

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Carl Batchelor	CB	6/7/94	RECEIVED JUL 20 1994 WHATCOM COUNTY COUNCIL	7/26/94	Council introduction
Division Head: Dan Taylor	DT	7/20/94		8/9/94	Council
Dept. Head: Nate Brown	NB	7/20/94			
Prosecutor:	KF	7/19/94			
Purchasing/Budget:					
Executive:					

SUBJECT: An Ordinance to amend the Cherry Point-Ferndale Subarea Comprehensive Plan Map and the Official Whatcom County Zoning Map from Agriculture (AG) to Rural Five Acres (R5A) for approximately 9.75 acres.

ATTACHMENTS: Agency Report with attached Staff Report
Draft Planning Commission Minutes

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

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

ORIGINATOR'S RECOMMENDED ACTION: The Director of Planning and Development Services recommends Council accept this recommendation of the Planning Commission and adopt the proposed ordinance.

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

8/9/94: Council adopted the ordinance.

SPONSORED BY: Consent

PROPOSED BY: Consent

INTRODUCTION DATE: 7/26/94

ORDINANCE NO. 94-047

1
2 AN ORDINANCE AMENDING THE CHERRY POINT-FERNDALE SUBAREA
3 COMPREHENSIVE PLAN MAP AND THE OFFICIAL WHATCOM COUNTY ZONING MAP
4 FROM AGRICULTURE (AG) TO RURAL FIVE ACRES (R5A) FOR APPROXIMATELY 9.75
5 ACRES
6

7 WHEREAS, Kevin Boxx and Liz Joseph have requested that the Cherry Point-Ferndale
8 Subarea Comprehensive Plan Map and the Official Whatcom County Zoning Map be amended
9 from Agriculture (AG) to Rural Five Acres (R5A) for approximately 9.75 acres; and

10 WHEREAS, pursuant to RCW 36.70.590 legal notice was published in the Bellingham
11 Herald on Thursday, April 28, 1994; and

12
13
14 WHEREAS, the Deputy SEPA Official issued a Determination of Nonsignificance on February 17,
15 1994; and

16
17 WHEREAS, the Planning Commission held a public hearing on the proposed amendments
18 on May 11, 1994 and considered all testimony; and

19
20 WHEREAS, the Council held a public meeting on August 9, 1994 to consider this
21 matter and approved the Planning Commission recommendation; and

22
23 WHEREAS, the Council found the amendments in the best interest of the public health,
24 safety, and welfare; and

25
26 WHEREAS, the Council has adopted the following Findings and Conclusions:

27
28 **FINDINGS**

- 29 1. The property was originally zoned agriculture in 1981, with the adoption of the Cherry
30 Point-Ferndale Subarea Comprehensive Plan.
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32 2. The site is fairly flat, gently sloping to a small drainage to the southeast. Soils include
33 Lynden sandy loam which is a very deep, very well drained, prime when irrigated soil
34 with moderate to rapid permeability; and Lynnwood sandy loam, which is a very deep,
35 sometimes excessively drained soil with rapid permeability that is not prime and is rated
36 as severely constrained for septic systems because it is a poor filter.
37
38 3. The property is in the Lower Nooksack watershed, near the boundary with the Tenmile
39 Creek watershed. It is approximately one quarter mile outside of the Nooksack River
40 100-year floodplain which is to the west.
41
42 4. The subject property is used for one single family residence and a shed. It has not
43 been used for agriculture for 30 to 40 years. Surrounding uses include agriculture and
44 woodland to the south, west, and north and small lot single family residential

1 development to the east and northeast. In addition to larger (30 to 60 acres) agricultural
2 parcels adjacent and nearby, there are two parcels smaller than 5 acres across Paradise
3 Road to the west of the subject property, a one acre parcel adjacent to the northeast
4 corner of the subject property, and a two acre parcel across Paradise Road to the north,
5 all of which are in the Agriculture zone.
6

- 7 5. The subject property is adjacent to the Rural Residential One house Per acre (RR1) zone
8 to the east and the Rural 10 Acre (R10A) zone to the northeast.
9
- 10 6. Domestic water and wastewater treatment are provided by Individual onsite wells and
11 septic systems.
12
- 13 7. There is a tradeoff between agricultural or rural residential use and groundwater quality.
14
- 15 8. The proposed rezone would potentially introduce one more home in an area that is
16 affected by the impacts of agricultural land use
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- 18 9. There is nothing to indicate a need for more Rural Five Acre land in this area other
19 than the economic need of the applicant, however the proposal is consistent with the
20 rationale and locational criteria for the Rural designation, in the Subarea Plan, given
21 closer scrutiny of the present pattern of parcel sizes and uses.
22
- 23 10. It has been 15 years since the adoption of this fairly broad based subarea plan.
24
25
26

27 **CONCLUSION**
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29 Based primarily on the pattern of surrounding parcel sizes and land uses and the location of the
30 subject parcel on the edge of the Agriculture zone, the rezone is somewhat consistent with the
31 rationale and locational criteria for the Rural five Acre designation. However, it must be kept
32 in mind that there is a tradeoff with the goal of preserving prime agricultural soils.
33
34
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36 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:
37

38 Section 1. The Cherry Point-Ferndale Subarea Comprehensive Plan Map and the Official
39 Whatcom County Zoning Map are hereby amended from Agriculture (AG) to Rural Five Acres
40 (R5A) for approximately 9.75 acres (Assessor's Parcel Number 390221 485357).
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43 Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this
44 Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part
45 thereof other than the part so declared to be invalid.
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47 ADOPTED this 9th day of August, 1994.
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ATTEST:

WHATCOM COUNTY, WASHINGTON

Marina McAllister
Ramona Reeves, Council Clerk
Acting Clerk

Robert Imhof
Robert Imhof, Chairperson

APPROVED as to form

Approved Denied

Karen N. Frakes
Daniel Gibson, Civil Deputy Prosecutor
Karen N. Frakes

Shirley Van Zanten
Shirley Van Zanten, Executive

Date: *8-10-94*