



Whatcom County

COUNTY COURTHOUSE
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Agenda Bill Master Report

File Number: AB2021-116

File ID:	AB2021-116	Version:	1	Status:	Substitute Amended and Approved
File Created:	02/08/2021	Entered by:			
Department:		File Type:	Resolution		
Assigned to:	Council	Final Action:	02/23/2021		
Agenda Date:	02/23/2021	Enactment #:	RES 2021-007		

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TITLE FOR AGENDA ITEM:

Resolution docketing comprehensive plan and development regulation amendments

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

The Whatcom County Code indicates that proposed comprehensive plan and development regulation amendments are to be docketed by the County Council. Planning and Development Services is forwarding a proposed resolution so that Council can determine which amendments to docket for further review.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
02/23/2021	Council	SUBSTITUTE AMENDED AND APPROVED	
		Aye: 6 Browne, Buchanan, Byrd, Elenbaas, Frazey, and Kershner	
		Nay: 1 Donovan	
		Absent: 0	

Attachments: Staff Memo, Draft Resolution, Exhibit A (Draft Docket), Substitute Exhibit A (Draft Docket - Revised 2.22.2021), Substitute Exhibit A (Draft Docket - Revised by COTW 2.23.2021).pdf, South Caitac Docket Application-Kershner Sponsored, Caitac Support-Gerard, CaitacSupport-Burkhart, Battery Energy Storage Description

Proposed by: Planning & Development Services
Introduction date: _____

RESOLUTION NO. 2021-007

DOCKETING COMPREHENSIVE PLAN
AND DEVELOPMENT REGULATION AMENDMENTS

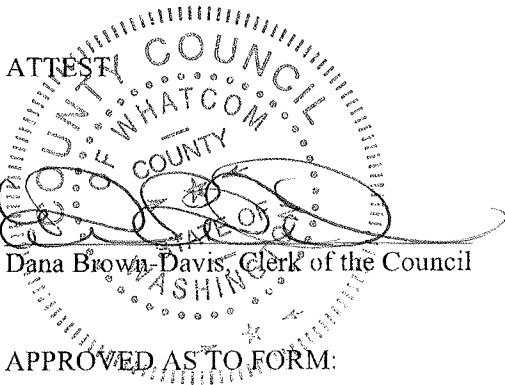
WHEREAS, the Growth Management Act (RCW 36.70A.470) requires the County to consider the proposed docket of comprehensive plan and development regulation amendments on at least an annual basis; and

WHEREAS, the provisions of WCC 22.10.020 indicate that Comprehensive Plan and development regulation amendments are to be docketed for review by approval of a resolution by the County Council; and

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

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

APPROVED this 23rd day of February 2021.

ATTEST
The seal of the Whatcom County Council, State of Washington, is circular with a double border. The outer border contains the text "WHATCOM COUNTY COUNCIL" at the top and "STATE OF WASHINGTON" at the bottom, separated by stars. The inner border contains "COUNTY OF WHATCOM". In the center, there is a stylized emblem. A signature is written across the seal.
Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

A handwritten signature in cursive script, reading "Barry Buchanan".

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

/s/ Royce Buckingham
Civil Deputy Prosecutor

EXHIBIT A – Docket

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
<u>PLN2021-000001</u>	<u>Battery Energy Storage Systems</u>	<u>NextEra Resource Development, LLC</u>	<u>Amend the Whatcom County Zoning Code by adding a definition of Battery Energy Storage System (BESS) and modifying the definition of Public Utility (WCC 20.97), amending the Rural zone to allow BESS as a conditional use and increase lot coverage for BESS (WCC 20.36), and adding BESS as a conditional use in the Public Utilities chapter (WCC 20.82).</u>	<u>N/A</u>	<u>No</u>
<u>PLN2021-00002</u>	<u>TDR Receiving Area</u>	<u>LA Robertson Farms, Inc.</u>	<u>Amend the Whatcom County Comprehensive Plan, Zoning Text, and /or Zoning Map to designate approximately 23.77 acres, zoned Rural one dwelling/five acres (R5A), as a transfer of development rights receiving area pursuant to WCC 20.89.051. A maximum of 3 development rights would be transferred from the Lake Whatcom Watershed to the subject site.</u>	<u>Chuckanut Crest Dr (no address) and 1571 Chuckanut Dr Parcel #'s 370318 085165 and 370318 092230</u>	<u>No</u>
<u>PLN2021-00003</u>	<u>Temporary Homeless Facilities</u>	<u>Whatcom County</u>	<u>Amend the Whatcom County Code to allow establishment and operation of temporary homeless facilities in accordance with Ordinance 2020-053.</u>	<u>N/A</u>	<u>N/A</u>
<u>PLN2021-00005</u>	<u>Wireless Communication Facilities</u>	<u>Whatcom County</u>	<u>Review and update the Zoning Code provisions relating to Wireless Communication Facilities (WCC 20.13) to ensure consistency with Federal rules.</u>	<u>N/A</u>	<u>N/A</u>
<u>PLN2021-00006</u>	<u>Whatcom County Code Amendments</u>	<u>Whatcom County</u>	<u>Review and revise the Whatcom County Zoning Code and other sections of the County Code to implement Comprehensive Plan policies and/or address issues identified in the administration of the codes. Revisions needed to achieve consistency with the Growth Management Act may also be considered.</u>	<u>N/A</u>	<u>N/A</u>

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
<u>PLN2021-00007</u>	<u>Bellingham UGA Expansion</u>	<u>Whatcom County Council Member Kershner</u>	<u>Amend the Whatcom County Comprehensive Plan by expanding the Bellingham Urban Growth Area (UGA) on 339 acres (the site is currently designated as UGA Reserve). Rezone this land to Urban Residential - Mixed (URMX) and commercial zoning.</u>	<u>North of the Bellingham City Limits and west of the Guide Meridian (State Route 539)</u>	<u>N/A</u>
<u>PLN2021-00008</u>	<u>Lake Whatcom Watershed Overlay District Amendments</u>	<u>Whatcom County Council Member Donovan</u>	<u>Amend the Lake Whatcom Watershed Overlay District (WCC 20.51) and the definition of significant tree (WCC 20.97.436.4) to improve compliance with the Total Maximum Daily Load by further reducing phosphorus loading impacts from development and improve tree protection measures.</u>	<u>Lake Whatcom Watershed</u>	<u>N/A</u>
<u>PLN2021-00009</u>	<u>Marijuana Growing and Processing</u>	<u>Whatcom County Council Member Donovan</u>	<u>Review and revise Whatcom County Code relating to marijuana growing and processing in rural areas. Consider impacts of marijuana growing and processing facilities in rural areas, and evaluate growing and processing facilities as an agricultural or non-agricultural use. Consider compatibility with GMA and County Comprehensive Plan.</u>	<u>N/A</u>	<u>N/A</u>
<u>PLN2020-00002</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).</u>	<u>County-wide</u>	<u>N/A</u>
<u>PLN2020-00003</u>	<u>Neighborhood Commercial to Residential Rezoning</u>	<u>Charles P. Vogel & George Johnson</u>	<u>Rezone approximately 1.25 acres from Neighborhood Commercial (NC) to Residential Rural (RR-1).</u>	<u>Parcel #'s 380127 456016, 380127 457023, and 380127 455009. Within the SE 1/4 of section 27, T38N, R1E, W.M.</u>	<u>Fees Paid</u> <u>Yes</u>

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
PLN2020-00004	Rural Forestry Designation and Text Amendment - Nooksack Falls	Ali Taysi / AVT Consulting	Amend the comprehensive plan designation from Mineral Resource Lands (MRL) to Rural Forestry on approximately 66 acres in the Nooksack Falls exclave (off Mt. Baker Hwy). Amend the Zoning Code to allow certain conditional uses in the Nooksack Falls exclave within the Rural Forestry zone (WCC 20.42.155).	Parcel #'s 400831 580150, 400831 450200, and 390806 550550; Within section 31, T40N, R8E, and section 6, T39N, R8E W.M.	Fees Paid <input checked="" type="checkbox"/> Yes
PLN2020-00005	Whatcom County Code Amendments	Whatcom County	Review and revise the Whatcom County Zoning Code and other sections of the County Code to implement Comprehensive Plan policies and/or address issues identified in the administration of the codes. Revisions needed to achieve consistency with the Growth Management Act may also be considered.	N/A	N/A
PLN2020-00006	Shoreline Program Update	Whatcom County	Update the Whatcom County Shoreline Management Program (Title 23). Move the goals and policies of the Shoreline Management Program to the Whatcom County Comprehensive Plan.	N/A	N/A
PLN2020-00007	Countywide Planning Policy Amendments	Whatcom County	Amend the Countywide Planning Policies (CWPPs) by adding new sections relating to the Review and Evaluation Program (Buildable Lands), Dispute Resolution Procedures, and Countywide Planning Policy Amendment Procedures. The CWPPs are inserted into Appendix G of the Whatcom County Comprehensive Plan.	N/A	N/A

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
PLN2019-00002	MRL Expansion - Breckenridge Rd.	Concrete Nor'West	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 22.8 acres off Breckenridge Rd., east of Nooksack. The underlying zoning is Rural one dwelling/five acres (R5A).	Parcel # 400428 165430 and a portion of parcel # 400428 254460; Within the NW ¼ and NE ¼ of section 28, T40N, R4E, W.M.	No
PLN2019-00004	Lummi Island Ferry Amendments	Whatcom County	Amend Whatcom County Comprehensive Plan provisions relating to the Lummi Island Ferry. Modify Policy 6A-1 relating to ferry level of service and delete Policy 6C-9 relating to a ferry feasibility study as shown in Resolution 2018-026.	N/A	N/A
PLN2019-00005	Density Credit Program - Zoning Code Amendments	Whatcom County	Amend the Whatcom County Zoning Code to implement the following recommendations contained in the TDR/PDR Multi-Stakeholder Work Group Final Report dated October 3, 2018: (1) modify the UR4 zone in the Birch Bay Urban Growth Area to allow increased density if density credits are purchased and (2) modify the code to allow larger accessory dwelling unit size if density credits are purchased.	Birch Bay and other areas of the county	N/A
PLN2019-00007	Point Roberts Subarea Plan and Point Roberts-Special District	Whatcom County	Review and, if needed, revise the Point Roberts Subarea Plan and the Point Roberts-Special District (WCC-20-72):	Point Roberts	N/A

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
PLN2019-00010	Surface Mining Pipeline Buffer	Whatcom County Council	Amend the Whatcom County Comprehensive Plan and Whatcom County Code to determine the minimum safe distance to allow surface mining to be conducted from a petroleum pipeline to ensure a pipeline will not become exposed or rupture during an earthquake event and contaminate an aquifer. Determination should be based on independent sources where possible and assume a magnitude 9.0 or greater earthquake could occur.	Countywide	N/A
PLN2019-00011	Surface Mining of Dry Meander Zones	Whatcom County Council	Amend the Whatcom County Comprehensive Plan and Whatcom County Code to allow the seasonal extraction of sand and gravel from dry upland areas located within the 1,000 year meander zone of the Nooksack River, provided that such extraction has no negative impact on salmon spawning habitat. The intent is to (a) reduce the conversion of land currently used for farming, forestry and wildlife habitat into gravel pits, and (b) safely remove some of the significant sediment load that enters the Nooksack every year in an effort to reduce flooding and the need to build higher flood prevention berms along the river as the climate continues to change.	Countywide	N/A
PLN2018-00002	Density Credit Program – Comprehensive Plan Amendments	Whatcom County	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.	N/A	N/A

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
PLN2018-00003	Repeal Cherry Point-Ferndale Subarea Plan	Whatcom County	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.	Cherry Point-Ferndale Subarea	N/A
PLN2018-00005	CAO On-Going Agriculture	Whatcom County	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. 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."	N/A	N/A
PLN2018-00008	Wind Energy System Amendments	Whatcom County Planning Commission	Review and, if needed, revise WCC 20.14 Wind Energy Systems.	N/A	N/A
PLN2018-00009	Cherry Point Amendments	Whatcom County Council	Amend the Whatcom County Comprehensive Plan and Whatcom County Code to address ways the County may limit the negative impacts on public safety, transportation, the economy, and the environment from crude oil, coal, liquefied petroleum gases, and natural gas exports from the Cherry Point Urban Growth Area, in accordance with	Cherry Point UGA and <u>other areas</u>	N/A

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
PLN2018-00010	Sustainable Salmon Harvest Goal	Whatcom County Council	Whatcom County Comprehensive Plan Policy 2C-16. <u>Some of the amendments apply to various land uses on a countywide basis.</u> Amend the Comprehensive Plan to create a new policy to work with Lummi and Nooksack Nations, the State Department of Fish and Wildlife (WDFW) and other stakeholders to establish a sustainable salmon harvest goal for the county.	N/A	N/A
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
PLN2016-00005	Wireless Communication Facilities	Whatcom County	Review and update provisions in WCC 20-13 (Wireless Communication Facilities) to ensure consistency with: (1) 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 and (2) New 2018 FCC rules entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment."	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

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
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
PLN2015-00003	Code Enforcement Amendments	Whatcom County	Create a new Whatcom County Code (WCC) Chapter 22.15, called "Code Compliance Procedures" 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 22.15. 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
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 upon land-owner preferences, as long as the smallest parcel is not decreased in size.	N/A	N/A

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
PLN2014-00016	Weddings and Special Events	Whatcom County	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
PLN2012-00007	Agricultural Strategic Plan Implementation	Whatcom County	Resolution 2018-027 was approved by the County Council on 8/8/2018 declaring support for the updated Whatcom County Agricultural Strategic Plan. Immediate priorities in this plan include reviewing designation of Agricultural Lands of Long-term Commercial Significance and the agricultural zoning code. Reviewing the Rural Study Areas as listed in the 2007 Rural Land Study and making recommendations for possible changes in accordance with Resolution 2009-040 (100,000 acre target), Resolution 2018-027 (Updated Agricultural Strategic Plan) and RCW 36.70A.170 and .177 will be included. Other short-term and medium-term priorities in this plan include development of policies and regulations that provide for protection of the best agricultural areas while supporting development at zoned densities and continued work on development of the Natural Resource Marketplace. 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