



## MEMORANDUM

**TO:** Whatcom County Planning Commission  
**FROM:** David Stalheim, Director  
**DATE:** September 29, 2009  
**RE:** Urban Growth Area Deliberations on October 1<sup>st</sup>

On September 17, 2009, the Whatcom County Council and Planning Commission held a public hearing on proposed amendments to the Whatcom County Comprehensive Plan and Zoning Ordinance regarding the review and revision of Urban Growth Areas. The proposed amendments were submitted by County Executive Pete Kremen in response to city and community proposals for Urban Growth Areas presented to Whatcom County on June 16<sup>th</sup> and subject to public hearing on June 23<sup>rd</sup>.

This memorandum outlines the three urban growth areas that we ask the Planning Commission to focus on for your deliberations on October 1<sup>st</sup>: Blaine, Birch Bay and Columbia Valley.

Additional consideration of the Urban Growth Area proposal includes three planned meetings on the 8<sup>th</sup>, 15<sup>th</sup> and 22<sup>nd</sup> of October.

### October 8th (focus of deliberation)

#### UGA Reviews:

- o Bellingham
- o Ferndale

### October 15th meeting (focus of deliberation)

- Comprehensive Plan Chapters
- Zoning Text
- Remaining UGA Issues

### October 22nd

- Final UGA recommendations
- Findings of Fact, Conclusions and Recommendations

## **CITY OF BLAINE URBAN GROWTH AREA**

Blaine's Urban Growth Area was identified during the county's initial review of Urban Growth Areas as being oversized. The City of Blaine's proposal reduced the Urban Growth Area, limiting it to an area east of the City and what is known as the West Blaine UGA. The Executive's proposal limits the unincorporated Urban Growth Area to an area north of Sweet Road and east of the City. The City identified this area as needed for future industrial/manufacturing development. Issues concerning the Blaine UGA are primarily limited to the following:

### **Retention/Removal of West Blaine UGA**

The West Blaine UGA is the subject of testimony and written comment. Existing residents and property owners in this area have expressed an interest in the provision of future sewer service to the existing homes and lots in the West Blaine UGA, while others have expressed concerns about allowing additional development on an erosional bluff and the impacts on water quality along marine shorelines.

A sample of comments in favor of retaining the West Blaine UGA include those by David Theisen (8/31/09), Gordon Montgomery (09/09/09 letter) and Trillium (09/16/09 letter).

A sample of comments supportive of removing West Blaine from the UGA include those by Wendy Harris (9/10/09), Keats Garman (08/27/09) and oral testimony of Lincoln Rutter (09/17/09).

### **Provision of Urban-Level Fire Services**

The entire UGA and the adjacent Birch Bay UGA are served by North Whatcom Fire and Rescue (Fire District #21). According to the District's Capital Facilities Plan, adopted by the District's board of fire commissioners on September 8, 2009, the District's response time to "urban" areas is 11.067 minutes on 90% of calls (Exhibit 10, Page 14). Urban areas are defined by the National Fire Protection Association (NFPA) and the District as follows:

- Urban: Greater than 1000 persons per square mile
- Suburban: Between 500-1000 persons per square mile
- Rural: Less than 500 persons per square mile.

Clearly, by this definition, there are areas of the District that are designated as Urban Growth Area, or are within the City Limits in the case of Blaine, that are not "urban" as defined by the NFPA or the District. The District adopts the standard response time of 8 minutes on 90% of Priority 1 incidents (fire and life threatening medical) in urban areas. The District's Capital Facilities Plan shows that, as of 2008, the District met this standard for 65% of calls in urban areas.

In the resolution adopting the Capital Facilities Plan, Whatcom County Fire Protection District #21 Board of Fire Commissioners Resolution 2009-13, the District proclaims the "District lacks the financial resources and funding sources to provide and maintain urban levels of service to the Birch Bay Urban Growth Area." The District does not, however, make a clear distinction between Blaine and Birch Bay's "urban" areas, in its adopted plan. The response times are

averaged across “urban” areas. As such, both the Birch Bay UGA and the Blaine UGA must be treated the same, with the conclusion that urban-levels of service are not available to urban areas in the District.

Options:

1. Executive Proposal.
2. Alternative proposal that may include a UGA designation for portions of the West Blaine area to aid in provision of future sewer service.
3. Alternative proposal reducing the Blaine UGA back to city limits until Fire District #21 can show an urban level of response.
4. City proposal.

Areas to Consider:

1. West Blaine UGA (see letters listed above)
2. Kilkelly/Wilson Property (see Polymer Land Consultants, 09-17-09 letter)
3. Vandenberg Property (see Windward Consulting/Dick Vandenberg, 09-17-09 letter)

## **BIRCH BAY URBAN GROWTH AREA**

The Birch Bay Urban Growth Area (UGA) is one of the unincorporated Urban Growth Areas in Whatcom County. The Community Proposal for this UGA was established by the 2004 Birch Bay Community Plan. The Executive's Recommendation takes into account many of the primary principles of the plan while considering the overall requirements of state law and sizing UGAs appropriately for the next 20 years of anticipated growth. The following issues were raised in letters from the public and through staff research.

### **Recent Work Establishing the Birch Bay UGA (2004 Birch Bay Community Plan)**

Many of the comments we have received since the release of the Executive's Recommendation evoke the spirit of the 2004 Birch Bay Community Plan. Arguing that this plan is still rather fresh and much work went into crafting the plan, comments ask that the work done as part of this plan be considered and the entire UGA as established in that plan be retained.

A sample of comments in favor of retaining entire UGA are those by Lisa Guthrie (8/27/09), Doralee Booth (8/31/09), and those made during oral testimony by Kathy Berg (9/17/09).

### **Provisional Rezone Area Around Blaine/Alderson Roads**

In tandem with adoption of the Birch Bay Community Plan in 2004, Ordinance 2004-049 was passed establishing a provisional rezone area at the intersection of Blaine and Alderson Roads. This provisional rezone was put in place to implement the stated vision of the community at that intersection. In order for property owners to develop at GC, URM24 and UR4 respectively, they must meet a number of conditions set out in the ordinance. No development has occurred at the provisional intensities since the establishment of the provisional rezone area.

The letters below indicate a desire to retract the ordinance in order to allow commercial and high density housing around this intersection. An alternative solution to this issue may be to retract the ordinance and implement the design guidelines developed for commercial development by the community in 2007. This would ensure that development that occurs in this area is in step with the community's vision for the intersection.

A sample of comments in favor of retracting the provisional rezone around the intersection of Blaine and Alderson roads are those by Lisa Guthrie (9/17/09), Stuart Pennington (9/17/09), and Belcher-Swanson on behalf of Gold Star Resorts (9/17/09).

See oral comments by Kathy Berg (9/17/09) for discussion of letting the design guidelines be a factor in removing the provisional rezone.

The Executive's memorandum to the County Council dated September 9, 2009 encouraged that this issue be studied in the coming year.

### **Capital Facilities Concerns (Fire Protection and Transportation)**

The entire UGA and the adjacent Blaine UGA are served by North Whatcom Fire and Rescue (Fire District #21). According to the District's Capital Facilities Plan, adopted by the District's board of fire commissioners on September 8, 2009, the District's response time to "urban" areas

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By this definition, there are areas of the District that are designated as Urban Growth Area, or are within the City Limits in the case of Blaine, that are not “urban” as defined by the NFPA or the District. The District adopts the standard response time of 8 minutes on 90% of Priority 1 incidents (fire and life threatening medical) in urban areas. The District’s Capital Facilities Plan shows that, as of 2008, the District met this standard for 65% of calls in urban areas.

In the resolution adopting the Capital Facilities Plan, Whatcom County Fire Protection District #21 Board of Fire Commissioners Resolution 2009-13, the District proclaims the “District lacks the financial resources and funding sources to provide and maintain urban levels of service to the Birch Bay Urban Growth Area.”

Further, many of the primary roads in the Birch Bay UGA have capacity and safety issues that the 2004 Birch Bay Community Plan identifies. By 2020, the plan shows capacity deficiencies on Blaine Road from Alderson to Birch Bay-Lynden Road, on Birch Bay-Lynden Road to Birch Bay Drive, on Birch Bay Drive from Birch Bay-Lynden Road to Birch Point Road, on Harbor View Road from Birch Bay-Lynden Road into the existing Blaine unincorporated UGA, and along Grandview to Jackson Road (Figure 11-4). Further, the Birch Bay Community Plan and associated Design Guidelines aim at removing traffic from the waterfront and placing more emphasis on upland travel routes. As a result, more stress is put on the roads mentioned above. This subject is receiving further study as part of the Final Environmental Impact Statement.

### **Blaine Road Properties Requesting Inclusion**

The following properties have request reconsideration for inclusion:

- Garrett Property (Langabeer-Tull letter on behalf of Garret, 9/17/09)
- Whisper Lake Development (Langabeer-Tull letter on behalf of Whisper Lake, 9/17/09)
- Maritime Manor (Pacific Surveying and Engineering letter on behalf of Maritime Manor, 9/17/09)
- Larson Property (oral testimony by property owner delivered at hearing, 9/17/09)

All of these properties are along the fringes of the UGA and have some direct or close access to Blaine Road. The Garrett property and Maritime Manor have existing vested applications for subdivisions. Whisper Lake and the Larson Property do not.

### Options:

1. Executive Proposal.
2. Alternative option scales back the Urban Growth Area to the land needed to accommodate the projected population.
3. Alternative option to maintain the Executive Proposal and add back in some or all requests for inclusion along Blaine Road.
4. Community Proposal.

## **COLUMBIA VALLEY URBAN GROWTH AREA**

Comments regarding the Urban Growth Area proposal for Columbia Valley focused on fire protection, capital facility planning, removal of 80 acres on the west side of the UGA, addition of 40 acres on east side of UGA, business and employment opportunities, zoning in the UGA, long term planning areas, driving distance, and shorelines and critical areas.

### **Fire Protection**

Whatcom County Fire District # 14 submitted written comments on 9-17-09 stating:

. . . the District will not be able to fund the necessary capital facilities or the necessary staffing to provide an urban or suburban level of service to the Columbia Valley Urban Growth Area (“UGA”) as defined by the National Fire Protection Association (“NFPA”) 1720 Standard. . . under any projected circumstance and based upon projected revenue, considering the potential allocated growth to the District (and assuming the voters annually approve a levy limit at the maximum allowed by law), the District will struggle to maintain a rural level of service in the area proposed to be the Columbia Valley UGA, and cannot provide an urban level of service to the Columbia Valley UGA. . .

For these reasons the District recommends that the County not include in its Comprehensive Plan an Urban Growth Area within the District. . .

Other comments relating to fire protection were received from Fire District 14 Commissioner RobRoy Graham (oral comments, 9/17/09), Brownlie Evans Wolf and Lee (letter, 9/10/09), and Rob Staveland (oral comments, 9/17/09).

### **Capital Facility Planning**

Concern has been expressed that adequate capital facility planning has not been accomplished for the Columbia Valley UGA. Additionally, it has been suggested that Policy 2AA-6, and several other capital facility planning provisions, should be deleted. Proposed Policy 2AA-6 states:

Work with all parties to resolve infrastructure and public service issues so that the Columbia Valley/~~Kendall area~~ UGA can develop to its full potential. However, if water, sewer and fire protection capital facility plans have not been developed by June 1, 2011, the Columbia Valley should be re-classified from an urban growth area to a rural comprehensive plan designation by December 1, 2011. Capital facility plans should provide the information required by RCW 36.70A.070(3).

Capital facility planning issues include fire protection, sewer service and water service. Fire protection is discussed above. Water District 13 provides sewer service to a portion of the UGA. This District is in the process of updating its comprehensive sewer plan, but has not yet completed this plan. Evergreen Water & Sewer District 19 and Water District 13 are slated to update their water system plans in 2010 and 2011, respectively.

County-wide Planning Policy (CWPP) E-4 indicates that:

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. (Italics added for emphasis).

While this CWPP places oversight responsibility for capital facility planning on the County, it also includes the concept that special purpose districts are to develop these plans for unincorporated UGAs. The County is not in a position to develop functional plans. Therefore, proposed Policy 2AA-6 was developed to indicate the UGA should be re-designated to a rural comprehensive plan designation if special districts have not developed adequate capital facility plans by 2011.

Comments on capital facility planning were received from Foothills Area Residents and Landowners (letter, 9-17-09), Rob Staveland (letter, 9-17-09), Brownlie Evans Wolf and Lee (letter, 9-10-09), and Phil Cloward (oral comments, 9-17-09).

#### **Removal of 80 Acres on West Side of UGA**

The Executive's proposal includes removing approximately 80 acres from the western edge of the UGA. Portions of this area contain steep slopes and alluvial fans. The UGA was oversized to accommodate the allocated population. Therefore, recommendations had to be made where to reduce the UGA. Because of the critical areas on this parcel, it was one of the areas recommended for removal.

On the other hand, reasons for retaining this parcel may include:

- The Foothills Subarea Plan Advisory Committee recommended retaining this land within the UGA.
- This land is located within Water District 13, which is a purveyor of water and sewer.
- It is located in close proximity to the proposed town center.

Comments on this 80 acre parcel were received from Foothills Area Residents and Landowners (letter, 9/17/09), Rob Staveland (letter, 9/17/09), Tin Rock Development (letter, 9/17/09), and Rebecca Boonstra (oral comments, 9/17/09). Phil Cloward indicated more generally that developable land should not be removed from the UGA (oral comments, 9/17/09).

#### **Addition of 40 Acres on East Side of UGA**

The Executive's proposal includes adding about 40 acres to the east side of the UGA. Comments on this 40 acre parcel were received from Tin Rock Development (letter, 9/17/09).

#### **Business, Service and Employment Opportunities**

The Columbia Valley has an existing population that is larger than three cities in Whatcom County, but lacks a town center providing commercial and public services for these residents. A need for increased business, services and employment opportunities has been identified.

Comments relating to commercial and service needs were received from Anne Baker (letter, 9/17/09) and Tin Rock Development (letter, 9/17/09).

### **Zoning in the UGA**

Concern has been expressed that there is not adequate zoning allowing a range of residential densities, commercial uses, and industrial uses. The Draft Foothills Subarea Plan (Oct. 2007) recommended a Planned Town Center with either a General Commercial zone or a new Town Center zone to allow a mixed use area consisting of commercial uses, a variety of high density residential housing types, and institutional uses (Policy CV1-E) in a central location in the UGA. Adoption of General Commercial zoning would address the lack of commercial zoning. It would also provide potential for a variety of residential densities, as the General Commercial zone allows up to 18 dwelling units per acre when public water and sewer are provided (WCC 20.62.066).

Existing Whatcom County Comprehensive Plan Policy 2AA-12 is to consider establishing a light impact industrial zone on the north side of Limestone Rd. after identification of traffic, infrastructure, utility and service needs and mitigation. Until this time, existing RF zoning in the UGA would act as a holding district, which would not allow suburbanization and would retain the option for urban land use in the future.

Comments on zoning in the UGA were received from Foothills Area Residents and Landowners (letter, 9/17/09), Rob Staveland (letter 9/17/09), Tin Rock Development (letter, 9/17/09), and Phil Cloward (oral comments, 9/17/09).

### **Long Term Planning Areas**

The Executive's proposal maintains the distinction between long term planning areas (LTPAs) and short term planning areas (STPAs) for the Columbia Valley UGA. LTPAs can not be developed at urban levels until rezoned to STPA, public water & sewer are available, and concurrency requirements are met. The LTPA designation was maintained in Columbia Valley because of the unresolved capital facility issues.

Comments on long term planning areas were received from Brownlie Evans Wolf and Lee (letter, 9/10/09).

### **Driving Distance**

Testimony was presented to focus growth in the Bellingham UGA and remove it from areas where people have to drive long distances to work, school or shopping.

Comments on this issue were received from Futurewise (letter 9/17/09) and Brady Webb (oral comments, 9/17/09).

### **Shorelines and Critical Areas**

Comments were expressed to remove areas with undeveloped shorelines and extensive critical areas from oversized UGAs, such as the Columbia Valley (Futurewise letter 9/17/09).

**Options:**

1. Executive Proposal.
2. Amend the Executive's proposal by modifying UGA boundaries on the western and/or eastern edges of the UGA.
3. Amend the Executive's proposal by modifying zoning within the UGA. Specifically, this could include rezoning the Planned Town Center from Urban Residential to General Commercial. It could also include removing the long term planning area and short term planning area zoning designations.
4. Draft Foothills Subarea Plan proposal for the Columbia Valley UGA.