

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2007-174

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Kraig Olason	KO	7-12-07	RECEIVED JUL 17 2007 WHATCOM COUNTY COUNCIL	7-24-07	P & D
Division Head: Linda Peterson	LP	7.13.07		8-07-07	Council
Dept. Head: Sam Ryan	SR	7-13-07		9-11-07	Introduction
Prosecutor: Royce Buckingham	RB	7/13/07		9-25-07	Hearing
Purchasing/Budget:					
Executive: Pete Kremen	PK	7-16-07			

TITLE OF DOCUMENT: *An Ordinance to adopt a Minor Addition to the City of Everson Short Term Urban Growth Area for Public Road Right-of Way and stormwater detention facility.*

ATTACHMENTS:

- (1) Proposed ordinance
- (2) PDS memo with exhibits

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

Should Clerk schedule a hearing? Yes NO
 Requested Date: 8/07/07

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

The City of Everson requests an amendment to the official Whatcom County Comprehensive Plan map for expansion to the southeasterly Short Term Urban Growth Boundary of Everson for approximately 3.28 acres to allow improved public right-of-way access to the existing Urban Growth Area and provide additional residential development.

The attached ordinance incorporates changes and conditions discussed by Council at their April 10, 2007 Planning and Development Committee.

COMMITTEE ACTION:

7/24/2007: Committee approved

COUNCIL ACTION:

7/24/2007: Introduced
 8/7/2007: Revised, ordinance will be introduced on 9/11/07
 9/11/2007: Introduced & Amended
 9/25/2007: McShane moved to forward to concurrency review 7-0. Council adopted 7-0 Ord. 2007-049

Related County Contract #:

Related File Numbers:
 PDS Staff Report CMP2006-00002
 Agenda Bill – 2007-174

Ordinance or Resolution Number: Ord. 2007-049

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.*

ORDINANCE NO. 2007-049

**AMEND THE OFFICIAL WHATCOM COUNTY COMPREHENSIVE PLAN MAP TO
THE CITY OF EVERSON'S SOUTHEAST URBAN GROWTH AREA,
FOR IMPROVED ACCESS TO THE EXISTING URBAN GROWTH AREA.**

WHEREAS, pursuant with the requirements of the Growth Management Act RCW 36.70A.020, RCW 36.70A.070, and the County Wide Planning Policies of Whatcom County Comprehensive Plan; and

WHEREAS, pursuant to WCC 20.10.010, proposed Comprehensive Plan amendments shall be docketed for consideration once per year; and

WHEREAS, the Whatcom County Council adopted Resolution #2006-029 initiating the proposed Comprehensive Plan map and official Whatcom County zoning map amendments as part of the 2006 annual docket of proposed Comprehensive Plan amendments; and

WHEREAS, pursuant to RCW 36.70.390, legal notice for a public hearing was published in the Bellingham Herald on Sunday, January 28, 2007, and the site posted on Wednesday, January 31, 2007, and

WHEREAS, on Thursday, February 8, 2007, the Whatcom County Planning Commission failed by a lack of a majority vote to come to a decision on the proposed Comprehensive Plan map amendment, and forwarded the proposal to Whatcom County Council with no recommendation; and

WHEREAS, the County Council held a public hearing on the proposed amendment and considered all testimony; and

WHEREAS, the County Council finds the amendment in the best interest of the public health, safety, and welfare, based on the following findings of fact and conclusions:

FINDINGS OF FACT

1. Notice of the Planning Commission hearing was mailed to surrounding property owners on January 29, 2007.
2. Pursuant to RCW 36.70.590, legal notice was published in the Bellingham Herald on Sunday, January 28, 2007, and the site posted on Wednesday, January 31, 2007; and
3. Notice of the Planning Commission hearing was posted on the County's website on January 29, 2007.

4. The SEPA Administrator for Whatcom County issued a Determination of Non-significance on February 8, 2007; and
5. The Planning Commission held a public hearing relating to the subject amendment on Thursday, February 8, 2007.
6. The Whatcom County Planning Commission could not reach a majority vote on the proposed amendment, and the proposal was forwarded to the Whatcom County Council with no recommendation.
7. The proposed City of Everson's amendment is consistent with the Growth Management Act (GMA) planning goal 1:
 - 1) **Urban Growth.** *Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.*
8. The proposed City of Everson's amendment is consistent with Whatcom County Comprehensive Plan Goal 2A, 2K and 2V; and Policies 2A-1, 2A-4, 2K-1 and 2V-1, but is not supported by Goal 8A, Policies 8A-3 and 4:

Goal 2A: Ensure provision of sufficient land and densities to accommodate the growth needs of Whatcom County and protect the qualities that make the county a desirable place to live.

 - **Policy 2A-1:** *Concentrate urban levels of development within designated urban growth areas.*
 - **Policy 2A-4:** *Designate land uses that reflect the best use of the land.*

Goal 2K: Discourage development in areas prone to flooding.

 - **Policy 2K-1:** *Limit lands in one-hundred year floodplains to low-intensity land uses such as open space corridors or agriculture.*

Goal 2V: Set an Urban Growth Boundary for Everson which accommodates future growth needs and recognizes constraints imposed by Nooksack River flooding and mineral resource mining issues.

 - **Policy 2V-1:** *Work with Everson to adopt measures to limit development in floodplains.*

Goal 8A: Conserve and enhance Whatcom County's agricultural land base for the continued production of food and fiber.

Policy 8A-2: A long range conservation strategy should include:
 - (3) *Required mitigation in the event that designated agricultural land is converted to another use.*
 - (4) *Required buffers on all new non-agricultural uses located adjacent to agricultural activities.*
9. The proposed City of Everson's amendment is consistent with Whatcom County Comprehensive Plan County-Wide Planning Policy C-5. Restrictions placed on the proposed expansion will ensure that the City incorporates proper buffers between agricultural lands and adjacent residential development.
10. The area proposed to be added to the Everson UGA is identified in the FEMA Flood Insurance Rate Maps as being located within the 100-year floodplain however, information provided by Whatcom County River and Flood Division indicates that, based on updated mapping utilizing the County's flood model, nearly all of this area is located outside of an area shown to be impacted by a 100-year flood event.

11. The population projections by ECONorthwest and the Everson Comprehensive Plan, 2004, did not show a need to increase the acreage of Everson's existing UGA. Based on their 2004 Comprehensive Plan, Everson can accommodate the projected growth through 2024 without additions to their UGA.
12. The proposal as initially submitted would reduce the County's designated agricultural lands of long-term commercial significance. The City has indicated the willingness to remove an equal area of agriculturally zoned land from the Everson UGA to maintain the agricultural land base.
13. A road right-of-way extending south down the western side of the current UGA and looping east to the south end of Greene Lane would provide improved access to the southern extent of the City of Everson's southeastern UGA.
14. The road right-of-way and required stormwater facilities will serve as buffers between residential development to the east and agricultural activity on the west side.
15. The proposed amendment, including appropriate conditions, is consistent with the applicable goals and policies of the Growth Management Act, County-Wide Planning Policies, and Whatcom County Comprehensive Plan.
16. The proposed amendment, including appropriate conditions, is consistent with the public interest because it maintains the designated agricultural land base, promotes in-fill, maintains agricultural lands of long-term commercial significance and limits additional development in the floodplain.
17. Analysis of the proposal, and including appropriate conditions, provides a compelling basis for enlarging the UGA boundaries to the extent proposed.

CONCLUSIONS

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

Section 1. The Whatcom County Comprehensive Plan map is hereby amended from Agriculture to the City of Everson Urban Growth Area – Short-Term Planning Area (southeastern UGA west boundary) to add a 154-foot wide strip of land for a dedicated public right-of-way, utility easement and stormwater facilities for improved access to the southern portion of the UGA, see Exhibit "A".

Section 2. This Comprehensive Plan map amendment is subject to the following conditions:

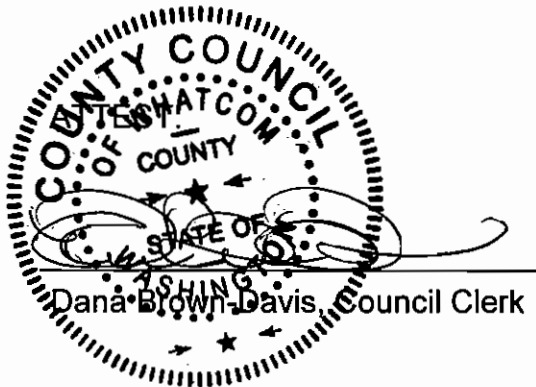
- a. The City of Everson's Interlocal Agreement with Whatcom County is amended to limit the use of the proposed expansion area, as described in Exhibit B – legal description of this ordinance, ~~for to~~ road, utility and stormwater facility purposes only and limited residential development. The Interlocal Agreement shall specify that a minimum buffer of 100 feet shall be

maintained between County-designated agricultural lands and any proposed building or mobile home located within the expansion area.

- b. The legally described area to be added to the UGA, as described in Exhibit B, attached hereto, shall be considered "provisional" and shall not be eligible for annexation by the City until the Interlocal Agreement between the County and the City is updated to state that as part of the next major update of the City of Everson UGA, the City will remove an equal or greater quantity of like agricultural land from the Everson UGA. ~~a County comprehensive plan map amendment has been approved that removes an equal or greater quantity of like agricultural land from the Everson UGA to maintain the County's agricultural land base. This limitation shall be included in the Interlocal Agreement amendment to limit the future annexation of this land identified by the legal description as attached to this ordinance, attached hereto as Exhibit "B".~~
- c. The Interlocal Agreement between the County and the City shall be updated to reflect the City's willingness to consider participating in a transfer of development rights program intended to transfer development density from rural and resource areas of the County into designated urban growth areas.

Section 3. Adjudication of invalidity of any 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 25th day of September, 2007



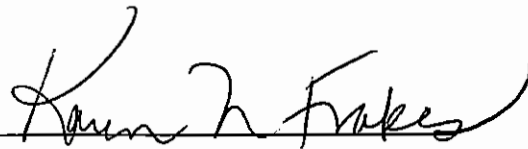
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON




Carl Weimer, Chairperson

APPROVED as to form:

Approved Denied



Royce Buckingham,
Civil Deputy Prosecutor



Pete Kremen, Executive

Date: 9-28-07

ELEMENTARY SCHOOL

CITY OF NOOKSACK

EAST MAIN STREET

SKILLMAN

CITY OF EVERSON

GREENE LANE

CASTRO

AREA NEEDED FOR IMPROVED ACCESS

D. BEDLINGTON RE

URBAN GROWTH AREA

City of Everson Urban Growth Area
Amendment Proposal

EXHIBIT "B"

LEGAL DESCRIPTION

PORTION OF CASTRO AND BEDLINGTON PROPERTIES PROPOSED TO BE ADDED TO THE CITY OF EVERSON SOUTHEASTERN URBAN GROWTH AREA – SHORT-TERM PLANNING AREA

THE EAST 154.00 FEET OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 4 EAST OF W.M., WHATCOM COUNTY, WASHINGTON;

EXCEPT THE NORTH 400 FEET THEREOF.

SITUATE IN WHATCOM COUNTY, WASHINGTON.