

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Gordon Rogers	<i>[Signature]</i>	06-01-93	RECEIVED JUN 2 1993 WHATCOM COUNTY COUNCIL	6/8/93	P&D/Council
Division Head: Daniel W. Taylor	<i>[Signature]</i>	06-01-93		6/22/93	Council/Intro
Dept. Head:				7/13/93	Council/P&D
Prosecutor:				7/27/93	Council Hearing
Purchasing/Budget:				8/10/93	P & D/Council
Executive:				9/14/93	P & D/Council

SUBJECT:

File #03-92:ZT; To amend the text of the Whatcom County Zoning Ordinance expanding use of aircraft landing areas to allow operation of aircraft for personal use in the Agriculture, and Rural zones as a Conditional Use, and to add sections allowing aircraft landing areas as a Conditional Use in the Rural Forestry and Commercial Forestry zones and as an Accessory use in the Commercial Forestry zones.

ATTACHMENTS:

- Agency Report with attached Staff Report
- Memo from Gordon Rogers with revised draft text amendment
- Draft Planning Commission Minutes
- Ordinance

SUMMARY STATEMENT:

Please complete sections of box as appropriate & explain the item below.

Related County contract #:	Should Clerk schedule a hearing? NO /X/ 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):	

This request for text amendment originated with a private applicant, Mr. Doug Sande, but was subsequently expanded by Planning. The Sande application requested that aircraft landing areas be allowed as a Conditional Use for personal uses in AG zones in addition to the presently allowed agricultural uses. Planning expanded the request to allow personal uses in AG, Rural Forestry, and Commercial Forestry zones, to allow Accessory Use in the Commercial Forestry zones, and to modify the existing language in the Rural zone. The Conditional Use permit process allows for public input concerning the location of any new aircraft landing area. These uses were also somewhat restricted as to proximity to neighboring activities. Because the Commission vote was 3-3-1, the request was not approved and therefore no ordinance has been prepared. If Council wishes to approve the request, a hearing must be held.

ORIGINATOR'S RECOMMENDED ACTION: The Director of Land Use and Economic Planning recommends County Council hold a public hearing.

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

- 6/8/93: Held in Planning Committee until scheduling of a public hearing.
- 7/27/93: Council referred this back to the Planning and Development Committee
- 8/10/93: Held in committee
- 9/14/93: Council voted to amend the attachment to the aircraft landing zone ordinance and to adopt the ordinance.

Related File Numbers:

Ordinance or Resolution Number (this item only):

Ord
93-076

SPONSORED BY: Planning

PROPOSED BY: Planning

INTRODUCTION DATE: 6/16/93

ORDINANCE NO. 93-076

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AN ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING ORDINANCE (TITLE 20) TO ALLOW, AS CONDITIONAL USES, AIRCRAFT LANDING AREAS FOR PERSONAL USE IN THE AGRICULTURE, RURAL, RURAL FORESTRY, AND COMMERCIAL FORESTRY ZONE DESIGNATIONS, AND IN THE COMMERCIAL FORESTRY ZONE AS AN ACCESSORY USE.

WHEREAS, Doug Sande has requested that the text of the Official Whatcom County Zoning Ordinance (Title 20) be amended to allow personal use of aircraft landing areas in Agriculture zones as a Conditional Use; and

WHEREAS, The Whatcom County Planning Department expanded the request to include amendment of the language in the Rural zone and added new sections for Rural Forestry and Commercial Forestry zones; and

WHEREAS, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on Thursday, April 1, 1993; and

WHEREAS, a determination of Non-Significance was issued by the Deputy SEPA Official on March 22, 1993; and

WHEREAS, the Planning commission held a public hearing on the requested text amendments on April 14, 1993 and heard all testimony; and

WHEREAS, the Planning Commission made a determination to send the matter forward without recommendation; and

WHEREAS, the Council held a public hearing on July 7, 1993 to consider this matter and found the amendment request in the best interest of the public health , safety , and welfare; and

WHEREAS, the Council has adopted the following Findings and Conclusions:

1 **FINDINGS**
2

- 3 1. The phrase "aircraft landing strip" as used in the County Zoning Ordinance is ambiguous
4 in that it does not present the opportunity for owners/operators of rotorcraft (helicopters) to
5 operate their aircraft from other than airstrips (i.e. helipads). Adoption of the Airman's
6 Information Manual terminology and definition of "LANDING AREA" will eliminate
7 confusion and more precisely specify what is allowed by the zoning text.
8
- 9 2. Storage and/or handling of bulk quantities of agricultural or other chemicals at aircraft
10 landing areas does present a public hazard and should be discouraged. Those aircraft landing
11 areas in AG zones used primarily as a base for application of agricultural chemicals should
12 include provisions for the safe storage and handling of such chemicals or, as an alternative,
13 use the area designated for that purpose at the Bellingham International Airport.
14
- 15 3. Aircraft landing areas should be considered as a Conditional Use in the Commercial and
16 Industrial districts, but this was considered beyond the scope of this analysis.
17
- 18 4. The Conditional Use Permit process is an adequate tool to insure opportunities for public
19 input and discussion of the propriety of any specific request for an aircraft landing area on a
20 case-by-case basis.
21
- 22 5. The potential for substantial new impervious surfacing in the County may be eliminated
23 by imposing a "no impervious surface" limitation preserving for the landowner or tenant a
24 choice of permeable surfaces. The impervious surface limitation will also serve to limit the
25 size of aircraft that could operate from these aircraft landing areas in the interest of public
26 safety and welfare.
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- 28 6. Commercial logging operations in CF districts are, in some cases, facilitated by the
29 opportunity to use helicopter logging technology. This text amendment allows commercial
30 helicopter logging operations from aircraft landing areas in the CF districts provided a 1,000
31 foot buffer is maintained from other zone districts.
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35 **CONCLUSIONS**
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37 This zoning text amendment acts to bring equity to property owners and tenants in
38 Agriculture, Rural Forestry, and Commercial Forestry zones who wish to operate their own
39 aircraft from their property. Under the proposed text amendment, an owner of Rural,
40 Agriculture, Rural Forestry, or Commercial Forestry designated lands may obtain a
41 Conditional Use Permit to operate his/her own aircraft from his/her own property for
42 personal uses; or, in the case of Commercial Forestry for forest practices. Owners of
43 Commercial Forestry-designated lands may, in some circumstances, operate aircraft for
44 forest practices as an Accessory Use. The amendments also place restrictions on the use of

1 fuels and chemicals at aircraft landing areas thereby limiting the risk of spillage of hazardous
2 materials. The amendments also restrict landing area surface material to sod, thereby
3 permanently preserving the availability of agriculture lands and eliminate any new impervious
4 surfaces resulting from aircraft landing areas. The amendments limit the affects of aircraft
5 operations on adjacent landowners by imposing a larger minimum distance from neighboring
6 properties for those operations. The Conditional Use Permit process will ensure that
7 neighbors of would-be aircraft operators are afforded the opportunity to comment on every
8 proposed new aircraft landing area.
9

10
11 NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that
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13 Section 1. The Official Whatcom County Zoning Ordinance (Title 20) sections 20.40.156
14 Agriculture District, Conditional Uses and section 20.36.158 Rural District, Conditional Uses
15 are hereby amended and new sections 20.42.156 Rural Forestry, Conditional Uses,
16 20.43.158 Commercial Forestry, Conditional Uses, and 20.43.104 Commercial Forestry,
17 Accessory Uses are added as shown on Exhibit A.
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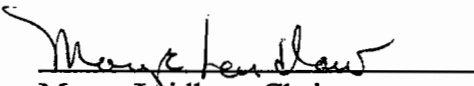
19 Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this
20 Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part
21 thereof other than the part so declared to be invalid.
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23 ADOPTED this 14th day of Sept., 1993.
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25 ;
26 ATTEST:

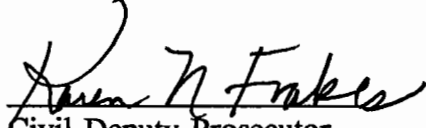
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

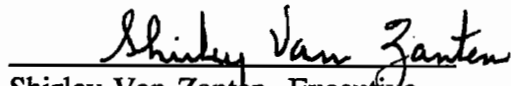
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30 Ramona Reeves, Council Clerk

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Marge Laidlaw, Chairperson

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32 APPROVED as to form & content:

() Approved () Denied

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36 Civil Deputy Prosecutor

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36 Shirley Van Zanten, Executive

37 Date: 11-29-93
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20.40.156 Agriculture District, Conditional Uses

Aircraft landing areas when solely for personal (aircraft based at those landing areas are owned or controlled by the landowner or tenant and subject to any limitations deemed necessary by the Hearing Examiner) or agriculture (aerial application of agricultural chemicals) uses; provided the centerline of any such landing area shall not be located within five hundred (500) feet of any property line, building, or structure; except that a legal affidavit from adjacent property owner(s) allowing all, or a portion, of that 500 feet as a recorded easement on their property, presented as part of a Conditional Use Permit application, shall be acceptable. The surface of any such landing areas shall be grass or sod and not longer than 2,500 feet. It shall be unlighted and for daytime use only. Handling and storage of fuel and bulk chemicals, associated with agricultural application, on or near the landing area must comply with pertinent State and County codes.

Fuels and lubricants associated with the operation of personal use aircraft will be stored and handled in accordance with pertinent State and County codes. All aircraft and pilots must comply with all current Federal Aviation Regulations for the maintenance and operation of aircraft. Notification of conditional use permit application hearing shall go, by first class mail, to residents within one thousand (1,000) feet from any point on a proposed aircraft landing area; the applicant shall pay the cost of such mailings.

20.36.158 Rural District, Conditional Uses

Aircraft landing areas when solely for personal (aircraft based at those landing areas are owned or controlled by the landowner or tenant and subject to any limitations deemed necessary by the Hearing Examiner) uses; provided the centerline of any such landing area shall not be located within five hundred (500) feet of any property line, building, or structure; except that a legal affidavit from adjacent property owner(s) allowing all, or a portion, of that 500 feet as a recorded easement on their property, presented as part of a Conditional Use Permit application, shall be acceptable. The surface of any such landing areas shall be grass or sod and not longer than 2,500 feet. It shall be unlighted and for daytime use only.

Fuels and lubricants associated with the operation of personal use aircraft will be stored and handled in accordance with pertinent State and County codes. All aircraft and pilots must comply with all current Federal Aviation Regulations for the maintenance and operation of aircraft. Notification of conditional use permit application hearing shall go, by first class mail, to residents within one thousand (1,000) feet from any point on a proposed aircraft landing area; the applicant shall pay the cost of such mailings.

20.42.156 Rural Forestry, Conditional Uses (New Section)

Aircraft landing areas when solely for personal (aircraft based at those landing areas are owned or controlled by the landowner or tenant and subject to any

limitations deemed necessary by the Hearing Examiner) or forest management uses; provided the centerline of any such landing area shall not be located within five hundred (500) feet of any zone boundary other than a Commercial Forestry zone, property line, building, or structure; except that a legal affidavit from adjacent property owner(s) allowing all, or a portion, of that 500 feet as a recorded easement on their property, presented as part of a Conditional Use Permit application, shall be acceptable. The surface of any such landing areas shall be grass or sod and not longer than 2,500 feet. It shall be unlighted and for daytime use only.

Handling and storage of fuel and bulk chemicals associated with forest management on or near the landing area, and fuels and lubricants associated with the operation of personal use aircraft, will be stored and handled in accordance with pertinent State and County codes. Notification of conditional use permit application hearing shall go, by first class mail, to residents within one thousand (1,000) feet from any point on a proposed aircraft landing area; the applicant shall pay the cost of such mailings.

20.43.104 Commercial Forestry (Accessory Use)

Aircraft landing areas when solely for commercial logging or forest management uses; provided no landing area shall be located within five hundred (500) feet of any other zoning district, building or structure, except that a legal affidavit from adjacent property owner(s) allowing all, or a portion, of that 500 feet as a recorded easement on their property, presented as part of a Conditional use permit application, shall be acceptable. The surface of this area shall be pervious. Handling and storage of fuel and bulk chemicals associated with forest management on or near the landing area must comply with pertinent State and County codes. Emergency operations (i.e. forest fire control) may be conducted from these locations.

20.43.158 Commercial Forestry (Conditional Use)

Aircraft landing areas within 1,000 feet of any building or structure when solely for commercial logging or forest management uses; provided no landing area shall be located within five hundred (500) feet of any other zoning district, building or structure, except that a legal affidavit from adjacent property owner(s) allowing all, or a portion, of that 500 feet as a recorded easement on their property, presented as part of a Conditional use permit application, shall be acceptable. The surface of this area shall be pervious. Handling and storage of fuel and bulk chemicals, associated with forest management, on or near the landing area must comply with pertinent State and County codes. Emergency operations (i.e. forest fire control) may be conducted from these locations.

28.97.011 Definitions (Aircraft Landing Area)

Any locality, either on land, water, or structures including airports/heliports and intermediate landing fields, which is used, or intended to be used, for the landing and takeoff of aircraft.