

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2006-389

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	KD	9/27	RECEIVED OCT 03 2006 WHATCOM COUNTY COUNCIL	10/10/06	Introduction
Division Head:	HHH	9/27		10/24/06	P&D/Council
Dept. Head:	HHH	9/27			
Prosecutor:	HHH	9-29-06			
Purchasing/Budget:					
Executive:	PR	10-3-06			

TITLE OF DOCUMENT: *Zon2006-00002, Amendment to the official Whatcom County Zoning Code, specifically adding new language pertaining to the restriction of sale of multi-family farm worker housing structure(s) to chapter 20.36.140 - conditional uses.*

ATTACHMENTS: *Proposed Ordinance, Planning Commission Motion, Supplemental Staff Report, and Planning Commission Minutes*

SEPA review required? (X) Yes () NO	Should Clerk schedule a hearing? () Yes (X) NO
SEPA review completed? (X) Yes () 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.)*

Amendment to Whatcom County Code 20.36 – Rural District, for the purpose of adding additional language pertaining to the restriction of sale of multi-family farm worker housing structure(s). The proposed language expands the list of eligible purchasers to include individuals or enterprises whose primary business is agricultural production.

<p>COMMITTEE ACTION:</p> <p>10/24/2006:</p>	<p>COUNCIL ACTION:</p> <p>10/10/2006: Introduced</p> <p>10/24/2006: Council Adopted 7-0 Ord. 2006-049</p>
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Related County Contract #:	Related File Numbers:	Ordinance or Resolution Number: Ord. 2006-049
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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.*

SPONSORED BY: Consent
PROPOSED BY: Planning
INTRODUCTION DATE: 10/10/06

ORDINANCE # 2006-049

AMENDMENTS TO THE OFFICIAL WHATCOM COUNTY ZONING ORDINANCE, SPECIFICALLY ADDING NEW LANGUAGE PERTAINING TO THE RESTRICTION OF SALE OF MULIT-FAMILY FARM WORKER HOUSING STRUCTURES TO CHAPTER 20.36.140- CONDITIONAL USES. THE PROPOSED LANGUAGE EXPANDS THE LIST OF ELIGIBLE PURCHASERS TO INCLUDE INDIVIDUALS OR ENTERPRISES WHOSE PRIMARY BUSINESS IS AGRICULTURAL PRODUCTION.

WHEREAS, the proposed zoning text amendments shall be considered pursuant to WCC 20.90; and

WHEREAS, notice of the Planning Commission hearing for the subject amendment was published in the Bellingham Herald on September 3, 2006; and

WHEREAS, notice of the subject amendment was sent to state agencies, including the Department of Community, Trade and Economic Development (CTED), on August 10, 2006; and

WHEREAS, the SEPA Official has issued a Determination of Non-Significance on August 29, 2006; and

WHEREAS, the Planning Commission held a public hearing relating to the subject amendment on September 14, 2006; and

WHEREAS, the Planning Commission received testimony and deliberated the merits of the proposal and provided their findings and recommendations for Council review and consideration.

The Planning Commission makes the following findings of fact and conclusions:

NOW THEREFORE BE IT RESOLVED:

THE PLANNING COMMISSION ENTERS THE FOLLOWING FINDINGS OF FACT & REASONS FOR ACTION, CONCLUSIONS AND RECOMMENDATIONS:

FINDINGS OF FACT AND REASONS FOR ACTION

1. Notice of the Planning Commission public hearing for the subject amendment was published in the Bellingham Herald on September 3, 2006. The Whatcom County Planning Commission held a public hearing on the proposed text amendment on September 14, 2006.
2. A determination of non-significance was issued on August 29, 2006, under the State Environmental Policy Act (SEPA).
3. The proposal allows the sale of multi-family farm worker housing structures to individuals or enterprises whose primary business is agricultural production.
4. Median housing costs have increased from \$159,000 in 2002 (when the first amendment to multi-family farm worker housing was approved) to \$284,000 as of the second quarter of 2006 according to the Washington Center for Real Estate Research – WSU.
5. The lack of affordable rentals for lower income jobs is creating a need for farmers to acquire housing to ensure that farm workers can find living accommodations.
6. Recent national focus on the illegal migrant worker regulations may require employers to provide housing for workers.

CONCLUSIONS

1. The subject zoning text amendment is consistent with Growth Management Act and Whatcom County Comprehensive Plan and strengthens the Official Whatcom County Zoning text's agricultural provisions.

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

Section 1. The Official Whatcom County Zoning Ordinance, Title 20, is hereby amended as shown in 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.

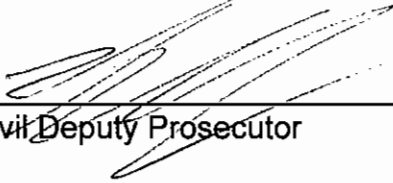
ADOPTED this 24 day of October, 2006

WHATCOM COUNTY COUNCIL



Dana Brown Daws, Council Clerk

APPROVED as to form:


Civil Deputy Prosecutor

WHATCOM COUNTY, WASHINGTON


Chairperson, Laurie Caskey-Schreiber

Approved Denied


Pete Kremen, Executive

Date: 10-31-06

Exhibit A

Chapter 20.36

RURAL (R) DISTRICT

20.36.140 Pre-existing multifamily farmworker housing exemption.*

This section recognizes the existence of multifamily farmworker housing located within the rural zone and the need to retain existing multifamily farmworker housing whenever possible to maintain the necessary infrastructure for the local farm economy. This section allows for the transfer of ownership of existing multifamily farmworker housing developments to recognized not-for-profit housing agencies or individuals or enterprises whose primary business is agricultural production, by administrative approval when following criteria are met:

- (1) The structure(s) were constructed before January 1, 1990, within the Rural Zoning District, for the purpose of providing multifamily full-time or part-time accommodation of individuals and their families, engaged in farm work as their primary employment.
- (2) The minimum parcel size shall comply with the specific Rural acreage designation (R5A, R10A) but shall not be less than five acres.
- (3) The parcel was created by short plat or exempt subdivision pursuant to the requirements of WCC Title 21, Land Division Regulations.
- (4) The structure was constructed in accordance with all building, health, safety and land use requirements in effect at the time of original construction.
- (5) There is evidence of adequate potable water and sewage disposal.
- (6) The development shall retain all the specified components and amenities as identified in the original permit approval. Units originally approved as part-time units may be established as full-time units if the administrator finds that adequate services and local infrastructure are available to accommodate the conversion and the approval of such conversions will not seriously alter the existing or future neighborhood uses.
- (7) Restrictions on the title of the parcel containing the multifamily development which:
 - (a) Restricts future use of the structure to multifamily housing for farmworkers and their families for the life of the structure;

(b) Restricts sale of the structure to not-for-profit housing agencies, or individuals or enterprises whose primary business is agricultural production. (Ord. 2003-021).

*Code reviser's note: Ordinance 2003-021 adds these provisions as Section 20.36.135.
The section has been editorially renumbered to prevent duplication of numbering.