


**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2009-179

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	AHK	3/19/09	<p>RECEIVED</p> <p>MAR 24 2009</p> <p>WHATCOM COUNTY COUNCIL</p>	3/31/09	Introduction
Division Head:				4/14/09	Hearing
Dept. Head:	DS	3-19-09		4/28/2009	Introduced/ Hearing
Prosecutor:	AS	3-26-09		5/12/2009	Hearing
Purchasing/Budget:					
Executive:		3-24-09			

**TITLE OF DOCUMENT:** Ordinance amending the Whatcom County Code Title 20, Section 20.83.110

**ATTACHMENTS:** Staff memo and ordinance with amended Title 20 section.

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

Ordinance amending the Whatcom County Code Title 20, Section 20.83.110 to include additional language regarding "reduction of area" in the non-conforming use chapter.

**COMMITTEE ACTION:**

4/28/2009: Introduce substitute ordinance tonight and have a public hearing on 5/12/09. Schedule in committee again.

**COUNCIL ACTION:**

3/31/2009: Introduced  
 4/28/2009: Council held. Hearing to be scheduled on revised version 5/12/09.  
 4/28/2009: Introduced revised version.  
 5/12/2009: Council Adopted 6-1 Brenner opposed Ord. 2009-031

\*4/28/2009: Second Hearing-Bellingham Herald did not run Public Notices on this item

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:  
 Ord. 2009-031

**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: PDS**  
**INTRODUCTION DATE: MARCH 31, 2009**

Reintroduced: April 28, 2009

**ORDINANCE NO. 2009-031**

**AMENDING WHATCOM COUNTY CODE, TITLE 20, NONCONFORMING USES AND PARCELS**

**WHEREAS**, the Whatcom County Council requested review of Title 21 with the adoption of the 2007-2008 budget; and

**WHEREAS**, Planning and Development Services staff have undertaken a review of land division procedures conducted in Whatcom County; and

**WHEREAS**, the amendments to the land division ordinance are procedural amendments that do not change development standards applicable to any land division in Whatcom County; and

**WHEREAS**, the County Council has adopted the following Findings and Conclusions:

**FINDINGS OF FACT AND CONCLUSIONS**

1. The amendments are exempt from review under the State Environmental Policy Act pursuant to WAC 197-11-800(19)
2. Notice of the proposed amendments was circulated to those expressing an interest in the proposed amendments prior to public hearing. Several opportunities were provided to review a preliminary draft of the proposed amendments prior to consideration by the Whatcom County Planning Commission.
3. Notice of the public hearing was provided in the Bellingham Herald at least ten days prior to the hearing.
4. The Whatcom County Planning Commission conducted a public hearing to consider the proposed amendments on November 13, 2008 and recommended approval to the Whatcom County Council regarding the proposed amendments.
5. Notice of the proposed amendments was provided to Washington State Department of Community, Trade and Economic Development (CTED). CTED acknowledged receipt of the proposed amendments on February 29, 2008.
6. A copy of the proposed amendments was provided to all cities within Whatcom County. No comments were received from cities regarding the amendments.
7. The amendments are consistent with RCW 58.17, Plats – subdivisions – dedications.

8. A public hearing on the proposed amendments was held by the Whatcom County Council on December 9, 2008.

9. After considering public testimony, the Whatcom County Council adopted Ordinance 2009-007 which removed criteria for review of boundary line adjustments pending legal counsel review.

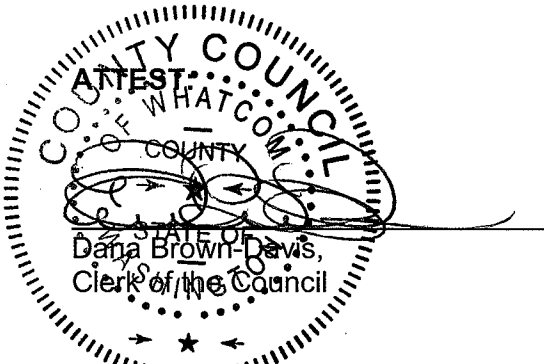
10. The Whatcom County Council re-introduced proposed changes to boundary line adjustment criteria on March 17, 2009 and a public hearing was scheduled to consider the proposed changes.

11. After review of testimony, it has been found that the proposed amendments regarding boundary line adjustments are consistent with RCW 58.17, Plats – subdivisions – dedications.

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

Section 1: Title 20 is amended as indicated in Exhibit 1 of this ordinance.

**ADOPTED** this 12th day of May, 2009.



**APPROVED** as to form

Civil Deputy Prosecutor

**WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON**

Seth Fleetwood, Council Chair

Approved  Denied

Pete Kremen, County Executive

Date: 5-14-09

**EXHIBIT 1**

**Amendments to Title 20 –  
Whatcom County Zoning Code**

20.83.110 Reduction of area

The Administrator shall not cause or increase the nonconformity of lots that are substandard as to lot area and/or lot width requirements through boundary line adjustments, provided however, that the Administrator or Hearing Examiner may approve boundary line adjustments required to satisfy an unidentified or disputed property line or to identify the same in accordance with RCW 58.04.007. In addition, boundary line adjustments in the Agricultural zone in conformance with WCC 20.40.251 and 20.40.252 shall be allowed.