

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Sylvia Goodwin	SG	12/1/97	RECEIVED DEC 03 1997 WHATCOM COUNTY COUNCIL	12/9/97	Council Introduction
Originator Head: Sylvia Goodwin	SG			1/13/97	Hearing
Dept. Head: Michael Knapp	MK	12/1/97			
Prosecutor:	KAF	12/2/97			
Purchasing/Budget:					
Executive:	DK	12-2-97			

SUBJECT: File Reference: 14-97:ZT A zoning text amendment to amend the Official Whatcom County Zoning Ordinance, WCC 20.90 and 20.04 regarding zoning amendments and fees.

ATTACHMENTS: Proposed Ordinance

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 /X / Requested date: 1-13-98
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	

The request is to adopt an ordinance to revise the procedure and schedule for processing rezones and zoning text amendments, including revision of the provisions for refund of application fees.

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

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

- 1997 - 409 12/9/97: Introduced
- 1/13/98: Public Hearing Held. Held in Committee
- 1/27/98: Held in Committee.
- 2/10/98: Adopted 7 - 0. Ord. #98-010

Related File Numbers: #14-97:ZT

Ordinance or Resolution Number (this item only):

Ord. # 98-010

SPONSORED BY: Consent
PROPOSED BY: P&DS
INTRODUCTION DATE: 12/9/97

ORDINANCE NO. 98-010

AN ORDINANCE ESTABLISHING TIME LINES AND PROCEDURES FOR SUBMITTAL OF PROPOSED AMENDMENTS TO TITLE 20 WCC AND TO THE OFFICIAL ZONING MAP FOR WHATCOM COUNTY, PLANNING COMMISSION REVIEW, THE TRANSMITTAL OF PROPOSED AMENDMENTS TO WASHINGTON STATE AND COUNTY COUNCIL APPROVAL THEREOF.

1 **WHEREAS**, RCW 36.70A.470 requires that the County include in its development
2 regulations a procedure for any interested person, including applicants, citizens, hearing
3 examiners, and staff of other agencies, to suggest plan or development regulation amendments,
4 and that the suggested amendments shall be docketed and considered on at least an annual basis,
5 consistent with the provisions of RCW 36.70A.130; and

6 **WHEREAS**, by Resolution No. 90-58, the Council established a scheduling policy for the
7 consideration of rezones and amendments to the Comprehensive Plan; and

8 **WHEREAS** the County Council now wishes to amend that policy and establish in its
9 development regulations, to wit Title 20 WCC, a procedure for considering amendments to those
10 regulations on at least an annual basis and in a manner consistent with RCW 36.70A.470; and

11 **WHEREAS**, the County Council desires to differentiate between amendments to
12 development regulations that require a comprehensive plan amendment and those that do not and
13 establish different scheduling requirements for the consideration of each; and

14 **WHEREAS**, the County Council also desires to distinguish between amendments to
15 development regulations that are suggestions and those that are requests and to establish fees for
16 the latter; and to set up procedures for the consideration of both; and

17 **WHEREAS**, with the adoption of the County's Unified Fee Schedule, the fee provisions of
18 Title 20 are obsolete and in need of revision;


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

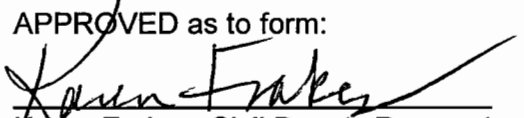
20 **Section 1.** Chapter 20.90 WCC as it existed on the date immediately preceding the date of this
21 ordinance is hereby repealed in its entirety and a new Chapter 20.90 WCC as set forth in Exhibit
22 A as attached is hereby adopted as new Chapter 20.90 WCC.

23 **Section 2.** A new section 20.04.090 WCC regarding fees is hereby added to Chapter 20.04 as set
24 forth in Exhibit B attached.

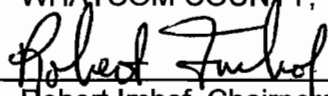
25 **Section 3.** Adjudication of invalidity of any of the sections, clauses, or provisions of this Ordinance
26 shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the
27 part so declared to be invalid.

28 ADOPTED this 10 day of February, ~~1997~~ 1998


29
30 ATTEST:
31 
32 Dana Brown-Davis, Council Clerk

33 APPROVED as to form:
34 
35 Karen Frakes, Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Robert Imhof, Chairperson

(Approved) (Denied)


Pete Kremen, Executive

Date: 2.23.98

EXHIBIT A

1 Chapter 20.90

2 AMENDMENTS AND FEES

3 Sections:

- 4 20.90.010 Initiation of amendments.
- 5 20.90.020 Initiation of emergency amendments.
- 6 20.90.030 Suggested Revisions and Suggested Revisions Docket.
- 7 20.90.040 Processing of initiated amendments.
- 8 20.90.050 Mid-year processing cycle schedule and application deadline.
- 9 20.90.060 Review and evaluation of initiated amendments - Planning and Development
- 10 Services
- 11 20.90.070 Review and recommendation by the Planning Commission.
- 12 20.90.080 Review and approval by County Council.
- 13 20.90.090 Review Schedule.
- 14 20.90.100 Transmittal of amendments to the State.
- 15 20.90.110 Maintenance of Dockets and Public Review.

16 **20.90.010 Initiation of Amendments**

17 Amendments to WCC Title 20 and/or to the Official Whatcom County Zoning Map may be initiated
18 as follows:

19 (1) The Department of Planning and Development Services may initiate an amendment(s) by
20 placing the proposed amendment(s) on the Title 20 and Official Zoning Map Initiated Amendment
21 Docket.

22 (2) The Whatcom County Planning Commission may initiate an amendment(s) by majority vote
23 of its members to place an amendment proposal on the Title 20 and Official Zoning Map Initiated
24 Amendment Docket.

25 (3) The County Council may initiate an amendment by approving a resolution to place a
26 proposed amendment(s) on the Title 20 and Official Zoning Map Initiated Amendment Docket.

27 (4) A citizen may initiate an amendment(s) to WCC Title 20 and/or to the Official Whatcom
28 County Zoning Map by making application on forms provided by the Department of Planning and
29 Development Services and paying a processing fee. Upon the filing of a complete application and
30 the payment of the processing fee, the Department of Planning and Development Services shall
31 place the amendment proposal on the Title 20 and Official Zoning Map Initiated Amendment
32 Docket. The date on the Docket shall be the date the completed application was received by the
33 Department of Planning and Development Services. Notwithstanding any other provisions of this
34 Title, no application to initiate an amendment shall be deemed complete until the required
35 processing fee has been paid.

36 (5) Amendments to this Title or the Official County Zoning Map that also require an amendment
37 to the comprehensive plan shall be initiated only if the accompanying comprehensive plan
38 amendment is initiated as provided in Chapter 20.10 WCC. The payment of the processing fee for
39 the zoning amendment as required by this section shall occur within 15 days of the approval of the
40 resolution initiating the comprehensive plan amendment or the zoning amendment will be
41 withdrawn.

42 **20.90.020 Initiation of emergency amendments.**

43 For the purposes of this Chapter, an "Emergency amendment" means a proposed change
44 or revision to Title 20 or the Official Whatcom County Zoning Map that arises from a situation that
45 necessitates expeditious action to preserve the health, safety or welfare of the public; or to support
46 the social, economic or environmental well being of the county or region. Emergency amendments
47 may be reviewed and acted upon outside the amendment review cycle. Emergency amendments
48 may be adopted by Emergency ordinance pursuant to Section 2.40 of the Whatcom County Charter
49 when immediate rather than expeditious action is required.

50 (1) Emergency Amendments shall be initiated by Resolution approved by a two-thirds majority
51 vote of the Council upon a finding that a situation exists that necessitates expeditious action to
52 preserve the health, safety or welfare of the public; or to support the social, economic or
53 environmental well being of the county or region.

54 (2) Emergency Amendments so initiated shall be forwarded to the Department of Planning and
55 Development Services who shall immediately begin processing the initiated amendment in the
56 manner set forth for the processing of Title 20 and Official County Zoning Map amendment
57 provided that the time lines set forth in 20.90.090 shall not apply.

58 (3) In conducting their review and evaluation, the Department of Planning and Development
59 Service and the Planning Commission shall each endeavor to perform their responsibilities
60 expeditiously while assuring adequate opportunity for public review and comment.

61 (4) Nothing in this section shall be construed to limit the authority of the Council to adopt an
62 emergency amendment to the Comprehensive plan by emergency ordinance as provided in
63 Section 2.40 of the Whatcom County Charter.

64 **20.90.030 Suggested revisions and Suggested Revisions Docket**

65 (1) Notwithstanding the provisions of 20.90.010, interested persons, including applicants,
66 citizens, hearing examiners, and staff of other agencies, may suggest revisions to this Title and to
67 the Official Whatcom County Zoning Map by completing and submitting a suggestion form provided
68 for that purpose by the Department of Planning and Development Services.

69 (2) The Department of Planning and Development Services shall docket each suggested
70 revision on the Title 20 Suggested Revisions Docket. There is no processing fee for the placement
71 of suggested revisions on the Suggested Revision Docket.

72 (3) Items on the Suggested Revisions Docket are suggested revisions only and are not initiated
73 amendments. No item on the Suggested Revisions Docket will be processed as an amendment
74 unless it has first been initiated in the manner provided under 20.90.010. None of the parties with
75 authority to initiate amendments under 20.90.010 are under any obligation to initiate suggested
76 revisions as amendments.

77 (4) At least once a year, the Department of Planning and Development Services shall review
78 and evaluate items on the Suggested Revisions Docket for possible initiation as amendments.
79 Those suggested revisions that the Department considers further the public interest or further the
80 goals policies or objectives of the comprehensive plan may be initiated by the Department as
81 amendment(s) by placing them on the Title 20 and Official Zoning Map Initiated Amendment
82 Docket as provided in 20.90.010.

83 **20.90.030. Processing of Initiated Amendments.**

84 (1) Initiated amendments that do not also require a Comprehensive Plan amendment shall be
85 processed in the Mid-year processing cycle.

86 (2) Initiated Amendments that require a Comprehensive Plan Amendment shall be processed

87 simultaneously with the Comprehensive Plan amendment they accompany (including emergency
88 comprehensive plan amendments if applicable) and pursuant to the Comprehensive Plan
89 amendment processing schedule set forth in Chapter 20.10 WCC.

90 **20.90.040. Mid-year processing cycle schedule and application deadline**

91 (1) The mid-year processing cycle for initiated amendments begins on July 1 and follows the
92 schedule set out in 20.90.090

93 (2) June 30th is the docketing deadline for initiated amendments that do not require a
94 Comprehensive Plan Amendment. With the exception of emergency amendments, initiated
95 amendments docketed after June 30th that do not also require a Comprehensive Plan amendment
96 will be scheduled for review in the next Mid-year processing cycle.

97 (3) Once the docket is final, the Department of Planning and Development Services shall
98 publish a list of the rezones to be considered and notify the appropriate City of any proposed
99 rezones which are within a City Urban Growth Area.

100 **20.90.050 Review and Evaluation of Initiated Amendments - Planning and Development**
101 **Services**

102 (1) The Department of Planning and Development Services shall conduct environmental review
103 under SEPA and prepare a report including recommendations on all initiated amendments to this
104 title and the Official County Zoning Map and forward both the report and the result of the
105 environmental review to the Planning Commission.

106 (2). The report shall evaluate each initiated amendment in relationship to the goals objectives
107 and policies of the Whatcom County Comprehensive Plan. The Department shall prepare a report
108 and a recommendation on each amendment and shall forward the report and recommendation to
109 the Planning Commission for their consideration.

110 **20.90.060 Review and Recommendation by the Planning Commission**

111 (1) The Planning Commission shall receive the Staff's findings and recommendations for the
112 initiated amendments and shall establish a public comment period during which a public hearing(s)
113 on the amendments will be scheduled. All amendments shall be considered concurrently however,
114 separate hearings may be conducted on one or more of the amendments at a time, at the
115 discretion of the Commission.

116 (2) At the conclusion of the public comment period, the Commission shall evaluate the merits
117 of each amendment in relationship to the goals, policies and objectives of the Comprehensive Plan
118 and shall make a recommendation as to whether the amendment should be approved, approved
119 with modifications or denied. The Planning Commission shall then cause written findings and a
120 recommendation to the County Council to be prepared for each amendment. The written findings
121 and recommendation shall be forwarded to the County Council in the form of an agency report
122 which shall include a draft ordinance to implement the Planning Commissions recommendation,
123 if applicable. No draft ordinance is required if the recommendation is to not approve the initiated
124 amendment proposal.

125 **20.90.080 Review and Approval by County Council.**

126 (1) The County Council shall receive the Planning Commissions findings and recommendations
127 on the initiated amendments. The Council shall consider the Planning Commissions
128 recommendations concurrently and may schedule such additional public hearings as the council
129 deems necessary to serve the public interest.

130 (2) If after deliberating the Council believes the public interest may be better served by
131 departing from the recommendation of the Planning Commission on an initiated amendment, the
132 Council shall conduct a public hearing on that amendment.

133 **20.90.090 Review Schedule.**

134 The following schedule for the review of initiated amendments to Title 20 and the Official Whatcom
135 County Zoning Map not also requiring an amendment to the Comprehensive Plan is established:

- 136 (1) Docketing Deadline for Initiated Amendments June 30th.
- 137 (2) Staff Report and Recommendation to Planning Commission: On or about October 1st.
- 138 (3) Planning Commission Action on initiated Amendments: On or about November 31st.
- 139 (4) Planning Commission Findings and Recommendations submitted to County Council: On
140 or about February 1st.
- 141 (5) County Council Final Action on initiated Amendments: On or about May 31st.

142 **20.90.100 Transmittal of amendments to the State.**

143 Pursuant to RCW 36.70A. 106(3) the Department of Planning and Development Services shall
144 notify and transmit copies of initiated amendments to this title and the Official Whatcom County
145 Zoning Map the Washington State Department of Community, Trade and Economic Development
146 at least 60 days prior to anticipated action on the initiated amendments. For the purposes of this
147 ordinance, Planning and Development Services shall transmit copies of the initiated amendments
148 at the time Planning and Developments Services issues their staff report to the Planning
149 Commission. Planning and Development Services shall send a second transmittal with the Planning
150 Commissions recommended amendments at the time the Planning Commission issues its
151 recommendation to the County Council if it differs substantially from the staff recommendation.

152 **20.90.110 Maintenance of dockets and public review**

153 The Title 20 and Official Zoning Map Initiated Amendment Docket and the Suggested
154 Revisions Docket together with their supporting application files shall be maintained by the
155 Department of Planning and Developments Services and made available for public review during
156 normal business hours.

EXHIBIT B

20.04.090 Application fees and other fees.

Fees for Conditional Use Permits, Variances, Planned Unit Developments, Initiated Amendments and fees for other approvals and reviews as set forth in this title shall be as provided in the County's Unified Fee Schedule

20.04.091 Reduced application fees.

When any given project requires more than one of the following permits or applications, the total amount of fees shall be reduced by 25 percent of the required aggregate permit and application fees; provided any fees required for processing of an EIS shall not be included as part of the total amount of fees to be reduced by 25 percent.

- (1) Subdivision plat application;
- (2) Rezone application;
- (3) Shoreline Substantial Development Permit, Variance or Conditional Use
- (4) Major development permit.
- (5) Conditional Use Permit
- (6) Variance
- (7) Planned Unit Development

20.04.092. Refund of permit fees.

Refunds of application fees for project permits and for amendments to this title or the Official County zoning map shall be computed based on the following. All refund requests shall be submitted in writing to the Department of Planning and Development Services. The date of application for a refund request shall be the date the written refund request is received by the Department. For the purpose of computing elapsed calendar days, the day after the date of application or deadline date as appropriate shall be counted as day one.

(1) Fees for Project Permits:

- (a) Applications withdrawn on or before the 14th calendar day after the date of application shall be eligible for a refund of 90 percent of all application fees including any SEPA fees.
- (b) Applications withdrawn after the period set forth in 20.04.092(1)(a) but on or before the 90th calendar day after the date of application shall be eligible for a refund of 50 percent of all application fees except for any SEPA fees which shall not be eligible for a refund.
- (c) Applications withdrawn after the 90th calendar day after the date of application shall not be eligible for a refund.
- (d) Notwithstanding the above, no fees shall be refunded for any permit or approval that has been issued or granted by the County.

(2) Fees for amendments Initiated pursuant to 20.90.010(4).

- (a) Applications for amendments to this title or the Official County Zoning Map made pursuant to 20.90.010(4) which are docketed by the deadline date set forth in 20.90.090(1) that are withdrawn on or before the 14th calendar day after the deadline date shall be eligible for a refund of 90 percent of all application fees including SEPA fees.
- (b) Applications for amendments to this title or the Official County Zoning Map made pursuant to 20.90.010(4) which are docketed by the deadline date set forth in 20.90.090(1)

41 that are withdrawn after the period set forth in 20.04.092(2)(a) but on or before the 90th
42 calendar day after the deadline date shall be eligible for a refund of 50 percent of all
43 application fees except for SEPA fees which shall not be eligible for a refund.

44 (c) Applications for amendments to this title or the Official County Zoning Map made
45 pursuant to 20.90.010(4) which are docketed by the deadline date set forth in 20.90.090(1)
46 that are withdrawn after the 90 calendar days shall not be eligible for a refund.

47 (3) Withdrawal of an application shall constitute full surrender of any express or implied rights
48 inherent in an application which has been perfected and accepted by the planning and
49 development services department or its designees.

