

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda date	Assigned to:
Originator: S. Digby & T. Galvin			RECEIVED MAR 19 1997 WHATCOM COUNTY COUNCIL	3/25/97	Council Introduction
Division Head: Michael Knapp	<i>MK</i>	3/14/97			
Dept. Head: Michael Knapp	<i>MK</i>	3/14/97			
Prosecutor:	<i>DNF</i>	5/7/97			
Purchasing/Budget:					
Executive:	<i>PK</i>	3-18-97			

SUBJECT: An Ordinance amending the Official Whatcom County Zoning Map from Rural Ten Acre (R10A) to Rural Five Acre (R5A) for 26 acres (two parcels) on the Bruce Road, south of Custer.

- ATTACHMENTS:**
- Staff Report
 - Agency Report
 - Draft Ordinance
 - Draft Planning Commission Minutes
 - Draft Concomitant Agreement

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 rezone from Rural Ten Acre to Rural Five acre for 26 acres (two parcels) on the Bruce Road, is subject to a concomitant agreement that addresses issues raised by staff and the Planning Commission. Issues include wetlands, hydric soils, proximity to California Creek.

ORIGINATOR'S RECOMMENDED ACTION: The Planning Commission recommends for the adoption of the ordinance. If approved by the Council the ordinance will not become effective until after the concomitant agreement is recorded.

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

1997 - 121 3/25/97: Introduced
 4/22/97: Amended & Adopted 7 - 0 Ord. #97-017

Ordinance or Resolution Number (this item only):

Ord. # 97-017

SPONSORED BY: Consent

PROPOSED BY: Council

INTRODUCTION DATE: 3/25/97

ORDINANCE NO. 97-017

AN ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING MAP FOR TWENTY-SIX ACRES (TWO PARCELS) FROM RURAL TEN ACRE TO RURAL FIVE ACRE

WHEREAS, a request was made to the County to amend the Official Whatcom County Zoning Map from Rural Ten Acre to Rural Five Acre for a twenty six acres (two parcels) on Bruce Road, south of Custer.

WHEREAS, the Deputy SEPA Official issued a Determination of Nonsignificance on April 15, 1996; and

WHEREAS, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald February 13, 1997; and

WHEREAS, Planning staff reviewed the application and recommended the subject property remain Rural Ten Acre; and

WHEREAS, the Planning Commission held a public hearing on February 27, 1997 and addressed the proposed amendments, and heard all testimony on the issues.

WHEREAS, the Planning Commission recommended that the application be approved subject to a concomitant agreement.

WHEREAS, the Council held a public meeting on March 25, 1997 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 subject property (2 properties), approximately 26 acres, is zoned Rural Ten Acre. The request is to change to Rural Five Acre.
2. The surrounding land is rural and agriculture, composed of residences and several active farms.

- 1 3. Both properties are in open space-agriculture tax status.
2
3 4. The subject properties are in the California Creek drainage, which has water quality
4 problems. The creek crosses both properties and drains to Drayton Harbor, a
5 commercial shellfish site. This site has been closed due to, among many factors,
6 septic system pollution. This request would locate three additional septic systems in
7 close proximity to California Creek.
8
9 5. The average parcel size for the five quarter/quarter sections to the west, south and
10 east is 11.5 acres.
11
12 6. Approximately 18.6 of the 26.1 acres is wetlands and hydric soils; 5.2 acres of the
13 northern and 13.4 acres of the southern property.
14
15 7. A zoning density change to Rural Five Acre zoning would allow three additional lots.
16 With no clustering provision, two of the three lots of the southern property would
17 be in the low lying, wetland ground.
18
19 8. Soil limitations include seasonal high water table, poor filtering capacity, poorly
20 drained, slow permeability and low strength.
21
22 9. Additional hookups to the Custer Water Association are not available at this time
23 and probably won't be for some time. The subject property is not on the long
24 waiting list in the event additional hookups become available.
25
26 10. The subject property meets the Birch Bay Blaine Subarea Plan Zoning Density
Criteria for Rural Five Acre better than Rural Ten Acre.

28
29
30 **CONCLUSION**
31

32 The subject property is rural and agricultural in nature, has soil limitations, is crossed by
33 California Creek, has a significant amount of wetlands, and is lacking public water.
34 Building constraints due to the proximety to California Creek and wetlands can be
35 adequately addressed through the Critical Areas Ordinance and through clustering options
36 made available to the landowner.
37

38
39 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:
40

41 Section 1. Amend the Official Whatcom County Zoning Map for two parcels, X330Y218,
42 X332Y165, from Rural Ten Acre to Rural Five Acre.
43

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

ADOPTED this 22 day of April, 1997.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Dana Brown-Davis, Council Clerk


Ward Nelson, Chairperson

APPROVED as to form ~~& content~~

Approved Denied


Karen Frakes, Civil Deputy Prosecutor


Pete Kremen, Executive

Date: 5-12-97

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