

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2008-402

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator: Roland Middleton	RM	10/28/08	<div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">RECEIVED</div> <div style="font-size: 1.2em; font-weight: bold; margin-top: 10px;">NOV 18 2008</div> <div style="font-size: 1.1em; font-weight: bold; margin-top: 10px;">WHATCOM COUNTY COUNCIL</div>	11/25/08	Nat Res/Introduction
Division Head: Linda Peterson				12/09/2008	Council
Dept. Head: David Stalheim	DS	11-13-08		5/12/2009	Council
Prosecutor: Royce Buckingham	RB	11-14-08			
Purchasing/Budget: Brad Bennett	BB				
Executive: Pete Kremen	PK	11-18-08			

**TITLE OF DOCUMENT:** Ordinance to delete policy 2BB-7 from the Cherry Point Urban Growth Area of the Whatcom County Comprehensive Plan.

- ATTACHMENTS:**
- (1) Proposed Ordinance
  - (2) Planning Commission Findings
  - (3) September 24, 2008 Staff Report

SEPA review required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> NO SEPA review completed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> NO	Should Clerk schedule a hearing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> NO Requested Date:
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**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.)

Delete policy 2BB-7 from the Cherry Point Urban Growth Area of the Whatcom County Comprehensive Plan. The policy reads: *Work with other agencies and industrial owners at Cherry Point to add additional docks, as necessary, that can also serve upland users, provided that the use is consistent with sound environmental practices.*

This policy was inadvertently left in place when the new policy, 2BB-10, was adopted by Ordinance #99-079 effective December 2, 1999.

Policy 2BB-7 is inconsistent with the Comprehensive Plan and the Shoreline Management Program.

<p><b>COMMITTEE ACTION:</b></p> <p>11/25/2008: Forwarded to Council for approval</p>	<p><b>COUNCIL ACTION:</b></p> <p>11/25/2008: Introduced</p> <p>12/09/2008: Council forwarded to Concurrence 6-1 Crawford opposed</p> <p>5/12/2009: Council Adopted 7-0 Ord. 2009-035</p>
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<b>Related County Contract #:</b>	<b>Related File Numbers:</b> PDS File # CMP 2008-00007	<b>Ordinance or Resolution Number:</b> Ord. 2009-035
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**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: 11/25/08

ORDINANCE # 2009-035

DELETE POLICY #2BB-7 OF THE CHERRY POINT URBAN GROWTH AREA  
OF THE WHATCOM COUNTY COMPREHENSIVE PLAN

**WHEREAS**, Policy 2BB-7 was inadvertently left in place when the new policy, 2BB-10, was adopted by Ordinance #99-079 effective December 2, 1999; and

**WHEREAS**, Policy 2BB-7 is inconsistent with the Comprehensive Plan and the Shoreline Management Program; and

**WHEREAS**, Legal notice of the Planning Commission hearing was published in the Bellingham Herald; and

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

**WHEREAS**, The County Council has considered the Planning Commission's recommendations.

The Council makes the following findings of fact and conclusions:

FINDINGS OF FACT

1. On March 23, 1999, the Whatcom County Council initiated an amendment to "Revise the Comprehensive Plan to include the consideration of only one additional industrial multi-use pier to provide for economic development while preserving the environmentally sensitive shoreline and marine life at the Cherry Point Management Area" (Resolution 99-012).
2. A determination of non-significance was issued September 19, 2008 under the State Environmental Policy Act.
3. Notice of the public hearing was published in the Bellingham Herald on September 28, 2008.
4. The May 20, 1999 Staff Report for file #CMP99-00014 provides the background for Comprehensive Plan Policy 2BB-10 and changes to the 1997 Shoreline Management Program.
5. Ordinance #99-079 adopted on December 2, 1999 added policy 2BB-10 and changes to the 1997 Shoreline Management Program.
6. The 2007 Shoreline Management Program approval by Department of Ecology on August 8, 2008 has similar language to the amended 1997 Shoreline Management Program.

7. Notice of the proposed change was received by the Department of Community, Trade and Economic Development on September 5, 2008 (CTED Material ID #13412). No comments were received.
8. The Planning Commission held a public hearing on the subject amendment on October 9, 2008.

CONCLUSIONS

1. The subject amendment complies with the approval criteria of WCC 20.10.080 for comprehensive plan amendments.
2. Comprehensive Plan Policy 2BB-07 is inconsistent with the more recent Comprehensive Plan Policy 2BB-10.
3. Comprehensive Plan Policy 2BB-07 is inconsistent with the 2007 Shoreline Management Program.

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

Policy 2BB-7 is deleted from the Cherry Point Urban Growth Area of the Whatcom County Comprehensive Plan.


ADOPTED this 12th day of May, 2009

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

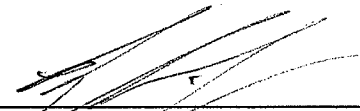


Dana Brown-Davis, Council Clerk

  
Seth Fleetwood, Council Chair

APPROVED as to form:

Approved     Denied

  
Civil Deputy Prosecutor

  
Pete Kremen, Executive

Date: 5-14-09