

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 1999 - 330

CLEARANCES	Date	Date Received in Council Office	Agenda Date	Assigned To
Orig. Dept.: Planning & Develop	9/14/99	RECEIVED SEP 14 1999 WHATCOM COUNTY COUNCIL	9/21/99	Introduction
Division Head:			9/28/99	P&D COMM.
Dept. Head:			10/12/99	COUNCIL
Prosecutor:			10/26/99	P&D COUNCIL
Budget:			11/9/99	PUBLIC HEARING
Executive:				

SUBJECT:

Ordinance amending Whatcom County Code 20.34 regarding Lummi Island RR1 Amend. *Planning Number 66-98:ZT*

ATTACHMENTS

SUMMARY STATEMENT:

Related County Contract #:	Should the Clerk schedule a hearing? <input checked="" type="checkbox"/> Y	Requested Date:
----------------------------	---	-----------------

Ordinance amending Whatcom County Code Title 20.34, regarding Lummi Island RR-1 amendments *Planning Number 66-98:ZT*

RECOMMENDED MOTION (for final action):

COUNCIL ACTION TAKEN:

- 1999 - 330 9/21/99: Introduced
- 9/28/99: Discussed - Full Council on Oct. 12
- 10/12/99: Held to Oct. 26 Committee and Council
- 10/26/99: Held in committee - Public hearing on 11/9
- 11/9/99: Adopted 6-1, Brown opposed, Ord. #99-069

Relc File Numbers:

Ordinance or Resolution Number (this item only):

ORD. #99-069

SPONSORED BY : Planning
PROPOSED BY: Planning
INTRODUCTION DATE: 9/21/99

ORDINANCE NO. 99-069

**ADOPTING AMENDMENTS TO THE WHATCOM COUNTY TITLE 20 ZONING
TEXT CHAPTER 20.34 RURAL RESIDENTIAL ISLAND DISTRICT**

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 finds that the zoning text amendments 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 (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 9 day of November, 1999

ATTEST:



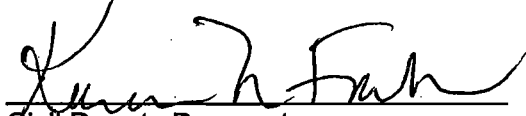
Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Marlene Dawson, Chairperson

APPROVED as to form:



Civil Deputy Prosecutor

Approved () Denied



Pete Kremen, Executive

Date: 11-16-99

EXHIBIT 1

File # 66-98:ZT - Lummi Island RR-I Amendments

Applicant: Lummi Island Conservancy

Description of Proposal: Amend the Rural Residential – Island (RR-I) District of the Official Whatcom County Zoning Ordinance (Title 20). The RR-I zone generally applies to the northern half of Lummi Island. The proposed amendments relate to cluster subdivisions, reserve tracts, retail plant nurseries, vegetation removal on slopes, underground storage of fuel and hazardous substances, and minimizing impervious surfaces such as roads.

Findings of Fact:

1. Notice of the Planning Commission hearing on the subject proposal was published in the Bellingham Herald on February 11, 1999.
2. The Deputy SEPA Official for Whatcom County issued a Determination of Non-Significance on November 4, 1998.
3. The proposed amendments to the Rural Residential – Island District of the Title 20 Zoning Ordinance would implement the Lummi Island Subarea Plan.
4. The Planning Commission recognizes a potential sensitivity of the aquifer on Lummi Island and has special concern for protection of the aquifer.

Planning Commission Recommendation:

Planning Commission recommends approval of the following text:

Ayes:5 Nays:0 Absent: 4

20.34.010 Purpose

The purpose of this district is to allow for a harmonious mixture of residential, retail commercial, public uses and those light industrial uses associated with agriculture, forestry and fishing. In addition, the district requires that new light industrial, retail commercial and residential uses complement the rural character by adherence to the goals and policies of the Lummi Island Subarea and Whatcom County Comprehensive Plan. Furthermore, the purpose of this district is to provide the option for residential uses to arrange in cluster development patterns while reserving tracts of land for rural uses and potential future resubdivision in accordance with the adopted zoning density requirements, as applied to the entire subdivision or short subdivision. In addition, the district provides for density transfer to preserve land and water quality.

20.34.150 Conditional uses.

~~.163 Retail plant nurseries Plant nurseries and greenhouses for storage, propagation and culture of plants, including sales as an accessory use provided:~~

- (1) Must be located on a minor collector arterial or higher classified road.

(2) Covered sales area and associated display areas must not exceed 10 percent of the total area of development.

(3) There shall be fixed hours of operation.

(4) Parking lot, indoor sales or other potential impacts related to operations shall be buffered from neighbors.

(5) Signage shall be aesthetically compatible with the character of the neighborhood.

(6) All other criteria for conditional use permits must be met.

(7) Outdoor storage of fertilizer is prohibited.

(8) There shall be no use of synthetic pesticides, synthetic herbicides, or chemical fertilizers.

~~(8) (9) No aerial application of chemical products shall be allowed within 50 feet of dissimilar uses.~~

~~(9) This type of activity will be prohibited in the Lake Whatcom Watershed and Lummi Island and in other areas deemed to be water quality sensitive, excluding retail nurseries operating chemical free.~~

20.34.305 Lot clustering.

(1) The purpose of lot clustering is to preserve the rural character of Lummi Island and to provide an alternative method of creating economical building lots with spatially efficient sizes. Clustering is intended to reduce development cost, increase energy efficiency and reserve areas of land which are suitable for agriculture, forestry, open space or possible future development in accordance with the adopted zoning density requirements, as applied to the entire subdivision or short subdivision.

(2) The clustering option is also intended to help preserve open space and the character of areas and reduce total impervious surface area thereby reducing runoff while assuring continued viable undeveloped natural vegetated corridors for wildlife habitat, protection of watersheds, preservation of wetlands, preservation of aesthetic values including view corridors, and preservation of potential trail and recreation areas.

20.34.320 Reserve tract.

For the purposes of this section, "reserve tract" is defined as that portion of a proposed subdivision or short subdivision which is intended for agricultural, forestry, open space or future development purposes which does not exceed adopted zoning density requirements, as applied to the entire subdivision or short subdivision.

All "reserve tracts" created through the subdivision process shall be subject to the following provisions:

(1) After a site is initially subdivided pursuant to this section, the "reserve tract" may be retained by the subdivider, conveyed to residents of the subdivision or conveyed to a third party.

(2) The "reserve tract" may be considered as a building lot; provided that such lot is included in the overall density calculation of the original parcel of record.

(3) The "reserve tract" may be further subdivided only through the long subdivision process and only under the following circumstances:

(a) The county finds that in developing adjacent tracts it would help to further the objectives listed in WCC 20.34.305(2) above by dividing the reserve tract and increasing the area of reserve proportionately on the adjacent land being subdivided so that there is

no net reduction in reserve area; and when the reserve tract is owned by the original developer or a third party, no property owner within the original subdivision will be significantly adversely affected or suffer a substantial decrease of property value as a result of dividing the reserve tract.

(b) When the subarea Comprehensive Plan and zoning have been updated as part of the normal process (other than a revision initiated by the private sector or done for a specific area) and the public process has been gone through, subject to findings that there is no adverse impact to critical areas and when the reserve tract is owned by the original developer or a third party, no property owner within the original subdivision will be significantly adversely affected or suffer a substantial decrease of property value as a result of dividing the reserve tract.

(4) The purpose of the reserve tract as stated in WCC 20.34.320 paragraphs (1), (2), and (3) shall be communicated in writing on the face of the plat or short plat; also, the number of developable building sites remaining (if any) with the original parcel of record, based on the assigned density, shall also be prominently displayed on the plat or short plat. Whatcom County shall make every effort to assist all agents in communicating clearly such information to all purchasers and prospective purchasers of building lots or "reserve tracts."

(5) That the above stated requirements WCC 20.34.320 paragraphs (2), (3), and (4) shall be recorded as a deed restriction at the time of filing of the final plat or short plat, and shall constitute an agreement between Whatcom County and the owner of record. Said deed restriction may be amended by mutual agreement between said parties after review for consistency and compliance with the Official Whatcom County Zoning Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Comprehensive Plan. (Ord. 98-083 Exh. A 35, 1998; Ord. 90-45, 1990).

20.34.656(3)

Vegetation shall be disturbed as little as possible on unstable and potentially unstable slopes as identified on Figure C1 and C2 of the Lummi Island Subarea Plan. This limitation shall not apply to non-native vegetation when:

(a) A qualified professional has submitted a report, approved by Whatcom County, demonstrating that removal of non-native vegetation and replanting with native vegetation would not be detrimental to the stability of the slope; and

(b) A qualified professional has submitted a plan, approved by Whatcom County, that establishes the types of native vegetation to be replanted and the time frames and techniques for removal of non-native vegetation, replanting with native vegetation, and erosion control; and

(c) The property owner implements the approved plan.

20.34.658 Ground water regulations.

(1) Solid waste landfills are prohibited.

- (2) There shall be no underground storage of fuel or other hazardous substances where public water supplies could be endangered.
- (3) Runoff from impervious surfaces such as buildings, driveways and roads shall drain back into the ground rather than be conveyed by pipe or ditches away from the island.
- (4) Width of access streets in residential developments shall be held to the minimum allowed under the Whatcom County Development Standards.
- ~~(54)~~ Naturally occurring ponds and swamps shall not be drained.