

DRAFT

Whatcom County 10-Year Urban Growth Area Review Findings of Fact

Growth Management Act Requirements

1. The Growth Management Act (GMA) at RCW 36.70A.130(3) requires Whatcom County to review, at least every ten years, its urban growth areas, and the densities permitted within them. The comprehensive plans of the county and each city located within the urban growth area shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty year period.
2. The Growth Management Act at RCW 36.70A.110(1) requires urban growth areas to be designated, within which urban growth is encouraged, and outside of which growth can occur only if it is not urban in nature.
3. The county and each city must include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period based upon the growth management population projection made for the county by the office of financial management. Urban growth areas shall permit urban densities and shall include greenbelt and open space areas. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth. (RCW 36.70A.110(2))
4. The Growth Management Act expects that the county attempt to reach agreement with each city on the location of an urban growth area. If such an agreement is not reached with each city, the county must justify in writing why it so designated the area an urban growth area. (RCW 36.70A.110(2))
5. Urban growth must be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. (RCW 36.70A.110(3))
6. The Growth Management Act requires that the land use element of a comprehensive plan “provide for protection of the quality and quantity of groundwater used for public water supplies.... Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.” 36.70A.070(1).
7. Notice of proposed comprehensive plan and zoning amendments were sent to the Department of Commerce on August 21, 2009 pursuant to RCW 36.70A.106(1).

8. Notice of proposed comprehensive plan and zoning amendments were sent to all cities on August 19, 2009.

Whatcom County Countywide Planning Policies

9. The countywide planning policies (Appendix C of Comprehensive Plan) include several policies that relate to the designation and review of urban growth areas and their size:

C. URBAN GROWTH AREAS

1. *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.*
2. *The size and location of Urban Growth Areas shall be consistent with adopted local policies and with the capital facilities plans.*
- 3a. *The most current, accurate population projections based on a range provided for Whatcom County by the Office of Financial Management shall be used as the basis for determining that Urban Growth Areas shall include sufficient area to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period.*
- 3b. *The determination of each Urban Growth Area shall be based upon a land needs analysis that incorporates reasonable market factors and addresses the ability of the area to provide for urban levels of density and services. Urban areas shall permit a range of densities and uses. In recognition of local diversity, the market factor and range of densities used may be different among each Urban Growth Area.*
4. *Urban Growth Areas shall be evaluated at least every ten years to determine if they contain sufficient area to accommodate the urban growth that is projected for the succeeding twenty-year period. The market factor for each Urban Growth Area shall also be evaluated to determine whether the land supply is adequate to meet the needs of the community or whether the land supply is excessive and contributing to sprawl.*
5. *The county and the cities shall develop an approach to calculating the need for additional land area taking into consideration limitations imposed by individual critical areas regulations and other considerations such as infrastructure, open space, existing uses and market availability of undeveloped acreage.*
6. *The county and the cities shall coordinate drainage, stormwater management and flood control in Urban Growth Areas and work toward the development of common standards.*

7. *Urban Growth areas should be established in a way that minimizes impacts on agricultural land, forestry, mineral resources, water resources, and critical areas.*

D. CITY URBAN GROWTH AREAS

4. *Existing cities should absorb additional population at a range of densities appropriately responsive to the city's community vision before extending city Urban Growth Areas into areas where growth would adversely impact critical areas and resource lands....*
5. *All cities should grow in an efficient manner while maintaining their character and, where reasonable, shall provide for adequate open space between cities to prevent strip development.*
6. *Cities should be encouraged to provide positive incentives for in-fill.*

Western Washington Growth Management Hearings Board Orders

10. A Western Washington Growth Management Hearings Board order (Petree, et al v. Whatcom County, Case no. 08-2-0021c) found:
 - a. The original deadline to complete the 10-Year UGA review was May 23, 2007, and the County had not completed the required 10-Year UGA review.
 - b. The 10-Year UGA Review was required to be completed by June 30, 2009.
11. On March 30, 2009 the deadline was extended by the Board to December 1, 2009.
12. Early in the review process, the county determined that to most efficiently use resources and avoid duplication of efforts that will be necessary as the seven-year comprehensive plan update is completed over the next two years, the UGA review would be designed to allow as much information, analysis and public participation as possible to be relevant both for the 10 year UGA review and the seven year update. Since the seven year update of 2011 may amend the comprehensive plan to include a planning horizon of 2031, the combined review and update project has been dubbed "Whatcom 2031."
13. As stated in the Draft Environmental Impact Statement on the 10 year UGA review (Draft EIS) issued on May 8, 2009, the objectives of the County's 10-Year UGA Review were as follows:
 - a. Revise the comprehensive plan to extend the planning horizon from the year 2022 to the range 2029–2031.
 - b. Adopt population growth projections within the range of forecasts from the State of Washington Office of Financial Management (OFM) as required by GMA.
 - c. Assure continued compliance with Countywide Planning Policies.

- d. Revise UGA boundaries that direct where urban land uses and urban public services may occur to accommodate adopted growth projections.
- e. Amend the Plan's land use map designations that direct zoning regulations to accommodate population and employment forecasts and to meet other community objectives for management of growth.
- f. Incorporate changes to the Plan to accommodate population and employment growth and ensure consistency among elements, including, but not limited to land use, transportation, and capital facilities.
- g. Include additional or updated information and address changes in the County.

County Code Requirements

- 14. Comprehensive plan amendments require (WCC 2.160.080) that the Planning Commission and County Council find all of the following:
 - a. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.
 - b. Further studies made or accepted by the department of planning and development services indicate changed conditions that show need for the amendment.
 - c. 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:
 - i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.
 - ii. The anticipated effect on 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.
 - iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.
 - d. The amendment does not include or facilitate spot zoning.
 - e. Urban growth area amendments that propose the expansion of an urban growth area boundary shall be required to acquire development rights from a designated TDR sending area.
 - i. One development right shall be transferred for every five acres included into an UGA. The county council may modify this requirement if a development agreement has been entered into that specifies the elements of development in the expanded UGA. The development agreement should include, but not be limited to, affordable housing, density, allowed uses, bulk and setback standards, open space, parks, landscaping, buffers, critical areas, transportation and circulation, streetscapes, design standards and mitigation measures.

- ii. Exceptions to required TDRs include urban growth area expansion initiated by a government agency, correction of map errors, properties that are urban in character, or expansions where the public interest is served.
 - iii. Urban growth area expansion initiated by the county, cities or other agencies shall be subject to review by county and city planning staff, and the appropriate administrative bodies, to determine whether the subject site is appropriate for designation as a TDR receiving area.
- 15. Zoning code amendments require (WCC 20.90.050(4)) the hearing body to evaluate the merits of the amendment in relationship to the goals, policies and objectives of the Comprehensive Plan for compliance with any other special provisions as provided by WCC 20.90.060. The hearing body must create written findings and a recommendation to the county council for each amendment.

Public Participation and Inter-governmental Coordination

- 16. GMA Goal 11 states that in developing comprehensive plans and development regulations, local governments should “encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.” (RCW 36.70A.020) GMA further states that counties and cities planning under GMA shall engage the public in “early and continuous public participation in the development and amendment of comprehensive land use plans...” (RCW 36.70A.140).
- 17. Following consultation with county and city representatives at the Growth Management Coordinating Council (GMCC) meeting in August 2008, ICF Jones & Stokes prepared on behalf of Whatcom County a public participation plan for Phase 1 of the 10-Year UGA Review process dated September 2008 to address activities between August and December 2008. An updated Phase 2 public participation plan was prepared by ICF Jones & Stokes on behalf of Whatcom County on September 9, 2008 addressing completed activities between January and August 2008, and planned activities from September through December 2009. The Public Participation Plan was presented to the Whatcom County Council on September 23, 2008 and was open for public review and comment. A revised public participation plan was prepared by ICF Jones & Stokes on behalf of Whatcom County in December 2008 to address Phase 2 efforts to achieve the 10-Year UGA Review generally between January and June 2009, the original compliance period.
- 18. The Whatcom 2031 page on the County’s website (<http://www.co.whatcom.wa.us/pds/2031>) provided a central point of information and announcements about the review process. All public comments received throughout the process (visioning, EIS scoping, DEIS review, comments on city and Executive proposals, comments to GMCC, etc.) have been scanned and posted on the website. In addition, an e-mail distribution list, composed of over 300 contacts, received regular updates and announcements regarding the Whatcom 2031 update process, including the UGA review.

19. Between August 29, 2008 and September 1, 2009, the County received over 100 written comments regarding the UGA update. All comments were reviewed and posted to the website, and were made available to decision makers, staff and consultants in preparation of recommendations and actions.
20. To assist in communication among the various jurisdictions and coordinate information and analysis for the review, the County invited representatives from all seven of the cities to participate with county representatives in a Growth Management Coordinating Council. The Growth Management Coordinating Council (GMCC) held monthly meetings between June 2008 and July 2009. The County was represented by the County Executive and two County Council members. The City of Bellingham was represented by its Mayor and a City Council member. The cities of Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas were represented by their Mayors or City Council members. The GMCC meetings were open to the public. GMCC packets were posted to the Whatcom 2031 website prior to the meetings, and meeting summaries were posted following the meetings. Written public comments were posted to the Whatcom 2031 website and shared with GMCC members.
21. To both assist in development of technical studies, to improve communication among the various jurisdictions, and to provide staff input to the Growth Management Coordinating Council, a Technical Advisory Group (TAG) composed of planning directors and planners from the county, cities, Port of Bellingham, Whatcom Council of Governments and tribes (invited), met approximately fourteen times between October 2008 and June 2009. The TAG recommended growth forecasts, land capacity methodology, growth allocation methodology, EIS scoping documents, public involvement strategies and regional UGA policies to the Growth Management Coordinating Council.
22. Prior to submitting the proposal to the Whatcom County Council and Planning Commission for their consideration, the County Executive met with elected officials and staff from each of the cities in an attempt to reach agreement with the city on the location of the urban growth area.
23. Whatcom County invited cities, special districts, and other service providers to two coordination meetings regarding development of a comprehensive Capital Facilities Plan focusing on the regional growth alternatives. The first meeting was held on February 18, 2009 and the second meeting was held on March 18, 2009. Drafts of documents were provided to service providers for their review and comment prior to publishing the proposed amendment.
24. The County held three county-wide vision workshops in October 2008. In mid September 2008, a workshop postcard announcement was emailed to community organizations and project stakeholders, who then forwarded the announcement on to their constituents and members. The announcement was also placed in various County offices in public areas. Cities were given an opportunity to place them in their offices. A news release was distributed to local newspapers on October 2, 2008. Articles and workshop announcements were included in the October 3 and 15, 2008 editions of the Bellingham Herald. Nearly 100 citizens attended the three meetings combined.

25. The County held three regional growth alternatives workshops in March 2009. In mid-March, a workshop announcement was emailed to community organizations and project stakeholders, who then forwarded the announcement on to their constituents and members. A news release was distributed to local newspapers on March 13, 2009. Nearly 65 citizens attended the three meetings combined.
26. Whatcom County held four open houses presenting Executive recommendations as follows:
 - August 31, 2009 – Ferndale
 - September 1, 2009 – Birch Bay
 - September 3 – Lynden
 - September 17 – Bellingham
27. Whatcom County held three Birch Bay UGA-specific workshops on January 7, March 23 and May 18, 2009. All meetings were announced with a press release distributed to media outlets, the Whatcom 2031 email list, and through the Birch Bay list maintained by the Birch Bay Steering Committee. Between 20 and 40 people attended the various workshops.
28. Since 2006, the Columbia Valley UGA residents have had opportunity to provide input at more than 40 Advisory Committee and County-sponsored workshops in association with the Foothills Subarea Plan update.
29. After consultation with the GMCC, Whatcom County released a questionnaire addressing community values, population and economic growth, the natural environment, transportation, and the county vision. The questionnaire was distributed via the Whatcom 2031 website, at public meetings, and at select locations across Whatcom County. Between October 10 and November 14, 2008 Whatcom County received 387 responses to the questionnaire. Those results were tabulated and posted on the Whatcom 2031 website, and also presented to the GMCC.
30. With assistance from Whatcom County, the Whatcom Legacy Project conducted a statistically valid phone survey about the values and beliefs of a random sample of Whatcom County residents. The survey addressed questions about residents' attitudes toward population growth and land use. Results of the survey conducted in January 2009 became available on March 31, 2009, and were presented to the GMCC and the County Council. Results were also posted at the Whatcom 2031 website.
31. Following publication of a Determination of Significance and Scoping notice, an EIS scoping comment period extended from January 28 to February 18, 2009, a 21-day period. Public and agency comments were accepted by letter, e-mail, or in person at a public open house held from noon to 7:00 p.m. on February 17, 2009, and at the joint Whatcom County Planning Commission/County Council public hearing to accept comments held that same evening from 7:00 p.m. to 9:30 p.m.
32. The Draft EIS comment period extended from May 8 to June 22, 2009, a 45-day period, during which time written comments were accepted.
33. A joint County Planning Commission/County Council work session was held on June 16, 2009 where each City could present its UGA proposal. Each local government

developed its UGA proposal with local public participation. The County also presented its proposals for unincorporated UGAs. UGA proposals were made available at the joint County Planning Commission/County Council Workshop, and were posted on the 2031 website. A County Council public hearing was held on June 23, 2009 to consider the UGA proposals and accept public comment on them.

34. Public Hearings: The County Council and Planning Commission held hearings to collect public input about various issues. All hearings were duly advertised and addressed the following issues:
 - Land Capacity Methodology (12/9/2008 – County Council)
 - Environmental Impact Statement Scoping (2/17/2009 – Joint Planning Commission and County Council)
 - City UGA Proposals (6/23/2009 – County Council with an invitation extended to Planning Commission members)
 - Executive Recommendations (9/17/2009 – Joint Planning Commission/County Council)
35. City Public Input. Each city conducted their own public input and/or hearings to develop their respective UGA proposals. The cities documented their own efforts at public outreach in their proposals submitted in June 2009.

Growth Forecasts

36. The GMA and the Countywide planning policies require UGAs to include sufficient areas and densities to accommodate the urban growth projected to occur in the next twenty years. The growth forecast must be based upon the growth management population projection prepared by the Washington State Office of Financial Management (OFM). (RCW 36.70A.110 and CWPP C and D.)
37. Cities are to include areas sufficient to accommodate the broad range of needs and uses that will accompany the projected urban growth including, as appropriate, medical, governmental, institutional, commercial, service, retail, and other nonresidential uses. (RCW 36.70A.110)
38. The 2004 Comprehensive Plan established population growth allocations for the year 2022. The 2022 countywide population forecast is 234,917 people.
39. Between 1990 and 2008, the largest share of population growth in the County was in Bellingham, with the rural unincorporated County areas having the next highest share. After Bellingham, the UGAs receiving the greater shares of growth include Lynden, Ferndale, Columbia Valley, Birch Bay and Blaine.
40. In the 2004 Comprehensive Plan, Bellingham received the greatest share of population. Rural areas were slated to take the least share of growth, but have seen substantially more growth than was intended, for a variety of reasons, including the presence of thousands of vested, vacant residential lots in the rural areas, and substantial growth in a provisional urban growth area which has subsequently been re-designated to non-urban status.

41. As part of the 10-Year UGA Review, Whatcom County is selecting a horizon year of 2029 and has prepared Comprehensive Plan Amendments reflecting that year. OFM forecasts for 2029 for Whatcom County range from a population estimate of 216,300 to a high of 318,832 (the 2008 OFM estimate of population in Whatcom County was 191,000.)
42. Whatcom County contracted with ICF Jones & Stokes and Berk and Associates to develop countywide population and employment extrapolations and scenarios. These projections were reviewed with cities and the Growth Management Coordinating Council, and their report was first published on September 23, 2009 and later edited and re-published on February 9, 2009.
43. According to the Office of Financial Management, the “development of any series of population projections necessarily reflects the purpose and use of the projections. Purpose and use usually determine the length of the projection horizon, the update cycles, and considerations relating to how and when projection adjustments are made....As such, the long-range population projections used for planning should be allowed to play out over time.” (Growth Management (GMA) Population Projections, Final 2007 County Projection Update Population Projections, OFM, Forecasting Division, November 2007)
44. The population projections prepared by OFM, Berk and Associates, and recommended by city, county and regional planning directors, and the Growth Management Coordinating Council, reflect an overall declining rate of growth in Washington State and Whatcom County.
45. The employment projections considered the various sectors of the labor force in Whatcom County, including construction, finance, government, manufacturing, retail, services, transportation, and wholesale trade. The projections also considered the labor participation rate as the proportion of labor to the total population of all ages.
46. The GMCC recommended a countywide population forecast of 253,951 (62,951 additional people from 2008) and an employment forecast of 35,424 additional non-agricultural jobs for the planning horizon of 2031.
47. To determine overall employment growth, the GMCC endorsed a labor participation rate of 49% based on analysis prepared by Berk & Associates, finalized in February 9, 2009.
48. The GMCC supported the allocation requests of the individual jurisdictions without any adjustments. As a result, the GMCC’s original population forecast of 251,490 for the year 2031 made in October 2008 was adjusted to compile the individual requests of the cities. These requests reflected a significant increased shift in the share of growth allocated to the smaller urban areas, and a corresponding decrease in share allocated to the city of Bellingham.
49. The County Executive recommended allocating 245,973 in population to UGAs and rural areas with a reserve population allocation of 8,548. This results in a total potential allocation of 254,521 population. The County Executive proposal was based on the following elements:

- The county wide population forecast of 251,490 for the year 2029 was included in the analysis prepared by Berk & Associates, finalized in a report dated February 9, 2009 and recommended by city, county and regional planning directors.
 - Bellingham has been, and will continue to be, the primary population and employment center in Whatcom County. Bellingham was requested to come back as part of the 7-year review process in 2011 with a proposal for how they would accommodate an additional 4,441 people.
 - Having small cities become more self-sufficient should allow more efficient delivery of public services and facilities, and reduce commuter traffic into Bellingham.
 - Growth should be focused in urban areas. The share of rural growth should be reduced compared to historic trends. Growth allocated to areas outside UGAs should not exceed 15% of total population growth.
50. The Planning Commission finds that the growth forecasts recommended by the Growth Management Coordinating Council and County Executive are likely higher than what is expected to occur in the next 20-year planning period. Since release of the Berk and Associates report on growth forecasts, a recession has significantly reduced growth, resulting in significant drops in employment, construction and net migration to Whatcom County. Migration is an important component of the state and county growth and is largely driven by employment opportunities. According to OFM (2009 Population Trends, OFM Forecasting Division, September 2009), population gains due to migration in the state dropped from 81,000 in 2006 to 58,000 in 2008 to 39,000 in 2009: “Continued housing difficulties nationwide and poor economic conditions appear to be limiting the mobility of the population usually influenced by labor market opportunities. Many job seekers are finding it difficult to find a job and/or sell their homes, thereby inhibiting relocation opportunities.”
51. The Planning Commission finds that the growth forecast of 244,892, with a request for Bellingham to return with a proposal to accommodate additional population, is both within the range of OFM population forecasts for 2029 and is a reasonable forecast considering migration trends and the purpose of and use of the projections during an Urban Growth Area review process. An active land monitoring program, communication with the cities, and monitoring of and participation in efforts to broaden current capital facilities plans will give the County sufficient notice to determine if the growth rates, population allocations and land supplies in various localities need to be adjusted.
52. The 2008 share of the population in urban areas is 69% of the county-wide population. The Planning Commission finds that the allocation of approximately 85% of the forecasted population growth to urban areas, and the remaining growth to rural areas, accommodates the urban growth projected to occur in the county for the succeeding twenty year period.
53. The 2008 share of the employment in urban areas is 87% of the county-wide non-agricultural employment. The Planning Commission finds that the allocation of approximately 93% of the forecasted employment growth to urban areas, and the remaining growth to rural areas, accommodates the urban employment growth projected to occur in the county for the succeeding twenty year period.

54. The current rural population accounts for approximately 31% of the county-wide population. The share of population growth in rural areas has been declining from 24.7% between 1990 and 2000, to 19.7% since 2000. The Growth Management Coordinating Council and County Executive proposed allocation of approximately 15% of the population growth to rural areas. The allocation of approximately 15% of the population growth to rural areas will continue to encourage more growth into urban areas while recognizing that an estimate of over 18,000 existing vacant parcels exist in rural and resource lands (Table 9 and 10, Appendix A – Review of Growth, August 14, 2009).

EIS and Alternatives

55. To comply with the State Environmental Policy Act (SEPA), the County issued a Determination of Significance on January 28, 2009 and initiated the preparation of an EIS.
56. The EIS scoping comment period extended from January 28 to February 18, 2009, a 21-day period. Comments were accepted by letter, e-mail, or in person at a public open house held from noon to 7:00 p.m. on February 17, 2009, and the joint Whatcom County Planning Commission/County Council public hearing held that same evening from 7:00 p.m. to 9:30 p.m.
57. The Draft EIS compared natural and built environment impacts of and mitigation measures for two No Action alternatives and two Action growth alternatives:
 - No Action Current Comprehensive Plan Alternative. The No Action Current Comprehensive Alternative assumes growth similar to the 2008 adopted comprehensive plan.
 - No Action Trends Alternative. The No Action Trends Alternative assumes future growth that matches the recent historic pattern of urban and rural growth.
 - Action Alternative X. Action Alternative X would shift future growth from the rural areas and resource lands into the UGAs and would continue to focus on Bellingham as the primary employment and population center in the County. Action Alternative X would emphasize infill development in the existing UGAs and assumes that planned densities would be achieved.
 - Action Alternative Y. Action Alternative Y would shift future growth from the rural areas and resource lands into the UGAs to a lesser degree than Action Alternative X or the adopted comprehensive plan. Growth would be shifted away from Bellingham to other small urban areas. Densities would be similar to the patterns achieved in the last 5 years.
58. The Draft EIS comment period extended from May 8 to June 22, 2009, a 45-day period, during which time written comments were accepted.
59. The analysis in the Draft EIS was based on an assumption that the County's population will grow to between 234,917 and 258,448 by the years 2029-2031. The Draft EIS studied employment levels of 110,933 to 122,044 by the years 2029-2031.

Land Supply, Land Demand, and Monitoring

60. The GMA (RCW 36.70A.115) requires that "...adoption of and amendments to their comprehensive plans and/or development regulations provide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth, ... as adopted in the applicable countywide planning policies and consistent with the twenty-year population forecast from the office of financial management."
61. In the Final Decision and Order, Case No. 08-2-0021c, Jack Petree, et al v. Whatcom County, the Western Washington Growth Management Hearings Board indicated that a Land Capacity Analysis is a "critical mechanism for the sizing of a UGA because it is utilized to determine how much urban land is needed. It is prospective – looking forward over the coming 20 years to see if there is enough land within the UGA to accommodate the growth that has been allocated to the area. However, part of this determination of how much land is available is filled with assumptions or "educated guesses" that lack absolute certainty..." FDO, October 13, 2008.
62. A land capacity analysis method addressing land demand and land supply was prepared by Berk & Associates in Fall 2008, reviewed by staff from cities and the county, and presented to the GMCC, Planning Commission and County Council between Fall 2008 and Spring 2009. Consistent with the Countywide Planning Policies' requirement of a coordinated effort to establish a methodology for the analysis, Whatcom County's land capacity methodology includes a common framework for preparing the analysis but allows for local jurisdictions to propose alternative assumptions in some instances. Whatcom County's land capacity methodology was approved by the GMCC on December 3, 2008, and subject to public hearing before the Whatcom County Council on December 9, 2008. The GMCC was presented with minor amendments to the methodology on January 21, 2009. The amended land capacity methodology was presented to the Whatcom County Planning Commission and County Council at the February 17, 2009 EIS Scoping Hearing. Following that scoping hearing, additional minor amendments to the methodology were incorporated and published on March 11, 2009 based on discussions with city planners. Following discussion with city planners and consideration in the Draft EIS, Executive Recommendations included proposed revisions including additional limitations on calculating development potential in floodplain areas.
63. On February 10, 2009, Whatcom County Planning and Development Services published an initial analysis of the capacity of the ten UGAs in Whatcom County to accommodate growth over the next twenty year period. On March 16, 2009, a revised analysis was published. On August 14, 2009, Executive Recommendations included a slightly revised method and results.
64. Based on results in Draft EIS Chapter 2, achieved single family densities in the UGAs shows a range of 2.2 dwellings per acre in Sumas to 4.9 dwellings per acre in Bellingham, with an average for remaining UGAs of 4.3 dwellings per acre. Planned single family densities are urban in character for all UGAs and range from 4.0 to 5.5.

65. The Draft EIS issued May 8, 2009 was based on the March 16, 2009 land capacity analysis. The Draft EIS tested the use of achieved densities for Alternative Y.
66. The 2004 Comprehensive Plan adopted a countywide 2022 population forecast of 234,917. The land capacity analysis shows that, except for the Lynden UGA, all UGAs exceed the amount of land needed to accommodate the projected 20-year population growth.
67. With a 2029 countywide growth forecast of 251,490 recommended by Berk and Associates, the land capacity analysis showed that between eight and nine UGAs out of ten were identified as exceeding the amount of land needed to accommodate the projected alternative population growth for a 20-year period.
68. With the exception of the Lynden UGA, the results of the 10-Year UGA Review land capacity analysis in 2009 are similar to the results of the 2008 land capacity analysis contained in Whatcom County Resolution 2008-007 which found all UGAs oversized with respect to allocations contained in the current comprehensive plan when considering just short-term planning areas within UGAs, exclusive of long-term planning areas within UGAs. The 2008 land capacity analysis was generally based on city comprehensive plans and county subarea plans.
69. City proposals presented on June 16, 2009 included requests to modify particular land capacity analysis assumptions for their communities. These changes to assumptions tended to reduce the potential excess of UGA land though the general conclusions of UGA sizing tended to remain.
70. Executive Recommendations dated August 19, 2009 documented the city proposals for UGAs and the County Executive's recommendations for UGAs and UGA Reserves, and included adjustments in land capacity assumptions and minor changes in methodology.
71. The Land Capacity Analysis process is very data intensive and required significant contributions from local jurisdictions to provide data on recent residential and commercial development, local plans and policies, and critical areas. Cities provided proposed land uses and densities to be used within the analysis, and then checked and modified the classification of parcel status as to vacant, underutilized or developed. The data was then analyzed and represented to cities in both tabular and graphic form to check before being released to the public for review.
72. Whatcom County, in partnership with the cities, intends to monitor growth to ensure that assumptions used in the land capacity analysis are current and accurate. Executive recommendations included a proposed land monitoring methodology recommending annual data collection and reporting tasks to facilitate proposed five-year mid-term report and future 10-year UGA reviews. In addition, periodic review of the land capacity methodology will also be pursued to improve the accuracy of the results.

UGA Boundaries

73. Based on RCW 36.70A.110, counties must designate UGAs—areas already characterized by urban development or adjacent to areas characterized by urban development—in consultation with cities. UGAs are to be revised, if necessary, to

accommodate the urban growth projected to occur in the county for the succeeding 20-year period. Designated UGAs are to accommodate future urban growth; services and facilities and their areas should be available or planned to support future urban growth. All cities must be within UGAs; unincorporated land within UGAs must be urban in character or adjacent to such lands. Lands outside of UGAs are to be designated as resource lands or rural. In general, urban development is not to be permitted on these lands and all development must be resource-related or rural in character.

74. The GMA requires protection of agricultural, forest, and mineral lands of long-term commercial significance. GMA Goal 8 states: "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." (RCW 36.70A.020) The GMA provides guidelines for classification of resource lands in RCW 36.70A.050, and the Washington State Department of Community, Trade and Economic Development (CTED) further defines them in Chapter 365-190 WAC.
75. A Suitability Analysis produced and used in advance of public workshops in mid-March 2009 was also published in the Draft EIS. It provided additional UGA-specific information about factors that influence the shape and size of each UGA in Whatcom County. The suitability analysis considered urbanized areas and areas adjacent to urbanized areas, location of services, environmental and resource constraints, and community choices.
76. Based on County studies, public comments, and the Washington State Department of Ecology (Ecology) water quality criteria, the Suitability Analysis identified land located in watersheds identified as sensitive to additional development including Lake Whatcom, Lake Padden, Birch Bay and Drayton Harbor Watersheds. The locations of water bodies that are impaired and do not meet all of the state's water quality criteria were also mapped.

Bellingham

77. The City of Bellingham submitted a UGA proposal in June 2009. The city proposed that no changes be made to the UGA at this time, that no additional lots be created in the Lake Whatcom Watershed UGAs, and that the city be allocated at least 113,055 total population and 18,829 new jobs.
78. The County Executive proposed that the portion of the UGA within the Lake Whatcom watershed be removed from the UGA and that the portion of the UGA in the Lake Padden watershed be placed in an Urban Growth Area Reserve. The Executive proposed a reduction of the population allocation to what could be accommodated in the proposed UGA without the watershed areas. The Executive also requested that the city develop a proposal as part of the 7-year review process on how they would accommodate an additional population allocation of 4,441.
79. The City of Bellingham responded to the County Executive proposed UGA on September 17, 2009. The city accepted the request to plan for a future population of approximately 116,200, requested that the areas within the Lake Whatcom

Watershed currently in the UGA remain in the UGA, and agreed with removal of that portion of the Lake Padden watershed until at least the 7-year planning review due in December 2011.

80. The Whatcom County Comprehensive Plan encourages Bellingham to establish new residential developments at densities averaging six to twelve units per net residential acre. The Planning Commission finds that the city of Bellingham should encourage densities at a higher range of six to twenty-four units per net residential acre. The assumption used in the land capacity analysis was 7.3 units per net residential acre (7.5 within the city and 7.1 in the unincorporated portion of the UGA).
81. Continued designation of land within the Lake Whatcom watershed for urban development contradicts County goals of protecting the watershed. Lake Whatcom, the drinking water source for the City of Bellingham and other areas of the county, is designated as an impaired water body under the Clean Water Act. In its analysis of the lake in preparation of a Total Maximum Daily Load (TMDL), the Washington Department of Ecology has determined that the low dissolved oxygen levels in the lake are the result of excess phosphorous loading, at least partially the result of urbanization in the watershed. (Lake Whatcom Watershed Total Phosphorus and Bacteria Total Maximum Daily Loads: Water Quality Study Findings, DOE publication #08-03-024) Although the TMDL is not yet final, it is clear that the City and County will be required to significantly reduce the phosphorous loading to the lake and prevent additional loading. One way to prevent additional loading from urbanization is to limit the opportunities for urbanization through comprehensive plan policies and zoning codes. The City of Bellingham requested that the County's UGA review decision prevent the creation of any additional urban lots in the Lake Whatcom watershed. (Resolution #2009-14)
82. The interlocal between Bellingham and Whatcom County concerning annexation and development within the City of Bellingham UGA (WC Contract # 9712012) requires the County to consider City input before rezoning any property within the UGA. It further provides that the City and County agree to work on appropriate zoning within the Lake Whatcom watershed, recognizing its status as a water resource protection area. The City has requested by Resolution #2009-14 that the UGA review decision not result in the creation of any additional urban lots in the watershed. The Planning Commission finds that the terms of the interlocal have been met by the extensive coordination with the City of Bellingham during the UGA review, and we further find that by rezoning the Lake Whatcom watershed UGAs to UR (1 unit per 5 acres), the zoning will be consistent with the City's request for the creation of no additional urban lots in the watershed and consistent with the procedural requirements of the interlocal agreement.
83. Lake Padden Park is located within the Bellingham city limits, south of the Yew St. Rd. area. The park is used for a variety of recreational activities, including fishing and swimming in Lake Padden. While Lake Padden is on the Clean Water Act's list for PCBs, there are also potential water quality issues associated with development in the watershed. The Final Environmental Impact Statement For: The City of

Bellingham; Bellingham Urban Growth Area; Five-Year Review Areas; and Whatcom County Urban Fringe Subarea (July 1, 2004) states:

. . . Urban runoff, septic tank leakage and fertilizer/pesticide runoff have degraded Padden Creek and Lake Padden water quality. In recent years there have been consistent high fecal coliform counts, turbidity and visible oil sheen. Water quality in Lake Padden has improved with the extension of sewer service to the vicinity, but still suffers late in the summer due to reduced flushing, increased urbanization and growing waterfowl populations. Lake Padden occasionally experiences periods of high water temperature and low dissolved oxygen. Potential threats to this watershed include urban, industrial and commercial runoff, industrial expansion and increased urban development. . . (p. 3-28).

84. The City of Bellingham has capital facility plans for key urban services including sewer and water. The city's water and sewer plans accommodate the population alternatives considered in the 10-Year UGA Review.
85. Draft EIS alternatives generally indicated that there was a surplus of capacity for population and a deficit of capacity for employment; exceptions included the No Action Current Comprehensive Plan Alternative which shows a small surplus of employment capacity and Action Alternative X which showed a deficit for population capacity.
86. In June 2009, a series of modifications to the Land Capacity Analysis were made addressing a variety of issues, including city-specific densities and household sizes, employment corrections, and master planned development corrections. The county and city collaborated on these adjustments, which are all within the parameters of the approved LCA methodology.
87. Based on the proposed population allocation, and a proposed UGA reduction, the land capacity analysis shows a balanced residential land demand and land supply.
88. In order to ensure that there is not pressure on development in rural and resource lands due to insufficient housing opportunities in the Bellingham Urban Growth Area, the City of Bellingham is requested to develop a proposal to demonstrate how it will accommodate a future population of 116,200. The comprehensive plan includes a request for the city to submit a proposal as part of the required 7-year comprehensive plan and development regulation update process due December 1, 2011 for how they would accommodate this additional population. Whatcom County will then consider the recommendations of the city, including additional growth allocations and adjustments to land use plans to accommodate the projected growth.
89. Based on the proposed employment allocation, and the proposed UGA boundaries, the land capacity analysis prepared shows a surplus of employment acres.
90. The findings indicate that the Bellingham UGA has sufficient capacity to accommodate projected growth, densities allowed are urban in nature except for special environmentally sensitive areas, and adequate public facilities and services can be provided.

Birch Bay

91. The current Birch Bay Community Plan for designation of the UGA was submitted by the county in June 2009 as a basis for UGA review. The proposal included keeping the current UGA boundaries and the allocation of population as outlined in the 2004 Community Plan.
92. The County Executive proposed a reduction in the future population forecast for Birch Bay, and a resulting decrease in the size of the UGA. The County Executive also proposed deleting the provisions of a rezone at the intersection of Blaine and Alderson Roads in Ord. 2004-049.
93. The Whatcom County Comprehensive Plan encourages Birch Bay to establish new residential developments at densities averaging four units per net residential acre. The Birch Bay Community Plan also encourages multi-family residential densities in some areas of the UGA. The assumption used in the land capacity analysis was 5.9 units per net residential acre.
94. Birch Bay serves primarily as a resort community, although its identity is shifting as more full-time residents move into the area.
95. The Birch Bay community has been engaged in ascertaining the viability of incorporation. An incorporation feasibility study was completed in March 2008.
96. The Birch Bay community has actively planned for its future, drafting the Birch Bay Community Plan in 2004, updating the Transportation chapter in 2009, and crafting design guidelines for commercial areas.
97. Public facilities and services have been planned for Birch Bay. Birch Bay Water and Sewer District provides sanitary sewer and domestic water to the area.
98. The Birch Bay Water and Sewer District's 2009 Comprehensive Water Plan indicates that existing water supply is only sufficient through 2011. The district's plan states that additional water supply, including use of surplus storage, and/or conservation will be necessary to meet the demand beyond that time. The district's 2009 Comprehensive Water Plan includes several new supply and distribution projects expected to address supply deficiencies. The district's Comprehensive Water Plan population projection accommodates all studied alternatives including the Executive Proposed growth allocation.
99. The 2009 Sewer Plan indicates that the district will exceed existing capacity by 2019. However, with the wastewater treatment plant upgrade projects noted in the 2009 Comprehensive Sewer Plan, the District will be able to accommodate the growth anticipated to 2029. The district's 2009 sewer plan accommodates the proposed growth allocation as well as all but one Draft EIS alternative.
100. Fire District 21 (aka North Whatcom Fire and Rescue), which serves the Birch Bay UGA, has completed and adopted a Capital Facilities Plan for their fire district. The capital facilities plan is adopted by reference in the comprehensive plan, and is implemented through concurrency requirements in county code (WCC 20.80.212) and through the State Environmental Policy Act (SEPA).
101. The Birch Bay community is developing plans to protect aquatic resources in Birch Bay, through the Birch Bay Watershed Characterization Project and the Birch Bay Watershed and Aquatic Management (BBWARM) program. The Whatcom County

Flood Control Zone District designated BWARM as a subzone of the district and levies an assessment on all properties within the subzone to pay for stormwater management improvements in an effort to improve the water quality of Birch Bay. Whatcom County was also required to designate Birch Bay as a Shellfish Protection District pursuant to RCW 90.72.045 due to water quality degradation caused by ongoing nonpoint sources of pollution that closed or downgraded the recreational shellfish growing areas in Birch Bay.

102. The growth forecast in the 2004 Community Plan for Birch Bay was done during a significant boom in residential development in that area. Since then, construction has slowed (Table 4, Land Capacity & Demand Results, August 14, 2009).
103. Cities in Whatcom County raised the concern during the Growth Management Coordinating Council process, and in public hearing testimony, that the priority should be on urban growth in incorporated areas before growth into unincorporated areas.
104. Under all Draft EIS alternatives there was a surplus of land capacity for population and employment, except for Action Alternative Y which shows a small deficit for employment.
105. Based on the proposed population allocation, and a proposed UGA reduction, the land capacity analysis shows a minor surplus of residential acres, essentially in balance.
106. Based on the proposed employment allocation, and the proposed UGA boundaries, the land capacity analysis shows a surplus of employment land supply.
107. The Whatcom County Council adopted Ordinance 2004-049 which established a provisional rezone area around the intersection of Blaine and Alderson Roads. The ordinance set provisions that had to be met in order to have property designated for multi-family housing and commercial development. The provisions included a requirement for the multiple property owners to prepare a site plan showing design and layout of lots, structures, road and pedestrian connections, as well as protected critical areas, buffers and open space. The provisions also included a requirement to purchase or transfer sufficient development rights to achieve the requested density increase.
108. The density requirements of the URM 24 zone, codified at WCC 20.22.252, require transfer of development rights to achieve densities in excess of 10 dwelling units per net acre. Retaining the URM 24 zone would provide a potential receiving area for TDRs.
109. The findings indicate that the Birch Bay UGA has sufficient capacity to accommodate projected growth, densities allowed are urban in nature except for special environmentally sensitive areas, and adequate public facilities and services can be provided. The proposed reduction brings the UGA into a greater balance between supply and demand for urban land, and removes sensitive lands from the UGA that are not suitable to urban development and might degrade the quality of water entering Birch Bay.

Blaine

110. The City of Blaine submitted a proposal for their UGA in June 2009 that included reductions of their current UGA by over 2,000 acres, focusing on removal of the most environmentally sensitive lands surrounding Drayton Harbor. The city also proposed an allocation of 4,700 additional people and 1,903 additional employees in the 20-year planning period.
111. The County Executive proposed to remove an additional area called “West Blaine” along Semiahmoo Drive from the UGA. The Executive recommended a reduction in the population allocation to 4,249.
112. No formal response to the County Executive proposal was received from the City of Blaine in the public hearing process. A letter from the City of Blaine was later received and should be taken into consideration by the County Council in their deliberations.
113. The Whatcom County Comprehensive Plan encourages Blaine to establish new residential developments at densities averaging four units per net residential acre. The assumption used in the land capacity analysis was 4.7 units per net residential acre (4.8 within the city and 4.0 in the unincorporated portion of the UGA).
114. Under all Draft EIS alternatives there would be a significant surplus of capacity for population and a deficit of capacity for employment.
115. Prior land capacity reviews in 2008 identified the surplus capacity as stated in Resolution 2008-007.
116. The City of Blaine's Comprehensive Water System Plan accommodates population projections studied in the Draft EIS and in Executive Recommendations. The plan notes that the city has adequate supply to meet projected demand.
117. The City of Blaine reaches a sewage treatment deficit by 2031 using existing treatment capacity. The City plans to complete construction on its new wastewater treatment plant and begin operation in 2010. The new wastewater treatment plant's design capacity accommodates projected wastewater flows for the 20-year planning period.
118. Fire District 21 (aka North Whatcom Fire and Rescue), which serves the Blaine UGA, has completed and adopted a Capital Facilities Plan for their fire district. The capital facilities plan is adopted by reference in the comprehensive plan, and is implemented through concurrency requirements in county code (WCC 20.80.212) and through the State Environmental Policy Act (SEPA).
119. Based on the proposed population allocation, and considering a proposed UGA reduction, the land capacity analysis shows a surplus of residential acres, without the need to retain the “West Blaine” part of the UGA.
120. Based on the proposed employment allocation, and the proposed UGA boundaries, the land capacity analysis prepared shows a deficit of employment land supply. The area included within the proposed UGA immediately east of the city along Odell Road south to Sweet Road, while designated by the county as residential areas, are planned by the city as employment lands based on their June 2009 proposal. These residential lands within the UGA can be used to accommodate the employment deficit.

121. The Blaine UGA lies almost wholly within the Drayton Harbor watershed, which has been designated as a Shellfish Protection District in 1995 pursuant to RCW 90.72.045 due to water quality degradation caused by ongoing nonpoint sources of pollution that closed or downgraded the recreational and commercial shellfish growing areas in Drayton Harbor. From 1999 to 2004, the entire harbor was downgraded to a “Prohibited” status for shellfish harvesting. Due to improvements in water quality, the state conditionally reopened the main shellfish beds to harvesting in 2004.
122. The findings indicate that the Blaine UGA has sufficient capacity to accommodate projected growth, densities allowed are urban in nature except for special environmentally sensitive areas, and adequate public facilities and services can be provided. The lands proposed for removal from the UGA are shown to be the most environmentally sensitive where development at higher densities could pollute waters of the state, including Puget Sound and Drayton Harbor or waters entering Drayton Harbor.

Cherry Point

123. Cherry Point has been designated for industrial uses since Whatcom County’s first Comprehensive Plan in 1970.
124. This region of Whatcom County has a number of factors that have made the location ideal for industrial uses, such as the availability of large parcels to meet demands of the types of industries likely to locate there, access to a deep water port, proximity to Canada, energy service from three providers and access to the Burlington Northern Railroad.
125. The Cherry Point UGA is a Major/Port Industrial UGA permitted under a different section of the GMA from other UGAs, RCW 36.70A.365. This GMA section allows for jurisdictions to designate an area outside of the traditional UGAs for Heavy Impact Industrial uses. RCW 36.70A.365 lists a number of criteria that must be met for a jurisdiction to designate a UGA, such as Cherry Point, including a requirement for an inventory of developable land to be conducted with findings that land suitable to site major industrial development is unavailable within other UGAs. This inventory was conducted as part of the designation in 1997, and no additional heavy industry locations have developed within other UGAs to alter these findings.
126. Public Utility District 1 appears to have adequate capital plans for water.
127. Currently the Birch Bay Water and Sewer District does not fully serve the Cherry Point UGA with sewer service. Additional sewer plans would be appropriate in the Cherry Point UGA.
128. Industrial UGAs require implementation of a Traffic Demand Management Program (TDM). The proposed amendments to the comprehensive plan and zoning code include a requirement that any employers in the UGA with 100 or more full-time employees meet the TDM requirements of WCC 16.24
129. Reduction of the Cherry Point Industrial UGA is not advisable or practical, even though there appears to be excess capacity beyond the twenty-years. The boundaries are drawn along major roadways that serve as a transition or buffer to

adjacent rural areas. Moving the boundary in would only increase the conflicts between rural and heavy industrial uses.

Columbia Valley

130. The Whatcom County Comprehensive Plan was amended in 1999 to establish a UGA in the Columbia Valley (Ordinance 99-075). A total population projection of 5,000 people was established for the 2022 planning horizon period (Ordinance 2004-013).
131. The Columbia Valley's 2000 population was approximately 2,490 people. By 2008, the population had grown to about 3,924. The Columbia Valley's population is greater than three of the seven cities in Whatcom County.
132. The Foothills Subarea Plan Advisory Committee issued a Draft Foothills Subarea Plan in October 2007. This Draft Subarea Plan, which has not yet been adopted, contains recommendations for the Columbia Valley UGA. The Foothills Subarea Plan Advisory Committee recommended a total population projection of 7,053 for the UGA. This would have constituted planned growth of 3,129 people if applied to the 2008 to 2029 planning period, or about 149 people per year.
133. On March 17, 2009, the County Council passed a motion to forward a population projection for 2029-31 of 5,000 people in the Columbia Valley UGA, consistent with the growth projection and allocation in the current comprehensive plan. This constitutes planned growth of 1,076 people from 2008 to 2029, or about 51 people per year.
134. Under all Draft EIS alternatives there would be a surplus of land capacity for population and employment, except for the No Action Trends Alternative which shows a small deficit for population capacity.
135. The Whatcom County Comprehensive Plan encourages Columbia Valley to establish new residential developments at densities averaging four units per net residential acre. The assumption used in the land capacity analysis was 4.0 units per net residential acre.
136. The Columbia Valley UGA is served by two special purpose districts that provide public water, one district that provides public sewer, and a fire district. However, current capital facility planning does not support allocation of additional population, over the existing projection of 5,000 people, to the Columbia Valley UGA.
137. The Water District 13 Water System Plan (2005) indicates that it has adequate water supply to serve its service area by the district's planning horizon year of 2024. The district's capital improvement plan identifies a variety of projects through 2010 that are needed to ensure adequate water service. Pursuant to state regulations, Water District 13 is required to update its water system plan by March 2011.
138. Water District 13, serving a portion of the Columbia Valley UGA, is expected to experience a sewage treatment deficit under all studied alternatives without additional treatment capacity. The water district is currently updating its Comprehensive Sewer Plan.
139. Evergreen Water and Sewer District 19 provides water service to portions of the Columbia Valley UGA. The Evergreen Water and Sewer District's Comprehensive

Water System Plan is from 2004. Pursuant to state regulations, Evergreen Water and Sewer District is required to update its water system plan by August 2010.

140. The Columbia Valley UGA population is greater than the population of three of the seven cities in Whatcom County. However, the Columbia Valley UGA does not have a centrally located town center to meet the commercial and public service needs of the residents. The Foothills Subarea Plan Advisory Committee recommended a 44 acre Planned Town Center in the UGA. General Commercial zoning for this Planned Town Center will allow a mix of commercial, institutional, and higher density residential uses.
141. The retention of an approximately eighty acre parcel on the west side of the UGA for residential uses will help facilitate the development of the adjacent town center in an effort to provide needed commercial services in the area and reduce commuter trips into Bellingham. The Planning Commission also finds that designation of the planned town center for general commercial zoning will help facilitate employment opportunities in the UGA.
142. Based on the proposed population allocation, and considering a proposed UGA reduction, the land capacity analysis shows a surplus of residential acres.
143. Based on the proposed employment allocation, and the proposed UGA boundaries, the land capacity analysis prepared shows a balance of employment land demand and land supply.
144. The findings indicate that the Columbia Valley UGA has sufficient capacity to accommodate projected growth, densities allowed are urban in nature, and adequate public facilities and services should be provided within the 20-year planning period. The Planning Commission recommends reducing the size of the Columbia Valley UGA from 1,489 acres to approximately 1,197 acres. This constitutes a reduction of about 292 acres (just under a 20% reduction). The rationale for the reduction includes bringing a greater balance between supply and demand for urban land and recognizing that there are capital facility issues that need to be addressed as part of the 7-year plan and code update process.

Everson

145. The City of Everson submitted a proposal for their UGA in June 2009. The proposal included removal of some lands from the UGA and expansion in the UGA to the north. In net, the city proposed a reduction of their UGA by 22 acres. The city proposed an allocation of 1,948 additional people and 628 additional employees.
146. The County Executive proposed a slightly smaller UGA by removing a portion of the UGA expansion lying within floodplain areas, and placing some large lot residential areas in an Urban Growth Area Reserve. The County Executive also proposed lower allocation of population and employment to be consistent with historic growth patterns and overall county-wide growth projections.
147. The City of Everson responded to the Executive proposal with support, but did note that the city believed that it acted responsibly by having a net acreage returned to agricultural lands of long-term commercial significance from urban designations.

148. The City of Everson and its UGA serve the surrounding area as a commercial, retail and industrial center.
149. Under all Draft EIS alternatives, there would be a surplus of capacity for population and employment.
150. The Whatcom County Comprehensive Plan encourages Everson to establish new residential developments at densities averaging four units per net residential acre. The assumptions used in the land capacity analysis was 4.5 units per net residential acre (4.6 within the city and 4.4 in the unincorporated portion of the UGA).
151. The City proposal presented to Whatcom County requested a high growth allocation consistent with their 2.5% average annual growth rate experienced during the 1990s. Some of this additional growth is proposed to accommodate a shift from Bellingham and rural areas to the small cities as envisioned by one of the Draft EIS alternatives.
152. The City would like to see the jobs-to-population ratio increase over time so that more citizens of the area will be able to work in their own community and avoid traveling to job centers.
153. The City proposed a swap of UGA territory that is less suited for urban development for land better suited. The area proposed to be added is adjacent to the current city limits and planned expansion of the city's largest park. This land is within walking distance to downtown and can be easily served by the sewage treatment plant.
154. Land proposed for removal from Everson's Urban Growth Area is composed of prime agricultural soils, as determined by the USDA's Natural Resources Conservation Service (Map #18, Prime Agricultural Soils – Designated Agricultural Lands, Whatcom County Comprehensive Plan, 2008). A majority of the land proposed for removal from the UGA and placement into resource lands are within designated flood plain areas. Parcels range in size and can be used for commercial production of agriculture products. The areas proposed for removal were first proposed by the city and indicate their consent that public facilities and services will not be extended and that the most appropriate land designation is agricultural lands of long-term commercial significance.
155. GMA was amended effective July 26, 2009 to prohibit the expansion of an UGA into the one hundred year floodplain of any river or river segment that: (i) Is located west of the crest of the Cascade mountains; and (ii) has a mean annual flow of one thousand or more cubic feet per second as determined by the State of Washington Department of Ecology. (RCW 36.70A.110; Engrossed House Bill 1967). The Nooksack River meets these criteria, and some of the area proposed for removal are consistent with this new provision of GMA.
156. Based on a review of its plans, assumptions, and agreements, the City concluded in their proposal to the county that the city has adequate water source capacity to accommodate anticipated growth.
157. The city's wastewater treatment can serve the majority of growth anticipated within the existing city limits, but is insufficient to meet the demands that are anticipated to serve the entire UGA. Expansion of the treatment plant will be necessary. The City is beginning work on a sewer comprehensive plan that will address future needs at least through 2031.

158. The Whatcom County Comprehensive Plan identifies agricultural lands as an “important resource to the people of Whatcom County and Washington State. Yet these lands are often considered available for urban or rural uses. Often the conversion process begins when rural uses move onto agricultural land, creating smaller parcels, more buildings, and activities that, in some cases are incompatible with agriculture. In many cases, this blurs the line of distinction between agriculture uses and other uses and sets the stage for further conversion of the limited agricultural land base in Whatcom County.”
159. Based on the proposed population allocation, and considering a proposed UGA reduction, the land capacity analysis shows a surplus of residential acres.
160. Based on the proposed employment allocation, and the proposed UGA boundaries, the land capacity analysis prepared shows a small surplus of capacity, but is essentially in balance.
161. The findings indicate that the Everson UGA has sufficient capacity to accommodate projected growth, densities allowed are urban in nature, and adequate public facilities and services can be provided. The rationale for the reduction includes bringing a greater balance between supply and demand for urban land and protection of adjacent resource lands from incompatible development.

Ferndale

162. The City of Ferndale submitted a written paper to the County Council and Planning Commission regarding their UGA on June 9, 2009. The proposal did not include a proposed UGA boundary, but stated the city would submit a specific proposal by October 30, 2009 after the County Council approves the land capacity analysis. The city suggested in their June proposal that they would reduce the UGA by 900 acres for residential purposes, and proposed expansion of the UGA for employment purposes by 100 acres in the vicinity of Slater and I-5, abutting the Bellingham UGA, and by 80 acres on the west side of Enterprise Road. The city requested an allocation of 8,687 additional people and 4,747 additional employees.
163. The County Executive, after consultation with city elected and administrative officials, recommended reduction of the Ferndale UGA to be consistent with the county-wide land capacity analysis methodology. The Executive proposed a lower allocation of population and employment than requested to be consistent with historic growth patterns and overall county-wide growth projections. The County Executive proposal, released on August 19, 2009 for public review, found the request for additional employment allocation, without any specific area designated or environmental review completed, not timely for consideration during this review process.
164. The City of Ferndale provided a written proposal to the Whatcom County Council on August 19, 2009, the same day that the Executive released his recommendations. The city affirmed their earlier positions as to the size of the UGA, provided a map that included proposed reductions in the UGA and proposed expansion of the UGA for employment purposes. The city also did not support the county’s proposal for Urban Growth Area Reserves. The city also raised concerns about the inputs and assumptions used in the land capacity analysis.

165. Based on its location north of Bellingham and along-I-5, Ferndale is now both an employment center as well as a residential community. Ferndale accounted for 8.2% of the county growth between 1990 and 2008, third to the City of Bellingham and City of Lynden during this time period.
166. In 2005, the City completed a Buildable Lands Inventory, which concluded “that Ferndale has enough residential land in it’s [sic] planning area to accommodate the projected population growth over the next 20 years. In fact, the 20-year “supply” of potential dwelling units at 5,697 is nearly twice the population’s “demand” for dwelling units over that same 20-years.” This conclusion was reached despite the fact that the city used conservative calculations, “meaning that there is probably more buildable land existing within the city and UGA than this study indicates.”
167. The City has provided comments regarding densities that they would like to have used in the land capacity analysis. These proposals are based on a different definition of net developable acres than what is within the County-wide Land Capacity Analysis methodology approved by the Growth Management Coordinating Council and County Council. The City has not provided documentation as to how their proposal is consistent with the methodology used for all other UGAs in Whatcom County. Other adjustments to assumptions were considered and included as documented in the assumptions.
168. All Draft EIS alternatives showed a significant surplus of capacity for population and a surplus for employment.
169. The Whatcom County Comprehensive Plan encourages Ferndale to establish new residential developments at densities averaging six to eight units per net residential acre. The Planning Commission finds that the city of Ferndale should encourage densities at a wider range of five to ten units per net residential acre. The assumption used in the land capacity analysis was 5.2 units per net residential acre (6.5 within the city and 4.0 in the unincorporated portion of the UGA).
170. Portions of the Ferndale UGA lie within the Drayton Harbor and Birch Bay watersheds, which have been designated as a Shellfish Protection District (Drayton Harbor in 1995) pursuant to RCW 90.72.045 due to water quality degradation caused by ongoing nonpoint sources of pollution that closed or downgraded the recreational and commercial shellfish growing areas in Drayton Harbor and Birch Bay. From 1999 to 2004, the Drayton Harbor was downgraded to a “Prohibited” status for shellfish harvesting. Due to improvements in water quality, the state conditionally reopened the main shellfish beds to harvesting in 2004.
171. The City of Ferndale’s proposed expansion in the Enterprise Road area for employment purposes does not address the potential impacts to agricultural lands. The 2007 Whatcom County Rural Land: A Collaborative Report Identifying Areas of Agricultural Significance, was in response to criticisms about the “scattered” nature of protection provided by the county’s Agricultural Protection Overlay approach. The Agricultural Advisory Committee met in 2006 to identify areas in Rural 5 and 10 acre zones that are most important to maintaining the agricultural sector of Whatcom County. The area proposed for expansion by the City of Ferndale was included in the Harksell Road study area as 99% of the area’s soils are considered prime APO soils,

approximately 44% was in agricultural use and 27% of the total acreage was in parcels greater than 20 acres. The area was identified as a buffer to the agricultural resource lands of long-term commercial significance. Development pressure in this area was seen as a concern due to the proximity of the area to the I-5 corridor and the City of Ferndale UGA.

172. The City of Ferndale did not propose any measures to ensure that measures were in place to buffer the expansion of the UGA on agricultural lands, including those Rural lands designated APO.
173. The City of Ferndale did not provide any documentation that the proposed urban growth area expansions are appropriate for designation as TDR receiving areas as outlined in WCC 2.160.080.
174. The City of Ferndale has plans to serve a retail water service population greater than any of the population projections of studied alternatives. The city has identified water storage capacity improvements that will be needed in the 20-year planning period, as well as near-term distribution improvements.
175. Small sewage treatment deficits would be anticipated under some Draft EIS alternatives and the Executive Recommendations. The city's Comprehensive Wastewater Facilities Plan does not include the entire UGA within the planning service area, but does include lands outside the UGA (Figure 2-1, 1996 plan). The city currently has no plans to expand sewage treatment capacity. The city does include wastewater treatment plant upgrades as well as a series of sewer collection system upgrades in its 6-year capital facilities plan for 2007-2012.
176. The Ferndale UGA is provided fire protection services from Fire District 7. Fire District 7 does not have a capital facilities plan.
177. Based on the proposed population allocation, and considering a proposed UGA reduction, the land capacity analysis shows a small surplus of residential acres and is essentially in balance
178. Based on the proposed employment allocation, and the proposed UGA boundaries, the land capacity analysis prepared shows a small surplus of capacity but is essentially in balance.
179. The findings indicate that the Ferndale UGA has sufficient capacity to accommodate projected growth, densities allowed are urban in nature, and adequate public facilities and services can be provided. The findings also indicate that the land capacity analysis was done consistent with the county-wide methodology used for all UGAs. The rationale for the reduction includes bringing a greater balance between supply and demand for urban land, capital facility items still need to be addressed for areas removed from or not added to the UGA, and measures need to be in place for protection of the waters entering Puget Sound, including Birch Bay and Drayton Harbor watersheds.

Lynden

180. The City of Lynden submitted a proposal for expansion of its UGA in May 2009. The city proposed a growth allocation of 7,414 additional population and 3,559 additional employees during the planning period. In order to accommodate this growth request,

- city proposed an expansion of the UGA into agricultural lands of long-term commercial significance by approximately 327 acres.
181. The City of Lynden responded to the County Executive proposed UGA in several letters and public input. The city's response included comments regarding their ability to accommodate the requested growth within their proposed UGA, the extent of capital facility plans completed for their UGA, the criteria for designation of agricultural lands of long-term commercial significance, and water rights.
 182. All Draft EIS alternatives show a deficit of capacity for population and a surplus capacity for employment, except that under Action Alternative Y there is a small deficit of employment.
 183. The Whatcom County Comprehensive Plan encourages Lynden to establish new residential developments at densities averaging five to eight units per net residential acre. The Planning Commission finds that the city of Lynden should encourage densities at a wider range of five to ten units per net residential acre. The assumption used in the land capacity analysis was 6.8 units per net residential acre (6.1 within the city and 8.1 in the unincorporated portion of the UGA).
 184. In 2003, Whatcom County designated Target Areas for Purchase of Development Rights for agricultural lands north of Badger Road and west of the Guide Meridian following consultation with the City of Lynden (see Resolution 2002-040 and 2003-036). The City's UGA proposal is not located within those Target Areas.
 185. The County Executive proposed UGA expansion into agricultural lands west of Double Ditch Road be placed into an UGA Reserve, allowing the city and county to work on strategies and agreements to ensure that the county maintains the agricultural land base (100,000 acres) necessary to support this industry.
 186. The County Executive proposed reducing the overall amount of impact on agricultural lands countywide be accomplished by removing urban lands and re-designating them for agricultural purposes elsewhere in the county. Reduction of UGAs and placement of lands back into agricultural lands of long-term commercial significance were proposed by the Executive in Everson, Ferndale, Nooksack and Sumas.
 187. The Whatcom County Comprehensive Plan identifies agricultural lands as an "important resource to the people of Whatcom County and Washington State. Yet these lands are often considered available for urban or rural uses. Often the conversion process begins when rural uses move onto agricultural land, creating smaller parcels, more buildings, and activities that, in some cases are incompatible with agriculture. In many cases, this blurs the line of distinction between agriculture uses and other uses and sets the stage for further conversion of the limited agricultural land base in Whatcom County."
 188. The city's proposed UGA expansion did not take into account the sufficient quantity of agricultural land to support a healthy agricultural industry in Whatcom County, nor required mitigation when land is converted to another use, or required buffers on all new non-agricultural uses located adjacent to agricultural activities (Policy 8A-2).
 189. The results of the land capacity analysis show that the City's requested growth allocation cannot be accommodated within the existing UGA without modification in land use plans to allow additional infill or increased densities. The city has not

proposed any modification to land use plans to accommodate the requested population growth, instead requesting that the UGA be expanded. Without changes in land use plans or meeting the county's agricultural resource land protection goals, it was found by the Planning Commission that the population growth allocation to Lynden would require reduction to fit within the existing UGA.

190. The City of Lynden Water System Plan (August 2008) indicates that the city has adequate water supply to meet the needs of population growth over the 20 year period. The City and the Washington Department of Ecology (DOE) have entered into a memorandum of agreement (MOA) to address long-standing water rights issues between the city and Ecology. Under the terms of that agreement, DOE agreed not to enforce against what it asserts is Lynden's over-appropriation of its water rights and not to disapprove any update of the city's water system plan based on concerns about the city's water rights for as long as the agreement is in effect.
191. The city's sewer plan accommodates a population similar to studied alternatives and a small sewage treatment capacity reserve was estimated in the Draft EIS. The city's sewer plan anticipates planning for additional sewage treatment capacity during the planning period. The sewer plan indicates future sewer trunk lines to serve areas of the City and UGA not currently served, but additional planning will be necessary for areas proposed to be added to the UGA.
192. Allocating a smaller than requested population to Lynden and leaving the UGA as it currently exists will allow time for Lynden to work with the county, Department of Ecology and others on resolution of water rights disputes and agricultural mitigation strategies. The results of growth monitoring, comprehensive plan updates and UGA reviews will allow the county ample time to determine whether and to what extent the Lynden UGA should be expanded before any shortage in developable land occurs.

Nooksack

193. The City of Nooksack submitted a proposal for maintaining their existing UGA in June 2009. The city proposed a growth allocation of 1,137 additional population and 290 additional employees during the planning period.
194. The County Executive proposed a reduction in the UGA by removing lands south of Breckenridge Creek and east of the Sumas River from the UGA. The lands proposed to be removed were placed into agricultural resource lands. The Executive proposed a lower allocation of population and employment than requested to be consistent with historic growth patterns and overall county-wide growth projections.
195. The city responded (9-17-09) to the County Executive proposal by requesting the area proposed for removal be put back into a designated UGA Reserve due to future employment and residential growth needs. The city noted that part of the lands removed from the UGA include areas the city had designated for future industrial growth. The allocation of employment to Nooksack was reduced because the UGA did not have the ability to accommodate that employment.
196. The city's expressed vision is to maintain safe and friendly family living in a small town rural setting, while protecting and enjoying the natural environment and

- agricultural lands of the surrounding area, and promoting development of new jobs and businesses.
197. All Draft EIS alternatives show a surplus capacity for population and employment, except for Action Alternative Y which generally shows a balance of employment capacity with demand.
 198. The Whatcom County Comprehensive Plan encourages Nooksack to establish new residential developments at densities averaging four units per net residential acre. The assumption used in the land capacity analysis was 4.4 units per net residential acre (4.3 within the city and 4.9 in the unincorporated portion of the UGA).
 199. Areas east of the Sumas River and south of Breckenridge Creek are prone to flooding, and some areas of the Sumas River floodplain, both inside and outside of the city, have been surveyed to be affected by sediment from the Swift Creek landslide, carrying chrysotile asbestos fibers.
 200. The area removed from the UGA is currently being used for agricultural purposes and is currently zoned Agricultural. Land proposed for removal is composed of prime agricultural soils, as determined by the USDA's Natural Resources Conservation Service (Map #18, Prime Agricultural Soils – Designated Agricultural Lands, Whatcom County Comprehensive Plan, 2008) and has long-term significance for the commercial production of food or other agricultural products. Urban facilities, particularly water or sewer service, are not located in the area proposed for removal. Parcels in the area proposed for removal are large lots conducive to agricultural practices.
 201. The City of Sumas provides the source of supply to the Nooksack water system. The City of Sumas has indicated a willingness to supply an increased quantity of water to the City of Nooksack if necessary to support growth, and the City of Sumas has stated that they believe they have adequate water rights to be able to provide such an increased supply. Additional analysis of water storage will be necessary.
 202. The City of Nooksack maintains a system of collection and transmission pipes and four sewer lift stations that direct sewage to the Everson sewage treatment plant. Expansion of the Everson sewage treatment plant will be necessary to accommodate some of the growth that will occur outside of current Nooksack city limits.
 203. Based on the proposed population allocation, and a proposed UGA reduction in flood prone areas, the land capacity analysis shows a minor surplus of residential acres, essentially in balance.
 204. Based on the proposed employment allocation, and the proposed UGA boundaries, the land capacity analysis shows a balance between employment land supply and land demand.
 205. The findings indicate that the Nooksack UGA has sufficient capacity to accommodate projected growth, densities allowed are urban in nature, and adequate public facilities and services can be provided. The rationale for the reduction includes bringing a greater balance between supply and demand for urban land, removal of lands subject to flooding from the UGA, and protection of adjacent resource lands from incompatible development.

Sumas

206. The City of Sumas submitted a proposal for maintaining their existing UGA in June 2009. The city proposed a growth allocation of 793 additional population and 391 additional employees during the planning period.
207. The County Executive modified the city's proposal by reducing the size of the UGA and placement of those lands within an Urban Growth Area Reserve. The County Executive supported the growth allocation requests of the city.
208. The city responded (9-17-09) to the County Executive proposal by requesting some areas proposed to be placed into UGA Reserve be placed back into UGA, retaining other areas as UGA Reserve, and consideration of additional areas west of the Sumas Industrial district as UGA Reserve.
209. The community's vision for the City is to take advantage of its location and function as an international border crossing to capitalize on commercial and retail economic opportunities presented by border traffic. The City has also expressed an interest in becoming a regional industrial center.
210. All Draft EIS alternatives show a surplus capacity for population and employment.
211. The City expressed concerns related to the baseline employment figures which appear to have underestimated the potential demand for employment land. In growth forecast information finalized as of February 2009, Berk & Associates used available information based on State Employment Security Department figures which addressed covered employment and did not fully allocate employment geographically.
212. The Whatcom County Comprehensive Plan encourages Sumas to establish new residential developments at densities averaging four units per net residential acre. The assumption used in the land capacity analysis was 5.6 units per net residential acre.
213. Areas south of the city are identified as floodplain according to FEMA flood boundary maps.
214. The area removed from the UGA is currently being used for agricultural purposes and is currently zoned Agricultural. Land proposed for removal is composed of prime agricultural soils, as determined by the USDA's Natural Resources Conservation Service (Map #18, Prime Agricultural Soils – Designated Agricultural Lands, Whatcom County Comprehensive Plan, 2008) and has long-term significance for the commercial production of food or other agricultural products. Urban facilities, particularly water or sewer service, are not located in the area proposed for removal. Parcels in the area proposed for removal are large lots conducive to agricultural practices.
215. Based on the proposed population allocation, the land capacity analysis shows that the city can accommodate projected residential growth within city limits.
216. Based on the proposed employment allocation, and the proposed UGA boundaries, the land capacity analysis prepared shows a surplus of employment land supply.
217. Based on past and ongoing analyses, the Sumas well fields and water rights provide a source of supply well in excess of the future needs of the city's retail and wholesale customers through the planning period.

218. The City of Sumas owns and maintains a sewage collection and transmission system that includes gravity sewer lines and a small number of sewer lift stations. The Sumas system directs sewage to a discharge into the City of Abbotsford system in British Columbia, Canada. Sumas has sufficient sewer service capacity to meet its needs through the planning period.
219. The findings indicate that the Sumas UGA has sufficient capacity to accommodate projected growth, densities allowed are urban in nature, and adequate public facilities and services can be provided. The rationale for the reduction includes bringing a greater balance between supply and demand for urban land, removal of lands subject to flooding from the UGA, and protection of adjacent resource lands from incompatible development.

Proposed Conclusions

1. As set forth in the above findings, the Planning Commission concludes that the proposed amendments conform to the requirements of the Growth Management Act regarding the designation and review of urban growth areas.
 - a. The proposed amendments are consistent with Whatcom County County-wide Planning Policies, including the designation and review of urban growth areas.
 - b. The comprehensive plans of the county and each city accommodate the urban growth projected to occur in the county in the succeeding twenty year period.
 - c. The comprehensive plan and development regulations include areas and densities sufficient to permit the urban growth projected to occur in the county or city for the succeeding twenty-year period.
 - d. The growth management population projection made for the county of 244,892 is based on the projection made by the Washington State Office of Financial Management, which provides a range from 216,300 to 318,832 in the year 2029 for Whatcom County.
 - e. Whatcom County attempted to reach agreement with each city on the location of an urban growth area through extensive consultation and direct meetings.
 - f. The urban growth areas include those areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development or are within areas that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services.
 - g. The urban growth areas have considered actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound, by carefully limiting the extent of urban development within sensitive watersheds.
 - h. The Planning Commission concludes that there is evidence that the proposed UGAs can be provided with adequate public facilities and services. However, the Planning Commission also concludes that there are public facility and service gaps that have been found during this review. The Planning Commission concludes that the purpose of this UGA review is based on RCW 36.70A.130(3) that specifies the requirement for the plan designating urban growth areas, and the densities permitted in the urban growth areas to be revised. GMA requires

each city and the county to review and revise comprehensive plans and development regulations by December 1, 2011, which would include review of capital facility, transportation and utility elements. The proposed policy which allows reconciliation of the capital facility and service gaps as part of the 7-year review process provides additional time in which to document the anticipated ability to provide adequate services and public facilities.

2. The Planning Commission concludes that the amendments to the comprehensive plan and development regulations harmonize the GMA planning goals in RCW 36.70A.020.
 - a. The Planning Commission concludes that the public participation goals of the Growth Management Act have been met through the Public Involvement Plan prepared and implemented through Whatcom 2031, including early and continuous public involvement, formal opportunities through public hearings and public notices as legally required by state and county laws and regulations.
 - b. The proposed amendments protect resource lands of long-term commercial significance from urban development not warranted based on the record before the Planning Commission. The Planning Commission further concludes that the proposed expansion of UGAs for Everson, Ferndale and Lynden do not include measures to ensure adequate buffers from adjoining agricultural resource lands.
 - c. The Planning Commission concludes that the proposed amendments are consistent with the housing planning goal of the GMA, as the review and designation of adequately sized urban growth areas, combined with the variety of planned residential densities within the cities and the unincorporated areas of the county promotes a variety of residential densities and promotes the affordability of homes by providing adequate lands supply within urban growth areas for development of a variety of housing types.
 - d. The Planning Commission concludes that the proposed amendments do not take any private property for public use.
 - e. The Planning Commission concludes that the proposed amendments do not impair the retention of open spaces within and between the urban growth areas of the county which have been identified consistent with 36.70A.160 on Map 10 – Open Space Corridors – within the comprehensive plan, and that the amendments are consistent with the open space goal of the GMA, which encourages retention of open spaces.
 - f. The Planning Commission considered the effect of its proposed decision on the availability of lands for employment and economic development purposes and concludes that by providing adequate land supply within urban growth areas where businesses can develop and expand, the proposed amendments are consistent with the economic development goal of the GMA.
 - g. The transportation impacts of various alternative urban growth strategies were examined in the DEIS, and the Planning Commission concludes that the proposed amendments, which encourage urban growth in urban areas, also encourage the development of efficient multimodal transportation systems by encouraging population growth into areas where transportation by means other

than automobile may be more easily developed, consistent with the transportation planning goal of the GMA.

3. The Planning Commission concludes that the proposed amendments to the comprehensive plan are consistent with the criteria for amendment of the comprehensive plan.
 - a. The Planning Commission concludes that the studies and record made or accepted by the department of planning and development services, include but are not limited to the Draft Environmental Impact Statement (May 8, 2009), review of densities permitted within urban growth areas, as well as rural growth (Appendix A, August 14, 2009), land capacity and demand results (Appendix B, August 14, 2009), land monitoring proposed methods (Appendix C, August 14, 2009), public participation strategy and results (Appendix D, August 14, 2009) and assessment of existing Whatcom County countywide population and employment growth projections (February 9, 2009). These studies indicate changed conditions that show the need for the amendments proposed.
 - b. The Planning Commission concludes that the public interest will be served by approving the amendment.
 - i. The rate or distribution of growth and development has been well studied as part of the review process as demonstrated in the Draft EIS and other documents provided as part of the record.
 - ii. The effect on county and other service providers is documented in Appendix E, 20-Year Capital Facilities Plan, and within the Draft EIS.
 - iii. Consideration was made regarding the anticipated impact upon designated resource lands. The Planning Commission further concludes that the proposed expansion of UGAs into agricultural lands is not warranted at the current time. The Planning Commission also concludes that the proposed reduction of UGAs and where applicable, re-designation as agricultural lands of long-term commercial significance, is consistent with the Whatcom County Comprehensive Plan.
 - c. The Planning Commission concludes that the amendment does not include or facilitate spot zoning.
 - d. The Planning Commission concludes that the cities of Everson, Ferndale and Lynden that proposed expansion of their respective UGAs did not include proposals or studies to determine whether the expansion is appropriate for designation as a transfer of development right receiving areas as set forth in WCC 2.160.080(A)(5).
4. The Planning Commission concludes that the proposed amendments to the Zoning Code are consistent with the Growth Management Act, County-wide Planning Policies, Comprehensive Plan, and criteria for amendment of the Zoning Code.
 - a. The development regulations are consistent with and implement the comprehensive plan as required in the Growth Management Act.
 - b. The development regulations encourage urban growth within the urban growth areas and prohibit urban development without adequate public facilities and

- services by limiting the density allowed for development without extension of water and sewer, while also requiring concurrency for public facilities.
- c. The development regulations prohibit urban growth outside urban growth areas. The Planning Commission, by separate action on October 8, 2009, forwarded a recommendation to the Whatcom County Council that limits areas of more intensive development in rural areas as set forth in RCW 36.70A.070(5)(d) and as ordered by the Western Washington Growth Management Hearings Board (#05-2-0013).
 - d. The Planning Commission concludes that the special provisions of WCC 20.90.060 do not apply as the amendments are not defined as site specific rezones.
5. The Planning Commission considered the potential effects of this proposal on the environment by review of the impacts analyzed in the DEIS, as well as considering whether certain areas were more environmentally suitable for urban development than others. The Planning Commission concludes that the proposed amendments are consistent with the environment planning goal of the GMA, encouraging the protection of the environment in land use decisions, and consistent with the procedural requirements of the State Environmental Policy Act.
 6. Whatcom County concludes that no action is proposed that would take property for public use or unduly burden a property owner by leaving him or her without a reasonable use of his or her property, or otherwise deprive him or her of legally recognized rights. This is consistent with Whatcom County Charter Section 1.11, which states, "The rights of the individual citizen shall be guaranteed under the Constitutions of the United States and the State of Washington. No regulation or ordinance shall be drafted and adopted without consideration of and provisions for compensation to those unduly burdened."

PROPOSED RECOMMENDATIONS

The Planning Commission recommends approval of:

- (1) the proposed amendments to the Whatcom County Comprehensive Plan in Chapter One (text only), Chapter Two (text, UGA maps, map 8, and map 10), Chapter Three (text only), Chapter Four (text only), Chapter Five (text only), Chapter Six (Map 14A only), Chapter Eight (Maps 18 and 19 only), Appendix A, Appendix E (deletion of existing appendix and replacement with 20-Year Capital Facilities Plan), and Appendix G;
- (2) the proposed amendments to the Whatcom County Code Title 20, Chapters 20.20, 20.22, 20.24, 20.74, 20.40 and 20.42;
- (3) proposed amendments to the Official Whatcom County Zoning Map for the following urban growth areas and surrounding areas:
 - Bellingham
 - Birch Bay
 - Blaine
 - Cherry Point

- Columbia Valley
- Everson
- Ferndale
- Lynden
- Nooksack
- Sumas.

(4) repealing section 2 of Ordinance 2004-049.

These recommendations are based on the findings and conclusions listed above.