

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	SGA	5/22/98	<b>RECEIVED</b>  <b>MAY 27 1998</b>  <b>WHATCOM COUNTY COUNCIL</b>	6/2/98	Council Introduction
Division Head: Sylvia Goodwin	SGD	5/22/98			
Dept. Head: Michael Knapp	MK	5/22/98			
Prosecutor	KNF	5/26/98			
Purchasing/Budget:					
Executive:	FR	5-26-98			

**SUBJECT: File Reference: 07-98:ZM An Ordinance to amend the Official Whatcom County Zoning Map from Rural Ten Acres (R10A) to Rural Five Acres (R5A) for approximately 229 acres in the Birch Bay-Blaine Subarea.**

**ATTACHMENTS: Agency Report  
Proposed Ordinance  
Draft Planning Commission Minutes  
Staff Report**

Related County Contract #: \_\_\_\_\_ Should Clerk schedule a hearing: NO /  / YES /  / Requested Date: \_\_\_\_\_

**SUMMARY STATEMENT:**

The request is to amend the Official Whatcom County Zoning Map from Rural Ten Acres (R10A) to Rural Five Acres (R5A) for approximately ~~581~~<sup>229</sup> acres in the Birch Bay-Blaine Subarea.

**Ordinance and Resolution 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	Knapp
Prosecutor	
Public Works	
Sheriff	
Superior Court	
Treasurer	
Other	

**COUNCIL ACTION TAKEN:**

1998 - 224 6/2/98: Introduced  
6/16/98: Adopted 7 - 0, Ord. #98-045

**Ordinance or Resolution Number (this item):** Ord. #98-045

SPONSORED BY: Consent

PROPOSED BY: Consent

INTRODUCTION DATE: 6/2/98

ORDINANCE NO. 98-045

AMENDING THE OFFICIAL WHATCOM COUNTY ZONING MAP FROM RURAL (R10A) TO RURAL (R5A) FOR APPROXIMATELY 229 ACRES IN THE BIRCH BAY BLAINE SUBAREA.

WHEREAS, The Whatcom County Planning and Development Services Department has requested that the Official Whatcom County Zoning Map be amended from Rural (R10A) to Rural (R5A) for approximately 14.3 acres in the Birch Bay Blaine Subarea; and

WHEREAS, The Whatcom County Planning Commission requested that the area under consideration be expanded to include the surrounding 581 acres; and

WHEREAS, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on Thursday, March 26 and Monday, April 27, 1998; and

WHEREAS, the Deputy SEPA Official issued a Determination of Nonsignificance on April 21, 1998; and

WHEREAS, the Planning Commission held public hearings on the proposed amendment on April 9 and May 7, 1998, considered all testimony, and recommended approval of the rezone 229 acres from R10A to R5A; and

WHEREAS, the Council held a public meeting on June 16, 1998 to consider this matter and approved the Planning Commission recommendation; and

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

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

**FINDINGS**

1. The request is to rezone approximately 581 acres from R10A to R5A in the Blaine Birch Bay Subarea.
2. The current uses of the subject site are: single family residential with related

1 appurtenances; open space; agriculture, including dairy, ranches and livestock; vacant  
2 asture and woodlands.

3  
4 3. Subdivision of lands that are currently in agricultural use or in Open Space Agriculture  
5 taxation, would be subject to the provisions of the Agriculture Protection Overlay Zone  
6 (WCC 20.38) which requires clustering of residential lots on 20 to 30% of the site.  
7

8 4. Surrounding uses include mostly residential, marginal pasture land, and woodlands and  
9 the surrounding zoning is R10A and GI.

10  
11 5. The area is presently served by individual wells and septic systems.

12  
13 6. Fire protection is provided by Whatcom County Fire Protection District Number 13.  
14 The nearest fire station is approximately one and one-quarter mile west of the subject  
15 property on Birch Bay-Lynden Road.

16  
17 7. The subject site is served by Birch Bay-Lynden Road, Kickerville Road, Holtzheimer  
18 Trail, Ham Road, Pierce Road, Birch Terrace Drive, Birch Terrace Place, and is  
19 approximately one-quarter mile west of the intersection with Portal Way and Interstate  
20 5. Birch Bay Lynden Road and Kickerville Road are constructed to all-weather  
21 standards and the smaller County Roads are not improved to County Road Standards.  
22

23 8. Soils on the site and the surrounding area are generally poorly drained with slow  
4 permeability and are not Prime I or LESA I-IV agricultural soils. The topography of  
25 the site is characterized as flat to gently rolling.

26  
27 9. California Creek flows through the site. This creek flows into Drayton Harbor and is  
28 designated Rural Shoreline under the Whatcom County Shoreline Management  
29 Program.  
30

31 10. NWI wetlands have been identified within the subject area, but site specific wetland  
32 mapping may be required prior to development. There are several small, drainage  
33 courses and associated wetlands which flow into California Creek from the surrounding  
34 area, including a large wetland areas east of the site along Portal Way.  
35

36 11. Whatcom County Comprehensive Plan goals and policies provide general support for  
37 Rural Ten Acre or Rural Five Acre zoning on the subject site.  
38

39 12. The Birch Bay Blaine Subarea Plan Zoning Density Criteria calls for density of one unit  
40 per five acres (R5A) where existing density is less than or equal to one dwelling unit  
41 per ten acres and average parcel size is greater than or equal to five acres and for one  
42 unit per ten acres (R10A) where existing density is less than or equal to one dwelling  
43 unit per twenty acres and average parcel size is greater than or equal to ten acres and

1 where agriculture and silvaculture are, or possibly could be, viable economic  
2 enterprises;

3  
4 13. Within the proposed rezone area north of Birch Bay Lynden Road, east of the  
5 Holtzheimer parcel, there is a pattern of predominantly five acre parcels in residential  
6 land use. This area meets the subarea plan locational criteria for R5A zoning.

7  
8 14. To the north and west of the Holziemer parcel, there is a pattern of larger parcels. Nine  
9 of the 18 parcels in this area are 10 to 40 acres, and the other nine range from .9 to 9.8  
10 acres. Average parcel size in the area north and west of the Hotlzeimer is 13 acres.  
11 138 of the 238 acres in this area is in Agricultural Open Space-Agriculture taxation and  
12 are used for hay field or pasture. The parcel size and land uses in this area are not  
13 consistent with the subarea plan criteria for R5A zoning (less than or equal to 10 acres),  
14 but are consistent with the criteria for R10A zoning.

15  
16 15. In the portion of the proposed rezone area which lies south of Birch Bay Lynden Road,  
17 parcel sizes range from 2 acres to 39.60 acres. The average parcel size in this area is  
18 15.76 acres. Based on average lot size, this area does not meet the subarea plan  
19 locational criteria for R5A zoning

20  
21 **CONCLUSIONS**

22 The 229 acres which is north of Birch Bay Lynden Road and east of the Holtzheimer parcel  
23 (shown on Attachment 1) meets the Birch Bay Blaine Subarea Plan Zoning Density Criteria for  
24 R5A zoning and this designation would be also consistent with the Comprehensive Plan  
25 designation of Rural. The remainder of the proposed rezone area meets the Birch Bay Blaine  
26 Subarea Plan Zoning Density Criteria for R10A zoning and is appropriately zoned R10A at  
27 this time.

28  
29 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:

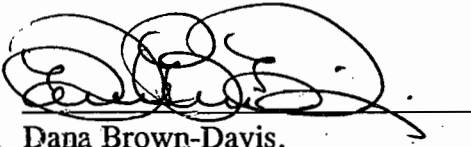
30  
31 Section 1. The Official Whatcom County Zoning Map is hereby amended from Rural Ten  
32 Acre (R10A) to Rural Five Acre (R5A) for approximately 229 acres in the Birch Bay Blaine  
33 Subarea, in Sections 21,22,35 and 28, Twp. 40N, R1E, as shown in Attachment 1.

34  
35 Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this  
36 Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part  
37 thereof other than the part so declared to be invalid.

38  
39  
40 ADOPTED this 16 day of June, 1998.

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

ATTEST:

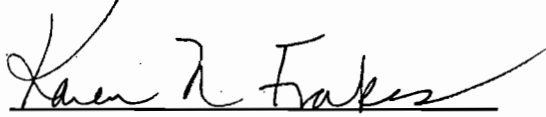


Dana Brown-Davis,  
Clerk of the Council



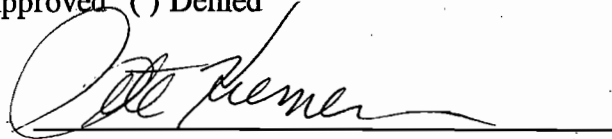
Robert Imhof, Council Chair

APPROVED as to form



Karen Frakes, Civil Deputy Prosecutor

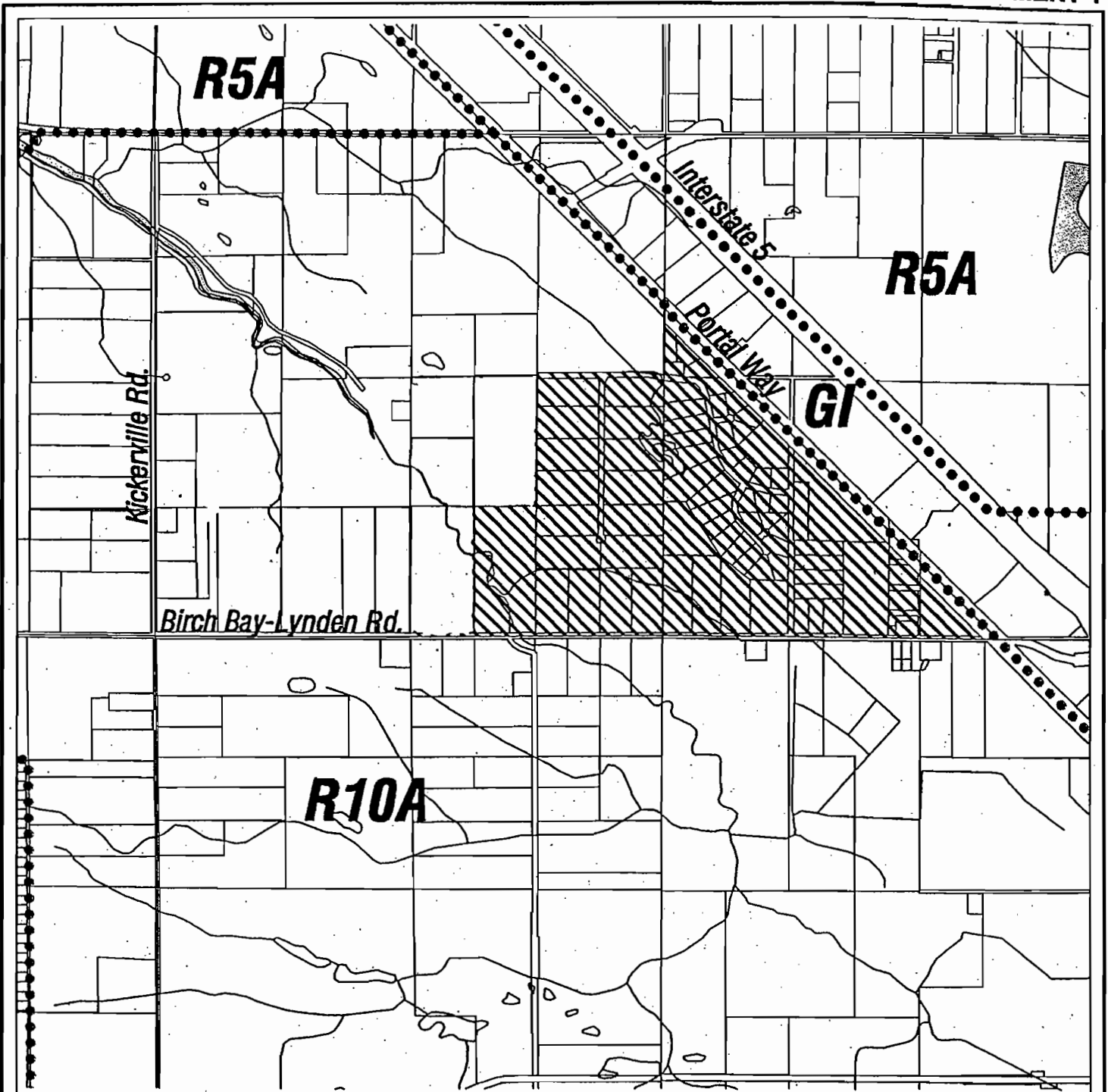
Approved ( ) Denied



Pete Kremen, Executive

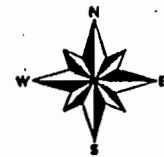
Date: 6-18-98

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**Jack Holtzheimer #07-98:ZM**  
**R10A to R5A**

 Recommended Rezone Area



0 400 800 1200 1600 2000 FEET