




## **M E M O R A N D U M**

**TO:** Whatcom County Planning Commission  
**FROM:**  David Stalheim, Planning and Development Services Director  
**DATE:** October 1, 2009  
**SUBJECT:** Birch Bay UGA, Repeal of Ordinance 2004-049

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Over the last several weeks, property owners and community members in the Birch Bay UGA have requested the County consider repealing Ordinance 2004-049 which establishes a provisional rezone in the area surrounding the intersection of Blaine and Alderson Roads. This rezone was passed concurrently with the passage of the 2004 Birch Bay Community Plan in an attempt to implement the vision expressed in this plan.

The 2004 Birch Bay Community Plan proposed General Commercial (GC) and high density residential (URM24) around the Blaine and Alderson Road intersection for purposes of providing services to the southern end of their community. The provisional rezone does not easily allow that kind of development to occur due to the practicality of the provisional conditions. The conditions include a requirement that multiple property owners work together on site plans for layout of development, protection of critical areas and open space corridors. The conditions also require that the owners purchase or transfer development rights to achieve the density increase.

1. Property owner(s) shall prepare a site plan showing the design and layout of proposed lots, commercial structures, multi-family structures, road and pedestrian connections to adjacent parcels, and protected critical areas, buffers and open space.
2. Property owner(s) shall purchase or transfer sufficient development rights to achieve the requested density increase, based on the TDR ratios established in the Whatcom County Code.
3. The properties shall be serviced by public water and sewer.
4. Property owners shall apply to the County for a site-specific rezone pursuant to Chapter 20.90 WCC in conjunction with submittal of a subdivision or binding site plan application for the subject parcel or parcels.

In order to implement the community vision of the Birch Bay Community Plan, the provisional conditions of Ordinance 2004-049 should be rescinded.

Please contact me with any questions you might have regarding this issue.