

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator:				2/7/95	County Council
Division Head:					
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:					

SUBJECT: *An emergency ordinance extending the terms of ordinance 94-078 adopting Critical Areas Regulations for city days.*

ATTACHMENTS:

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

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

ORIGINATOR'S RECOMMENDED ACTION:

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

2/7/95: Adopted 6-0

Related File Numbers:

Ordinance or Resolution Number (this item only):

1 hearing on the proposal on October 26, 1994, and considered all testimony; and

2 **WHEREAS**, the Planning Commission held a work session on November 9, 1994, to
3 review the proposal and recommend an revised CAO based on the referendum version; and

4 **WHEREAS**, on December 8, 1994, the Washington State Supreme Court ruled the
5 referendum to be invalid and therefore, the original CAO is legally in effect; and

6 **WHEREAS**, Council wishes to adopt a temporary CAO as an interim measure until
7 a final package of regulations and incentives can be developed; and

8 **WHEREAS**, there is a need for continuity of administration while additional work is
9 completed on these regulations; and

10 **WHEREAS**, the Council at a public meeting on December 13, 1994, reviewed the
11 Planning Commission recommendation and found the proposed amendments to be necessary
12 for the immediate preservation of the public health, safety, and welfare; and

13 **WHEREAS**, the Council adopted Ordinance #94-078 which adopted Critical Areas
14 Ordinance regulations for sixty days; and

15 **WHEREAS**, that sixty day emergency ordinance will expire on February 13, 1995, and
16 a final version will not be in place at that time; and

17 **WHEREAS**, the Council feels it is necessary to extend the emergency regulation
18 another sixty days or until a final version is in place, whichever occurs first; and

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

20 **FINDINGS**

- 21 1. Whatcom County has a number of areas subject to natural hazards or which, in their
22 natural state, carry, hold or purify water and/or support unique or fragile natural
23 resources. These areas are identified as Critical Areas.
- 24 2. Whatcom County is mandated by the Growth Management Act to protect these areas
25 as well as to protect the community from hazards associated with these areas.
- 26 3. As determined by SEPA review, the four measures in the Mitigated Determination
27 of Non-significance (MDNS) address major environmental concerns with the
28 referendum version of the CAO. Compliance with these conditions will help provide
29 adequate protection for wetlands, streams, and wildlife not protected under other
30 programs.

- 1 4. Additional modifications based upon staff suggestions and public impact have refined
2 the administrative provisions of the referendum version of the CAO.
- 3 5. This ordinance represents the third attempt by Whatcom County to strike a balance
4 between environmental management and the rights of individuals.
- 5 6. A comprehensive management package of environmental controls and incentives is
6 being developed.
- 7 7. The Washington State Supreme Court has ruled the referendum version of the CAO
8 to be invalid, requiring the need to administer some other regulations.
- 9 8. Whatcom County is in compliance with the Growth Management Act under the
10 original CAO.
- 11 9. It is recognized that changes to the original ordinance are desirable.
- 12 10. In addition to the Supreme Court ruling, additional information on regulatory reform
13 will be available in the immediate future and could be incorporated.

14 **CONCLUSION**

15 This emergency ordinance will allow the county to immediately administer a replacement
16 to the referendum while allowing additional time to incorporate changes which will create
17 regulations that balance environmental control with property rights until the final
18 comprehensive package of environmental controls and incentives can be completed.

19 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:

20 Section 1: Whatcom County hereby adopts the Whatcom County Critical Areas
21 Regulations, Exhibit "A", for sixty days or until a final version of the regulations are in place,
22 whichever occurs first.

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

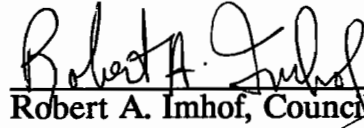
26 Section 3: This ordinance should take effect immediately and until expiration on April
27 8, 1995.

1 ADOPTED this 7th day of February, 1995.

2 WHATCOM COUNTY COUNCIL
3 WHATCOM COUNTY, WASHINGTON

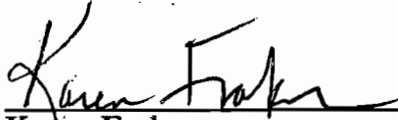
4 ATTEST:


5 
6 Ramona Reeves, Council Clerk

7 
8 Robert A. Imhof, Council Chair

9 APPROVED AS TO FORM:

10 () Approved () Denied

11 
12 Karen Frakes
13 Civil Deputy Prosecutor

14 
15 Shirley Van Zanten, Executive

16 Date: _____

*I decline to sign
by 2-17-95*

Clerk's note: If the Executive does not either sign or veto an ordinance it shall become law without the Executive's signature, pursuant to the Home Rule Charter Section 2.30.


Ramona Reeves, Clerk of the Council

2/21/95