

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2007-337

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Gary Davis	GD	7/16/07	RECEIVED JUL 31 2007 WHATCOM COUNTY COUNCIL	8/7/2007	Introduction
Division Head: Linda Peterson	LP	7.16.07		9/11/07	P&D/Council
Dept. Head: J.E. "Sam" Ryan	JER	7-27-07			
Prosecutor: Royce Buckingham	R.B.	7-27-07			
Purchasing/Budget:					
Executive: Pete Kremen	PK	7-31-07			

TITLE OF DOCUMENT: Ordinance to amend Ordinance 2007-031, Rezone UR3 to UR4 in the Everson Urban Growth Area and UR3 to R5A adjacent to the Everson Urban Growth Area, on the east side of Everson-Goshen Road.

ATTACHMENTS:

- (1) Proposed ordinance to amend Ordinance 2007-031

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

Should Clerk schedule a hearing? Yes NO
 Requested Date:
¹ 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.)

Ordinance to amend Ordinance 2007-031 amending the official Whatcom County zoning map from Urban Residential – 3 units/acre (UR3) to Urban Residential – 4 units/acre (UR4) for approximately 64 acres in the Everson Urban Growth Area, and from Urban Residential – 3 units/acre (UR3) to Rural 1 unit/5 acres (R5A) for approximately 20 acres. The sites are located within the northwest quarter of Section 1, T39N, R3E, and the southwest quarter of Section 36, T40N, R3E, W.M. Amended Ordinance is to correct an omission of the R5A zoning in Section 1 of Ordinance 2007-031.

COMMITTEE ACTION:

9/11/2007: Forwarded to Council for approval

COUNCIL ACTION:

8/07/2007: Introduced
 9/11/2007: Council Adopted 7-0
 Ord. 2007-045

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

Ord. 2007-045

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: 8/7/2007

ORDINANCE # 2007-045

AN ORDINANCE TO AMEND ORDINANCE #2007-031, AMENDING THE OFFICIAL WHATCOM COUNTY ZONING MAP FROM UR3 TO UR4 FOR APPROXIMATELY 64 ACRES AND FROM UR3 TO R5A FOR APPROXIMATELY 20 ACRES WITHIN THE EVERSON URBAN GROWTH AREA, ON THE EAST SIDE OF EVERSON-GOSHEN ROAD.

WHEREAS, Whatcom County Planning and Development Services has initiated an application to rezone approximately 64 acres from Urban Residential Three Dwellings Per Acre (UR3) to Urban Residential Four Dwellings Per Acre (UR4) in the Everson Urban Growth Area and approximately 20 acres from Urban Residential Three Dwellings Per Acre (UR3) to Rural One Dwelling Per Five Acres outside the Everson Urban Growth Area; and

WHEREAS, The proposed rezone site is located within the northwest quarter of Section 1, T39N, R3E, and the southwest quarter of Section 36, T40N, R3E, W.M., and consist of two separate areas, one generally located on the east side of Everson-Goshen Road south of Van Dyk Road and approximately 250 feet west of Sable Drive (44 acres), and one located on the east side of Everson-Goshen Road north of Coleman Road (40 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 Everson on April 4, 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 Everson, Nooksack Valley 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 Everson 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 smaller cities ... to establish new residential developments at densities averaging four units per net residential acre. . . while respecting unique characteristics associated with each city."
11. The City of Everson has commented that the proposed rezoning is consistent with the Everson Comprehensive Plan.

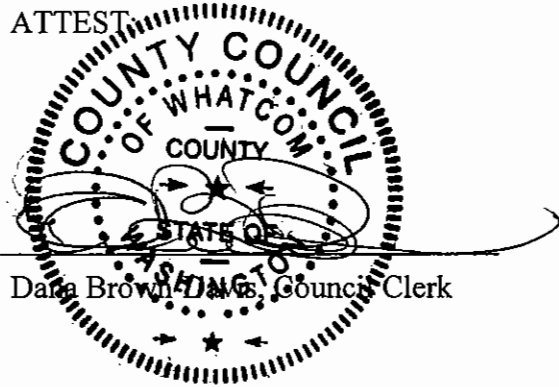
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

Section 1. The Official Whatcom County Zoning Ordinance map is hereby amended from UR3 to UR4 and from UR3 to R5A 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 11 day of September, 2007

ATTEST:



Dana Brown, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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

Carl Weimer, Chairperson

APPROVED as to form:

Approved Denied

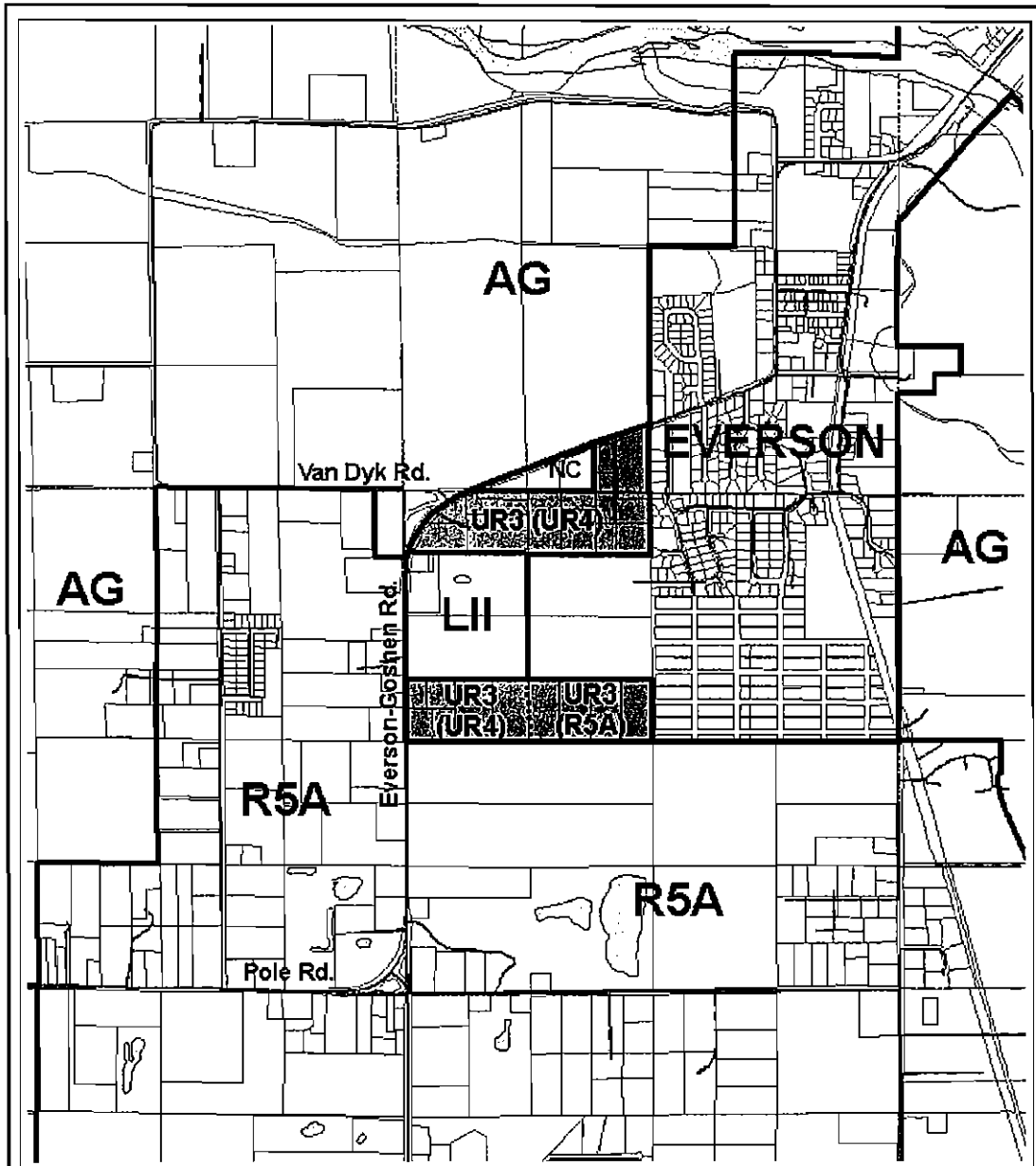
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Civil Deputy Prosecutor

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

Pete Kremen, Executive

Date: 9-13-07



Everson UGA Zoning Amendments

ZON2007-00004

-  **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 disclaims any warranty of merchantability or accuracy of this map for any particular purpose, and the 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 the user agrees to hold Whatcom County harmless from and against any damage, loss, or liability arising from any use of this map.



April 30, 2007 gtd