

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2018-084

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Matt W. Aamot	M.A.	2/12/2018	<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;"> <p>RECEIVED</p> <p>FEB 20 2018</p> <p>WHATCOM COUNTY COUNCIL</p> </div>	2/27/2018	Special Committee of the Whole
Division Head: Mark Personius	MP	2.15.18		2/27/2018	Council
Dept. Head: Mark Personius	MP	2.15.18			
Prosecutor: Royce Buckingham	<i>[Signature]</i>	2-15-18			
Purchasing/Budget:					
Executive: Jack Louws	<i>[Signature]</i>	2.20.18			

TITLE OF DOCUMENT:

Resolution initiating proposed Whatcom County Comprehensive Plan and Zoning Ordinance amendments.

ATTACHMENTS:

1. Cover letter
2. Draft Resolution Initiating Comprehensive Plan and Zoning Amendments

SEPA review required? Yes NO
 SEPA review completed? Yes NO

Should Clerk schedule a hearing? Yes NO
 Requested Date

¹ SEPA will be completed on those amendments initiated by the Council prior to final Council action.

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.)*

Whatcom County Code 2.160.050 indicates that proposed Comprehensive Plan amendments are to be “initiated” for further review by a majority vote of the County Council. Whatcom County Code 20.90.030 also allows the Council to initiate zoning amendments. Planning and Development Services is forwarding the proposed docket so that the Council can determine which amendments to initiate for further review.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

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.

WHATCOM COUNTY
Planning & Development Services
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Bellingham, WA 98226-9097
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Mark Personius, AICP
Interim Director

RECEIVED

FEB 15 2018

JACK LOUWS
COUNTY EXECUTIVE

Memorandum

TO: The Honorable Jack Louws, Whatcom County Executive
The Honorable Whatcom County Council

FROM: Matt Aamot, Senior Planner *WMA*

THROUGH: Mark Personius, Interim Director *MP*

DATE: February 12, 2018

SUBJECT: Resolution Initiating Comp Plan & Zoning Amendments

Pursuant to state and local law, proposed comprehensive plan and zoning amendments are initiated for further review by the County Council each year. This year, there are eight new applications and a number of previous applications (initiated by Council in past years) on the proposed docket.

New Applications

Whatcom County has submitted or received new proposals relating to the following topics for consideration in 2018:

- Capital Facility Planning
- Density Credit Program – Comprehensive Plan Amendments
- Repeal Cherry Point-Ferndale Subarea Plan
- Motorized Trail Systems on State DNR Managed Lands
- Critical Areas Ordinance - On-Going Agriculture
- Critical Areas Ordinance - Critical Areas Monitoring
- Whatcom County Code/Title 20 Amendments
- Wind Energy System Amendments

The Council should determine which of the above proposals to initiate for further review in 2018. Initiated amendments will be submitted for SEPA review, evaluated by the Planning Department, and go to a public hearing before the Planning

Commission prior to returning to the County Council for a final decision. If a comprehensive plan amendment is not initiated by Council, it will not go forward.

Regarding the new suggested zoning text amendment for which no fee was paid (relating to motorized trail systems on State DNR managed lands), WCC 20.90.040(4) states:

Interested persons may suggest revisions to WCC Title 20 . . . 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.

The Council may initiate the suggested zoning text amendment, in which case no fees will be required. Alternatively, under current code (which is proposed for modification – see Agenda Bill No. 2018-056), if the Council chooses not to initiate this suggested zoning amendment, the applicant may initiate the amendment by paying the required application fees.

Previous Applications

In addition to the new applications, the following projects were initiated for review in previous years. They are included in the proposed resolution, as review has not been completed:

- Urban Fringe Subarea Plan Update;
- Mineral Resource Lands – County-wide Designation Process;
- New Marine Resource Lands Section in the Comprehensive Plan;
- Water Resources - Growth Management Act Compliance;
- Wireless Communication Facilities;
- Permit Review Procedures;
- Sign Regulations Update;
- Vacation Rental Regulations;
- Code Enforcement Amendments;
- Boundary Line Adjustments;
- Weddings and Special Events;
- Bellingham Development Standards;
- Agricultural Strategic Plan Implementation; and
- Mineral Resource Lands Expansion – North Star Rd.

Thank you for your consideration of the proposed resolution. We look forward to discussing it with you.

Proposed by: Planning & Development Services
Introduction date: _____

RESOLUTION NO. _____

INITIATING COMPREHENSIVE PLAN AND ZONING AMENDMENTS

WHEREAS, the Growth Management Act (RCW 36.70A.470) requires the County to consider the proposed docket of comprehensive plan and development regulation amendments on at least an annual basis; and

WHEREAS, the provisions of WCC 2.160.050 indicate that Comprehensive Plan amendments are to be "initiated" for review by approval of a resolution by the County Council. WCC 20.90.030 indicates that the Council may also initiate zoning amendments; and

WHEREAS, the Whatcom County Planning and Development Services Department has forwarded a docket of proposed Comprehensive Plan and zoning amendments to the County Council for consideration;

NOW, THEREFORE, BE IT RESOLVED that the Whatcom County Council hereby initiates for formal review the amendments shown on attached Exhibit A.

APPROVED this ____ day of _____ 2018.

ATTEST

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Rud Browne, Council Chair

APPROVED AS TO FORM:



Civil Deputy Prosecutor

EXHIBIT A – Draft Docket

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
<u>PLN2018-00001</u>	<u>Capital Facilities Planning</u>	<u>Whatcom County</u>	<u>Amend the capital facilities element of the Whatcom County Comprehensive Plan, including the Six-Year Capital Improvement Program (Appendix F) and the Whatcom County 20-Year Capital Facilities Plan (Appendix E).</u>	<u>County-wide</u>	<u>N/A</u>
<u>PLN2018-00002</u>	<u>Density Credit Program – Comprehensive Plan Amendments</u>	<u>Whatcom County</u>	<u>Amend the Whatcom County Comprehensive Plan to reflect a shift in emphasis from a traditional transfer of development rights program to a density credit program. Density credits allow development incentives, such as increased density, in exchange for a voluntary contribution towards preserving agricultural lands and open space.</u>	<u>N/A</u>	<u>N/A</u>
<u>PLN2018-00003</u>	<u>Repeal Cherry Point-Ferndale Subarea Plan</u>	<u>Whatcom County</u>	<u>Repeal the Cherry Point-Ferndale Subarea Plan, which was adopted in 1981. The proposal would also amend related provisions in the Whatcom County Comprehensive Plan and Zoning Code.</u>	<u>Cherry Point-Ferndale Subarea</u>	<u>N/A</u>
<u>PLN2018-00004</u>	<u>Motorized Trail Systems</u>	<u>State Department of Natural Resources</u>	<u>Amend the Commercial Forestry zoning district by adding "motorized trail systems and associated motorized trailheads" as a conditional use. Add definitions of "motorized trail system" and "off-road vehicle park" to the Zoning Code.</u>	<u>Commercial Forestry zone (definitions apply County-wide)</u>	<u>Yes - suggested amendment</u>
<u>PLN2018-00005</u>	<u>CAO On-Going Agriculture</u>	<u>Whatcom County</u>	<u>The Critical Areas Ordinance (CAO) was adopted by the County Council in December 2017 (Ordinance 2017-077). Section 4(a) of this Ordinance states "Planning and Development Services staff shall work with the farming community to develop creative solutions that would allow farmers to maintain or attain 'ongoing agriculture' status pursuant to applicable laws.</u>	<u>N/A</u>	<u>N/A</u>

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
<u>PLN2018-00006</u>	<u>CAO Critical Areas Monitoring</u>	<u>Whatcom County</u>	<p><u>Proposed code amendments to the Critical Areas Ordinance related to ongoing agriculture shall be processed with all due haste, but the first proposal shall be brought to Council for consideration no later than July 1, 2018."</u></p> <p><u>The Critical Areas Ordinance (CAO) was adopted by the County Council in December 2017 (Ordinance 2017-077). Section 4(b) of this Ordinance states "Planning and Development Services will continue to implement Whatcom County Comprehensive Plan policies 10K-15, 10K-16, 10L-17 and 10L-18, and goal 10G, as well as bring forward a plan to enhance groundwater quality sampling as called for in best available science, in order to monitor the functions and values of critical areas and to develop baseline data to use for such monitoring. An update of the implementation of these policies will be presented to Council no later than January 2019."</u></p>	<u>N/A</u>	<u>N/A</u>
<u>PLN2018-00007</u>	<u>WCC/Title 20 Amendments</u>	<u>Whatcom County</u>	<p><u>Review and, if needed, revise the Whatcom County Zoning Code and other sections of the Whatcom County Code to implement Comprehensive Plan policies and/or address issues identified in the administration of the codes. Additionally, any revisions needed to achieve consistency with the Growth Management Act may also be considered.</u></p>	<u>N/A</u>	<u>N/A</u>
<u>PLN2018-00008</u>	<u>Wind Energy System Amendments</u>	<u>Whatcom County Planning Commission</u>	<p><u>Review and, if needed, revise WCC 20.14 Wind Energy Systems.</u></p>	<u>N/A</u>	<u>N/A</u>

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
PLN2017-00001	Urban Fringe Subarea Plan Update	Whatcom County	Review and update the Urban Fringe Subarea Plan and related provisions of the Whatcom County Comprehensive Plan.	Bellingham Urban Fringe	N/A
PLN2017-00002	Marijuana Production Facility—Buffer Waivers	Seth Stromme of Agape Research	Amend the Whatcom County Zoning Code to allow marijuana production facilities in the Agriculture zone closer to churches when a waiver is signed by the legal representatives of the church.	Agriculture Zoning District	Yes (suggested amendment)
PLN2017-00004	MRL County-wide Designation Process	Whatcom County	Through a county-led countywide assessment, seek to identify and designate potential commercially significant mineral resource lands, to meet future demand, compatible with water resources, agricultural lands, forest lands and other GMA goals pursuant to Comprehensive Plan Policy 8R-1.	County-wide	N/A
PLN2017-00005	New Marine Resource Lands Section	Whatcom County	Create a new Marine Resource Lands section in the Comprehensive Plan (Chapter 8) pursuant to Comprehensive Plan Policy 8T-1.	Marine Areas	N/A
PLN2017-00006	Water Resources – GMA Compliance	Whatcom County	Amend the Whatcom County Comprehensive Plan and development regulations to address exempt wells in closed basins, in accordance with the Washington Supreme Court's decision in <i>Hirst v. Whatcom County</i> (Oct. 2016) and <u>Senate Bill 6091 (Jan. 2018)</u> .	County-wide	N/A
PLN2017-00007	WCG/Title 20 Amendments	Whatcom County	Review and, if needed, revise the Whatcom County Zoning Code and other sections of the Whatcom County Code to implement Comprehensive Plan policies and/or address issues identified in the administration of the codes. Additionally, any revisions needed to achieve consistency with the Growth Management Act may also be considered.	N/A	N/A

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
PLN2016-00064	CAO Update	Whatcom County	Update the Critical Areas Ordinance, in accordance with the Growth Management Act.	N/A	N/A
PLN2016-00006	Wireless Communication Facilities	Whatcom County	Review and update provisions in Chapter 20.13 to ensure consistency with new 2015 FCC rules (80 FR 1238) which are designed to implement and enforce Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012. The sections to be reviewed and updated will include WCC 20.13.010 – Purpose; WCC 20.13.020 – Definitions; WCC 20.13.040 – Permitted Uses; and WCC 20.13.120 – Application requirements and conditions of issuance.	N/A	N/A
PLN2016-00008	Permit Review Procedures	Whatcom County	Review and revise Whatcom County Code 2.33 (Permit Review Procedures <u>and other procedures</u>), including updating the code for consistency with state law.	N/A	N/A
PLN2016-00009	Sign Regulations Update	Whatcom County	Review and revise Whatcom County Code 20.80.400 (Sign Regulations), including updating the code for consistency with the U.S. Supreme Court's decision in <i>Reed v. Town of Gilbert</i> (2015).	N/A	N/A
PLN2014-00020 PLN2016-00011	Vacation Rental Regulations	Whatcom County	Amend Whatcom County Code Title 20 (Zoning) & Title 23 (Shoreline Management Program) to allow vacation rentals under certain conditions as a use within certain zones and shoreline designations.	N/A	N/A
PLN2016-00012	Cherry Point Amendments	Whatcom County	Review proposed amendments to the Cherry Point section of Chapter Two – Land Use of the Comprehensive Plan.	This amendment relates to the Cherry Point UGA	N/A

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
PLN2015-00003	Code Enforcement Amendments	Whatcom County	Create a new Whatcom County Code (WCC) Title 19, called "Code Enforcement," to establish an efficient system to address enforcement of building, critical areas and zoning codes. The proposal would consolidate the existing code enforcement provisions from WCC 15, 16.16, and 20 into a new WCC Title 19. The proposed amendments include provisions that would allow the County to record a document at the Whatcom Auditor's office indicating that there is a code violation on a property.	N/A	N/A
PLN2015-00004	Point Roberts Character Plan Amendments	Whatcom County / Arthur Reber	Amend the Point Roberts Subarea Plan including the "Point Roberts Character Plan" to ensure consistency between Character Plan development regulations and administrative procedures, the Official Whatcom County Zoning Ordinance (WCC Title 20), and Whatcom County Permit Review Procedures (WCC 2.33). Amend the Point Roberts Character Plan to address timelines for Character Plan Advisory Committee review of projects, roof materials, exterior finish, fire hydrant appearance, screening dumpsters, utilities & other uses, signs rules, and Character Plan Advisory Committee timelines for responding to alleged code violations.	The amendment relates to Point Roberts	N/A
PLN2014-00001	Boundary Line Adjustments	Jay Irwin	Amend Section 20.83.110 of the Whatcom County Zoning Ordinance relating to boundary line adjustments. The amendment would allow boundary line adjustments to nonconforming parcels to resolve encroachments such as fences, trees and other occupational indicators. The amendment would also allow boundary line adjustments that modify the boundaries between two nonconforming parcels based	N/A	N/A

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
PLN2014-00016	Weddings and Special Events	Whatcom County	upon land owner preferences, as long as the smallest parcel is not decreased in size. Amend the Whatcom County Zoning Ordinance to allow "Weddings and Special Events" in specific zone districts through a conditional use permit. Amend WCC 20.97 to define "Special Events" and amend the parking space requirements in WCC 20.80.580.	N/A	N/A
PLN2013-00003	Bellingham Development Standards	Whatcom County	Review and potentially revise the Whatcom County Code to adopt City of Bellingham Development Standards for the Bellingham Urban Growth Area (UGA).	These amendments relate to the Bellingham UGA	N/A
PLN2012-00007	Agricultural Strategic Plan Implementation	Whatcom County	Resolution 2011-023 was approved by the County Council on 7/26/2011 declaring support for the Whatcom County Agricultural Strategic Plan. An immediate priority in this plan is to review the Rural Study Areas as listed in the 2007 Rural Land Study and make recommendations for possible changes in accordance with Resolution 2009-040 (100,000 acre target), Resolution 2011-023 (the Agricultural Strategic Plan), and RCW 36.70A.170 and .177. Other immediate and short-term priorities in this plan include developing tools that can be incentives for agricultural operators within the priority agricultural areas. These activities may lead to proposed changes to the agricultural portions of the Comprehensive Plan and zoning regulations.	Proposal relates to Agricultural and Rural lands	N/A

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
PLN2012-00009	MRL Expansion - North Star Rd.	Ferndale Ready Mix & Gravel	Amend the comprehensive plan designation from Rural to Mineral Resource Lands (MRL) and amend the zoning map to expand a MRL overlay zone on approximately 19.7 acres on the west side of North Star Rd., south of Brown Rd. The underlying zoning is Rural one dwelling/five acres (R5A).	Parcel # 390110 212100; Within the SW ¼ of section 10, T39N, R1E, W.M.	N/A