

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2007 - 135 A

<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:		3/14/2007		3/27/2007	Introduction
Division Head:				4/10/2007	Public Hearing
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:					

**TITLE OF DOCUMENT:**

Interim Ordinance limiting the size of large commerical retail establishments

**ATTACHMENTS:**

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

Interim Ordinance limiting the size of large commerical retail establishments

<b>COMMITTEE ACTION:</b>	<b>COUNCIL ACTION:</b> 3/27/2007: Introduced 4/10/2007: Council Adopted 6-1, Crawford opposed Ord. 2007-022
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<b>Related County Contract #:</b>	<b>Related File Numbers:</b>	<b>Ordinance or Resolution Number:</b> Ord. 2007-022
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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: March 27, 2007  
6

7 **ORDINANCE NO. 2007-022**  
8

9 **LIMITING, ON AN INTERIM BASIS, THE SIZE OF LARGE COMMERCIAL RETAIL**  
10 **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  
42

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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53           **WHEREAS**, Whatcom County will continue to work on solutions that will prevent  
54 negative impacts on areas throughout Whatcom County; and

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56           **WHEREAS**, Whatcom County respects the work that has already been done to  
57 create growth that is in-scale with the community, does not damage downtown cores,  
58 respects neighboring uses, and creates community-size pockets of retail development to  
59 prevent loss of a sense of place inherent in all Whatcom County communities; and

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

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

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

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72           **WHEREAS**, Whatcom County wishes to provide an example to other jurisdictions of  
73 our good faith in working cooperatively to ensure all of Whatcom County maintains a legacy  
74 that future generations will enjoy; and

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76           **WHEREAS**, RCW 36.70.790 and RCW 36.70.795 allows for adoption of interim  
77 official controls as long as a public hearing is held within 60 days of adoption; and

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79           **WHEREAS**, the Whatcom County Council will schedule a public hearing on this issue  
80 for March 27, 2007, or a later date;

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

- 84  
85           1.       Whatcom County is in the process of docketing comprehensive plan  
86 amendments, zoning text amendments, and urban growth area updates for  
87 the jurisdictions within Whatcom County.
- 88  
89           2.       Whatcom County is required under the County-Wide Planning Policies to  
90 ensure compatibility and consistency with all jurisdictions through these  
91 processes.
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93           3.       Whatcom County lacks the resources to adequately provide an urban level of  
94 services without coordination with other jurisdictions within Whatcom County.
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96           4.       Large commercial retail establishments require coordination of urban level of  
97 services with other jurisdictions within Whatcom County.
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99           5.       Whatcom County Comprehensive Plan Policy 2T-9, contained within the land  
100 use section, states, "Joint planning in Bellingham's UGA (urban growth area)  
101 should include joint review of development proposals. City design and  
102 development regulations should be required in Bellingham's UGA".
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104           6.       On February 12 the City of Bellingham passed Ordinance 2007-02-011 to limit  
105 the size of commercial retail establishments.

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- 7. Whatcom County Comprehensive Plan Policy 2Q-2, contained within the land use section, states, "Establish procedures for development project review within urban growth areas which protect the interests of both the city and the county. Generally, city development standards and adopted levels of service should be applied within urban growth areas".
- 8. On February 20, 2007, the City of Ferndale passed emergency legislation to prevent the vesting of commercial retail establishments greater than 75,000 square feet until Ferndale can complete necessary public processes.
- 9. This ordinance is necessary to prevent the vesting of any incompatible establishment or use in unincorporated Whatcom County until the county completes Urban Growth Area updates, zoning text amendments, and Comprehensive Plan amendments relating to compatibility issues with other jurisdictions as stated in the findings.

**WHEREAS,** Whatcom County encourages all cities within the county to ensure that commercial development is compatible with the character of our wonderful cities.

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that Whatcom County hereby limits the size, on an interim basis, to 75,000 square feet on all new applications for commercial retail establishments that are not accessory to rural resources.

**BE IT FURTHER ORDAINED** that manufacturing facilities which include accessory commercial retail, and in which manufacturing is the main function, are exempt.

**BE IT FINALLY ORDAINED** by the Whatcom County Council that, pursuant to RCW 36.70.795, this amendment shall be effective for not longer than six months following the effective date of this ordinance, which may be renewed for one or more six-month periods if subsequent public hearings are held and findings of fact are made prior to each renewal.



ADOPTED this 10 day of April, 2007.

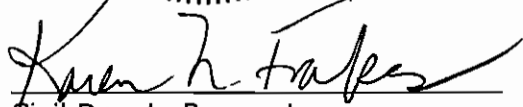
WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

  
\_\_\_\_\_  
Carl Weimer, Council Chair

APPROVED AS TO FORM:

Approved  Denied

  
\_\_\_\_\_  
Civil Deputy Prosecutor

  
\_\_\_\_\_  
Pete Kremen, County Executive

Date: 4-12-07