WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

Originator: Amy de Vera Pederson
Division Head:
Dept. Head: Hal H. Swain
Prosecutor: Ronce Buckingham
Purchasing/Budget:
Executive: Dee Exner

Date Received in Council Office: 6/28/05
Agenda Date: 8/9/2005
Assigned to:
Introduction
Planning & Development

TITLE OF DOCUMENT:
Ordinance amending the official Whatcom County Comprehensive Plan map and the Whatcom County zoning map from Suburban Inclave/RR2 to Public Recreation/ROS for approximately 47 acres within the Chuckanut-Lake Samish Subarea.

ATTACHMENTS:
1. Proposed Ordinance
2. Agency Report with Recommended Map Amendments
3. Staff Report
Note: Planning Commission Public Hearing Minutes will be forwarded to Council upon completion

SEPA review required? (X) Yes ( ) NO
SEPA review completed? (X) Yes ( ) NO
Should Clerk schedule a hearing? ( ) Yes (X) NO
Requested Date: 8/13/2005
The Council must hold a hearing if they want to change the Planning Commission's recommendation (RCW 19.80.811).

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)
An ordinance amending the official Whatcom County Comprehensive Plan map and the official Whatcom County zoning map from Suburban Inclave/Residential Rural - 2 units/acre (RR2) to Public Recreation/Recreation Open Space (ROS) for approximately 47 acres owned by the Washington State Parks and Recreation Commission that is located along Chuckanut Drive, adjacent to Larson State Park and adjacent to the Whatcom-Skagit County border.

COMMITTEE ACTION:
9/13/2005: Committee recommends Council forward to the concurrency hearing

COUNCIL ACTION:
8/9/2005: Introduced (was AB2005-335)
9/13/2005: Forwarded to concurrency 6-1, Nelson opposed
11/22/2005: Adopted 7-0, Ord. #2005-086

Related County Contract #:
Related File Numbers:
File #CMP2005-00008

Ordinance or Resolution Number:
ord. #2005-086

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.
AMENDING THE OFFICIAL WHATCOM COUNTY COMPREHENSIVE PLAN MAP AND THE OFFICIAL WHATCOM COUNTY ZONING MAP FROM SUBURBAN ENCLAVE/RESIDENTIAL RURAL – 2 UNITS/ACRE (RR2) TO PUBLIC RECREATION/RECREATION OPEN SPACE (ROS) FOR APPROXIMATELY 47 ACRES WITHIN THE CHUCKANUT-LAKE SAMISH SUBAREA

WHEREAS, pursuant to WCC 20.10.010, proposed Comprehensive Plan amendments shall be docketed for consideration once per year and

WHEREAS, the Whatcom County Council adopted Resolution #2005-018 initiating the proposed Comprehensive Plan map and official Whatcom County zoning map amendments as part of the 2005 annual docket of proposed Comprehensive Plan amendments; and

WHEREAS, a determination of non-significance was issued under the State Environmental Policy Act (SEPA) on April 18, 2005; and

WHEREAS, pursuant to RCW 36.70.390, legal notice was published in the Bellingham Herald on Thursday, June 23, 2005; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on Thursday, July 14, 2005, and considered all testimony; and

WHEREAS, the Planning Commission recommended approval of the proposed Comprehensive Plan map and associated official Whatcom County zoning map amendments on July 14, 2005; and

WHEREAS, the Whatcom County Council finds the amendments to be in the best interest of the public health, safety and welfare; and

WHEREAS, RCW 36.70.795 requires the adoption of findings of fact which justify Council action; and

WHEREAS, the County Council has adopted the following Findings and Conclusions:

FINDINGS OF FACT AND CONCLUSIONS

1. The Chuckanut – Lake Samish Subarea Background Document, adopted in November 1994, provides a descriptive inventory and analysis of pre-subarea land use and outlines recommendations and rationale for permanent zoning within the subarea.
2. The Chuckanut - Lake Samish Subarea Plan, adopted in May 1986, established the first permanent zoning within the Chuckanut-Lake Samish subareas.

3. The Whatcom County Comprehensive Plan was adopted in May, 1997.


5. Under RCW 36.70A.070(5)(d), the rural amendments provided jurisdictions with the ability to, under certain criteria, delineate a logical boundary around pre-GMA rural development and allow infill within those limited areas of more intensive rural development.


7. The subject parcels are located within an area identified in the 1995 Whatcom County Comprehensive Parks and Recreation Open Space Plan as a "Recreation Resource Management Area".

8. The 1984 Chuckanut-Lake Samish Subarea Plan Background Document – land use designations recommendations state that the Public designation is intended to recognize parcels and facilities that are currently used for, or planned for, public ownership where the primary function is to provide public services such as recreation.

9. The 1986 Chuckanut-Lake Samish Subarea Plan locational criteria for the Public designation specify that the designation be applied to "parcels that are currently owned or are being considered for ownership by public agencies such as the... State of Washington."

10. Chuckanut-Lake Samish Subarea Plan Policy 5.03.1 further specifies that the Recreation and Open Space (ROS) Zone District shall be applied to designated public recreation areas.

11. The Whatcom County Comprehensive Plan locational criteria for the Public Recreation designation states that the designation be applied to "parcels owned or managed by public or private agencies for recreational or conservation uses."


13. The subject parcels are located directly adjacent to the southwestern boundaries of Larabee State Park and contain trail access into the State Park, as well as the trailhead and associated day use parking area, interpretive signage, and restroom facilities for Clayton Beach.

14. Review of 1991 DNR aerial photographs of the subject parcels indicate that the subject area was not characterized by the existing built environment in 1991 and, therefore, does not meet the criteria for an "existing area" of more intensive rural development under RCW 36.70A.070(5)(d)(V)(A). nor does it meet the locational criteria for the existing Suburban Enclave designation which specifies that such areas be characterized by development at
densities averaging one unit per acre.

15. Potential sources of non-point source pollution associated with development activities within Samish Bay watershed could impact the potential success of the goals and objectives of the Samish Bay Watershed Nonpoint Action Plan and Final Closure Response Strategy to reduce sources of non-point pollution and restore degraded shellfish habitat.

16. The proposal serves the public interest as it is intended to provide for the long-term protection of public shoreline access, recreational resources and open space opportunities that are under public ownership and management.

17. The proposed amendments have been developed in accordance with the Growth Management Act, County Wide Planning Policies, Whatcom County Comprehensive Plan, the Chuckanut-Lake Samish Subarea Plan, Chuckanut-Lake Samish Subarea Plan Background Document, and the Samish Bay Watershed Nonpoint Action Plan and Final Closure Response Strategy.


19. A Determination of Non-Significance was issued by the Whatcom County SEPA Official on April 18, 2005.

20. A Whatcom County Planning Commission public hearing was scheduled on July 14, 2005.

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

Section 1: The Whatcom County Comprehensive Plan map and official Whatcom County zoning map be amended as shown in Exhibit 1 of this ordinance.

Section 2: Adjudication of invalidity of any of the sections, clauses, or provisions of this Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.
File#: CMP2005-00008 Chuckanut Area Rezone
RR2 to ROS
Suburban Enclave to Public Recreation
Legend

- Subject Properties

RR2
- Existing Zoning/Comp. Plan
(ROS
- Proposed Zoning/Comp. Plan
Public Recreation)

Spegit County

May 3, 2005