

## **WHATCOM COUNTY PLANNING & DEVELOPMENT SERVICES REPORT**

### **I. BACKGROUND INFORMATION**

**File #** CMP2007-00007

**File Name:** Foothills Subarea Plan

#### **Action Requested**

Planning Commission recommendation relating to:

- a. Whether the Columbia Valley Urban Growth Area (UGA) should be retained or not; and
- b. The population projection for the Columbia Valley UGA.

#### **Staff Recommendation**

Planning and Development Services recommends:

- a. Retaining an urban growth area in the Columbia Valley; and
- b. Adopting a Columbia Valley UGA population projection of 5,000 for the next 20-year planning period.

#### **Background**

The Whatcom County Comprehensive Plan contains goals and policies applicable to the entire County. Subarea plans that contain more specific goals and policies were also developed for 11 areas within Whatcom County. One of these plans is the Foothills Subarea Plan, which was adopted in 1988. 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 current Foothills Subarea does not include Deming. It is anticipated that the Subarea boundary will be modified to include Deming.

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. Therefore, the County Council passed Resolution #2005-062 in November 2005 establishing a Foothills Subarea Plan Advisory Committee. 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.

## **Relationship to other Planning Efforts**

The relationship between the Foothills Subarea Plan, which includes the Columbia Valley UGA, and the 10-year review of UGAs throughout Whatcom County has emerged as an important issue. The Growth Management Act required Whatcom County to complete the 10-year UGA review by 2007. The Growth Management Hearings Board ruled that the County had not complied and a new deadline was set for the County to complete the 10-year review by June 30, 2009. A Growth Management Coordinating Council (GMCC), consisting of elected officials from the County and cities, has been formed to facilitate this process. Additionally, a Technical Advisory Group composed of the Planning Directors of the County, cities and other entities has been formed to provide technical assistance to the GMCC. Consultant services have also been acquired to assist with the 10-year UGA review process.

Under the GMA, the County must also complete the 7-year update of its entire comprehensive plan by December 1, 2011.

Additionally, the Growth Management Hearing Boards has ruled that Subarea Plans must utilize the same planning horizon year as the county-wide comprehensive plan. At the current time, the Whatcom County Comprehensive Plan utilizes 2022 as the planning horizon year. However, it is anticipated that the comprehensive plan will be amended by June of 2009 to establish a new 20-year planning period.

If the Foothills Subarea Plan were adopted prior to amendment of the Whatcom County Comprehensive Plan with a new planning horizon year, it would have to use the 2022 planning horizon, which would be outdated within a matter of months. Therefore, the new Foothills Subarea Plan should not be adopted prior to the 10-year UGA review, which will establish a new planning horizon year in the Whatcom County Comprehensive Plan.

The GMCC will make recommendations relating to the population allocated to each UGA throughout the County in association with the 10-year UGA review. While the January 15, 2009 Planning Commission hearing is on the entire Foothills Subarea Plan, it is a particularly important opportunity to provide timely recommendations on two critical issues:

- Should there be a UGA in the Columbia Valley?
- If there is a UGA in the Columbia Valley, what population should be allocated to the UGA for the 20-year planning period?

While there are many issues and facets to the Foothills Subarea Plan, recommendations on these two issues are necessary to facilitate timely completion of the mandated 10-year UGA review. Therefore, this staff report focuses on these two issues. After these issues are resolved in the 10-year UGA review process the Subarea Plan as a whole can be acted on.

## **Environmental Impact Statement/Land Use Alternatives**

In December 2007, Whatcom County issued a determination that a supplemental environmental impact statement (SEIS) would be prepared. The Draft SEIS was issued on August 1, 2008 and, after reviewing and responding to public and agency comments, the Final SEIS was issued on December 19, 2008.

The Final SEIS addresses three land use alternatives for the Columbia Valley area. These alternatives, which are summarized briefly below, are described in greater detail in chapter 2 of the Final SEIS. Maps showing the Columbia Valley alternatives can be found in Appendix B of the Final SEIS.

### Alternative 1 – Draft Foothills Subarea Plan

- The Columbia Valley UGA would decrease in size from approximately 1,489 to 1,339 acres. The proposal would remove approximately 190 acres in the Kendall area from the UGA and add about 40 to the east side of the UGA, for a net decrease in size of about 150 acres.
- The Subarea Plan includes three “planned” land use designations and one “potential” land use designation associated with the Columbia Valley UGA. These land use designations are shown in the Draft Foothills Subarea Plan (p. 123) and described below.
  - A Planned Town Center comprehensive plan designation on approximately 44 acres to accommodate commercial, a variety of residential housing types, and institutional uses near the center of the UGA. There is also an associated policy that supports rezoning the Planned Town Center to General Commercial or a new Town Center zone.
  - A Planned Urban Residential comprehensive plan designation on approximately 120 acres and an associated policy that would support rezoning the Planned Urban Residential comprehensive plan designation from Rural Forestry to Urban Residential 4 dwellings/acre (UR4).
  - A Planned Light Impact Industrial comprehensive plan designation on approximately 40 acres north of Limestone Rd. and an associated policy to consider rezoning this area to Light Impact Industrial (LII) when impacts and mitigation have been identified.
  - Potential Planned Light Impact Industrial comprehensive plan designations on an additional 120 acres generally north of Limestone Rd. Associated policies consider designating up to 40 acres of this 120 acre area as Planned Light Impact Industrial when certain conditions are met and rezoning this area to LII when impacts and mitigation have been identified.

Alternative 2 – No Action Alternative/Existing Land Use Designations

Alternative 2 maintains the existing 1,489 acre UGA and existing Whatcom County Comprehensive Plan policies, including:

Policy 2AA-13: Preclude additional commercial zoning within the urban growth area until the Small Town Commercial district in Kendall is fully developed and a land supply study demonstrates a need for additional commercial land.

Alternative 3 – Rural/LAMIRD Alternative

The existing Columbia Valley/Kendall UGA designation would be removed under alternative 3. The Columbia Valley/Kendall area would have three separate “limited areas of more intensive rural development” (LAMIRDs) surrounded by rural lands.

Two of these LAMIRDS would encompass the Paradise Lakes, Peaceful Valley, and Camper’s Paradise developments and would total approximately 700 acres. These areas were, for the most part, already platted in 1990 when the state Growth Management Act was adopted. These LAMIRDs would have Resort Recreational Subdivisions comprehensive plan designations and be rezoned from UR4 to Residential Rural 3 dwellings/acre (RR3). These two LAMIRDs would not be connected by the intervening land because Kendall Lake, Kendall Creek, Sprague Lake and associated wetlands are located between the LAMIRDS.

A third LAMIRD, the only planned commercial designation in the Columbia Valley/Kendall area under alternative 3, would be the Kendall Small Town Commercial (STC) zone located at the intersection of Mount Baker Highway and Kendall Rd. The existing STC zoning district would be reduced in size from approximately 41 acres to 14 acres. The comprehensive plan designation of the STC zone would be changed from UGA to Small Town.

Approximately 775 acres outside the three LAMIRDs would be re-designated from UGA to rural and/or forestry (with planned densities of one dwelling per 5, 10 or 20 acres).

There would be no planned light impact industrial designations in the Columbia Valley/Kendall area. Existing Whatcom County Comprehensive Plan policies relating to the Columbia Valley/Kendall UGA would be deleted.

Range of Alternatives

It should be noted that decision makers are not ultimately required to pick one of the three alternatives. However, adopted plans and regulations must be within the range of alternatives discussed. Different elements of the alternatives are not mutually exclusive and may be combined into a preferred alternative.

**II. ANALYSIS OF THE PROPOSED AMENDMENT**

Pursuant to WCC 2.160.080, the following criteria (summarized in bold below) must be satisfied in order to approve a comprehensive plan amendment.

- A. That 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.**

*Columbia Valley Urban Growth Area (UGA)*

The GMA requires that the comprehensive plan must be internally consistent (RCW 36.70A.070). While the comprehensive plan can be modified, existing policies and land use designations should be given consideration in the amendment process.

The Whatcom County Comprehensive Plan currently contains goals and policies supporting the Columbia Valley Urban Growth Area designation:

- GOAL 2AA: Recognize Birch Bay, Sudden Valley Provisional Urban Growth Area, and the Columbia Valley/Kendall area as county urban growth areas, not associated with existing cities.
- Policy 2AA-6: Work with all parties to resolve infrastructure and public service issues so that the Columbia Valley/Kendall area can develop to its full potential.
- Policy 2AA-7: Study Columbia Valley/Kendall to identify the factors necessary to create an economically viable city, the implications of such development within the County overall, and make recommendations as to how and when incorporation should be initiated.
- Policy 2AA-12: Recognize the need for light impact industrial land uses within the Columbia Valley/Kendall Urban Growth Area. Consider establishing a light impact industrial zone within the long term planning area located on the north side of Limestone Road. Retain the existing zoning within this long term planning area until a master plan has been completed to identify traffic impacts and infrastructure/utility/service needs, and appropriate mitigation measures.

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.

The Whatcom County Comprehensive Plan clearly anticipates continued existence of the Columbia Valley UGA and inclusion of the UGA in the Subarea Plan.

Additionally, 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 indicates that 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.

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.

Additionally, Whatcom County Comprehensive Plan Land Use Action Plan item # 16 (chapter 2) is to “Establish Council appointed subarea citizens' committees to participate in the updating and review of subarea plans.”

The Whatcom County Council approved resolution 2005-062 in November 2005 establishing the Foothills Subarea Plan Advisory Committee. The County Executive appointed 11 members to the Committee and the County Council confirmed these appointments in February 2006. The Advisory Committee worked from March 2006 to October 2007 to develop the Draft Foothills Subarea Plan. The Advisory Committee held approximately 40 meetings and considered public input, agency presentations, consultant recommendations, and staff information in the process of formulating the Draft Subarea Plan. A majority of the Advisory Committee members recommended a Foothills Subarea Plan in October 2007 that included the Columbia Valley UGA.

Whatcom County Planning and Development Services recommends retaining an urban growth area designation in the Columbia Valley for the following reasons:

- Whatcom County Comprehensive Plan Land Use Action Plan item # 11 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. . .”
- The majority of Foothills Subarea Plan Advisory Committee members recommended a Subarea Plan that maintains the UGA.
- The Columbia Valley area was designated as a UGA by the County Council in 1999 (Ordinance No. 99-075). The Columbia Valley UGA already exists and is not being created by the adoption of this Subarea Plan.
- The Urban Residential four dwellings/acre (UR4) zoning in this area was originally adopted in 1988 when the last Foothills Subarea Plan was adopted.
- There has been a long-standing policy anticipating urban growth in the area. Some degree of predictability and stability in land use designations is desirable in a community.
- The existing UGA is approximately 1% of the land area in the Foothills Subarea. Large

areas of rural and forestry land use designations will be maintained.

- The Draft Subarea Plan contains a policy to “Protect lands that are designated Rural Forestry or Commercial Forestry in the Whatcom County Comprehensive Plan from encroachment by UGA expansion” (Policy RL1-A, p. 79).

It is acknowledged that there are issues with the UGA, including capital facility planning, adequacy of commercial and industrial zoning, non-urban zoning in the UGA, conservation of forestry lands surrounding the UGA, and protection of water resources. However, there are strategies to work through these issues and retain a UGA in the area. These strategies include adopting a low population projection until further capital facility planning has been accomplished, rezoning land for commercial purposes in the UGA, setting criteria under which land can be rezoned for industrial purposes, rezoning land that is not zoned for urban uses (or removing it from the UGA), adopting policies that discourage converting designated forestry land to UGA, and utilizing mitigation measures such as low impact development techniques.

### Population Projections

The GMA requires that comprehensive plans must include projections of future population growth (RCW 36.70A.070(1)). Counties must plan to accommodate growth projected by the State Office of Financial Management or OFM (RCW 36.70A.110 (2) and .115). OFM projections are for the County as a whole (not for subareas or UGAs within the County). OFM issues a range of low, medium and high projections. While the County and cities must plan within the range of OFM projections, there is local discretion in allocating population to the urban growth areas throughout the County.

The Columbia Valley UGA contains two large residential subdivisions, Peaceful Valley and Paradise Lakes. It also includes a recreational development called Camper’s Paradise. The Foothills Subarea Plan Advisory Committee estimated that the 2006 population of the Columbia Valley UGA was 3,853 (Draft Foothills Subarea Plan, Oct. 2007, p. 2). This is larger than the 2006 population of three cities in Whatcom County: Everson (population 2,135), Nooksack (population 1,004) and Sumas (population 1,125). It is also close to the number of residents in Blaine (population 4,480 in 2006). However, the Columbia Valley UGA does not currently have the commercial or industrial land base, or adequate services, to support a rapidly growing residential population.

The Whatcom County Comprehensive Plan projects 5,000 people in the Columbia Valley UGA at the end of the current planning period, which is the year 2022 (p. 1-8). If growth were to follow historical trends from the last 10 to 20 years, the Columbia Valley UGA population would exceed the adopted population projection prior to the end of the planning period. However, there are circumstances, especially the need for additional capital facility planning, that warrant careful consideration prior to allocating additional growth to the Columbia Valley UGA. One method to address the situation is to refrain from allocating additional population growth to the Columbia Valley UGA at this time. If the existing population projection of 5,000 were applied to the new 20-year planning period, it would constitute an increase of 1,147 people

from the 2006 estimated population. This is below historical growth in the area since 1990. However, the County does have discretion to make policy choices when allocating growth and formulating associated land use plans.

As of 2006, there were about 2.79 people for every dwelling unit in the Columbia Valley UGA (Draft Foothills Subarea Plan, October 2007, p. 37). If this ratio holds for the future, it would equate to about 411 additional dwelling units needed in the UGA to accommodate 1,147 more people (for a total of 5,000 people in the UGA). If the persons/housing unit drops, more dwellings would be needed.

One important factor in GMA planning is whether adequate capital facilities are available to serve planned growth. GMA planning goals of RCW 36.70A.020 include:

- Goal # 1: Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- Goal # 12: 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.

The GMA and Growth Hearings Board have required a rather high level of capital facility planning and coordination with the land use plans (especially for UGAs not associated with a city), including:

- An inventory of existing capital facilities, showing the locations and capacities of the capital facilities.
- A forecast of the future needs for such capital facilities over the 20-year planning period.
- The proposed locations and capacities of expanded or new capital facilities over the 20-year planning period.
- At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.
- Planning for facilities to serve the entire UGA.

Additionally, County-wide Planning Policy C-2 states that “The size and location of Urban Growth Areas shall be consistent with adopted local policies and with the capital facilities plans.”

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. Short term and long term boundaries may be used to facilitate provision of urban levels of service.

These County-wide Planning Policies also indicate a close connection between UGA sizing and appropriate capital facility planning.

Section 365-195-315 of the Washington Administrative Code states that capital facilities include water systems, sanitary sewer systems, storm water facilities, schools, parks and recreational facilities, police and fire protection facilities.

Water District 13 and Water and Sewer District 19 have 1,047 water connections available (Final SEIS, p. 83). This would be more than enough water connections to serve the additional dwellings needed to accommodate the proposed population projection. Water District 13 currently has capacity to serve approximately 197 additional sewer hook-ups (Final SEIS, p. 83). District 13 is working on a sewer plan to provide additional capacity, as the existing sewer plan is from the 1970s. Until this sewer plan is adopted by the District and approved by the State Department of Ecology, there is not justification to allocate additional population to the Columbia Valley UGA over and above the growth planned in the existing Whatcom County Comprehensive Plan.

With regard to stormwater facilities, the “*Water Quantity and Quality Report Foothills Subarea*” (Aspect Consulting, July 18, 2008) indicates:

. . . In the Columbia Valley/Kendall UGA coarse soils allow for ready infiltration of stormwater and there are no existing public stormwater flow control facilities (e.g., detention/retention or infiltration ponds) or water quality treatment facilities. Limited conveyance features (e.g., culverts and ditches) are present in the county and state road rights-of-way. Since most, if not all, proposed development in the subarea will be private, additional pressure on these existing features should be minimal. It is not anticipated that any programs or capital facility improvements will be needed in the subarea over the 6- and 20-year planning periods . . . (pp. 2-3).

With regard to schools, the Kendall Elementary School and the Mount Baker Junior High School, which serve students in the UGA, are currently over capacity. In order to address the current capacity deficit at Kendall Elementary School, portable classrooms are being utilized. In order to address the current capacity deficit at the Mount Baker Junior High School, classrooms at the High School are being used for junior high students (Final SEIS, p. 59). The Mount Baker School District has a Six-Year Capital Facilities Plan (Feb. 2006). The Final SEIS includes components of a 20-year capital facility plan that could be incorporated into the Subarea Plan, but these plans have not been approved by the School District.

Level of service standards (LOS) for parks and trails have been adopted in the Whatcom County Comprehensive Plan for the County as a whole. However, there are no LOS standards for the Columbia Valley UGA. The Final SEIS provides potential mitigation measures to adopt LOS standards for the UGA and develop associated capital facility plans to implement these standards.

The Whatcom County Comprehensive Plan establishes a level of service of 0.26 square feet of Sheriff's Office space per capita (Policy 4G-4). The level of service standard for office space is applied to all unincorporated areas of the County, rather than on a subarea-by-subarea basis. This is because the County's model is to provide a centralized law and justice campus near Bellingham with satellite offices in various areas, including the Foothills Subarea (Final SEIS, p. 79). The existing satellite office is located at the Kendall Fire Hall. However, there is a project in the Draft Foothills Subarea Plan to develop a satellite office in the Columbia Valley town center (Draft Foothills Subarea Plan, October 2007, p. 43).

Fire District 14 serves the Columbia Valley UGA. The Fire District currently does not have a capital facilities plan, but is in the process of developing one. In a letter dated September 13, 2008, Fire District 14 commented on the three alternatives in the SEIS (Final SEIS, pp. 120-121). For context, a brief summary of the population projections and whether the UGA status would be retained for the Columbia Valley UGA in each of the alternatives studied in the Final SEIS is provided below:

	Columbia Valley Population Projection	Retain a UGA in the Columbia Valley?
Alternative # 1	7,053	Yes
Alternative # 2	5,833	Yes
Alternative # 3	4,925	No

Regarding the alternatives, the Fire District 14 letter of September 13, 2008 stated:

The Commissioners of Whatcom County Fire Protection District 14 are concerned about our ability to continue to provide fire and EMS protection to the citizens it serves should a development resulting in the addition of 3,887 residents be added to our community as projected by the S.E.I.S. (under alternative 1). . .

District 14 does not feel Alternative # 1 grasps the severity of the situation at Kendall and fails to recognize the need and expense to existing homeowners of building a new station, supplying equipment and the staff to operate. . .

Alternative # 2 could possibly result in the need to expand Kendall's existing station or build a new fire station to accommodate sleepers. On the other hand, growth may continue at a slow enough rate District 14 may be able to meet increased call loads through the recruitment of volunteers.

Alternative # 3 places the least amount of growth pressure on District 14. We would

continue to provide service at a rural level as opposed to an urban area. District Commissioners would continue to seek a solution to increased call load level based on the increased number of low income residents and their inability to transport themselves to medical attention. . .

There is no capital facility plan for fire protection/EMS at the current time that indicates Fire District 14 could serve more than the 5,000 population projection that was adopted for the Columbia Valley UGA in 2004 (see Ordinance 2004-013).

In summary, capital facility plans to provide sewer and fire protection/EMS service to the Columbia Valley UGA are under development, but have not yet been approved. The level of development that these plans will support needs to be clarified, especially for fire protection/EMS. Additionally, other capital facility plans will need to be developed and/or strengthened to provide service to the UGA. At this time, capital facility plans are not in place to support allocating additional population to the Columbia Valley UGA. Therefore, staff recommends utilizing the existing population allocation of 5,000 people in the UGA for the new 20-year planning period.

This population projection implies that the existing UGA will have to be reduced in size, as UGAs can not be too large under Growth Management Hearings Board rulings. A revised land capacity analysis is being performed for all UGAs in the County, including the Columbia Valley UGA, in conjunction with the 10-year review. This analysis this will provide information relating to the appropriate size of the UGA to accommodate growth. One option is to place some or all of the areas removed from the UGA in an “urban reserve” classification as areas to consider for inclusion in the UGA at a later date if capital facility planning is accomplished and the County allocates additional population to the UGA.

Because additional capital facility planning is needed, staff recommends making an intentional decision to allocate less growth to the Columbia Valley UGA than recommended in the Draft Foothills Subarea Plan (Oct. 2007).

Finally, the Foothills Subarea does not include any cities and staff is not aware of any interlocal agreements affecting the subarea plan.

**B. That further studies made or accepted by the department of planning and development services indicate changed conditions that show a need for the amendment.**

The Final SEIS was issued in December 2008. Through the development of the SEIS, public facilities and services were evaluated and information from Fire District 14 was submitted relating to their ability to serve a larger population in the UGA. Based upon this information, and other impacts identified in the SEIS, staff recommends a population allocation to the Columbia Valley UGA of 5,000 for the new 20-year planning period (which is the population projection currently in the Whatcom County Comprehensive Plan for the UGA in the year 2022).

**C. That 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 Whatcom County Comprehensive Plan has included the Columbia Valley UGA since 1999. Additionally, a population projection of 5,000 has been allocated to the UGA since 2004. County staff recommends keeping the UGA and applying the Columbia Valley population projection of 5,000 to the new 20-year planning period. This would likely necessitate amending the UGA so that it is reduced in size, but this appears necessary in order to coordinate land use and capital facility planning.

As discussed in the Final SEIS, a potential impact of removing the UGA is that development and growth could occur at a more rapid rate in rural areas because the supply of building lots in the Columbia Valley would be limited to the existing lots in the Paradise Lakes and Peaceful Valley Subdivisions (Final SEIS, p. 36). Adopting a lower population projection and downsizing the UGA could also cause more growth to go into rural or other urban areas.

- **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.**

There are no cities within the Foothills Subarea at the current time. The closest city is Sumas, which is almost two miles northwest of the Subarea.

Service provider impacts for the three land use alternatives studied are set forth in the Final SEIS. As previously mentioned, capital facility plans need to be formulated for a variety of services, including sewer and fire protection/EMS. A comprehensive plan amendment that retains an existing UGA (while reducing it in size) and retains the existing population projection (applying it to a more distant planning horizon year) would not impact service providers to a greater degree than the existing Whatcom County Comprehensive Plan.

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 4 of the Final SEIS identifies highway and road improvements that will be needed to service the various land use alternatives. However, in an e-mail of December 17, 2008, the Washington State Department of Transportation raised concerns about the State's ability to fund highway improvements that serve Foothills Subarea traffic. This is another reason to take a cautious approach when allocating future growth to the Columbia Valley UGA.

- **Anticipated impact upon designated agricultural, forest and mineral resource lands.**

Designated forestry lands are split into two categories: Lands within the Rural Forestry comprehensive plan designation and lands within the Commercial Forestry comprehensive plan designation. Designated forestry lands do not include Rural Forestry zones located within the Urban Growth Area comprehensive plan designation (see Whatcom County Comprehensive Plan, Map # 20). The Draft Foothills Subarea Plan does not propose to re-designate any designated forestry lands. The Plan does assume that Rural Forestry zones within the existing Columbia Valley UGA will be rezoned for urban uses in the future. These Rural Forestry zones in the Columbia Valley UGA allow reasonable use of the property while preserving it for future urban development (and prevent inefficient sprawling land uses in the UGA in the interim period).

Designated forestry lands are located on the western, northern and eastern sides of the existing Columbia Valley UGA. Protection of these designated forestry lands was an important issue to the Foothills Subarea Plan Advisory Committee, as reflected in policies recommended by the Committee in the Draft Foothills Subarea Plan:

- LU1-B Strongly discourage rezoning of Commercial Forestry zones to allow more dwellings or increased intensity of use.
- LU1-C Strongly discourage rezoning Rural Forestry zones to allow more dwellings or increased intensity of use. This policy does not apply to Rural Forestry zones that are located in the Columbia Valley UGA as designated in the 2008 Foothills Subarea Plan.
- LU1-D Strongly discourage re-designation of Rural Forestry and Commercial Forestry Comprehensive Plan designations to Urban Growth Area.
- RL1-A Protect lands that are designated Rural Forestry or Commercial Forestry in the Whatcom County Comprehensive Plan from encroachment by UGA expansion.

In summary, the Draft Foothills Subarea Plan contains policies to conserve designated forestry lands for production of forest products. The Plan also discourages conversion of these lands to other more intensive land uses.

**D. That the amendment does not include or facilitate spot zoning.**

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).

Under the Draft Foothills Subarea Plan (October 2007), several areas inside the UGA would need to be rezoned within the planning period:

- The Planned Town Center would be rezoned from Urban Residential 4 dwellings/acre (UR4) to General Commercial or a new Town Center zone;
- The Planned Light Impact Industrial area on the north side of the UGA would be rezoned from Rural Forestry to Light Impact Industrial; and
- The Planned Urban Residential area on the east side of the UGA would be rezoned from Rural Forestry to UR4.

The extent to which land in these areas will be needed to accommodate a smaller population projection and corresponding employment projection will be further reviewed in conjunction with the 10-year UGA review.

Areas removed from the UGA would receive rural or forestry comprehensive plan designations and corresponding zoning designations.

As long as there are policies and/or map designations in the Subarea Plan that support these designations, any rezoning would be consistent with the comprehensive plan and would not constitute “illegal spot zoning.”

**E. Transfer of development rights must be considered if the urban growth area is expanded.**

Planning & Development Services is recommending a lower population projection than the projection in the Draft Foothills Subarea Plan. It is likely that this will result in a smaller UGA and rather than expansion of the UGA.

### **III. PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION**

The proposed findings set forth below relate to public participation, the environmental impact statement, retention of the UGA and the associated population projection. Findings will be added at a later date relating to other elements of the Subarea Plan.

1. Growth Management Act (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)).
2. The Whatcom County Council approved resolution 2005-062 in November 2005 establishing the Foothills Subarea Plan Advisory Committee. The County Executive appointed 11 members to the Committee and the County Council confirmed these appointments.
3. The Foothills Subarea Plan Advisory Committee met 40 times between March 2006 and October 2007 in the effort of developing the Draft Foothills Subarea Plan. The Advisory Committee typically provided a period for public comments at their meetings.
4. Whatcom County Planning and Development Services Department, in conjunction with the Foothills Subarea Plan Advisory Committee and planning consultant Studio Cascade, hosted 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.
5. Whatcom County Planning and Development Services Department, in conjunction with the Foothills Subarea Plan Advisory Committee and planning consultant Studio Cascade, hosted a Kendall Small Town workshop on September 15 and 16, 2006.
6. Whatcom County Planning and Development Services Department, in conjunction with the Foothills Subarea Plan Advisory Committee and planning consultant Studio Cascade, hosted a Columbia Valley Urban Growth Area (UGA) Workshop in Kendall on October 14, 2006.
7. Whatcom County Planning and Development Services Department, in conjunction with the Foothills Subarea Plan Advisory Committee and planning consultant Studio Cascade, hosted a Foothills Subarea Plan Policy Workshop in Deming on November 16, 2006.
8. 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).

9. A Draft Foothills Subarea Plan rollout meeting was held on October 15, 2007 at the Kendall Elementary School.
10. The Planning Commission held a work session on the Draft Foothills Subarea Plan (October 2007 version) on November 29, 2007.
11. 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.
12. The Planning Commission held a public hearing on the Draft Foothills Subarea Plan on January 15, 2009.
13. GMA planning goal # 1, relating to urban growth, is to “Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.”
14. 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. Therefore, portions of the UGA are already characterized by urban growth as defined by RCW 36.70A.030 (18).
15. 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.
16. The Whatcom County Comprehensive Plan contains goals and policies supporting the Columbia Valley Urban Growth Area designation including Goal 2AA, Policy 2AA-6, Policy 2AA-7, and Policy 2AA-12.
17. 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.
18. Urban Residential 4 dwelling/acre (UR4) zoning has existed in the Columbia Valley since 1988 (Ordinance 88-92).
19. Under the GMA, urban growth areas may be designated pursuant to RCW 36.70A.110.

- The Columbia Valley UGA was adopted by the Whatcom County Council in 1999 (Ordinance 99-075).
20. There has been a long-standing policy anticipating urban growth in the Columbia Valley. A degree of predictability and stability in land use designations is desirable in a community.
  21. The majority of the Foothills Subarea Plan Advisory Committee recommended a Draft Foothills Subarea Plan (Oct. 2007) that included the Columbia Valley UGA on October 24, 2007.
  22. Retaining an urban growth area in the Columbia Valley is reasonable in light of the GMA, County-wide Planning Policies, Whatcom County Comprehensive Plan and the Foothills Subarea Plan Advisory Committee majority recommendations.
  23. GMA planning goal # 2 is to “Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.”
  24. 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/five acres and development must be clustered to allow future urban development on the reserve tract once water and sewer are available and other conditions are met. Large areas of rural and forestry land use designations will be maintained in the Foothills Subarea. The UGA will occupy less than 1% of the land in the Foothills Subarea. Therefore, the UGA will not contribute to sprawling low-density development.
  25. 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.”
  26. The Draft Foothills Subarea Plan contains policies to promote and encourage public transit, bikeways, and pedestrian walkways (Goal T11 and associated policies in chapter 6). Additionally, the Final SEIS includes potential mitigation measures relating to transportation. These mitigation measures should be incorporated, as appropriate, into the Foothills Subarea Plan.
  27. 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.”
28. The Foothills Subarea Plan includes a new 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.
  29. 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.”
  30. County-wide Planning Policy C-5 states that:

Urban Growth Areas should be established in a way that preserves agricultural land, forestry, mineral resources, water resources, and critical areas. Urban growth shall maintain proper buffers from natural resource areas to minimize conflicts with natural resources and industries based on them.
  31. Policies in the Draft 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).
  32. 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.”
  33. The Foothills Subarea Plan contains policies relating to preservation of open space (LU1-G and LU1-I in chapter 2), recreation (Recreation goals and policies in chapter 9), and fish and wildlife habitat (Goal EN1 and associated policies in chapter 11).
  34. 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.”
  35. The Draft Foothills Subarea Plan contains policies to protect water quantity and quality (Goal EN1 and associated policies in chapter 11). Additionally, the Final SEIS includes potential mitigation measures relating to water quantity and water quality. These

mitigation measures should be incorporated, as appropriate, into the Foothills Subarea Plan.

36. 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.”
37. 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). The Columbia Valley UGA is provided with urban governmental services such as domestic water, a sewer system and public transit (RCW 36.70A.030 (20)). However, existing capital facility planning does not support allocation of additional population, over the existing projection of 5,000 people, to the Columbia Valley UGA.

#### **IV. PROPOSED CONCLUSIONS**

Retaining an urban growth area in the Columbia Valley and adopting a population projection of 5,000 is consistent with the criteria of WCC 2.160.080.

#### **V. RECOMMENDATION**

Based upon the above findings and conclusions, Planning & Development Services recommends:

##### *Columbia Valley UGA*

- Retain an urban growth area in the Columbia Valley.

##### *Population Projection*

- Establish a population projection of 5,000 for the Columbia Valley UGA for the 20-year planning period.