

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2007 - 135

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator:		2/26/2007		2/27/2007	Council
Division Head:				3/13/2007	Public Hearing
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:					

**TITLE OF DOCUMENT:**

Emergency interim ordinance limit size of large commercial retail establishments

**ATTACHMENTS:**

SEPA review required? ( ) Yes ( ) NO	Should Clerk schedule a hearing? ( X ) Yes ( ) NO
SEPA review completed? ( ) Yes ( ) NO	Requested Date: 3/13/2007

**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 interim ordinance limiting the size of large commercial retail establishments in order to promote rural level of service in unincorporated Whatcom County

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

2/27/2007: Council Amended & Adopted 6-1  
Crawford opposed Ord. 2007-013

<b>Related County Contract #:</b>	<b>Related File Numbers:</b>	<b>Ordinance or Resolution Number:</b> Ord. 2007-013
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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).**

1 PROPOSED BY: Brenner, Nelson,  
2 Weimer

3 SPONSORED BY: Brenner, Nelson,  
4 Weimer

5 INTRODUCTION DATE: February 27, 2007

6  
7 ORDINANCE NO. 2007-013

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9 **AN EMERGENCY INTERIM ORDINANCE LIMITING THE SIZE OF LARGE COMMERCIAL**  
10 **RETAIL ESTABLISHMENTS IN ORDER TO PROMOTE COMPATIBILITY WITH OTHER**  
11 **JURISDICTIONS WITHIN WHATCOM COUNTY**

12  
13 **WHEREAS**, the Washington State Growth Management Act was created, in part, to  
14 prevent conflicts among local jurisdictions regarding land use planning and management;  
15 and

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17 **WHEREAS**, county-wide comprehensive planning required in the Growth  
18 Management Act was established, in part, to avoid local land use conflicts between  
19 jurisdictions; and

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21 **WHEREAS**, according to the Growth Management Act, Whatcom County is to  
22 become a county consisting mainly of rural services; and

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24 **WHEREAS**, according to the Growth Management Act, urban services are best left to  
25 incorporated cities; and

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27 **WHEREAS**, Whatcom County, through its visioning process has determined that it  
28 will gradually become a rural service provider; and

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30 **WHEREAS**, for all jurisdictions within Whatcom County to work together it is  
31 important for all jurisdictions to respect each others' requests and needs; and

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33 **WHEREAS**, according Whatcom County's County-Wide Planning Policies (CWPP), the  
34 Greater Whatcom County Comprehensive Economic Development Strategy (CEDS) is  
35 intended to put forth economic development alternatives for Whatcom County that will  
36 support job creation, with an emphasis on higher wage jobs and diversification; and

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38 **WHEREAS**, according to the CWPP, economic development should be encouraged  
39 that does not adversely impact the environment, is consistent with community values and  
40 vision, seeks innovate techniques to attract different industries for a more diversified  
41 economic base, and supports retention and expansion of existing businesses; and

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43 **WHEREAS**, according to CWPP, to adequately plan for growth and implement the  
44 policies of the Growth Management Act, the governmental jurisdictions in Whatcom County  
45 shall work cooperatively together to establish on-going mechanisms to improve  
46 communication, information sharing, and coordinated approaches to common problems;  
47 and

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49 **WHEREAS**, Whatcom County will continue to work on adopted plans that are  
50 integrated with the cities to avoid conflicts that will unduly damage the community at large;  
51 and  
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**WHEREAS**, Whatcom County respects the work that has already been done to create growth that is in-scale with the community, does not damage downtown cores, respects neighboring uses, and creates community-size pockets of retail development to prevent loss of a sense of place inherent in all Whatcom County communities; and

**WHEREAS**, Whatcom County believes that only through collaborative efforts with other jurisdictions will we avoid negative county-wide impacts; and

**WHEREAS**, Whatcom County believes that large commercial retail establishments are not a rural service, interfere with rural resource industries, and erode the existing vision of Whatcom County; and

**WHEREAS**, Whatcom County believes that only commercial retail which is rural resource related or accessory to rural resource industries can exist in larger scale compatibly with rural resources; and

**WHEREAS**, Whatcom County wishes to provide an example to other jurisdictions of our good faith in working cooperatively to ensure all of Whatcom County maintains a legacy that future generations will enjoy; 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**, 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 the County Council hold a public hearing within 60 days from the effective date of the adopted 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. Whatcom County is in the process of docketing comprehensive plan amendments, zoning text amendments, and urban growth area updates for the jurisdictions within Whatcom County.
2. Whatcom County is required under the County-Wide Planning Policies to ensure compatibility and consistency with all jurisdictions through these processes.
3. Whatcom County lacks the resources to adequately provide an urban level of services without coordination with other jurisdictions within Whatcom County.
4. Large commercial retail establishments require coordination of urban level of services with other jurisdictions within Whatcom County.
5. Whatcom County Comprehensive Plan Policy 2T-9, contained within the land use section, states, "Joint planning in Bellingham's UGA (urban growth area) should include joint review of development proposals. City design and development regulations should be required in Bellingham's UGA".

- 107 6. On February 12 the City of Bellingham passed Ordinance 2007-02-011 to limit
- 108 the size of commercial retail establishments.
- 109
- 110 7. Whatcom County Comprehensive Plan Policy 2Q-2, contained within the land
- 111 use section, states, "Establish procedures for development project review
- 112 within urban growth areas which protect the interests of both the city and the
- 113 county. Generally, city development standards and adopted levels of service
- 114 should be applied within urban growth areas".
- 115
- 116 8. On February 20, 2007, the City of Ferndale passed emergency legislation to
- 117 prevent the vesting of commercial retail establishments greater than 75,000
- 118 square feet until Ferndale can complete necessary public processes.
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- 120 9. An emergency ordinance is necessary to prevent the vesting of any
- 121 incompatible establishment or use in unincorporated Whatcom County until
- 122 the county completes Urban Growth Area updates, zoning text amendments,
- 123 and Comprehensive Plan amendments relating to compatibility issues with
- 124 other jurisdictions as stated in the findings.
- 125

126 **WHEREAS**, Whatcom County encourages all cities within the county to ensure that

127 commercial development is compatible with the character of our wonderful cities.

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

130 Whatcom County hereby limits the size, on an interim basis, to 75,000 square feet on all

131 new applications for commercial retail establishments that are not accessory to rural

132 resources.

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134 **BE IT FURTHER ORDAINED** that manufacturing facilities which include accessory

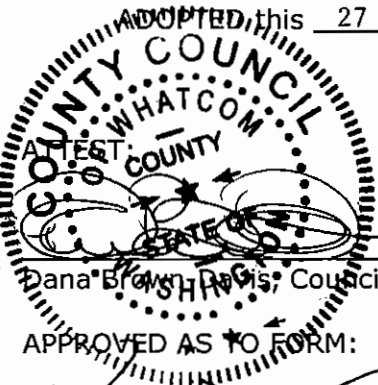
135 commercial retail, and in which manufacturing is the main function, are exempt.

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138 **ADOPTED** this 27 day of February, 2007.

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146 Dana Brown Davis, Council Clerk

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WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

*[Handwritten Signature]*

Carl Weimer, Council Chair

APPROVED AS TO FORM:

Approved  Denied

*[Handwritten Signature]*

Civil Deputy Prosecutor

*[Handwritten Signature]*

Pete Kremen, County Executive

Date: 2-28-07