

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2006 - 205

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	Council	4/26/2006		5/9/2006	Public Hearing
Division Head:				5/23/2006 on amended version	Public Hearing
Dept. Head:	<i>[Signature]</i>	4/26/06		6/20/06	Public Hearing
Prosecutor:					
Purchasing/Budget:					
Executive:					

TITLE OF DOCUMENT:
Ordinance adopting short term planning area in Ferndale UGA, west of Vista Drive

ATTACHMENTS:

SEPA review required? () Yes () NO	Should Clerk schedule a hearing? (X) Yes () NO
SEPA review completed? () Yes () NO	Requested Date: 5/9/2006

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.)

This ordinance amends the Official Whatcom County Zoning map from long term planning area to short term planning area for 30.86 acres in the Ferndale UGA, west of Vista Drive

COMMITTEE ACTION:	COUNCIL ACTION: 5/9/2006: Hearing on amended version to be held on May 23, 2006 5/23/2006: Held 6/20/06: Adopted 4-3, McShane, Fleetwood, Caskey-Schreiber opposed Ordinance #2006-026
--------------------------	---

Related County Contract #:	Related File Numbers: AB2006-185	Ordinance or Resolution Number: Ord. 2006-026
-----------------------------------	--	--

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.

SPONSORED BY: CONSENT
PROPOSED BY: CONSENT
INTRODUCTION DATE: MAY 9, 2006

ORDINANCE #2006- 026

ADOPTING A SHORT TERM PLANNING AREA ZONING OVERLAY DESIGNATION IN
THE FERNDALE UGA WEST OF VISTA DRIVE

WHEREAS, John J. Harder, John D. Robertson, and Jacob Clark submitted an application to rezone approximately 30.86 acres from long term planning area (LTPA) to short term planning area (STPA) in the Ferndale Urban Growth Area; and

WHEREAS, The proposed rezone site is located within the NW 1/4 of section 18, T39N, R2E, W.M. North of the Ferndale City limits on the west side of Vista Dr. Assessor's Parcel #'s: 390218 156338, 390218 167288, 390218 223330, and 390218 221308; and

WHEREAS, Rezoning to STPA is a prerequisite to developing the site at urban densities and/or annexation into the City of Ferndale; and

WHEREAS, Legal notice requirements have been met; and

WHEREAS, The Planning Commission held a public hearing on the proposal; and

WHEREAS, The Planning Commission has evaluated the proposed amendments for consistency with the Whatcom County Comprehensive Plan; and

WHEREAS, the County Council has considered the Planning Commission's Findings of Fact & Reasons for Action, Conclusions and Recommendations; and

WHEREAS, the County Council held public hearings on the proposal on May 23, 2006.

The Council makes the following findings of fact and conclusions:

FINDINGS OF FACT

1. Notice of the rezone application was sent to state agencies, including the Department of Community, Trade and Economic Development (CTED), on July 8, 2005.
2. Notice that the County received the rezone application was sent to the City of Ferndale and other governmental agencies on July 8, 2005.
3. Notice that the County received the rezone application was published in the Bellingham Herald on August 4, 2005.
4. Notice of the Planning Commission hearing for the rezone application was posted on the County's website on January 25, 2006.
5. Notice of the Planning Commission hearing for the rezone application was sent to the City of Ferndale, Ferndale School District, Tribal representatives and other agencies on January 25, 2006.

6. Notice of the Planning Commission hearing for the rezone application was mailed to surrounding property owners within 300' of the subject site on January 10, 2006.
7. Notice of the Planning Commission hearing was posted on the subject site on January 27, 2006.
8. Notice of the Planning Commission hearing for the rezone application was published in the Bellingham Herald on January 27, 2006.
9. The Planning Commission held a public hearing relating to the rezone application on February 9, 2006. The Planning Commission conducted a work session relating to the rezone application on March 23, 2006.
10. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on July 25, 2005. An "Addendum to Determination of Nonsignificance (DNS)" was issued on December 5, 2005 to recognize that the applicant amended the configuration of the proposed rezone.
11. Whatcom County Comprehensive Plan Policy 2S-1 contains criteria for rezoning property from Long Term Planning Area to Short Term Planning Area.
12. Comprehensive Plan Policy 2S-1 addresses County/City cooperation relating to an interlocal agreement, annexation issues and joint planning for land use. An "Interlocal Agreement Between the City of Ferndale and Whatcom County Concerning Annexation and Development Within the City of Ferndale UGA" (hereinafter "Interlocal Agreement") was signed by the Ferndale Mayor on May 20, 1999 and by the Whatcom County Executive on June 3, 1999. This interlocal agreement addresses annexation issues and joint planning for land use in the Urban Growth Area.
13. Comprehensive Plan Policy 2S-1 addresses provision of public facilities. The City of Ferndale, in a letter of August 10, 2005, stated:

. . . city water and sewer are readily available. . . For the Harder properties, sewer and water service exists at roughly the city limits along Vista Drive, and would have to be extended approximately 600' - 700' northerly to reach this property. . . Extension of city sewer and water lines . . . would be at the developers expense . . . (p. 2).
14. Comprehensive Plan Policy 2S-1 addresses whether the Short Term Planning Area in the vicinity of the subject site is meeting UGA density objectives. The net density in the Short Term Planning Area within ¼ mile of the subject site is currently one dwelling/4.18 acres, which does not meet the density objectives set forth in the Comprehensive Plan. However, land within the Ferndale City limits and Short Term Planning Area within unincorporated Whatcom County abut the southern portion of the site. Additionally, there is a proposal to subdivide property in the City of Ferndale, immediately south of the subject site.
15. Comprehensive Plan Policy 2S-1 addresses the need for additional land in the local area. A rapid increase in the price of houses and lots in the Ferndale area indicates a need for additional developable land.

16. Comprehensive Plan Policy 2S-1 addresses consistency with the Comprehensive Plan. The Comprehensive Plan states:

County goals encourage Ferndale to develop residentially zoned areas at average net densities of six to eight units per net developable acre. Net developable acreage is calculated by subtracting areas with development limitations such as steep slope, flood areas, and other critical areas, and land needed for rights-of-way, utilities, infrastructure, and open space. . . (p. 2-35).
17. Growth Management Act Planning Goal 1 is to "Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner" (RCW 36.70A.020(1)).
18. County-wide planning policy D-3 states: ". . . Short term and long term boundaries may be used to facilitate provision of urban levels of service and to not preclude future urban densities *as defined within the Whatcom County Comprehensive Plan*" (italics added for emphasis).
19. County-wide Planning Policy J-3 is:

To encourage use of single occupant vehicle alternatives and development of pedestrian scale neighborhoods, high density residential development shall be encouraged in urban growth areas with particular attention to those locations within cities and in close proximity to arterials and main transit routes.
20. The subject site is within an urban growth area, where high density is encouraged by County-wide Planning Policy J-3. Additionally, the site is about 6/10 of a mile north of Whatcom Transportation Authority (WTA) bus route # 27.
21. Section 2F of the Interlocal Agreement is entitled "Minimum Urban Densities." This section states "The City agrees to adopt and maintain land use designations for annexation areas consistent with the State GMA, City Comprehensive Plan, and policies of the County Comprehensive Plan."
22. Section 2C of the Interlocal Agreement is entitled "Annexation Planning." This section states "Annexations shall be based on policies adopted in the City's Comprehensive Plan, be consistent with adopted County-wide Planning Policies and Comprehensive Plan Goals 2N . . ."
23. Whatcom County Comprehensive Plan Goal 2P is to ". . . encourage Ferndale to establish new residential developments at densities averaging six to eight units per net residential acre. . . while respecting unique characteristics associated with each city." This provision was numbered Goal 2N in the May 1997 and the November 2000 versions of the Whatcom County Comprehensive Plan. It was renumbered as Goal 2P in 2001 because Ordinance 2001-070 inserted a new Goal 2M and "Renumbered subsequent sections of the Land Use Chapter" of the Comprehensive Plan. Therefore, what is now Goal 2P was Goal 2N when the Interlocal Agreement was signed 1999 (changes to the Goal were adopted in 2005 under Ordinance 2005-016 to clarify that the goal refers to net density).
24. The Whatcom County Comprehensive Plan states that "The Short Term Planning Area (STPA) is designed to promote urban levels of density and cost-effective provision of services and avoid sprawl. . ." (p. 2-16).

25. The City of Ferndale, in a letter of August 10, 2005, stated that the “. . . properties being considered for rezone could be logically added to the city’s STPA. . .” However, the City of Ferndale also stated that they would not support imposing a condition on the subject rezone that would require the site to be developed at a net density of 6 to 8 dwellings/acre.
26. The subject site is northeast of the Pacific Highlands development, which is within the City of Ferndale. The density of Divisions 1, 2, 3 and 4 of this development, which received final approval from the City of Ferndale in 2004 and 2005, exceeds six-dwellings/net developable acre. The average lot size in Pacific Highlands is approximately 6,036 square feet.
27. Whatcom County has an important interest in ensuring that appropriate urban densities are achieved on land that the City of Ferndale annexes from unincorporated Whatcom County. A substantial amount of the land surrounding the City of Ferndale and its UGA is designated either Rural or Agriculture by the Whatcom County Comprehensive Plan. The City of Ferndale Buildable Lands Inventory (April 2005) indicates that there is more than enough land in the Ferndale UGA to accommodate the projected 20-year population growth. However, inefficient lower density residential land uses in the UGA will place more pressure to convert rural and/or agricultural lands to UGA at some point in the future.
28. Whatcom County’s important interest in ensuring appropriate urban densities is expressed in Whatcom County Comprehensive Plan Goal 2A, which is to “Ensure provision of sufficient land and densities to accommodate the growth needs of Whatcom County and protect the qualities that make the county a desirable place to live.” Additionally, Comprehensive Plan Policy 2P-1 is to “Ensure that cities have adopted mechanisms which will encourage densities at desired levels.”
29. Whatcom County’s important interest in protecting rural and agricultural lands in the County (including those rural and agricultural lands surrounding Urban Growth Areas) is also expressed in the Comprehensive Plan. Specifically, Policy 2A-9 is to “Retain existing rural and heavy industrial areas in the northwestern region of the county.” Additionally, the Comprehensive Plan states “. . . The urban growth area identified for Ferndale attempts to provide the best balance among encouraging growth within the cities, maintaining low density rural areas outside of UGAs, and recognizing the desires of Whatcom County residents. . . ” (p. 2-35). It also indicates “. . . Maintaining the rural character and lifestyle is very important to Whatcom County residents. . . ” (p. 2-62). Additionally, Comprehensive Plan Goal 8A is to “Conserve and enhance Whatcom County’s agricultural land base for the continued production of food and fiber.”
30. The “Interlocal Agreement Between the City of Ferndale and Whatcom County Concerning Annexation and Development Within the City of Ferndale UGA” must be amended every time an annexation is proposed (Section 1).

CONCLUSION

The subject amendment is consistent with the Whatcom County Comprehensive Plan.

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

Section 1. The Official Whatcom County Zoning Ordinance map is hereby amended from long term planning area to short term planning area for the subject site shown on Exhibit A.

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 20 day of June, 2006



Dana Brown Davis, Council Clerk

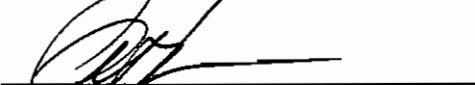
APPROVED as to form:


Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

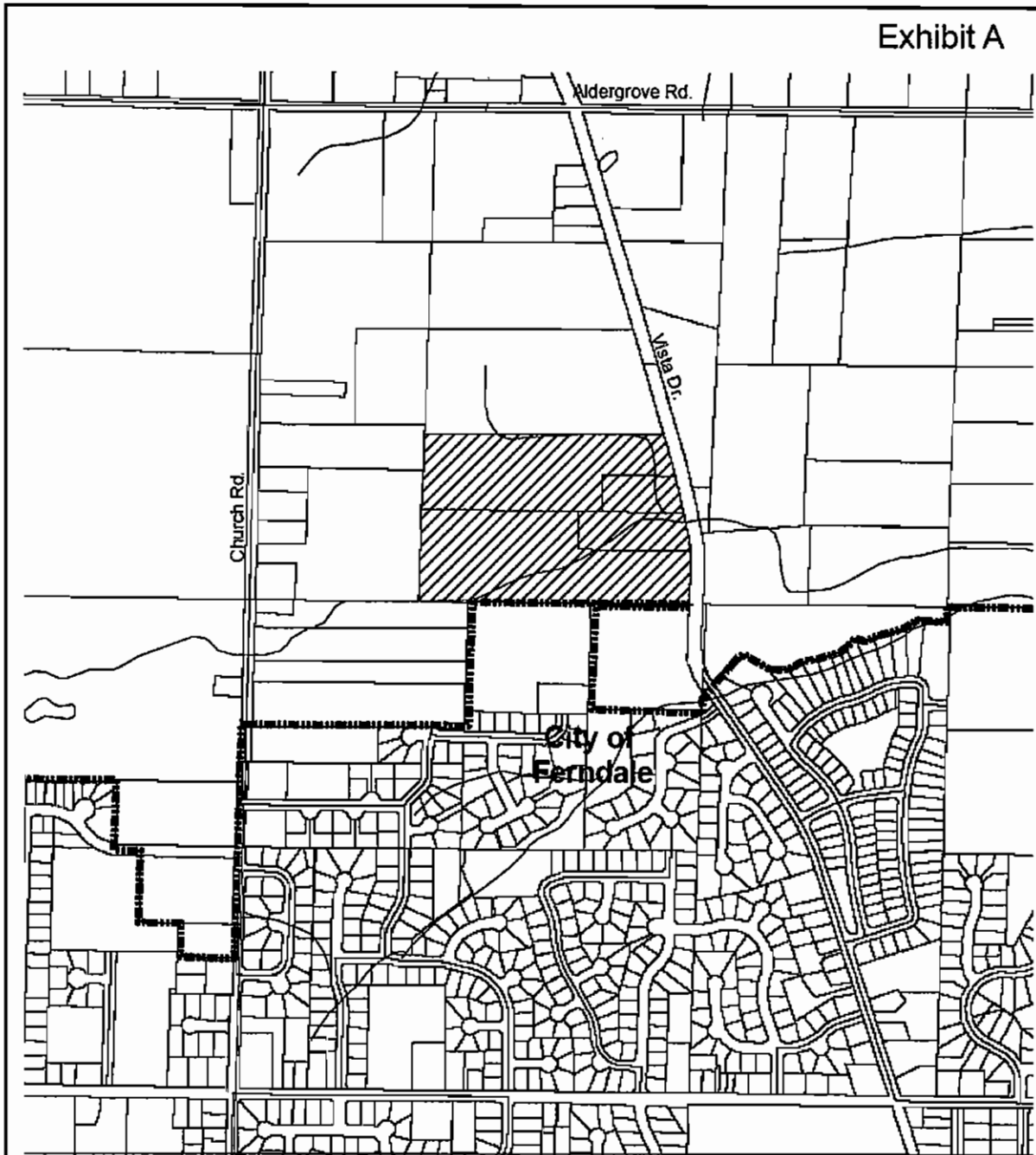

Laurie Caskey-Schreiber, Chairperson

Approved Denied



Pete Kremen, Executive

Date: 6-27-06

Exhibit A



File #ZON 2005-00005
Ferndale UGA - Vista Dr. LTPA to STPA

 Subject Properties

