

## Proposed Council Changes to Comprehensive Plan

### Chapter 2 – Land Use

Page and line numbers reflect Planning Commission Recommended Draft (1/14/16). To improve clarity of Councilmember requested changes, previous edits (i.e. staff and Planning Commission) are included, but not show as edits.

- 1) p. 2-1; Vision Statement: Whatcom County is a place where urban growth is concentrated in urban areas, where there is a distinct boundary between urban and rural uses, where agricultural use is encouraged, where resource lands and water resources are protected, ~~and where land use changes are brought about through incentive programs~~. Rural areas are peaceful and quiet with less traffic and congestion than in urban areas. There is low-density development with open spaces allowing for privacy. A sense of community is retained and local ~~control is exercised~~ input is respected in land use decisions. **(Weimer)**
- 2) p. 2-1; lines 14-19: The Land Use chapter and map include a set of adopted land use designations which combine the predicted needs of future populations with the availability of land and the desires of residents. These needs and desires are expressed through the goals, ~~and policies,~~ and actions included below as well as through implementation of the land use map. This chapter is divided into sections that address: ... **(Brenner)**
- 3) p. 2-2; lines 10-12: County-Wide Planning Policies (CWPP), found in Appendix C, are supported throughout the Land Use chapter in goals, policies, and actions in land use designations. **(Brenner)**

***Items 4 through 9 concern comma use and may be considered as one motion.***

- 4) p. 2-2; lines 32-34: ...providing for economic development opportunities in the eastern portion of the county, ~~and addressing fiscal impact in interlocal agreements with cities.~~ **(Brenner)**
- 5) p. 2-2; lines 37-40: ...Planning Policies have been addressed in the development of this chapter through citizen committee participation, town hall meetings, ~~and public~~ hearings. **(Brenner)**

- 6) p. 2-5; Goal 2A: Ensure designation of sufficient land and densities to accommodate the growth needs of Whatcom County and protect the local economy, rural lifestyle, habitat, fish, and wildlife, which are the cornerstone qualities that make the county a desirable place to live. **(Brenner)**
- 7) p. 2-6; Policy 2A-8: Include business/industry parks, tourist/resort areas, and allowance for existing crossroads commercial areas ... **(Brenner)**
- 8) p. 2-6; Policy 2A-12: Adoption of residential, industrial, and commercial comprehensive plan... **(Brenner)**
- 9) p. 2-12; Policy 2F-4: Review and adopt, where appropriate, incentive programs such as cluster density bonuses in urban growth areas, purchase of development rights, transfer of development rights, and tax deferrals. **(Brenner)**
- 10) p. 2-4; lines 17-21: The goal of growth management is to provide sufficient land area with adequate facilities and utilities either presently available or economically feasible to accommodate future growth. This means having an adequate distribution of developable land to provide housing, services, jobs, and resource land for the expected population. **(Weimer)**
- 11) p. 2-4; lines. 31-35: A key need for meeting land demands to generate family wage employment is land that is "ready to go" for industrial development. Most potential major industrial employers seeking to locate in Whatcom County require large tracts of land where the infrastructure and site improvements are already in place. **(Weimer)**
- 12) p. 2-5; lines 19-20: The Growth Management Act requires; and ~~the Vision statement~~ encourages, concentrating growth in urban growth areas. **(Brenner)**
- 13) p. 2-5; Goal 2A: Ensure designation of sufficient land, water and densities to accommodate the growth needs of Whatcom County and protect the local economy, rural lifestyle, habitat, fish and wildlife which are the cornerstone qualities that make the county a desirable place to live. **(Weimer, Donovan)**
- 14) p. 2-6; Policy 2A-7: Establish sufficient levels of developable residential, commercial, and industrial lands informed by approved population and economic forecasts, inventory of existing use, land capacity outside of critical areas and buffers, cost of infrastructure, legal water availability, and goals and policies of all chapters of this plan. **(Weimer)**
- 15) p. 2-6; **New Policy 2A-14: Establish a clear, predictable, and fair formula for allowing expansion of urban growth. Ensure that UGA expansions go hand in hand with density**

reductions in rural sending areas through required participation in either a Transfer or Purchase of Development Rights program. This should be accomplished by:

Convening a multi-stakeholder work group, including the Cities, tasked with:

- Reviewing the current TDR and PDR programs.
- Identifying political, financial, and regulatory barriers.
- Identify opportunities and solutions for creating a working TDR program.
- Identify mechanisms to create a PDR fund that could be used to protect important rural lands.
- Recommend policy and regulatory amendments necessary to implement the above policy.
- Identify proposed sending areas in critical areas, the Agricultural Zone, and the Agricultural Study Areas.
- Identify receiving areas within existing UGAs and urban areas.

(Weimer)

16) p. 2-8; Policy 2B-7: Master Planned Resorts should only include other residential uses within **its** **their** boundaries if residential uses are integrated into and support the on-site recreational nature of the resorts.... (Brenner)

17) p.2-10; Policy 2DD-2: ~~Eliminate regulations that could be more effectively achieved through incentive or education programs.~~ (Donovan)

18) p. 2-11; Policy 2D-9 (ln. 34): ...or zone 6 (traffic pattern zone) as shown ~~on in~~ the Safety Compatibility Zone Examples... (Brenner)

19) p. 2-13; lines 32-35: Property rights are an important issue in Whatcom County. ~~People want to use their land as they wish~~ **Land can be used as desired** as long as it doesn't conflict with the rights of others. It is not necessary for the preservation of property rights and protection of the environment and resources to conflict with one another. (Brenner)

20) p. 2-14; Policy 2H-2: Establish programs such as cluster density bonuses in urban growth areas, purchase of development rights and transfers of development rights, where appropriate, to compensate property owners when rights are unduly infringed upon. (Brenner)

21) p. 2-15; Policy 2K-3: Prohibit expansion of urban growth areas into floodplains, except where allowed under the GMA, and consider danger to individuals related to flooding when designating land use ~~in other areas.~~ (Brenner)

- 22) p 2-15; lines 28-30: Not all parts of Whatcom County have the same available resources and land use options. A one-size-fits-all approach to comprehensive planning ~~may~~ **does** not adequately serve the needs of different regions of the county. (Brenner)
- 23) p. 2-18; Goal 2M: Protect and encourage restoration of habitat for fish and wildlife populations including adequate in-stream flows. (Weimer)
- 24) p. 2-19; **New Policy 2M-7: Remain actively engaged in efforts to better define ground water resources and connection to surface water, current water usage, water rights, adequate in-stream flows, and policy barriers that create conflicts between these things.** (Weimer)
- 25) p. 2-23; Goal 2P: Encourage Bellingham to establish new residential developments at densities averaging **five six** to twenty four units per net residential acre; encourage Ferndale to establish new residential developments at densities averaging **five six** to ten units per net residential acre; encourage Lynden to establish new residential developments at densities averaging six to ten units per net residential acre; ... (Weimer, Donovan)
- 25b) p. 2-23; Goal 2P: ... and encourage remaining smaller cities, the Birch Bay UGA and the Columbia Valley UGA to establish new residential development at average densities of **four six** units per net residential acre, while respecting unique characteristics associated with each city or community. (Weimer)
- 26) p. 2-25; Goal 2R: Establish an interlocal agreement with each city which sets out general guidelines to address revenue sharing, the provision of services, management of growth including working Transfer of Development Rights and Purchase of Development Rights efforts to protect rural areas, annexation, protection of critical areas, and designation of open space within urban growth areas. (Weimer)
- 27) p.2-25; Policy 2Q-5: Encourage and assist the citizens of Birch Bay and Columbia Valley Urban Growth Areas with ~~the requirements to~~ incorporate ion when appropriate.
- 28) p. 2-27; 2S-5: Annually monitor **population growth and publish a report no later than November 1 of each year that analyzes population growth trends over time in comparison with the adopted population growth projections. land capacity by compiling annual reports from the cities on development activity, and comparing that data with adopted growth projections for the urban growth areas.** **If the trend over several years indicates that population growth in urban growth areas is significantly higher than adopted projections,** ~~e~~Coordinate with the cities to **consider appropriate action. Actions may include amending growth projections, or amending urban growth area densities or boundaries. If, over several years, these data indicate that growth is occurring at a significantly different rate than adopted projections.** (Donovan)

29) p. 2-35: Bellingham UGA Map: Amend map to show South Caiac and South Yew Street as UGA Reserve. (Donovan)

***Proposed changes 30 through 38 add the same language to all UGA areas and may be considered as a single motion.***

30) p. 2-27; **New Policy 2R-3** (renumber existing 2R-3 and subsequent 2R policies):

**Include in interlocal agreements, a clear, predictable, and fair formula so increases in potential densities through expansion of Urban Growth Areas goes hand in hand with participation in reducing densities in designated rural sending areas through required participation in efforts such as Transfer or Purchase of Development Right programs.** (Weimer)

31) p. 2-33; Policy 2U-5: ...

- affordable housing; **and**
- transfer of development rights within the City of Bellingham; **and**
- **a clear, predictable, and fair formula so increases in potential densities through expansion of Urban Growth Areas goes hand in hand with participation in reducing densities in designated rural sending areas through required participation in efforts such as Transfer or Purchase of Development Right programs.** (Weimer)

32) p. 2-38; Policy 2V-5:...

- timing and procedures to be used for review of adequate land supply; **and**
- consistency with the Coordinated Water System Plan; **and**
- **a clear, predictable, and fair formula so increases in potential densities through expansion of Urban Growth Areas goes hand in hand with participation in reducing densities in designated rural sending areas through required participation in efforts such as Transfer or Purchase of Development Right programs.** (Weimer)

33) p. 2-43; Policy 2W-4: ...

- cooperation regarding conversion of mineral resource lands; **and**
- long term measures to assure compatibility with resource lands; **and**
- **a clear, predictable, and fair formula so increases in potential densities through expansion of Urban Growth Areas goes hand in hand with participation in reducing densities in designated rural sending areas through required participation in efforts such as Transfer or Purchase of Development Right programs.** (Weimer)

34) p. 2-48; Policy 2X-5: ...

- timing and procedures to be used for review of adequate land supply; **and**
- consistency with the Coordinated Water System Plan; **and**
- a clear, predictable, and fair formula so increases in potential densities through expansion of Urban Growth Areas goes hand in hand with participation in reducing densities in designated rural sending areas through required participation in efforts such as Transfer or Purchase of Development Right programs. (Weimer)

35) p. 2-52; Policy 2Y-3: ...

- timing and procedures to be used for review of adequate land supply; **and**
- consistency with the *Coordinated Water System Plan* and demonstration of sufficient water rights for current and projected needs **;** **and**
- a clear, predictable, and fair formula so increases in potential densities through expansion of Urban Growth Areas goes hand in hand with participation in reducing densities in designated rural sending areas through required participation in efforts such as Transfer or Purchase of Development Right programs. (Weimer)

36) p. 2-58; Policy 2Z-4: ...

- measures for protection of adjacent resource lands through control of incompatible uses and/or buffers; **and**
- long term measures to assure compatibility with resource lands; **and**
- a clear, predictable, and fair formula so increases in potential densities through expansion of Urban Growth Areas goes hand in hand with participation in reducing densities in designated rural sending areas through required participation in efforts such as Transfer or Purchase of Development Right programs. (Weimer)

37) p. 2-62; Policy 2AA-5: ...

- re-examination of the densities outside the floodplain to see if they can be increased; **and**
- long term measures to assure compatibility with resource lands; **and**
- a clear, predictable, and fair formula so increases in potential densities through expansion of Urban Growth Areas goes hand in hand with participation in reducing densities in designated rural sending areas through required participation in efforts such as Transfer or Purchase of Development Right programs. (Weimer)

38) New Policy 2BB-16: Establish a clear, predictable, and fair formula so increases in potential densities through expansion of either the Birch Bay or Columbia Valley Urban Growth Areas goes hand in hand with participation in reducing densities in designated rural sending areas through required participation in efforts such as Transfer or Purchase of Development Right programs. (Weimer)

- 39) p. 2-73; lines 31-34: In 2010, the DNR recognized the need to “protect the significant environmental resource of aquatic lands at Cherry Point” (CPAR Management Plan p. 1), ~~and~~ completed the Cherry Point Environmental Aquatic Reserve Management Plan, and designated the Cherry Point Aquatic Reserve to ensure long-term environmental protection of the area. (Donovan)
- 40) p. 2-73; lines 37-41: The reserve extends from the southern boundary of Birch Bay State Park to the northern border of the Lummi Indian Nation Reservation. The site excludes three existing aquatic land leases (BP, Intalco, Phillips 66 shipping piers) and one proposed aquatic land lease ~~(Gateway Pacific Terminal site).~~ (Brenner)
- 41) p. 2-74; lines 6-13: The Management Plan acknowledges that the existing industries, complying with laws and regulations, do not conflict with the Aquatic Reserve although their activities may pose risks for the Aquatic Reserve. Indeed, the industries’ need for buffer space and their compliance with shoreline management requirements means that much of the Aquatic Reserve shoreline is in substantially natural riparian vegetation and bluff processes proceed without interference. Existing industries can serve the Aquatic Reserve’s objectives so long as they are managed according to the Plan and so long as the lessees actively work to further goals for the Reserve (CPAR MP p. 2). (Weimer)
- 42) p. 2-75; lines 44-46: PUD #1 and Puget Sound Energy have ~~interties~~ interests at Cherry Point allowing the transmission of power in and out of Cherry Point depending on the amount of power generated and consumed at Cherry Point.
- 43) p. 2-77; **New Policy 2CC-2** (may replace existing 2CC-2 or renumber existing 2CC-2 and subsequent 2CC policies): Ensure that developments in the Cherry Point UGA maintain management plans to accomplish the goals of the Aquatic Reserve Management Plan. (Donovan)
- 44) p. 2-77; Policy 2CC-7: ~~Resist inclusion of~~ Exclude Cherry Point as part of any future incorporation of Birch Bay. (Brenner)
- 45) p. 2-82; Policy 2DD-1: Concentrate growth in urban areas per the population projections in Chapter 1 of this plan, and recognize rural lands as an important transition area between urban areas and resource areas. As part of the population growth monitoring report required in Policy 2S-5, monitor residential development activity outside the urban growth areas during the previous year and compare that data with the adopted population growth projection for those areas. If it is apparent that growth occurring outside the urban growth areas is inconsistent with ~~compare non-urban population growth trends with the adopted non-urban population growth projection. If the trend over several years indicates that non-~~

urban growth is significantly higher than adopted projections, the County shall take action to address the discrepancy.... **(Weimer) (alternative below)**

46) p. 2-82; Policy 2DD-1: Concentrate growth in urban areas per the population projections in Chapter 1 of this plan, and recognize rural lands as an important transition area between urban areas and resource areas. ~~As part of the population growth monitoring report required in Policy 2S-5, compare non-urban population growth trends with the adopted non-urban population growth projection. If the trend over several years indicates that non-urban growth is significantly higher than~~ By February 1 of each year the department will publish a report that monitors residential development activity outside the urban growth areas during the previous year and compares that data with the adopted population growth projection for those areas. If it is apparent that growth occurring outside the urban growth areas is inconsistent with adopted projections, the County shall take action to address the discrepancy. ... **(Donovan) (alternative above)**

47) p. 2-92; Policy 2GG-3: Uses and densities within the Rural designation should reflect established rural character. Rezones within the Rural designation should be consistent with the established rural character and densities. Land in the R10A district may be rezoned to a rural zone that allows a higher density only if: ... **(Donovan)**

48) p.2-115; Line 14:

**Title: Aquatic Resource Lands - Resource Lands**

**Purpose:** To guide Whatcom County in conservation of functioning aquatic resource lands of long-term commercial and recreational significance, and to ensure that both industries requiring functioning aquatic lands, and the cultural heritage that use of our aquatic lands represent, thrive in the years to come.

**Definition:** ....

**Locational Criteria:** ...  
**(Weimer)**

49) p. 2-128; Policy 2VV-7: Correctional facilities... New facilities should be located: ...

- At least one quarter mile from public and private schools.

**(Weimer)**

50) New Goal 2xyz: **Administer a Transfer of Development Rights program.** **(Donovan)**

50a) New Policy 2xyz-1: **Identify and establish sending areas in the Agricultural Zone and Agricultural Study Areas.** **(Donovan)**



50b) New Policy 2xyz-2: **Identify and establish receiving areas within existing UGAs.** (Donovan)