

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2007-247

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Gary Davis	GD	5/1/07	<b>RECEIVED</b>  MAY 15 2007  WHATCOM COUNTY COUNCIL	5/22/07	Introduction
Division Head: Linda Peterson	LP	5.1.07		6/5/07	P&D / Council
Dept. Head: Hal Hart	HH	5-2-07			
Prosecutor: Royce Buckingham	<del>RB</del>	5-11-07			
Purchasing/Budget:					
Executive: Pete Kremen	PK	5-15-07			

**TITLE OF DOCUMENT:** Rezone UR3 to UR4 in the Ferndale Urban Growth Area

**ATTACHMENTS:**

- (1) Proposed ordinance.
- (2) Whatcom County Planning Commission Findings of Fact & Reasons for Action, Conclusions and Recommendation

SEPA review required?     Yes     NO  
 SEPA review completed?     Yes     NO

Should Clerk schedule a hearing?     Yes     NO  
 Requested Date:  
<sup>1</sup> A hearing must be held if the Council changes the Planning Commission recommendation (WCC 20.90.051).

**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.)

Amend the official Whatcom County zoning map from Urban Residential – 3 units/acre (UR3) to Urban Residential – 4 units/acre (UR4) for approximately 1,649 acres in the Ferndale Urban Growth Area. The sites are located within sections 13, 24, and 25, T39N, R1E; and sections 8, 18, 28, 29, and 33, T39N, R2E, W.M.

**COMMITTEE ACTION:**

6/5/2007: Forwarded to Council for approval

**COUNCIL ACTION:**

5/22/2007: Introduced  
 6/5/2007: Council Adopted 6-0 Nelson absent  
 Ord. 2007-030

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

20N 2007-00003

Ord. 2007-030

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: Consent  
PROPOSED BY: Planning  
INTRODUCTION DATE: 5/22/2007

ORDINANCE # 2007-030

**AN ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING MAP FROM UR3 TO UR4 FOR APPROXIMATELY 1,649 ACRES WITHIN THE FERNDALE URBAN GROWTH AREA.**

**WHEREAS,** Whatcom County Planning and Development Services has initiated an application to rezone approximately 1,717 acres from Urban Residential Three Dwellings Per Acre (UR3) to Urban Residential Four Dwellings Per Acre (UR4) in the Ferndale Urban Growth Area; and

**WHEREAS,** The proposed rezone site is located within sections 13, 24, and 25, T39N, R1E; and sections 8, 18, 28, 29, and 33, T39N, R2E, W.M., and consist of 5 separate areas: one north and west of the Ferndale city limits, generally bounded by Aldergrove Road on the north, Olsen Road on the west, Malloy Road on the east, and Douglas Road on the south (1,560 acres); one on the north side of Trigg Road approximately 700 feet east of Portal Way (15 acres); one on the north and south sides of Axton Road at Old Settler Drive (94 acres); one at the southwest corner of Smith Road and Byers Road (15 acres), and one at the northeast corner of Smith Road and Hovander Road (33 acres); and

**WHEREAS,** Legal notice requirements have been met; and

**WHEREAS,** The Planning Commission held a public hearing on the proposal; and

**WHEREAS,** The Planning Commission has evaluated the proposed amendments for consistency with the Whatcom County Comprehensive Plan; and

**WHEREAS,** the County Council has considered the Planning Commission’s Findings of Fact & Reasons for Action, Conclusions and Recommendations; and

**WHEREAS,** the County Council has held public hearings on the proposal.

The Council makes the following findings of fact and conclusions:

**FINDINGS OF FACT**

1. Notice of the rezone application was sent to state agencies, including the Department of Community, Trade and Economic Development (CTED), on April 19, 2007.

2. Notice that the County initiated the rezone application was given to the City of Ferndale on April 12, 2007.
3. Notice of the Planning Commission hearing for the rezone application was posted on the County's website on April 20, 2007.
4. Notice of the Planning Commission hearing for the rezone application was sent to the City of Ferndale, Ferndale School District, Tribal representatives and other agencies on April 20, 2007.
5. Notice of the Planning Commission hearing was posted on the subject site on April 16, 2007.
6. Notice of the Planning Commission hearing for the rezone application was published in the Bellingham Herald on April 15, 2007.
7. The Planning Commission held a public hearing relating to the rezone application on April 26, 2007.
8. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on April 19, 2007.
9. The Western Washington Growth Management Hearings Board has found that the UR3 zoning within the Ferndale UGA fails to comply with GMA and has ordered Whatcom County to achieve compliance.
10. The UR3 zoning does not conform to Whatcom County Comprehensive Plan Goal 2P, which states ". . . encourage Ferndale to establish new residential developments at densities averaging six to eight units per net residential acre. . . while respecting unique characteristics associated with each city."
11. The City of Ferndale has commented that the proposed rezoning is consistent with the Ferndale Comprehensive Plan.
12. The 33-acre area at the intersection of Smith Road and Hovander Road, and the north 35 acres of the area north and south of Axton Road at Old Settler Drive have substantial environmental constraints according to best evidence, and should therefore be excluded from the rezoning to UR4.

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

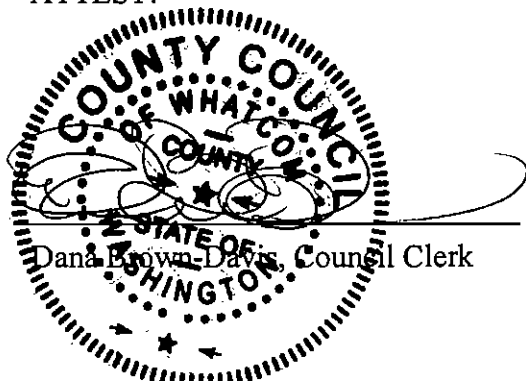
Section 1. The Official Whatcom County Zoning Ordinance map is hereby amended from UR3 to UR4 for the subject site shown on Exhibit A.

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 5 day of June, 2007

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON



Dana Brown-Davis, Council Clerk

A handwritten signature in black ink, appearing to read "C. Weimer", written over a horizontal line.

Carl Weimer, Chairperson

APPROVED as to form:

Approved     Denied

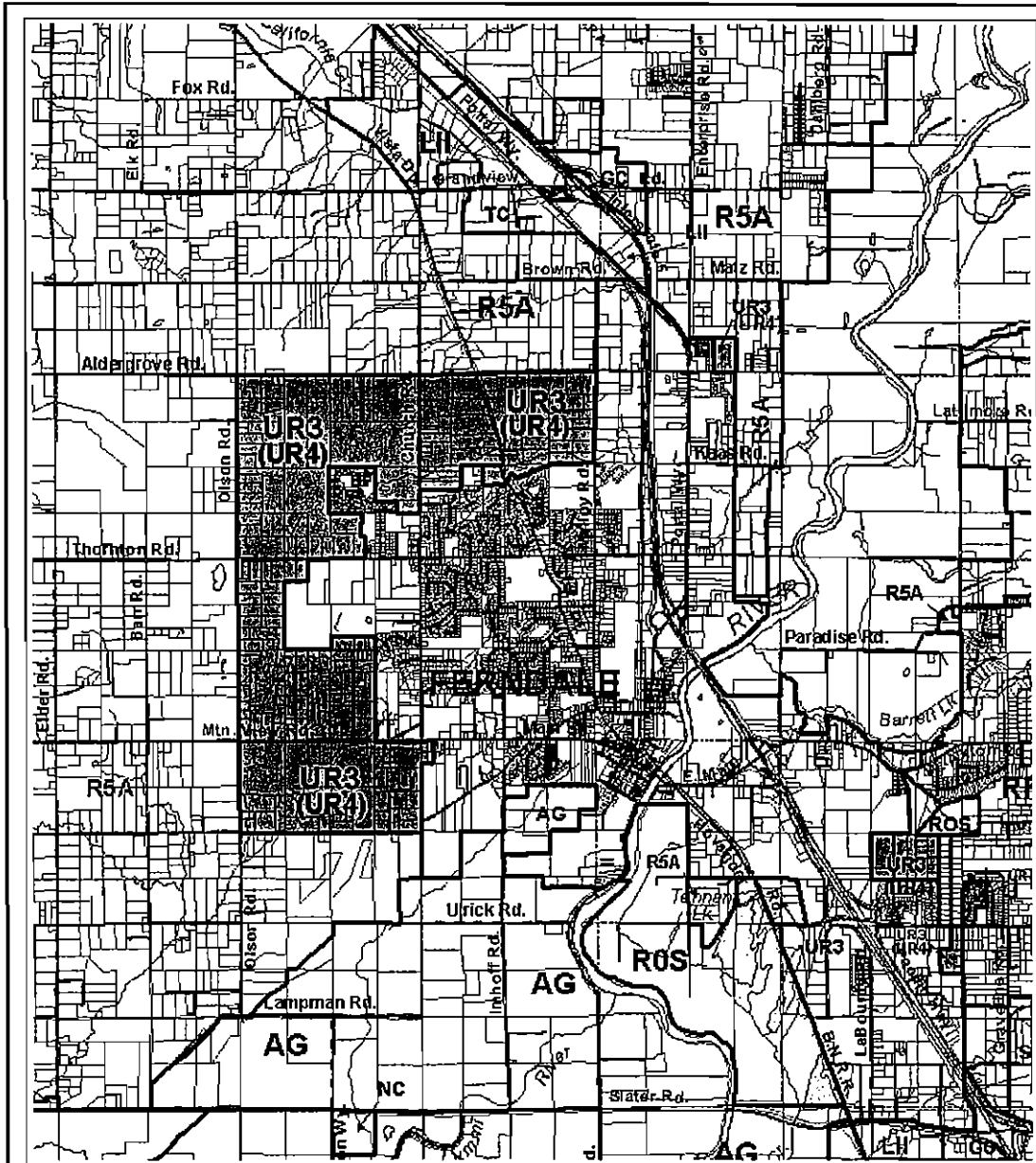
A handwritten signature in black ink, written over a horizontal line.

Civil Deputy Prosecutor

A handwritten signature in black ink, written over a horizontal line.

Pete Kremen, Executive

Date: 6-6-07



### Ferndale UGA Zoning Amendments

ZON2007-00003

-  **Rezoning Sites**
- UR3 - Existing Zoning**
- (UR4) - New Zoning**



USE OF WHATCOM COUNTY'S GIS DATA IMPLIES THE USER'S AGREEMENT WITH THE FOLLOWING STATEMENT:

Whatcom County does not warrant the reliability or accuracy of this map or any parts thereof, either express or implied. No representation or warranty is made concerning the accuracy, currency, completeness or quality of data depicted on this map. Any user of this map assumes all responsibility for use thereof, and agrees to hold Whatcom County harmless from and against any damage, loss, or liability arising from any use of this map.



April 30, 2017 gtd