

CLEARANCES	Date	Date Received in Council Office	Agenda Date	Assigned To
Orig. Dept.: Planning & Develop	7/28/99		8/10/99	Council
Division Head:				
Dept. Head:				
Prosecutor:				
Budget:				
Executive:				

**SUBJECT:**

Ordinance adopting amends to WCC Title 20 Chapter 20.64

**ATTACHMENTS**

Ordinance

**SUMMARY STATEMENT:**

Related County Contract #:	Should the Clerk schedule a hearing? (Y/N N	Requested Date:
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This ordinance would amend WCC Title 20, Chapter 20.6-Resort Commercial District (RC), Section 20.64.500 to add new Sections 20.64.165, .502 and .503 to allow an applicant to perform an off-site comparative value exchange, in open space or recreational amenities, for a reduction of the on-site open space requirement from the current requirement of 40% to a minimum of 10%.

**RECOMMENDED MOTION (for final action):**

**COUNCIL ACTION TAKEN:**

1999 - 288 7/27/99: Introduced  
 8/10/99: Adopted 6-0, Brown absent, Ord. #99-043

Related File Numbers:

Ordinance or Resolution Number (this item only):

**ORD.# 99-043**

SPONSORED BY: Planning  
PROPOSED BY: Consent  
INTRODUCTION DATE: 7/27/99

ORDINANCE NO. 99-043

**ADOPTING AMENDMENTS TO THE WHATCOM COUNTY  
TITLE 20 ZONING TEXT CHAPTER 20.64**

**WHEREAS**, Whatcom County Code, Title 20, Chapter 90 provides direction for docketing zoning map and text amendments and such docket was initiated and processed for 1998; and

**WHEREAS**, The Deputy SEPA Official for Whatcom County issued a determination of non-significance on November 4, 1998; and

**WHEREAS**, Pursuant to RCW 36.70.590, legal notice was published in the Bellingham Herald on October 31, 1998, November 26, 1998, January 4, 1999, January 14, 1999, February 11, 1999, February 27, 1999, March 11, 1999, March 25, 1999, April 11, 1999; and

**WHEREAS**, The Planning Commission held public hearings on the proposed amendments on November 12, 1998, December 10, 1998, January 14, 1999, January 28, 1999, February 11, 1999, February 25, 1999, March 11, 1999, March 25, 1999, and April 8, 1999 and considered all testimony; and

**WHEREAS**, The Planning Commission held a work session on April 22, 1999 to consider all the amendments concurrently, as required by WCC 20.90.070; and

**WHEREAS**, The Planning Commission has evaluated the merits of each amendment in relationship to the County Wide Planning Policies and the goals, policies and objectives of the Comprehensive Plan, as required by WCC 20.90.070; and

**WHEREAS**, The County Council decided to split the batch of proposed zoning map and text amendments into separate ordinances to allow adoption of some of the proposed amendments in advance of the other proposed amendments; and

**WHEREAS**, The County Council has considered the Planning Commission's Findings of Fact, Reasons for Action, and Recommendations for all the amendments, as required by WCC20.10.110, and

**WHEREAS,** The County Council identified minor wording changes which would clarify and improve readability of the proposed text, but do not change the meaning; and

**WHEREAS,** The County Council finds that the zoning text amendments, as revised, conform to the Growth Management Act and are consistent with and implement the Comprehensive Plan; and

**WHEREAS,** the County Council finds the amendments in the best interest of the public, safety, and welfare, based on the following findings and conclusions:

**FINDINGS**

The Whatcom County Council adopts the Planning Commission's findings relating to the Zoning text amendments as set forth in their Findings of Fact, Reasons for Action, and Recommendations, which are attached as Exhibit 1.

**CONCLUSION**

Amendments to the Official Whatcom County Zoning Ordinance should be adopted as set forth in the Planning Commission's Findings of Fact, Reasons for Action, and Recommendations.

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

Section 1. The Official Whatcom County Zoning Ordinance text and map (Title 20) is hereby amended as shown in the attached Exhibit 2.

Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of the 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 10th day of August, 1999

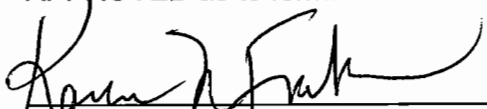
ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
for Dana Brown-Davis, Council Clerk

  
Marlene Dawson, Chairperson

APPROVED as to form:

  
\_\_\_\_\_  
Civil Deputy Prosecutor

Approved     Denied

  
\_\_\_\_\_  
Pete Kremen, Executive

Date: 8-13-99

## EXHIBIT 1

### File # 45-98:ZT - Resort Commercial Open Space Reservation

#### Applicant:

Turnstone Properties Inc.  
P.O. Box 321  
Pt. Roberts, WA 98

**Description of Proposal:** To amend the Official Whatcom County Zoning Ordinance, Title 20, Chapter 20.64 – Resort Commercial District (RC), Section 20.64.500 and to add new Sections 20.64.165, .502 and .503 to allow an applicant to perform an off-site comparative value exchange, in open space or recreational amenities, for a reduction of the on-site open space requirement from the current requirement of 40% to a minimum of 10%.

#### Findings of Fact:

1. Public notice was published in the Bellingham Herald on Thursday, March 11, 1999.
2. A Determination of Non-Significance was issued by the Deputy SEPA Official on November 11, 1998.
3. The proposal is consistent with the goals, policies, and action items of the Whatcom County Comprehensive Plan regarding public and private efforts to conserve and enhance open space and recreational amenities.
4. Provision and enhancement of open space and recreational amenities is within the interest of the public health, safety, morals and welfare.
5. The proposal provides additional incentive for preservation or enhancement of existing critical areas and resource lands.

#### Planning Commission Recommendation:

Planning Commission recommends approval of the following text amendment:  
Ayes:6 Nays:0 Abstain:1 Absent:2

**EXHIBIT 2**  
**PROPOSED AMENDMENTS TO TITLE 20,**  
**CHAPTER 20.64 - RESORT COMMERCIAL DISTRICT (RC)**  
**(As Revised by the Council Planning and Development Committee)**

**20.64.150 Conditional uses.**

.165 Any use which seeks a comparative value exchange for the open space requirement as outlined in 20.64.502 and .503.

**20.64.500 Open space.**

.501 For uses other than single family or two-family dwellings, a minimum of 40 percent of the site shall be reserved as open space unless otherwise provided in section .502.

.502 The 40 percent requirement in .501 may be reduced to as little as 10 percent when the applicant agrees to and performs a comparative value exchange in open space or recreational amenities and when the exchange fosters the open space and recreation goals of the Whatcom County Comprehensive Plan, relative subarea plans, the Natural Heritage Plan and other related County plans. The exchange can be achieved in two ways:

(1) An exchange of land through acquisition or dedication of a public access easement, provided the exchange results in land or amenities that equal or exceed the recreational and/or open space value of the replaced on-site open space. The following criteria shall be considered in assessing recreation and open space value:

- (a) Utility of land for recreation/open space purposes;
- (b) Unique or culturally significant natural habitat;
- (c) Wildlife habitat;
- (d) Views;
- (e) Shoreline access;
- (f) Integration with existing recreation/open space areas;
- (g) High value natural resource areas using the criteria established in the Whatcom County Critical Areas regulations (WCC 16.16).

(2) Provision of recreational amenities provided the exchange results in land or amenities that equal or exceed the recreational and/ open space value of the replaced on-site open space. Acceptable amenities may include but not be limited to:

- (a) Public access to shorelines;
- (b) Pedestrian or bicycle paths;
- (c) Bicycle lanes;
- (d) Enhancement of existing park facilities;
- (e) Trails.

.503 Criteria for Approval of a comparative value exchange:

- (1) The exchange will meet applicable conditional use criteria in WCC 20.84.220.
- (2) The exchange will provide open space or recreational amenities within the same subarea in which the proposed project lies.

- (3) In addition to meeting the goals and recreation values set forth in .502 the economic value of exchanged property or the cost of constructed amenities must exceed fifty (50) percent of the value of the land **being exchanged** that would have been set aside to meet the 40 percent requirement of .501.
- (4) When an amenity is proposed on-site in exchange for a reduction in open space, the value considered must be above and beyond the minimum requirements contained in section .503(3).
- (5) The applicant has demonstrated that a neighborhood meeting has been held or other method used to inform affected neighbors prior to the formal notification process.
- (6) There shall be a mechanism in place to -iensure that a permanent exchange takes place, including such items as: maintenance agreements; dedications; easements; conservation easements; or other appropriate tools acceptable to both the applicant and the County which shall be filed with the County Auditor's Office.
- (7) In addition to information provided by the applicant, staff and the public, the Hearing Examiner may also consider a recommendation from the Whatcom County Parks Commission, when appropriate, or regionally specific recreational organizations when arriving at a decision regarding comparative value.