



# Whatcom County

COUNTY COURTHOUSE  
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## Agenda Bill Master Report

File Number: AB2019-148

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**File ID:** AB2019-148      **Version:** 1      **Status:** Substitute Amended and Approved

**File Created:** 02/20/2019      **Entered by:** MAamot@co.whatcom.wa.us

**Department:** Planning and Development Services Department      **File Type:** Resolution

**First Assigned to:** Council Special Committee of the Whole

**Agenda Date:** 03/12/2019      **Next Mtg. Date:**      **Hearing Date:**

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**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 for further review by a majority vote of the County Council. Planning and Development Services is forwarding the proposed docket so that Council can determine which amendments to initiate for further review.

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**HISTORY OF LEGISLATIVE FILE**

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| Date:      | Acting Body:                           | Action:                             | Sent To: |
|------------|--|-------------------------------------|----------|
| 03/12/2019 | Council Special Committee of the Whole | RECOMMENDED FOR APPROVAL AS AMENDED |          |
| 03/12/2019 | Council                                | SUBSTITUTE AMENDED AND APPROVED     |          |

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**Attachments:** Staff Memo (Feb 2019), Draft Resolution, Proposed Docket (Exhibit A), Docket Presentation - March 12 2019, Amended Exhibit A (as revised in SCOTW March 12, 2019)

**Final Action:** 03/12/2019  
**Enactment Date:** 03/12/2019  
**Enactment #:** RES 2019-015

Proposed by: Planning & Development Services  
Introduction date: \_\_\_\_\_

RESOLUTION NO. 2019-015

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 12th day of March 2019.

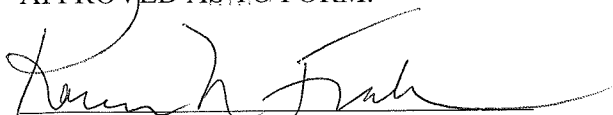
ATTEST

  
Dana Brown Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Rud Browne, Council Chair

APPROVED AS TO FORM:

  
Civil Deputy Prosecutor

## EXHIBIT A – Docket

| File #               | File Name  | Applicant                | Description  | Location   | Fee Waiver Requested? |
|----------------------|--|--------------------------|--|--|-----------------------|
| <u>PLN2019-00002</u> | <u>MRL Expansion – Breckenridge Rd.</u>                | <u>Concrete Nor'West</u> | <u>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).</u>   | <u>Parcel # 400428 165430 and a portion of parcel # 400428 254460; Within the NW ¼ and NE ¼ of section 28, T40N, R4E, W.M.</u> | <u>No</u>             |
| <u>PLN2019-00004</u> | <u>Lummi Island Ferry Amendments</u>                   | <u>Whatcom County</u>    | <u>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.</u>  | <u>N/A</u>   | <u>N/A</u>            |
| <u>PLN2019-00005</u> | <u>Density Credit Program - Zoning Code Amendments</u> | <u>Whatcom County</u>    | <u>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.</u> | <u>Birch Bay and other areas of the county</u>   | <u>N/A</u>            |
| <u>PLN2019-00006</u> | <u>Whatcom County Code Amendments</u>                  | <u>Whatcom County</u>    | <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>   | <u>N/A</u>   | <u>N/A</u>            |

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| <u>PLN2019-00007</u> | <u>Point Roberts Subarea Plan and Point Roberts Special District</u> | <u>Whatcom County</u>         | <u>Review and, if needed, revise the Point Roberts Subarea Plan and the Point Roberts Special District (WCC 20.72).</u>  | <u>Point Roberts</u> | <u>N/A</u>            |
| <u>PLN2019-00010</u> | <u>Surface Mining Pipeline Buffer</u>                                | <u>Whatcom County Council</u> | <u>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.</u>   | <u>Countywide</u>    | <u>N/A</u>            |
| <u>PLN2019-00011</u> | <u>Surface Mining of Dry Meander Zones</u>                           | <u>Whatcom County Council</u> | <u>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.</u><br><br><u>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.</u> | <u>Countywide</u>    | <u>N/A</u>            |

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| PLN2018-00001 | 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) and the Whatcom County 20-Year Capital Facilities Plan (Appendix E).  | County-wide                   | 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                   |
| 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                   |

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| PLN2018-00006 | CAO Critical Areas Monitoring | Whatcom County                     | 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." | N/A              | N/A                   |
| PLN2018-00007 | WCC/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                   |
| 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   | Cherry Point UGA | N/A                   |

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|----------------|-------------------------------------|------------------------|---|--------------|-----------------------|
|                |                                     |                        | petroleum gases, and natural gas exports from the Cherry Point Urban Growth Area, in accordance with Whatcom County Comprehensive Plan Policy 2CC-16.   |              |                       |
| 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                   |
| PLN2018-000015 | Drinking Water Amendments           | Whatcom County         | <del>Amend Whatcom County Comprehensive Plan Policy 2DD-2 and Whatcom County Code 24.11 (Drinking Water). The amendments would define "water association" and would allow an applicant that has an adequate and legal water supply to choose not to connect to a water association if certain criteria are met.</del> | 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                   |
| PLN2017-00005  | New Marine Resource Lands Section   | Whatcom County         | <del>Create a new Marine Resource Lands section in the Comprehensive Plan (Chapter 8) pursuant to Comprehensive Plan Policy 8T-1.</del>   | Marine Areas | N/A                   |

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|---------------|-----------------------------------|----------------|---|-------------|-----------------------|
| 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 Senate Bill 6091 (Jan. 2018).  | County-wide | N/A                   |
| PLN2016-00006 | Wireless Communication Facilities | Whatcom County | Review and update provisions in Chapter WCC 20.13 ( <u>Wireless Communication Facilities</u> ) 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 " <u>Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment.</u> " 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 (Permit Review Procedures and other procedures), 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                   |



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|--------------------------------|-----------------------------|----------------|--|----------|-----------------------|
| PLN2014-00020<br>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) <u>Chapter 22.15</u> <del>Title 19</del> , called "Code Compliance Procedures 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 <u>22.15</u> <del>Title 19</del> . 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                   |
| 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                   |

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| 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 <del>2018-027</del> <del>2011-023</del> was approved by the County Council on <del>8/8/2018</del> <del>7/26/2011</del> declaring support for the <u>updated</u> Whatcom County Agricultural Strategic Plan. <del>An</del> <del>Immediate</del> <u>priority</u> in this plan <del>include</del> <del>s</del> <u>to 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 2011-023 (the Agricultural Strategic Plan), Resolution 2018-027 (Updated Agricultural Strategic Plan) and RCW 36.70A.170 and .177 will be included. Other immediate and 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 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.</u> | 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                   |