

PROPOSED BY: Consent
SPONSORED BY: Seth Fleetwood
INTRODUCED: April 4, 2006

ORDINANCE NO. 2006-017

ENACTING AN INTERIM TEXT AMENDMENT TO AMEND THE WHATCOM COUNTY
COMPREHENSIVE PLAN MAP AND ASSOCIATED TEXT PROVISIONS TO
RESCIND THE URBAN GROWTH AREA DESIGNATION FOR SUDDEN VALLEY

WHEREAS, Whatcom County is presently in litigation defending the rights of Sudden Valley to incorporate at a time when the majority of the Whatcom County Council opposes such incorporation; and

WHEREAS, Whatcom County opposes the incorporation of Sudden Valley because it creates the prospect of increased urban development in precisely the location that Whatcom County policy has sought to avoid increased development; and

WHEREAS, rescinding the urban growth area designation significantly reduces the likelihood of future incorporation; and

WHEREAS, the Whatcom County Council finds that the rescission of the provisional urban growth area designation does not impose an undue burden upon property owners; and

WHEREAS, RCW 36.70.790 and RCW 36.70.795 allows for adoption of interim official controls as long as a public hearing is held within 60 days of adoption; and

WHEREAS, the Whatcom County Council will schedule a public hearing on this issue for May 9, 2006;

WHEREAS, RCW 36.70.795 requires the adoption of findings of fact which justify Council action, therefore, the Whatcom County Council makes the following findings of fact:

1. This interim ordinance is needed to reduce the prospect of future degradation of the Lake Whatcom watershed and the associated threat to the drinking water supply of approximately half of the citizens of Whatcom County.

2. Whatcom County has adopted, as policy, the commitment to reduce development in the Lake Whatcom watershed. The three governments that form the Joint Lake Whatcom Management Committee (Whatcom County, City of Bellingham, and the Water District) have all committed to a density reduction program by agreement. Should Sudden Valley become a City it would possess the right to pursue urban level densities, greatly in excess of present density targets identified in the plan. Additionally, it would not be bound by present agreements. City level densities, in excess of present Sudden Valley vested densities, should not be permitted on Lake Whatcom.
3. The Growth Management Act requires protection of critical areas and requires that growth be directed to Cities. The present ordinance would protect water quality in Lake Whatcom by ensuring that future increases in City level density would be avoided.
4. The present ordinance would conform with those policies that seek urban growth in appropriate locations in Whatcom County (see county wide planning policies B-1, C-2, C-5, E-5, N-2, N-5).
5. The comprehensive plan envisions urban areas in appropriate locations that minimize harm to environmentally sensitive areas such as Lake Whatcom. The present ordinance would make the Comprehensive Plan internally consistent.
6. The public interest will be served by not having a second City on the shores of Lake Whatcom that would be obligated, pursuant to the Growth Management Act, to establish population projections and then determine means by which that projected population is accommodated, including consideration of expanding growth boundaries in the very location that Whatcom County policy has determined growth is not wanted.

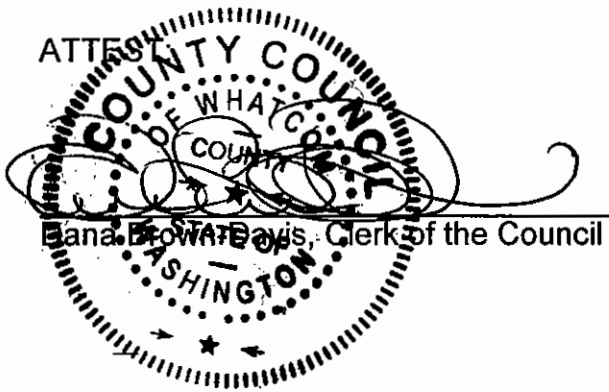
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the Whatcom County Comprehensive Plan, Chapter Two, is hereby amended as follows:

1. The official Whatcom County comprehensive land use map shall be amended to delete any reference that designates Sudden Valley as a provisional urban growth area.
2. Goal 2AA shall be amended to delete any reference to Sudden Valley.

3. Delete Policy 2AA-20 ("Recognize Sudden Valley as a provisional county urban growth area, not associated with an existing city").
4. Delete Goal 2AA-21 ("Study Sudden Valley to identify the factors necessary to create an economically viable city, the implications of such development within the County overall, and make recommendations as to whether, and, if feasible, how such action should be addressed").
5. Amend Goal 2AA-24 ("If incorporation has not been accomplished by the end of 2006, the Sudden Valley Provisional UGA will be designated as a "Recreational Subdivision") to read "If incorporation has not been accomplished by February 28th, 2006, the Sudden Valley Provisional UGA will be designated as a "Recreational Subdivision."

BE IT FURTHER ORDAINED by the Whatcom County Council that, pursuant to RCW 36.70.795, this amendment shall be effective for not longer than six months following the effective date of this ordinance, which may be renewed for one or more six-month periods if subsequent public hearings are held and findings of fact are made prior to each renewal.

APPROVED this 18 day of April, 2006.



Dana Brown, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Laurie Caskey-Schreiber
Laurie Caskey-Schreiber, Council Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Pete Kremen
Pete Kremen, County Executive

APPROVED AS TO FORM:

Karen A. Fikes
Civil Deputy Prosecutor

() Approved () Denied

Date Signed: 4-19-06