

**WHATCOM COUNTY**  
Planning & Development Services  
5280 Northwest Drive,  
Bellingham, WA 98226-9013  
360-676-6907, TTY 800-833-6384  
360-738-2525 Fax



**David Stalheim**  
Director

**J.E. "Sam" Ryan**  
Assistant Director

**Received**

DEC 30 2010

Whatcom County PDS  
DEPARTMENT

**WHATCOM COUNTY  
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**

**APPLICATION FOR COMPREHENSIVE PLAN AND RELATED ZONING AMENDMENTS**

Date Received: \_\_\_\_\_

File #: \_\_\_\_\_

*PLN 2011-00010*

**I. CHECK THE APPROPRIATE BOXES**

COMP PLAN MAP

COMP PLAN TEXT

ZONING MAP

ZONING TEXT

**II. GENERAL INFORMATION**

A. APPLICANT'S NAME: Robert Sorensen Jr.

MAILING ADDRESS: 255 W. Laurel Rd.

Bellingham, WA 98226

E-MAIL ADDRESS: \_\_\_\_\_

BUSINESS PHONE: \_\_\_\_\_ HOME PHONE: 360.398.7643

B. AGENT'S NAME: Lesa Starckenburg - Kroontje

MAILING ADDRESS: 313 4th St.

Lynden, WA 98264

E-MAIL ADDRESS: starckenburgkroontje@msn.com

BUSINESS PHONE: 360.354.7822

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C. TOPIC OF PROPOSED AMENDMENT: Removal of MRL designation

**III. FOR MAP AMENDMENTS**

A. TAX PARCEL NUMBER(s): 390214 400339 and 468400

ACREAGE: +/- 90

SITE ADDRESS: 0 Aldrich Rd. and 0 King Tut Rd.

TOWNSHIP: 39 RANGE: 2E SECTION: 14 1/4 SECTION:  
NE

OWNER(s): Robert Sorensen and 1234567, LTD.

ADDRESS: 255 W. Laurel Rd.

CITY/STATE/ZIP: Bellingham, WA 98226

PHONE: 360.398.7643

(Additional sheets may be attached if more than one parcel is involved.)

B. EXISTING COMPREHENSIVE PLAN DESIGNATION:

MRL Overlay

C. EXISTING ZONING DESIGNATION:

Rural w/MRL

D. PROPOSED COMPREHENSIVE PLAN DESIGNATION:

Rural

E. PROPOSED ZONING DESIGNATION:

Rural w/o MRL

F. THE PRESENT USE OF THE PROPERTY IS:

Agriculture (Raspberry production)

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G. THE INTENDED FUTURE USE OF THE PROPERTY IS:

Agriculture (Raspberry Production)

H. SURROUNDING LAND USE:

Agriculture and Residential

I. SERVICES

Please provide the following information regarding the availability of services.

The site is currently served by sewer ; septic . (check one)  
Sewer purveyor (name): \_\_\_\_\_

The site is currently served by a public water system ; well . (check one)  
Water purveyor (name): \_\_\_\_\_

The site is located on a public road ; private road . (check one)

Name of road: Aldrich and King Tut

Fire District #: 21 Name: N/A

School District #: 505 Name: Meridian

J. TRANSFER OF DEVELOPMENT RIGHTS (TDRs)

Are TDRs required under sections 2.160.070, 20.89.050, and/or 20.90.064 of the Official Whatcom County Zoning Ordinance? If so, please explain how your proposal complies with the TDR requirements and/or how you qualify for modifications/exceptions from the TDR requirements.

N/A

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**IV. FOR TEXT AMENDMENTS**

Identify the sections of the Comprehensive Plan and Zoning Ordinance that you are proposing to change and provide the proposed wording (attach additional pages if necessary):

**V. FOR ALL AMENDMENTS**

A. Why is the amendment needed and being proposed?

See attached.

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- B. How does the proposed amendment conform to the requirements of the Growth Management Act?

See attached.

- C. How is the proposed amendment consistent with the County-Wide Planning Policies for Whatcom County?

See attached.

- D. How is the proposed amendment consistent with the Whatcom County Comprehensive Plan?

See attached.

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- E. If within an Urban Growth Area, how is the proposed amendment consistent with interlocal agreements between the County and the City?

See attached.

- F. What changed conditions or further studies indicate a need for the amendment?

See attached.

- G. How will the public interest be served by the amendment? In determining whether the public interest will be served, factors including but not limited to the following will be considered:

- The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the Comprehensive Plan.
- The anticipated effect upon the ability of the County and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
- Anticipated impact upon designated agricultural, forest and mineral resource lands.

See attached.

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H. Does the amendment include or facilitate illegal spot zoning? Please explain.

See attached.

**VI. SUPPORTING INFORMATION (ATTACH THE FOLLOWING):**

- A. A vicinity map showing property lines, roads, existing and proposed Comprehensive Plan and Zoning designations. (This information is required for map amendments only).
- B. Mailing labels with names and mailing addresses of the owners of all property included within the area proposed for re-designation and:
  - For a map amendment within an existing urban growth area, mailing labels with the typed address of each property owner within 300 feet of the external boundaries of the subject property as shown by the records of the county assessor.
  - For a map amendment outside existing urban growth areas, mailing labels with the typed address of each property owner within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.
  - For map amendments that involve rezoning property to an Airport Operations District, mailing labels with the typed address of each property owner within 1,500 feet of the external boundaries of the subject property as shown by the records of the county assessor.
- C. State Environmental Policy Act (SEPA) Checklist

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**VII. FEES**

A. The Whatcom County Code 2.160.110 states that:

*Once an amendment is initiated by resolution of the county council, the applicant shall pay the initiation fee within 15 days. The county council may take official action to waive the initiation fee at the time it approves the initiating resolution if it finds the proposed amendment will clearly benefit the community as a whole and will not be for private financial gain.*

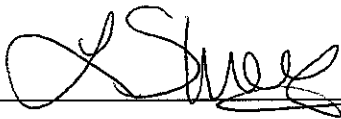
B. Are you requesting that the County Council waive the fees for this application?

No

C. If so, please describe how the proposed amendment clearly benefits the community as a whole and will not be for private financial gain.

**PLEASE SUBMIT TWO COPIES OF ALL APPLICATION MATERIALS.**

Signature of Applicant or Agent:



Date: 12-29-10

#### **IV. FOR ALL AMENDMENTS**

##### **A. Why is the amendment needed and being proposed?**

The two parcels in question are currently designated as Mineral Resource Lands Overlay District (MRL), however the majority of property is currently being used as a productive raspberry field. In the past, a section of the eastern parcel was used as a sand extraction site. The material extracted (sand) was commonly used during the installation of septic systems. Due to newer health department regulations and requirements over the past 20 years, the materials once extracted from this site are no longer being used in septic design, so there is no longer a commercial market for the material extracted from the site. The amendment is needed and is being proposed so that the comprehensive plan designation will be consistent with the current and future use of the site, and that of the surrounding properties.

##### **B. How does the proposed amendment conform to the requirements of the Growth Management Act?**

According to the GMA, mineral resources lands should be those areas that have long term significance for the extraction of minerals (RCW 36.70A.170(c)). The area of the proposed amendment does not meet this criteria as the quality of the material is not sufficient for today's standards. The attached letter from Alissi Consulting Inc. substantiates this.

Amending the comprehensive plan to remove the MRL Overlay and to maintain the designation as Rural would bring the property into conformity with the GMA given the rural economic and agricultural viability of the land. The amendment is consistent with RCW 36.70A.011 for preserving rural based businesses including agriculture, and with RCW 36.70A.020(8) and numerous Comprehensive Plan policies for protecting productive agricultural land. The proposed designation of Rural will make the property subject to the Agriculture Protection Overlay (APO) and will preserve the long term viability of agriculture in the area.

##### **C. How is the proposed amendment consistent with the County-Wide Planning Policies for Whatcom County?**

The CWPP's define mineral resource land as those areas having long term significance for mineral extraction as is stated above this area does not meet that definition.

**D. How is the proposed amendment consistent with the Whatcom County Comprehensive Plan?**

The amendment complies with the goals and policies of the Whatcom County Comprehensive Plan. The proposed amendment to a Rural designation is consistent with its current use and that of the surrounding properties. According to Whatcom County's Title 20 (20.36.010) the Rural District should allow "a variety of low intensity uses that are compatible and complementary with the conservation of agricultural, forestry and related uses."

The current overlay for the subject parcels (MRL) does not seem to meet the current Comprehensive Plan Policies. Policy 8J-1 in *Chapter Eight-Resource Lands* of the Whatcom County Comprehensive Plan states:

"Conserve for mineral extraction designated mineral resource lands of long-term commercial significance."

The purpose of the MRL is to preserve and plan for construction related aggregate materials to meet the economic and construction forecasts for the County. Comprehensive Plan Policy 8P-1 is to "Designate a 50 year supply of commercially significant construction aggregate...". Removing the Sorensen and 1234567, LLC parcels from the MRL will have absolutely no impact to those supplies as the material that was extracted from the land was never "commercially significant construction aggregate".

The Comprehensive Plan anticipates periodic review to determine if new property should be designated MRL or to remove depleted or unnecessary property from the MRL.

This proposal needs to proceed forward now and cannot wait for the seven year cycle because of the property raspberry planting cycle. The current agricultural tenant needs to take legal possession of the planted portion of the property to obtain financing to complete agricultural improvements for the Sorensen parcel. The 1234567 parcel is owned by an agricultural operator who faces re-finance issues as well. This is the reason and the urgency to complete the MRL removal as soon as possible, and that the applicants are willing to pay the \$7,500 fee rather than wait for the County to remove the designation during the scheduled 7- year review and update.

**E. If Within an Urban Growth Area, how is the proposed amendment consistent with interlocal agreements between County and the City?**

Not applicable.

**F. What changed conditions or further studies indicate a need for the amendment?**

The subject parcels were designated as a Mineral Resource Land in 1992 when the County's interim designation work was accomplished in an effort to comply with the GMA which required each county to "designate where appropriate...Mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals..." (RCW36.70A.170). According to the 2008 Whatcom County Comprehensive Plan the County complied by "adopting interim Mineral Resource Lands (MRL) designations covering 1,250 acres of lowland sand and gravel deposits. All of these areas had existing reclamation permits from the Washington State DNR covering at least twenty acres." Meeting the county requirements for an MRL at the time, the subject parcels were likely clumped in under this designation, although it is unclear if they met the intended requirements of the GMA as having "long-term significance."

Although the subject property was once used as an extraction site, it has not been significantly maintained as such for quite some time. Since the mid 1990's the land has been used for raspberry production, which is considered a viable and encouraged rural industry under the Rural comprehensive plan designation.

In addition, the Geo-Engineers study completed by Whatcom County in September, 2003 and attached hereto indicates this deposit has a high sand content. The report also indicates there is a high abundance of sand resources in Whatcom County compared to gravel type aggregate.

**G. How will the public interest be served by the amendment? In determining whether the public interest will be served, factors including but not limited to the following will be considered:**

- The anticipated effect upon the rate or distribution of population growth, employment growth, development, and

conversion of land as envisioned in the Comprehensive Plan.

- The anticipated effect upon the ability of the County and/or other service providers, such as cities, schools, water/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
- Anticipated impact upon designated agricultural, forest, and mineral resource lands.

The amendment will serve the public interest by complying with the Whatcom County Comprehensive Plan and the Washington State Growth Management Act. The proposed amendment to Rural will allow the area to be more consistent with the surrounding lands and will not have any significant impact on public services, the growth distribution rate, and will be consistent with the land conversion process as envisioned by the Comprehensive Plan.

The distribution of population growth will not be affected as a result of the amendment since the site is being used for cropland purposes. The amendment is consistent with the conversion of land envisioned by the Comprehensive Plan by rezoning a MRL designated area which is no longer in use and is unnecessary.

It is not anticipated that the amendment will have any significant effect on public services such as schools, fire districts, etc. since the use of the property will not change as a result of the amendment.

The amendment will have an impact on Mineral Resource Lands (really just the map) since it will be removing approximately 88 acres from this designation. However, the impact is not significant since the area is not currently being used as it is zoned, and there is no commercially viable resource to be extracted and used for public benefit.

Calculations for mineral resources needs in the Resource Lands section of Chapter 8 of the Comprehensive Plan indicate a per-capita requirement for "commercially significant deposits" of mineral resources (goal 8P). Chapter 8 also discusses mineral resources in the context of required material for anticipated public construction materials in a 20 and 50-year planning horizon. The material that was once removed from the property is not a commercially viable resource for construction, and should not be calculated in these plans.

The public will benefit from the proposal as it will be two less properties that Staff will have to review when the next mandatory Comp. Plan MRL review and update occurs. This proposal is being funded by the property owners, and will likely not require anywhere near the 55 staff hours allotted under the \$7,500 application fee (if docketed).

**H. Does the amendment include or facilitate illegal spot zoning? Please explain.**

No, the proposed amendment would result in a comprehensive plan designation similar to that of the adjacent properties. The Rural designation would not qualify as "spot zoning" as the surrounding areas are already zoned Rural (10) and Agriculture. Instead, the new designation would be harmonious with the uses in the area. It will enhance the rural character, preserve and potentially expand rural employment, and increase the amount of protected agricultural land in this part of the County.