

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Planning/G. Rogers	<i>GR</i>	10/20/92	<b>RECEIVED</b>  <b>OCT 20 1992</b>  <b>WHATCOM COUNTY COUNCIL</b>	10/27/92	Council/Intro
Division Head:				11/10/92	Council
Dept. Head: Dan Taylor	<i>DT</i>	10/20/92			
Prosecutor:					
Purchasing/Budget:					
Executive:					

**SUBJECT:** File Ref: #21-91:CZM (Saban/Scott) An Ordinance amending the Birch Bay - Blaine Subarea Comprehensive Plan and the Official Whatcom County Zoning Map for approximately six acres known as lots 1, 2, and 3, Bishop's Acres Short Plat, Section 19, Township 40 North, Range 1 East from Urban Residential four per acre to General Commercial.

**ATTACHMENTS:** Agency Report with attached Staff Report  
 Draft Ordinance  
 Excerpts from Planning Commission minutes dated July 8, 1992

**SUMMARY STATEMENT:** Please complete sections of box as appropriate & explain the item below.

Related County contract #:	Should Clerk schedule a hearing? NO /XX/ YES / / Requested date:
Amount budgeted for this item/project: \$	Is it (or will it be) within budget? YES / / NO / / (Please explain below)
Budget line item number(s):	

The parcels included in this rezone request were formerly zoned General Commercial but were rezoned to an urban residential designation in 1989 at the request of the owner at that time. The basis of his request was that little commercial activity was occurring and that he desired to use the land in a more residential manner; adoption of the proposed ordinance will return the parcels to their previous zoning designation which is appropriate considering recent increases in the level of commercial activity.

**ORIGINATOR'S RECOMMENDED ACTION:** The Director of Land Use and Economic Planning recommends Council accept the Planning Commission recommendation by adopting the proposed ordinance.

**COMMITTEE ACTION TAKEN:**

**COUNCIL ACTION TAKEN:**

10/27/92: Introduction  
 11/10/92: Council approved 6-1 (Imhof against)

ORDINANCE NO. 92-084

1  
2 AN ORDINANCE AMENDING THE BIRCH BAY-BLAINE SUBAREA COMPREHENSIVE  
3 PLAN AND THE OFFICIAL WHATCOM COUNTY ZONING MAP FOR  
4 APPROXIMATELY SIX ACRES KNOWN AS LOTS 1, 2, AND 3, BISHOP'S ACRES  
5 SHORT PLAT, FROM URBAN RESIDENTIAL FOUR PER ACRE TO GENERAL  
6 COMMERCIAL.

7  
8 **WHEREAS**, Jim Saban and Robert Scott filed an application to amend the Birch  
9 Bay-Blaine Subarea Comprehensive Plan and the Official Whatcom County Zoning  
10 Map for approximately six acres known as lots 1, 2, and 3, Bishop's Acres Short Plat,  
11 section 19, township 40 north, range 1 east from URBAN RESIDENTIAL four per acre  
12 to GENERAL COMMERCIAL; and

13  
14 **WHEREAS**, pursuant to RCW 36.70.590, legal notice was published in the  
15 Bellingham Herald on June 25, 1992; and

16  
17 **WHEREAS**, a Determination of Non-Significance had been issued on June 3,  
18 1992 by the responsible Deputy SEPA Official; and

19  
20 **WHEREAS**, the Planning Commission held a hearing on the proposal on July 8,  
21 1992 and heard all testimony; and

22  
23 **WHEREAS**, the Planning Commission made a determination that the application  
24 should be approved.

25  
26 **WHEREAS**, the Council held a public meeting on October 27 to consider this  
27 matter and approved the Planning Commission recommendation including adopting  
28 the Findings and Conclusions; and

29  
30 **WHEREAS**, the Council has adopted the following Findings and Conclusions:

31  
32 **FINDINGS**

- 33  
34 1. The property included in this rezone request was rezoned from General  
35 Commercial to Urban Residential in 1988. The rezone was a result of  
36 both low levels of commercial development interest and the wishes of the  
37 owner at that time.  
38  
39 2. Water and sewer services are not currently available to this property

1 regardless of zoning; nor will they be available in the foreseeable future  
2 according to the service provider.  
3

- 4 3. The property subject to this rezone request includes Category III  
5 wetlands that may substantially reduce the nature of development the  
6 property.  
7
- 8 4. Recent increased commercial activity appears to validate the previously-  
9 classified GC potential of the subject property while there is no strong  
10 rationale for retaining the UR4 classification.  
11

### 12 **CONCLUSIONS**

13  
14  
15 The rezone of this property in 1988 from GC to UR4 was a logical response, at that  
16 time, to the slow progress of local service-oriented commercial development. The  
17 UR4 designation allowed the owner at that time to develop the property for residential  
18 use at four-per-acre densities. For whatever reason, that owner chose to sell the  
19 property rather than develop it in that way. The new owner has come forth requesting  
20 a return to the original zoning. Approval of this request will not result in any  
21 appreciable new burdens to the land or to public services substantially in excess of  
22 what would be created by development under the present zoning classification.  
23 Although there are impediments to development of this property including wetlands  
24 and lack of water and sewer services, the location of the property near a major  
25 intersection and surrounding land uses to the west and south combine to suggest that  
26 it should revert to its previous zoning of General Commercial.  
27

28 All of the above paragraphs represent Findings of Fact and Conclusions by the  
29 Whatcom County Council. Based upon these Findings of Fact and Conclusions, it is  
30 declared that enactment of this ordinance will promote the public health, safety, and  
31 general welfare.  
32

33  
34 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that  
35

36 Section 1. The Official Whatcom County Birch Bay-Blaine Subarea Comprehen-  
37 sive Plan Map is hereby amended by redesignating an approximately six acre area,  
38 known as lots 1, 2, 3, Bishop's Acres Short Plat, from URBAN RESIDENTIAL four per  
39 acre to GENERAL COMMERCIAL.  
40

41 Section 2. The Official Zoning Map of Whatcom County is hereby amended by  
42 redesignating an approximately six acre area, known as lots 1, 2, 3, Bishop's Acres  
43 Short Plat, from URBAN RESIDENTIAL four per acre to GENERAL COMMERCIAL.  
44

1 Section 3. Adjudication of invalidity of any of the sections, clauses, or provisions  
2 of this Ordinance shall not affect or impair the validity of the Ordinance as a whole or  
3 any part thereof other than the part so declared to be invalid.  
4

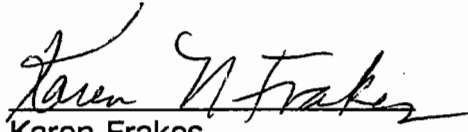
5  
6 NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that  
7

8 ADOPTED this 10th day of Nov., 1992.  
9

10  
11 ATTEST:

12   
13 \_\_\_\_\_  
14 Ramona Reeves, Council Clerk  
15

16  
17 APPROVED as to form & content:

18   
19 \_\_\_\_\_  
20 Karen Frakes  
21 Civil Deputy Prosecutor Attorney  
22

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

23   
24 \_\_\_\_\_  
25 Daniel M. Warner, Chairman

Approved       Denied

  
\_\_\_\_\_  
Shirley Van Zanten, Executive

Date: 11/11/92