### Subject:
Proposed amendments to the Whatcom County Comprehensive Plan, Chapter 2 – Land Use, City of Sumas Urban Growth Area

### Attachments:
1. Proposed ordinance
2. Planning Commission Findings of Fact & Reasons for Action, Conclusions, and Recommendations
3. Staff report and proposed amendments
4. Draft Planning Commission minutes

### Summary Statement:
Pursuant to RCW 36.70A.130, Whatcom County is required to review and revise its comprehensive plan, as needed, by December 1, 2004. The proposed amendments constitute Whatcom County’s 7-year review and update of sections of the Whatcom County Comprehensive Plan, Chapter 2 – Land Use, related to the City of Sumas UGA. The amendments clarify use and calculation of “net developable” densities in the UGA; update Sumas’ UGA characterization; and amend Policy 2Z-5 to update information regarding the interlocal agreement between the City of Sumas and the County.

Note: The subject proposal is one of a number of comprehensive plan amendments initiated this year. These amendments must be considered concurrently by the County Council so that the cumulative effect of the various proposals can be evaluated (RCW 36.70A.130). Additionally, pursuant to the review schedule established in WCC 20.10.120, final Council action on these amendments should occur on or about November 30.

### Council Action Taken:
10/12/2004: Committee voted to recommend to full Council going forward to concurrency meeting.
10/12/2004: Forwarded to concurrency meeting.
1/25/2005: Adopted 7-0, Ord. #2005-008

### Related County Contract #:
Ordinance or Resolution Number (this item): Ord. #2005-008

### Related File Numbers:
CMP2004-00008
ORDINANCE NO. 2005-008

AMENDING THE OFFICIAL WHATCOM COUNTY COMPREHENSIVE PLAN, CHAPTER 2 – LAND USE, TO UPDATE SECTIONS RELATING TO THE CITY OF SUMAS URBAN GROWTH AREA, AS NECESSARY, IN ACCORDANCE WITH THE GROWTH MANAGEMENT ACT 7-YEAR COMPLIANCE REVIEW REQUIREMENT PER RCW 36.70A.130

WHEREAS, the Growth Management Act requires counties and cities to review and, if needed, revise comprehensive plans to ensure continued compliance with the GMA (RCW 36.70A.130); and

WHEREAS, it is also appropriate to review the comprehensive plan in light of new information and changed County and City priorities; and

WHEREAS, pursuant to RCW 36.70.390, legal notice was published in the Bellingham Herald; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on July 22, 2004 and held additional work sessions on August 12, 2004 and September 9, 2004; and

WHEREAS, the Planning Commission has evaluated the proposed amendments; and

WHEREAS, the County Council has considered the Planning Commission’s Findings of Fact & Reasons for Action, Conclusions, and Recommendations; and

WHEREAS, the Whatcom County Council finds the amendments to be within the interest of the public health, safety and welfare; and

WHEREAS, the County Council has adopted the following Findings and Conclusions:

FINDINGS AND CONCLUSIONS

1. Notice of the Planning Commission public hearing for the subject amendments was published in the Bellingham Herald on July 8, 2004.


3. A determination of Non-significance was issued by the Whatcom County SEPA official on August 30, 2004.

4. State law requires that Whatcom County review its Comprehensive Plan by December 1, 2004 to ensure continued compliance with the Growth Management Act (RCW 36.70A.130).
5. Pursuant to RCW 36.70A.130, the proposed Comprehensive Plan amendments attached as Exhibit A constitute Whatcom County’s seven-year review and update of the official Whatcom County Comprehensive Plan, Chapter 2 – Land Use, Urban Growth Areas (UGAs) sections, relating to the City of Sumas UGA to ensure continued compliance with the GMA and incorporate new information.


7. Pursuant to RCW 36.70A.110, counties are required to designate urban growth areas within which urban growth will be encouraged and outside of which growth can only occur if it is not urban in nature.

8. Pursuant to RCW 36.70A.130 cities and counties are required to continually review, evaluate, and revise their comprehensive plans and development regulations, if needed, to ensure that the provisions of those plans and regulations are consistent with the requirements of the Growth Management Act (GMA).

9. Pursuant to RCW 36.70A.130(4)(a) the county and cities are also required to review and revise their comprehensive plans and development regulations, as needed, by December 1, 2004 and every seven years after that.

10. As many of the cities are currently in the process of reviewing and updating their respective comprehensive plans, no amendments are proposed to the boundaries or allowable development densities within the Sumas Urban Growth Area as part of the proposed amendments. Whatcom County will conduct a review and update of urban growth areas, as necessary, in accordance with RCW 36.70A.130(3).

11. Services and utilities are currently available, or are planned to be available, to serve City UGAs.

12. The County has entered into interlocal agreements with all of the Cities regarding annexation and development in the Urban Growth Areas.

13. Updated population projections for the County and Urban Growth Areas have been adopted by Whatcom County.

14. Designated Resource Lands are not being impacted by the proposed amendments to the County Comprehensive Plan as no additions are being proposed to any of the previously adopted city Urban Growth Boundaries.

15. The County anticipates initiating future modifications to current zoning designations within UGAs to ensure that future urban development densities can be achieved.

16. The City of Sumas adopted a Comprehensive Plan in 1995 and is currently working on an update which has been distributed for agency review on June 30, 2004. Final adoption is anticipated prior to the end of 2004.

17. The City of Sumas and Whatcom County entered into an interlocal agreement regarding annexation and development within the Sumas Urban Growth Area in 1999.
18. Whatcom County adopted interim Short Term Planning Area zoning map overlays for various UGAs including one for Sumas in 1997.


NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

Section 1. The Official Whatcom County Comprehensive Plan be amended as shown in Exhibit A.

Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of the Comprehensive Plan shall not affect or impair the validity of the plan as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this 25 day of January, 2005

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Laurie Caskey-Schreiber, Council Chair

Approved ( ) Denied

Pete Kremen, Executive

Date: 1-28-05
WHATCOM COUNTY COMPREHENSIVE PLAN, Chapter 2 – Land Use
(from pages 2-44 to 2-45 of the Whatcom County Comprehensive Plan)

Sumas

County goals encourage Sumas to develop residentially zoned areas average net densities at four units per net developable residentially zoned acre. Typically, calculating net developable acreage would subtract all land within the floodplain, in addition to other limiting factors, such as wetlands and other critical areas, and land the needed for open space, utilities, infrastructure, and rights-of-way.

The urban growth area for Sumas is intended to provide sufficient land area to accommodate growth, provide ample industrial development opportunities, and provide enough upland acres to discourage residential development on flood prone areas.

A consideration in setting the Sumas Urban Growth Area has been the limited number of property owners included in the urban growth area. A smaller area would have resulted in two or three property owners controlling most of the land in the UGA; thus, creating an undesirable monopolistic situation.

Areas included in the UGA - (Map UGA-7)

West
This area includes a mix of industrial use to the south, adjacent to the Burlington Northern rail line, as well as some land to the north that will remain in agricultural use due to peat soils.

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

GOAL 2Z: Set an Urban Growth Boundary for Sumas which accommodates future growth needs and recognizes the unique constraints imposed by flooding of the Sumas River and the Nooksack River.

Policy 2Z-1: Ensure Sumas can provide adequate urban services within the urban growth area.

Policy 2Z-2: Work with Sumas to adopt measures to limit development in floodplains.

Policy 2Z-3: Encourage Sumas to increase densities for areas located outside the floodplain.
Policy 2Z-4: Avoid new land uses that are an identified threat to groundwater quality within the delineated wellhead protection area of the Sumas City wellfield and May Road wellfield.

Policy 2Z-5: Review and update the Negotiate and adopt an interlocal agreement with Sumas, as needed, to provide which provides for:

- restriction of extension of urban levels of service to urban uses outside the Short Term Planning Areas of the urban growth areas

- revenue sharing formulas

- levels of service within the UGA

- identification of needed improvements and establishment of how they will be paid for

- land-use and zoning designations and density levels of development within the UGA and review of procedures for development proposals

- coordination with the county of greenbelts and open space

- use and coordination of a Geographic Information System

- timing and procedures to be used for during review of adequate adequacy of land supply in the year 2000 and at 5-year intervals thereafter

- consistency with the Coordinated Water System Plan

- exploration of transferring densities from rural areas of the county into Nooksack or the UGA

- protection of groundwater quality within the wellhead protection areas of the Sumas wellfields

- re-examination of the densities outside the floodplain to see if they can be increased

- long term measures to assure compatibility with resource lands