

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2007 - 135 B

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
<i>Originator:</i>		9/18/2007		9/25/2007	Council Introductio
<i>Division Head:</i>				10/9/2007	Hearing
<i>Dept. Head:</i>					
<i>Prosecutor:</i>					
<i>Purchasing/Budget:</i>					
<i>Executive:</i>					

TITLE OF DOCUMENT:
 Interim ordinance limiting size of large commercial retail establishments

ATTACHMENTS:

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

Ordinance limiting, on an interim basis, the size of large commercial retail establishments in order to promote compatibility with other jurisdictions within Whatcom County

COMMITTEE ACTION:

COUNCIL ACTION:
 9/25/2007: Introduced
 10/9/2007: Council Adopted 6-1 Crawford opposed Ord. 2007-052

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number: Ord. 2007-052

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.

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

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

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

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

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

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

77 **WHEREAS**, the Whatcom County Council will schedule a public hearing on this issue
78 for October 9, 2007, or a later date;
79

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

- 83 1. Whatcom County is in the process of docketing comprehensive plan
84 amendments, zoning text amendments, and urban growth area updates for
85 the jurisdictions within Whatcom County.
- 86 2. Whatcom County is required under the County-Wide Planning Policies to
87 ensure compatibility and consistency with all jurisdictions through these
88 processes.
- 89 3. Whatcom County lacks the resources to adequately provide an urban level of
90 services without coordination with other jurisdictions within Whatcom County.
- 91 4. Large commercial retail establishments require coordination of urban level of
92 services with other jurisdictions within Whatcom County.
- 93 5. Whatcom County Comprehensive Plan Policy 2T-9, contained within the land
94 use section, states, "Joint planning in Bellingham's UGA (urban growth area)
95 should include joint review of development proposals. City design and
96 development regulations should be required in Bellingham's UGA".
- 97 6. On February 12 the City of Bellingham passed Ordinance 2007-02-011 to limit
98 the size of commercial retail establishments.
- 99 7. Whatcom County Comprehensive Plan Policy 2Q-2, contained within the land
100 use section, states, "Establish procedures for development project review
101
102
103
104
105
106

107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156

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.

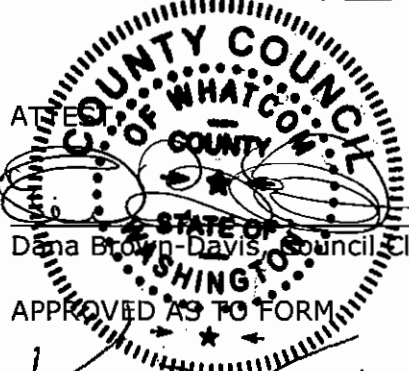
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County hereby limits the size, on an interim basis, to 75,000 square feet on all new applications for commercial retail establishments that are not accessory to rural resources.

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 9th day of October, 2007.

ATTEST



Dana Brown-Davis, Council Clerk

APPROVED AS TO FORM



Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Carl Weimer, Council Chair

Approved Denied



Pete Kremen, County Executive

Date: 10-10-07