

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Jeff Griffin	JG		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		10/3/95	Council Public Hearing
Prosecutor:	KRF	8/25/95			
Purchasing/Budget:					
Executive:	J	8/24/95			

SUBJECT: An Ordinance to amend the Lynden Nooksack Valley Subarea Comprehensive Plan Map and the Official Whatcom County Zoning Map from Rural Five Acres (R5A) to Residential Rural (RR2) for approximately 5.06 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	

Originally recommended denial of the proposed Comprehensive Plan amendment based on locational criteria requiring public sewer or water and plan policies which discourage expansion of the Rural Residential designation. The Planning Commission, however, found that the rezone would be consistent with the surrounding area and that an error was made in the 1986 Rural designation. The Planning Commission also determined that water is potentially available through future shares on the Pole Road Water Association or from a private well on site presently used for irrigation.

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:

- 9/5/95: Council introduction
- 9/19/95: Held for Public Hearing
- 10/3/95: Adopted 4-3, Henderson, Imhof, and Harris opposed

SPONSORED BY: Consent

PROPOSED BY: Jeff Griffen

INTRODUCTION DATE: 9/5/95

ORDINANCE NO. 95-047

**AN ORDINANCE AMENDING THE LYNDEN NOOKSACK VALLEY SUBAREA
COMPREHENSIVE PLAN MAP AND THE OFFICIAL WHATCOM COUNTY ZONING MAP
FROM RURAL FIVE ACRES (R5A) TO RURAL RESIDENTIAL TWO UNITS PER ACRE FOR
APPROXIMATELY 5.06 ACRES.**

WHEREAS, Jack and Judy Boxx has requested that the Lynden-Nooksack Valley Subarea Comprehensive Plan Map and the Official Whatcom County Zoning Map be amended from Rural Five Acres (R5A) to Rural Residential (RR2) for approximately 5.06 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 31, 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 site is currently being used for agricultural purposes. Surrounding uses include a mix of rural-residential and agricultural.
2. The rezone would be consistent with the surrounding area.
3. The level site is comprised of Lynden sandy loam, 0-3%, and is part of a Critical Aquifer Recharge Area. No other Critical Areas are known to occur at the site.
4. The site is served by Fire District No. 3, and is located within the Pole Road Water Association service area. Water is potentially available through future shares from the Pole Road Water Association or from a private well that is on the site and currently used for irrigation.
5. Applicable plan policies discourage expansions of the Rural Residential designation with the intent

1 of conserving groundwater quality and conserving agricultural soils, and encouraging infill of
2 existing residential areas.

- 3
4 6. An error was made in designating the property Rural with the adoption of the Lynden-Nooksack
5 Valley Subarea Comprehensive Plan in 1986.

6
7
8 **CONCLUSIONS**

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10 The proposal meets the comprehensive plan amendment criteria for the Lynden Nooksack Valley Subarea
11 Plan and normal rezone criteria.

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

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16 Section 1. The Lynden Nooksack Valley Subarea Comprehensive Plan Map and the Official Whatcom
17 County Zoning Map are hereby amended from Rural Five Acres (R5A) to Rural Residential (RR2) for
18 approximately 5.06 acres as shown in the attached map (Assessor's Parcel Number 390307 149509).

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

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25 ADOPTED this 3 day of October, 1995.

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30 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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33 Marna McAllister
34 for Dana Brown-Davis, Clerk of the Council

35 Robert Imhoff
36 Robert Imhoff, Council Chair

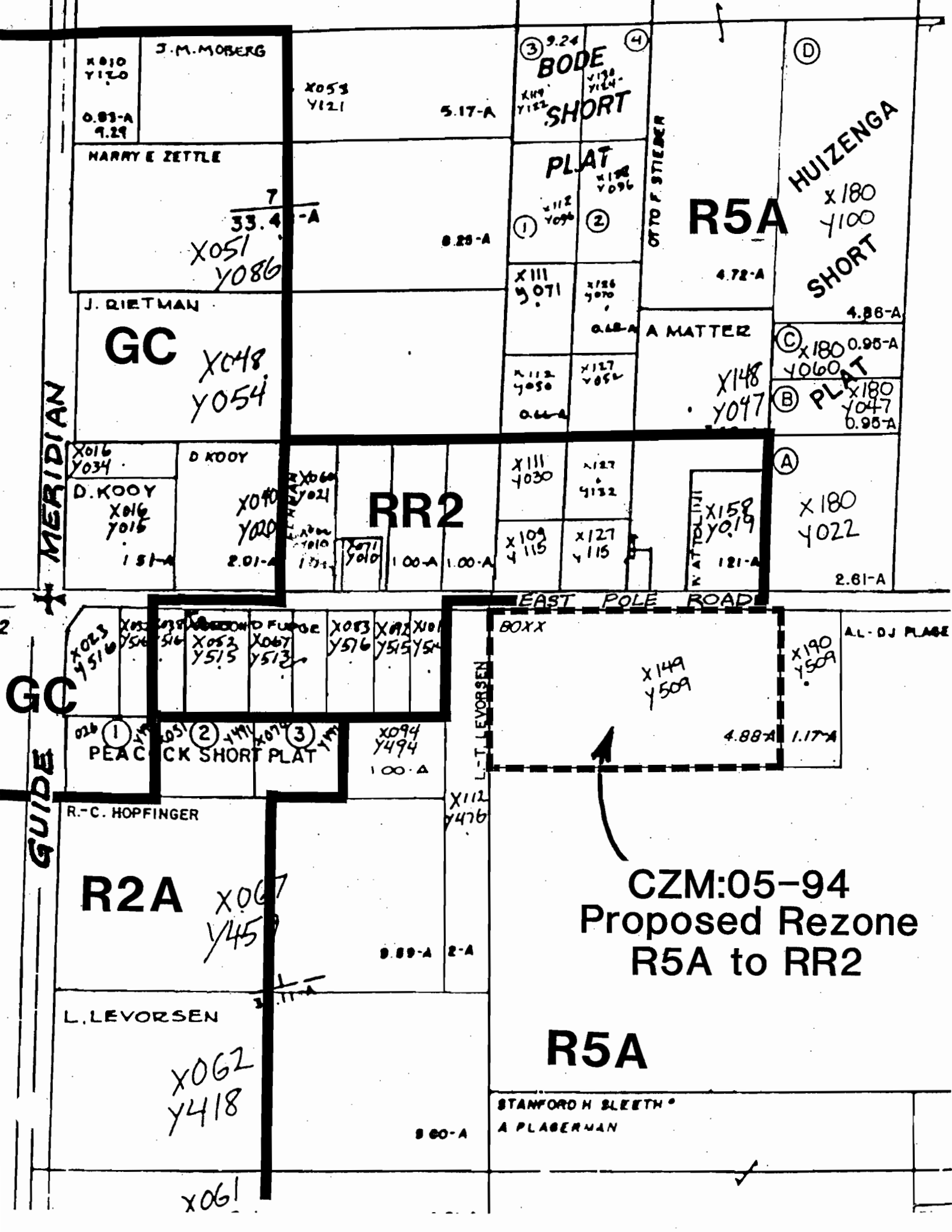
37
38
39 APPROVED as to form

() Approved () Denied

40
41 Karen A. Fales
42 Civil Deputy Prosecutor

43 Shirley Van Zanten
44 Shirley Van Zanten, Executive

45 Date: 10-6-95



X010
Y120
0.83-A
9.29

J.M. MOBERG

X053
Y121

5.17-A

③ 9.24
BODE
X119
Y122
SHORT

OTTO F. STIEDER

④
HUIZENGA
X180
Y100
SHORT

HARRY E ZETTLER
7
33.4
-A
X051
Y086

8.28-A

PLAT
X112
Y096
①
X118
Y096
②

R5A

4.72-A

J. RIETMAN
GC
X048
Y054

X111
Y071
X112
Y050
X117
Y050
0.62-A

A MATTER
X148
Y047

4.86-A
③ X180
Y060
② X180
Y047
0.95-A

X016
Y034
D. KOOY
X016
Y015
1.51-A

D. KOOY
X040
Y020
2.01-A

RR2
X071
Y010
1.00-A 1.00-A

X111
Y030
X109
Y115
X127
Y132
X127
Y115

X158
Y019
N. ATTOLINI
1.21-A

① X180
Y022
2.61-A

GC
X023
Y516
①
PEAC
X051
Y515
②
X052
Y513
③
SHORT PLAT

WOOD FUDGE
X053
Y515
X067
Y513
X093
Y516
X092
Y515
X091
Y514
X094
Y494
1.00-A

EAST POLE ROAD
L. I. LEVORSEN
BOX X
X149
Y509
4.88-A

AL-DJ PLAGE
X190
Y509
1.17-A

R.C. HOPFINGER
R2A
X067
Y459
8.89-A 2-A

L. LEVORSEN
X062
Y418
X061

R5A
STANFORD H SLEETH
A PLAGERMAN
8.60-A

CZM:05-94
Proposed Rezone
R5A to RR2

R5A