

PROPOSED BY: \_\_\_\_\_  
INTRODUCTION DATE: \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**PROPOSED AMENDMENTS TO WHATCOM COUNTY CODE TITLES 20 (CHAPTERS 20.51 AND 20.71)  
PERTAINING TO TREE REMOVAL PERMIT PROCEDURES AND 23 (CHAPTER 23.10) UPDATING THE  
REFERENCED CRITICAL AREAS ORDINANCE**

**WHEREAS**, Whatcom County Planning and Development Services has proposed amendments to Whatcom County Code Titles 20 and 23; and,

**WHEREAS**, Whatcom County Council adopted ORD2019-013 on February 12, 2019 which amended various sections of the Whatcom County Code to improve implementation of the County Code. Included in these amendments were clarifications to tree canopy retention requirements in Lake Whatcom, Lake Samish, and Lake Padden watersheds and creating a single definition of hazard tree in Title 20, Chapter 16.16 (Critical Area Ordinance) and removing a duplicate definition in Title 23; and

**WHEREAS**, the Whatcom County Council reviewed and considered Planning Commission recommendations, staff recommendations, and public comments on the proposed amendments; and

**WHEREAS**, the County Council hereby adopts the following findings of fact:

**FINDINGS OF FACT**

1. Whatcom County Planning and Development Services has submitted an application to amend Whatcom County Code Titles 20 (Chapters 20.51 and 20.71) pertaining to tree removal permit procedures and 23 (Chapter 23.110) updating the referenced Critical Areas Ordinance.
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on May 2, 2019, 2018.
3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on April 29, 2019.
4. The Planning Commission held a public hearing on the proposed amendments on May 9, 2019, notice of which was published in the Bellingham Herald.
5. The Planning Commission recommended approval of the amendments.
6. The County Council held a public hearing on the proposed amendments on June 18, 2019, notice of which was published in the Bellingham Herald.
7. The proposed amendments are consistent with the Comprehensive Plan's goal 10H and its policies regarding stormwater management.
8. The proposed amendments are necessary to implement the Council's intent to protect significant trees and tree canopy within our Watershed Resource Protection Overlay districts (Lakes Whatcom, Padden, and Samish) as part of the County's stormwater management strategy and comply with the County's NPDES Phase II permit.

**CONCLUSIONS**

1. The amendments to the development regulations are in the public interest.

2. The amendments are consistent with the Whatcom County Comprehensive Plan.

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

Section 1. Amendments to the Whatcom County Code are hereby adopted as shown in Exhibit A.

Section 2. The Director of Planning and Development Services will forward the amendment to Chapters 23.10 to the Department of Ecology for review and approval pursuant WAC 173-26-100.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

ATTEST:

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Rud Browne, Council Chair

APPROVED as to form:

( ) Approved      ( ) Denied

\_\_\_\_\_  
Civil Deputy Prosecutor

\_\_\_\_\_  
Jack Louws, Executive

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