

WHATCOM COUNTY PLANNING COMMISSION FINDINGS OF FACT & REASONS FOR ACTION, CONCLUSIONS AND RECOMMENDATIONS

Relating to the Columbia Valley

WHEREAS, Whatcom County is in the process of reviewing the Foothills Subarea Plan, conducting the 10-year urban growth area (UGA) review, and conducting review of limited areas of more intensive rural development (LAMIRD) in the rural comprehensive plan element update; and

WHEREAS, Subarea plans are subject to concurrent review of comprehensive plan amendments that can normally occur only once per year; and

WHEREAS, the 10-year UGA review is a legal mandate that must be completed in 2009 (*Petree, et al., v. Whatcom County, et al.*, Western Washington Growth Management Hearings Board, Case No. 08-2-0021c, Order Finding Noncompliance, July 2, 2008); and

WHEREAS, the LAMIRD review is a legal mandate (*Futurewise v. Whatcom County and Intervenors Gold Star Resorts, Inc.*, Western Washington Growth Management Hearings Board, Case No. 05-2-0013, Final Decision and Order, September 20, 2005); and

WHEREAS, Whatcom County needs to provide direction whether the Columbia Valley should be reviewed as a UGA in the 10-year review or a LAMIRD in the rural element update; and

WHEREAS, The Planning Commission held a public hearing and considered public testimony.

NOW THEREFORE BE IT RESOLVED:

THE PLANNING COMMISSION ENTERS THE FOLLOWING FINDINGS OF FACT & REASONS FOR ACTION, CONCLUSIONS AND RECOMMENDATIONS:

FINDINGS OF FACT & REASONS FOR ACTION

1. Growth Management Act (GMA) planning goals are set forth in RCW 36.70A.020. The GMA citizen participation and coordination planning goal is to “Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts” (RCW 36.70A.020 (11)).

2. The Whatcom County Council approved resolution 2005-062 in November 2005 establishing the Foothills Subarea Plan Advisory Committee. The County Executive appointed 11 members to the Committee and the County Council confirmed these appointments.
3. The Foothills Subarea Plan Advisory Committee met about 40 times between March 2006 and October 2007 in the effort of developing the Draft Foothills Subarea Plan. The Advisory Committee typically provided a period for public comments at their meetings.
4. Whatcom County Planning and Development Services Department, in conjunction with the Foothills Subarea Plan Advisory Committee and planning consultant Studio Cascade, hosted a series of four visioning workshops the week of June 5 through June 8, 2006. These meetings were held in Deming, Kendall, Glacier and Maple Falls.
5. Whatcom County Planning and Development Services Department, in conjunction with the Foothills Subarea Plan Advisory Committee and planning consultant Studio Cascade, hosted a Kendall Small Town workshop on September 15 and 16, 2006.
6. Whatcom County Planning and Development Services Department, in conjunction with the Foothills Subarea Plan Advisory Committee and planning consultant Studio Cascade, hosted a Columbia Valley Urban Growth Area (UGA) Workshop in Kendall on October 14, 2006.
7. Whatcom County Planning and Development Services Department, in conjunction with the Foothills Subarea Plan Advisory Committee and planning consultant Studio Cascade, hosted a Foothills Subarea Plan Policy Workshop in Deming on November 16, 2006.
8. Whatcom County Planning and Development Services Department, in conjunction with the Foothills Subarea Plan Advisory Committee and planning consultant Studio Cascade, circulated a questionnaire in October and November 2006. The results of the questionnaire are presented in the Foothills Subarea Plan Questionnaire Report (January 2007).
9. A Draft Foothills Subarea Plan rollout meeting was held on October 15, 2007 at the Kendall Elementary School.
10. The Planning Commission held a work session on the Draft Foothills Subarea Plan (October 2007 version) on November 29, 2007.
11. In December 2007, the Planning and Development Services Department determined that a supplemental environmental impact statement (SEIS) would be prepared for the Draft Foothills Subarea Plan and alternatives. The Draft SEIS was issued on August 1, 2008. A public hearing on the Draft SEIS was held on September 4, 2008. The Final SEIS was issued on December 19, 2008. The SEIS evaluated three land use alternatives.

12. The Planning Commission held a public hearing on the Draft Foothills Subarea Plan on January 15, 2009. The Planning Commission held work sessions on January 29 and February 19, 2009.
13. GMA planning goal # 1 is to “Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.” GMA planning goal # 12 is to “Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.”
14. The Columbia Valley UGA had an estimated 2006 population of 3,853. However, planning for adequate public facilities and services to serve a UGA has not been conducted.
15. In a letter of September 13, 2008, Whatcom County Fire Protection District No. 14 states that “. . . Alternative # 3 places the least amount of growth pressure on District 14. We would continue to provide service at a rural level as opposed to an urban area. District Commissioners would continue to seek a solution to increased call load level based on the increased number of low income residents and their inability to transport themselves to medical attention. . .” Alternative 3 is the Rural/LAMIRD alternative studied in the SEIS.
16. In an e-mail of December 17, 2008, the Washington State Department of Transportation indicates concern about the state’s ability to fund highway improvements in the area.
17. In a letter of January 27, 2009, Whatcom County Water District 13 indicates concern about the District’s ability to fund sewer improvements necessary to serve a UGA.
18. GMA planning goal # 2 is to “Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.”
19. Designating developed portions of the Columbia Valley as LAMIRDs would allow infill in these existing areas. Designating areas outside the LAMIRD boundaries as rural and/or forestry would discourage sprawl outside the LAMIRD boundaries.
20. GMA planning goal # 3 is to “Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.”
21. The Draft Foothills Subarea Plan contains policies to promote and encourage public transit, bikeways, and pedestrian walkways (Goal T11 and associated policies in chapter 6). Additionally, the Final SEIS includes potential mitigation measures relating to transportation. These mitigation measures should be incorporated, as appropriate, into the Foothills Subarea Plan.

22. GMA planning goal # 5 is to “Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.”
23. Businesses would be allowed at a limited scale in the Kendall Small Town. Additionally, cottage industries are allowed in rural areas and resource based industries are allowed in forestry areas.
24. GMA planning goal # 8 is to “Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.”
25. Policies in the Draft Foothills Subarea Plan discourage rezoning Commercial Forestry and Rural Forestry zones to allow more dwellings or increased intensity of use (see Policies LU1-B and LU1-C in chapter 2). However, Policy LU1-C should be modified to remove the reference to the UGA.
26. GMA planning goal # 9 is to “Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.”
27. The Foothills Subarea Plan contains policies relating to preservation of open space (LU1-G and LU1-I in chapter 2), recreation (Recreation goals and policies in chapter 9), and fish and wildlife habitat (Goal EN1 and associated policies in chapter 11).
28. GMA planning goal # 10 is to “Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.”
29. The Draft Foothills Subarea Plan contains policies to protect water quantity and quality (Goal EN1 and associated policies in chapter 11). Additionally, the Final SEIS includes potential mitigation measures relating to water quantity and water quality. These mitigation measures should be incorporated, as appropriate, into the Foothills Subarea Plan.
30. A quantitative groundwater model would not be needed as mitigation to assess impacts to Kendall Creek if the Columbia Valley were designated as LAMIRDS, rural and/or forestry instead of being designated for urban growth (Foothills Subarea Plan Final SEIS, December 19, 2008, pp. 104-108).

31. Removing the UGA would protect rural character and discourage urbanization which is far removed from employment centers of the County.
32. The Growth Management Act allows counties to designate "limited areas of more intensive rural development" under RCW 36.70A.070(5)(d). Whatcom County is in the process of developing uniform criteria to evaluate LAMIRDs on a county-wide basis in response to a Western Washington Growth Management Hearings Board order. The Columbia Valley should be evaluated under these uniform criteria, once they are completed, so that LAMIRD boundaries are delineated on a consistent basis throughout the County.

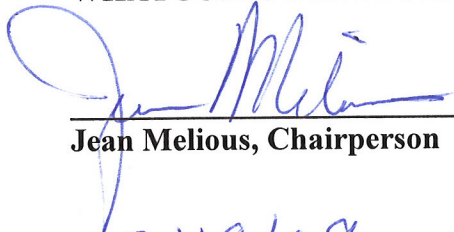
CONCLUSIONS

Based upon the above findings of fact and reasons for action, the Planning Commission concludes that the Columbia Valley should be changed from a UGA to LAMIRD, rural and/or forestry designations. The Planning Commission concludes that it has not been demonstrated that there has been adequate public facility and service planning to serve urban growth in this location.

RECOMMENDATION

The Whatcom County Planning Commission recommends rescinding the UGA designation and designating the Columbia Valley as a LAMIRD.

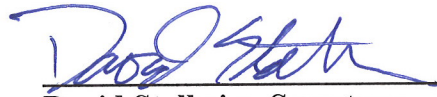
WHATCOM COUNTY PLANNING COMMISSION



Jean Melious, Chairperson

 2/19/09

Date



David Stalheim, Secretary

 2-19-09

Date

Commissioners present at the January 29, 2009 meeting when the original vote was taken: David Hunter, John Lesow, Ken Mann, Jean Melious, Geoff Menzies, John Steensma and Sean Wilson.

Vote: Ayes: 5, Nays: 2, Abstain: 0, Absent: 2. Motion carried.

Commissioners present at the February 19, 2009 meeting when the findings of fact & reasons for action, conclusions and recommendations were approved: Rabel Burdge, David Hunter, John Lesow, Ken Mann, Jean Melious, Geoff Menzies, John Steensma and Sean Wilson.

Vote: Ayes: 5, Nays: 2, Abstain: 1, Absent: 1. Motion carried.