

CLEARANCES:	Initial	Date	Date Received in Council Office	Agenda Date	Assigned To
Originator-jrg	JRE	6/24/93	RECEIVED JUN 2 1993 WHATCOM COUNTY COUNCIL	6/8/93	Introduction
Division Head- c:\f4\2\0493.Ab				6/22/93	P&D/Council
Department Head-	DWD	6/2/93			
Prosecutor Review-					
Purchasing/Budget Dir.-					
Executive-					

SUBJECT: FILE REF: 0493:ZT AN ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING ORDINANCE, TITLE 20, AGRICULTURAL DISTRICT, CHAPTER 20.40 TO ALLOW ROCK CRUSHING AS A CONDITIONAL USE WHEN WITHIN A MINERAL RESOURCE LAND (MRL) OVERLAY DISTRICT.

ATTACHMENTS: Agency report with attached staff report
 Excerpts from Planning Commission Minutes
 Draft Ordinance

Public Hearing Needed? Yes /__/ No /XX/

SUMMARY STATEMENT: The request would apply to all areas zoned Agriculture when also within an MRL district. This presently accounts for approximately 225 acres north of Nugents Corner between Lawrence, Siper, and Hopewell Roads. Two other areas include approximately 25 acres in the Morgan Road area south east of Sumas and 25 acres just outside of the north east corner of Nooksack (see Exhibit A of the staff report). The request would also apply to any future areas designated MRL in the Agriculture district.

RECOMMENDED ACTION: The Director of Land Use and Economic Planning recommends that Council accept the Planning Commission's recommendation by adopting the proposal.

COMMITTEE ACTION (including dates):

COUNCIL ACTION (including dates):

- 6/8/93: Council introduction
- 6/22/93: Adopted 6-1 with Harris opposed

Related File Numbers: _____ Ordinance or Resolution Number: 093-035

ORDINANCE NO. 93-035

AN ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING ORDINANCE, TITLE 20, AGRICULTURAL DISTRICT, CHAPTER 20.40 TO ALLOW ROCK CRUSHING AS A CONDITIONAL USE WHEN WITHIN A MINERAL RESOURCE LAND (MRL) OVERLAY DISTRICT.

WHEREAS, the Whatcom Sand and Gravel Association has applied for a text amendment to the Official Whatcom County Zoning Ordinance, Title 20, Agricultural District, Chapter 20.40 to allow rock crushing as a conditional use when within a Mineral Resource Land (MRL) Overlay District; and

WHEREAS, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on Thursday, February 25, 1993; and

WHEREAS, a Determination of Nonsignificance was issued by the Deputy SEPA Official on January 29, 1993; and

WHEREAS, the Planning Commission held a public hearing on the amendment on March 10, 1993, and heard all public testimony on the issues and after due deliberation made a determination that the application be approved; and

WHEREAS, the Council reviewed the Planning Commission recommendation at a public meeting on xx, 1993, and

WHEREAS, the Council has adopted the following findings and conclusions:

FINDINGS

1. The request would apply to three areas covering approximately 275 acres zoned Agriculture and within a MRL district in Whatcom County. The main area is approximately one mile north of Lawrence but also included is a 25 acre area in the Morgan Road area near Sumas and 25 acres just outside of Nooksack. The request would also apply to any future areas designated MRL in the Agriculture district.
2. The request would allow rock crushing as a conditional use within MRL overlay districts in the Agricultural zone. Current regulations prohibit this use in all areas zoned Agriculture.
4. The Whatcom Sand and Gravel Association asserts that rock crushing is an important land use to allow in all of the MRL districts, including those overlaying agriculture.
5. Most large scale mining operators seek to process materials on-site or at least nearby in order to minimize costs associated with transporting material to and from sites.
6. Minimizing the transportation of material to and from sites also minimizes impacts from trucks, which include traffic congestion and related accident and other concerns, noise and exhaust emissions, and dust generation.
6. The purpose of the MRL districts is to set aside land for future mineral needs and allow intensive mineral extraction activities. Rock crushing supports this use. The purpose of the Agriculture district, however, is to support agriculture.

- 1 7. The interim MRL districts were based primarily on current or past land use and permit status
2 where the decision to allow intensive mining had already been made.

3 **CONCLUSIONS**

4 While a conflict in policies technically exists where designated mineral and agricultural resource
5 areas overlap, the intent of recent GMA work was to prioritize mineral resource extraction within
6 all of the MRL districts. Pre-existing legal rights to intensively mine in these areas prioritized
7 these areas by default in any case. Recognizing this intensive land use should also acknowledge
8 that supportive accessory uses such as rock crushing should be conditionally allowed. In the
9 future, the placement of MRL districts during final GMA work will be the appropriate tool to
10 determine resource priorities.

NOW THEREFORE BE IT ORDAINED BY THE WHATCOM COUNTY COUNCIL THAT:

Section 1. Title 20, Agricultural District, Chapter 20.40 of The Official Whatcom County Zoning Ordinance is hereby amended to allow rock crushing as a conditional use when within a Mineral Resource Land (MRL) Overlay District as follows:

(20.40) AGRICULTURE (AG) DISTRICT

20.40.150 CONDITIONAL USES

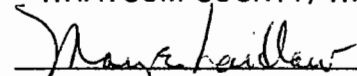
170 Rock crushing when within a Mineral Resource Land Special District.

Section 2. The Council finds the public health, safety and general welfare are promoted by this change.

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

PASSED this 22nd day of June, 1993.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Marge Laidlaw, Chairperson


APPROVED VETOED


Shirley Van Zanten, County Executive

ATTEST:


Clerk of the Council

APPROVED AS TO FORM:


Karen Frakes
Civil Deputy Prosecuting Attorney

Date 6-23-93