

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2010 - 270 A

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	Matt Aamot	7/20/2010		7/27/2010	Introduction
Division Head:				8/10/2010	Hearing
Dept. Head:					
Prosecutor:	<i>[Signature]</i>	7-21-10			
Purchasing/Budget:					
Executive:					

TITLE OF DOCUMENT:

Ord. amending WCC 20.90 zoning ord. relating to initiating zoning amendments

ATTACHMENTS:

SEPA review required? () Yes () NO Should Clerk schedule a hearing? (X) Yes () NO
 SEPA review completed? () Yes () NO Requested Date: August 10, 2010

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 Chapter 20.90 of the official Whatcom County zoning ordinance relating to initiating zoning amendments.

COMMITTEE ACTION:

COUNCIL ACTION:

7/27/2010: Introduced
 8/10/2010: Council Adopted 6-0, Kershner absent Ord. 2010-035

Related County Contract #:

Related File Numbers:

AB2010-270

Ordinance or Resolution

Number: Ord. 2010-035

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.

SPONSORED BY: Consent
PROPOSED BY: PDS
INTRODUCTION DATE: 7/27/2010

ORDINANCE NO. 2010-035

**AMENDING CHAPTER 20.90 OF THE OFFICIAL WHATCOM COUNTY
ZONING ORDINANCE RELATING TO INITIATING ZONING
AMENDMENTS**

WHEREAS, The County Council initiated amendments to WCC 20.90.030 and .040 for further review; and

WHEREAS, Planning and Development Services recommended approval of the proposed amendments; and

WHEREAS, The Whatcom County Planning Commission held a public hearing on May 13, 2010; and

WHEREAS, The Planning Commission did not recommend approval of the amendments; and

WHEREAS, The County Council held a hearing on the subject amendments; and

WHEREAS, The County Council hereby adopts the following findings of fact:

FINDINGS OF FACT

1. The subject amendments would allow the County Council to initiate zoning amendments for further review at any time during the year. The County Council would not be subject to a deadline for submitting applications for zoning amendments.
2. The Whatcom County Council approved Resolution 2010-008 on March 16, 2010 initiating the subject amendments for further review.
3. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on May 2, 2010.
4. The Planning Commission held a public hearing on the subject amendments on May 13, 2010.

5. Whatcom County Code 20.90.050 indicates that proposed zoning amendments are to be evaluated in relationship to the goals, policies and objectives of the Whatcom County Comprehensive Plan. Additionally, environmental implications identified under SEPA are to be considered.
6. Whatcom County Comprehensive Plan Goal 2D is to "Refine the regulatory system to ensure accomplishment of desired land use goals in a fair and equitable manner."
7. Whatcom County Comprehensive Plan Policy 2D-1 is to "Eliminate unnecessary regulations."
8. Whatcom County Comprehensive Plan Policy 2D-3 is to "Streamline development regulations to eliminate unnecessary time delays."
9. The Official Whatcom County Zoning Ordinance contains regulations that unnecessarily limit the time-frames for County Council initiation of zoning amendments.
10. The subject amendment provides flexibility to the legislative branch of Whatcom County government to determine when to initiate amendments to the Official Whatcom County Zoning Ordinance.
11. The subject amendment is exempt from environmental review pursuant to the SEPA Rules of WAC 197-11-800(19).

CONCLUSIONS

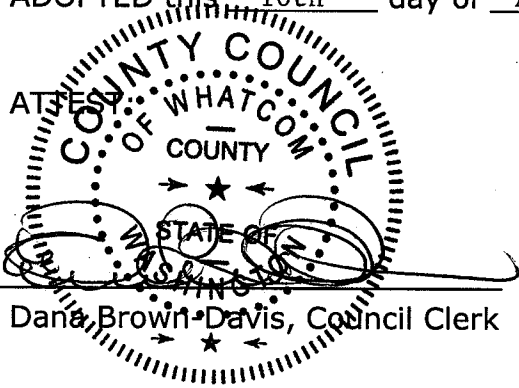
1. The subject amendments are consistent with the Whatcom County Comprehensive Plan.
2. The subject amendments serve the public interest by providing flexibility to the legislative body of Whatcom County to initiate zoning changes for review at any time during the year.

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

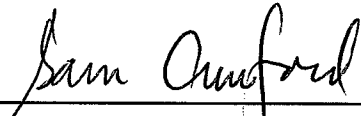
Section 1. The Official Whatcom County Zoning Ordinance text is hereby amended as shown in Exhibit A.

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 10th day of August, 2010.




WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



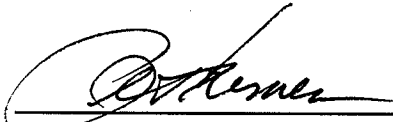
Sam Crawford, Chairperson

APPROVED as to form:

Approved Denied



Civil Deputy Prosecutor



Pete Kremen, Executive

Date: 8-11-10

Exhibit A

20.90.030 Initiation of amendments.

Amendments to this title and/or to the official Whatcom County zoning map may be initiated as follows:

- (1) The department of planning and development services may initiate an amendment(s) by placing the proposed amendment(s) on the docket.
- (2) The Whatcom County planning commission may initiate an amendment(s) by majority vote of its members to place an amendment proposal on the docket.
- (3) The county council may initiate an amendment by approving a resolution to place a proposed amendment(s) on the docket. Amendments by the county council may be initiated at any time, subject to county council review of ongoing staff resources and legislative priorities.
- (4) A citizen may initiate an amendment(s) to this title and/or to the official Whatcom County zoning map by making application on forms provided by the department of planning and development services and paying a processing fee. A complete application and payment of the fee places the amendment on the docket, except as provided in subsection (5) of this section.
- (5) Amendments to this title or the official county zoning map that also require an amendment to the Comprehensive Plan shall be initiated only if the accompanying Comprehensive Plan amendment is initiated as provided in Chapter 2.160 WCC. The payment of the processing fee for the zoning amendment as required by this section shall occur within 15 days of the approval of the resolution initiating the Comprehensive Plan amendment or the zoning amendment will be withdrawn. (Ord. 2008-060 Exh. A, 2008; Ord. 2004-007 § 1, 2004; Ord. 2000-016 § 1).

20.90.040 Application, excluding site-specific rezones.

(1) Applications for WCC Title 20 map and text amendments, excluding site-specific rezones, shall include at least the following information:

- (a) A description of the amendment being proposed including proposed map or text changes;
- (b) A complete State Environmental Policy Act (SEPA) environmental checklist; and
- (c) Name, address, phone number of the applicant, and, if applicable, assessor's parcel number, section, township, and range.

(2) The department of planning and development services may prescribe additional information requirements and provide forms for the proposed amendments.

(3) Completed applications for WCC Title 20 amendments must be received by planning and development services by December 31st to be considered during the next calendar year. Applications submitted by planning and development services or the county council are not subject to the December 31st deadline.

(4) Interested persons may suggest revisions to WCC Title 20 or the official Whatcom County zoning map by completing and submitting a suggestion form provided for that purpose by the department of planning and development services. These suggestions require no payment of a fee, are not initiated amendments, and will not be processed as an amendment unless they have first been initiated in the manner provided under WCC 20.90.030. None of the parties with authority to initiate amendments under WCC 20.90.030 are under any obligation to initiate suggested revisions as amendments. All suggested revisions shall be forwarded to the county council for review. (Ord. 2008-060 Exh. A, 2008; Ord. 2004-007 § 1, 2004; Ord. 2000-016 § 1).