

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2010 - 180 B

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:		11/23/2010	RECEIVED NOV 23 2010 WHATCOM COUNTY COUNCIL	11/23/2010	Introduction
Division Head:				12/7/10	Public Hearing
Dept. Head: <i>[Signature]</i>		11-23-10			
Prosecutor:					
Purchasing/Budget:					
Executive:					

TITLE OF DOCUMENT:

Interim Ordinance to allow for one-time extension for land use approvals

ATTACHMENTS:

SEPA review required? () Yes () NO	Should Clerk schedule a hearing? (X) Yes () NO
SEPA review completed? () Yes () NO	Requested Date: 12/7/2010

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.)

Interim Ordinance to allow for one-time extension for land use approvals

COMMITTEE ACTION:

COUNCIL ACTION:

11/23/2010: Introduced
 12/07/2010: Council Adopted 5-2, Mann & Weimer opposed
 Ord. 2010-067

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number: Ord. 2010-067

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: Crawford
INTRODUCTION DATE: 11/23/2010

ORDINANCE NO. 2010-067

AMENDING WHATCOM COUNTY CODE, ON AN INTERIM BASIS, TO ALLOW FOR A ONE-TIME ECONOMIC HARDSHIP EXTENSION OF LAND USE PERMIT EXPIRATIONS

WHEREAS, the state and county have suffered a severe economic downturn which has created economic hardships and tightening of credit markets, resulting in a situation where developers and property owners are unable to commence or finalize projects or complete applications in a timely manner;

WHEREAS, Whatcom County can reduce and alleviate the pressure from the current economic climate and market conditions for projects and applications that have not been completed within time limitations by extending expiration dates and vested status when economic hardship of developers and property is demonstrated; and

WHEREAS, Whatcom County is authorized to set expiration dates for zoning permits and pending applications therefore pursuant to RCW 36.70, Planning Enabling Act, and binding site plans, short plats, subdivisions, and pending applications therefore pursuant to RCW 58.17; and

WHEREAS, on May 25, 2010, the Whatcom County Council adopted Ordinance 2010-026 to allow a one-time economic hardship extension of land use permit expirations for a six-month period; and

WHEREAS, significant challenges continue to exist in the financial and construction industries; and

WHEREAS, the Council recognizes the need to continue allowing for one-time extensions of expiration dates and vested status when economic hardship of developers and property is demonstrated; and

WHEREAS, the Council makes the following findings of fact and reasons for action in accordance with RCW 36.70.795:

FINDINGS OF FACT AND REASONS FOR ACTION

1. Whatcom County, like the rest of the state and nation, is facing a significant economic downturn that has directly affected the construction industry. The impacts are reflected in a variety of economic indicators at the state and local level.
2. A freeze in the credit markets, significant decreases in construction employment, and a decline in the number of applications for building permits and land use reviews are all indicators of the state of our economy.
3. These extraordinary conditions of the current economic market have made it extremely difficult for developers and homeowners to acquire financing to begin or complete their development proposals.

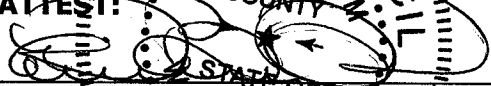
4. The proposed code amendments allow sufficient time for pending applications and approved projects to remain vested and weather the current market situation, while also limiting the length of the extension so that conditions and regulations considered at the time of approval remain valid.
5. The amendments are in the best interest of the public health, safety and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the Official Whatcom County Zoning Ordinance (Title 20) and Official Whatcom County Land Division Regulations (Title 21) are hereby amended as shown in Exhibit A to this ordinance.

BE IT FURTHER ORDAINED by the Whatcom County Council that this ordinance shall not remove the vested permit expiration timeframe calculation for permits already granted a one-time economic hardship extension under the previous interim permit extension ordinance (Ord. 2010-026).


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.

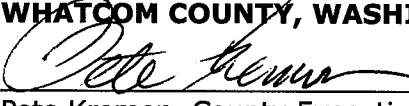
ADOPTED this 7th day of December, 2010.

WHATCOM COUNTY COUNCIL
ATTEST:

 Dana Brown Davis, Clerk of the Council

WHATCOM COUNTY, WASHINGTON

 Sam Crawford, Council Chair

WHATCOM COUNTY EXECUTIVE
APPROVED AS TO FORM:

 Karen Hahn, Civil Deputy Prosecutor

WHATCOM COUNTY, WASHINGTON

 Pete Kremen, County Executive

() Approved () Denied

Date Signed: 12.09.10

EXHIBIT A

(HARDSHIP EXTENSION ORDINANCE, DECEMBER 2010)

Section 1: Amend the Whatcom County Zoning Code, Chapter 20.84 as follows:

One-Time Economic Hardship Extension of Permit Expirations

1. A one-time two (2) year time extension of vested status for any terms, conditions or other dates, including permit expiration, shall be granted for the following land use permits: planned unit developments, conditional use permits, variances, or administrative use permits if all of the following criteria are met:
 - a. The applicant files a written extension request with applicable fee on forms provided by the County no later than March 1, 2012.
 - b. The extension request includes a sworn declaration that the work authorized by the land use approval will be delayed as a result of adverse market conditions or inability to secure financing; and
 - c. The extension request is for an issued land use approval to expire between December 5, 2010 and March 1st, 2012.
2. Any permit application for a permit identified in the previous Section 1 pending on December 5, 2010, shall be extended and remain vested for a period of two (2) years from the date of expiration of such permit application provided the following criteria are met:
 - a. The applicant files a written extension request with applicable fee on form provided by the County no later than March 1, 2012.
 - b. The extension request includes a sworn declaration that the completion of the pending permit application was or will be delayed as a result of adverse market conditions or inability to secure financing.
3. The time extension shall be granted by the official who granted the underlying permit, that being either the Zoning Administrator or Whatcom County Hearing Examiner.
4. One-time economic hardship permit extensions which have already been applied for prior to December 5, 2010 shall remain 'vested' for permit expiration timeframe calculation purposes.
5. An applicant may apply for other extensions identified in the applicable Whatcom County Code if submitted prior to the conclusion of this two (2) year one-time extension.

Section 2: Amend the Whatcom County Land Division ordinance, Chapter 21.01 as follows:

One-Time Economic Hardship Extension of Permit Expirations

1. A one-time two (2) year time extension of vested status for any terms, satisfying additional requirements, conditions or other dates, including expiration of the date to record a final short subdivision, exempt land division, subdivision, and general or specific binding site plan, shall be granted if all of the following criteria are met:
 - a. The applicant files a written extension request with applicable fee on forms provided by the County no later than March 1, 2012.
 - b. The extension request includes a sworn declaration that the work authorized by the land use approval will be delayed as a result of adverse market conditions or inability to secure financing; and
 - c. The extension request is for an issued land use approval or notice of additional requirements to expire between December 5, 2010 and March 1, 2012.

2. Any application for an exempt land division, short subdivision, subdivision, and a general or specific binding site plan pending on December 5, 2010, shall be extended and remain vested for a period of two (2) years from the date of expiration of such application (whether or not expired) provided the following criteria are met:
 - a. The applicant files a written extension request with applicable fee on forms provided by the County no later than March 1, 2012.
 - b. The extension request includes a sworn declaration that the pending application was or will be delayed as a result of adverse market conditions or inability to secure financing.
3. The time extension shall be granted by the official who granted the underlying preliminary land division or notice of additional requirements, that being either the Subdivision Administrator or Whatcom County Hearing Examiner.
4. An applicant may apply for other extensions identified in the applicable Whatcom County Code if submitted prior to the conclusion of this two (2) year one-time extension.
5. One-time economic hardship permit extensions which have already been applied for prior to December 5, 2010 shall remain 'vested' for permit expiration timeframe calculation purposes.

Section 3: Amend the Whatcom County Critical Areas Ordinance, Chapter 16.16.255 as follows:

- D. Critical areas assessment reports shall generally be valid for a period of five years. Future land use applications may require preparation of new or supplemental critical area assessment reports unless it can be demonstrated to the satisfaction of the technical administrator that the previously prepared report is adequate for current analysis. The technical administrator may also require the preparation of a new critical area assessment report or a supplemental report when new information is found demonstrating that the initial assessment is in error. If the technical administrator requires more information in the report, he/she shall make the request in writing to the applicant stating what additional information is needed and why.
- H. A one-time two (2) year time extension for critical area assessment reports shall be granted if all of the following criteria are met:
 1. The applicant files a written extension request with applicable fee on forms provided by the County no later than March 1, 2012.
 2. The extension request includes a sworn declaration that the work authorized by the land use approval will be delayed as a result of adverse market conditions or inability to secure financing; and
 3. The extension request is for an issued land use approval to expire between December 5, 2010 and March 1, 2012.

The time extension shall be granted by the official who approved the critical area assessment report, that being either the Technical Administrator or Whatcom County Hearing Examiner.

One-time economic hardship permit extensions which have already been applied for prior to December 5, 2010 shall remain 'vested' for permit expiration timeframe calculation purposes.

Section 4: Amend the Whatcom County Critical Areas Ordinance, Chapter 16.16.375 as follows:

- C. A geological assessment for a specific site may be valid for a period of up to five years when the proposed land use activity and site conditions affecting the site are unchanged. However, if any surface and subsurface conditions associated with the site change during that five-year period, the applicant may be required to submit an amendment to the geological assessment.
- D. A one-time two (2) year time extension for geologic assessment reports shall be granted if all of the following criteria are met:
 - 4. The applicant files a written extension request with applicable fee on forms provided by the County no later than March 1, 2012.
 - 5. The extension request includes a sworn declaration that the work authorized by the land use approval will be delayed as a result of adverse market conditions or inability to secure financing; and
 - 6. The extension request is for an issued land use approval to expire between December 5, 2010 and March 1, 2012.
 - 7. One-time economic hardship permit extensions which have already been applied for prior to December 5, 2010 shall remain 'vested' for permit expiration timeframe calculation purposes.

The time extension shall be granted by the official who approved the geologic assessment report, that being either the Technical Administrator or Whatcom County Hearing Examiner.