

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2009-302

<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: Amy Keenan	AK	6/10/2009	<b>RECEIVED</b>  <b>JUN 16 2009</b>  <b>WHATCOM COUNTY COUNCIL</b>	6/23	Council Introduction
Division Head: Tyler Schroeder				7/7	Planning and Development Committee
Dept. Head: David Stalheim	DS	6-11-09		7/7	Council
Prosecutor: Royce Buckingham	RB	6-12-09			
Purchasing/Budget: Brad Bennett					
Executive: Pete Kremen	PK	6-16-09			

**TITLE OF DOCUMENT:** Columbia/Kendall UGA Rezone from RF to UR4

**ATTACHMENTS:**

- (1) Proposed Zoning Map Amendment
- (2) Whatcom County Planning Commission Findings of Fact and Reasons for Action

SEPA review required?    ( x ) Yes    ( ) NO  
 SEPA review completed?    ( x ) Yes    ( ) NO

Should Clerk schedule a hearing?    ( ) Yes    ( x ) 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.)

The applicant, S.C. Goshen LLC and Holly and Associates, are proposing a rezone from Rural Forestry (RF) to Urban Residential 4 (UR(4)) Long Term Planning Area on 80 acres consistent with the Columbia/Kendall Urban Growth Area Comprehensive Plan designation.

**COMMITTEE ACTION:**

7/07/2009: Failed 1-2 with Caskey-Schreiber in favor.

**COUNCIL ACTION:**

6/23/2009: Introduced  
 7/07/2009: Council Adopted 5-2 Kelly and Fleetwood opposed    Ord. 2009-054

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

Ord. 2009-054

**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: 6/23/2009

ORDINANCE # 2009-054

ORDINANCE TO AMEND A PORTION OF THE OFFICIAL WHATCOM COUNTY ZONING MAP FROM RURAL FORESTRY (RF) TO URBAN RESIDENTIAL 4 (UR(4)) ON 80 ACRES WITHIN THE COLUMBIA/KENDALL URBAN GROWTH AREA.

**WHEREAS**, notice of the Planning Commission hearing for the subject amendment was published in the Bellingham Herald on May 18, 2009; and,

**WHEREAS**, notice of the Planning Commission hearing was posted on the subject area and mailed to all landowners of record within 300 feet of the subject area; and,

**WHEREAS**, notice of the subject amendment was sent to state agencies, including the Department of Community, Trade and Economic Development (CTED), on April 13, 2009; and,

**WHEREAS**, the SEPA Official issued a Determination of Nonsignificance on October 10, 2006; and,

**WHEREAS**, the Planning Commission held a public hearing relating to the subject amendment on May 28, 2009 and recommended approval of the amendment; and,

**WHEREAS**, the Planning Commission received testimony and deliberated the merits of the proposal and provided their findings and recommendations for Council review and consideration.

The Council makes the following findings of fact and conclusions:

**FINDINGS OF FACT**

1. The applicant is requesting a zoning map amendment for nearly 80 acres from Rural Forestry to Urban Residential 4, consistent with the Urban Growth Area Comprehensive Plan Designation.
2. The existing use of this property is vacant forest land.
3. Current zoning to the north is Rural 10, zoning to the east is Rural Forestry and zoning to the south and east is Urban Residential 4.
4. The UR(4) designation will be consistent with the Urban Growth Area

### Comprehensive Plan Designation.

5. The UR(4) designation will not be inconsistent with existing land uses; it would encourage residential development within the Urban Growth Area.
6. The proposed amendment is consistent with Goal 2P of the Whatcom County Comprehensive Plan which endeavors to establish four units per net residential density in the unincorporated residential/recreational UGA.
7. The proposed amendment conforms to the requirements of the Growth Management Act, and is consistent with the Goals and the County-Wide Planning Policies of the Whatcom County Comprehensive Plan.

### **CONCLUSION**

This proposal meets all of the legal requirements as noted within the Findings of Fact and Reasons for Action. The proposed amendment to redesignate the subject property from Rural Forestry to Urban Residential (4) will be compatible with the present uses of the property. The subject amendment is consistent with the approval criteria of WCC 20.90.051(3)(a) and serves the public interest.

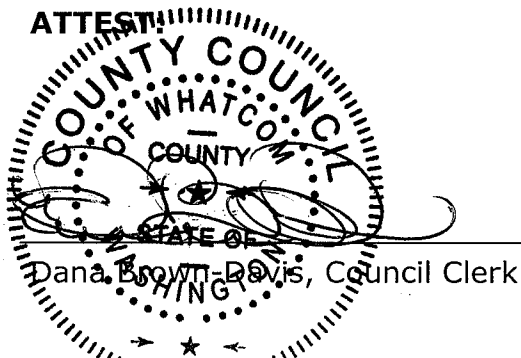
**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:

Section 1. The Official Whatcom County Zoning map, is hereby amended as shown in 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 7th day of July, 2009.

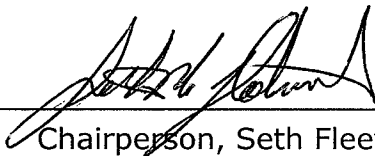
WHATCOM COUNTY COUNCIL



APPROVED as to form:

  
Civil Deputy Prosecutor

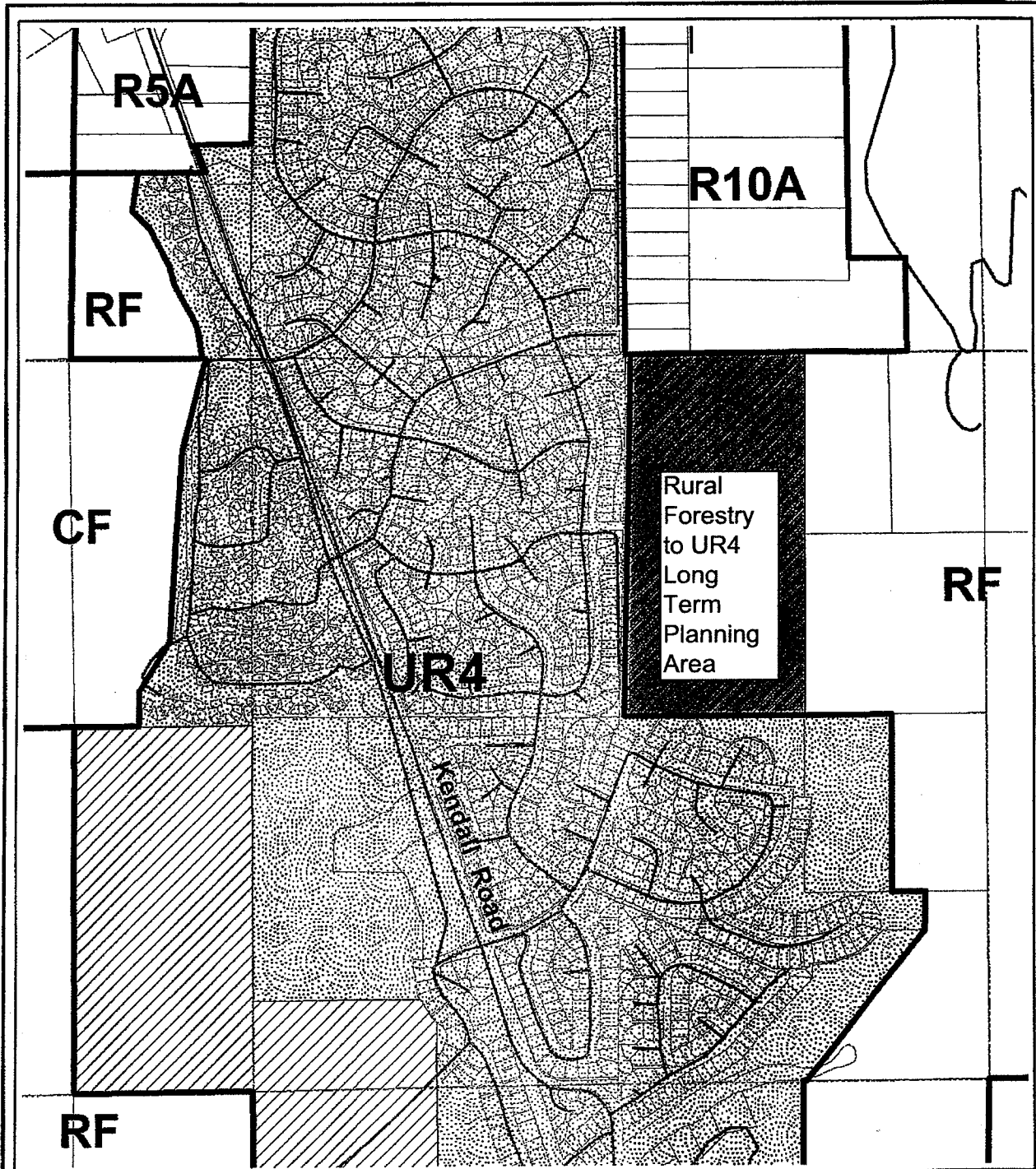
WHATCOM COUNTY,  
WASHINGTON

  
Chairperson, Seth Fleetwood

Approved     Denied







  
Pete Kremen, Executive

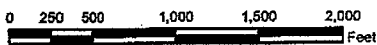
Date: 7-9-09



### Columbia/Kendall UGA Zoning Amendment

ZON2006-00005 RF Long Term Planning Area to UR4 Long Term Planning Area

- |   |   |
|---|---|
|  <b>Rezone Site</b>                  |  <b>Urban Growth Area</b>        |
|  <b>RF LTPA - Existing Zoning</b>    |  <b>Long Term Planning Area</b>  |
|  <b>UR(4) LTPA - Proposed Zoning</b> |  <b>Short Term Planning Area</b> |



USE OF WHATCOM COUNTY'S GIS DATA IMPLIES THE USER'S AGREEMENT WITH THE FOLLOWING STATEMENT:

Whatcom County disclaims any warranty of merchantability or warranty of fitness of this map for any particular purpose, either 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 further agrees to hold Whatcom County harmless from and against any damage, loss, or liability arising from any use of this map.



May 4, 2007 gid

**THE PLANNING COMMISSION ENTERS THE FOLLOWING  
FINDINGS OF FACT & REASONS FOR ACTION,  
CONCLUSIONS AND RECOMMENDATIONS:**

**FINDINGS OF FACT AND REASONS FOR ACTION**

1. Notice of Planning Commission hearing was mailed to surrounding property owners within 300 feet of the subject site on May 18, 2009.
2. Notice of the Planning Commission hearing was posted on the subject property on May 18, 2009 and published in the Bellingham Herald on May 18, 2009.
3. Notice of the Planning Commission hearing was posted on the County's website on May 18, 2009.
4. A State Environmental Policy Act Determination of Nonsignificance was issued October 10, 2006.
5. The applicant is requesting a zoning map amendment for nearly 80 acres from Rural Forestry to Urban Residential 4, consistent with the Urban Growth Area Comprehensive Plan Designation.
6. The existing use of this property is vacant forest land.
7. Current zoning to the north is Rural 10, zoning to the east is Rural Forestry and zoning to the south and east is Urban Residential 4.
8. The UR(4) designation will be consistent with the Urban Growth Area Comprehensive Plan Designation.
9. The UR(4) designation will not be inconsistent with existing land uses; it would encourage residential development within the Urban Growth Area.
10. The proposed amendment is consistent with Goal 2P of the Whatcom County Comprehensive Plan which endeavors to establish four units per net residential density in the unincorporated residential/recreational UGA.
11. The proposed amendment conforms to the requirements of the Growth Management Act, and is consistent with the Goals and the County-Wide Planning Policies of the Whatcom County Comprehensive Plan.

**CONCLUSION**

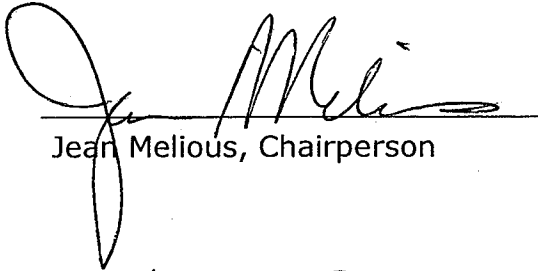
This proposal meets all of the legal requirements as noted within the Findings of Fact and Reasons for Action. The proposed amendment to redesignate the subject property from Rural Forestry to Urban Residential (4) will be compatible with the

present uses of the property. The subject amendment is consistent with the approval criteria of WCC 20.90.051(3)(a) and serves the public interest.

**RECOMMENDATION**

Staff recommends the Planning Commission vote to recommend approval of Exhibit A of the proposed Zoning map amendment. This recommendation is based on the findings and conclusions identified by staff in the staff report.

WHATCOM COUNTY PLANNING COMMISSION



Jean Melious, Chairperson

5/28/09  
Date



David Stalheim, Secretary

5-28-09  
Date