

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|---------------------------|----------------|-------------|--|--------------------|---------------------|
| <i>Originator:</i> | Ward Nelso | 10/10/2006 | | 10/10/2006 | Council |
| <i>Division Head:</i> | | | | 10/24/06 | Public Hearing |
| <i>Dept. Head:</i> | | | | | |
| <i>Prosecutor:</i> | | | | | |
| <i>Purchasing/Budget:</i> | | | | | |
| <i>Executive:</i> | | | | | |

TITLE OF DOCUMENT:

Emergency Ordinance removing lot clusters from rural forestry

ATTACHMENTS:

Ordinance

SEPA review required? () Yes () NO

SEPA review completed? () Yes () NO

Should Clerk schedule a hearing ? (X) Yes () NO

Requested Date: 10/24/2006

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.)*

Emergency ordinance removing lot clusters from rural forestry

COMMITTEE ACTION:

COUNCIL ACTION:

10/10/2006: Adopted 5-2, Crawford & Fleetwood opposed Ordinance Number 2006-045

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number: Ord 2006-045

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: Brenner, McShane, Weimer

PROPOSED BY: Nelson

INTRODUCTION DATE:: October 10, 2006

ORDINANCE NO. 2006-045

**EMERGENCY ORDINANCE REMOVING THE LOT CLUSTERING PROVISION
FROM WHATCOM COUNTY CODE 20.42, RURAL FORESTRY DISTRICT**

WHEREAS, the Whatcom County Council wishes to maintain and enhance Whatcom County's natural resource industries and protect the rural character of the County; and

WHEREAS, approximately 36,526 acres of land in Whatcom County are identified as supporting commercial forestry with zoning of rural or agriculture; and

WHEREAS, the Whatcom County Council recognizes that conversion of forest use to other incompatible land uses can and will threaten future forest practices; and

WHEREAS, continued pressure to convert land to residential use will threaten this valuable resource and can reduce environmental protection; and

WHEREAS, the Whatcom County Council seeks time to review the Whatcom County Code to ensure that the County is encouraging the conservation of productive forest and agricultural lands and discouraging incompatible uses; and

WHEREAS, Section 2.40 of the Whatcom County Charter allows for the adoption of an emergency ordinance for the immediate preservation of the public peace, health, or safety or support of the county government and its existing institutions; and

WHEREAS, interim land use changes can result in substantial increases in application activity at the County's Planning and Development Services Department; and

WHEREAS, substantial increases in application submissions can cause unnecessary pressure on both county staff and the public; and

WHEREAS, the Whatcom County Charter limits an emergency ordinance to a period not to exceed 60 days from the effective date of the adopted ordinance; and

WHEREAS, RCW 36.70.795 requires that the County Council hold a public hearing within 60 days of adoption of an interim ordinance; and

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

1. The Resource Lands Chapter of the Whatcom County Comprehensive Plan states that the goals of individual forest landowners, whether in the forestry zone or not, encompass a broader range of objectives than just timber production and may include management for wildlife, conservation, specialty forest products, firewood, privacy, aesthetics, and low density residential or other uses compatible with forestry.
2. County-Wide Planning Policy I-9 states, "As part of a broad based economy, productive timber, agriculture and fisheries industries should be maintained in a sustainable manner."
3. Whatcom County Comprehensive Plan Policy 8F-3 states: "Lands mostly devoted to growing trees for commercial timber production, usually located within public service districts such as fire or water districts, accessed by private roads built to Whatcom County development standards or public roads, with low density residential development. Land parcels are generally 20 acres or greater in size."
4. Whatcom County Comprehensive Plan Policy 8F-7 states: "Discourage inappropriate conversion of productive forest land to incompatible non-forest uses. It is the intent of this policy not to allow conversion of forest land if the proposed use is incompatible with the maintenance of long-term forest management. Incompatible uses include those which:
 - create fire or safety hazards to adjacent forest land;
 - permanently remove a significant portion of a parcel from productive forest use;
 - create significant financial hardships for adjacent forest landowners; or
 - can lead to land use conflicts with adjacent forest landowners."
6. Whatcom County Comprehensive Plan Policy 8H-6 states: "Adopt development regulations that would allow minimal residential development in Commercial Forestry zones." and

WHEREAS, the Council makes the following conclusions:

1. This interim regulation relating to removal of the clustering provision from Whatcom County Code 20.42 is consistent with the planning goals of the Growth Management Act (RCW36.70A.020)
2. This interim regulation is consistent with the goals of the Whatcom County Comprehensive Plan.
3. This interim regulation will serve the public interest by providing the county with time to review the Whatcom County Code to ensure that the County is encouraging the conservation of productive forest and agricultural lands and discouraging incompatible uses.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the clustering provision is hereby removed, on an interim basis, from Whatcom County Code 20.42, Rural Forestry District.

BE IT FURTHER ORDAINED that this ordinance is necessary for the protection of the public peace, health, or safety or support of the county government and its existing institutions and shall take effect immediately when the County Executive signs it and shall expire on the 61st day following the date the ordinance becomes law.

BE IT FINALLY ORDAINED that 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 10th day of October, 2006.

ATTN:  Dana Brown-Davis Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

L. Caskey-Schreiber
Laurie Caskey-Schreiber, Council Chair

APPROVED AS TO FORM:

Karen A. Frakes

Civil Deputy Prosecutor

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Pete Kremer

Pete Kremer, County Executive

Approved Denied

Date Signed: 10-11-06