

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. AB2008-112A

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Alex Cleanthous	ACC	7/25/08	<p>RECEIVED</p> <p>JUL 29 2008</p> <p>WHATCOM COUNTY COUNCIL</p>	8/5/08	Introduction
Division Head: Linda Peterson				9/9/08	P&D/Council
Dept. Head: David Stalheim	DH	7-25-08			
Prosecutor: Royce Buckingham	RB	7-25-08			
Purchasing/Budget: Brad Bennett	BB				
Executive: Pete Kremen	PK	7/29/08			

TITLE OF DOCUMENT: *Large Commercial Retail*

ATTACHMENTS:

- (1) Proposed ordinance
- (2) Whatcom County Planning Commission Findings of Fact & Reasons for Action, Conclusions and Recommendation

<i>SEPA review required?</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> NO	<i>Should Clerk schedule a hearing?</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> NO
<i>SEPA review completed?</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> NO	

Requested Date:

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.)*

Zoning text amendment which would amend the General Commercial, Light Impact Industrial and General Manufacturing zones. The text amendment would limit the size of commercial retail to 35,000 square feet in these zones when they are outside of the Short Term Planning Area (STPA) of an Urban Growth Area (UGA). When, however these zones are within the STPA of a UGA the limit will then be 65,000 square feet.

COMMITTEE ACTION:

9/9/2008: Forwarded to Council for approval

COUNCIL ACTION:

8/5/2008: Introduced
 9/9/2008: Council Adopted 5-2 Crawford & Brenner opposed Ord. 2008-039

Related County Contract #:	Related File Numbers:	Ordinance or Resolution Number: Ord. 2008-039
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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.

SPONSORED BY: Consent
PROPOSED BY: PDS
INTRODUCTION DATE: 8/5/2008

ORDINANCE #: 2008-039

**LIMITING THE SIZE OF LARGE COMMERCIAL RETAIL ESTABLISHMENT
WITHIN WHATCOM COUNTY**

WHEREAS, the Washington State Growth Management Act (GMA) which required comprehensive land use planning was created, in part to prevent conflicts among local jurisdictions regarding land use planning and management; and

WHEREAS, according to the GMA, urban services are best left to incorporated cities, or proximate locations in the UGA most likely to be annexed and incorporated into the city in the short term, and

WHEREAS, Whatcom County Comprehensive Plan Goal 2C, contained within the land use section states "Channel growth to areas where adequate services can be provided".

WHEREAS, Whatcom County, through its visioning process and required by GMA is committed to being a rural service provider; and

WHEREAS, County Wide Planning Policies (CWPP) state that to adequately plan for growth and implement the policies of the GMA, the governmental jurisdictions in Whatcom County shall work cooperatively together to establish on-going mechanisms to improve communication, information sharing, and coordinate approaches to common problems which could otherwise be damaging in areas of Whatcom County; and

WHEREAS, the addition of large commercial development if not regulated could serve to frustrate goals of the CWPP to bring a diverse and innovative retail base with a unique retailing personality of appropriate size and scale to a particular locality, and

WHEREAS, Whatcom County respects the work that has already been done to create growth that is in-scale with the community, does not damage downtown cores, respects neighboring uses, and creates community-sized pockets of retail development to prevent loss of a sense of place in all Whatcom County communities; and

WHEREAS, Principles upon which the Comprehensive Plan is premised, will best be served and advanced by adopting regulations restricting the establishment of large scale commercial retail; and

WHEREAS, Whatcom County believes that large commercial retail establishments are not a rural service, and erode the existing vision of Whatcom County and are best sited in incorporated cities or officially designated urbanizing areas that will likely be annexed to cities; and

WHEREAS, Whatcom County wishes to provide an example to other jurisdictions of our good faith in working cooperatively to ensure development will not negatively effect the whole of Whatcom County and maintain a legacy that future generations will enjoy; and

WHEREAS, the Whatcom County Planning Commission held a duly advertised public hearing and forwarded a recommendation to approve changes to the Zoning Ordinance based on its Findings of Fact and Conclusions of Law.

FINDINGS OF FACT AND REASONS FOR ACTION

1. Notice of the subject amendment was sent to the Department of Community, Trade and Economic Development (CTED) and other state agencies, on May 30, 2008
2. Notice of the Planning Commission hearing for the subject ordinance and text amendment was published in the Bellingham Herald on June 29, 2008.
3. On June 9, 2008, the Whatcom County SEPA Official has given the proposed ordinance a threshold determination of Determination of Non-Significance (DNS).
4. Whatcom County is required under the County-Wide Planning Policies to ensure compatibility and consistency with all jurisdictions within Whatcom County.
5. Whatcom County lacks the resources to adequately provide an urban level of service without coordination with other jurisdictions within Whatcom County.
6. Large commercial retail establishments require coordination of urban level of services with other jurisdictions within Whatcom County.
7. Whatcom County Comprehensive Plan Policy 2T-9, contained within the land use section, states, "Joint planning in Bellingham's UGA (urban growth area) should include joint review of development proposals. City design and development regulations should be required in Bellingham's UGA"
8. Whatcom County Comprehensive Plan Policy 2Q-2, contained within the land use section, states, "Establish procedures for development project review within urban growth areas which protect the interests of both the city and the county. Generally, city development standards and adopted levels of service should be applied within urban growth areas".

9. This ordinance is necessary to prevent the vesting of any incompatible establishment or use in unincorporated Whatcom County, and must not conflict with the Comprehensive Plan amendments relating to compatibility issues with other jurisdictions as stated in the findings.
10. An interim ordinance was passed by the Whatcom County Council on April 10, 2007 to limit the size of large commercial retail county wide to 75,000 square feet.
11. The City of Lynden limits the size of commercial retail to 65,000 square feet.

CONCLUSION

The subject amendment is consistent with the Whatcom County Comprehensive Plan and is in the best interest of Whatcom County.

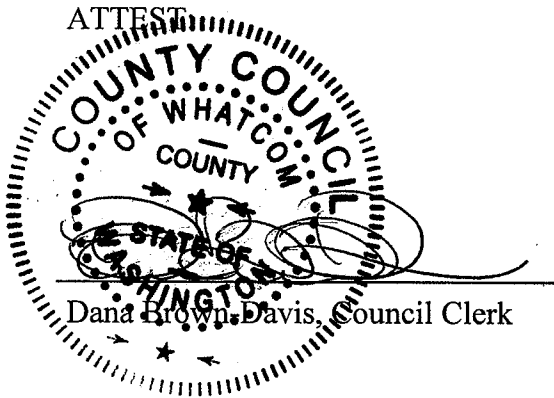
NOW, THEREFOR, BE IT ORDAINED by the Whatcom County Council that:

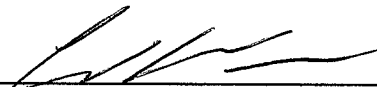
Section 1. The Official Whatcom County Zoning Ordinance (Title 20) is hereby amended as shown on Exhibit A.

ADOPTED this 9th day of Sept., 2008

WHATCOM COUNTY COUNCIL

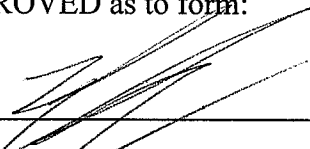
WHATCOM COUNTY,
WASHINGTON





Carl Weimer, Chairperson

APPROVED as to form:



Civil Deputy Prosecutor

Approved Denied

Pete Kremen, Executive
(Executive Kremen did not sign.
He is not in favor of this
ordinance)

Date: _____

Exhibit A

Definitions

20.97.350.1 Retail

The sale of goods or commodities to ultimate consumers, as opposed to the sale for further distribution or processing.

20.62 General Commercial

20.62.251 Large Commercial Retail

Retail establishments with a floor area less than 35,000 square feet are allowed in the General Commercial (GC) zone. Retail establishments within the General Commercial zone of a Short Term Planning Area of an Urban Growth Area are allowed up to 65,000 square feet provided that:

1. The floor area of adjacent stores shall be aggregated in cases where the stores (1) are engaged in selling of similar or related merchandise and operate under common ownership or management; (2) share check stands, a warehouse, or a distribution facility; or (3) otherwise operate as associated, integrated or co-operative business enterprise.
2. 2,000 square feet of interior loft floor area for purposes of storage or mechanical equipment is exempt from the 65,000 square feet maximum floor area.
3. Retail establishments with a floor area exceeding 35,000 square feet require connection to public sanitary sewer and water services at urban levels of service.

20.66 Light Impact Industrial

20.66.251 Large Commercial Retail

Retail establishments with a floor area less than 35,000 square feet are allowed in the Light Impact Industrial (LII) zone. Retail establishments within the Light Impact Industrial zone of a Short Term Planning Area of an Urban Growth Area are allowed up to 65,000 square feet provided that:

1. The floor area of adjacent stores shall be aggregated in cases where the stores (1) are engaged in selling of similar or related merchandise and operate under common ownership or management; (2) share check stands, a warehouse, or a distribution facility; or (3) otherwise operate as associated, integrated or co-operative business enterprise.
2. 2,000 square feet of interior loft floor area for purposes of storage or mechanical equipment is exempt from the 65,000 square feet maximum floor area.
3. Retail establishments with a floor area exceeding 35,000 square feet require connection to public sanitary sewer and water services at urban levels of service.

20.67 General Manufacturing

20.67.251 Large Commercial Retail

Retail establishments with a floor area less than 35,000 square feet are allowed in the General Manufacturing (GM) zone. Retail establishments within the General Manufacturing zone of a Short Term Planning Area of an Urban Growth Area are allowed up to 65,000 square feet provided that:

1. The floor area of adjacent stores shall be aggregated in cases where the stores (1) are engaged in selling of similar or related merchandise and operate under common ownership or management; (2) share check stands, a warehouse, or a distribution facility; or (3) otherwise operate as associated, integrated or co-operative business enterprise.
2. 2,000 square feet of interior loft floor area for purposes of storage or mechanical equipment is exempt from the 65,000 square feet maximum floor area.
3. Retail establishments with a floor area exceeding 35,000 square feet require connection to public sanitary sewer and water service at urban levels of service.

THE PLANNING COMMISSION ENTERS THE FOLLOWING FINDINGS OF FACT & REASONS FOR ACTION, CONCLUSIONS AND RECOMMENDATIONS:

FINDINGS OF FACT AND REASONS FOR ACTION

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3. On June 9, 2008, the Whatcom County SEPA Official has given the proposed ordinance a threshold determination of Determination of Non-Significance (DNS).
4. Whatcom County is required under the County-Wide Planning Policies to ensure compatibility and consistency with all jurisdictions within Whatcom County.
5. Whatcom County lacks the resources to adequately provide an urban level of service within Whatcom County.
6. Large commercial retail establishments require coordination of urban level of services within Whatcom County.
7. Whatcom County Comprehensive Plan Policy 2Q-2, contained within the land use section, states, "Establish procedures for development project review within urban growth areas which protect the interests of both the city and the county. Generally, city development standards and adopted levels of service should be applied within urban growth areas".
8. This ordinance is necessary to prevent the vesting of any incompatible establishment or use in unincorporated Whatcom County, and must not conflict with the Comprehensive Plan amendments relating to compatibility issues with other jurisdictions as stated in the findings.
9. An interim ordinance was passed by the Whatcom County Council on April 10, 2007 to limit the size of large commercial retail county wide to 75,000 square feet.
10. Some cities within Whatcom County have limits on the size of commercial retail establishments. The greatest restriction currently is within the City of Lynden, which limits the size of commercial retail to 65,000 square feet.

Setting limits consistent with cities will ensure compatibility with city standards upon annexation.

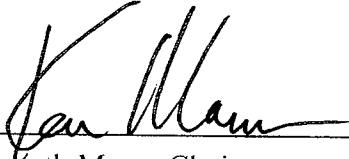
CONCLUSION

1. The subject amendment is consistent with the Whatcom County Comprehensive Plan and serves the public interest.
2. The limit on the size of large commercial retail establishments is consistent and coordinated with cities within Whatcom County.
3. Requiring commercial retail establishments greater than 35,000 square feet to connect with public water and sanitary sewer ensures that urban facilities and services are in place at the time of urban development.

RECOMMENDATION

The Planning Commission hereby recommends to the Whatcom County Council amendments to Title 20 as set forth in Exhibit "A".

WHATCOM COUNTY PLANNING COMMISSION



Kenneth Mann, Chairperson



David Stalheim, Secretary

7/24/08

Date

7-25-08

Date