

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Dan Taylor	<i>DT</i>	3/17/95		3/28/95	Council
Division Head: Dan Taylor	<i>DT</i>			4/11/95	Council
Dept. Head: Nate Brown	<i>NB</i>			4/25/95	Council
Prosecutor:					
Purchasing/Budget:					
Executive:	<i>sz</i>				

SUBJECT: File #05-93:CZM Ordinance Amending the Official Whatcom County Zoning Map From Rural One Unit Per Acre (R10A) to Light Impact Industrial (LII) for Approximately 440 Acres

ATTACHMENTS: Proposed Ordinance
 See Agenda Bill #95-170 for:
 - Original Staff Report with MDNS and Other Attachments
 - February 20, 1995 letter from Maurice Knight

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	

Agenda Bill #95-170

ORIGINATOR'S RECOMMENDED ACTION: For Council Determination

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

3/28/95: Introduced
 4/11/95: Tabled until 4/25/95. Public comment held open until 4/18/95.
 4/25/95: Amended and adopted 4-3 with Brenner, Harris, and Henderson opposed.

SPONSORED BY: Planning

PROPOSED BY: Council

INTRODUCTION DATE: 3/28/95

ORDINANCE NO. 95-023

AN ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING MAP FROM RURAL ONE UNIT PER TEN ACRES (R10A) TO LIGHT IMPACT INDUSTRIAL (LII) FOR APPROXIMATELY 440 ACRES

WHEREAS, a group of property owners represented by Philip Serka have requested to amend the Birch Bay-Blaine Subarea Comprehensive Plan and official Whatcom County Zoning Map from a rural comprehensive plan designation and a Rural One Dwelling Unit per Ten Acres zone to a Light Industrial designation and zone for approximately 440 acres bounded, generally, by Birch Bay-Lynden Road on the north, Portal Way and the Burlington Northern Railroad on the east, and Arnie Road on the south. The western boundary follows property lines approximately one-half mile west of Valley View Road; and

WHEREAS, a Mitigated Determination of Non-significance (MDNS) was issued by the Deputy SEPA Responsible Official on July 13, 1994; and

WHEREAS, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on Thursday, July 14, 1994; and

WHEREAS, Planning Commission held a public hearing on July 27, which was continued to September 21, 1994; and

WHEREAS, because the audio tapes of the September 21 continuation were stolen, the Planning Commission held an additional public hearing on October 25, 1994; and

Whereas, after due deliberation at a work session on November 9, 1994, the Planning Commission recommended denial of the request; and

WHEREAS, the Council held a public hearing on April 11, 1995 to further consider the matter and approved the request; and

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

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

FINDINGS

1. The property requested to be rezoned is located in the Birch Bay/Blaine Subarea. The comprehensive plan for this subarea addresses the desirability of future rezoning to LII where rail access is available and other criteria can be met.

- 1 2. The property is zoned R-10 which allows for a variety of uses. Present uses
2 include a rail spur, residential, a dairy, grazing, and other limited agricultural use.
3
- 4 3. Since the original zoning of the property in 1987, there has been a substantial
5 change of circumstances to justify rezoning the property to LII:
6
 - 7 a. The adoption of the Free Trade Agreement between the U.S. and Canada
8 has increased the demand for a prime transportation location for industry.
9
 - 10 b. Amtrak service has been financed and will service the Northwest. Train
11 traffic on the existing B N line will increase to an additional three round trips
12 per day by 1998.
13
 - 14 c. High Speed Rail - The railroad line in question has been identified as part of
15 five high speed rail corridors established by the Federal government. As a
16 result, funds will be allocated to improve train crossings in order to
17 accommodate high speed rail.
18
 - 19 d. There is significant need to provide industrial jobs in Whatcom County.
20
 - 21 e. Whatcom County has adopted Resolution 94-025 (3-22-94) which requires
22 all county agency actions to consider the establishment and maintenance of
23 a healthy job-based economy. Approval of this rezone will support the goals
24 in establishing Resolution No. 94-025.
25
 - 26 f. Since 1987, power lines have been upgraded to service industrial
27 development. The rezone includes properties that front Birch Bay-Lynden
28 Road. Thus, Cascade Natural Gas lines can be extended from Birch Bay-
29 Lynden to service Industrial zoned properties.
30
 - 31 g. Since 1987, the Peace Arch Factory Outlet has been developed at the
32 intersection of Exit 270 and I-5. This particular development has been fully
33 developed without public sewer and water and Gateway Industrial zoned
34 property. Demands for public sewer and water will be even less for
35 Industrial uses than the demands associated with the demands placed on
36 commercial development.
37
- 38 4. California Creek crosses the area; wetlands are also present in the area. California
39 Creek is addressed to a large extent through MDNS mitigating measures. California
40 Creek fish habitat would most likely be improved.
41
- 42 5. The site has good access to I-5 via the Birch Bay/Lynden Road interchange, Portal
43 Way and Valley View Road. Portal Way is an all weather road. Valley View will
44 need to be upgraded to all weather standards as a result of mitigating measures
45 required by the Deputy SEPA Official.
46
- 47 6. The site is adjacent to the Burlington Northern main north-south railroad line. The

1 Cherry Point spur rail line crosses the property east-west. The spur has a Y
2 connection to the main line with fully signalized junctions and road intersections.
3

4 7. The site is in close proximity to existing Gateway Industrial zoning and the town of
5 Custer which was historically a railroad town.
6

7 8. The request generally meets all of the criteria required for a comprehensive plan
8 amendment in the subarea and for a rezone based on changed conditions.
9

10 9. There is a shortage of suitable property with good rail access and good interstate
11 highway access to be used for warehousing, open storage, a transfer point, and rail
12 car storage and marshalling in Whatcom County and lower British Columbia, or any
13 other use allowed in the Light Industrial zone.
14

15 10. Certain types of development of the area could facilitate the transfer of freight from
16 truck to rail with a probable reduction of truck trips south along 1-5.
17

18 11. The availability of public services, although not a certainty, appear likely. Unused
19 or excess capacity could also be available from other sources.
20

21 CONCLUSIONS

22

23 1. Because of its location and amenities including substantial existing rail facilities,
24 rezone area is ideally suited for Light Impact Industrial uses and could make an
25 important contribution to Whatcom County's economic base by providing
26 warehouse, processing, and or shipping facilities necessary for a full service
27 economy, particularly one with a major trade component with British Columbia.
28

29 2. Rezoning and subsequent development of the site will eliminate land presently in
30 rural uses. The site does have some soil and environmental constraints, which can
31 be mitigated. The proposed use is not inherently compatible with the surrounding
32 properties. Relatively direct access to I-5 for any increased truck traffic and the
33 low intensity use normally associated with Light Industrial zoning will limit impacts
34 to surrounding properties. Mitigation provided as a condition of the rezone MDNS
35 acts to minimize many impacts and additional SEPA requirements resulting from
36 substantial development applications will go further to protect the best interests of
37 the public.
38
39

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

41
42 Section 1. The official Whatcom County Zoning Map is hereby amended by re-zoning
43 approximately 440 acres from Rural One Unit Per Ten Acres (R10A) to Light Impact
44 Industrial (LII) as described and mapped on Exhibit A.
45

46 Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this
47 Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part

1 thereof other than the part so declared to be invalid.

2
3 ADOPTED this 25th day of April, 1995.

4
5
6
7
8 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

9
10
11 Marina McAlester

12
13 on Dana Brown-Davis, Council Clerk

Robert A. Imhof
Robert A. Imhof, Chairperson

14
15
16
17 APPROVED as to form & content:

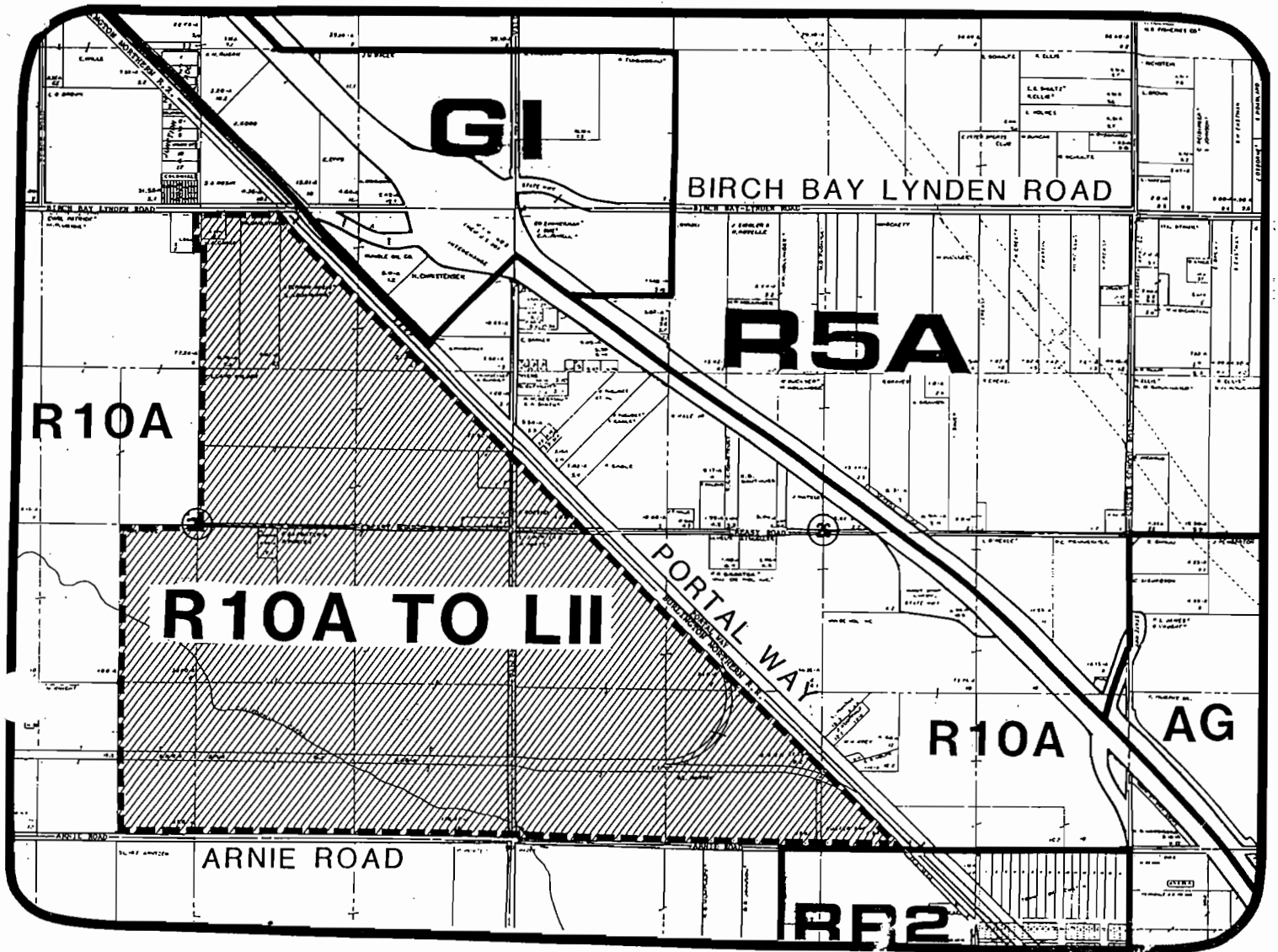
() Approved () Denied

18
19 Karen Frakes
20
21 Karen Frakes, Civil Deputy Prosecutor

Shirley Van Zanten
Shirley Van Zanten, Executive

22
23
24 Date: 4-26-95

EXHIBIT "A"



Proposed Rezone - R10A to LII

Those portions of Sections 26 and 27, Township 40 Range 1 East W.M. as follows:

All of the E 1/2 of Section 27 lying southwest of the main BNRR R/W line, including the BNRR R/W spurline and operating property and Also the E. 71 feet of the E. 2 acres of the N. 10 acres of the NE 1/4 NW 1/4 of Section 27 and also the E 1/2 of the E 1/2 of the SW 1/4 of Section 27, including the BNRR R/W spurline therein
and also

All of that portion of Section 26 lying southwest of the main BNRR R/W, including the BNRR R/W spurline and operating property lying therein.

Situated south of Birch Bay - Lynden Road to the north, southwest of Portal Way and the main BNRR R/W and north of Arnie Road to the south.