



Whatcom County

COUNTY COURTHOUSE
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Agenda Bill Master Report

File Number: AB2020-106

File ID:	AB2020-106	Version:	1	Status:	Approved
File Created:	02/24/2020	Entered by:	MAamot@co.whatcom.wa.us		
Department:	Planning and Development Services Department	File Type:	Resolution		
Assigned to:	Council			Final Action:	07/07/2020
Agenda Date:	07/07/2020			Enactment #:	RES 2020-027

Primary Contact Email: maamot@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Resolution docketing comprehensive plan and development regulation amendments

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

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:
06/23/2020	Council Special Committee of the Whole	RECOMMENDED FOR APPROVAL WITH PROPOSED AMENDMENT	
		Aye: 7 Browne, Buchanan, Byrd, Donovan, Frazey, Elenbaas, and Kershner	
		Nay: 0	
		Absent: 0	
07/07/2020	Council	APPROVED	
		Aye: 5 Browne, Buchanan, Byrd, Donovan, and Frazey	
		Nay: 1 Elenbaas	
		Absent: 1 Kershner	

Attachments: Staff Memo, Draft Resolution, Exhibit A as amended 6.23.2020, PLN2020-00001 application (revised), PLN2020-00002 (Six-Year CIP Application), PLN2020-00003 (NC to Residential Application), PLN2020-00004 (RF Mt Baker Hwy - Supplemental Info), PLN2020-00004 (RF Mt Baker Hwy application)

Proposed by: Planning & Development Services
Introduction date: _____

RESOLUTION NO. 2020-027

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

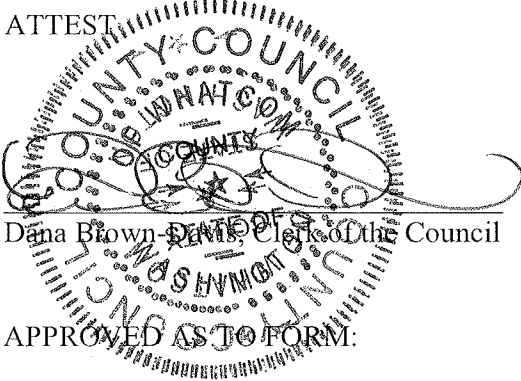
WHEREAS, the provisions of WCC 22.10.020 indicate that Comprehensive Plan and development regulation amendments are to be docketed for review by approval of a resolution by the County Council; and

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 7th day of July 2020.

ATTEST

A circular seal for the Whatcom County Council, Washington. The seal features a central five-pointed star surrounded by the words "WHATCOM COUNTY WASHINGTON". The outer ring of the seal contains the text "WHATCOM COUNTY COUNCIL".
Dana Brown, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

A handwritten signature in black ink, appearing to read "Barry Buchanan".
Barry Buchanan, Council Chair

APPROVED AS TO FORM:

approved electronically by Royce Buckingham
Civil Deputy Prosecutor

EXHIBIT A – Docket

File #	File Name	Applicant	Description	Location	Fee Waiver Granted?
PLN2020-00002	Capital Facilities Planning	Whatcom County	Amend the capital facilities element of the Whatcom County Comprehensive Plan, including the Six-Year Capital Improvement Program (Appendix F).	County-wide	N/A
PLN2020-00003	Neighborhood Commercial to Residential Rezone	Charles P. Vogel & George Johnson	Rezone approximately 1.25 acres from Neighborhood Commercial (NC) to Residential Rural (RR-1).	Parcel #'s 380127 456016, 380127 457023, and 380127 455009. Within the SE ¼ of section 27, T38N, R1E, W.M.	No
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.	No
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

File #	File Name	Applicant	Description	Location	Fee Waiver Granted?
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 C of the Whatcom County Comprehensive Plan.	N/A	N/A
PLN2019-00002	MRL Expansion – Breckenridge Rd.	Concrete NorWest	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
PLN2019-00006	Whatcom County Code	Whatcom County	Review and, if needed, revise the Whatcom County Zoning Code and other sections of the Whatcom	N/A	N/A

File #	File Name	Applicant	Description	Location	Fee Waiver Granted?
	Amendments		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.		
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
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	Countywide	N/A

File #	File Name	Applicant	Description	Location	Fee Waiver Granted?
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
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

File #	File Name	Applicant	Description	Location	Fee Waiver Granted?
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 Whatcom County Comprehensive Plan Policy 2CC-16.	Cherry Point UGA	N/A
PLN2018-00010	Sustainable Salmon Harvest Goal	Whatcom County Council	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
PLN2016-00006	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	N/A	N/A

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			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."		
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
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	N/A	N/A

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			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.		
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
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 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	Proposal relates to Agricultural and Rural lands	N/A

File #	File Name	Applicant	Description	Location	Fee Waiver Granted?
PLN2012-00009	MRL Expansion - North Star Rd.	Ferndale Ready Mix & Gravel	<p>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.</p> <p>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).</p>	<p>Parcel # 390110 212100; Within the SW ¼ of section 10, T39N, R1E, W.M.</p>	N/A