

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2014-113

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Gary Davis	GD	2/28/14	RECEIVED MAR 04 2014 WHATCOM COUNTY COUNCIL	3/11/2014	PD/Introduction
Division Head: Mark Personius	MP	2/28/14		3/25/2014	Council
Dept. Head: Sam Ryan	SR	2/28/14			
Prosecutor: Karen Frakes	KF	2/28/14			
Purchasing/Budget:					
Executive: Jack Louws	JL	3.3.14			

TITLE OF DOCUMENT:
Rural Element Lot Clustering

ATTACHMENTS:

1. Proposed Ordinance, including draft amendments and Findings of Fact and Reasons for Action
2. Staff Report Addendum
3. Findings of the Planning Commission

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

Should Clerk schedule a hearing? () Yes (X¹) NO
Requested Date

¹The Council must hold a hearing if they want to take action that differs from the Planning Commission's recommendation [WCC 2.160.100(2)].

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.)

A proposed ordinance to amend the Whatcom County Code regarding lot clustering standards in the Rural (R) district.

COMMITTEE ACTION:

3/11/2014: Discussed

COUNCIL ACTION:

3/11/2014: Introduced
 3/25/2014: Council Adopted 6-0-1, Browne abstained Ord. 2014-023

Related County Contract #:

Related File Numbers:
PLN2012-00012

Ordinance or Resolution Number:
Ord. 2014-023

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: PDS
PROPOSED BY: PDS
INTRODUCTION DATE: 3/11/2014

ORDINANCE NO. 2014-023

ORDINANCE AMENDING THE WHATCOM COUNTY CODE REGARDING LOT CLUSTERING STANDARDS IN THE RURAL (R) DISTRICT

WHEREAS, the Washington State Growth Management Act (GMA) requires Whatcom County to include a rural element in its Comprehensive Plan that governs rural development; and

WHEREAS, the GMA requires consistency between Whatcom County's Comprehensive Plan and its development regulations; and

WHEREAS, the recommended amendments have been considered by the Whatcom County Planning Commission, the Whatcom County Council Planning and Development Committee and the Whatcom County Council; and

WHEREAS, legal notice requirements have been met; and

WHEREAS, the County Council finds the amendments in the interest of the public health, safety, and welfare, based on the following findings and conclusions:

FINDINGS OF FACT

- 1) On June 18, 2013 the County Council adopted Ordinance 2013-028 in response to the Growth Management Hearings Board's January 4, 2013 Compliance Order. This ordinance included an amendment to WCC 20.36.310(6) exempting parcels larger than 20 acres from standards requiring a maximum 16 lots in a cluster and minimum 500 foot spacing between clusters.
- 2) The Growth Management Hearings Board's November 21, 2013 Compliance order found Ordinance 2013-028 in compliance with GMA regarding the lot clustering issue, though it was silent on the amendment to WCC 20.36.310(6).
- 3) Petitioner Futurewise requested a reconsideration in December 2013 and the Board issued a revised order on January 23, 2014, finding the added exemption in WCC 20.36.310(6) to be noncompliant with RCW 36.70A.030(15) and 36.70A.070(5)(c).
- 4) Whatcom County proposes amendments to its Zoning Code in response to the Washington State Growth Management Hearings Board's January 23, 2014 Compliance Order (GMHB No. 11-2-0010c).

- 5) The proposed amendment to the Zoning Code restores WCC 20.36.310(6) to its original wording prior to the adoption of Ordinance #2013-028.
- 6) An addendum to the May 1, 2009 determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on April 12, 2013.
- 7) The proposed amendments were posted on the County website on February, 2014.
- 8) Notice that the proposal had been posted on the County website was sent to citizens, citizens groups, cities, service providers, media and other groups on the County's e-mail list on February 11, 2014.
- 9) Notice of the subject amendment was submitted to the Washington State Department of Commerce on February 5, 2014.
- 10) Notice of the Planning Commission hearings for the subject amendment was published in the Bellingham Herald on February 14 2014.
- 11) Notice of the Planning Commission hearing for the subject amendment was posted on the County's website on February 11, 2014.
- 12) The Whatcom County Planning Commission held a public hearing on February 27, 2014. Since publication of the first draft amendments on February 11, 2014, the most current draft amendments have been continuously posted on the County's web site, as have all documents presented to the Planning Commission and all written public comments.

CONCLUSION

The proposed amendments are consistent with the goals and requirements of the Washington Growth Management Act (GMA), are in the public interest, and are consistent with the Comprehensive Plan.


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

Section 1. The Whatcom County Comprehensive Plan is hereby amended as shown on 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 25th day of March 2014.

ATTEST



[Signature]

Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

[Signature]

Carl Weimer, Council Chair

APPROVED as to form:

[Signature]

Karen H. Frakes
Civil Deputy Prosecutor

Approved () Denied

[Signature]

Jack Louws, Executive

Date: 3.27.14

DRAFT WCC Amendment

WCC TITLE 20 ZONING.

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20.36 Rural (R) District

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20.36.310 Design standards.

The creation of new building lots, pursuant to this section, shall be governed by the following recommended design standards:

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(6) In order to preserve rural character, no more than 16 residential lots shall be permitted in one cluster and there shall be at least 500 feet of separation between any new clusters, ~~except when the cluster subdivision is located on a parcel or contiguous parcels in the same ownership, greater than 20 acres.~~

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