

| CLEARANCES                    | Initial | Date    | Date Received in Council Office: | Agenda date | Assigned to: |
|-------------------------------|---------|---------|----------------------------------|-------------|--------------|
| Originator: Carl Batchelor    | CB      | 3/30/98 |                                  | 4/7/98      |              |
| Division Head: Sylvia Goodwin | SG      | 3/30/98 |                                  |             |              |
| Dept. Head: Michael Knapp     |         |         |                                  |             |              |
| Prosecutor:                   | KRF     | 3/31/98 |                                  |             |              |
| Purchasing/Budget:            |         |         |                                  |             |              |
| Executive:                    |         |         |                                  |             |              |

**SUBJECT:** File Reference: 04-98:ZM An ordinance amending the Official Whatcom County Zoning Map from Agriculture (AG) to Rural Ten Acres (R10A) for approximately 60 acres in the Lynden-Nooksack Valley Subarea.

**ATTACHMENTS:** Whatcom County Planning Department Agency Report  
Excerpt from Draft Planning Commission minutes, March 12, 1998

**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:                 |
| 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 Ten Acres (R10A) for approximately 60 acres in the Lynden-Nooksack Valley Subarea; consistent with the Comprehensive Plan designation of Rural. On a 4 to 3 favorable vote, the Planning Commission failed to attain a sufficient majority to forward a recommendation for a zoning map amendment (RCW 36.70.600).

**ORIGINATOR'S RECOMMENDED ACTION:** This matter was discussed at the Council meeting on March 24, 1998 (Agenda Bill # 98-130) and the Council decided to hold its own hearing before taking action.

**COMMITTEE ACTION TAKEN:**

**COUNCIL ACTION TAKEN:**

- 1998 - 130 3/24/98: Held in Council for a Public Hearing at a later date.
- 4/7/98: Introduced
- 4/21/98: Withdrawn from agenda. Held for Public Hearing on May 5, 1998
- 5/5/98: Public Hearing Held. Adopted 5 - 2, Hoag & Brenner opposed. Ord. #98-032

SPONSORED BY: Consent

PROPOSED BY: Planning

INTRODUCTION DATE: 4/7/98

ORDINANCE NO. 98-032

1  
2  
3 AMENDING THE OFFICIAL WHATCOM COUNTY ZONING MAP FROM  
4 AGRICULTURE (AG) TO RURAL TEN ACRES (R10A) FOR APPROXIMATELY 60  
5 ACRES IN THE LYNDEN-NOOKSACK VALLEY SUBAREA  
6

7 **WHEREAS**, The Whatcom County Planning and Development Services  
8 Department has requested that the Official Whatcom County Zoning Map be amended  
9 from Agriculture (AG) to Rural Ten Acres (R10A) for approximately 60 acres in the  
10 Lynden-Nooksack Valley Subarea; and  
11

12 **WHEREAS**, pursuant to RCW 36.70.590 legal notice was published in the  
13 Bellingham Herald on Thursday, February 26, 1998; and  
14

15 **WHEREAS**, the Deputy SEPA Official determined in a memorandum dated  
16 March 3, 1998 that SEPA requirements have been met by the Draft and Final  
17 Environmental Impact Statements prepared in conjunction with the adoption of the  
18 Whatcom County Comprehensive Plan in 1997 and that no further SEPA review is  
19 required for the rezone; and  
20

21 **WHEREAS**, the Planning Commission held a public hearing on the proposed  
22 amendment on March 12, 1998 and considered all testimony; and  
23

24 **WHEREAS**, at the regular meeting on March 12, 1998, the Planning  
25 Commission voted 4 to 3 to approve the requested rezone which was not a sufficient  
26 majority to recommend approval of the proposed change; and  
27

28 **WHEREAS**, the Council held a public hearing on May 5, 1998 to consider this  
29 matter and considered all testimony; and  
30

31 **WHEREAS**, the Council found the amendment in the best interest of the public  
32 health, safety, and welfare; and  
33

34 **WHEREAS**, at the regular meeting on May 5, 1998, the Council voted to approve  
35 the proposed rezone; and  
36

37 **WHEREAS**, the Council has adopted the following Findings and Conclusions:  
38

1  
2 **FINDINGS**  
3

- 4 1. The subject property was changed from an Agriculture designation to a Rural  
5 designation when the Whatcom County Comprehensive Plan was adopted in  
6 May, 1997.  
7
- 8 2. The Whatcom County Council requested that the Planning and Development  
9 Services Department initiate rezones of parcels that were approved for  
10 comprehensive plan map changes to make the zoning consistent with the  
11 Whatcom County Comprehensive Plan. The Council also provided specific  
12 direction to consider Rural 10 Acre zoning for the subject parcel.  
13
- 14 3. The subject property is partly wooded and partly cleared, in Agriculture Open  
15 Space taxation and includes a single family residence with outbuildings near.  
16
- 17 4. Surrounding uses include mostly agriculture to the north and west and forested  
18 parcels to the east and south, predominantly in current use taxation and in  
19 parcels larger than ten acres, with many larger than 30 acres.  
20
- 21 5. The area is presently served by individual wells and septic systems.  
22
- 23 6. Fire protection is provided by Whatcom County Fire Protection District Number 3.  
24 The nearest fire station is approximately one and a quarter miles west at Badger  
25 Road and Northwood Road.  
26
- 27 7. The subject property has approximately 1,000 feet of frontage on E. Badger road  
28 which is a State Highway.  
29
- 30 8. The USDA Soil Survey maps indicate Bellingham silty clay loam and Skipopa  
31 silt loam soils which are considered prime agricultural soils but are not included  
32 on the Whatcom County LESA grouping of soils of local importance for  
33 agriculture Category I through IV.  
34
- 35 9. The site has rolling channeled topography with some bands of wetlands, some of  
36 which are accessible fish habitat. The site borders on the 100-year floodplain for  
37 the Nooksack River.  
38
- 39 10. Whatcom County Comprehensive Plan goals and policies provide general  
40 support for Rural 10 Acre zoning for the subject site.  
41
- 42 11. An error in the present classification is the Agriculture zoning in an area  
43 designated as Rural in the comprehensive plan.

12. Changed conditions include adoption of the comprehensive plan and compilation of the LESA soil categories.

**CONCLUSIONS**

1. In view of the fact that the subject property is designated as Rural in the Whatcom County Comprehensive Plan, the proposed rezone appears to be appropriate.

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

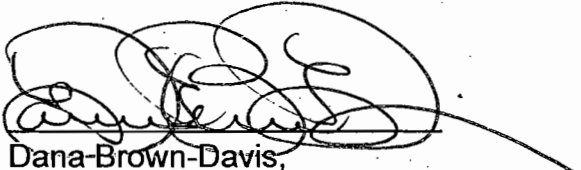
Section 1. The Official Whatcom County Zoning Map is hereby amended from Agriculture (AG) to Rural Ten Acres (R10A) for approximately 60 acres in the Lynden-Nooksack Valley Subarea, in Section 14, T40N; R3E; as shown on Exhibit "A" (Map), Assessor's parcel number 400314-476402.

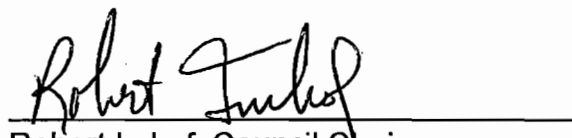
Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this 5 day of May, 1998.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Dana-Brown-Davis,  
Clerk of the Council

  
Robert Imhof, Council Chair

APPROVED as to form

Approved ( ) Denied

  
Karen Frakes, Civil Deputy Prosecutor

  
Pete Kremen, Executive

Date: 5-13-98

File # 04-98:ZM  
Exhibit "A"

W. Bauger Rd. (SR 546)

R2A

R10A

AG

Lindsay Rd.

Pierson & Ann Dykstra #04-98:ZM

AG to R5A



Subject Property



0 400 800 1200 1600 2000 FEET