

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Terry Galvin	ES	1/17/96	RECEIVED JAN 22 1997 WHATCOM COUNTY COUNCIL	1/28/97	Introduction
Division Head: Elizabeth Sjostrom	ES	1/17/96		2/11/97	P&D / Council
Dept. Head: Michael Knapp				2/25/97	Public Hearing
Prosecutor:				3/11/97	Council: Tech. Correct
Purchasing/Budget:					
Executive:	PR	1-21-97			

SUBJECT: An Ordinance amending Lynden Nooksack Valley Comprehensive Plan and the Official Whatcom County Zoning Map for forty acres, from Commercial Forestry (CF) to Rural Five Acre (R5A) and Rural Forestry (RF).

ATTACHMENTS: Memo to Ward Nelson
 Agency Report
 Proposed Ordinance
 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 /X/ NO / / (Please explain below) n/a
Budget line item number(s): n/a	

This originated as a request to rezone two forty acre parcels from Commercial Forestry to Rural Forestry for the northern forty acres and the west half of the southern forty acres, and Rural Five Acre for the west half of the southern forty acres. After reviewing the application, Planning Staff recommended that the northern forty acres remain Commercial Forestry and the southern forty acres be rezoned from Commercial Forestry to Rural Forestry. After a worksession and public hearing by Planning Commission with all parties, the Planning Commission recommended that the northern forty acres remain Commercial Forestry, the east half of the southern forty acres be rezoned from Commercial Forestry for Rural Forestry and the west half of the southern forty acres be rezoned from Commercial Forestry to Rural Five Acre. Planning staff supports the recommendation of the Planning Commission.

ORIGINATOR'S RECOMMENDED ACTION: The Director of Planning and Development Services recommend Council adopt the proposed ordinance.

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

- 1997 - 60 1/28/97: Introduced
- 2/11/97: Held in Council for public hearing on 2/25/97
- 2/25/97: Adopted 6 - 1, Imhof opposed. Ord. #97-007
- 3/11/97: Technical Corrections need to be made. Council made amendment to N. 40 acres & re-adopted.6 - 1, Imhof opposed.

ce or Resolution Number (this item only):

Ord. 97-007

SPONSORED BY: Consent

PROPOSED BY: Council

INTRODUCTION DATE: 1/28/97

ORDINANCE NO. 97-007

AN ORDINANCE AMENDING THE LYNDEN NOOKSACK VALLEY COMPREHENSIVE PLAN MAP AND THE OFFICIAL WHATCOM COUNTY ZONING MAP FOR EIGHTY ACRES, FROM COMMERCIAL FORESTRY (CF) TO RURAL FORESTRY ((RF), WITH THE EXCEPTION OF THE WEST HALF OF THE SOUTHERN FORTY ACRES (TWENTY ACRES) TO RURAL FIVE ACRE ((R5A), AND

WHEREAS, a request was made to the County to amend the Lynden Nooksack Valley Comprehensive Plan Map and the Official Whatcom County Zoning Map for two forty acre parcels, the northern forty acre parcel from Commercial Forestry (CF) to Rural Forestry (RF); and the west half of the southern forty acre parcel from Commercial Forestry to Rural Five Acre (R5A) and the east half of the southern forty acres from Commercial Forestry to Rural Forestry; and

WHEREAS, the Deputy SEPA Official issued a Determination of Nonsignificance on July 7, 1995; and

WHEREAS, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on December 26, 1996; and

WHEREAS, Planning staff reviewed the application and recommended the northern forty acres remain Commercial Forestry and the southern forty acres be rezoned from Commercial Forestry to Rural Forestry; and

WHEREAS, the Planning Commission held a public hearing on January 9, 1997 and addressed the proposed amendments, had extensive and productive discussions with all three parties at a worksession and public hearing, and considered all testimony; and

WHEREAS, the Planning Commission unanimously recommended that the northern forty acres remain Commercial Forestry; that the west half of the southern forty acres be rezoned from Commercial Forestry to Rural Five Acre, and that the east half of the southern forty acres be rezoned from Commercial Forestry to Rural Forestry; and

WHEREAS, the County Council Planning and Development Committee met on February 25, 1997 and heard staff and applicant, and voted to amend the Planning Commission's recommendation to Rural Forestry for the eighty acres, with the exception of west half of the southern forty acres, which they maintained at Rural Five Acre.

WHEREAS, the Council held a public hearing February 25, to consider this matter, and on March 11, 1997 voted to approve the County Council Planning and Development Committee's recommendation; and

1 **WHEREAS**, the Council found the amendments in the best interest of the public
2 health, safety and welfare; and
3

4 **WHEREAS**, the Council has adopted the following Findings and Conclusions:
5
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7 **FINDINGS**
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- 9 1. The subject property is located on the foothills on the south end of Sumas
10 Mountain and in private non-industrial ownership.
11 2. Access to the property is at two locations from Mt. Baker Highway. A
12 logging road access crosses a neighbor's property to the south. The
13 homesite is accessed by a ten foot wide road across the Potter property that
14 serves four parties.
15 3. Public water and sewer is not available for both parcels.
16 4. Both forty acre parcels are in a tax deferred status, Class Forest.
17 5. Both forty acre parcels are in Fire District 1.
18 6. The slopes are moderate to steep, except for an approximately five acre
19 lowland on the west half of the southern forty acre parcel.
20 7. Soil limitations on the slopes include: seasonal high water table, hazard of
21 water erosion, and moderate to very slow permeability. The lowland is very
22 wet in the winter. Soil limitations include: seasonal high water table, hazard
23 of flooding, low available water capacity, and poor filtering capacity.
24 8. All of the northern forty acres and most of the southern forty acres have
25 historically been used for forestry purposes. Sixty of the 80 acres were
26 logged within the last three years and replanted.
27 9. The western half of the southern forty acres abuts existing Rural Five Acre
28 zoning on the western property boundary and is consistent with the Criteria
29 for Designating Rural Five Acre Land Use Zoning. Two dwellings and an out-
30 building are located on this portion.
31

32 **CONCLUSION**
33

34 The subject property (eighty acres) has moderate to steep slopes, soil limitations, historical
35 commercial forestry use, serves as a buffer between Rural Five Acre and Commercial
36 Forestry, and should be changed from Commercial Forestry to Rural Forestry. The west
37 half of the southern forty acres has two dwellings and an out-building and abuts Rural Five
38 Acre zoning on the western boundary of the property. It meets the criteria for Rural Five
39 Acre and should be rezoned from Commercial Forestry to Rural Five Acre.
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42 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:
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45 Section 1. Amend the Lynden Nooksack Comprehensive Plan and the official Whatcom
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47


1 County Zoning Map to redesignate eighty acres from Commercial Forestry to Rural
2 Forestry, with the exception of the west half of parcel #X328Y066, Section 25, Township
3 39 North, Range 4 East, to Rural and Rural Five Acres (R5A) respectively.
4

5 Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this
6 Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part
7 thereof other than the part so declared to be invalid.
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9 ADOPTED this 11 day of March, 1997.

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14 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

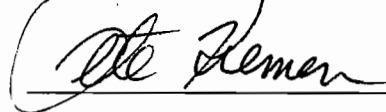
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18 _____
19 Dana Brown-Davis, Council Clerk

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24 Ward Nelson, Chairperson

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26 APPROVED as to form & content:

() Approved, () Denied

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28 
29 _____
30 Karen Frakes, Civil Deputy Prosecutor

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Pete Kremen, Executive

Date: 3-14-97