

WHATCOM COUNTY  
PLANNING AND DEVELOPMENT SERVICES

SUGGESTED ZONING AMENDMENT APPLICATION FORM

RECEIVED

Do not write in this section of the application for official use only.

Date Received: LONG RANGE  
PLANNING DIVISION

File #: PLN 2011-00008

A. GENERAL INFORMATION

1. NAME: Kathy Kershner

SIGNATURE: \_\_\_\_\_

MAILING ADDRESS: 311 Grand Avenue, Suite 105  
Bellingham, WA 98225

BUSINESS PHONE: 676-6690 HOME PHONE: \_\_\_\_\_

2. AGENT'S NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

BUSINESS PHONE: \_\_\_\_\_

3. Please give a complete but short description of the suggested amendment:

Deletion of the following code section:

WCC 20.80.212 Concurrency.

No subdivision, commercial development or conditional uses shall be approved without a written finding that:

(1) All providers of water, sewage disposal, schools, and fire protection serving the development have issued a letter that adequate capacity exists or arrangements have been made to provide adequate services for the development.

(2) No county facilities will be reduced below applicable levels of service, as a result of the development. (Ord. 98-083 Exh. A § 58, 1998).

## B. PURPOSE/APPLICABILITY

1. What is the purpose of the suggested amendment?

See attached.

2. Describe any "changed" condition(s) which support the suggested amendment:

See attached.

3. If the suggested amendment is the result of a state or federal mandate or requirement please give a short description of the requirement or mandate and include the citation or number of the RCW, WAC, Bill, etc.

Not applicable.

4. Are there any other circumstances that justify the proposed change?

See attached.

**C. RELATIONSHIP TO PUBLIC HEALTH, SAFETY, AND WELFARE**

1. What general benefit will the public receive as a result of the suggested amendment?

See attached.

2. Is the suggested amendment the result of a situation that poses an imminent threat to public health, safety, or welfare?

No.

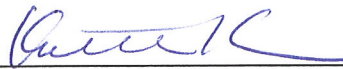
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If you have any questions regarding the zoning amendment process please feel free to contact the Whatcom County Planning and Development Services Department at (360) 676-6907.

**D. Authorization**

Signature of Applicant(s) or Agent(s)

I (we) certify that the information supplied in this application is true, accurate, and correct to the best of my (our) knowledge:

  
\_\_\_\_\_

Date: 12/7/2010

\_\_\_\_\_

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

\_\_\_\_\_

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

Attachment to Suggested Zoning Amendment:

**B. PURPOSE/APPLICABILITY**

1. What is the purpose of the suggested amendment?

The purpose of the amendment is to delete the concurrency ordinance in order to remove a code section that conflicts with the GMA and to remove the ability of special districts to unilaterally delay and/or deny development applications. Under the GMA, a concurrency ordinance is only required for arterials and transit; and the County has a stand alone transportation concurrency ordinance in WCC Chapter 20.78. There is no specific requirement that other types of facilities be provided “concurrent” with development. Adequacy of facilities should be determined by the county as part of its comprehensive planning and capital facilities planning. The existing ordinance conflicts with this principle and as a practical matter, allows special districts to hold up or veto developments that are otherwise allowed for under the County’s Comprehensive Plan and zoning ordinance.

2. Describe any “changed” condition(s) which support the suggested amendment:

The concurrency ordinance was adopted in 1998 as part of the County’s adoption of its 1997 Comprehensive Plan. Since 1997, the County has amended and adopted new capital facilities plans and adopted levels of services for certain public facilities, which makes the existing concurrency increasingly problematic in terms allowing special districts to determine adequacy of services on a project by project basis in conflict with these adopted plans and the County’s comprehensive planning authority.

Additionally, in recent years the existing ordinance has been proven to be very troublesome in that it has resulted in special districts refusing to issue letters of availability of services and/or requiring unreasonable “mitigation” requirements despite the existence of capital facilities plans and zoning that allow for development within

areas served by these special districts. The County's ongoing litigation with Whatcom County Fire District No. 21 is an example of this impasse with the special districts.

4. Are there any other circumstances that justify the proposed change?

The County's subdivision and zoning ordinance contain criteria that require all subdivisions, commercial developments, and conditional uses to demonstrate availability and/or adequacy of water, sewer, schools, fire, etc. See for example, WCC 21.04.090-110 (adequacy of sewer, water, and fire for short subdivisions); WCC 21.050.120(3) (availability of services for long plats); WCC 21.07.030 (h) (adequate provision of services for binding site plans/commercial development); and WCC 20.84.220(4) (adequacy of services for conditional use permits). The concurrency ordinance is redundant to these provisions and complicates the permitting process.

**C. RELATIONSHIP TO PUBLIC HEALTH, SAFETY, AND WELFARE**

1. What general benefit will the public receive as a result of the suggested amendment?

Property owners and the general public will have more predictability with regard to the development of property pursuant to the County's Comprehensive Plan and Zoning Ordinance. Additionally, pursuant to the GMA, the County comprehensive planning documents determine where development should occur based upon availability and adequacy of public services. These decisions should not be made on a project by project basis. Thus, the public will benefit by removal of the concurrency ordinance since it will help to ensure that project permitting decisions do not conflict with the County's Comprehensive Plan and planning policies.

**WHATCOM COUNTY**

Planning & Development Services  
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**David Stalheim**  
Director

**J.E. "Sam" Ryan**  
Assistant Director

## **SEPA Environmental Checklist**

### Purpose of Checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

### Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

### Use of Checklist for Non-Project Proposals:

Complete this checklist for non-project proposals, even though questions may be answered "does not apply." In addition, complete the supplemental sheet for non-project actions (part C).

For non-project actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

## A Background

- 1 Name of proposed project, if applicable: Deletion of concurrency ordinance.
  
- 2 Name of applicant: Kathy Kershner  
Applicant phone number: 676-6690  
Applicant address: 311 Grand Avenue, Suite 105, Bellingham, WA 98225
  
- 3 Contact name: same  
Contact phone number:  
Contact address:
  
- 4 Date checklist prepared: December 1, 2010.
  
- 5 Agency requesting checklist: Whatcom County
  
- 6 Proposed timing or schedule (including phasing, if applicable): Not applicable.
  
- 7 Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? Yes  No   
If yes, explain:
  
  
  
  
  
  
  
  
  
  
- 8 List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal: None.
  
  
  
  
  
  
  
  
  
  
- 9 Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal?  
Yes  No   
If yes, explain.
  
  
  
  
  
  
  
  
  
  
- 10 List any government approvals or permits that will be needed for your proposal, if known. Zoning text amendment.

- 11 Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Deletion of Concurrency Ordinance,  
WCC 20.80.212.

- 12 Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Not applicable.

## B Environmental Elements

### 1 Earth

- a. General description of the site: Not applicable.

- Flat
- Rolling
- Hilly
- Steep Slopes
- Mountainous
- Other

- b. What is the steepest slope on the site (approximate percent slope)?

Not applicable.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Not applicable.

- d. Are there surface indications or history of unstable soils in the immediate vicinity?      Yes       No

If so, describe.

Not applicable.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed.

Not applicable.

Indicate source of fill.

- f. Could erosion occur as a result of clearing, construction, or use?  
Yes       No

If so, generally describe.

Not applicable.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Not applicable.

## 2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, or industrial wood smoke) during construction and when the project is completed?

If any, generally describe and give approximate quantities if known.

Not applicable.

- b. Are there any off-site sources of emissions or odor that may affect your proposal?    Yes     No

If so, generally describe.

Not applicable.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Not applicable.

### 3. Water

#### a. Surface:

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)?    Yes     No

If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Not applicable.

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters?    Yes     No

If yes, please describe and attach available plans.

Not applicable.

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected.

Indicate the source of fill material. Not applicable.

- (4) Will the proposal require surface water withdrawals or diversions?  
Yes     No

Give general description, purpose, and approximate quantities if known.

Does the proposal lie within a 100-year floodplain?

Yes  No

If so, note location on the site plan.

Not applicable.

(5) Does the proposal involve any discharges of waste materials to surface waters?

Yes  No

If so, describe the type of waste and anticipated volume of discharge

b. Ground

Will ground water be withdrawn, or will water be discharged to ground water? Yes  No

Give general description, purpose, and approximate quantities if known.

(1) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals.....; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable.

c. Water runoff (including stormwater):

(1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known).

Not applicable.

Where will this water flow?

Will this water flow into other waters? Yes  No

If so, describe.

(2) Could waste materials enter ground or surface waters?

Yes  No

If so, generally describe.

Not applicable.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Not applicable.

#### 4 Plants

a. Check types of vegetation found on the site:

- Deciduous tree: alder, maple, aspen, other
- Evergreen tree: fir, cedar, pine, other
- Shrubs
- Grass
- Pasture
- Crop or grain
- Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- Water plants: water lily, eelgrass, milfoil, other
- Other types of vegetation

Not applicable.

b. What kind and amount of vegetation will be removed or altered?

Not applicable.

c. List threatened or endangered species known to be on or near the site.

Not applicable.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Not applicable.

5. Animals

- a. Check any birds and animals, which have been observed on or near the site or are known to be on or near the site: Not applicable.

Birds:

- Hawk,  
 Eagle,  
 Other:

- Heron,  
 Songbirds;

Mammals:

- Deer,  
 Elk,  
 Other:

- Bear,  
 Beaver;

Fish:

- Bass,  
 Trout,  
 Shellfish;

- Salmon,  
 Herring,  
 Other:

- b. List any threatened or endangered species known to be on or near the site.

Not applicable.

- c. Is the site part of a migration route? Yes  No

If so, explain.

Not applicable.

- d. Proposed measures to preserve or enhance wildlife, if any:  
Not applicable.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.  
Not applicable.

- b. Would your project affect the potential use of solar energy by adjacent properties?      Yes       No

If so, generally describe.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:  
Not applicable.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal?      Yes       No

If so, describe.

- (1) Describe special emergency services that might be required.

Not applicable.

- (2) Proposed measures to reduce or control environmental health hazards, if any:

Not applicable.

b. Noise

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not applicable.

- (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Not applicable.

- (3) Proposed measures to reduce or control noise impacts, if any:

Not applicable.

8 Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

Not applicable.

- b. Has the site been used for agriculture? Yes  No   
If so, describe.

Not applicable.

- c. Describe any structures on the site.

Not applicable.

- d. Will any structures be demolished? Yes  No   
If so, what?

Not applicable.

- e. What is the current zoning classification of the site?

Not applicable.

- f. What is the current comprehensive plan designation of the site?

Not applicable.

- g. If applicable, what is the current shoreline master program designation of the site?

Not applicable.

- h. Has any part of the site been classified as an "environmentally sensitive" area? Yes  No

If so, specify.

Not applicable.

- i. Approximately how many people would reside or work in the completed project?

Not applicable.

- j. Approximately how many people would the completed project displace?

Not applicable.

- k. Proposed measures to avoid or reduce displacement impacts, if any:

Not applicable.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Not applicable.

## 9 Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Not applicable.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Not applicable.

- High  
 Middle  
 Low-income

- c. Proposed measures to reduce or control housing impacts, if any:  
Not applicable.

## 10 Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?  
Not applicable.
- b. What views in the immediate vicinity would be altered or obstructed?  
Not applicable.
- c. Proposed measures to reduce or control aesthetic impacts, if any:  
Not applicable.

## 11 Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?  
Not applicable.
- b. Could light or glare from the finished project be a safety hazard or interfere with views?  
Not applicable.
- c. What existing off-site sources of light or glare may affect your proposal?  
Not applicable.
- d. Proposed measures to reduce or control light and glare impacts, if any:  
Not applicable.

## 12 Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?  
Not applicable.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

Not applicable.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Not applicable.

### 13 Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

Not applicable.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

Not applicable.

- c. Proposed measures to reduce or control impacts, if any:

Not applicable.

### 14 Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

Not applicable.

- b. Is site currently served by public transit? Yes  No   
If not, what is the approximate distance to the nearest transit stop?

Not applicable.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

Not applicable.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? Yes  No   
If so, generally describe (indicate whether public or private).

Not applicable.

- e. Will the project use (or occur in the immediate vicinity of)

- Water,  
 Rail, or  
 Air transportation?

If so, generally describe.

Not applicable.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

Not applicable.

- g. Proposed measures to reduce or control transportation impacts, if any:

Not applicable.

## 15 Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)?

Yes  No

If so, generally describe.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

Not applicable.

## 16 Utilities Not applicable.

- a. Check utilities currently available at the site:

- |   |  |
|---|--|
| <input type="checkbox"/> Electricity,   | <input type="checkbox"/> Natural gas,    |
| <input type="checkbox"/> Water,         | <input type="checkbox"/> Refuse service, |
| <input type="checkbox"/> Telephone,     | <input type="checkbox"/> Sanitary sewer, |
| <input type="checkbox"/> Septic system, | <input type="checkbox"/> Other.          |

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Not applicable.

**SIGNATURE**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Date Submitted: 12/7/2010

### **C Supplemental Sheet for Non-project Actions**

*(Do not use this sheet for project actions)*

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal will not cause any such increases.

Proposed measures to avoid or reduce such increases are:

Not applicable.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal will not affect plants, animals, fish, or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Not applicable.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal will not deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

Not applicable.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal will not use or affect environmentally sensitive areas or areas designated for governmental protection.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Not applicable.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal will not affect land and shoreline use except that it will allow for development consistent with the land use designations in its comprehensive plan.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Not applicable.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal will not increase demands on transportation or other services. Individual developments will still be required to provide adequate transportation, public services, and utilities.

Proposed measures to reduce or respond to such demand(s) are:

Not applicable.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal will not conflict with other laws or requirements for the protection of the environment.