

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 1999 - 377

CLEARANCES		Date	Date Received in Council Office	Agenda Date	Assigned To
Orig. Dept.:	County Council	9/29/99	RECEIVED SEP 29 1999 WHATCOM COUNTY COUNCIL	9/28/99	Introduction
Division Head:				10/12/99	COUNCIL / PED COMM.
Dept. Head:				10/26/99	PED / COUNCIL
Prosecutor:				11/9/99	PED - PUB. HEARING
Budget:					
Executive:					

SUBJECT:

Ordinance adopting amendments to WCC 20.82, Public Utilities

ATTACHMENTS

SUMMARY STATEMENT:

Related County Contract #:	Should the Clerk schedule a hearing? (Y/N)	Requested Date:
----------------------------	--	-----------------

Ordinance adopting amendments to Whatcom County Code 20.82, Public Utilities *(Planning # 50-98: ZT)*

RECOMMENDED MOTION (for final action):

COUNCIL ACTION TAKEN:

- 1999 - 377 9/28/99: Introduced
- 10/12/99: Held/Council
- 10/26/99: Held in committee - hearing to be scheduled
- 11/9/99: Amended and adopted 6-1, Hoag opposed, Ord. #99-067

Related File Numbers:

Ordinance or Resolution Number (this item only):

ORD. # 99-067

SPONSORED BY: Planning
PROPOSED BY: Planning
INTRODUCTION DATE: 9/28/99

ORDINANCE NO. 99-067

**ADOPTING AMENDMENTS TO THE WHATCOM COUNTY
ZONING TEXT CHAPTER 20.82 PUBLIC UTILITIES**

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 has considered the Planning Commission's Findings of Fact, Reasons for Action, and Recommendations for all the amendments, as required by WCC 20.10.110; and

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

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

FINDINGS

1. Public notice was published November 26, 1998 in the Bellingham Herald.
2. SEPA: A Declaration of Non-Significance was issued for the proposed amendments on November 4, 1998.
3. Staff finds that there is a need to clarify what is meant by a trunk sewer and water line in order to provide both staff and sewer and water service providers guidance in determining whether a particular sewer and/or water improvement requires a conditional use permit. Staff finds that the language proposed accomplishes this task without changing the intent of the regulations and without affecting the public health, safety and welfare.

CONCLUSION

Amendments to the Official Whatcom County Zoning Ordinance text should be adopted as set forth in Exhibit 1.


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

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


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 9th day of November, 1999


ATTEST:


 Dana Brown-Davis, Council Clerk


WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


 Marlene Dawson, Chairperson

APPROVED as to form:


 Dawn A. Frisk
 Civil Deputy Prosecutor

Approved Denied


 Pete Kremen, Executive

Date: 11/22/99

EXHIBIT 1

20.82 020 Public Utilities - Permitted Uses: *amend WCC 20.82.021 under permitted uses to read as follows:*

.021 Except as provided in 20.82.030, the installation and maintenance, including replacement, of all utility lines, other than trunk utility lines including pipes, cables, and wires, service connections; and associated service equipment meter boxes, and distribution lines, together with associated structures such as pump stations, and equipment vaults, provided that --Above ground structures shall be consistent conform to the with size requirements of WCC 20.82.022.

.022 Buildings and structures 100 square feet in floor area or smaller including pump houses, storage buildings, equipment buildings, and similar structures necessary for the operation of the utility.

.023 Water storage tanks owned and operated by a public utility for the sole purpose of providing required fire flow; provided, that the volumes do not exceed 50,000 gallons and height is not in excess of 12 feet above the ground level measured within 20 feet in all directions of the tank. a A privately owned water storage tank constructed to provide fire flow for a singular use(s) or property(ies) and maintained by the property owner(s) is considered an accessory use to the primary permitted or conditionally permitted use(s) that is (are) to be protected by fire flow supplied from the tank and not subject to regulation as a public utility, provided the height does not exceed the maximum height allowed in the underlying zone. -(Ord. 96-056 Att. A T 1, 1996).

20.82 030 Public Utilities - Conditional Uses: *amend WCC 20.82.030 to read as follows*

20.82.30 Conditional Uses

The following uses shall require a conditional use permit and shall be subject to a threshold determination in accordance with the Whatcom County SEPA Ordinance:

(1) Transmission pipelines carrying petroleum and petroleum products other than natural gas when such pipelines will be located outside the zoning district classified as Heavy Impact Industrial.

(2) Regional transmission lines for the bulk conveyance of natural gas. Natural gas pipelines which are owned and operated by a gas utility company regulated by the state utilities and transportation commission and which are distribution lines owned by the utility that provide natural gas service directly to county citizens and businesses shall not be considered regional transmission lines.

(3) New sewer and/or water lines with an inside diameter greater than 8 inches except for the following which shall be permitted outright:

(a) New sewer and/or water lines located and installed by a public utility or municipality in conformance with a state approved sewer and/or water comprehensive plan and consistent with the Whatcom County Comprehensive Plan.

(b) New sewer and/or water line(s) whose principal function is to provide service to a new development(s) approved either by Whatcom County or a municipality.

(c) New sewer and/or water lines for the purpose of addressing a health emergency documented by the state or county Health Department.

(4) Electronic communications structures including associated ~~minimal~~-maintenance and operations structures

(5) Water storage reservoirs with volumes exceeding 50,000 gallons or those with height in excess of 12 feet above the ground level measured within 20 feet in all directions of the tank.

(6) and other above-ground Utility structures located above ground such as pump stations, equipment buildings and similar structures greater than 100 square feet in area.

(7) Sewer and water treatment plants, ~~sanitary sewer outfalls.~~

(8) ~~substations, and~~ Electrical substations and electrical powerlines carrying voltages in excess of 55kv (55,000 volts) provided that no conditional use permit shall be granted for electrical transmission lines carrying more than 115kv (115,000 volts) shall require a conditional use permit and shall be subject to a threshold determination in accordance with the Whatcom County SEPA Ordinance. Except on land where such permits have already been granted or in those districts classified as industrial.

20.82.040 Utilities - other applicable regulations.

Solid waste facilities and large scale electrical generating plants are not conditional uses under the name "public utilities" but are restricted to where they have been named as uses.