



MEMORANDUM

TO: Whatcom County Planning Commission
FROM: David Stalheim, Director
DATE: October 13, 2009
RE: Urban Growth Area Deliberations on October 15th

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 16th and subject to public hearing on June 23rd.

This memorandum outlines the urban growth area issues that we ask the Planning Commission to focus on for your deliberations on October 15th. Additional consideration of the Urban Growth Area proposal includes a planned meeting on the 22nd of October.

October 15th meeting (focus of deliberation)

- Birch Bay UGA boundary and provisional rezone
- Zoning Maps
- Comprehensive Plan Chapters
- Zoning Text

October 22nd

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

BIRCH BAY UGA BOUNDARY AND PROVISIONAL REZONE

Please see previous memo dated 10/9/09 for information relating to these issues.

ZONING MAPS

The Planning Commission is asked to issue recommendations on proposed zoning maps (attached) to implement previous Planning Commission boundary recommendations for the 10 urban growth areas.

COMPREHENSIVE PLAN CHAPTERS

The Executive's Proposal included Comprehensive Plan amendments associated with the 10-year UGA review. Although the Planning Commission can recommend changes to any portion of the Comprehensive Plan, staff would like to highlight the following issues for Planning Commission consideration.

Chapter 1 - Introduction

Population (pp. 1-7, 1-8, and 1-9)

The Planning Commission’s recommendations about Urban Growth Area Reserves and Lynden’s Urban Growth Area affect several sections of both Chapter 1, Introduction and Chapter 2, Land Use.

Study Area	Executive Recommendation	Planning Commission Recommendation
Bellingham UGA	22,477	22,477
Birch Bay UGA	3,239	3,239
Blaine UGA	4,249	4,249
Columbia Valley UGA	1,076	1,076
Everson UGA	1,228	1,228
Ferndale UGA	8,121	8,121
Lynden UGA	4,546	3,465
Nooksack UGA	944	944
Sumas UGA	793	793
<i>Rural</i>	8,300	8,300
Subtotal (growth)	54,973	53,892
County 2029 Total	245,973	244,892

On page 1-9, the Executive’s proposal includes a discussion regarding “Population Allocation Reserves.” The Population Allocation Reserves were to recognize the city or community’s request for growth beyond the 20-year allocations based on the allocation assumptions proposed by the Executive and largely endorsed by the Planning Commission. The Planning Commission also recommended that the County not implement the Urban Growth Area Reserves. The request for the City of Bellingham to accommodate an additional population allocation is also contained within this section. Amendments to these sections are warranted to implement the Planning Commission’s recommendations to date.

In order to implement the above population projections and allocation, amendments will be necessary in the following locations:

- Pg. 1-7 (2nd paragraph) – Change total county forecast to 244,892.
- Table 4 – change allocation to Lynden to 3,465 with a 2029 population of 15,078 and changes to totals
- Page 1-9 – Delete section on Population Allocation Reserves, including Table 5. Renummer tables in chapter.
 - Note: the request for Bellingham to accommodate additional population will be recommended to shift to Chapter 2, Land Use

Employment (pp. 1-9 and 1-10)

A Reserve employment allocation was also provided to Columbia Valley. Since the Planning Commission chose to not include the Urban Growth Area Reserve, this reserve employment allocation would not be warranted.

Options for Planning Commission Consideration:

1. Keep Chapter 1, Introduction as proposed
2. Amend Chapter 1, Introduction to:
 - a. amend growth allocation to Lynden based on current UGA capacity of 3,465 additional people
 - b. amend county-wide total growth forecasts
 - c. delete population allocation reserves discussion and renumber tables in chapter
 - d. delete employment allocation reserve footnote in Table 6 for Columbia Valley.
3. Other options could be considered.

Chapter 2 – Land Use

Population (p. 2-4, 2-19, and 2-20)

The same issues regarding population affecting Chapter 1 apply to several sections in Chapter 2.

Land Use/Capital Facility Reconciliation (p. 2-8, Policy 2C-5)

There are multiple public facility and service providers serving urban growth areas that are at various stages of capital facility planning. Some service providers have current capital facility plans, while some do not have capital facility plans. Others have plans, but are not on a uniform time-frame for updating these plans consistent with the planning horizon of the Whatcom County Comprehensive Plan. Still others struggle with the idea of funding plan updates prior to knowing growth allocations and urban growth area boundaries. Service providers should be able to plan for urban growth areas with mapped boundaries and established population allocations so they can spend their funds wisely and avoid repetition and wasted resources when performing capital facility planning. In other words, there is a logical sequence that should take place for capital facility planning to occur: 1) Adopting growth allocations and urban growth area boundaries, and 2) Capital facility planning to serve those growth allocations within the specified urban growth area boundaries. Therefore, the proposed comprehensive plan amendments include a policy that would facilitate reconciliation of public facility and service gaps with land use planning as part of the 7-Year Update that will be completed in 2011. This allows for adequate sequencing and coordination of plans by various governmental units involved in land use and capital facility planning.

It should be noted that this policy references reserve growth allocations and urban reserve lands, which are no longer being utilized. This should be addressed by deleting the second sentence in subpart (e) of Policy 2C-5.

Reference to Custer (p. 2-16)

The Comprehensive Plan states "This section presents policies, map designations and rationale for the urban growth areas for Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, Sumas, Birch Bay, Columbia Valley, Cherry Point, and Custer." Custer is no longer an urban growth area and should be deleted from this text.

Non-Urban Zoning in UGAs (p. 2-23, Policy 2R3)

Whatcom County is proposing a policy that would allow Agriculture and Rural Forestry zoning in urban growth areas on an interim basis.

- Urban growth areas are sized to accommodate growth over a 20-year period and all land within urban growth areas will not be needed immediately to meet urban land needs.
- The Growth Management Act does not allow Urban Growth Areas to include forest land and agricultural land of long-term commercial significance to be designated unless the county has enacted a program authorizing transfer or purchase of development rights. (RCW 36.70A.060(4)). Retaining Agriculture and Rural Forestry zones in urban growth areas on an interim basis would allow continued resource land uses in the near term (these lands are not located within Agriculture or Forestry comprehensive plan designations and, therefore, are not designated resource lands of long-term commercial significance).
- It is anticipated that these Agriculture and Rural Forestry zones would be rezoned to allow urban development within the 20-year planning period, thereby fulfilling the purpose of being included within the urban growth area.

Bellingham UGA Text and Policies (pp. 2-27 through 2-29)

In order to implement the Planning Commission's recommendations for the Bellingham Urban Growth Area, the following modifications to the Bellingham section of the Comprehensive Plan are needed:

- Modify the total acreage of the urban growth area in the first paragraph of p. 2-27, to reflect Planning Commission changes to the UGA boundary:

Bellingham's ~~current~~ Urban Growth Area (UGA) was established in 1997 as a result of a lengthy public involvement process. Three geographical areas comprise the City's UGA: ~~and includes~~ Bellingham's Northern UGA, the Geneva/Watershed Resource Protection UGA, and the Yew Street UGA. Together, these areas make up approximately ~~7,180~~ 5,595 acres.

- Add a policy relating to non-urban densities in the Geneva and Hillsdale Urban Growth Areas. The following language is presented for Planning Commission consideration:

Policy 2T-11: The Geneva and Hillsdale areas, located within the Lake Whatcom Watershed, are designated urban growth areas in order to allow the City of

Bellingham to annex these areas. The City has a long-term interest in the water quality of Lake Whatcom because the City is responsible for providing Bellingham with safe drinking water from the Lake. Whatcom County and the community also have long-term interests in the watershed based upon the special environmental sensitivity of the Lake Whatcom Watershed as a drinking water source and the Total Maximum Daily Load (TMDL) findings requiring a reduction of phosphorus inputs into the lake. Therefore, only non-urban densities should be allowed in that portion of the Urban Growth Area within the watershed.

- Add policy about evaluating rezoning General Commercial to Light Impact Industrial where the Bellingham Urban Growth Area and Ferndale Urban Growth Area interface. The following language is presented for Planning Commission consideration:

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.

Everson UGA Text and Policies (pp. 2-37 through 2-39)

The Planning Commission decision to not recommend approval of the expansion to the north would require deletion of the sentence on pp 2-38 under “North”.

Ferndale UGA Text and Policies (pp. 2-41 through 2-43)

The Planning Commission’s recommendation to not include the Urban Growth Area Reserve designation would require amendment of language in this section. Additionally, the following amendments are proposed:

North

~~Areas to the north include all the land presently zoned for urban residential use and some R-5 area. While some of this land is in active dairy farm use, its inclusion is an attempt to recognize Community Value Statements to not downzone property. If left in the county, the area could not remain at present zoning levels and be consistent with county goals for rural lands. Also included is the Grandview Industrial area. The Urban Growth Area extends north to include the commercial / industrial area around the Grandview Road / I-5 interchange. Much of the area between the Grandview commercial / industrial area and the Ferndale city center has been removed from the Urban Growth area, but is zoned for 10 acre lots to accommodate future urban development, as the area may be a logical extension of the Urban Growth Area in the future.~~

West

~~This The area west of the ridge that divides the Terrell Creek and Nooksack River watersheds is generally not a logical extension of the city as urban facilities can not be extended in an efficient manner. The city has proposed removal of several areas to the west. has been identified as a potential growth area for Ferndale for a number of years and thus has a County Urban Residential zone designation.~~

East

~~There are only limited areas to the east that are included within the Urban Growth Area. Existing large lot development patterns to the east preclude the extension of efficient public facilities and services to this area. The city has proposed removal of most areas to the east. Areas to the east include a small amount of Urban Residential zoning. This area was determined to be necessary to meet the growth needs of Ferndale and is serviced with water and sewer by the City of Ferndale.~~

South

~~Very little land area to the south has been included in the urban growth area. However, the area south of Slater Road has been included for its viability as part of the urban growth area.~~

Finally, the reference to short term planning area in Policy 2W-5 should also be deleted.

Lynden UGA Text and Policies (pp. 2-45 through 2-47)

The Planning Commission's recommendation to not expand the UGA and to not include the Urban Growth Area Reserve designation would require amendment of language in this section.

Sumas UGA Text and Policies (pp. 2-53 through 2-55)

The Planning Commission recommendation to delete any Urban Growth Area beyond city limits would require changes to the language on page 2-54 under "South," which described land within the UGA, as follows:

~~Approximately 177 acres of land are located to the south of Sumas. This area is located outside the floodplain and is predominately in agricultural use. It is one of only two areas available to Sumas with any upland area to accommodate future residential growth.~~

In addition, other language about interlocal agreements and short term planning areas in Policy 2Z-5 are not necessary, or are outdated.

Birch Bay UGA Text and Policies (pp. 2-57, 2-58, and 2-60)

Modifications to the Birch Bay text and policies will be formulated after Planning Commission recommendations on the Birch Bay Urban Growth Area boundary and provisional rezone issues, which are addressed in the Planning & Development Services memo of October 9, 2009.

Columbia Valley UGA Text and Policies (pp. 2-58 through 2-61)

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).

The Planning Commission may want to consider this policy language in light of public comments received. An option may be to delete the second sentence of Policy 2AA-6 in its entirety. No other changes are needed to the Columbia Valley Urban Growth Area section of the Comprehensive Plan.

Urban Growth Area Reserves (pp. 2-71 through 2-73 and p. 2-77)

The Planning Commission has chosen to not include the Urban Growth Area Reserves in the recommendations to County Council. Instead, the Commission has considered the areas to be included in the Urban Growth Area or designated as either Rural or Resource lands. The language explaining Urban Growth Area Reserves, criteria for transferring from UGA Reserve to UGA, and the criteria by urban area on pages 2-71 through 2-73 would be deleted. In addition, the Comprehensive Plan Designations Map Descriptors on page 2-77 would delete Urban Growth Area Reserve.

Drayton Harbor Watershed Transferrable Development Rights (TDR) Policy

On October 1, 2009, the planning commission recommended the executive proposal for the Blaine UGA. The commission also considered establishing a TDR policy in areas removed from the Blaine UGA and directed staff to draft a policy establishing a TDR policy in the Drayton Harbor watershed.

Following the October 1st meeting, staff located ordinance 2005-002 which establishes sending areas in some of the Drayton Harbor Watershed. It is not specific to the Drayton Harbor Watershed, however, and places much of its emphasis on creeks and streams around Birch Bay and Blaine. It also establishes sending areas on Point Whitehorn and Birch Point. It does include most of the long-term planning area at the south end of Drayton Harbor that the planning commission has recommended for removal.

The comprehensive plan policy proposed below allows future opportunity for establishment of a TDR sending area in the Drayton Harbor Watershed. The policy would need to be codified at a later date. The proposed policy is as follows:

Establish a transferrable development rights (TDR) sending area in the Drayton Harbor Watershed.

Lake Whatcom (pp. 2-19, 2-74 to 2-76)

Amend text on p. 2-19 allowing lower densities in sensitive watershed as follows:

Areas within designated urban growth areas which are not yet ready for urban levels of density can become a problem if they are allowed to develop at low densities because a suburban land use pattern can become established that will disrupt later in-filling at urban densities. ~~On the other hand, some of the urban growth areas include land which is presently zoned Rural (R) and Rural Residential (RR), some of which is already developed or partially developed at suburban densities.~~ Other areas have environmental constraints such as flood plains and sensitive watersheds which would dictate using lower, ~~overall~~ densities.

In the first full paragraph on p. 2-75, text should be restored indicating that the Geneva and Hillsdale areas are urban growth areas.

Maps 8 and 10

Maps 8 and 10, located at the end of Chapter 2, should be revised to reflect modified UGA boundaries recommended by the Planning Commission. Additionally, UGA reserves should be deleted from map 8.

Options for Planning Commission Consideration:

1. Keep Chapter 2, Land Use as proposed
2. Amend Chapter 2, Land Use as follows:
 - a. Population:
 - i. modify language on page 2-4 (3rd paragraph) to state “which will accommodate the expected increase of 53,892 people over the 20-year planning period....”
 - ii. Modify language in last paragraph on page 2-19 to top of 2-20 that has total County population of 244,892 and deletes last sentence about population allocation held in reserve.
 - b. modify Policy 2C-5 by deleting the sentence that states with “The Comprehensive Plan provides for reserve growth allocations and urban reserve lands...”
 - c. remove the reference to Custer as an urban growth area on page 2-16.
 - d. modify the Bellingham UGA total acreage to reflect Planning Commission recommendations.
 - e. add Policy 2T-11 to require non-urban densities in the Geneva and Hillsdale urban growth areas.
 - f. add Policy 2T-12 to evaluate rezoning land from General Commercial to Light Impact Industrial in the northern portion of the Bellingham UGA (just south of the Ferndale UGA).
 - g. UGA text and policy changes to Everson, Ferndale, Lynden and Sumas to reflect Planning Commission recommendations.
 - h. UGA text and policy changes to Birch Bay to reflect Planning Commission recommendations.
 - i. delete the proposed requirement in Policy 2AA-6 to re-designate the Columbia Valley from a UGA to a rural designation if adequate capital facility plans are not completed by 2011.
 - j. delete urban growth area reserve language.
 - k. adopt the Drayton Harbor watershed transfer of development right policy.
 - l. revise the Lake Whatcom text to restore references indicating that Geneva and Hillsdale are urban growth areas.
 - m. modify maps 8 and 10 to show Planning Commission’s UGA boundaries.
3. Other options could be considered.

Chapter 4 – Capital Facilities

Fire Protection Level of Service (pp. 4-3 and 4-6, Policy 4H-3)

Several fire districts serving urban growth areas either do not have capital facility plans or indicate that they can not provide an urban level of service to an urban growth area. Proposed Policy 4H-3 addresses this issue as follows:

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.

The Planning Commission should consider whether any modifications to this proposed policy approach are warranted.

County Facility Level of Service (pp. 4-5 and 4-6)

The proposal reduces the level of service for the following County facilities: Trails, activity centers, juvenile detention beds, and County office space. Economic conditions necessitate a re-evaluation of the facilities that can be provided with the revenues available. There is a high cost to constructing additional activity centers. Additionally, activity centers are already distributed or planned around the County. Instead of building additional centers, programs could be added to existing centers to alleviate the need for new construction. Finally, there has been less demand for juvenile detention beds since the juvenile justice center was opened in 2002. In 2007, an average of 20 beds were occupied. Peak populations in the facility do not reach the existing 32 bed capacity.

North Whatcom Fire and Rescue (p. 4-8, Policy 2N-4)

Policy 2N-4 is to adopt by reference the North Whatcom Fire and Rescue Capital Facilities Plan. The date of the plan needs to be inserted in this policy, as shown below, because the plan was adopted by the Fire District after the Executive's proposal was issued.

The North Whatcom Fire and Rescue Capital Facilities Plan, dated August 2009, is adopted by reference into the comprehensive plan.

Special District Capital Facility Plans (p 4-9)

Capital Facility Action Plan Item 12 states that:

Capital facility plans for water, sewer, stormwater, fire and schools that serve unincorporated UGAs will be incorporated by reference into the Whatcom County Comprehensive Plan after approval by the special purpose district or local entity.

Public comment included deleting “after approval by the special purpose district or local entity” from the above, as the commenter indicated that the County (rather than the special purpose district) should have final approval authority. This is shown below:

Capital facility plans for water, sewer, stormwater, fire and schools that serve unincorporated UGAs will be incorporated by reference into the Whatcom County Comprehensive Plan-after approval by the special purpose district or local entity.

Options for Planning Commission Consideration:

1. Keep Chapter 4, Capital Facilities as proposed
2. Amend Chapter 4, Capital Facilities to:
 - a. modify proposed Policy 4N-4 by inserting the date of the North Whatcom Fire and Rescue Capital Facilities Plan as follows.
 - b. modify the language in Action Plan item # 12 to allow the County to adopt special district plans by reference without those plans being approved by the special purpose district.
3. Other options could be considered.

Chapter 6 – Transportation

Map 14A

Map 14A should be revised to reflect modified UGA boundaries recommended by the Planning Commission.

Chapter 8 – Resource Lands

Map 18

Map 18 should be revised to reflect modified Agricultural Comprehensive Plan designation recommended by the Planning Commission.

Map 19

Map 19 should be revised to reflect modified Agricultural Protection areas that result from the Planning Commission recommendations (i.e. land rezoned from urban residential to rural that meets the Agricultural Protection Overlay criteria).

Appendix A - Glossary

Urban Growth Area Reserve

The Planning Commission made the recommendation to not include Urban Growth Area Reserves. This means that the glossary for this term can be deleted.

ZONING TEXT

Geneva and Hillsdale Density

The Planning Commission decision to include Geneva and Hillsdale in the Urban Growth Area, but at non-urban densities, requires an amendment to the zoning code to implement. Insert text in Whatcom County Code (WCC 20.20.252) to require a maximum density of one dwelling per five acres for Urban Residential zones in the Lake Whatcom Watershed.

Agriculture and Rural Forestry Zoning Districts

The Administration is proposing to modify the purpose statements of the Agriculture and Rural Forestry Zoning Districts to recognize that these zones may be utilized in urban growth areas.

20.40.010 Purpose.

The primary purposes of this district are to implement the agricultural designation of the Comprehensive Plan, established pursuant to RCW 36.70A.170, preserve, enhance and support the production of food and fiber in Whatcom County to maintain a sufficiently large agricultural land base to ensure a viable agriculture industry and to maintain the economic feasibility of supporting services. Whatcom County supports agricultural activities as the highest priority use in the Agriculture District, with all other uses being subordinate to agricultural activities. Whatcom County seeks to minimize conflict with surrounding zoning districts, in conjunction with Chapter [14.02](#) WCC, Right to Farm. In order to limit the further fragmentation of the commercial agricultural land base, the Agriculture District includes smaller areas of land with poorer quality soils or nonagricultural uses, which do not meet the definition of agriculture lands of long-term commercial significance. A secondary purpose of this district is to serve as a holding district within the urban growth area comprehensive plan designation to allow agricultural uses in the near term while protecting the area from suburban sprawl and preserving the potential for future urban development.

20.42.010 Purpose.

The primary purpose of this district is to implement the forestry designation of the Whatcom County Comprehensive Plan, established pursuant to RCW 36.70A.170, by providing the opportunity for nonindustrial landowners to manage their land for long-term productivity and sustained use of forest resources. In addition, the district encourages the management of land for wildlife, aesthetics, and other noncommodity values. It also provides for uses that are compatible with these activities, while maintaining water quality and soil productivity. Lummi Island Scenic Estates shall be administered under the RR-I zone district regulations. A secondary purpose of this district is to serve as a holding district within the urban growth area comprehensive plan designations to allow forestry uses in the near term while protecting the area from suburban sprawl and preserving the potential for future urban development.

ERRATA SHEET

Please recall that the Executive's proposal incorporates the changes from the errata sheet dated 8/28/09. These modifications will be made to the comprehensive plan and zoning amendments, except where inconsistent with changes made by the Planning Commission.