

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: ^{CARL BATCHELOR} Dan Taylor	CB	8/24/95	RECEIVED AUG 30 1995 WHATCOM COUNTY COUNCIL	9/5/95	Council Introduction
Division Head: Dan Taylor	DT	8/24/95		9/19/95	P & D / Council
Dept. Head: Nate Brown	NWB	8/25/95			
Prosecutor:	KNE	8/25/95			
Purchasing/Budget:					
Executive:	by	8/28/95			

SUBJECT: An Ordinance to amend the Lynden Nooksack Valley Subarea Comprehensive Plan Map from Rural to General Commercial and the Official Whatcom County Zoning Map from Rural One Unit Per Two Acres (R2A) to General Commercial (GC) for approximately four acres.

ATTACHMENTS: Proposed Ordinance
 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 / / 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	

The original request was to rezone about two acres. After researching the site, staff recommended an extension to the west of about two acres, subject to the property owners agreeing. One property owner (Mr. Burke) did not want to be included.

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

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

9/5/95: Council Introduction
 9/19/95: Adopted 6-0

SPONSORED BY: Consent

PROPOSED BY: Planning Division

INTRODUCTION DATE: 9/5/95

ORDINANCE NO. 95-046

AN ORDINANCE AMENDING THE LYNDEN NOOKSACK VALLEY SUBAREA COMPREHENSIVE PLAN MAP FROM RURAL TO GENERAL COMMERCIAL AND THE OFFICIAL WHATCOM COUNTY ZONING MAP FROM RURAL ONE UNIT PER TWO ACRES (R2A) TO GENERAL COMMERCIAL (GC) FOR APPROXIMATELY FOUR ACRES

WHEREAS, Jeremy Bert has requested that the Lynden Nooksack Valley Subarea Comprehensive Plan Map be amended from Rural to General Commercial and the Official Whatcom County Zoning Map be amended from Rural One Unit per Two Acres (R2A) to General Commercial (GC) for approximately two acres; and

WHEREAS, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on July 20, 1995; and

WHEREAS, the Deputy SEPA Official issued a Determination of Nonsignificance on March 2, 1994; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on August 3, 1995 and considered all testimony; and

WHEREAS, the Council held a public meeting on September 19, 1995 to consider this matter and approved the Planning Commission recommendation; 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 area requested to be rezoned is approximately two acres which is surrounded by the Nooksack Casino on the west and Mt. Baker Highway and Deming Road. An additional approximately two acres fronts Deming Road immediately to the west of the request.
2. Present uses on the requested site include a small truck fueling station, a small electrical substation, and a single-family house. The proposed area includes a portion of a casino, a former hotel, a restaurant and lounge, a branch U.S. Post Office, and an empty storage building. The proposed additional area would further square off the boundary of the General Commercial zone.

- 1 3. Water is provided by the Deming Water Association which has limited water rights and
2 is not in compliance with State Department of Health requirements.
3
- 4 4. Soils on the site belong to the Mt. Vernon sandy loam unit that have limitations related
5 to flood hazards or seasonal high water table.
6
- 7 5. Sewage disposal in the area is by individual septic system.
8
- 9 6. The area has direct access from Mt. Baker Highway and Deming Road.
10
- 11 7. The request including the additional area is consistent with Whatcom County Goal
12 Statements; generally consistent with the subarea locational criteria; and is consistent with
13 the subarea amendment and rezone criteria.
14
- 15 8. A major changed condition is the construction of the Nooksack Casino built in 1993.
16 The casino is open until 4 a.m. and as it was built without benefit of zoning, there are
17 no buffers or setbacks from the existing residential area.
18
- 19 9. The area presently zoned General Commercial is essentially developed. However, a
20 number of uses are residential or marginal commercial uses which might be redeveloped
21 under the appropriate market conditions.
22
23

24 CONCLUSIONS

25
26 The area requested to be rezoned does not fit the existing Rural designation and zoning and
27 more appropriately conforms to the adjacent General Commercial Plan Designation and Zone.
28 The combination of soil limitations for septic systems and no public sewer, the lack of adequate
29 water and the existing pattern of development and ownership may preclude full urban
30 development of the area in the near future, but does not out-weigh the other considerations for
31 approving the rezone.
32

33
34 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:

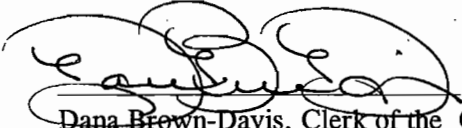
35
36 Section 1. The Lynden Nooksack Valley Subarea Comprehensive Plan Map is hereby amended from
37 Rural to General Commercial and the Official Whatcom County Zoning Map is hereby amended from
38 Rural One Unit per Two Acres (R2A) to General Commercial (GC) for approximately four acres per
39 Exhibit "A" (Map) and Exhibit "B" (Assessor's Parcel Numbers and legal descriptions).
40

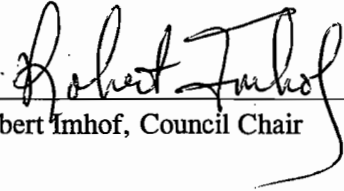
41 Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this Ordinance shall
42 not affect or impair the validity of the Ordinance as a whole or any part thereof other than the part so
43 declared to be invalid.
44
45
46
47
48
49

ADOPTED this 19 day of September, 1995.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

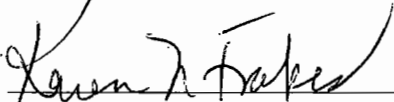
ATTEST:

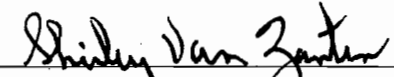

Dana Brown-Davis, Clerk of the Council


Robert Imhof, Council Chair

APPROVED as to form

Approved Denied


Karen A. Fikes
Civil Deputy Prosecutor


Shirley Van Zanten, Executive

Date: 9-26-95

File Reference: 03-94:CZM

EXHIBIT "B"

ORIGINAL REQUEST:

Assessor's Parcel Numbers:

390531-221189

390531-230177

390531-243169

Property owner

Jeremy Bert

Puget Sound Power and Light

Price Brothers

ADDITIONAL AREA RECOMMENDED BY STAFF AND PLANNING COMMISSION:

Assessor's Parcel Numbers:

390531-181199

390531-191196

Property owner

Rolf Beckusen

Nooksack Indian Tribe

And those portions of:

390531-193206

390531-205198

U.S.A. in trust for Nooksack Indian Tribe

U.S.A. in trust for Nooksack Indian Tribe

Lying south of the present General Commercial zoning.

And including the Easterly 8.5 feet of Lot 2 and Lots 3 through 8 of Block 3, Plat of Town of Deming, Section 31, Township 39 North, Range 5 East, Parcel Numbers:

390531-157208

390531-157203

390531-169201

390531-169205

D. and J. Haddad

Casey and Lankhaar

Casey and Lankhaar

Arki