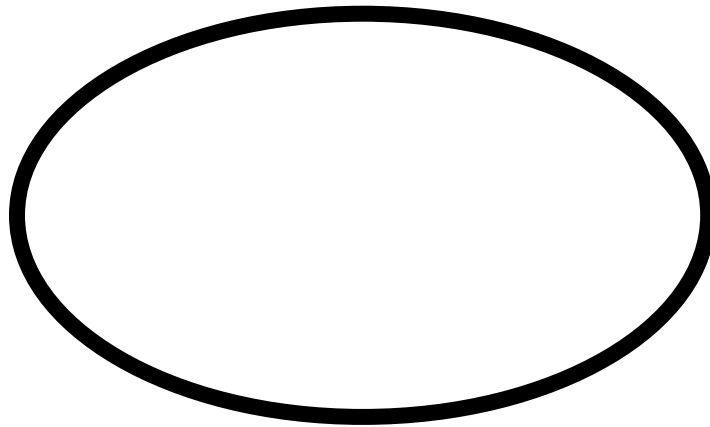


Birch Bay
COMMUNITY PLAN
Whatcom County

Birch Bay
Community Plan Steering Committee



Prepared by:
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Seattle

Whatcom County Council
Adopted
September 28, 2004
Revised May 2009

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COMMUNITY PLAN
Whatcom County**

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Adopted September 28, 2004**

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Chapter 1

FORWARD

The Birch Bay Community Plan is a method of deciding between the available choices, and bringing about the sorts of changes Birch Bay area residents want. The plan rests on the belief that it is wise to look ahead, foresee change, and take charge of the future. It covers decisions regarding Birch Bay's growth that are best made in common. These decisions include the following planning concerns: the overall land use pattern, how to serve the area with adequate housing, community facilities, roads, and public utilities (sewer, and water), and how to protect natural resources, including critical areas and the shoreline. Within this overall guide, there is still much room for individual discretion.

This Community Plan is designed to satisfy the Washington Growth Management Act and to consider Whatcom County-Wide Planning Policies. It is the result and the product of local residents, having been forged over many public meetings, and is the expression of the popular will. The Community Plan is organized as follows:

- Summary - Birch Bay Community Plan
- Planning Process
- Community Profile
- Vision, Goals and Policies
- Shorelines and Shorelands
- Critical Areas
- Land Use
- Housing
- Utilities
- Transportation
- Parks and Recreation
- Economic Development
- Public Education
- Public Health and Safety
- Governance
- Capital Facilities
- Siting Essential Public Facilities

This Community Plan will guide zoning decisions, subdivision actions, capital improvements decisions, shoreline development and other legal actions that shape the physical community. These legal instruments are required to implement this plan.

Chapter 2

SUMMARY BIRCH BAY COMMUNITY PLAN

Introduction

The Birch Bay Community Plan is a comprehensive plan prepared specifically for the Birch Bay Community or sub-area of Whatcom County. The Plan has been prepared under the direction of a citizen based steering committee with two representatives each from ten neighborhoods. The boundaries of the neighborhoods and the Birch Bay Community planning area are shown in Figure 3-3 in Chapter Three, entitled Planning Process. The Community Plan has been prepared in accordance with the Washington State Growth Management Act, the Shoreline Management Act, the State Environmental Policy Act and the Whatcom County-wide Planning Policies. The Community Plan represents an integration of a desired community vision with the requirements set forth in the above named State laws and County-wide planning policies. The Birch Bay Community Plan is an expression of a vision and, more specifically, a statement of public policy on how the Birch Bay Community should grow and accommodate growth.

Vision Statement

Preamble. The Vision Statement is a verbal snapshot of Birch Bay Community in the year 2020. It summarizes the desired character and characteristics of the Community and provides the ultimate goal for all of the Community planning and development efforts. The vision statement is intended to be realistic, yet is more than a mere prediction. Rather than describing the features of the Birch Bay Community, as they are likely to be, it expresses what the Community would like Birch Bay to become and believes it can achieve. It acknowledges past and current trends in the Birch Bay Community's relationship to external factors, but also assumes an ability to shape the future in a positive way. The Vision Statement, therefore, is optimistic; affirming and enhancing the best of the Community's past and existing attributes and aspiring for those it now lacks but hopes to have.

We the People of Birch Bay. We the people of Birch Bay hereby set forth a vision statement and pledge our commitment to achieve a common vision

SUMMARY - BIRCH BAY COMMUNITY PLAN

for the future of the Birch Bay Community. We the people of Birch Bay have identified a set of central values which we as a Community hold in common:

- We believe that the essence of a prosperous and vibrant Community is found not in its structures but in the collective spirit of those who live and work within the Community. We hold that the built aspects of a community - its transportation network, utility system, buildings and other facilities - should not be considered ends in themselves, but as means for enhancing the quality of life and enriching the human spirit.
- We respect the picturesque setting of Birch Bay and believe that any development along its shores must achieve harmony between this natural and man-made environment.
- We believe that certain controls on the choices of individual action are appropriate to ensure that the Community's best interests are realized.
- We believe that human activities should be considered as one component of a complex system of relationships among living things and their environment and that we have a responsibility to ourselves and to future generations to seek a mutually supportive balance within this system.

Birch Bay, a Residential, Recreational, Resort Community.

Birch Bay in 2020 is an attractive, vibrant, and inviting Community in which to live, work and vacation. The Community has maintained a balance between residential development and tourism related activities. Our neighborhoods are secure and stable, creating the foundation for our quality of life. They also have variety both in population and land use. People from all economic, age and ethnic groups live here. New businesses and high-tech industries have moved into our Community, providing shopping and employment opportunities for our residents. Serving the tourist population continues to be one of the primary economic activities of the Community. Tourism that was primarily a summer phenomenon is now occurring year round. Recreational vehicle parks continue to be popular, particularly during the summertime. The commercial area of the shoreline has become a blend of successful gift shops, art galleries and restaurants, some of which combine first floor commerce with upper story residences and/or office spaces. In addition, the shoreline supports hotel and condominium housing which have been carefully located to protect views and provide on-site open spaces to soften the visual impact of building size.

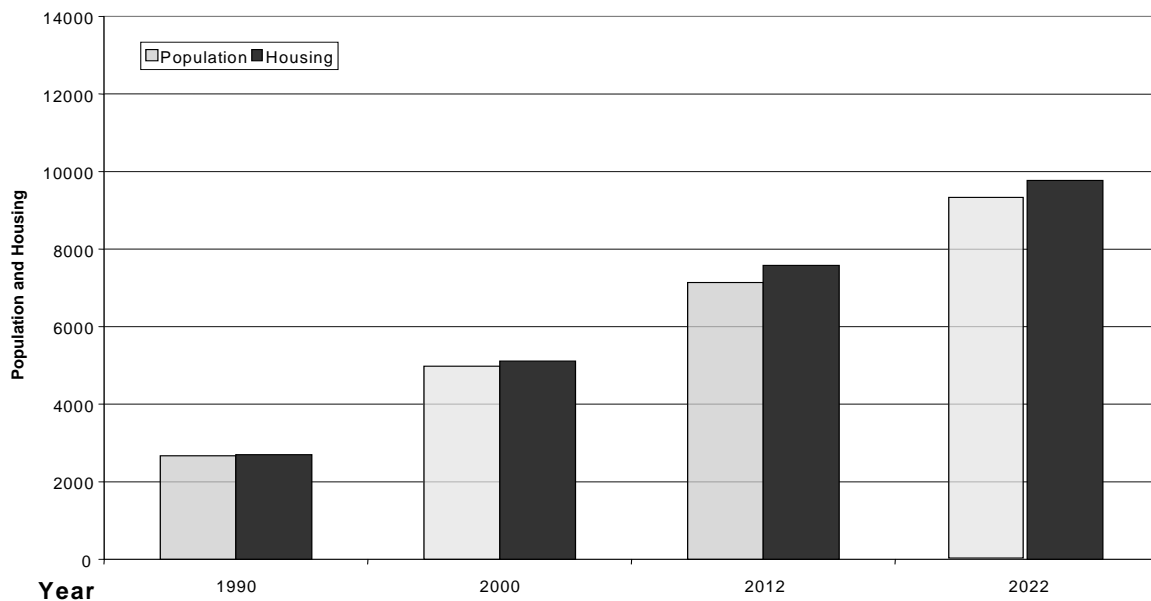
Population and Housing

According to the year 2000 US Census, the Birch Bay designated census place population grew from 2,656 persons in 1990 to 4,961 persons in 2000, an increase of 87 percent or 2,305 persons. During the same time period, the number of housing units grew from 2,699 housing units in 1990 to 5,105 housing units in 2000, an increase of 89 percent or 2,406 housing units. The 2000 U.S. Census reports that 51% of the housing units in Birch Bay were for seasonal, recreational or occasional use. Birch Bay's resort and recreation character contributes to a condition where the number of housing units exceeds its population count.

Population of the Birch Bay Community is forecasted to grow to 9,619 persons in 2022, while its housing unit count is forecast to grow to 4,128 full time housing units. In addition to the full-time housing units, a need for 4,128 housing units, time-share condos or RV spaces is projected to accommodate seasonal residents. The single family to multi-family housing unit mix is forecast to grow from 87/13 in 2000 to 80/20 in 2022, resulting in 3,302 full-time single family housing units, 825 full-time multi-family housing units, and 4,128 seasonal recreational units or RV spaces. In terms of growth, the Birch Bay Community needs to accommodate an additional 1,383 full-time single family housing units, an additional 345 full-time multi-family housing units, and approximately 1,728 additional seasonal or recreational units or RV spaces.

Population and housing unit growth from 1990 to 2022 is shown in Figure 2-1. The housing unit estimates in this Figure include full-time and seasonal housing units.

**Figure 2-1
Population and Housing**



Employment

In the year 2000, there were about 1,200 persons employed in the Birch Bay area. By the year 2020 the employment base is forecast to have grown to 2,930 employees. The employment forecast represents the number of persons reasonably expected to be employed in the Birch Bay area serving the Birch Bay trade area.

Land Use

Existing Development Patterns. Development at Birch Bay has primarily occurred along major roads and highways. The most intense development occurs along Birch Bay Drive. Any further residential development along Birch Bay Drive will take the form of condominiums and time-share hotels and motels. Any significant development along Birch Bay Drive will come in the form of redevelopment, meaning that existing low value structures will be demolished and new high value structures will take their place.

There are a number of major landholdings in the Birch Bay planning area. The major land owners (over 500 acres) in the Birch Bay planning area and adjacent areas are: The Trillium Corporation and British Petroleum / Cherry Point.

The Birch Bay planning area contains a large amount of wetlands. Wetlands come in different classifications and functions. There is a considerable amount of debate on what classifications of wetlands can be developed and what classifications must remain free of development. This plan makes the assumption that all wetlands are to remain out of development.

Alternative Land Use Plan Scenarios. The Birch Bay Community Plan Steering Committee looked at a number of alternative land use plan scenarios as they relate to commercial land development. The following alternative scenarios were considered:

1. Concentrate commercial development along Birch Bay Drive in the existing Resort Commercial zoning district.
2. Spread commercial development throughout the planning area in neighborhood commercial nodes.
3. Concentrate commercial development in selected commercial nodes at the intersection of arterial and/or collector roads.

SUMMARY - BIRCH BAY COMMUNITY PLAN

After considerable review and debate, the Steering Committee chose a preferred alternative, a combination of alternatives 2 and 3. General commercial development is concentrated at the intersection of Blaine Road and Alderson Road and at the intersection of Blaine Road and Birch Bay - Lynden Road and at the intersection of Lincoln Road and Shintaffer Road. The Steering Committee proposed no change to the commercial development along Birch Bay Drive. Further, the Steering Committee stated that they wanted to retain all existing commercial zoning and commercial activities.

Proposed Land Use Plan Goals. The proposed land use plan is shown in Figure 2-2. The plan reflects the goals of the Growth Management Act; specifically the goal on urban growth which states the following: "Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner." The proposed plan meets that goal by channeling growth to areas that are currently served by sewer and water utility services by the Birch Bay Water and Sewer District. The proposed plan further channels growth to areas where existing water and sewer utility services can be extended.

The proposed plan also follows the GMA goal on sprawl stating: "Reduce inappropriate conversion of undeveloped land into sprawling, low-density development." The proposed plan follows this goal by removing the Birch Point area and part of the Point Whitehorn area from the existing UGA and adding only 100 acres along Blaine Road that are currently zoned for rural development, R-10A zoning district. The current zoning designations are shown in Figure 8-1 in Chapter 8 entitled Current Zoning.

Further, the proposed plan supports the GMA goal on property rights, stating the following: "Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions."

Further, the proposed plan supports the GMA goal on citizen participation and coordination, which states the following: "Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts." Our Steering Committee and Neighborhood based planning structure supports this goal. Further, the current planning program is supported financially by a wide variety of interests, both public and private. Negotiations with major land owners, industries, and governmental entities such as the State Park, the Fire Districts, the School District, the Trillium Corporation, BP Cherry Point, The Port of Bellingham, Gold Star Resorts, and the City of Blaine are continually ongoing.

SUMMARY - BIRCH BAY COMMUNITY PLAN

Finally, the proposed land use plan has been designed not only to meet the GMA goals but also took into consideration the following:

1. Meets the Growth Management Act goals.
2. Is consistent with the Whatcom County Comprehensive Plan goals and policies.
3. Meets the Birch Bay vision statement and land use goals and policies.

Proposed Land Use Plan Concepts. The proposed land use plan is a composite of many parts. The parts that have major impacts on the plan are discussed in summary form below. Taken together, they represent the proposed land use plan.

Development Density.

1. Limits urban density development to the current long-range urban growth area, minus approximately 620 acres at Birch Point and approximately 125 acres at Point Whitehorn removed from the UGA plus 100 acres east of Blaine Road and south of Alderson Road added to the UGA.
2. Establishes a minimum density of 4 housing units per developable acre as the minimum development density for new single-family residential development. Establishes a minimum density of 10 housing units per developable acre as the minimum development density for multi-family development. Critical areas, buffers and land dedicated for public facilities or open space shall not be counted in calculating minimum densities.

Residential Land

1. Retains existing UR-4 and URM-6 zoning districts except in the Birch Point and Point Whitehorn areas which have been removed from the UGA and designated as Rural.
2. Encourages major land owners to develop any property greater than 40 acres as a planned unit development.
3. Creates a multi-family zoning district around the general commercial district at Blaine Road and Alderson Road.

Commercial Land

1. Reserves the Resort Commercial zoning along Birch Bay Drive for tourist related activities.
2. Locates additional commercial areas at the intersections of Blaine Road and Alderson Road and Lincoln Road and Shintaffer Road.

Rural Land

1. Maintains the current urban-rural boundary with the exception of the Birch Point and Point Whitehorn areas removed from the UGA and a 100-acre expansion of the UGA southeast of the Blaine Road and Alderson Road intersection.
2. Retains the integrity of existing R-5A and R-10A zoning and converts rural land to urban use only for 100 acres.

Industrial Land

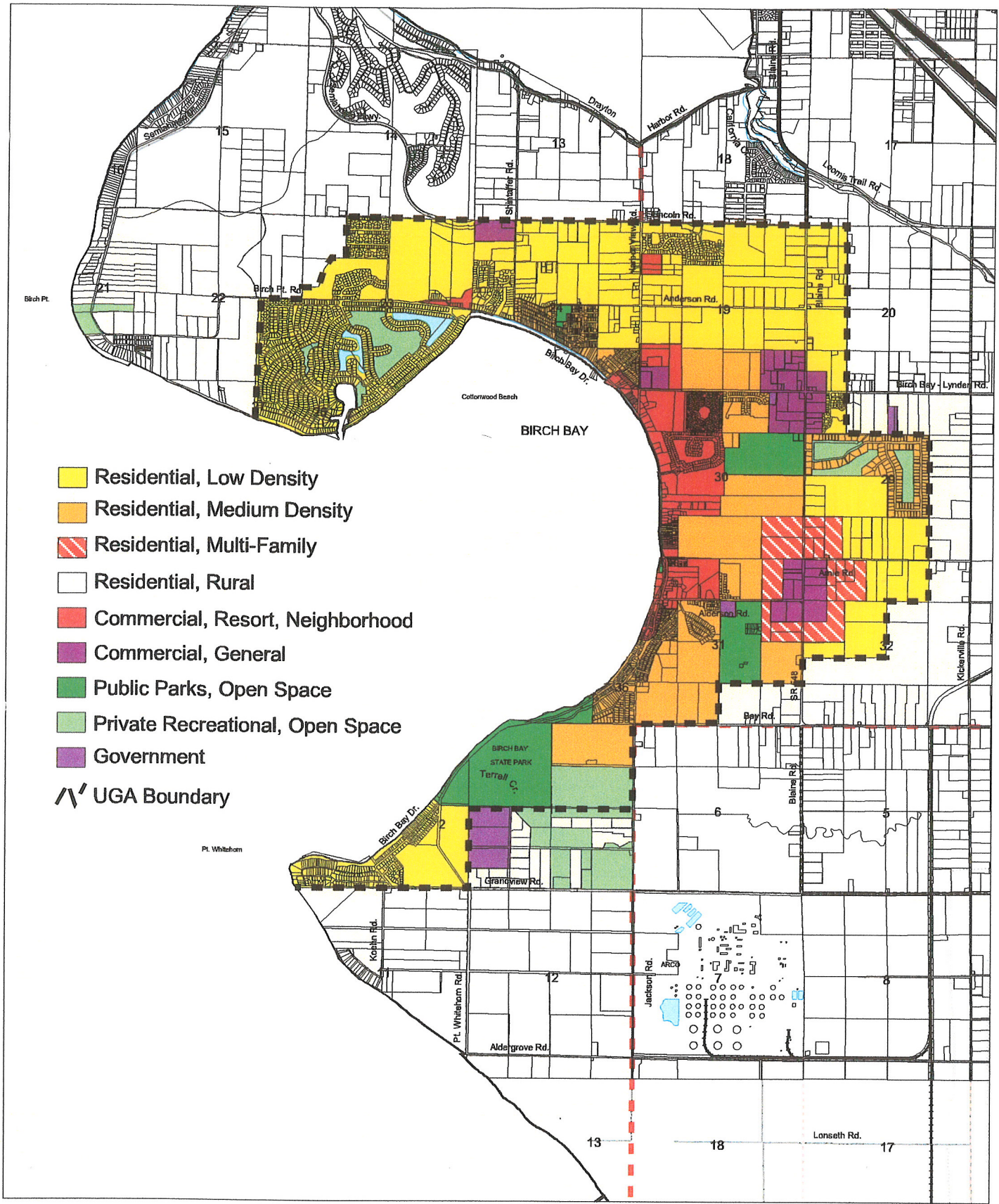
1. Recommends setting aside land, west of Jackson Road, south of Grandview Road that is in the Cherry Point/Ferndale Subarea for light industrial development.

Mixed Use Land

1. Because of the proximity of new large housing units one to one and a half miles from the Cherry Point Heavy Impact Industrial zone, the Birch Bay Steering Committee recommends that the concept of a mix of light industrial, open space, and parks and recreation be considered for the area west of Cherry Point, west of Jackson Road and south of Grandview Road. Because of this proximity and the attendant impacts, the Birch Bay Steering Committee should have representation when the subarea plan is reviewed for this area.

Shorelines and Critical Areas

1. Keeps all identified wetlands out of development.
2. Protects shorelands and other critical areas.



- Residential, Low Density
- Residential, Medium Density
- Residential, Multi-Family
- Residential, Rural
- Commercial, Resort, Neighborhood
- Commercial, General
- Public Parks, Open Space
- Private Recreational, Open Space
- Government
- UGA Boundary

Proposed Land Use Plan



Figure 2-2

Road and Utility Improvements

1. Recommends road improvements along Lincoln Road, Birch Bay - Lynden Road, Grandview Road, Blaine Road, and Harborview Road.
2. Proposes new road alignments along sections of Lincoln Road, Shintaffer to Birch Point Road, and a road extending west from Blaine Road to the vicinity of the existing golf course, east of Birch Bay Drive.
3. Discourages excessive and out of the area auto traffic movements along Birch Bay Drive.
4. Encourages pedestrian and bicycle oriented development by locating multi-family development adjacent to general commercial areas, such as the general commercial area at Blaine Road and Alderson Road.

Zoning

1. Constructs the proposed plan using existing zoning classifications.

Buildout Capacity of the Proposed Plan. Taking into consideration existing development, wetlands and other critical areas, existing zoning, development densities, utility and road right-of-ways, rural and urban distinctions, and other factors, the question is: "Can the proposed plan accommodate the projected growth of 3,457 year-round and seasonal housing units by 2022?" The answer to that question is "yes."

The analysis begins with the total land area in a planning area. From the total land area the amount of land in existing development is subtracted out. Also subtracted out is the land area in existing road rights-of-way, park and open space use, and all land devoted to government operations. Further, all land zoned for commercial and industrial uses are subtracted out. The net result is gross land for residential development.

Not all gross residential land can be developed for residential uses. All identified wetlands are subtracted out, and so are future road rights-of-way (25 percent in urban areas and 10 percent in rural areas). An additional 25 percent of land will be subtracted out to account for what is called a market factor. A market factor is a subtraction of developable land that is forever being held out of development. The assumption is that for a real estate market to function properly, about 25 percent of land must be on the market, available for purchase.

Subtracting out wetlands, future road rights-of-way, and the market factor, results in net land for residential development. Multiplying the net residential land

by the development density factor of 4.0 in the UR4 zone, 6.0 in the URM 6 zone, 16 in the RC zone and dividing by 5 and 10 respectively in the R5A and R10A zones results in the build out capacity of developable land resulting in the number of housing units. Table 2-1 shows the proposed plan buildout capacity in housing units for the planning area.

The total land area of the Birch Bay community planning area amounts to 8,343 acres or about 13 square miles. Of the total land area, 3,963 acres or 47.5 percent are not available for residential development. As shown in Figure 2-3, about 1,107 acres have already been developed in urban and rural uses. Existing road rights-of-way consume an additional 477 acres. Parks, open spaces and government uses consume another 647 acres. And, an additional 1,732 acres have been reserved for commercial and industrial development. This leaves 4,380 gross acres in the planning area for residential development of which 2,353 acres are in the UGA and 2,027 acres are Rural.

Gross developable land has to be further scaled back to account for wetlands, future road rights-of-way, and a market factor to assure the proper functioning of the real estate market. As shown in Figure 2-4, about 2,024 net acres of land are available for residential development in the planning area, 706 acres in the UGA and 1,318 acres of Rural land. Wetlands consume 942 acres, road rights-of-way consume another 555 acres, and the market factor 860 acres, leaving a balance of 2,024 net acres for residential development.

Development Densities. Development density is a number that is derived by dividing the number of housing units by the number of acres of developable land. The Growth Management Hearings Boards, in interpreting the meaning of the Growth Management Act, state that land in any urban growth area should be developed at the density of at least 4 housing units per one acre of developable land. The controversy comes in defining developable land. There is "gross" developable land and "net" developable land. Gross developable land generally means raw developable land that includes road rights-of-way, wetlands, open space and other open lands, such as the market factor.

Net developable land, on the other hand, means land that is devoted exclusively for residential (single and multi-family) building lots. Even the net developable land definition has its peculiarities. For example, wetlands on a building lot can be counted toward meeting the minimum lot size, if a structure can be adequately sited on the lot, considering setbacks for wetlands and public rights of way. Whatcom County, in their administration of the zoning code, defines density as "gross" density. Therefore, this plan looks at both the gross and net density and draws the following conclusions.

SUMMARY - BIRCH BAY COMMUNITY PLAN

Table 2-1

Buildout Capacity for Planning Area

ZONING DISTRICT	BIRCH BAY UGA RESIDENTIAL (Excluding Birch Point & Pt. Whitehorn)			BIRCH BAY UGA COMMERCIAL/RECREATION			RURAL - Includes Birch Point & Portion of Pt. Whitehorn		CHERRY POINT UGA (within planning area)		TOTALS
	UR4	URM6	RC*	NC	GC	R5A	R10A	LII	HII		
TOTAL ACRES	2,185	1,262	317	18	103	1,961	786	482	1,229	8,343	
OCCUPIED OR COMMITTED ACRES											
Existing Development	242	380	131	7	10	242	95	0	0	1,107	
Parks, Open Space, Government	149	187	45	0	2	218	8	0	38	647	
Existing Roads	125	72	18	1	6	112	45	28	70	477	
Commercial/Industrial Land			62	10	85			454	1,121	1,732	
VACANT LAND (ACRES)	1,669	623	61	0	0	1,389	638	0	0	4,380	
LESS:											
Wetlands, buffers, streams	681	241	20	N/A	N/A	N/A#	N/A#			942	
Future Rds. (25% in UR, 10% in R)	247	96	10	N/A	N/A	139	64			555	
Market Factor (25%)	247	96	10	N/A	N/A	347	160			860	
NET RES. LAND AVAILABLE (ACRES)	494	191	21	0	0	903	415	0	0	2,024	
x residential density@	4/ac.	6/ac.	16/ac.	N/A	N/A	1/5 ac.	1/10 ac.	N/A	N/A		
NEW HOUSING UNIT CAPACITY	1,976	1,146	328	0	0	181	41	0	0	3,672	

* Assumes that half of vacant RC land will develop as condominium or time-share units (remainder will be commercial or recreational)

Wetlands are not subtracted from Rural Zoning (5 and 10 acre lots can include wetlands)

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SUMMARY - BIRCH BAY COMMUNITY PLAN

Figure 2-3 Gross Land for Residential Development (Acres)

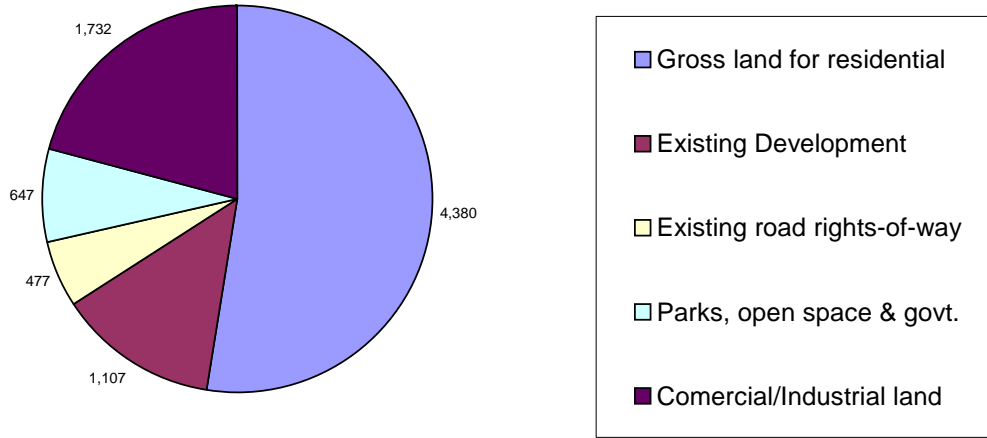
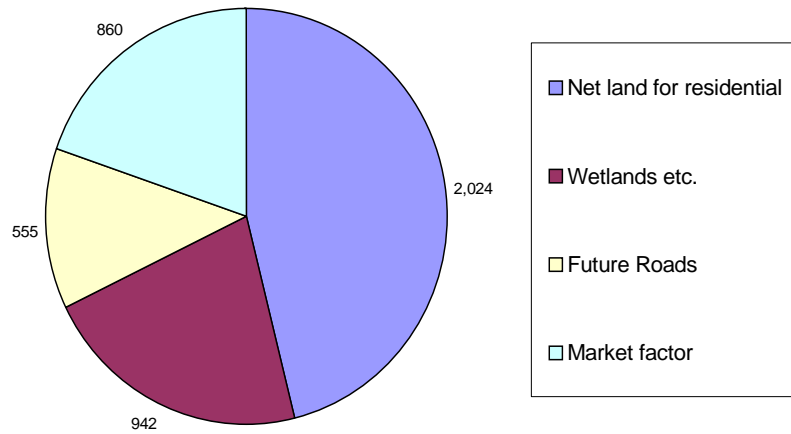


Figure 2-4 Net Land for Residential Development (Acres)



The proposed Birch Bay Urban Growth Area has the following development densities:

Residential Land, Including Multi-Family

Gross development density: 3,450 housing units / 2,353 acres (after subtracting Rural areas) = 1.47 dwelling units per acre.

Net development density: 3,450 housing units / 706 acres = 4.89 dwelling units per acre.

Conclusion. As shown in Table 2-1, the buildout capacity of the proposed UGA is 3,450 housing units. The demand for housing units in the year 2022 is 3,457 seasonal and full-time units. The land demand and supply figures are nearly equal and thus are considered adequate. To avoid an over supply of land and prevent sprawl, the Long-Term Planning Areas will be retained at rural density until the Short Term Planning Areas have infilled at urban densities and infrastructure to support urban development is available. As shown in Table 2-1, the proposed urban growth area has adequate buildable land supply to accommodate 3,450 housing units. The rural area in the Birch Bay planning area can now accommodate 222 housing units.

When measured in terms of development density, the proposed Birch Bay Urban Growth Area is within the bounds of the Growth Management Act. The net residential density within the Birch Bay Urban Growth Area is 4.89 units per developable acre.

The conclusion is that the proposed plan has adequate land to accommodate the projected 20 year growth. In addition, a 100 acre piece of land, proposed for multi-family development, east of Blaine Road and south of Alderson Road, is also included in the proposed urban growth area. Currently, this 100 acre piece of land is in R-10A zoning. The proposed urban growth boundary is shown in Figure 2-8.

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Transportation

Proposed Transportation Plan. The transportation systems plan proposed in the Birch Bay Transportation Planning Study provides a long-range strategy for the Birch Bay UGA to address current and forecast transportation issues and needs. Transportation system improvements are required to accommodate the projected growth in population and employment within the Birch Bay UGA. The transportation systems plan is based upon analyses of the existing transportation system, forecasts of future travel demands, anticipated availability of funding resources, and the desire of the Birch Bay community to create an efficient transportation system that puts a priority on community livability. The Plan builds on the countywide policies and standards, while shaping transportation goals and vision for the Birch Bay subarea.

The transportation systems plan primarily focuses on streets and highway improvements because they serve most of the travel needs for the subarea. The streets and highways serve general traffic, freight, transit, ridesharing, pedestrians, and bicyclists. Therefore, the Plan also provides the framework for other travel modes in the community, including pedestrian, bicycle, and transit modes.

Transportation Improvement Projects. Based on an evaluation of existing and forecast traffic volumes, traffic operations, safety, and circulation needs, a recommended list of transportation improvement projects and programs were defined. These projects are shown on Figure 11-7 and listed in Table 11-3.

State Route Projects. I-5 provides the primary regional connection to the Birch Bay subarea. To the north, I-5 connects the Birch Bay subarea to the U.S./Canada border. To the south, I-5 connects to Bellingham and the central Puget Sound region. SR 548 also provides for regional travel from the Birch Bay subarea to I-5 from the north and east. The Washington State Highways Systems Plan (HSP) is the element of Washington’s Transportation Plan that addresses the states highway system. The 2007-2026 HSP does not identify specific improvements within the Birch Bay subarea. The HSP calls for an Interstate Master Plan that would identify improvements to optimize capacity and safety on the interstate highway system.

Improvements to the I-5/Birch Bay-Lynden Road interchange (projects S-11, S-12) are identified in the Plan as high and medium priorities respectively. Improvements to this interchange have been identified to meet near and long term needs. Project S-11 will improve operations in the near term by redesigning the ramp intersections with turn lanes and installing a traffic signal, when future traffic volumes warrant. Project S-12 will provide a complete reconstruction of the interchange.

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Improvements to the I-5/Grandview interchange (projects S-13, S-14) are also identified for the near and long term needs. Similar to project S-11, project S-13 is a high priority and is identified to improve operations at the ramp intersections by adding turn lanes and installing a traffic signal when future traffic volumes warrant. Project S-14 is a medium priority and will provide a complete interchange reconstruction to meet long-range forecast needs.

Blaine Road (SR 548) – Improvements are identified for Blaine Road both north and south of Birch Bay-Lynden Road. North of Birch Bay-Lynden Road, the Plan calls for reconstructing Blaine Road, from I-5 to Birch Bay-Lynden Road (projects S-1, S-2). The improvement projects would add shoulders for non-motorized travel. Intersection improvements are identified at Drayton Harbor Road and Loomis Trail Road (projects S-5, S-6). These improvements include adding turn lanes and traffic signals or roundabouts when future traffic volumes warrant. The Plan also identifies the replacement of two bridges in this corridor, the California Creek bridge and the Dakota Creek bridge (projects S-8, S-9).

South of Birch Bay-Lynden Road, the Plan identifies reconstructing Blaine Road from Birch Bay-Lynden Road to Grandview Road (projects S-3, S-4). The section of Blaine Road north of Bay Road is within the Urban Growth Area for Birch Bay and as such would be reconstructed to WSDOT's standards, adding shoulders for non-motorized travel. South of Bay Road, Blaine Road should be constructed per WSDOT's rural collector standards. Intersections improvements at Birch Bay-Lynden Road and Grandview Road are also identified in the Plan (projects S-15, S-7). A potential roundabout at the Blaine Road (SR 548)/Grandview Road (SR 548) intersection is currently being discussed by WSDOT as part of a developer funded improvement. Though the transportation planning study does not identify the intersection of Blaine Road and Alderson Road as falling below LOS standards within the study period, planned intensive land uses at that intersection may require intersection improvements as mitigation under SEPA at the time of development.

Grandview Road (SR 548) – Two intersection improvements, in addition to those identified at the I-5 interchange and at Blaine Road (SR 548), are identified in the Plan. Improvements to the intersections of Grandview Road (SR 548) at Kickerville Road and at Vista Drive include the installation of turn lanes and roundabout or traffic signal when future traffic volumes warrant. The improvement at Vista Drive/Grandview Road (SR 548) is a high priority because it serves traffic to/from the Birch Bay UGA to I-5 via Bay Road.

However, the HSP does identify I-5 from Grandview Road to the City of Blaine as a "solution that requires further analysis" as the existing capacity will not be sufficient for future traffic volumes.

Intersection Projects. Improvements to intersections along County maintained arterials serving the Birch Bay subarea are needed to resolve existing and future deficiencies, primarily along Birch Bay-Lynden Road. This roadway serves as the main east-west arterial, connecting the Birch Bay subarea to I-5 and the rest of the region.

Intersection improvements along this corridor will improve safety and operations by adding turn lanes at key locations and installing traffic signals or roundabouts when future traffic volumes warrant. The Plan identifies three high priority intersection improvements at Birch Bay-Lynden Road at Portal Way, Birch Bay-Lynden Road at Harborview Road, and Birch Bay Drive at Harborview Road.

New Roadways and Major Widening or Reconstruction Projects.

Several new roadways and major widening projects are identified in the Plan to address existing deficiencies and support future growth. This category of projects includes upgrading and major widening of roadways to County standards to provide turn lanes at major access locations. Improvements to non-motorized facilities, such as roadway shoulders, are also identified.

Birch Bay-Lynden Road Widening – Birch Bay-Lynden Road serves as the primary east-west arterial, connecting Birch Bay to I-5. In addition to the intersection improvements identified above, the Plan calls for widening the roadway to meet rural major collector standards from Portal Way to the UGA boundary just east of Blaine Road (SR 548) and to urban principal arterial standards west to Harborview Road. These projects would improve facilities for non-motorized travel by paving roadway shoulders and/or adding sidewalks or separated pathways. In addition, the project would include widening to accommodate turn lanes at major access locations. This will allow safer and easier access for left turning vehicles along Birch Bay-Lynden Road.

Lincoln Road Extension and Improvement – To complete an alternative east-west corridor north of Birch-Bay Lynden Road, an extension of Lincoln Road between Harborview Road and Blaine Road (SR 548) is planned. In addition to extending the roadway, the project will improve Lincoln Road from Shintaffer Road to Blaine Road (SR 548) to urban minor arterial standards, including construction of two roundabouts at Harborview Road and Blaine Road. The project also includes a separated pathway for non-motorized travel.

Birch Point Connector Road – A new connection between Birch Bay Drive and Lincoln Road is also a key new collector route serving the northern part of the Birch Bay UGA. When fully constructed, this new roadway will provide improved mobility and an alternative to Birch Bay Drive for east-west traffic to/from the residential growth anticipated in the Birch Bay and Blaine UGAs. The project includes realigning the segment of Shintaffer Road south of Lincoln Road, and constructing a new intersection at Lincoln Road. Part of the road would be funded and constructed by a developer. The remaining section will be a County project.

Harborview Road – Improvements are identified for Harborview Road from Birch Bay Drive to Drayton Harbor Road. The section of Harborview Road from Birch Bay Drive to Birch Bay-Lynden Road would be improved to reflect the existing and future demands of Birch Bay traffic traveling to I-5 via Birch Bay-Lynden Road. The section of

Harborview Road from Birch Bay-Lynden Road to Drayton Harbor Road would be improved to urban collector standards. Both of these projects would include improved facilities for non-motorized travel.

Commercial Area Circulation Roads. In addition to specific improvements identified above, the Plan calls for construction of new circulation roads within the planned Birch Bay UGA commercial area between Birch Bay-Lynden Road and Alderson Road. These new roadways would provide improved access and circulations to future development anticipated for this area, as well as help maintain safety and operations of adjacent arterials, collectors, and state highways.

Minor Widening and Reconstruction Projects. Improvements are also needed on other roadways serving the Birch Bay subarea. This category of projects includes minor widening of roadways to add shoulders and improve non-motorized facilities.

Birch Bay Drive – With its proximity to the waterfront, Birch Bay Drive serves as a primary non-motorized route within the Birch Bay UGA. The Birch Bay Drive Pedestrian Facility, part of the Birch Bay Shoreline Enhancement Project, is designed and identified in the county’s six-year Transportation Improvement Program. This project would improve the Birch Bay Drive roadway and provide separate facilities for pedestrians and bicyclists. The 2000 Birch Bay Economic Development Action Plan emphasized the need for improved pedestrian and bicycle facilities along Birch Bay Drive as part of the community’s economic development strategy. A year round speed limit of 20 to 25 mph is recommended. Specific changes to speed limit should be considered with community input.

Loomis Trail Road – Loomis Trail Road serves as an east-west connector between Portal Way and Blaine Road, northeast of the Birch Bay UGA. The Plan identifies improvements to reconstruct Loomis Trail Road to rural major collector standards. The project includes paved shoulders for non-motorized users.

Maintenance and Operations Programs. A systematic program for maintaining the existing and future transportation infrastructure is critical to a safe and efficient transportation system. Elements of a maintenance and operations program for the Birch Bay subarea should include a systematic evaluation of pavement conditions on arterial and local roadways, signage, sight distance (such as vegetation blocking sight lines), and impacts of parking on safety and operations. Other elements should include regular monitoring and servicing of traffic control devices, such as traffic signals and flashing beacons.

In addition, the maintenance and operations program should include a periodic evaluation of speed limits on facilities based on functional classification, design, and current roadway conditions. The speed evaluation should consider elements such as geometric design,

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actual travel speeds, intersection control, traffic safety, and possible impacts on adjacent corridors or neighborhood streets.



Transportation Plan

-  State Highway
-  Arterial Road
-  Collector Road



Figure 2-5

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Water and Sewer Utilities

Water and sewer services for the Birch Bay area are provided primarily by the Birch Bay Water and Sewer District. The service boundary of the Birch Bay Water and Sewer District covers about 6,700 acres. The District presently purchases potable water from the City of Blaine and distributes it to its metered customers through a District owned piping system. The district just recently signed a 30-year contract to continue purchasing sufficient water from the City of Blaine to meet the forecasted twenty year demand for water. The District operates a wastewater treatment plant located south of the Birch Bay State Park. The Birch Bay Water and Sewer District is governed by three publicly elected commissioners and managed by professional staff.

In addition to the Birch Bay Water and Sewer District, two additional water districts provide water to residents of the Birch Bay area. They are the Bell Bay Jackson Water Association and the Grandview Beach Water Association. The Bell Bay Jackson Water Association boundaries are aligned along Bay, Jackson and Kickerville Roads and the association serves about 100 customers. The smaller Grandview Beach Water Association is located along the beach, south of Point Whitehorn, and serves about 15 customers.

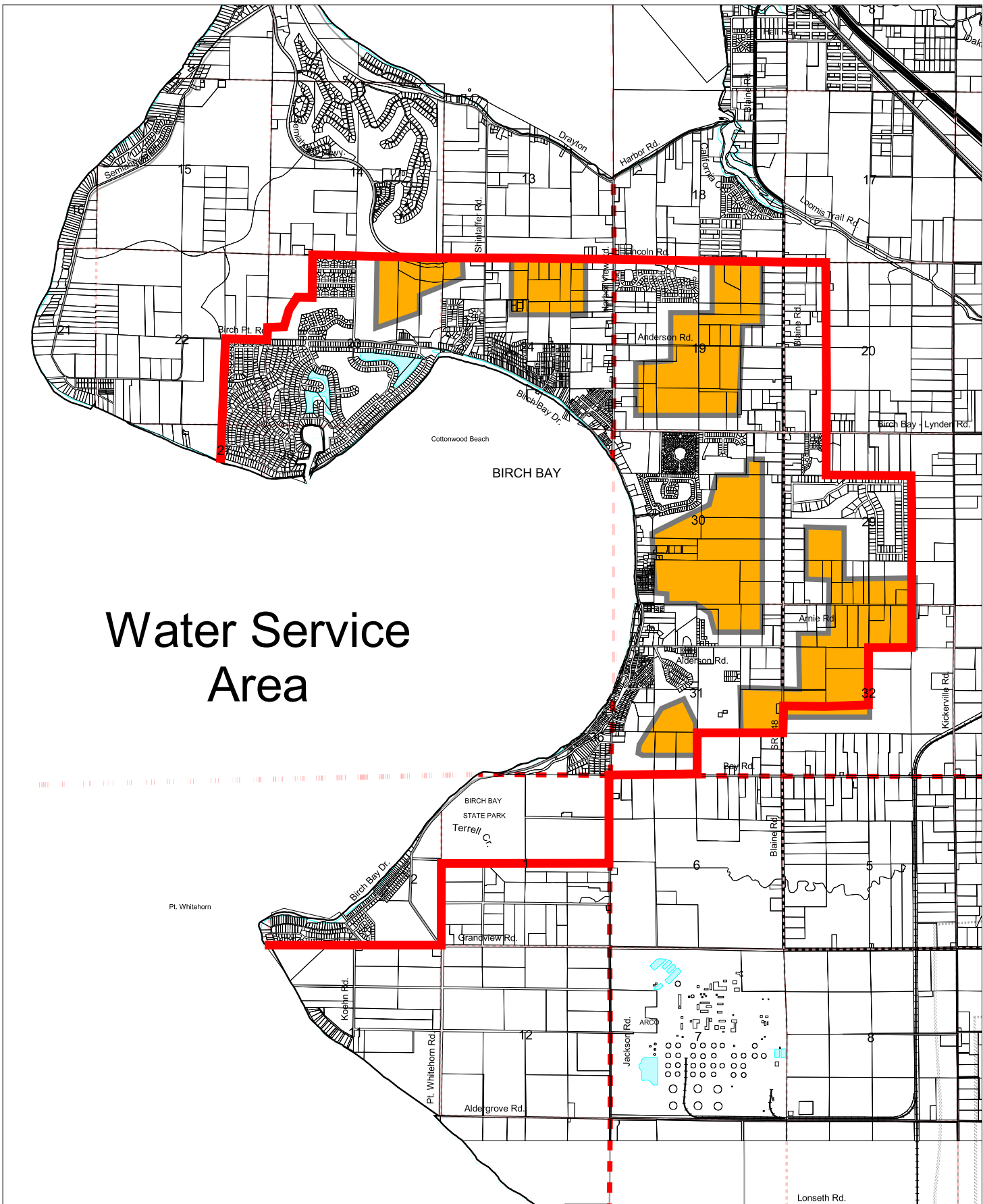
Water Supply. As stated earlier, the District just recently signed a long term contract with the City of Blaine to continue receiving water supply that is forecasted to satisfy the demand for the next thirty years. In addition, the District has a 500 gallons per minute well that is in the process of being certified as a supply source by the Department of Ecology.

Water Storage and Distribution. The current water distribution area is shown in Figure 2-6. Three strategically placed water storage tanks with 3.1 million gallon capacity and a system of water mains form the backbone of the water distribution system. Extensions of water mains to serve newly developing areas are paid by developers and builders through a hookup charges. Replacement of aging and undersized pipes is paid by all ratepayers. On site improvements are paid entirely by builders and developers. The District has an aggressive capital improvements program, paid both by existing ratepayers and new developments.



Future Development Water Needs. The Birch Bay Water and Sewer District has the capacity and the means of delivering water to the forecasted development as identified in the Birch Bay Community Plan. The District's short and long-range capital facilities plan identifies both water storage and distribution

SUMMARY - BIRCH BAY COMMUNITY PLAN

systems that will adequately serve the areas within the Birch Bay Community Plan that are not being served today.



Water Service Area

-  Proposed Urban Growth Area
-  Water Service Expansion Areas

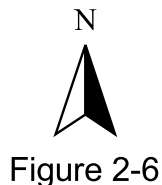


Figure 2-6

Wastewater Treatment Capacity. The wastewater treatment facility, located south of the Birch Bay State Park, has adequate capacity to continue to serve current and new customers for at least six to eight years. After that, the District needs to expand the capacity of the wastewater treatment plant.

Wastewater Collection System. The District collects its wastewater throughout the Birch Bay area by means of an extensive piping and lift station system. The wastewater collection areas are shown in Figure 2-7. The collection system, including lift stations, is systematically renewed to replace aging and undersized piping. General maintenance and replacement are paid for by overall ratepayers. Expansions to newly developing areas are paid by developers and builders by means of hookup fees. All on-site costs are paid by builders and developers.

Future Development Sewer Needs. The District is well equipped to provide quality sewer services to its current customers plus forecasted future growth. As stated earlier, the treatment capacity of the wastewater treatment plant needs to be upgraded in a six to eight year period. The collection system is adequate to continue serving existing customers, and will need to be expanded in the next 20 years, depending on the location and timing of new development. . Overall, the wastewater collection and treatment system has the capacity to expand to serve the forecasted twenty year urban growth.

Urban Growth Area

The Birch Point and Point Whitehorn areas are removed from the UGA to protect steep slopes and marine resources in these areas. To accommodate urban growth, the growth boundary is expanded to include land east of Blaine Road at Alderson Road.

Figure 2-8 shows the proposed urban growth area for the Birch Bay Community plan. About 100 acres of rural zoned land needs to be converted to urban designation and made part of the urban growth area.

Concurrency

The proposed Birch Bay Community Plan meets the transportation, water and sewer concurrency requirements. The Whatcom County Public Works Department and the Washington State Department of Transportation have demonstrated in the transportation chapter and in the capital facilities chapter that they are capable and committed to meeting the transportation needs of the Birch Bay Community for the next twenty years. Similarly, the Birch Bay Water and

Sewer District has demonstrated in the utilities and capital facilities chapters their ability and commitment to serve the current customers plus forecasted newcomers with adequate levels of water and sewer services. Overall, the proposed Birch Bay Community Plan meets the concurrency requirements as set out in the Growth Management Act.

Economic Development

The economy of the Birch Bay area is healthy. Income and property values of Birch Bay residents exceed those of its neighboring communities and Whatcom County as a whole. Purchasing power of the Birch Bay Community is significant and most of its consumer dollars are expended outside the Birch Bay area. To capture the consumer dollar, the Birch Bay Community needs commercial areas for retail and services of significant size to attract competitive retail and service outlets. The proposed community plan identifies such commercial areas at Blaine Road and Alderson Road, Blaine Road and Birch Bay-Lynden Road and again at Lincoln Road and Shintaffer Road.

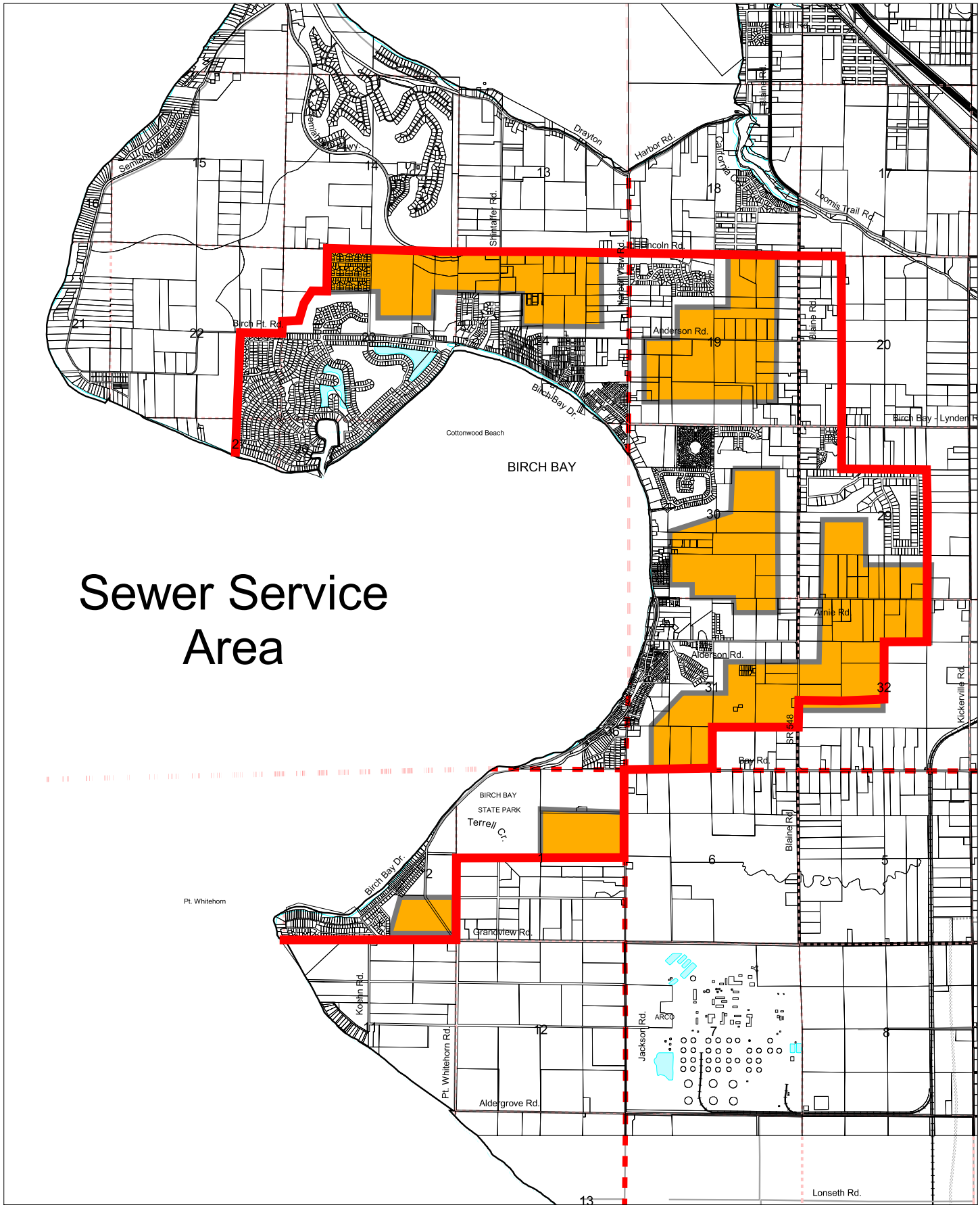
Currently, there are few employment opportunities, other than hotel/motel services, in the area. Generally, encouraging commercial development also promotes office and service type of employment. With an increase in retail and service facilities, general office type and professional services type of employment is forecasted to increase.

Governance



The Plan took an in-depth look at the governance issues facing the Birch Bay community and concluded that incorporation or annexation to the City of Blaine were viable options.

Incorporation. If the territory within the proposed urban growth area, were to incorporate, the revenues would exceed operating expenses with a modest amount left over for capital improvements. The revenue estimates were on the conservative side and the expense estimates were more liberal.


Annexation to the City of Blaine. Financially, annexation to the City of Blaine would be a wash, in comparison to staying a part of the Whatcom County unincorporated urban growth area. Annexing to the City of Blaine would clearly improve the level of police service. The City and County Comprehensive Plans would need to be amended to include Birch Bay in the City of Blaine Urban Growth Area prior to annexation.

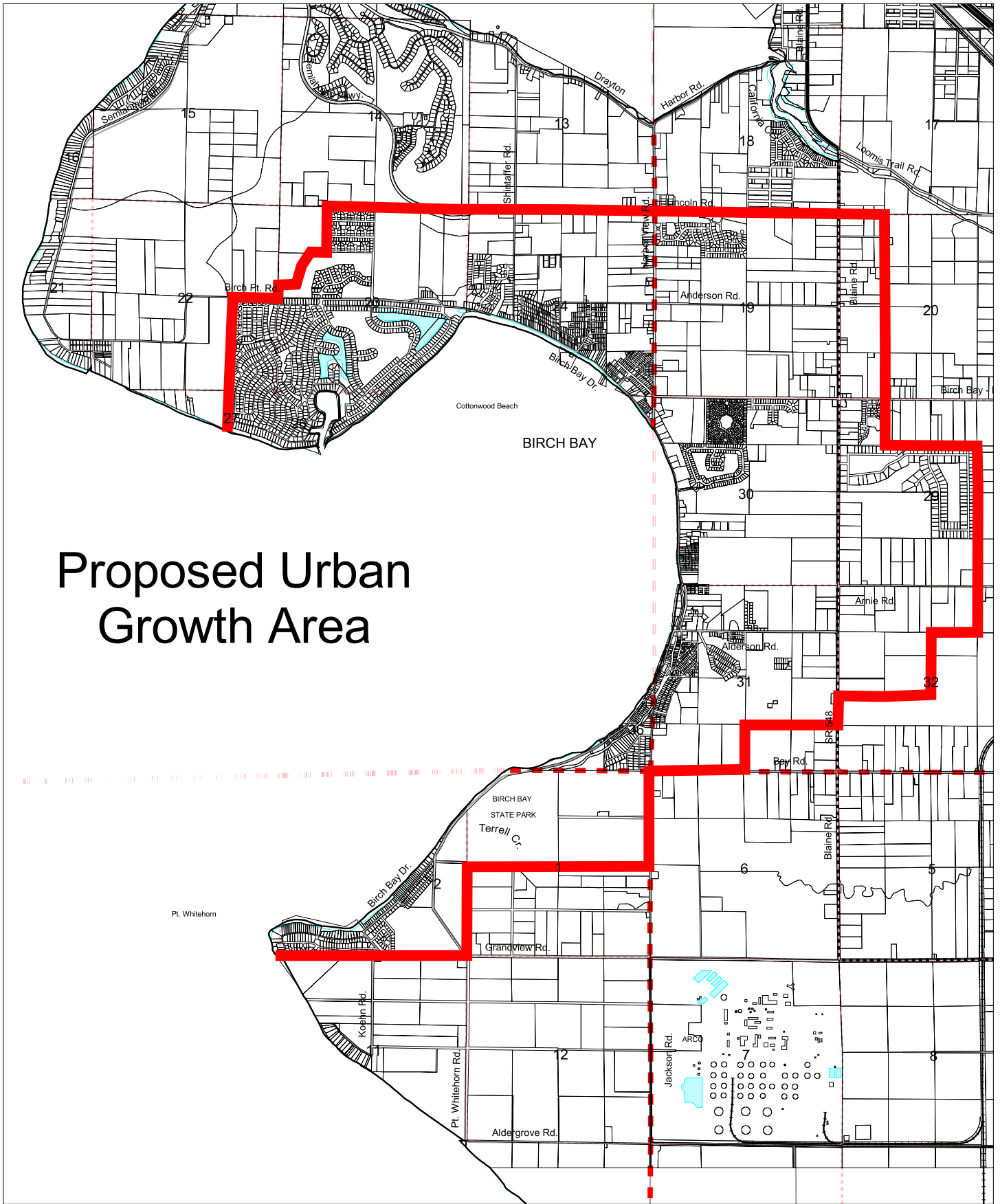


Sewer Service Area

-  Proposed Urban Growth Area
-  Sewer Service Expansion Areas



N

 Figure 2-7



Proposed Urban Growth Area



Proposed Urban Growth Area



Figure 2-8

Chapter 3

PLANNING PROCESS

Birch Bay Community

Community Planning Area

The Birch Bay Community Planning Area is located in northwest Whatcom County as shown in Figure 3 -1. The Planning Area is located along Birch Bay, a saltwater inlet of Puget Sound, northeast of the City of Ferndale and south of the City of Blaine. The Canadian border is six miles to the north and the City of Bellingham is seventeen miles to the south. The Birch Bay Community Plan boundaries include most of the Birch Bay US Census Designated Place, the Birch Bay Urban Growth Area, those areas whose development is likely to affect Birch Bay, and those areas that are likely to be affected by development in Birch Bay. The heart of Birch Bay Planning Area is the 12.2 miles of saltwater shoreline most of which is designated as Whatcom County's only Washington State designated Marine Shoreline of Statewide Significance. The primary shoreline attraction is the exposed tide flats which extend out as far as a mile at summer low tides providing crabbing, clamming and warm, marine water swimming.

Initially, Birch Bay developed as a summer vacation or resort area catering to vacationing urban populations from the Cities of Seattle and Vancouver. Summertime cabins and camper/trailer lots dotted the waterfront properties. Amusement facilities provided the vacationing public a variety of recreational opportunities. Today, the Birch Bay area is rapidly changing. Vacationers and recreation seekers come to Birch Bay year around. The children who visited Birch Bay with their parents twenty/thirty years ago are returning to purchase a year round home or to buy a lot to build a home in the near future. Birch Bay is turning into a mature community with year-round residents. Birch Bay was the fastest growing urban area of Whatcom County from 1990 to 2000. The planning area is approximately 8,700 acres or 15.5 square miles.

U.S. Census Designated Place

In 1990, the US Census created the Birch Bay Census Designated Place. In 1990, the population of the Birch Bay Census Designated Place was 2,656 persons. By the year 2000, the population had increased to 4,961 persons, a ten-year growth rate of 86.7 percent.

The Birch Bay Community Planning Area differs somewhat from the Birch Bay Census Designated Place. The boundaries of the Birch Bay Census Designated Place and the Community Planning area are shown on Figure 3 -1. The northern portion of the Birch Point area and the Drayton Harbor area were excluded from the Birch Bay Community Planning area because these areas are part of the Urban Growth Area of the City of Blaine.

Urban Growth Areas

As an unincorporated community, Birch Bay comprehensive planning is the responsibility of Whatcom County. Recognizing that certain areas of Whatcom County are urban in nature and, to be in compliance with the Washington State Growth Management Act requirements, the County has designated these areas as Urban Growth Areas. Whatcom County, in their GMA Comprehensive Plan, has delineated two urban growth areas for Birch Bay. The Birch Bay urban growth area and the Cherry Point industrial urban growth areas are shown in Figure 3 -2. The Birch Bay urban growth area is further divided into short and long term planning areas also shown in Figure 3 -2. Utility services (sewer and water) are generally available in the short term planning area and therefore, building permits can be readily issued. In the long term planning area utility services may need to be constructed or extended prior to issuance of building permits. Along the north border, the Birch Bay urban growth area joins the urban growth area of the City of Blaine.

Past Planning Work

As an unincorporated urban area, Birch Bay's comprehensive planning is the responsibility of the Whatcom County Planning and Development Services Department. There have been three past comprehensive planning efforts which have directly affected Birch Bay:

Figure 3-1
Planning Area
and
Census Designated Place

PLANNING PROCESS

- Birch Bay Comprehensive Plan, 1977
- Blaine – Birch Bay Sub-Area Plan, 1987
- Whatcom County Comprehensive Plan, 1997

Birch Bay Comprehensive Plan 1977

The 1976-77 Plan was similar in structure to today's 2002 Birch Bay Community Plan in that it established a Citizens Steering Committee to guide community discussion. The recommendations and resulting zoning from the 1976-77 process are essentially still in place today.

Birch Bay – Blaine Sub-Area Plan 1987

To accomplish its comprehensive planning goals in the late seventies, the County divided the western third of the county into ten geographic sub-areas. The Birch Bay and Blaine area represented a logical geographic sub-area. While the 1987 plan left much of the 1977 plan intact, the new plan reflected the County's desire to integrate local community thinking with a regional approach.

Whatcom County Comprehensive Plan 1997

This planning effort reflected a county-wide implementation of the goals, policies and procedures of the 1990 Washington State Growth Management Act. The plan was the first to be formatted around the thirteen required Growth Management Act goals. It included extensive citizen involvement resulting in a support document titled Visioning Community Value Statements. The plan also included a major review of existing Urban Growth Areas. As a result of this planning process, the concept of short and long term land use designations was implemented as part of Birch Bay's Urban Growth Area.

Birch Bay Economic Development Action Plan 2000

In addition to the above plans, the Birch Bay Chamber of Commerce facilitated preparation of the Birch Bay Economic Development Action Plan, which was completed and published in the fall of 2000. The plan was

**Figure 3-2
Existing Urban Growth Areas**

PLANNING PROCESS

overseen by a committee called the Birch Bay Planning and Development Group and was funded by the Port of Bellingham. The Group consisted of a cross section of residents, the business community, and representatives from various organizations and public agencies. The Plan's primary funding came from the Port of Bellingham with additional funds provided by the Trillium Corporation to conduct a community survey. The Plan, as its name implies, had an original goal of mapping out economic development and marketing strategies. As the process evolved, it became clear to the Group that more comprehensive planning was needed before effective economic development plans could be implemented. Before the Group disbanded in December of 2000, they initiated the structure and funding for the 2002 Birch Bay Community Plan update. Some of the important accomplishments of the group included:

- A Vision Statement of what Birch Bay could be in the year 2020
- A community attitude survey to help prioritize planning efforts.
- The establishment of a recommended planning area and ten Neighborhoods within the area.
- The establishment of a partnership with various Stakeholders to provide needed funds and expertise.
- A primary relationship with the Whatcom County Planning and Development Services Department so that the Community Plan could become, without extensive additional work, a part of a 2003 update of Whatcom County's Comprehensive Plan.

Birch Bay Shoreline Planning 1999

In 1999, the Birch Bay Chamber of Commerce began a commitment to enhance Birch Bay's shoreline and raised funds to hire a consultant for design work and implementation strategies. The effort was centered on reviving a concept developed in a 1975 Birch Bay Shore Resource Analysis by Wolf Bauer. In addition to an analysis of the geohydraulic characteristics of the bay waters and shoreline, the study recommended the establishment of a shoreline sand and cobble berm as a storm defense alternative to bulkheads, rip rapping, gabions and concrete groins. In 1982, as a result of major storm damage to Birch Bay Drive and adjacent properties, a berm

was created from the mouth of Terrell Creek to the south boundary of Jacobs Landing Condominiums. Besides acting as effective protection from storms, the berm has the added benefit of creating additional shoreland for public pedestrian use.

In light of new shoreline regulations and restrictions, a grant was sought and received in 2001 from the Coastal Zone Management Act Program under sponsorship of the Washington State Department of Ecology and the Whatcom County Council of Governments. Under grant requirements, a Birch Bay Shoreline Enhancement Citizen Advisory Committee was established to provide input to a Technical Committee made up of, among others, Department of Ecology, Washington State Fish and Wildlife Department, Department of Natural Resources, Whatcom County Planning and Development Services, and Whatcom County Public Works Department. A great deal of inventory data has been assembled utilizing the volunteer efforts of the Citizen Committee. The data analysis and study recommendations are being conducted by the Technical Committee, leading to a goal of improving the beach environment through the creation of beach berms and removal of some or all of the existing cement groins. This planning effort was completed in 2003.

Planning Organization

Neighborhoods

To better coordinate community and citizen involvement, the Planning Area was divided into ten neighborhoods as shown in Figure 3-3. Throughout the process, the neighborhoods have been the building blocks in preparing the Plan.

Each neighborhood has its own characteristic and geographic identity. For example, people living in the Point Whitehorn neighborhood, clearly identify themselves as Point Whitehorn people of Birch Bay. Table 3-1 gives the number of acres and the year 2000 population in each neighborhood.

Population in each neighborhood varies. For example, the year 2000 US Census counted population in the Birch Bay Village Reach neighborhood amounts to 1,031 persons. The population in the Point Whitehorn neighborhood amounted to 388 persons. West Cherry Point Neighborhood had no residences and therefore zero population.

PLANNING PROCESS

**Table 3-1
Neighborhood Acreage**

Neighborhood	Number of Acres	2000 Population
Birch Point	721	51
Birch Bay Village Reach	444	1,031
Cottonwood Reach	622	946
Hillsdale	812	677
Central Reaches	397	428
Central Uplands	2,275	733
State Park Reach	688	169
Terrell Creek	1,300	62
Point Whitehorn	546	388
West Cherry Point	894	--
Total	8,699	4,485

Steering Committee

To direct the preparation of the Birch Bay community plan or sub-area plan, the Birch Bay community created a Steering Committee, composed of elected representatives from each of the ten neighborhoods. The Steering Committee elected from amongst themselves a Chairman and Vice-Chairman. The Steering Committee is made up of representatives as shown below:

Chairman
Vice-Chairman

Neighborhood Representatives

Birch Point (2)
Birch Bay Village Reach (2)
Cottonwood Reach (2)

**Figure 3-3
Birch Bay Community and Neighborhoods**

PLANNING PROCESS

Hillsdale (2)
Central Uplands (2)
Central Reaches (2)
State Park Reach (2)
Terrell Creek (2)
Point Whitehorn (2)
West Cherry Point (1)

Stakeholders

The planning process was financed by a group of eleven Stakeholders. In addition to contributing their funds, the Stakeholders also contributed their expertise and in-kind services. For example, Whatcom County contributed map making and printing services, in addition to contributing their expert planning advice. The eleven Stakeholders are listed below:

- Birch Bay Chamber of Commerce
- Blaine School District
- Brown and Cole Stores
- BP – Cherry Point
- Port of Bellingham
- Trillium Corporation
- Washington State Department of Ecology
- Whatcom County Planning & Development Services
- Whatcom County Fire District # 7
- Whatcom County Fire District # 13
- Williams Energy

Whatcom County

The Whatcom County Planning and Development Services Department agreed to act as an administrator for the planning process, providing Interlocal Agreements with Stakeholders, billing and budgeting service, and absorbing mailing and printing costs. The County also provides technical oversight and guidance to the Steering Committee.

Consultants

Kask Consulting, Inc. was selected as the lead consultant to prepare the Plan with sub consultant involvement of J. Patrick Milliken and James Zervas and Associates. James Wiggins was retained by the Washington State Department of Ecology to prepare a reconnaissance level survey of wetlands in the Birch Bay planning area.

Planning Process

Overview

In September 2000 a Birch Bay Economic Action Plan was published. The Plan was the results of a years work by a citizen-based Birch Bay Planning & Development Group with facilitation and funding by the Port of Bellingham. One of the primary recommendations of this Plan was that the community goes through a more comprehensive planning process. In early January 2001 just over 5,000 invitation letters to participate in the process were mailed to property owners in the planning area, 37% to Birch Bay addresses and 37% to Canada. Over 600 different property owners and residents have either attended meetings or indicated their desire to be kept informed of progress via E-mail or postal service.

A number of public agencies and the private sector have committed to act as Stakeholders providing both funding and expertise. This plan is titled the Birch Bay Community Plan and, as such, is a stand-alone document. The Birch Bay Community Plan has been prepared in close cooperation with the Whatcom County Planning and Development Services Department. The intended result is that the Birch Bay Community Plan that will be the major input to Whatcom County's 2003 Comprehensive Plan update.

Neighborhoods

The planning process began on 27 January 2001 when about 300 Birch Bay property owners and residents attended a meeting to introduce the process and to invite community and citizen participation in neighborhood meetings. Initial neighborhood meetings were held in February and March of 2001 and focused on the following:

PLANNING PROCESS

- a) Finalizing neighborhood boundaries
- b) Identification of neighborhood values and issues
- c) Selection of neighborhood Steering Committee members.

In April the consultants prepared baseline data and draft materials for presentation at neighborhood meetings. Beginning in May, and throughout the process, neighborhoods reviewed and commented on the various planning elements. In the fall, the process evolved from individual neighborhood meetings to groupings of neighborhoods to deal with issues relating to southern, central and northern Birch Bay areas. And finally, draft plan recommendations were presented to the community at large for review and comment.

Steering Committee

Steering Committee members had their initial meeting on 14 March 2001 having accepted the responsibility to represent their neighborhood. Having two representatives and an alternate from each neighborhood provided a structure which better assured cross sectional representation and higher attendance at meetings. The Steering Committee and the citizens at large are to be congratulated for not only attending many meetings, but also for reading a great deal of material and participating in thoughtful, constructive discussion. A summary of meetings, rosters and attendance is on file with Whatcom County Planning & Development Services.

General Public

In addition to the Neighborhood meetings and the Steering Committee meetings, there were three general public or community meetings. At these meetings, the general public was invited to review the planning work completed to date, to ask questions and provide their comments on issues of concern to them.

Plan Adoption Process

Steering Committee

Throughout the planning process, all direction to the consultants was given either by Steering Committee consensus or by voting on motions. As drafts were prepared, they were presented and reviewed at neighborhood and community meetings prior to action by the Steering Committee. The Steering Committee adopted the plan on 28 August 2002. The Steering Committee made minor amendments on February 26, 2003. Additionally, on April 23, 2003, the Steering Committee voted to “put the West Cherry Point Neighborhood on a separate track from the balance of the Birch Bay Community Plan.”

Whatcom County

After the Birch Bay Community Plan was adopted by the Steering Committee, the Whatcom County Planning Commission began its review of the adopted Plan as a Sub-Area element of the County’s Comprehensive Plan. The Planning Commission conducted two public hearings as part of their review and then forward the Plan as amended to the County Council for final approval. Upon receipt from the Planning Commission, the Whatcom County Council will vote on whether to adopt the Sub-Area element, as presented, as an official component of the County’s Comprehensive Plan update. The Council may make changes and may conduct their own public hearings. The County Council action is anticipated sometime in 2004.

Washington State Office of Community Development

The Whatcom County Comprehensive Plan, containing the Birch Bay Sub-Area or Community Plan will be reviewed for consistency with the Growth Management Act by the Washington State Office of Community Development. All cities and counties Comprehensive Plans are required by the Growth Management Act procedure to be updated by December 2004. The Office of Community Development acts as the administrator for the Growth Management Act compliance.

Appeals Procedure

There are a number of appeals processes built into the planning process. If a citizen, a business, a property owner or an organization does not like what they see, they can appeal, in written form, to the Steering Committee for a specific action. If they fail to persuade the Steering Committee to see their way, they can appeal to the Whatcom County Planning Commission when they review the work of the Steering Committee. If they fail to persuade the Planning Commission, they can appeal to the Whatcom County Council. The next appeal after the Whatcom County Council is to the Washington State Growth Management Hearings Board for Western Washington. Any appeals after that need to go to a Superior Court in the State of Washington.

Environmental Documentation

Before the Whatcom County Council can adopt the County's Comprehensive Plan, containing the Birch Bay Community or Sub-Area Plan, the Council must subject the entire Plan to environmental review in accordance with the Washington State Environmental Policy Act. The environmental review is the responsibility of the County. On July 7, 2003 the Whatcom County SEPA Administrator issued a Determination of Nonsignificance (DNS) for adoption of the Birch Bay Community Plan. The SEPA Administrator re-affirmed that determination on June 14, 2004 and again on September 3, 2004.

Plan Implementation

Many of the Plan recommendations, once they are adopted by the Whatcom County Council, become substantive changes in the County's Development Regulations, such as the Zoning Code or Subdivision Code. The responsibility to see that policy changes are carried through and are made part of the Development Regulations is the responsibility of the County Planning and Development Services Department. Any significant changes to the County's Development Regulations must go through a public review and environmental review process of their own.