

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Carl Batchelor	CB	4/10/98	RECEIVED APR 15 1998 WHATCOM COUNTY COUNCIL	4/21/98	Introduction
Division Head: Sylvia Goodwin	SG	4/10/98		5/5/98	P & D / Council
Dept. Head: Michael Knapp	MK	4/10/98			
Prosecutor:	KAF	4/10/98			
Purchasing/Budget:					
Executive:	PN	4-15-98			

SUBJECT: File Reference: 15-98:ZM An ordinance amending the Official Whatcom County Zoning Map from Rural Five Acres (R5A) to Neighborhood Commercial (NC) for approximately 1.18 acres of a 6.18 acre parcel in the Lynden-Nooksack Valley Subarea.

ATTACHMENTS: Whatcom County Planning Department Agency Report
 Proposed Ordinance with Exhibit "A" (Location Map)
 Excerpt from Draft Planning Commission minutes, April 9, 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 /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 Rural Five Acres (R5A) to Neighborhood Commercial (NC) for approximately 1.18 acres of a 6.18 acre parcel in the Lynden-Nooksack Valley Subarea; consistent with the Comprehensive Plan designation of Crossroads Commercial.

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

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

1998 - 176 4/21/98: Introduced
 5/5/98: Adopted 7 - 0. Ord. #98-036

Related File Numbers: #15-98:ZM

Ordinance or Resolution Number (this item only):

Ord. # 98-036

SPONSORED BY: Consent

PROPOSED BY: Planning

INTRODUCTION DATE: 4/21/98

ORDINANCE NO. 98-036

AMENDING THE OFFICIAL WHATCOM COUNTY ZONING MAP FROM RURAL FIVE ACRES (R5A) TO NEIGHBORHOOD COMMERCIAL (NC) FOR APPROXIMATELY 1.18 ACRES OF A 6.18 ACRE PARCEL IN THE LYNDEN-NOOKSACK VALLEY SUBAREA

WHEREAS, The Whatcom County Planning and Development Services Department has requested that the Official Whatcom County Zoning Map be amended from Rural Five Acres (R5A) to Neighborhood Commercial (NC) for approximately 1.18 acres of a 6.18 acre parcel in the Lynden-Nooksack Valley Subarea; and

WHEREAS, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on Thursday, March 26, 1998; and

WHEREAS, SEPA requirements have been met by the Draft and Final Environmental Impact Statements prepared in conjunction with the adoption of the Whatcom County Comprehensive Plan in 1997; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendment on April 9, 1998 and considered all testimony; and

WHEREAS, the Council held a public meeting on May 5, 1998 to consider this matter and approved the Planning Commission recommendation; and

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

WHEREAS, the Council has adopted the following Findings and Conclusions:

FINDINGS

1. When the comprehensive plan was adopted in May, 1997, the subject property was changed from a Rural plan designation to a Crossroads Commercial plan

- 1 designation.
- 2
- 3 2. The subject 1.18 acres is presently developed with a single family residence and
- 4 accessory buildings.
- 5
- 6 3. Surrounding Uses include single family residences and agriculture; a variety of
- 7 commercial and community uses; and vacant and wooded property.
- 8
- 9 4. The area is presently served by individual wells and septic systems.
- 10
- 11 5. Fire protection is provided by Whatcom County Fire Protection District Number
- 12 14 which has a fire station less than one-quarter mile to the east.
- 13
- 14 6. The property has approximately 125 feet of frontage on Lawrence Road (SR 9).
- 15 Upon completion of the proposed widening of Mount Baker Highway (SR 542)
- 16 and construction of a new bridge over the Nooksack River, the subject property
- 17 will front on the intersection of Lawrence Road and Mount Baker Highway.
- 18
- 19 7. The Puyallup fine sandy loam soil on the site is prime farmland when protected
- 20 from flooding or not frequently flooded during the growing season.
- 21
- 22 8. The subject property is in the 100-year floodplain of the Nooksack River.
- 23 Whatcom County flood and building regulations would accommodate the
- 24 anticipated commercial use of the property.
- 25
- 26 9. The site slopes slightly westward toward the Nooksack River and borders a
- 27 shallow swale adjacent to the property to the south where the real estate office is
- 28 presently located.
- 29
- 30 10 The comprehensive plan goals, policies, purpose, definition and locational
- 31 criteria for the Crossroads Commercial designation emphasize providing goods
- 32 and services to local small rural populations.
- 33
- 34 11. An error in the present classification is the rural zoning of an area designated as
- 35 Crossroads Commercial in the comprehensive plan.
- 36
- 37 12. Changed conditions are Inclusion in a Crossroads Commercial plan designation
- 38 and the most recent Western Washington Growth Management Hearings Board
- 39 decisions for Whatcom County which continued their previous ruling of invalidity
- 40 for the GC zone while leaving the NC zone intact.
- 41
- 42 13. The Neighborhood Commercial zone district is suitable for the uses anticipated
- 43 for the subject property.

1 **CONCLUSIONS**

2
3 Although the initial request for the subject property was for General Commercial zoning,
4 the foregoing analysis and findings lead to the conclusion that the Neighborhood
5 Commercial zone is the more suitable choice.
6
7

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


9
10 Section 1. The Official Whatcom County Zoning Map is hereby amended from Rural
11 Five Acres (R5A) to Neighborhood Commercial (NC) for approximately 1.6 acres of a
12 6.18 acre parcel in the Lynden-Nooksack Valley Subarea, in Section 28, T39N, R4E,
13 Assessor's Parcel Number 390428-456411, as shown on Exhibit "A" (Location Map).
14

15 Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this
16 Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part
17 thereof other than the part so declared to be invalid.
18

19
20 ADOPTED this 5 day of May, 1998.
21
22

23
24
25 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

26
27 
28 _____
29 Dana Brown-Davis,
30 Clerk of the Council
31
32

33
34 
35 _____
36 Robert Imhof, Council Chair
37

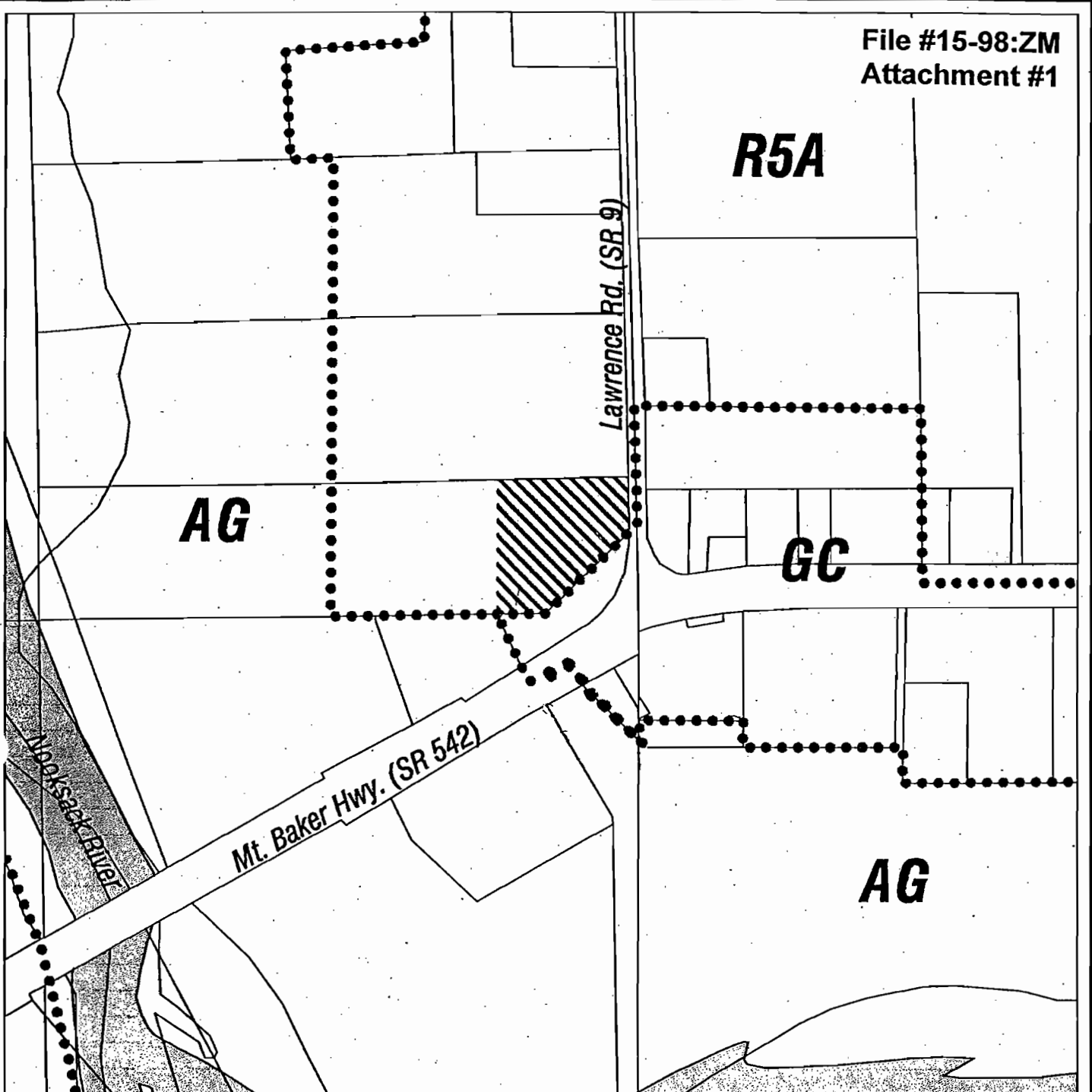
38 APPROVED as to form

() Approved () Denied

39 
40 _____
41 Karen Frakes, Civil Deputy Prosecutor
42

43 
44 _____
45 Pete Kremen, Executive

Date: 5-7-98



Mark Anderson #15-98:ZM
R5A to GC

 Subject Property

