

CLEARANCES:	Initial	Date	Date Received in Council Office	Agenda Date	Assigned To
Originator-jrg c:\f2\2\interim.Ab	SFE	6/14/92		6/23/92	Council/Intro
Division Head-				7/14/92	P&D/Council
Department Head-	DWT	6/18/92			
Prosecutor Review-					
Purchasing/Budget Dir.-					
Executive-					

**SUBJECT:** FILE REF: 02-92:IZO AN ORDINANCE EXTENDING THE INTERIM ZONING ORDINANCE, CHAPTER 2.24A UNTIL JULY 15, 1994, OR UNTIL PERMANENT ZONING IS ESTABLISHED FOR ALL AREAS WITHIN WHATCOM COUNTY JURISDICTION.

**ATTACHMENTS:** Agency Report with attached Staff Report  
 Excerpts from Planning Commission Minutes  
 Draft Ordinance  
 Letter from Lummi Indian Business Council

Public Hearing Needed? Yes /    / No /XX/

**SUMMARY STATEMENT:** Whatcom County's Interim Zoning Ordinance, Chapter 2.24A, will expire on July 15 unless the ordinance is extended. This request is for a two year extension or until permanent zoning is established for the fee lands of the Lummi Reservation, and Eliza Island, and private property exclaves within the National Forest.

The Growth Management Act requires completed comprehensive plans by July 1, 1993. Planning for Eliza Island and private property exclaves within the national forest could probably make this deadline. However, a longer period may be required in consideration of the time it could take to work out a comprehensive land use plan and permanent zoning with the Lummi Nation unless the County proceeds separately. Although the Planning Department recommended a four year extension, the Planning Commission believed two years was preferable because a shorter extension would act as an incentive for the County to begin working on this sooner.

If this ordinance is enacted on July 14, it will not be effective for ten days, leaving a window with no zoning. Therefore, a companion emergency ordinance will be submitted on July 14 which would become effective immediately if adopted.

**RECOMMENDED ACTION:** Planning staff recommends Council uphold the Planning Commission recommendation and adopt the attached ordinance.

**COMMITTEE ACTION (including dates):**

**COUNCIL ACTION (including dates):**

6/23/92: Introduced  
 7/14/92: Council adopted the ordinance. 7-0

RECEIVED

JUN 17 1992

WHATCOM COUNTY  
 COUNCIL

ORDINANCE NO. 92-043

AN ORDINANCE EXTENDING THE INTERIM ZONING ORDINANCE, CHAPTER 2.24A UNTIL JULY 15, 1994, OR UNTIL PERMANENT ZONING IS ESTABLISHED FOR ALL AREAS WITHIN WHATCOM COUNTY JURISDICTION.

WHEREAS, Pursuant to RCW 36.70.790, Whatcom County adopted an Interim Zoning Ordinance; and

WHEREAS, The Interim Zoning Ordinance, Chapter 2.24A of the Whatcom County Code, is scheduled to expire on July 15, 1992; and

WHEREAS, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on Saturday, May 30, 1992; and

WHEREAS, a Determination of Emergency Exemption was issued by the Deputy SEPA Official on June 3, 1992; and

WHEREAS, the Planning Commission held a public hearing on this matter on Wednesday, June 10, 1992, and heard all public testimony on the issues and after due deliberation made a determination that the application be approved with modifications; and

WHEREAS, the Council reviewed the Planning Commission recommendation at a regular meeting on July 14, 1992.

WHEREAS, the Council has adopted the following findings and conclusions which were developed by staff and the Planning Commission:

**FINDINGS**

1. Pursuant to RCW 36.70.790, Whatcom County adopted an Interim Zoning Ordinance.
2. The County has established permanent zoning in ten geographic subareas and is in the early stages of establishing permanent zoning for some of the remaining areas.
3. Areas under the present jurisdiction of the Interim Zoning Ordinance include fee lands within the Lummi Reservation, and Eliza Island, and private property exclaves within the National Forest.
4. The Growth Management Act mandates the County to complete comprehensive planning by July 1993. This will require the County to either reinstate negotiations with the Lummi Nation or proceed separately.
5. The Interim Zoning Ordinance, Chapter 2.24A of the Whatcom County Code, is scheduled to expire on July 15, 1992.
6. Unless it is extended, the Interim Zoning Ordinance will expire prior to the

1 implementation of permanent zoning in certain areas of the County leaving those areas  
2 without zoning of any kind.

3 **CONCLUSIONS**

4 It is in the County's best interest to extend the Interim Zoning Ordinance. An extension of one  
5 year parallels the Growth Management deadline, and would probably allow enough time to plan  
6 for Eliza Island and the exclaves within the National Forests. However, a longer period might  
7 be required if the County and Lummi Nation proceed outside the context of the Growth  
8 Management Act. Therefore, a two year extension is recommended.

9 All of the above paragraphs represent Findings of Fact by the Whatcom County Council.  
10 Based upon these Findings of Fact, it is declared that enactment of this ordinance will promote  
11 the public health, safety and general welfare.

12 **NOW THEREFORE BE IT ORDAINED BY THE WHATCOM COUNTY COUNCIL:**

13 Section 1. The Interim Zoning Ordinance, Chapter 2.24A of the Whatcom County  
14 Code, is hereby extended to July 15, 1994, or until permanent zoning is established for all areas  
15 within the jurisdiction of Whatcom County, whichever is first.

16 Section 2. Adjudication of invalidity of any sections, clauses, or provisions of this  
17 Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof  
18 other than the part so declared to be invalid.

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PASSED this 14th day of July, 1992.

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

*Daniel M. Warner*  
Daniel Warner, Chairperson

ATTEST:

APPROVED     VETOED

*Barbara Inaker*  
Clerk of the Council

*Shirley Van Zanten*  
Shirley Van Zanten, County Executive

APPROVED AS TO FORM:

Date \_\_\_\_\_

*Karen Frakes*  
Karen Frakes  
Civil Deputy Prosecuting Attorney