

CLEARANCES		Date	Date Received in Council Office	Agenda Date	Assigned To
Orig. Dept.:	County Council	3/17/2003		3/11/2003	Council
Division Head:					
Dept. Head:					
Prosecutor:					
Budget:					
Executive:					

*SUBJECT:*

Resolution remanding site specific rezone at Atwood Rd. back to Hearing Examiner

*ATTACHMENTS*

*SUMMARY STATEMENT:*

Related County Contract #:	Should the Clerk schedule a hearing? (Y/N)	Requested Date:
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Resolution remanding to the Hearing Examiner a request for a site specific rezone of 50.3 acres from Rural Five Acres to Light Impact Industrial at Atwood Road North of the I-5/Grandview Interchange. (Jansen rezone)

*RECOMMENDED MOTION (for final action):*

*COUNCIL ACTION TAKEN*

3/11/2003: Approved 7-0, Res. #2003-026

*Related File Numbers:*

*Ordinance or Resolution Number (this item only):*  
R2003-26

SPONSORED BY: \_\_\_\_\_ Council

PROPOSED BY: \_\_\_\_\_ Consent

INTRODUCTION DATE: 3/11/2003

**RESOLUTION NO. 2003-026**

**REMANDING TO THE HEARING EXAMINER A REQUEST FOR A SITE SPECIFIC  
REZONE OF 50.3 ACRES FROM RURAL FIVE ACRES TO LIGHT IMPACT  
INDUSTRIAL AT ATWOOD ROAD NORTH OF THE I-5/GRANDVIEW  
INTERCHANGE**

**WHEREAS**, the Whatcom County Hearing Examiner forwarded to the Whatcom County Council a recommendation for approval of a Site Specific Rezone of 50.3 acres from R5A to LII on Atwood Road north of the I-5/Grandview interchange, Ferndale, Washington; and

**WHEREAS**, the Hearing Examiner's recommendation was considered by the Whatcom County Council at its regularly scheduled meeting on March 11, 2003; and

**WHEREAS**, said meeting was duly convened and took place in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given, and a legal quorum of the Whatcom County Council was present throughout the meeting; and

**WHEREAS**, upon review of the facts and conclusions as presented by the Hearing Examiner, and the record and file in this matter, the Council questions whether the buffer areas along the northern boundary and the southwest boundary

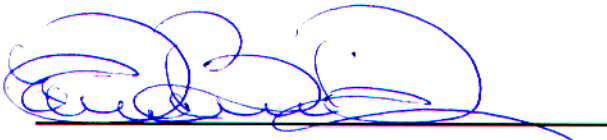
line above the creek or culvert which runs parallel and adjacent to I-5 are sufficient to fulfill the requirements of WCC 20.90.063(2)(b) in light of the potential adverse noise, light, traffic and visual impacts which the proposed land use may have upon the surrounding neighborhood as a whole.

**NOW, THEREFORE, BE IT RESOLVED** by the Whatcom County Council that this matter is hereby remanded to the Hearing Examiner pursuant to WCC 20.90.051(6)(b)(iii) for reconsideration. Upon remand, the Hearing Examiner is directed to reopen the record in this matter to take additional evidence and testimony solely on the issue of the adequacy of the buffers in the areas described to the extent the Hearing Examiner deems necessary to fully reconsider his previous recommendation to the Council on this aspect of the application.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that based upon the additional evidence and/or testimony allowed, and the existing record and file herein, the Hearing Examiner is directed to reconsider his recommendation as to the adequacy of the buffers in light of the requirements of WCC 20.90.063(2)(b).

**APPROVED** this 11th day of March, 2003.

ATTEST:



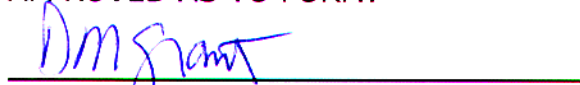
Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON



Dan McShane, Council Chair

APPROVED AS TO FORM:



Civil Deputy Prosecutor