

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Amy C. de Vera	AL	3/13/98	<b>RECEIVED</b>  <b>MAR 18 1998</b>  <b>WHATCOM COUNTY COUNCIL</b>	3/24/98	Introduction
Division Head: Sylvia Goodwin	SG	3/13/98		4/7/98	P & D / Council
Dept. Head: Michael Knapp	MK	3/13/98			
Prosecutor: Karen Frakes	KF	3/16/98			
Purchasing/Budget:					
Executive:	PK	3-16-98			

**SUBJECT:** File Reference: 03-98:ZM An Ordinance to amend the Official Whatcom County Zoning Map from Agriculture (AG) to Rural Five Acres (R5A) for approximately 33 acres in the Lynden-Nooksack Valley Subarea.

**ATTACHMENTS:** Proposed Ordinance  
Agency Report with attached Staff Report

**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	

The request is to amend the Official Whatcom County Zoning Map from Agriculture (AG) to Rural Five Acres (R5A) for approximately 33 acres in the Lynden-Nooksack Valley Subarea; consistent with the Comprehensive Plan designation of Rural.

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

**COMMITTEE ACTION TAKEN:**

**COUNCIL ACTION TAKEN:**

1998 - 137 3/24/98: Introduced  
4/7/98: Adopted 5 - 2, Brenner & Hoag opposed. Ord # 98-028

SPONSORED BY: Consent

PROPOSED BY: Consent

INTRODUCTION DATE: 3/24/98

ORDINANCE NO. 98-028

1  
2 AN ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING MAP FROM  
3 AGRICULTURE (AG) TO RURAL FIVE ACRES (R5A) FOR APPROXIMATELY 33 ACRES IN  
4 THE LYNDEN NOOKSACK VALLEY SUBAREA.  
5

6 **WHEREAS**, The Whatcom County Planning and Development Services Department  
7 has requested that the Official Whatcom County Zoning Map be amended from Agriculture  
8 (AG) to Rural Five Acres (R5A) for approximately 33 acres in the Lynden Nooksack Valley  
9 Subarea ; and  
10

11 **WHEREAS**, pursuant to RCW 36.70.590 legal notice was published in the  
12 Bellingham Herald on Thursday, February 26, 1998; and  
13

14 **WHEREAS**, the Deputy SEPA Official determined in a memorandum dated March 3,  
15 1998 that SEPA requirements have been met by the Draft and Final Environmental Impact  
16 Statements prepared in conjunction with the adoption of the Whatcom County Comprehensive  
17 Plan in 1997 and that no further SEPA review is required for the rezone; and  
18

19 **WHEREAS**, the Planning Commission held a public hearing on the proposed  
0 amendment on March 12, 1998 and considered all testimony ; and  
21

22 **WHEREAS**, the Council held a public meeting on April 7, 1998 to consider this matter  
23 and approved the Planning Commission recommendation; and  
24

25 **WHEREAS**, the Council found the amendments in the best interest of the public  
26 health, safety, and welfare; and  
27

28 **WHEREAS**, the Council has adopted the following Findings and Conclusions:  
29

30 **FINDINGS**  
31

- 32 1. The subject property is in the Lynden Nooksack Valley Subarea, in a rural location.  
33  
34 2. The Whatcom County Council requested that the Planning and Development  
35 Services Department initiate rezones of parcels that were approved for  
36 comprehensive plan map changes to make the zoning consistent with the Whatcom  
37 County Comprehensive Plan.  
38  
39 3. The subject property presently contains an existing mobile home and barn,  
40 approximately 13 acres of forest and 18 acres of pasture.  
41

- 1 4. Surrounding uses include agricultural production and farm operations, single-family  
2 residences, small scale agricultural operations, and a partially wooded parcel in Open  
3 Space Open Space taxation.
- 4
- 5 5. The area is presently served by individual wells and septic systems.
- 6
- 7 6. Fire protection is provided by Whatcom County Fire Protection District Number 1.  
8 The nearest fire station is approximately three and one-half miles northwest of the  
9 property at the intersection of Van Buren and South Pass Roads.
- 10
- 11 7. The subject property is adjacent to Goodwin Rd., a minor collector, and Gilmore Rd.,  
12 a general or local access street.
- 13
- 14 8. The USDA Soil Survey maps indicate that Everson silt loam and a small amount of  
15 Kline gravelly sandy loam is on the site. Everson silt loam is a hydric class IIIw soil  
16 that is considered a category 2 prime soil (prime when drained, subject to excessive  
17 wetness) and a LESA category 2 soil.
- 18
- 19 9. The site does not appear to contain any significant hydrologic features, wetlands or  
20 wildlife habitat.
- 21
- 22 10. Whatcom County Comprehensive Plan policies address incentives for lower density  
23 development; cluster subdivision and requirements; Agricultural Protection Zones;  
24 use of current-use taxation provisions; recognizing volunteer fire and emergency  
25 services and police as appropriate services; installation, monitoring and maintenance  
26 of on-site wells and waste-water disposal systems; and water quality protection.
- 27
- 28 11. An error in the present classification is the Agricultural zoning inside an area that  
29 has been designated Rural in the May 1997 Whatcom County Comprehensive Plan.
- 30
- 31 12. A changed condition is the adoption of the comprehensive plan.
- 32

### 33 CONCLUSION

34  
35  
36 Rural Five Acre (R5A) or Rural Ten Acre (R10A) zoning would be consistent with the  
37 Comprehensive Plan designation of "Rural".  
38

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

41  
42 Section 1. The Official Whatcom County Zoning Map is hereby amended from Agriculture (AG)  
43 to Rural Five Acres (R5A) for approximately 33 acres in the Lynden Nooksack Valley Subarea,  
44 in Section 3, T39N, R4E, as shown on Exhibit "A" (Map), Assessors parcel number 390403-  
45 076491.  
46


47 Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this

1 Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof  
2 other than the part so declared to be invalid.  
3

4  
5 ADOPTED this 7<sup>th</sup> day of April, 1998.  
6  
7

8  
9  
10 ATTEST:

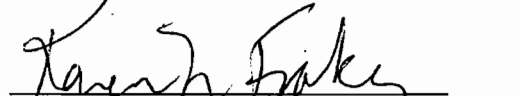
WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

11  
12   
13  
14 Dana Brown-Davis, Clerk of the Council

15   
16 Robert Imhof, Chairperson

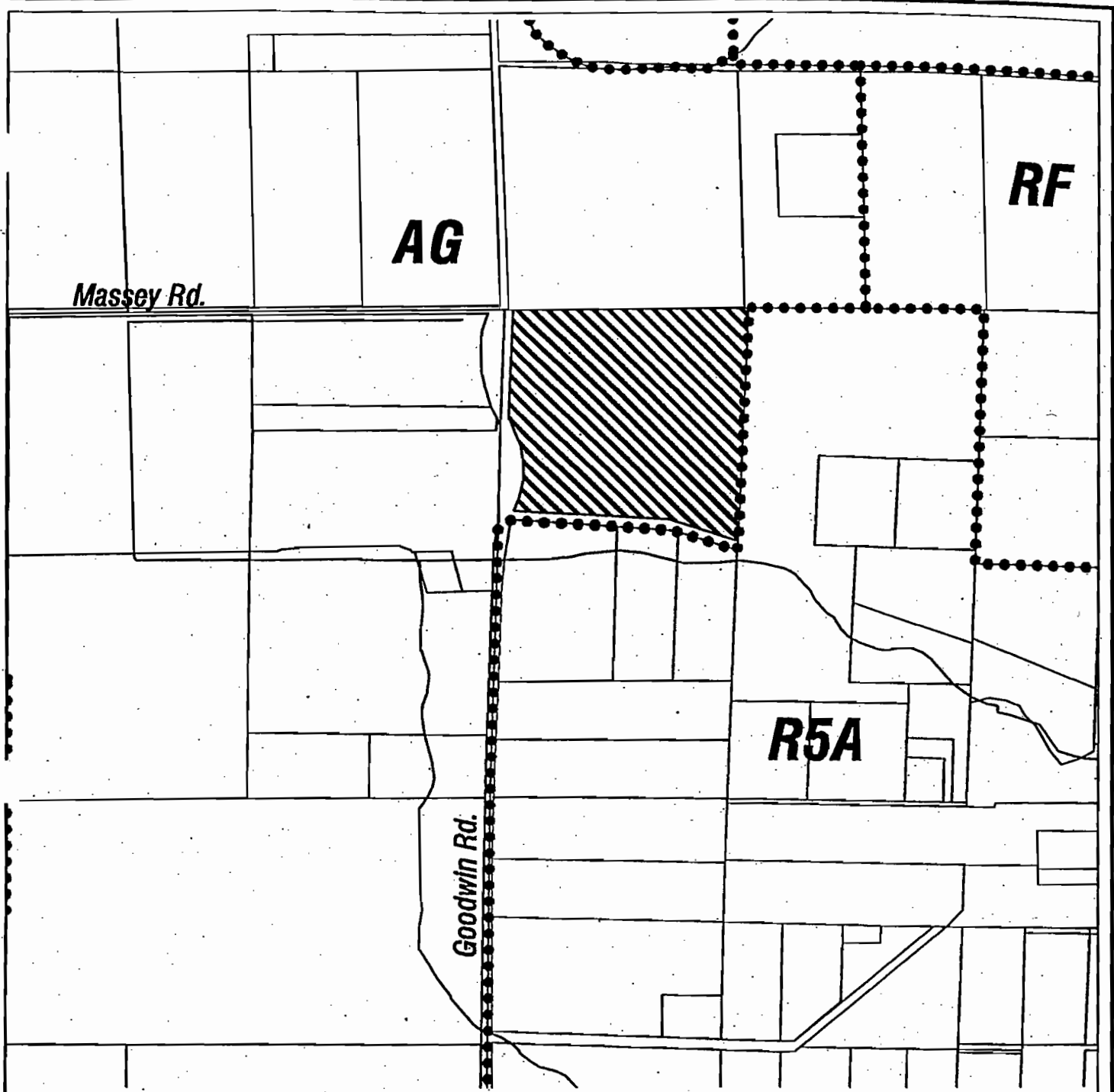
17  
18  
19 APPROVED as to form & content:

() Approved ( ) Denied

20  
21   
22 Karen Frakes, Civil Deputy Prosecutor

23   
24 Pete Kremen, Executive

25  
26 Date: 4-13-98



**Nancy Gyles #03-98:ZM**  
**AG to R5A**

 **Subject Property**

