:** Allocate approximately ¼ FTE to effort until Hearings Board decision (more time and additional staff will be required if remanded).
- **Timeline:** Hearings Board expected to take up action in 1<sup>st</sup> quarter of 2010.

### **2011 Growth Management Review and Update**

The Growth Management Act requires that “each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter.” ([RCW 36.70A.130\(1\)](#))

Whatcom County completed its first comprehensive plan under the Growth Management Act requirements in 1997. The Growth Management Act required Whatcom County take action to review and, if needed, revise the comprehensive plan and development regulations by December 1, 2004, and every seven years thereafter. (RCW 36.70A.130(4)) The first review that Whatcom County completed occurred in January 2005. However, the Growth Management Hearings Board found that the county failed to meet the requirements for LAMIRDs discussed earlier in this document. The next date for periodic review is December 2011.

The Supreme Court has ruled that the periodic update of the comprehensive plan and development regulations must address, at a minimum, those provisions that are directly affected by new or recently amended GMA provisions. This means “those provisions related to mandatory elements of a comprehensive plan that have been adopted or substantively amended since the previous comprehensive plan was adopted or updated, following a seven year update.”<sup>1</sup>

The Growth Management Act identifies sections of the comprehensive plan and development regulations that require review as part of the periodic update process. Elements that are known to be required include: a) best available science for the protection of critical areas (RCW 36.70A.130(1)(c)); b) review of mineral resource land designations and development regulations (RCW 36.70A.131); and c) an analysis of the population allocated to a city or county from the most recent ten-year population forecast by OFM (RCW 36.70A.130(1)(c)).

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<sup>1</sup> 164 Wash.2d 329, 190 P.3d 38

Requirements for plans to be internally consistent might also be part of the periodic review and update process (see WAC 365-196-500(4)). As outlined later, there are known internal consistency issues that were identified as part of the Urban Growth Area review process. It is assumed that these consistency issues will need to be addressed as part of the periodic update and review process.

The Growth Management Act also requires inventories of housing, capital facilities and transportation systems. These inventories become outdated and update of the inventory and any analysis is likely required.

The Growth Management Act requires that public participation in any planning effort be ongoing and continuous. Whatcom County prepared a public participation plan as part of the 2011 plan update process, but this plan needs to be reviewed and updated based on the work program adopted by Council. The new state administrative rules indicate the role of the planning commission in that update process should also be identified in the public participation plan.

#### Legislative Amendments Since 2004

The following is legislation that has passed since the last comprehensive plan update that Whatcom County will need to address during the periodic review and update.

- **RCW 36.70A.070: Physical activity; SSB 5186**: Increasing the *physical activity* of the citizens of Washington State. The Transportation Element of a comprehensive plan must contain a pedestrian and bicycle component that includes identified planned improvements for pedestrian and bicycle facilities and corridors to enhance community access and promote healthy lifestyles.
- **RCW 36.70A.108: Multimodal concurrency; 2SHB 1565**: Addressing *transportation concurrency* strategies – The amendments specify that concurrency compliance improvements or strategies may include qualifying multimodal transportation improvements or strategies.
- **RCW 36.70A.110: EHB 1967** – One hundred year *floodplains*, prohibiting expansions of urban growth areas into one hundred year floodplains.
- **RCW 36.70A.110, .115, .210: SHB 1825** – *Identifying specific facilities* planning requirements under the growth management act. Each city within a county fully planning under the Growth Management Act must identify areas sufficient to accommodate the full range of needs and uses that will accompany projected urban growth.
- **RCW 36.70A.177: Agricultural lands; SHB 2917** -- Identifying Accessory Uses on *Agricultural Lands*. SHB 2917 clarifies that any accessory use a city or county may allow on designated agricultural lands of long-term significance must not interfere with and must support continuation of the overall agricultural use of the property and neighboring properties.

- **36.70A.450 Amended; SB 5952** – Family *day-care* providers' home facility. No county or city may enact, enforce, or maintain an ordinance, development regulation, zoning regulation, or official control, policy, or administrative practice that prohibits the use of a residential dwelling, located in an area zoned for residential or commercial use, as a family day-care provider's home facility.
- **RCW 36.70A.540; EHB 1464** – Concerning affordable *housing* incentive programs. Clarifies provisions governing affordable housing incentive programs that may be enacted or expanded in jurisdictions planning under the Growth Management Act.
- **RCW 36.70A.560; SSB 5248**: -- Preserving the viability of *agricultural lands*. Counties and cities may not amend or adopt critical areas ordinances (CAOs) as they specifically apply to agricultural activities until July 1, 2010.
- **RCW 36.70A.570; SHB 1409** – Relating to the transfer of jurisdiction over conversion-related *forest practices* to local governments. For counties planning under the GMA, if more than 25 Class IV applications had been filed to the DNR between those dates for properties within a specific county, then that county, and the cities within it, are required to adopt forest practices approval ordinances.

**Staff Note:** The legislative changes are not extensive. The most significant task will include the review of accessory uses in agricultural lands and transportation plan updates (physical activity, concurrency and inventory).

**Staffing:** Approximately 1 FTE would be needed for this effort. Planners assigned include agriculture, transportation, and housing.

**Timing:** Due 2011

### **Best Available Science for Critical Areas**

The GMA was amended in 1995 to include the requirement that the county include the best available science in developing policies and development regulations to protect the functions and values of critical areas. Since passage of this legislation, the county has adopted comprehensive plans in 1997 and 2005, and the most current critical areas ordinance was adopted in 2005. RCW 36.70A.130(1)(c) requires the county to consider the critical areas ordinance and best available science.

**Staff Note:** A review of best available science must be undertaken to determine whether or not amendments to the critical areas ordinance are warranted. The agricultural community has raised significant concerns regarding implementation of the Critical Areas Ordinance (including the Conservation Program on Agricultural Lands (CPAL)). Geologic hazardous areas and frequently flooded areas are issues known to require additional review based on new information, such as LIDAR (light detection and ranging) and Department of Natural Resources (DNR) landslide study.

- Staffing:** This effort would be led primarily by natural resources staff, but coordination with the Agricultural Advisory Committee is necessary.
- Timing:** Due 2011

**Office of Financial Management (OFM) population forecast**

The GMA requires an analysis of the population allocated to a city or county from the most recent ten-year population forecast by OFM. The most recent forecast was made in 2007, which was analyzed and allocated as part of the UGA review and update action in 2009. No further analysis or allocation would be required before a new forecast is issued in 2012.

**Internal Consistency**

In addition to the above minimum changes required by the legislature, the urban growth area review completed in 2009 identified the following tasks to be part of the periodic review and update.

**Public facility and service plan consistency (Policy 2C-5)**

Where public facility and service plans are not consistent with the Comprehensive Plan, allow for reconciliation of the public facility and service gaps as part of the 7-Year Review scheduled for completion in 2011.

- Staff Note:** Whatcom County must complete this review, primarily focused on the unincorporated UGA areas of Columbia Valley and Birch Bay. It is presumed that the cities will complete this review for city UGAs.
- Staffing:** ¼ FTE, maybe more if more assistance provided to special purpose districts, such as fire
- Timing:** Due 2011

**Subarea plan updates (Policy 2L-2)**

Prioritize update of subarea plans. Subarea plans should be updated in the following order: post-GMA plans addressing UGAs, and then post-GMA plans addressing rural areas.

- Staff Note:** Staff suggests that we step back and look at subarea plans. There are many that are pre-GMA. There is not adequate staffing for all the subarea plans to be kept current. Review of the value and problems with subarea plans should be discussed with Planning Commission and County Council.
- Staffing:** ½ FTE – could be higher depending on whether additional work beyond consistency issues is sought by community; Re-scope after review of subarea approach.
- Timing:** Due 2011

**Bellingham Population Allocation**

Discussion in Bellingham UGA section: “Bellingham is, and will continue to be, the primary population and employment center for Whatcom County. In order to avoid tightening the land supply around this population center and putting additional pressure on rural development, the City of Bellingham is requested to return as part of their required comprehensive plan and development regulation update in 2011 with a proposal for how they would accommodate a total of approximately 116,200 people, either through infill, changes in densities within the city and Urban Growth Area, or expansion.”

**Staff Note:** The city is the lead on this effort by 2011. Whatcom County would presumably take up the recommendation from the city in 2012.

**Staffing:** See City UGA Implementation

**Timing:** Due 2011

**Bellingham UGA Land Use, (Policy 2T-12)**

“In the 2011 comprehensive plan update, evaluate the feasibility of changing zoning from General Commercial to Light Impact Industrial in the Bellingham Urban Growth Area in the vicinity of Interstate 5, north of the Bellingham International Airport.”

**Staff Note:** The city is the lead on this effort by 2011. Whatcom County would presumably take up the recommendation from the city in 2012.

**Staffing:** See City UGA Implementation

**Timing:** Due 2011

**Fire Protection Level of Service, (Policy 4H-3)**

“Whatcom County should define an urban level of service for fire protection by December 1, 2011. The 7-year comprehensive plan review and update process should demonstrate that the urban growth areas are served by urban levels of fire protection facilities and service. If the level of service standard adopted by the County can not be provided over the 20-year planning period, then re-designation of UGAs to rural designations should be considered.”

**Staff Note:** Whatcom County will need to complete this task. It has become an implementation problem in several fire districts. Staff time: fairly intensive effort, up to 240 hours.

**Staffing:** Fire Marshal will lead effort with assistance from long range staff

**Timing:** Due 2011, but prioritized higher due to issues in development review; prefer to be done by next annual review in February 2011.

**Agricultural Lands Mitigation, UGA Reserve**

UGA Reserves in Everson, Lynden, Nooksack, and Sumas included agricultural lands. The city and county are expected to work on strategies and plans to ensure protection of at least 100,000 acres of agricultural land in Whatcom County.

Staff Note: Whatcom County will need to complete this task in conjunction with the cities.

Staffing: ¼ to ½ FTE; could be fairly extensive discussion about how to accomplish goal and implement across diverse jurisdictions

Timeline: Due 2011

**City UGA Implementation**

County-wide planning policies and the comprehensive plan expect joint planning with the cities within their respective UGAs. Goal 2Q encourages interlocal agreements with each city to address revenue sharing, provision of services, management of growth, annexation, delivery of services, protection of critical areas, and designation of open space within urban growth areas. Currently, annexation agreements are in effect only for Blaine (through June 5<sup>th</sup>), Nooksack (Jan. 15, 2011) and Everson (April 15, 2011). In addition, UGA Reserves in Bellingham, Everson, Ferndale, Lynden, Nooksack and Sumas also expect that joint planning will occur, with the cities being the lead agency.

Staff Note: Interlocal agreements on joint planning and annexation are required for most cities. Whatcom County will need to participate with the cities in the preparation of joint plans, and will need to prepare staff reports and ordinances for adoption of city plans and development regulations.

Staffing: Time will be allocated up front for development of interlocal agreements. The cities would then become the lead entity with a county staff liaison available as needed to answer questions, provide data, and communicate status to council. County staff time would increase towards adoption of plans and development regulations, as ordinances would be required by the county to implement city plans and development regulations.

Timeline: Throughout 2010 and 2011.

## **Reoccurring Work**

The following planning programs are on a continuing basis and are supported in this work program:

### ***Purchase of Development Rights***

Administer County's PDR Program, including staffing PDR Committee; grant writing/administration; real estate negotiation. Coordination and development of county TDR program.

Staffing: ½ FTE

### ***Annexations***

Review annexation requests and prepare interlocal agreements as needed.

Staffing: ¼ FTE

### ***Capital Facilities Plan***

Update the County's Six-Year Capital Improvement Program on a biennial basis and address other capital facility issues such as level of service standards (see PLN2010-00014 for a more detailed description). Next update due in 2010. See other projects in plan, including fire protection LOS and public facility and service plan consistency.

Staffing: 120 hours every 2 years, plus other efforts previously described

### ***Agricultural Advisory Committee Support***

Support efforts of agricultural advisory committee as needed. Work items may include items not within the long range work program.

Staffing: ¼ FTE

### ***Transportation Planning***

Coordinate transportation planning with cities, tribes, WSDOT and Council of Governments. County plan requires update pursuant to federal statutes in 2011.

Staffing: 200 hours

## Planning Projects (Previously Docketed or Budgeted)

The following projects are not required as part of the 2011 GMA periodic review process, nor part of the legal mandates. This list includes items that have been docketed between 2007 and 2009 by the Whatcom County Council ([Resolution 2007-016](#), [Resolution 2007-034](#), [Resolution 2008-014](#), [Resolution 2009-025](#)). Some of the projects might include both a plan and code amendment.

### ***Agriculture Program (Docket 2007-G, 2008-G)***

- Create policies that establish a process for designating viable Agricultural land.
- The Whatcom County Council adopted Resolution 2009-040 committing Whatcom County to preserving 100,000 acres of viable agriculture land. Review of land uses designation can be addressed through review of the Comprehensive Plan to ensure the 100,000 acres is met.
- Review the [recommendations](#) of the Agricultural Technical Advisory Committee and [Agricultural Advisory Committee](#). Prepare plan or development regulation amendments as necessary.
- Review the uses allowed for in the Agriculture zone to ensure consistency with permitted uses and the additional requirements of RCW 36.70A.177(3)(b) have been incorporated into Title 20.

Staffing: 1 FTE for full program

Timing: Recommendations of Ag Advisory Committee and TRC should take precedence, focusing in on some regulatory amendments to Ag zone. Work on agricultural land inventory and designation criteria in 2010.

### ***Concurrency Management (Docket 2007-F, 2008-M)***

- Whatcom County adopted various school district capital facility plans and adopted a school impact fee ordinance. (See [Ordinance 2007-067](#))
- The Whatcom County Planning Commission passed recommendations to the county council regarding implementation of transportation impact fees.
- County park facilities are also eligible for impact fees if parks element adopted pursuant to Growth Management Act.
- Interlocal agreements with School Districts are in draft stage waiting for GMA compliance authorization before forwarding for execution.
- The county has determined that it cannot implement development impact fees until the Growth Management Hearings Board issues an order finding compliance with the Growth Management Act.

Staffing: Depends on whether parks would be included in impact fees

Timing: Need to wait for Hearings Board order of compliance

***Foothills Subarea Plan (Docket 2007-C)***

- Plan has been put on hold awaiting UGA and LAMIRD decisions. Once both are finalized, the plan can move forward.

Staffing: 120 hours through February 2011

Timing: Must wait for LAMIRD criteria to be adopted and resolution of UGA appeal

***Birch Bay Subarea Plan – Fire LOS (Docket 2007-0, 2008-I)***

- Amend the Birch Bay Community Plan regarding fire protection facilities and level of service standards.

Staffing: 40 hours

Timing: Public hearing held by Planning Commission on January 26, 2010.

***Parks Plan (Docket 2007-E, 2008-E)***

- Update the County Parks, Recreation and Open Space Plan to comply with the requirements of the Growth Management Act.

Staffing: Support Parks effort if integration into Comprehensive Plan is still requested by Council

Timing: Review of issue in 2010

***Concrete Nor'West (Docket 2009-F)***

- Commercial forestry to mineral resource land near Saxon Road. Item held over for review due to pending SEPA issues.

Staffing: primarily led by natural resources and current planning staff

Timing: Wait for final SEPA decision, then action by February 2011

***Lot Consolidation (Docket 2009-H)***

- Amend text of Title 20 to establish a lot aggregation provision on lands of agricultural significance and to prevent encroachment of incompatible uses on agricultural lands.

Staffing: 120 hours, might combine with AAC recommendations

Timing: Group with agricultural program review.

***Housing (CHAT)***

- Implementation of Countywide Housing Affordability Task Force (CHAT) recommendations.

Staffing: ¼ FTE or less

Timing: 2010 effort until new housing chapter in 2011

***Pipeline Safety (2007 Council initiated zoning amendment)***

- New section proposed for zoning code to provide greater safety near high pressure transmission pipelines.
- Work has begun on this effort and a public hearing is tentatively scheduled for March 2010.

Staffing: assigned to natural resources staff

Timing: Summer 2010

***Zoning Code (2007 ASR)***

- Minor amendments as necessary to provide clarity that arise out of enforcement cases or Hearing Examiner decisions.

Staffing: primarily enforcement and current planning staff

Timing: as needed

***Shoreline Master Program***

- Review and respond as necessary to WDOE comments on amendments proposed by county.

Staffing: assigned primarily to natural resources staff

Timing: DOE has plan amendment for consideration; await their action

***Low Impact Development (2009-10 Budget)***

- Address low impact development standards for watersheds and other parts of the county. Partial response or support to Lake Whatcom TMDL and Birch Bay Watershed project.

Staffing: assigned primarily to natural resources staff

Timing: revise scope in 2010 and proceed into 2011

***Birch Bay Watershed Characterization (EPA Grant)***

- EPA grant to implement the Birch Bay Watershed Characterization and Watershed Planning Pilot Project. Create action plan to achieve watershed based management goals through LID, in lieu fee mitigation, TDR, etc.
- Includes multiple stakeholder meetings over the course of the next year.

Staffing: assigned primarily to natural resources staff, but integration with land use plans is a goal of the project.

Timing: Ongoing in 2010 with deadline in 2011.

## Interim Code Amendment Projects

### ***Moratorium on Land Divisions in Lake Whatcom Watershed***

- Interim Ord. [2009-065](#) is set to expire in March 2010. The rural element and UGA update would address this issue; the rural element, however, will not be adopted by ordinance prior to this interim ordinance expiring.

Staffing: Has been Council staff role; PDS role not identified at this point.

Timing: The ordinance expires in March 2010

### ***Seasonal Clearing Restrictions in Lake Whatcom, Lake Padden and Lake Samish***

- ~~— Complete permanent ordinance on seasonal clearing dates in the above watersheds.~~

~~Staffing: Primarily natural resources staff, plus supervisor~~

~~Timing: Permanent ordinance set to introduce on 1/26/10~~

## 2010 Comprehensive Plan Docket Requests

### ***Bellingham UGA – Yew Street***

File #: PLN 2010-00001

Applicant: Councilmember Crawford

Description: Amend Bellingham UGA to remove the UGA Reserve status for Yew Street corridor within the Lake Padden watershed and designate this area as a UGA. Rezone the area from R10 to UR3, UR4, RR2 and ROS. Proposal includes approximately 545 acres.

Analysis: This is an area removed from the UGA by Ordinance 2009-71. The area was included within the Final EIS for the 10-year UGA review, and additional SEPA review or threshold determination may not be required. This area is subject to an appeal before the Growth Management Hearings Board.

There were several reasons cited for removing this area from the city's urban growth area. The extension of public facilities and services to support urban growth was not demonstrated. The city has identified fire protection and water service as primary issues. In addition, funding for the required improvement of Yew Street has not been identified. Whatcom County is expected to spend \$3.5 million for 1,500 feet of road improvements on Yew Street. Another 3,800 feet or more of road improvements are necessary; ballpark cost estimates for these required improvements are \$15 million, of which no funding source has been identified to pay for these improvements.

The City of Bellingham supported the County's action removing this area and has sent a letter (1-28-10) and resolution (2-8-10) stating that docketing of this request is premature, and that the city is

performing the analysis necessary as part of its 2011 comprehensive plan update process. The city does not want to see any change from the November decision until the city's update process is completed, and would consider appealing any change if made.

Staff Resources: Estimated at 160 hours if docketed. Cost: \$12,000

***MRL Removal – Aldrich Road***

File #: PLN 2010-00002

Applicant: Sorenson, Laurel Boys/ Irwin

Description: Remove Mineral Resource Lands designation and designate land as Rural. Property is in the vicinity of Aldrich Road and King Tut Road and includes approximately 90 acres.

Analysis: Application appears to be incomplete because the applicant did not complete answers to the SEPA non-project questions, and labels of adjacent property owners not included. Review of mineral lands is required element of 2011 plan update, so the issue could be included as part of that update process and not within this docket cycle.

Staff Resources: Estimated at 60 hours if docketed. Cost: paid by private applicant

***Blaine UGA – Harbor Shores***

File #: PLN 2010-00003

Applicant: Skip Jansen/ David Evans

Description: Reinstate portion of Blaine UGA south of Dakota Creek and west of Blaine Road for existing lots (Harbor Shores) and rezone the area to UR4. Proposal includes approximately 35 acres.

Analysis: The area includes lots that have been legally created with sewer and water line extensions approved prior to removal from the UGA in November. The City of Blaine did not propose including this area within the UGA, but are now reviewing an annexation request and appear interested in including this property within their UGA. While the city and UGA has excess capacity, these lots are already created. The applicant is seeking assurance that the already approved sewer line extension will not be challenged for GMA compliance because it is located outside the UGA.

The City of Blaine has submitted a letter (2-8-10) supporting the request to docket this application. The city recognized the availability of sewer and water, and the existing parcels that are already created.

Staff Resources: Estimated at 40 hours if docketed. Cost: paid by private applicant

***Blaine UGA – Beachmont***

File #: PLN 2010-00004

Applicant: Beachmont LLC/ Scot Swanson

Description: Reinstate portion of Blaine UGA west of Shintaffer Road, north of Lincoln Road and up to Drayton Harbor into UGA. Includes rezone

request from R10A to UR(4). Alternatively, should the request for UGA inclusion and urban rezone not be accepted by Council, the applicant requests rezone from R10A to R5A. Proposal includes approximately 169 acres.

**Analysis:** This area was recently removed from the Urban Growth Area. The area was not included in the City of Blaine’s proposed UGA. The conclusions regarding the capacity of the city to accommodate projected growth indicates that there is not a need for this area to be included in the UGA. Council could consider the alternative proposal to review the proposed zoning density only. This area/applicant is included in the appeal to the Growth Management Hearings Board.

The City of Blaine has submitted a letter (2-8-10) supporting the request to docket this application. The city recognized the availability of utilities nearby, and that the area is a nice complement to the existing Resort Semiahmoo. The city also expressed the opinion that any portion that is within the watershed is better governed by the city than the county.

**Staff Resources:** Estimated at 120 hours if docketed. Cost: paid by private applicant

***Agriculture to Rural -- Gerard***

**File #:** PLN 2010-00005  
**Applicant:** Gerard/ Stoner  
**Description:** Amend land use designation from agricultural resource lands to rural. Also includes rezone request to R10A. Proposal includes approximately 60 acres.

**Analysis:** The applicant states that the land is not agricultural based on soils. A similar docket request was filed the previous year and not approved based on the requested zoning density and lack of buffer to adjoining agricultural lands. This application has been revised to have larger lot sizes (10 acre).

**Staff Resources:** Estimated at 80 hours if docketed. Cost: paid by private applicant

***Bellingham UGA – Caitac***

**File #:** PLN 2010-00006  
**Applicant:** Caitac/ Langabeer & Tull  
**Description:** Amend Bellingham UGA by expansion north to Smith Road. Also includes rezone request from R10A to urban residential and commercial. Proposal includes approximately 582 acres.

**Analysis:** This is a request originally filed in 2002 and docketed in 2003. The County Council actions in 2008 to exclude the area within the Bellingham UGA, and again to exclude the property in 2009, have been the subject of appeals.

The ordinance adopted in 2009 included an expectation that Bellingham would return in 2011 with a proposal for how they would

accommodate more population than they requested and allocated as part of the UGA review process. This request would accelerate that conversation by focusing the issue on the county first, and not the city. (See city comments on docket request below.)

The amendment focuses on changing the UGA map for Bellingham, and does not address other internal consistency issues in the plan adopted in 2009 for population and employment allocation. The amendment does not clearly identify proposed urban zoning required to implement the comprehensive plan amendment. The amendment extends the Bellingham UGA to Smith Road, abutting the UGA to the proposed Limited Areas of More Intensive Rural Development (LAMIRD), thus potentially creating an issue of open space corridors and limiting sprawl. The applicants have also appealed the county's decision, including the adequacy of the Final EIS. Additional supplemental work under the State Environmental Policy Act would be required to review and act on this application.

The City of Bellingham supported the County's action to not include this area in the UGA and has sent a letter (1-28-10) and resolution (2-8-10) stating that docketing of this request is premature, and that the city is performing the analysis necessary as part of its 2011 comprehensive plan update process. The city does not want to see any change from the November decision until the city's update process is completed, and would consider appealing any change if made.

Staff Resources: Estimated at 400 to 600 hours if docketed, plus consultant time to complete supplemental EIS required for the project. Cost: paid by private applicant

### **Capital Facilities – 6-year CIP**

File #: PLN 2010-00014  
Applicant: Planning and Development Services  
Description: The proposal includes reviewing and updating the County's Six-Year Capital Improvement Program (CIP), Appendix F of the Whatcom County Comprehensive Plan. Amendments to the Capital Facilities Chapter of the Whatcom County Comprehensive Plan will also be considered, including:

- Review level of service standards;
- Allowing a longer interval between updates of the six-year CIP; and
- Adopting new or updated special purpose district plans by reference.

- Amendments to the Transportation Chapter of the Whatcom County Comprehensive Plan relating to the ferry level of service may also be considered.
- Analysis: This is a required biennial review of the Capital Improvement Program and is necessary in order to continue expenditure of REET funds.
- Staff Resources: Estimated at 120 hours. Cost: \$9,000

## 2010 Zoning Docket Requests

### ***International Boundary Setback***

- File #: PLN 2010-00007
- Applicant: International Boundary Commission/ PDS
- Description: Amend zoning code to require setbacks from international border.
- Analysis: This amendment would assist the International Boundary Commission with maintaining the 20 foot vista between the United States and Canadian border that has been in place since 1908.
- Staff Resources: Estimated at 40 hours. Cost: \$3,000

### ***Repeal Provision Ordinance – Birch Bay at Blaine and Alderson***

- File #: PLN 2010-00008
- Applicant: Councilmember Crawford
- Description: Repeal provisional ordinance 2004-049 in Birch Bay at Blaine and Alderson Road
- Analysis: This amendment has already passed through PDS and the Planning Commission. Council has directed staff to prepare ordinance for Council introduction.
- Staff Resources: Estimated at 0 hours. Cost: Council staff

## 2010 Suggested Zoning Amendments

### ***Council Initiation of Zoning Amendments***

- File #: PLN 2010-00009
- Applicant: Councilmember Crawford
- Description: Amend WCC 20.90.030/040 to allow Council initiation of zoning amendments without deadline of December 31<sup>st</sup>
- Analysis: The Council can amend the zoning code on an interim basis (6 months) without having to docket a request. The request raises issues of prioritizing work on an annual basis, but also raises legitimate issues as to why the Council cannot do this but the PDS director can.
- Staff Resources: Estimated at 20-25 hours if docketed. Cost: \$1,500

***Rezone R10A to R5A – Birch Bay***

File #: PLN 2010-00010  
Applicant: Councilmember Crawford  
Description: Amend zoning map from R10A around Birch Bay UGA to put R5A zoning where lands removed from UGA  
Analysis: The areas removed from the UGAs and/or placed into UGA Reserves were assigned 10 acre lot size minimums at the request of the cities to allow for future urbanization. In this suggested amendment, it is suggested that future urbanization of these lands is unlikely due to environmental constraints.  
Staff Resources: Estimated at 50 - 100 hours if docketed. Cost: \$3,750 - \$7,500

***Ferndale UGA – Vista Malloy***

File #: PLN 2010-00011  
Applicant: Councilmember Crawford  
Description: Put “Vista Malloy” area back into Ferndale UGA. This action requires a comprehensive plan amendment (not applied for).  
Analysis: This action requires a comprehensive plan amendment, which was not applied for pursuant to WCC 2.160.040. The city of Ferndale has appealed the UGA decision.  
Staff Resources: None unless consideration is given for appeal (see City UGA implementation for other actions).

***Blaine UGA – West Blaine***

File #: PLN 2010-00012  
Applicant: Councilmember Crawford  
Description: Put “West Blaine” area back into Blaine UGA. This action requires a comprehensive plan amendment (not applied for).  
Analysis: This action requires a comprehensive plan amendment, which was not applied for pursuant to WCC 2.160.040. The city of Blaine and Trillium have appealed the UGA decision.  
Staff Resources: None unless consideration is given for appeal

***URMX Zone – Drive-up Service***

File #: PLN 2010-00013  
Applicant: Councilmember Crawford  
Description: Amend URMX zone to remove “without drive-up service”.  
Analysis: This issue has been previously reviewed by the department and planning commission, and preliminary records indicate that it never was acted on by the council. Since this issue affects urban areas, coordination with the cities would be necessary and might be premature if the county wishes to consider adoption of city plans and development regulations.

Staff Resources: Estimated at 40 – 80 hours if docketed due to coordination issues with cities. Cost: \$3,000 - \$6,000

## **Code Amendment Projects (projects identified by staff)**

### ***State Environmental Policy Act (SEPA) Procedures***

- There have been issues with the procedures associated with SEPA decisions and the role of the Hearing Examiner. State law requires only one open record hearing.

Staffing: primarily current planning staff and director;

Timing: as time is available

### ***Binding Site Plan Procedures***

- Review binding site plan procedures for commercial and industrial land divisions in land division code. The current process includes three steps, whereas the procedures can be streamlined. These chapters were not addressed in 2009 amendments, but were requested.

Staffing: primarily current planning staff and director

Timeline: as time is available

### ***Birch Bay Design Guidelines***

- Following adoption of the 2004 Community Plan for Birch Bay, Design Guidelines for Commercial Development were developed to implement the vision of the plan. These guidelines were completed in early 2007 but have not been reviewed or implemented at this time. Review of the recommendations and coordination with the Birch Bay community on these standards would be undertaken, and then ordinances prepared and adopted to implement the standards.

Staffing: ¼ FTE, perhaps more if significant changes are needed

Timeline: Begin in 2010 with action in 2011

### ***Fire District #14 Capital Facilities Plan***

- Capital facility planning for fire protection is needed for the Columbia Valley UGA. The Fire District's capital facility plan should address level of service and a forecast of future capital facility needs over the 20-year planning period, the proposed locations and capacities of expanded or new capital facilities over the 20-year planning period, and a plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such facilities. County would adopt plan by reference. This issue is subject to appeal before the Growth Management Hearings Board,

Staffing: Primarily Fire Marshal lead, with other staff supporting effort

Timeline: Work has begun, with action by February 2011 or sooner to resolve appeal

### ***Open Space Public Benefit Rating System***

- The open space public benefit rating system was created prior to passage of the Growth Management Act and adoption of regulatory requirements. There has been concern raised by planning commission and council that the rating system is no longer applicable to today. A review of the rating system is not required and could entail significant staff resources.

Staffing: The open space program has been reassigned to current planning division, with only ¼ FTE devoted to reviewing applications. Review of the rating program could come at the expense of other projects and focus of staff, Planning Commission and Council. Explore issues this year and develop work plan and strategy to discuss as time allows.

Timeline: Discuss priority with Council in conjunction with other work program efforts.

### ***Coordinated Water System Plan***

- Public water purveyors have expressed an interest and need to update the coordinated water system plan for Whatcom County. This need addresses water resources tied to land use and economic development, while also looking at the needs of agriculture. Initial meetings with the PUD identify them as the potential lead entity to staff this effort.
- Would require interdepartmental effort including Public Works and Health

Staffing: ¼ fte

Timeline: Finish late 2011

### ***Swift Creek Asbestos***

- Land use planning may be part of a response to the naturally occurring asbestos coming down through Swift Creek. The role, and extent of effort required, is unknown at this time.

Staffing: unknown at this time

Timeline:

## Recommendations (preliminary staff)

The following are the preliminary recommendations for the long range work program. The priorities are set on meeting statutory requirements and reoccurring work assignments. The recommendations meet existing staff resources. The addition of some work items would require removal of other items from the recommended list.

These recommendations will be considered by the County Council. The Council is scheduled to adopt the 2010 comprehensive plan and zoning docket on March 16<sup>th</sup>. A work session on the work program is scheduled for February 23<sup>rd</sup>.

### Statutory Mandates

1. Limited Areas of More Intensive Rural Development (LAMIRDs)
2. Urban Growth Area Review and Update
3. 2011 Comprehensive Plan and Development Regulation Review and Update

Staff Resources: 3 staff per year

### Reoccurring Work

4. Purchase of Development Rights Program
5. Annexation Review
6. Capital Facilities Plan (2010)
7. Agricultural Advisory Committee Support
8. Transportation Planning

Staff Resources: 900 hours (¾ FTE) staff per year

### Planning Projects Previously Docket

9. Agricultural Program (limit scope as outlined below)
  - Review the [recommendations](#) of the Agricultural Technical Advisory Committee and [Agricultural Advisory Committee](#). Prepare plan or development regulation amendments as necessary.
  - Develop database and inventory of agricultural lands in Whatcom County to identify lands used for agricultural purposes.
  - Review the uses allowed for in the Agriculture zone to ensure consistency with permitted uses and the additional requirements of RCW 36.70A.177(3)(b) have been incorporated into Title 20
10. Foothills Subarea Plan
  - Finalize subarea plan consistent with LAMIRD and UGA actions of County Council
11. Birch Bay Fire LOS
  - Finalize Birch Bay Community Plan amendments for consistency and accuracy regarding fire protection facilities
12. Concrete Nor'West, Saxon Road MRL

- After completion of Hearing Examiner decision on SEPA appeal, prepare reports and hold hearings on proposed change to overlay land with MRL designation
- 13. Housing Affordability Task Force (CHAT)
  - Implement recommendations of Countywide Housing Affordability Task Force
- 14. Pipeline Safety
  - Finalize review of amendments to provide greater safety near high pressure transmission pipelines
- 15. Low Impact Development
  - Review options for low impact development standards for watersheds
- 16. Birch Bay Watershed Characterization
  - Review and implement recommendations of the watershed characterization and pilot planning project

Staff Resources: several projects assigned to other division staff; estimate of 540 hours (1/2 FTE) is for long range staff integration into natural resources based project

#### **Interim Code Amendments**

- 17. Lake Whatcom Land Divisions
  - Provide technical assistance as needed, or provide other options as requested by Council
- 18. Seasonal clearing restrictions
  - Finalize seasonal clearing dates in watershed

Staff Resources: 40 hours (mostly Council or Natural Resources staff)

#### **Comprehensive Plan Docket Requests**

- 19. Blaine UGA – Harbor Shores application
  - Application to expand the Blaine UGA south of Dakota Creek to lots that have already been created and utility extensions approved.
- 20. Agriculture to Rural – Gerard
  - Application to amend the land use designation from agricultural to rural, and rezone to R10A
- 21. Capital Facilities Plan
  - Required biennial review of the Capital Improvement Program in coordination with the biennial budget

Staff Resources: 240 hours

#### **Other Considerations:**

Both the Yew Street and Caitac applications will be reviewed as part of the city's periodic review and update process. Consideration might be given to docketing these proposals in coordination with the city, with final action taken as part of the 2011 periodic review process. If these items are docketed, then items recommended will need to be removed in order to provide adequate staff resources.

**Zoning Docket Requests**

22. International Boundary Setback

- This amendment would assist the International Boundary Commission with maintaining the 20 foot vista between the United States and Canadian border that has been in place since 1908

23. Birch Bay Provisional Rezone

- This amendment would repeal provisional ordinance 2004-049 in Birch Bay at Blaine and Alderson Road. Docketing of this item may not be necessary as Council can introduce ordinance based on action already taken by Planning Commission.

Staff Resources: 40 hours

**Suggested Zoning Amendments**

24. URMX Drive Up Service

- This amendment would remove “without drive-up service” in the URMX zone

Staff Resources: 40 hours

**Code Amendments Identified by Staff**

25. SEPA Procedures

- This would address SEPA appeal procedures and open record hearings

26. Binding Site Plan Procedures

- This would address procedures for commercial and industrial land divisions

27. Birch Bay Design Guidelines

- Review, amendment and/or adoption of Birch Bay Design Guidelines developed in 2007

28. Fire District #14 Capital Facilities Plan

- Assist the fire district in developing a capital facilities plan to demonstrate adequate fire protection serving the Columbia Valley UGA.

29. Coordinated Water System Plan

- Work with water purveyors on coordinated water system plans for county.

Staff Resources: 700 hours

**Summary of Staff Resources Based on Recommendation**

Legal Mandates:	3,600 hours
Reoccurring Work:	700 hours
Previous Docket:	540 hours
Interim Codes:	40 hours
Plan Docket:	240 hours
Zoning Docket:	40 hours
Suggested Zoning:	40 hours
Staff List:	700 hours
<b>TOTAL</b>	<b>5,900 hours (5 FTE) – balanced to resources currently budgeted</b>