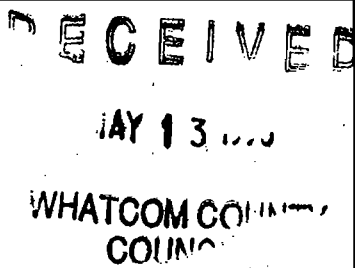


CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Carl Batchelor	CB	5/8		5/19/98	Introduction
Division Head: Sylvia Goodwin	SG	5/8		6/2/98	P & D / Council
Dept. Head: Michael Knapp	MK	5/8			
Prosecutor:	RF	5/11/98			
Purchasing/Budget:					
Executive:	PK	5-12-98			

SUBJECT:

File Reference: 21-90:CZMT An ordinance adopting the Urban Fringe Subarea Plan Land Use Element.

ATTACHMENTS:

Proposed Ordinance with Exhibit "A" (Bellingham City Council Findings of Fact and Conclusions Regarding Final Urban Growth Areas) and Exhibit "B" (Urban Fringe Subarea Comprehensive Plan, Land Use Element, September, 1997).

Related County Contract #:

Should Clerk schedule a hearing: NO /X/ YES / ___ / Requested Date:

SUMMARY STATEMENT:

After substantial public involvement and numerous public hearings, the Urban Fringe Subarea Plan was adopted as an interim development regulation on September 9, 1997. The Subarea Plan was originally conceived and has always been processed as an element of the Whatcom County Comprehensive Plan. Adoption as an interim development regulation was done as a response to legal advice. The Plan was not designed and does not work as a development regulation and the Growth Management Act specifically anticipates adoption of subarea plans outside of the annual cycle for comprehensive plan amendments.

ORIGINATOR'S RECOMMENDED ACTION: The Director of Planning and Development Services recommends Council adopt the proposed ordinance without any further hearings or work sessions.

COUNCIL ACTION TAKEN:

1998 - 213 5/19/98: Introduced
6/2/98: Amended & adopted 6 - 0, Dawson absent. Ord. #98-042

Distribution Request
Indicate those who should receive a copy after Council action.
List specific names to the right.

ADS Facilities Management	
ADS Finance	
ADS Human Resources	
ADS Info Services	
Assessor	
Auditor	
Cooperative Extension	
District Court	
Executive	
Health	
Hearing Examiner	
Jail	
Juvenile	
Parks	
Planning	MKnapp/SGoodwin
Prosecutor	
Public Works	
Sheriff	
Superior Court	
Treasurer	
Other	

Ordinance or Resolution Number
(this item): 098-042

SPONSORED BY: Consent

PROPOSED BY: Consent

INTRODUCTION DATE: 5k/19/98

ORDINANCE NO. 98-042

ADOPTING THE URBAN FRINGE SUBAREA PLAN LAND USE ELEMENT

WHEREAS, IN 1990 the Whatcom County Council and the Bellingham City Council adopted a Joint Resolution giving direction to the respective planning departments to begin work on updating the 1984 Urban Fringe Subarea Comprehensive Plan; and

WHEREAS, the Bellingham City Council on February 10, 1997 forwarded Findings of Fact and Conclusions Regarding Final Urban Growth Areas and the Urban Fringe Subarea Comprehensive Plan (Exhibit A) to the Whatcom County Council, and

WHEREAS, the proposed Subarea Plan underwent substantial review by the public and elected officials as outlined in Bellingham's Findings of Fact and Conclusions (Exhibit A); and

WHEREAS, the proposed Subarea Plan underwent substantial SEPA review as described in Bellingham's Findings of Fact and Conclusions (Exhibit A); and

WHEREAS, Whatcom County adopted a comprehensive plan on May 20, 1997 that designates an Urban Growth Area for the City of Bellingham consistent with the Bellingham City Council's recommendations for the Urban Fringe Subarea, and

WHEREAS, the section of the Whatcom County Comprehensive Plan that describes the Comprehensive Plan Designations Map indicates that the Comprehensive Plan Designation Descriptors "are intended to be general in nature and that more specific criteria and explanation will be incorporated into subarea plans;" and

WHEREAS, Land Use Action Plan item number 15 in the Comprehensive Plan directs the County to revise subarea plans to incorporate Urban Growth Area boundaries, ensure consistency with the Plan, and eliminate redundancy in policy; and

WHEREAS, on September 9, 1997, in Ordinance No. 97-048, the Whatcom County Council adopted the Urban Fringe Subarea Plan as an interim development regulation consistent with input from the Council's legal advisors and consistent with Policy 2L-2 of the Whatcom County Comprehensive Plan; and

WHEREAS, because the Urban Fringe Subarea Plan was conceived and written as a comprehensive plan policy document and not as a development regulation it does not function as a development regulation in a manner that serves the public interest.

WHEREAS, all public review, City and County Planning Commission hearings and work

1 sessions, City and County Council hearings and work sessions and SEPA review of the
2 proposed subarea plan were conducted with the understanding and presumption that the
3 subarea plan would be adopted by Whatcom County as part of the Whatcom County
4 Comprehensive Plan; and
5

6 **WHEREAS**, the Growth Management Act, as it is codified in RCW 36.70A.130(2)(a)(i)
7 expressly anticipates the adoption of a subarea plan as a periodic amendment to a county's
8 comprehensive plan that is exempt from the prohibition on amending the comprehensive plan no
9 more frequently than once every year; and
10

11 **WHEREAS**, the proposed Urban Fringe Subarea Plan (Exhibit B) provides more specific
12 criteria and designations for land use, incorporates Urban Growth Area boundaries, ensures
13 consistency and eliminates redundancy; and
14


15 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:
16

17 **Section 1.** Whatcom County Council Ordinance No. 97-048, which adopted the
18 Urban Fringe Subarea Plan as an interim development regulation is hereby repealed in its
19 entirety and the proposed Urban Fringe Subarea Plan Land Use Element (Exhibit B) is hereby
20 adopted as part of the Comprehensive Plan.
21

22 **Section 2.** Adjudication of invalidity of any of the sections, clauses, or provisions of
23 this Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part
24 thereof other than the part so declared to be invalid.
25
26

7 ADOPTED this 2 day of June, 1998.
28
29

30
31 ATTEST:

32 
33
34 Dana Brown-Davis, Council Clerk
35
36

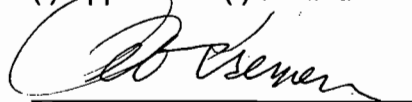
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

37 
38 Robert Imhof, Chairman
39

40 APPROVED as to form:

41 
42 Karen Frakes, Civil Deputy Prosecutor
43
44

Approved Denied

45 
Pete Kremen, Executive

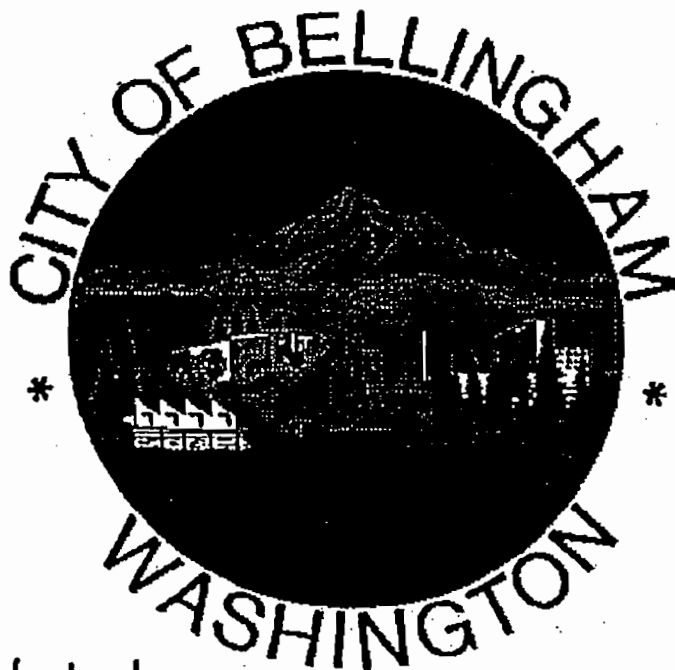
Date: 6-17-98

BELLINGHAM CITY COUNCIL

FINDINGS OF FACT AND CONCLUSIONS

Final Urban Growth Areas Urban Fringe Subarea Comprehensive Plan

February 10, 1997



* Entire Exhibit
On file @ County Council Office = AB 98-213

URBAN FRINGE SUBAREA

COMPREHENSIVE PLAN, LAND USE ELEMENT
September, 1997

Whatcom County Executive

Pete Kremen

Whatcom County Council

Barbara Brenner
Tom Brown
Ward Nelson, Chair
Marlene Dawson

Alvin Starkenburg
Kathy Sutter
Robert Imhof

Whatcom County Planning Commission

Rod Erickson
Gerald Landcastle, Chair
Danna Beech
Richard Gilda
Rob Ney

David Simpson
Sam Crawford
Cheryl Ferrier
Bob Wiesen

Whatcom County Planning and Development Services Department

Michael Knapp, Director

Planning Division

Sylvia Goodwin, Manager
Carl F. Batchelor, Senior Planner, Project Manager

Elizabeth K. Olsen, Planner II
Sarah Watts, Planner II, GIS
Jeff Griffin, Senior Planner
Jane Doughty, Administrative Secretary
Sue Blake, Water Resource Planner

Becky Garney, Clerk III/Receptionist
Chris Béhee, Planner I, GIS
Amy deVera, Planning Technician

Whatcom County Planning
Northwest Annex, 5280 Northwest Road
Bellingham, WA 98226-9094
(360) 676-6907

* Entire Exhibit On File @ County Council
Office = AB98-213