

CLEARANCES:	(Initial/Date)	Date Received in Council Office:	Agenda Date:	Assigned To:
Originator-	ESW 5/6/92		5/12/92	Council / Intro
Division Head-			5/26/92	Council
Department Head-	QJD 5/6/92		6/2/92	Council
Prosecutor Review-			6/9/92	Council
Purchasing/Budget Dir.-			6/23/92	P&D/Council
Executive-				

SUBJECT: FILE NO: 24-91:GMA AN ORDINANCE AMENDING THE WHATCOM COUNTY ENVIRONMENTAL POLICY ADMINISTRATION, TITLE 16 SECTION 16.08.070 TO INCLUDE CRITICAL AQUIFER RECHARGE AREAS; SECTION 16.08.055, EXTENDING THE TIME LIMITS RELATING TO PROJECT REVIEW AND THRESHOLD DETERMINATIONS; AND SECTION 16.08.160.(4C), ADDING A REFERENCE TO THE PROPOSED CRITICAL AREAS REGULATIONS

ATTACHMENTS: Agency Report with attached Staff Report
 Final and draft Planning Commission Minutes from 1/28/92, 2/4/92, 2/6/92, 2/18/92, 2/20/92, 4/13/92, 4/15/92, 4/28/92, and 5/4/92
 Draft Ordinance

Public Hearing Needed? Yes / / No / /

SUMMARY STATEMENT: In accordance with the state Growth Management Act (SHB 2929) mandate for protection of critical areas, staff drafted Temporary Critical Areas Regulations, the intent of which are to define, identify, and manage environmentally Critical Areas and ecosystems in Whatcom County. As a result of these Regulations, proposing amendments to Title 16, Whatcom County's Environmental Policy Administration, became necessary. The first amendment seeks to include Critical Aquifer Recharge Areas, an element in the Temporary Critical Areas Ordinance, to section 16.08.070 dealing with flexible thresholds for categorical exemptions for areas of importance to water resources. The second proposed amendment would increase the time allowed for project review and threshold determination from 15 to 45 days. The final proposed amendment would reference to the Critical Areas Regulations in Section 16.08.160.(4C) which would invoke SEPA authority over Critical Areas.

RECOMMENDED ACTION: Planning staff recommends Council uphold the Planning commission recommendation and adopt the attached ordinance.

COMMITTEE ACTION (including dates):

COUNCIL ACTION (including dates):

5/12/92: Council intro

5/26/92: This is a companion ordinance to the CAO (AB92-058B)

5/26/92: Held 6/2/92: Decision delayed until 6/9/92. 6/9/92: Referred to P&D committee/Council 6/23/92

Related File Numbers: AB 92-058B

Ordinance or Resolution Number: 092-033

6/23/92: Council adopted the ordinance with amendments. 7-0.

SPONSORED BY: Consent
PROPOSED BY: Planning
INTRODUCTION DATE: May 12, 1992

ORDINANCE NO. 92-033

AN ORDINANCE AMENDING THE WHATCOM COUNTY
CODE CHAPTER 16.08, WHATCOM COUNTY
ENVIRONMENTAL POLICY ACT

WHEREAS, the Washington State Legislature passed the Growth Management Act (SHB 2929) in 1990, requiring counties and cities to define, identify, and manage environmentally critical areas and ecosystems; and,

WHEREAS, staff developed Temporary Critical Areas Regulations addressing the protection of geologically hazardous areas, alluvial fan hazard areas, and wildlife habitat conservation areas for a period of three years or until adoption of Final Critical Areas Regulations; and,

WHEREAS, with developed Temporary Critical Areas Regulations, amendments to the Whatcom County Code, Chapter 16.08, the Whatcom County Environmental Policy Act, need to be made; and,

WHEREAS, pursuant to RCW 36.70.590, legal notice was published in the Bellingham Herald on Thursday, April 2, 1992; and,

WHEREAS, a Determination of Non-Significance was issued on January 14, 1992 for the original draft of the Temporary Critical Areas Regulations; and,

WHEREAS, the Planning Commission held a public hearing on April 13, 1992 and held the record open for written testimony until April 17, 1992; and

WHEREAS, the Planning Commission conducted work sessions on April 14, 1992, April 28, 1992, and May 4, 1992, and after due deliberation made a determination that the amendments to Chapter 16.08 be approved; and

WHEREAS, the Whatcom County Council reviewed the Planning Commission recommendations and held a public meeting on May 26, 1992 to consider additional comments; and

WHEREAS, the Council has adopted the following findings and conclusions which were originally developed by staff and the Planning Commission:

1
2 FINDINGS
3

- 4
- 5 1. Section 16.08.070 of Title 16 defines the
6 flexible thresholds for categorical exemptions in
7 those areas of the County mapped as the 100 year
8 floodplain, the Lake Whatcom Management Program,
9 but does not include those areas defined as
10 Critical Aquifer Recharge Areas which are crucial
11 to the protection of the County's groundwater
12 resources.
 - 13 2. Section 16.08.055 of Title 16 which defines the
14 time limits relating to project review and
15 threshold determinations was adopted in 1984 and
16 the 15 day limit which was adequate then is no
17 longer suitable.
 - 18 3. As of April 1992, 100 projects requiring SEPA
19 determination have been submitted and completion
20 is averaging six weeks.
 - 21 4. Section 16.08.160(4C) of Title 16 references
22 those policies within the existing authorization
23 of Whatcom County for SEPA mitigation. Critical
24 areas should be added so SEPA can be utilized as
25 may be necessary.

26 CONCLUSIONS
27

- 28
1. Critical Aquifer Recharge Areas should be
included in Section 16.08.070 of Title 16 to
supplement the existing areas of the County that
fall under categorical exemptions.
 2. An increase to 45 days should be incorporated in
Section 16.08.055 of Title 20 which will increase
the SEPA project review and threshold
determination period by 30 days which should help
reduce the backlog of application and delays.
 3. Referencing the Critical Areas Regulations in
Section 16.08.160(4C) would envoke SEPA authority
over Critical Areas.

1
2 All of the above paragraphs represent Findngs of Fact
3 by the Whatcom County Council. Based upon these Findings of
4 Fact, it is declared that enactment of the proposed amendments
5 will promote the public health, safety and general welfare.
6

7 NOW THEREFORE, BE IT ORDAINED by the Whatcom County
8 Council:
9

10 Section 1. WCC Section 16.08.055 adopted by Ord. No.
11 84-122 Part 2 (part), is amended to read:
12

13 16.08.055 (B) Threshold Determinations.
14

15 1. The county should complete threshold
16 determinations that can be based solely upon review of the
17 environmental checklist for the proposal within ~~XXXXXX~~
18 forty-five days of the date an applicant's adequate
19 application and completed checklist are submitted. (Effective
20 September 1, 1992).
21

22 (This section otherwise remains unchanged).
23

24 Section 2. WCC Section 16.08.070, adopted by Ord. No.
25 84-22 Part 3 (part), is amended to read:
26

27 16.08.070 Flexible thresholds for categorical
28 exemptions. (1) Whatcom County establishes the following

1
2 exempt levels for minor new construction under WAC
3 197-11-800(1)(b) in those areas of the county mapped as the
4 one hundred year floodplain, the Lake Whatcom Watershed,
5 ~~and~~ areas within the jurisdiction of the Whatcom County
6 shoreline management programs/ and Critical Aquifer
7 Recharge Areas.

8
9 (This section otherwise remains unchanged).

10
11 Section 3. WCC Section 16.08.160, adopted by Ord. No.
12 84-122 Part 7 (part), is amended to read:

13
14 16.08.160 (D) The County designates and adopts by
15 reference the following policies as the basis for the county's
16 exercise of SEPA authority pursuant to this section:

17
18 (3) The County adopts by reference the policies in the
19 following county documents: Temporary Critical Areas
20 Regulations.

21
22 (This section otherwise remains unchanged).

23
24 Section 4. Adjudication of invalidity of any of the
25 sections, clauses, or provisions of this Ordinance shall not
26 affect or impair the validity of the Ordinance as a whole or
27 any part thereof other than the part so declared to be invalid.

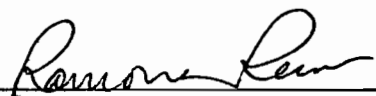
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ADOPTED this 23rd day of June, 1992.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


DANIEL M. WARNER, Chair

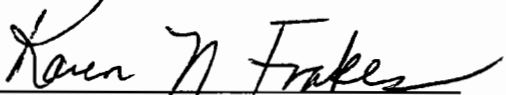
ATTEST:


RAMONA REEVES
Clerk of the Council

() APPROVED () VETOED


SHIRLEY VAN ZANTEN
County Executive

APPROVED AS TO FORM:


KAREN NELSON FRAKES
Civil Deputy Prosecuting
Attorney

DATE: 6-24-92