

WHATCOM COUNTY
Planning & Development Services
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Mark Personius, AICP
Director



**Comprehensive Plan and/or
Development Regulation
Amendment Application**

Date Received: _____ File #: _____

Please check one or more of the following amendment types:

- Comprehensive Plan Map
- Comprehensive Plan Text
- Development Regulation Map
- Development Regulation Text

This form should be used for proposed amendments to the following development regulations in the Whatcom County Code:

- Title 16 - Environment,
- Title 20 - Zoning,
- Title 21 - Land Division Regulations, and
- Title 23 - Shoreline Management Program.

Topic of Proposed Amendment:

A. General Information – All applicants must complete this section.

Applicant Name: _____

Mailing Address: _____ City _____

State _____ Zip Code _____ Phone # _____

Email _____

Agent/Contact Name: _____

Mailing Address: _____ City _____

State _____ Zip Code _____ Phone # _____

Email _____

Please complete the questions below. Attach additional pages as needed

B. For Map Amendments

Parcel Information

Tax Parcel Number(s) (APN) _____

Total Acreage - Gross _____ Net: _____

Site Address _____

Township: _____ Range: _____ Section: _____ ¼ Section: _____

Owner Name _____

Mailing Address: _____ City _____

State _____ Zip Code _____ Phone # _____

Email _____

1. Existing Comprehensive Plan Designation: _____

2. Existing Zoning Designation: _____

3. Proposed Comprehensive Plan Designation: _____

4. Proposed Zoning Designation: _____

5. The Present Use of the Property is:

6. The Intended Future Use of the Property is:

7. Surrounding Land Use:

8. Services:

Please provide the following information regarding the availability of services:

The site is currently served by: Sewer Septic

If sewer the purveyor is: _____

The site is currently served by: Public Water System Well

If public water the purveyor is: _____

The site is located on a: Public Road Private Road

Name of Road: _____

Fire District #: _____ Name: _____

School District #: _____ Name: _____

9. Transfer of Development Rights (TDRs):

Are TDRs required under section 20.89.050 of the Whatcom County Code?

Yes No

If so, please explain how your proposal complies with the TDR requirements and/or how you qualify for modification/exceptions from the TDR requirements

C. For Text Amendments:

Identify the sections of the Comprehensive Plan and/or development regulation that you are proposing to change and provide the proposed wording.

D. For All Amendments:

1. Why is the amendment needed and being proposed?

2. How does the proposed amendment conform to the requirements of the Growth Management Act?

3. How is the proposed amendment consistent with the County-Wide Planning Policies for Whatcom County?

4. How is the proposed amendment consistent with the Whatcom County Comprehensive Plan?

5. If within an Urban Growth Area, how is the proposed amendment consistent with interlocal agreements between the County and the City?

6. What changed conditions or further studies indicate a need for the amendment?

7. How will the public interest be served by the amendment? Please address the factors identified below.

- The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the Comprehensive Plan.
- The anticipated effect upon the ability of the County and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.

- Anticipated impact upon designated agricultural, forest and mineral resource lands.

8. Does the amendment include or facilitate illegal spot zoning? Yes No
Please explain.

E. Supporting Information – Attach the Following:

A. A vicinity map showing property lines, roads, existing and proposed Comprehensive Plan and Zoning designations. (This information is required for map amendments only).

Applicant Response: N/A; There is not a map amendment proposed.

B. Mailing labels with names and mailing addresses of the owners of all property included within the area proposed for re-designation and:

- For a map amendment within an existing urban growth area, mailing labels with the typed address of each property owner within 300 feet of the external boundaries of the subject property as shown by the records of the county assessor.
- For a map amendment outside existing urban growth areas, mailing labels with the typed address of each property owner within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.

- For map amendments that involve rezoning property to an Airport Operations District, mailing labels with the typed address of each property owner within 1,500 feet of the external boundaries of the subject property as shown by the records of the county assessor.
- For map amendments that involve rezoning property to a Mineral Resource Land (MRL) designation, mailing labels with the typed address of each property owner within 2,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.

Applicant Response: The included mailing labels were prepared using a 1,000-ft exterior radius.

C. State Environmental Policy Act (SEPA) Checklist

Applicant Response: A SEPA Environmental Checklist is included with this application.

D. For Comprehensive Plan map amendments that propose to re-designate property to a MRL designation, a Comprehensive Plan MRL Application Supplement form is required.

Applicant Response: Not Applicable.

F. Fees

Applicants pay a docketing fee when submitting an application and additional amendment application fees if the County Council decides to docket the application. The Whatcom County Code 22.10.020(3)(b) states that, when docketing an application, the county council may waive the application fees if it finds the proposed amendment would clearly benefit the community as a whole.

A. Are you requesting that the County Council waive the application fees?

Yes No


If so, please describe how the proposed amendment clearly benefits the community as a whole.

NOTE: Fees will be assessed in accordance with the Whatcom County Unified Fee Schedule (UFS) in effect at the time of application submittal. Please contact Planning and Development Services to determine project specific fees. Click [here](#) to see the 2019/2020 UFS.

Per UFS 2843 all permits and applications are subject to a Technology fee. The fee is calculated on the permit/application fees due.

E. Authorization

Signature of Applicant(s) or Agent:

 _____ Date: 12/31/2024

_____ Date: _____

_____ Date: _____

DOCKETING APPLICATION
DECEMBER 2024

ATTACHMENT (QUESTIONS AND RESPONSES)

Topic of Proposed Amendment - Wade King Elementary School is within the Water Resource Protection Overlay District (WCC 20.20.71) for Lake Padden Watershed (R10A zoning), which states:

Chapter 20.71 WATER RESOURCE PROTECTION OVERLAY DISTRICT*

20.71.302 Impervious surface limitations shall be as follows:

(2) For uses in the **R Zone District**, at least 90 percent of the lot or parcel shall be kept free of impervious surfaces.

(5) Preexisting nonconforming impervious surfaces may be routinely maintained/repared or redeveloped; provided, that if 50 percent or greater of the preexisting nonconforming impervious surface area is to be redeveloped, then the applicable impervious surface limitations of subsections (1), (2), and (3) of this section shall apply. However, if a legal nonconforming structure is destroyed, the nonconforming use may be reconstructed using the pre-existing footprint. Expansion of nonconforming impervious surfaces shall be prohibited.

The Bellingham School District (District) is requesting a Development Regulation Amendment that exempts public schools from the limitation of impervious surfaces in the Water Resource Protection Overlay District.

C. For Text Amendments: Identify the sections of the Comprehensive Plan and/or development regulation that you are proposing to change and provide the proposed wording.

The proposal is to revise the following development regulation: Chapter 20.71 WATER RESOURCE PROTECTION OVERLAY DISTRICT*, 20.71.302 WCC by removing the impervious surface limitations as it relates to public schools. The District is proposing that language be added that states “Public schools are exempt from the Water Resource Protection Overlay District limitations related to impervious surfaces.”

D. For All Amendments:

1. Why is the amendment needed and being proposed?

Wade King Elementary School has been developed for many years at its current location. This property has been fully developed with a school building, paved outdoor play areas, parking areas,



drop-off lanes, and landscaped areas. The site was originally within the Urban Growth Area and later removed. As stated in the Comprehensive Plan,

“The south Yew St. and the south Caitac areas have been designated as Urban Growth Area Reserves. Prior to redesignating the south Yew St. area to UGA, need for additional land capacity must be demonstrated, planning for adequate public facilities and services must be completed, and potential impacts on Lake Padden water quality must be addressed. Prior to redesignating the south Caitac area to UGA, need for additional land capacity must be demonstrated and planning for adequate public facilities and services must be completed. UGA Reserve areas should retain rural zoning until such time the unincorporated area is placed in the UGA.”

With the use of 2018 and 2022 bond funds, the District has been replacing existing District-wide playgrounds with inclusive playgrounds, with accessibility-focused structures for children with disabilities. One of the biggest changes was the switch from woodchips to a flat, flexible rubber tile surface. The future work at Wade King Elementary School will include an inclusive playground. The District intends to replace the existing playground situated along the southeast edge of the building in the near future. Proposed improvements will occur within the existing playground footprint and will include new playground equipment and rubber surfacing. The current school exceeds the impervious restriction in the Water Resource Protection Overlay District and as such, is recognized as a legal non-conforming structure/use. However, the non-confirming use does not allow for expansions that would expand the impervious surfaces. In addition to replacing the existing playground there may be future additions or program changes to the school that could be prohibited without this code amendment.

2. How does the proposed amendment conform to the requirements of the Growth Management Act?

The Growth Management Act (GMA) requires counties subject to its provisions to develop comprehensive plans. These plans must include an inventory of existing facilities, a forecast of future facility needs, proposed locations and capacities for new or expanded facilities, minimum service levels, a six-year financing plan detailing funding sources, and a mandate to reassess the Land Use chapter in the event of funding shortfalls. Approval of this code amendment will ensure that the County meets the GMA planning goal related to public facilities and services.

3. How is the proposed amendment consistent with the County-Wide Planning Policies for Whatcom County?

The Washington State Growth Management Act (GMA) mandates that Whatcom County collaborate with its cities to establish countywide planning policies (RCW 36.70A.210). These policies serve exclusively as written guidelines to create a unified framework for developing and adopting comprehensive plans at both the county and city levels. This development regulation amendment is consistent with the Rural Designation, the Siting of Public Facilities and the protection of Water Quality. The amendment would not change the rural designation, and would allow future changes to the school that would increase impervious surfaces. Protection to the watershed and water quality are addressed by other development regulations.



The request is consistent with the County’s Comprehensive Plan and the District’s 2021-26 Capital Facilities Plan (CFP).

4. How is the proposed amendment consistent with the Whatcom County Comprehensive Plan?

The County Council adopted the Whatcom County Comprehensive Plan in May of 1997. Since then, amendments have been made on an annual basis. The request is consistent with the County’s Comprehensive Plan and the District’s 2021-26 Capital Facilities Plan (CFP). These include the following (*District response follows in italics below*):

Chapter 2 Land Use

Policy 2C-5: The County will coordinate with city, special district, and other service providers to ensure amendments to capital facility plans support the Comprehensive Plan.

The District does provide their Capital Facilities Plan (CFP) to the County for review. Also, the District does coordinate with the County on school facilities. This development regulation amendment has been discussed with County staff as well as the need for the amendment.

Rural Character and Lifestyle

Land uses in these communities are more intensive than those in the surrounding rural areas, and provide rural residents places to shop, eat, play, etc., and access public services such as schools, libraries, and post offices without having to travel to cities.

This development regulation amendment would not impact the rural area but would allow the continued use of public-school facilities to meet potential future enrollment changes and program needs.

C. Measures to protect critical areas and surface and groundwater resources

3. Preserve and protect unique and important water resources through development standard in WCC 20.71 Water Resource Protection Overlay District and WCC 20.51 Lake Whatcom Watershed Overlay District, adopted herein by reference.

The code amendment would only eliminate the restriction to the impervious surface amount. All other code protections for the Water Resource/Whatcom Watershed Overlay would still apply. The entire school site is contained within the Padden Creek watershed and drains to stormwater facilities onsite. No significant stormwater diversions are proposed as a part of the future playground project. Natural drainage patterns will be maintained by discharging stormwater to the existing onsite stormwater facilities, which ultimately drain to Padden Creek. All future projects would need to meet the requirements of code for the protection of the watershed area.

Goal 2EE: Ensure that rural areas are provided with services consistent with the rural character and that development patterns do not encourage an increased service level or degrade water quality.

The code amendment would not change the rural character or land use patterns in the area. This code amendment would only apply to the public-school use.



Urban Growth Area Reserves

The Whatcom County Comprehensive Plan Land Use Map includes the designation of Urban Growth Area Reserves. Urban Growth Area Reserves means a land use designation that may be applied to those areas which are adjacent and contiguous to either incorporated or unincorporated Urban Growth Areas which appear to be suitable for future inclusion in the respective Urban Growth Area.

The development regulation amendment doesn't impact the current Urban Growth Area Reserve designation.

Chapter 4 Capital Facilities

Policy 4G-1: Establish interagency planning mechanisms to assure coordinated and mutually supportive capital facility plans from special districts, cities, and other major non-county facility providers which are consistent with this and other chapters of the comprehensive plan.

Policy 4G-2: In consultation and coordination with special districts, cities, and other major non-county facility providers, review and update as appropriate capital facility plans supporting UGAs in conjunction with the UGA Review.

Goal 4L: Adopt special district and County capital facility plans for unincorporated UGAs, not associated with a city, into this plan by reference when consistent with the Whatcom County Comprehensive Plan.

While the policies above reference UGAs, they do reinforce the coordination of County government with school districts and the importance of the review of each school district's capital facility plan. The code amendment is consistent with the District's Capital Facility Plan and future improvements to the school.

5. If within an Urban Growth Area, how is the proposed amendment consistent with interlocal agreements between the County and the City?

The school site was previously within the UGA but was removed. The site is now located within a UGA Reserve area.

6. What changed conditions or further studies indicate a need for the amendment?

The restriction on the amount of impervious surface allowed prohibits expansions to the school site or other school facility development that would increase the impervious surfaces.

7. How will the public interest be served by the amendment? Please address the factors identified below.

- The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the Comprehensive Plan.



- The anticipated effect upon the ability of the County and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
- Anticipated impact upon designated agricultural, forest and mineral resource lands.

The proposed code amendment would not impact population or employment growth or conversion of land to other uses. There would be no impact to County services or service providers. Any future development on the site would have to address impacts and provide mitigation as required. Other designations would not be impacted.

8. Does the amendment include or facilitate illegal spot zoning? __Yes No; Please explain:

No, the zoning and comprehensive plan designation are not changing.

F. Fees

Applicants pay a docketing fee when submitting an application and additional amendment application fees if the County Council decides to docket the application. The Whatcom County Code 22.10.020(3)(b) states that, when docketing an application, the county council may waive the application fees if it finds the proposed amendment would clearly benefit the community as a whole.

A. Are you requesting that the County Council waive the application fees? Yes __No; If so, please describe how the proposed amendment clearly benefits the community as a whole.

Please see attached letter to County Council.

