

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2006-386

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Elizabeth K. Olsen	EKO	10/02/2006	<b>RECEIVED</b>  <b>OCT 03 2006</b>  <b>WHATCOM COUNTY COUNCIL</b>	10/10/06	Introduction
Division Head:	RR	10/2/06		10/24/06	P&D/Council
Dept. Head: Hal H. Hart, A.I.C.P.	HH	10/2/06		11/08/06	Council
Prosecutor: Royce Buckingham	R/B	10/2/06			
Purchasing/Budget					
Executive: Peter Kremer	PK	10-3-06			

**TITLE OF DOCUMENT:**  
**To amend the Official Whatcom County Zoning Map from Long Term Urban Growth Area to Short Term Urban Growth Area for approximately 34 acres, within the southern periphery of the Birch Bay Community Plan, south of Holeman Road, east of Point Whitehorn.**

- ATTACHMENTS:**
- (1) Draft Ordinance with Exhibit "A"
  - (2) Agency Report
  - (3) Planning Commission Public Hearing Minutes for September 21, 2006
  - (4) Staff Report for September 21, 2006, with Exhibit "A"

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

*The Whatcom County Official Comprehensive Plan and Map was adopted in 1997. The approximate 34 acre site was designated Urban Residential on the Comprehensive Plan Map, UR4 on the Official Zoning Map. Upon adoption of the Birch Bay Community Plan on September 28, 2004, a portion of the Point Whitehorn area was designated Long Term Urban Growth Area surrounded on three sides (west, east and north) by the Short Term Urban Growth Area. All of this area of Long Term and Short Term UGA is zoned UR4.*

*The proposed amendment to rezone the +/- 34 acres from Long Term Urban Growth Area to Short Term Urban Growth Area is consistent and compatible with the current uses and zoning of the surrounding land, will bring the Zoning Map, Comprehensive Plan Map and the Birch Bay Community Plan Map into conformity with one another and bring the County into compliance with the GMA.*

<p><b>COMMITTEE ACTION:</b></p> <p>10/24/2006: Committee recommends approval of this ordinance upon Council adoption of the Birch Bay Comp Stormwater Plan (Roland will forward a resolution to approve plan)</p>	<p><b>COUNCIL ACTION:</b></p> <p>10/10/2006: Introduced          10/24/2006: Held          11/08/2006: Council Adopted 7-0          Ord. 2006-055</p>
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<b>Related County Contract #:</b>	<b>Related File Numbers:</b> ZON2006-00003 and Exhibit 'A'	<b>Ordinance or Resolution Number:</b> Ord. 2006-055
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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: October 10, 2006

**ORDINANCE NO. 2006-055**

**AN ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING MAP FROM LONG TERM URBAN GROWTH AREA TO SHORT TERM URBAN GROWTH AREA FOR APPROXIMATELY 34 ACRES WITHIN THE SOUTHERN PERIPHERY OF THE BIRCH BAY COMMUNITY PLAN, SOUTH OF HOLEMAN ROAD.**

**WHEREAS**, Notice that the Whatcom County Planning and Development Services received a rezone application to redesignate approximately 34 acres from Long Term Urban Growth Area to Short Term Urban Growth Area; and

**WHEREAS**, Notice of the Planning Commission hearing for the subject amendment was published in the Bellingham Herald on Sunday, September 10, 2006.

**WHEREAS**, Notice of the subject amendment was sent to state agencies, including the Department of Community, Trade and Economic Development (CTED), on September 8, 2006; and

**WHEREAS**, Notice of the Planning Commission hearing for the subject amendment was posted on the County's website on Friday, September 8, 2006; and

**WHEREAS**, Notice of the Planning Commission hearing was posted on the subject area on Friday, September 8, 2006, and mailed to all landowners of record within 300 feet of the subject area; and,

**WHEREAS**, An Addendum to the Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA) was issued in September 8, 2006; and

**WHEREAS**, The Planning Commission held a public hearing relating to the subject amendment on September 21, 2006, and considered all testimony; and

**WHEREAS**, The Planning Commission recommended approval of the proposed rezone amendment on September 21, 2006.

**WHEREAS**, the Council held a public meeting on November 8, 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 OF FACT**

1. Notice of the Planning Commission hearing for the subject amendment was published in the Bellingham Herald on Sunday, September 10, 2006.
2. Notice of the subject amendment was sent to state agencies, including the Department of Community, Trade and Economic Development (CTED), on September 8, 2006.
3. Notice of the Planning Commission hearing for the subject amendment was posted on the County's website on Friday, September 8, 2006.
4. Notice of the Planning Commission hearing was posted on the subject area on Friday, September 8, 2006, and mailed to all landowners of record within 300 feet of the subject area.
5. An Addendum to the Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA) was issued in September 8, 2006.
6. The Planning Commission held a public hearing relating to the subject amendment on September 21, 2006.
7. The Whatcom County Comprehensive Plan map, as adopted in 1997, shows the +/- 34 acre site to be in the Urban Residential zone designation.
8. The Official Whatcom County Zoning Map shows the +/- 34 acre site to be UR4 and within the Long Term Urban Growth Area designation of the Birch Bay Community Plan.
9. The Birch Bay Community Plan is consistent with the County Comprehensive Plan, County-wide Planning Policies and the Growth Management Act (GMA) planning goals.
10. A short-term urban growth area is an area where urban growth is at or is approaching urban densities and is also an area that is being served by utility services, such as water and sewer, or where water and sewer services can be

easily extended.

11. Long-term urban growth areas can be characterized as areas where urban growth is likely to occur after development in the short-term urban growth area is reaching build-out conditions.
12. The area within this Long Term UGA is roughly 34 acres, it consists of approximately 72 pre-existing lots of which 35 are already built on with single family residences, all fully serviced.
13. The density within the +/- 34 acres is roughly 3 residential units per acre.
14. The existing underlying zone is Urban Residential 4DU/Acre.
15. The urban density within this Long Term Urban Growth Area far exceeds the rural density required of a Long Term UGA, Rural 1DU/5 Acres.
16. The proposed amendment to remove the Long Term Urban Growth Area designation from this +/- 34 acres and replace it with the Short Term Urban Growth Area designation is consistent and compatible with the current uses, the UR4 underlying zoning and the surrounding Short Term Urban Growth Area designation.

## **CONCLUSIONS**

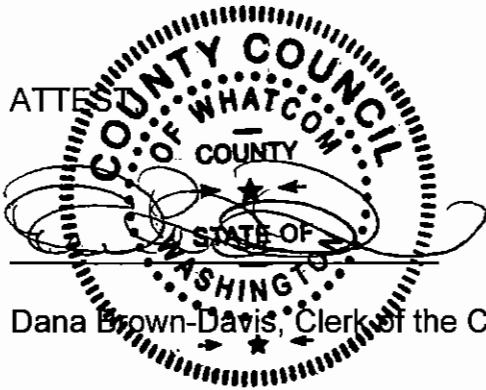
The subject zoning map amendment from existing Long Term Urban Growth Area to Short Term Urban Growth Area is consistent with Growth Management Act and Whatcom County Comprehensive Plan Map and will bring the Official Whatcom County Zoning Map into concurrency.

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

Section 1. The Official Whatcom County Zoning Map is hereby amended from Long Term Urban Growth Area to Short Term Urban Growth Area for approximately 34 acres within the southern periphery of the Birch Bay Community Plan, 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 8 day of November, 2006.



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

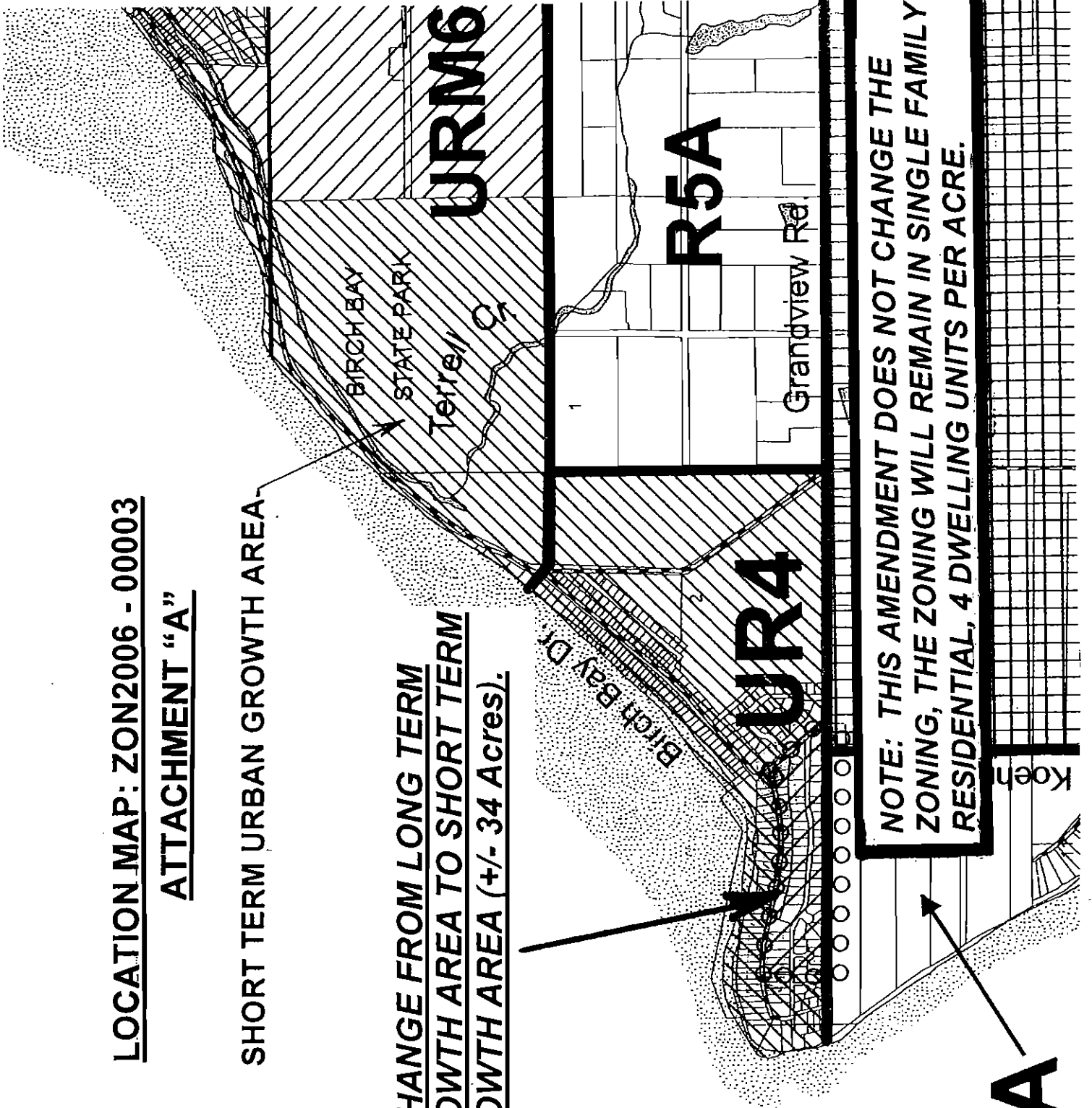
Pete Kremen, Executive  
Whatcom County Executive

Date:

LOCATION MAP: ZON2006 - 00003  
ATTACHMENT "A"

SHORT TERM URBAN GROWTH AREA

AREA OF CHANGE FROM LONG TERM  
URBAN GROWTH AREA TO SHORT TERM  
URBAN GROWTH AREA (+/- 34 Acres).



Pt. Whitehorn

**R5A**