SUBJECT:
Proposed amendments to the Whatcom County Comprehensive Plan, Chapter 2 – Land Use, City of Bellingham 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 Bellingham UGA. The amendments require review of UGAs every seven years; clarify use of “net developable” densities; update the Bellingham background section; add policies to coordinate Lake Whatcom protection and designate TDR receiving areas in Bellingham; update policy 2T-5 regarding the interlocal agreement between the City of Bellingham and the County; and add policies to address UGA zoning, development regulations, project review, services and annexation.

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 amended & recommended approval to full Council.
10/26/2004: Council amended, public hearing to be held.
11/23/2004: Forwarded to concurrency
1/25/2005: Adopted 7-0, Ord. #2005-017

Related County Contract #: 

Related File Numbers: CMP2004-00002

Distribution Request
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Ordinance or Resolution Number (this item): Ord. #2005-017
ORDINANCE NO. 2005–017

AMENDING THE OFFICIAL WHATCOM COUNTY COMPREHENSIVE PLAN, CHAPTER 2 – LAND USE, TO UPDATE SECTIONS RELATING TO THE CITY OF BELLINGHAM 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 Bellingham 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 Bellingham 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 Urban Fringe Subarea Plan was adopted in September 1997, establishing land use policies, zoning designations and the current UGA Boundary.

17. The City of Bellingham has completed eight annexations since the adoption of the Urban Fringe Subarea Plan.

18. The entire Bellingham UGA is classified as a Short term Planning Area.
19. The 20-year population growth forecast estimates that 31,600 additional residents for Bellingham and the UGA by the year 2022.

20. On December 12, 1997, Whatcom County and the City of Bellingham entered into an interlocal agreement addressing most of the topics enumerated in the Policy 2T-5 of the Whatcom County Comprehensive Plan.

21. With the increasing population and additional development, additional topics that should be addressed in an amended interlocal agreement have been identified.

22. Whatcom County has established a Watershed Resource Overlay zone for all areas of the UGA within the Lake Whatcom watershed.

23. It is in the best interests of both Whatcom County and the City of Bellingham to assure the coordinated extension of urban services.

24. It is in the best interests of both Whatcom County and the City of Bellingham to apply City development standards and encourage annexation with the extension of utilities.

25. There are areas within the Bellingham UGA that are zoned Urban Residential 3 (UR3) and Rural Residential 2 (RR2). These zoning designations are to be considered prior to, or in conjunction with, the update of the Bellingham Urban Fringe Subarea Plan.
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
Comprehensive Plan text amendments recommended by County Council on October 26, 2004 are shown in double strikethrough and double underline text.

**WHATCOM COUNTY COMPREHENSIVE PLAN, Chapter 2 – Land Use**
*(from pages 2-18, 2-19, and 2-22 to 2-46 of the Whatcom County Comprehensive Plan)*

**Goal 2P:**
Encourage larger cities such as Bellingham to establish new residential developments at densities averaging six to twelve units per net residential acre; encourage Ferndale to establish new residential developments at densities averaging six to eight units per net residential acre; encourage Lynden to establish new residential developments at densities averaging five to eight seven units per net residential acre; and encourage remaining smaller cities and Unincorporated Residential/Recreational Urban Growth Areas not associated with a City to establish new residential development at average densities of four units per net residential acre, while respecting unique characteristics associated with each city.

**GOAL 2R:**
Ensure adequate land supply is provided to accommodate twenty years of growth within urban areas.

**Policy 2R-1:**
Review urban growth areas for all jurisdictions at least every five seven years or in accordance with adopted policies in city comprehensive plans.

**Bellingham**

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

**Background**

In 1984, Whatcom County developed the Urban Fringe Subarea Plan (UFS Plan) applicable to approximately 20,000 acres located immediately north, west and east of Bellingham’s city limits. Slater and Smith roads are generally this area’s northern boundary. Mission Road is the eastern boundary and the Lummi Indian Reservation forms the western boundary. Recognizing that uncoordinated and unplanned growth pose a threat to the local environment and sustainable economic development, Bellingham and Whatcom County began a process in early 1990 to update the land use section of the Urban Fringe Subarea Plan. In September 1997, the Whatcom County Council adopted the updated plan.

Since 1980 to the present, the city planning area – including the its UGA – has nearly doubled to over 24,000 acres; the population has nearly doubled, to over 60,000 residents; and the annual population growth has more than doubled to about 1,800 people per year. Between 1990 and 2000, Whatcom County grew by 39,000 people, or 30%. During that same period of time, the City and its UGA grew by 18,900 (32%). Bellingham and its UGA received 48.5% of
the county’s total growth. The 20-year population growth forecasts estimates that 31,600 additional residents for Bellingham and the its UGA by the year 2022. Urban growth boundaries for Bellingham have primarily been set as a result of a lengthy Urban Fringe Subarea planning process. This was a joint effort by both the county and city that began in 1990. Together, the jurisdictions reviewed the service area boundary for Bellingham and established proposed land uses within future service areas. This study included an extensive land supply analysis which determined the in-fill capacity for Bellingham and the urban service area as it was established in 1985. The result of the Urban Fringe Subarea Plan is a recommendation of an updated urban growth boundary for the northern edge of the City of Bellingham. The recommendation from the joint City and County Planning Commissions with modifications recommended by the Bellingham City Council was used in defining the Bellingham UGA.

The only other areas included in the UGA for Bellingham are the Geneva, Summit View, and Yew Street areas located to the east. Both Geneva and Yew Street have been included in the urban service area for Bellingham since 1985. Summit View has a vested plat application and court settlement for sewer.

Urban Fringe Subarea Plan

The UFS Plan provides the policy framework for addressing the impacts and opportunities of growth in Bellingham’s UGA. It establishes County zoning designations, comparable City zoning upon annexation, land uses, development standards and Transfer of Development Rights from the Lake Whatcom Watershed to receiving areas in the Bellingham’s UGA. The Plan addresses a number of important objectives related to plan development, public participation, land use, housing, density, the natural environment, open space, parks, recreational opportunities, transportation, utilities and other public services. Plan updates will be made in the context of the Growth Management Act planning goals, the Countywide Planning Policies, the UGA goals and policies of the Whatcom County Comprehensive Plan and Bellingham’s Comprehensive Plan. Issues involved in determining an urban growth area for Bellingham include encouraging an affordable housing market, provision of an adequate supply of land for industrial development to encourage diversification of the local economy, timing and provision of adequate urban services, historical development patterns around the City of Bellingham and protection of the Lake Whatcom watershed and other environmental features.

Providing a full range of housing has been a major driver in determining the Bellingham Urban Growth Area. Overall, densities in Bellingham are the highest in Whatcom County, as befits the county’s largest and most urbanized city. It continues to be a challenge to find appropriate sites for affordable housing. Some of the factors influencing this dilemma are market driven and outside the scope of this plan. However, setting an urban growth area which is too small can impact availability of land supply. Factors aside from market, which may contribute to the lack of affordable vacant land in Bellingham include parcel ownerships, topography, and the cost of service extension. Because there is a discrepancy between average income levels and cost of housing, the UGA for Bellingham was sized to ensure an adequate supply of developable residential land for the 20-year time frame, including the use of a 25% market factor.

The urban growth area for Bellingham is set in concert with service delivery planning efforts. In the past, areas of the county just outside the Bellingham city limits have been zoned and developed at urban densities with water and sewer provided by Bellingham or a water and sewer district. The UGA officially recognizes this earlier zoning and development pattern by including all of these areas. Interlocal agreements between Bellingham and the county will
need to specify when road and other capital improvements are needed and how they are to be paid for.

2004 – Environmental Impact Statement (EIS)

The 2004 Environmental Impact Statement (EIS) was developed to assist in the UFS Plan 2005 update. The EIS is intended to provide the basis for environmental review and evaluation of four alternative growth management scenarios for the City of Bellingham and the Bellingham’s UGA. As a programmatic document, the EIS provides a baseline analysis of existing conditions, anticipated impacts of the four alternatives, and recommendations for mitigation of impacts, where possible. The EIS will be used by the city and county when completing updates to the Bellingham Comprehensive Plan, the Urban Fringe Subarea Plan and Urban Growth Area Boundary.

GOAL 2T: Evaluate every seven years or as necessary Set an Urban Growth Area for Bellingham’s Urban Growth Area to determine if the UGA which is sufficient in size to accommodate twenty year growth, provide an adequate supply of affordable housing, industrial, commercial and recreational development, and recognize historical development patterns and commitments for service.

Policy 2T-1: Establish and periodically update procedures for joint city/county review of development proposals in the UGA prior to annexation.

Policy 2T-2: Work with Bellingham to identify and establish a system of neighborhood parks, greenbelts and open space to serve the urban growth area as it develops.

Policy 2T-3: Establish an agreement with Bellingham to share costs of and revenues from required improvements within the UGA.

Policy 2T-4: Review land supply analysis and set consider appropriate urban growth area boundaries consistent with the Growth Management Act, Bellingham Comprehensive Plan, County Comprehensive Plan, County-wide Planning Policies and the Urban Fringe Subarea Plan.

Policy 2T-5: Review and update the Negotiate and adopt an interlocal agreement with Bellingham, 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 UGA
- timing and provision of utility services and other urban services
- timing of annexations
- revenue sharing formulas prior to and after annexation
- development standards and regulations
joint City/County review of development proposals in the UGA

levels of service within the UGA

affordable housing

transfer of development rights within the City of Bellingham

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

land use and zoning designations, types and densities 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 for review of adequate land supply

consistency with the Coordinated Water System Plan

identification of water quality protection measures Bellingham will implement within the City UGA areas that are in the Lake Whatcom watershed. Protection measures will be coordinated with those of the Lake Whatcom Management Committee.

working with Bellingham to establish a program of designating density receiving zones within Bellingham and its Urban Growth Area to accommodate transfer of development rights (TDR’s) from the Lake Whatcom Watershed and from other environmentally-sensitive areas within the Bellingham Urban Growth Area.

coordinate land supply for future capital facility needs.

Policy 2T-6: Whatcom County and Bellingham should continue to coordinate protection and development within the Lake Whatcom Watershed Resource Protection Area UGA. Designate all areas within Bellingham’s Urban Growth Area that are also located within the Lake Whatcom Watershed as a Resource Protection Area Urban Growth Area.

Policy 2T-7: Whatcom County and Bellingham should designate receiving areas within the City of Bellingham and its UGA for Transfer of Development Rights from the Lake Whatcom Watershed.

Policy 2T-8: The City and Whatcom County should designate appropriate zoning and residential densities in Bellingham’s UGA consistent with Whatcom
County’s Comprehensive Plan and Bellingham’s Comprehensive Plan as amended.

Policy 2T-9: Joint planning in Bellingham’s UGA should include joint review of development proposals. City design and development regulations should be required in Bellingham’s UGA.

Policy 2T-10: Annexation should be considered prior to or concurrently with the extension of City sewer and water and prior to urban development. Annexations should be a logical extension of the city boundaries and not create unincorporated islands.

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.

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

24. 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.

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.

26. **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.

31. **32.** Develop a mechanism for addressing neighborhood parks in Bellingham's Urban Growth Area when development occurs prior to annexation. Use the Urban Fringe planning
...process and the city/county development review process to address neighborhood park needs in Bellingham's UGA if development occurs prior to annexation.

32-33. 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.