

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2006-184

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Elizabeth K. Olsen	EKO	3/29/2006	<b>RECEIVED</b>  APR 4 - 2006  WHATCOM COUNTY COUNCIL	4/11/2006	Introduction
Division Head: Troy Holbrook	TH	3-29-06		4/25/06	P&D/Council
Dept. Head: Hal H. Hart, A.I.C.P.	HHH	3-30-06			
Prosecutor: Royce Buckingham	RBF	3-31-06			
Purchasing/Budget:					
Executive: Peter Kremen	PK	4/3/06			

**TITLE OF DOCUMENT:**  
 To amend the Official Whatcom County Zoning Map from UR3 to R5A for approximately 44 acres, south of Ferndale, between Tennant Lake and Nielsen Road.

- ATTACHMENTS:**
- (1) Draft Ordinance with Exhibit "A"
  - (2) Agency Report
  - (3) Planning Commission Public Hearing Minutes for November 10, 2005
  - (4) Staff Report for November 10, 2005 with Exhibit "A"

SEPA review required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> NO	Should Clerk schedule a hearing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> NO
SEPA review completed? <input type="checkbox"/> Yes <input type="checkbox"/> NO	Requested Date:

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

The Official Comprehensive Plan and Map was adopted in 1997. The 44 acre site was designated Rural on the Comprehensive Plan Map but missed being changed from UR3 to R5A on the Official Zoning Map.

Also, the Western Washington Growth Management Hearings Board has ruled that the County's UR3 zoning designation fails to comply with RCW 36.70A.110.

The proposed amendment to rezone the 44 acres from UR3 to R5A is consistent and compatible with the current uses and zoning of the surrounding land, will bring the Zoning Map and Comprehensive map into conformity with one another and bring the County into compliance with the GMA.

<b>COMMITTEE ACTION:</b> 4/25/2006: Approved and recommended to Council	<b>COUNCIL ACTION:</b> 4/25/2006: Adopted 6-0, Weimer absent Ordinance 2006-021
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<b>Related County Contract #:</b>	<b>Related File Numbers:</b> ZON2005-00010 and Exhibit 'A'	<b>Ordinance or Resolution Number:</b> Ord. 2006-021
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**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).

SPONSORED BY:

PROPOSED BY: Planning Dev. Services

INTRODUCTION DATE: March 28, 2006

**ORDINANCE NO. 2006-021**

**AN ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING MAP FROM URBAN RESIDENTIAL (UR3) TO RURAL FIVE ACRE (R5A) FOR APPROXIMATELY 44 ACRES SOUTH OF FERNDALE, IN THE CHERRY POINT/FERNDALE SUBAREA**

**WHEREAS**, Notice that the Whatcom County Planning and Development Services received a rezone application to rezone approximately 44 acres from UR3 to R5A that was published in the Bellingham Herald on Thursday, August 4, 2005; and

**WHEREAS**, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on Thursday, October 27, 2005; and

**WHEREAS**, a Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA) was issued March 14, 2006; and

**WHEREAS**, the Planning Commission held a public hearing on the proposed amendment on November 10, 2005, and considered all testimony; and

**WHEREAS**, the Council held a public meeting on March 28, 2006, to consider this matter and approved the Planning Commission recommendation; and

**WHEREAS**, the Council found the amendments in the best interest of the public health, safety, and welfare; and

**WHEREAS**, the Council has adopted the following Findings and Conclusions:

**FINDINGS**

1. Notice that the County received the rezone application was published in the Bellingham Herald on Thursday, August 4, 2005.
2. Notice of the Planning Commission hearing for the subject amendment was posted on the County's website on Friday, November 4, 2005.
3. Notice of the Planning Commission hearing for the subject amendment

was published in the Bellingham Herald on Thursday, October 27, 2005.

4. Notice of the Planning Commission hearing for the subject amendment was sent to city planners and Tribal representatives on November 2, 2005.
5. Notice of the subject amendment was sent to state agencies, including the Department of Community, Trade and Economic Development (CTED), on October 28, 2005.
6. A Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA) was issued March 14, 2006.
7. The Planning Commission held a public hearing relating to the subject amendment on November 10, 2005.
8. The Whatcom County Comprehensive Plan map, as adopted in 1997, shows the proposed 44 acre rezone site to be in the Rural designation.
9. The Official Whatcom County Zoning Map shows the 44 acre site to be UR3.
10. Two of the properties are in the Current Use Taxation of Open Space Agriculture.
11. Terasen Oil Pipeline's 30 foot right-of-way runs from the east 1300 feet diagonally to the southwest across the area of the proposed rezone.
12. The area is within the 100-year floodplain of the Nooksack River.
13. The zoning designation to the west, east and south is Recreation and Open Space.
14. The Ferndale city limits provides a distinct boundary between its Commercial zoning and the urban commercial uses that lie inside the city limits to the north and the rural nature of the county to the south.
15. The Western Washington Growth Management Hearings Board ruled that the County's UR3 zoning designation fails to comply with RCW 36.70A.110.
16. The proposed amendment to rezone 44 acres from UR3 to R5A is consistent and compatible with the current uses and zoning of the surrounding land.

**CONCLUSIONS**

The subject zoning map amendment from the existing UR3 to Rural (R5A) is consistent with Growth Management Act and Whatcom County Comprehensive Plan Map and will bring the Official Whatcom County Zoning Map into concurrency.

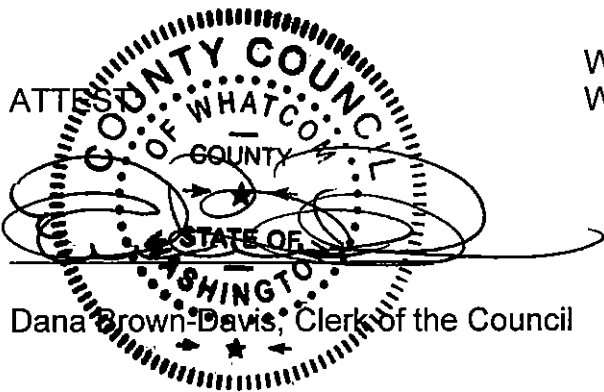
**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:

Section 1. The Official Whatcom County Zoning Map is hereby amended from Urban Residential, UR3, to Rural, One Dwelling Unit/Five Acre (R5A) for approximately 44 acres in the Cherry Point/Ferndale Subarea, to bring consistency with the Growth Management Act and Whatcom County Comprehensive Plan Map, and will bring the Official Whatcom County Zoning Map into concurrency, also as shown on Exhibit "A" as attached.

Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this 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.

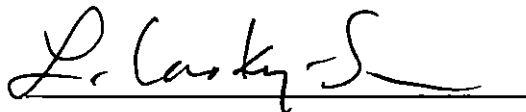
ADOPTED this 25 day of April, 2006.

ATTEST



Dana Brown-Davis, Clerk of the Council

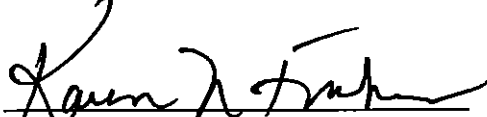
WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON



Laurie Caskey Schreiber, Council Chair

Approved     Denied

APPROVED as to form



Royce Buckingham,  
Civil Deputy Prosecutor

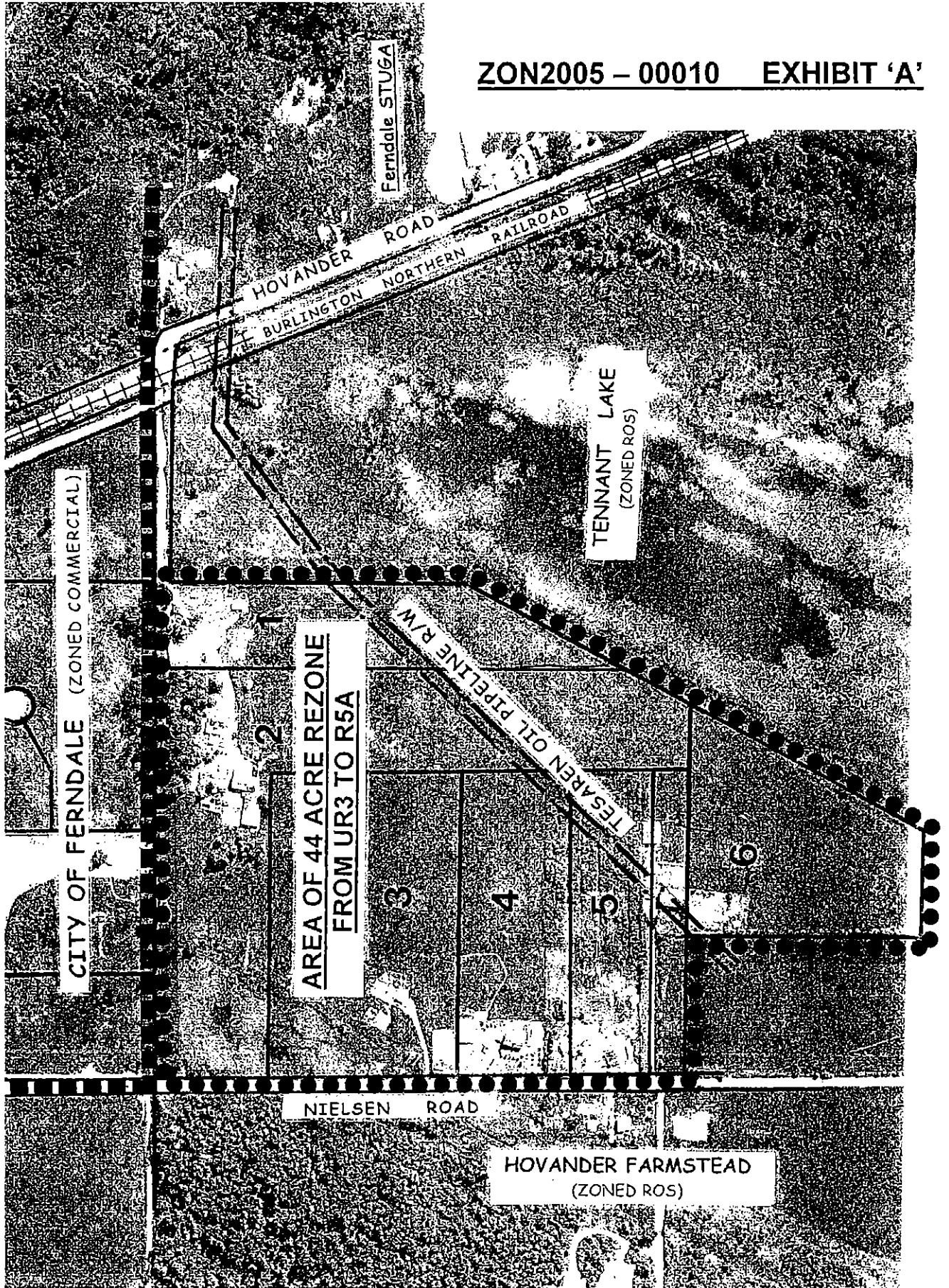
Date:



Pete Kremen, Executive  
Whatcom County Executive

Date: 4-27-06

ZON2005 - 00010 EXHIBIT 'A'



CITY OF FERNDALE (ZONED COMMERCIAL)

AREA OF 44 ACRE REZONE  
FROM UR3 TO R5A

2

3

4

5

6

Ferridale STUGA

HOVANDER ROAD  
BURLINGTON NORTHERN RAILROAD

TENNANT LAKE  
(ZONED ROS)

TESAREN OIL PIPELINE R/W

NIELSEN ROAD

HOVANDER FARMSTEAD  
(ZONED ROS)