**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division Head: Sylvia Goodwin</td>
<td>[Redacted]</td>
<td>10/26/04</td>
<td>10/26/04</td>
<td>Planning/Council</td>
</tr>
<tr>
<td>Deps. Head: Hal Hart</td>
<td>[Redacted]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecutor: Karen Prakes</td>
<td>[Redacted]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing/Budget:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive: Pete Kremen</td>
<td>9-21-04</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**SUBJECT:**
Proposed amendments to the Whatcom County Comprehensive Plan, Chapter 2 – Land Use, City of Blaine 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

**SEPA review required?** Yes (x) No ( )
**SEPA review completed?** Yes (x) No ( )
**Should Clerk schedule a hearing?** Yes ( ) No (x)

**REQUESTED DATE:**
1/20/04

**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 Blaine UGA. The amendments clarify use and calculation of “net developable” densities in the UGA; add action items related to zoning and development regulations in the UGA; amend Policy 2U-6 to update information regarding the interlocal agreement between the City of Blaine and the County; remove action item #20; and amend Appendix E, Map #28-B Blaine UGA.

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:**

10/26/2004: Committee recommended approval to the full Council.
10/26/2004: Council forwarded to concurrency meeting.
1/25/2005: Adopted 7-0, ORd. #2005-010

**Related County Contract #:**

**Related File Numbers:** CMP2004-00003

**Distribution Request**

*Indicate those who should receive a copy after Council action. List specific names to the right.*

- ADS Facilities Management
- ADS Finance
- ADS Human Resources
- ADS Info Services
- Assessor
- Auditor
- Cooperative Extension
- District Court
- Executive
- Health
- Hearing Examiner
- Jail
- Juvenile
- Parks
- Planning
- Prosecuting
- Public Works
- Sheriff
- Superior Court
- Treasurer
- Other

**Ordinance or Resolution Number (this item):** ORd. #2005-010
ORDINANCE NO. 2005-010

AMENDING THE OFFICIAL WHATCOM COUNTY COMPREHENSIVE PLAN, CHAPTER 2 – LAND USE, TO UPDATE SECTIONS RELATING TO THE CITY OF BLAINE 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 Exhibits A and B 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 Blaine 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 Blaine 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 June 30, 2000 Interlocal Agreement between Whatcom County and the City of Blaine has eliminated the need for policy direction to adopt such an agreement (Policy 2U-6).

17. Because the City of Blaine is primarily responsible for providing urban services in its UGA and because it is expected that Blaine will annex portions of the UGA either before, or soon after development, it is important that development within the City's UGA be consistent with the City's zoning and development standards. One way to help assure this is by revising the Interlocal
Agreement. The proposed revisions to Policy 2U-6 and addition of new Action Plan Item number 20 will provide policy support and direction for such revisions.

18. It is in the best interests of both Whatcom County and the City of Blaine to assure that interim development in the UGA does not preclude eventual development at urban residential densities and for urban public, commercial, industrial and mixed uses. The proposed revisions to Policy 2U-6 and addition of new Action Plan Item number 21 will provide policy support for such zoning action on the part of the County and are further supported by City of Blaine Comprehensive Plan Policy 3.3 which states: "The City should coordinate with Whatcom County to ensure that portions of the Urban Growth Area which are designated as Planned Residential or Residential Planned Recreation will develop at rural density, with a five acre minimum lot size until such time as they are annexed, Master Plans or Planned Unit Development Plans are adopted and sewer service is extended."

19. According to the Whatcom County Comprehensive Plan, Short Term Planning Areas (STPA's) are used as a tool for facilitating provision of urban levels of services and to prevent sprawl within the Urban Growth Area (UGA). Further, Policy 2S-3 of the Plan specifies inclusion of land in a Short Term Planning Area to allow for the provision of sewer to reduce or eliminate on-site sewage system related environmental impacts under certain conditions.

20. Whatcom County Comprehensive Plan Policy 2U-4 for the Blaine UGA supports retaining the STPA designation where urban services are available (parcel #400118 402017, Block 8 of Maple Leaf Park add to Blaine, approximately 3.55 acres, 4610 Lincoln Rd.).

21. Establishment of the Drayton Harbor watershed as a Water Resource Special Management Area and Stormwater Special District by the Whatcom County Council has eliminated the need for Land Use-Urban Growth Areas Action Plan item #20.

22. Most of the issues listed in Policy 2U-6 are addressed by the interlocal agreement with the City of Blaine; County Council action with regard to the Drayton Harbor watershed; and the proposed amendments.

23. The City of Blaine Comprehensive Plan Policy 3.4 states: "The City of Blaine will negotiate and adopt an Interlocal Agreement with Whatcom County to include:

- Implementation of the proposed Critical Aquifer Recharge Protection Plan, as included in the Blaine Groundwater Management Program, 1995, including adequate protection of the category I Wetlands located in the area.

- Establishment of a transfer of a development rights program to further reduce development impacts within the established watershed protection area.

- Maintenance of existing larger lot zoning designations for all areas outside established urban growth areas.

- Require all new developments within the City's UGA to comply with City of Blaine development standards.

- Provide joint City/County review and approval for all development proposals within the City's UGA."

Page 3
Interlocal Agreement Page 9, Section 7-D, Creation of an Aquifer Recharge Protection Overlay has addressed the first item listed above. Interlocal Agreement Page 11, Section 11-C, Transfer of Densities has addressed the second item. The third item listed above provides support for the proposed Comprehensive Plan Policy 2U-6 amendments and the proposed new Action Plan item 20. The fourth item listed above provides support for the proposed Comprehensive Plan Policy 2U-6 amendments and the proposed new Action Plan item 21. Interlocal Agreement Page 6, Section 3-E has addressed the last item listed above.

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. The Official Whatcom County Comprehensive Plan Map be amended as shown in Exhibit B.

Section 3. 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 25th day of January, 2005

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Laurie Caskey-Schreiber, Council Chair

() Approved  () Denied

Pete Kremen, Executive

Date: 1-28-05

Karen Frakes, Civil Deputy Prosecutor

Dana Brown-Davis
Clerk of the Council

APPROVED as to form
WHATCOM COUNTY COMPREHENSIVE PLAN, Chapter 2 – Land Use
(from pages 2-26 to 2-29 of the Whatcom County Comprehensive Plan)

Blaine

County goals encourage Blaine to develop residentially zoned areas at average net densities of four units per net developable residential acre. Although future densities are lower than those sought by county goals, there is good justification for the Blaine Urban Growth Area. It should be particularly noted that the City of Blaine has completed a detailed wetland inventory for its urban growth area. This inventory identified as much as twice as many wetlands as the National Wetland Inventory which was used by the county.

Blaine is a unique community within Whatcom County. The central part of Blaine has developed at relatively moderate to high densities. However, newer outlying areas, particularly the Semiahmoo area, which has developed as a resort community with low density residential clustered around a golf course, are zoned residential but contain large open spaces which contribute to the very low average density for the city.

Issues in determining the Blaine Urban Growth Area include housing affordability, water quality protection, overlapping jurisdiction of service provision with the Birch Bay Water and Sewer District, and an abundance of urban zoning adjacent to the existing city limits.

Housing Affordability

According to the Blaine Comprehensive Plan, well over 50% of the building permits issued since 1989 have been in the Semiahmoo area with an average value of $240,000. Of the 365 single family residential lots sold at Semiahmoo between 1987 and 1994, only 124 have been developed. At the same time, only 37% of people employed within Blaine live within the city limits. A number of lots in the area are purchased for recreational homes, investment, or future development as retirement residences. Most of the jobs in Blaine are in hotels, motels, restaurants, bars, gas stations, retail sales, nursing homes, and fish processing plants. The above statistics paint a picture of a community with a shortage of housing in the lower income brackets. The urban growth area for Blaine is intended to be of sufficient size and location to provide an adequate housing supply for low and moderate income workers, and to allow for master planned resort and residential communities and long-term development.

Water Quality and Quantity

The city of Blaine has a draft 20 year water system plan that is currently under review by the City Council. The city owns and operates a municipal water system which provides domestic, commercial, industrial and irrigation water to retail customers within the city limits and within greater Blaine. The system also provides surplus water on a wholesale contract basis to the Birch Bay Water and Sewer District and the Bell Bay Jackson Water Association.

The source supply for the city derives from a 30 square mile groundwater aquifer system in the Dakota Creek watershed east of the city. The city currently has permitted water rights to withdraw up to 2770 GPM of water supplies from the aquifers and has completed the drilling of two additional wells. Application has also been made for water rights to allow for the expansion
of its system to meet growth requirements. Based on an investigation and analysis of the aquifers, the city can adequately meet its current 20 year projected needs.

**Service Provision**

The Utility Element of the proposed *Blaine Comprehensive Plan* discusses the availability of services. Without obtaining further water supply or reducing demands, it appears Blaine may have difficulty providing an adequate water supply. Several options are proposed to increase the supply; none are guaranteed.

Immediately south of Blaine is Birch Bay, a large unincorporated county urban growth area. Zoning in this area is currently at urban levels, subject to availability of adequate water and sewer, primarily four units to the acre. Birch Bay is served by the Birch Bay Water and Sewer District, which presently receives water through a contract with Blaine. There is some question whether this contract will stay in force. The district has contracted with Public Utility District #1 for an alternate or additional source of water using the Public Utility District allocation from the Nooksack River. A legal challenge may delay this action for some time.

The water issues in and around Blaine are complicated and clear solutions have not yet been achieved. It may be appropriate to re-evaluate expanding the boundaries of the Urban Growth Area when resolutions to water supply have been achieved.

**Existing Urban Levels of Zoning**

Blaine is surrounded by areas of County Urban Residential zoning. These areas are historically where urban growth is anticipated but are limited in their development levels until water and sewer service are extended. Community Value Statements prohibit the use of downzoning as an implementation tool to achieve Growth Management goals. Thus, wherever Blaine has requested the inclusion of land zoned UR, it has been included in the UGA. In some cases, however, water and potential sewer service are by the Birch Bay Water and Sewer District. Efforts to develop interlocal agreements between Birch Bay Water and Sewer District and Blaine continue on an on-going basis.

**Areas included in the UGA - (Map UGA-2)**

**East**
The urban growth area for Blaine includes land designated for medium to high density development in the area immediately east of the city. It has historically been identified as a growth area for Blaine and has been designated with Urban Residential zoning by the county. Services are easily provided and it is an appropriate area to include and it provides an opportunity for Blaine to encourage the development of median income housing. Blaine is the only city in the county where the number of people employed exceeds the population. It appears that there is not sufficient housing to accommodate workers. Inclusion of this area should help to resolve this problem.

**South**
The land area south of Drayton Harbor has been included because of its location, sandwiched between the western and eastern expanses of the Blaine city limits which, at this time, is only connected by water. It is also included because of the urban level of zoning historically assigned by the county (UR4). Blaine does not propose to serve this area with utilities. The
Birch Bay Water and Sewer District will provide water and sewer when future development occurs. Blaine seeks control of the area to coordinate transportation planning and ensure water quality protection and coordinated shoreline management. In recognition of these factors, the county has included this area; however, the county is very concerned that the water quality of Drayton Harbor be protected. Blaine's protection of the area must meet or exceed the county levels.

An area south of Blaine known as West Semiahmoo and Cannery Hill has been included. This area has been traditionally zoned for urban development, has approved preliminary plats, and is intended to be served with water and sewer from either the Birch Bay Water and Sewer District or Blaine.

The Loomis Trail area located south of Blaine and just west of Interstate-5 has been included in the growth area requested by Blaine, based on the fact that it presently has a vested application for a planned unit development permit for urban development under Whatcom County zoning regulations. The city of Blaine and the Birch Bay Water and Sewer District will provide services to the Loomis Trail development. An additional development, Sunday Harbor, located just south of California Creek, west of Blaine Road was also included. This development provides smaller, urban density residential lots and is served by Birch Bay Water and Sewer District.

**GOAL 2U:** Provide a sufficient Urban Growth Area for Blaine to ensure an adequate housing supply and obtain Growth Management Act and county land use goals.

**Policy 2U-1:** No annexation of Cannery Hill or West Semiahmoo is permitted until the identity of the sewer and water purveyor in that area is resolved by determination of the agency with jurisdiction or by agreement between the Birch Bay Water and Sewer District and the City of Blaine. The conditions of annexations should be consistent with this resolution or agreement.

**Policy 2U-2:** Require Blaine to increase critical area protection and water quality controls sufficient to protect shellfish harvesting and marine resources in Drayton Harbor.

**Policy 2U-3:** Ensure that Blaine adopts measures to implement in-fill policies in the proposed *Blaine Comprehensive Plan*.

**Policy 2U-4:** Readjust the Short Term Planning Areas as urban services are made available.

**Policy 2U-5:** Ensure that adequate capital facilities can be provided to the Blaine Urban Growth Area.
Policy 2U-6: Negotiate and adopt a **Review and update the interlocal agreement with Blaine, as needed, to provide which provides for:**

- a project review process for development within Blaine’s UGA that ensures consistency with Blaine’s Comprehensive Plan and development regulations and standards.
- County adoption and maintenance of low density rural zoning for the UGA which would allow urban densities to develop only in conjunction with annexation or a commitment to annex within a very specific timeline and under very specific conditions.
- restriction of extension of urban levels of service to urban uses outside the Short-Term Planning Areas of the UGA
- revenue-sharing formulas
- establish and maintain urban 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 levels of development within the UGA and review of procedures and standards, including water quality protection for Drayton Harbor, for development proposals.
- coordination with the county of greenbelts and open space
- use and coordination of a Geographic Information System
- timing and procedures for review of adequate land supply
- consistency with the *Coordinated Water System Plan*
- exploration of transferring densities from rural areas of the county into Blaine or the UGA
- reexamination of the boundaries between Blaine UGA and the county’s unincorporated Birch Bay UGA once service issues have been resolved
- implementation of the proposed *Critical Aquifer Recharge Protection Plan*, as included in the current *Blaine Groundwater Management Program*, including adequate protection of the Category I Wetlands located in the area
- Creation of an Aquifer Recharge Protection Overlay
City of Blaine Urban Growth Area

Establishment of a transfer of development rights program to further reduce development impacts within the established watershed protection area.

County will provide timely notification of any development application within the city UGA and shall assign considerable weight to all city comments prior to making a final decision.

WHATCOM COUNTY COMPREHENSIVE PLAN, Chapter 2 – LAND USE ACTION PLAN
(from pages 2-110 TO 2-112 of the Whatcom County Comprehensive Plan)

Urban Growth Areas

19. Using the Growth Management Oversight Committee, develop a cooperative approach to Geographic Information System use with all the cities and interested special districts which may include regular user meetings, cooperative funding, and data needs.

20. Cooperate with the City of Blaine by establishing and enforcing appropriate uses and regulations to implement the Critical Aquifer Protection Plan, including protection of the Category 1 Wetlands in the northeast portion of the Blaine UGA.

20. Work with the City of Blaine to establish a project review process for development within Blaine's UGA that ensures consistency with Blaine's Comprehensive Plan and development regulations and standards.

21. Adopt and maintain County low density rural zoning for the Blaine UGA which would allow urban densities to develop only in conjunction with annexation or a commitment to annex within a very specific timeline and under very specific conditions.

21. Develop a time frame and process to re-examine the Blaine and Birch Bay UGA boundaries when water supply and sewer issues have been clearly resolved.

22. Work with the City of Blaine to develop an appropriate level of regulation to adequately protect the Drayton Harbor watershed. Cooperate with the City in enforcing these regulations.

23. 24. Work with all cities to ensure limitation of development in floodplains within their UGAs.

24. 25. Establish a time frame and process to work with the City of Everson and land owners to develop an environmentally safe plan to facilitate conversion of mineral resource lands adjacent to Everson to urban or rural land uses.

25. 26. Work with Blaine, Everson, Lynden, Nooksack and Sumas to develop regulations that assure compatibility of uses adjacent to resource lands.

26. 27. Develop a time frame and process to work with cities to make the appropriate changes to urban growth areas boundaries and zoning designations when necessary.
27. 28. Review and update Adopt and maintain interlocal agreements with each city, as necessary, to address that include:
   • revenue sharing formulas
   • levels of service within and outside the UGAs
   • identification of needed improvements and establishment of how they will be funded
   • development standards within the UGA and review procedures, including wetland and floodplain protection, for development proposals
   • coordination with the county on greenbelt and open space designations
   • use and coordination of a Geographic Information System
   • timing and procedures for review of adequate land supply
   • consistency with the Coordinated Water System Plan
   • actions specific to each city and identified in the goals and policies for that city.
   • extension of water and sewer services within UGAs.
   • specific development density requirements within annexation proposals.
   • cities should show evidence of meeting their infill goals as identified in their comprehensive plans.
   • mitigation agreements for conversion of lands designated on the County Comprehensive Plan map as Resource Lands, with the exception of depleted Mineral Resource Lands.

28. 29. Adopt interlocal agreements with water and sewer districts to assure service to county unincorporated growth areas and limit urban levels of service outside Short Term Planning Areas.

29. 30. Work with the Sudden Valley Community Association to implement the density reduction program.

30. 31. Establish on-going communications link with Paradise Lakes and Peaceful Valley Community Associations to work towards mutually beneficial solutions including combined services.

34. 32. Develop a mechanism for addressing neighborhood parks in Bellingham's Urban Growth Area when development occurs prior to annexation.

34. 32. Continue to work with Bellingham and Water District 10 to protect and manage the Lake Whatcom watershed in accordance with the 1998 jointly adopted interlocal agreement. Focus on continued implementation of the 2000 Lake Whatcom Reservoir Management
Program, completion of the draft Septic System Plan and proposed stormwater strategy, and a re-examination of the Urbanization Plan. In addition, work with the affected jurisdictions and secure funding for programs.

33. 34. Review and modify (as needed) the current development review process for projects in the Lake Whatcom Watershed to ensure coordination with other jurisdictions.

34. 35. Establish a provision that prevents density increases from occurring as a result of provision of sewer in the Rural zone in the Lake Whatcom Watershed.
Blaine Urban Growth Area

- Urban Growth Areas
- Short Term Planning Areas

2004 City Limits

July 12, 2004 sbw

Scale: 0.25 0.5 1 1.5 2 2.5 3 Miles

2004