

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda date	Assigned to:
Originator: Dan Taylor		02/01/94	<b>RECEIVED</b>  <b>FEB 02 1994</b>  <b>WHATCOM COUNTY COUNCIL</b>	2/8/94	Council Introduction
Division Head: Dan Taylor	<i>DJT</i>			2/22/94	P&D / Council
Dept. Head: Nate Brown	<i>NB</i>	2/2/94			
Prosecutor:	<i>KRF</i>	2/2/94			
Purchasing/Budget:					
Executive:					

**SUBJECT:** File #02-94:ZT: An Ordinance Amending the Interim Zoning Code, WCC Chapter 2.24A.100.350, to Establish Building Setbacks in Accordance with Title 20, Chapter 20.80.200 for the Urban Residential Zone.

**ATTACHMENTS:** Proposed Ordinance  
 Agency Report with attached Staff Report  
 Draft Planning Commission Minutes

**SUMMARY STATEMENT:** Please complete sections of box as appropriate & explain the item below.

Related County contract #: n/a	Should Clerk schedule a hearing? NO /X/ YES / / Requested date:
Amount budgeted for this item/project: \$ n/a	Is it (or will it be) within budget? YES / / NO / / (Please explain below) n/a
Budget line item number(s): n/a	

This ordinance, in response to a private request, modifies the setbacks in the S 9.6 Interim Zone to reflect those of the Urban Residential Zone in Title 20, the Official Zoning Code. As reflected in the various attachments, this has a broader benefit than just this particular case.

**ORIGINATOR'S RECOMMENDED ACTION:** The Director of Planning and Development Services recommends Council accept the Planning Commission's recommendation and adopt the proposed ordinance.

**COMMITTEE ACTION TAKEN:**

**COUNCIL ACTION TAKEN:**

2/8/94: Council Introduction  
 2/22/94: Council adopted the ordinance. 5-0

**Related File Numbers:**

**Ordinance or Resolution Number (this item only):**

Ord 94-010

SPONSORED BY: Planning

PROPOSED BY: Council

INTRODUCTION DATE: 2/8/94

ORDINANCE NO. 94-010

An Ordinance amending the Interim Zoning Code, WCC Chapter 2.24A.100.350, to establish building setbacks in accordance with Title 20, Chapter 20.80.200 for the Urban Residential Zone.

**WHEREAS**, an application was submitted to amend the text of the S 9.6 Interim Zone to make the setbacks similar to those in the Urban Residential Zone (UR) in Title 20, the Official Whatcom County Code; and

**WHEREAS**, the Planning Staff proposed modifications to the original request to streamline the regulations; and

**WHEREAS**, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on Thursday, January 13, 1994; and

**WHEREAS**, a Determination of Non-Significance had been issued on January 13, 1994 by the responsible Deputy SEPA Official; and

**WHEREAS**, the Planning Commission held a public hearing on the proposed amendments on January 26, 1994, and considered all testimony; and

**WHEREAS**, the Council held a public meeting on February 22, 1994 to consider this matter and approved the Planning Commission recommendation; and

**WHEREAS**, the Council found the amendments in the best interest of the public health, safety, and welfare; and

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

Findings

1. The applicant owns a lot in the S 9.6 Zone which is part of Interim Zoning regulations.
2. The applicant, as a result of his own actions, is unable to meet the setback requirements of S 9.6 Zone.
3. The comparable zone in Title 20, UR4, has setbacks that allow for larger building envelopes which would allow the applicant the length needed for his residential unit.
4. Title 20 regulations have been more recently reviewed than have the Interim Zoning

1 regulations and reflect the more current thinking regarding setbacks. An adjacent  
2 zone to the S 9.6 Zone in the northwest corner of the Reservation is the Seasonal  
3 Recreation Residential Zone which already has setbacks similar to the UR4 Zoning  
4 in Title 20.  
5

- 6 5. Interim Zoning has been in place since 1972 and now remains only on the Lummi  
7 Reservation, Eliza Island, and the exclaves within the National Forest.  
8
- 9 6. The S 9.6 Zone comprises over 2,300 acres which is the majority of the coastal  
10 area on the reservation excluding Portage Island.  
11
- 12 7. Approximately half of the zone is in existing platted lots while the other half is in  
13 large holdings, most of which are Tribal Trust Lands.  
14
- 15 8. Under Whatcom County's interpretation of the law, the S 9.6 Zone would only  
16 apply to the Fee Lands and perhaps only those not owned by Indians, which  
17 includes the majority of the platted lots; the Lummi Nation asserts that Whatcom  
18 County has no jurisdiction on the Reservation.  
19
- 20 9. While the two governments need to continue to try to work together, as long as  
21 Whatcom County believes it does have zoning jurisdiction on Fee Lands, Interim  
22 Zoning will be replaced with permanent zoning (Title 20) as soon as possible.  
23
- 24 10. The S 9.6 Zone in the Interim regulations closely parallels the UR4 Zone in Title 20,  
25 the permanent zoning code.  
26
- 27 11. Replacing the setbacks in the S 9.6 Zone with those of the UR4 would simplify  
28 administration as the S 9.6 Zone is the major Residential Zone in the Interim Code.  
29 It also would eliminate the need for variance requests on corner lots.  
30

### 31 Conclusion

32  
33 Modifying the text of the Interim Zoning Ordinance to make the setbacks in the S 9.6 Zone  
34 equivalent to the UR4 Zone in Title 20 would provide the applicant with the flexibility he  
35 seeks, but, more importantly, it eases administration and may prevent unnecessary  
36 variance requests which are burdensome to applicants and an unnecessary workload for  
37 zoning administrators.  
38

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

40  
41 Section 1. The Interim Zoning Code, Title 2-24A, Section 2-24A.100.350 Setbacks, is  
42 hereby amended by deleting the existing text and inserting:  
43

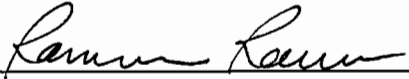
44 Setback requirements will be in accordance with regulations set forth in  
45 WCC 20.80.200 as they would apply to the Urban Residential district.  
46

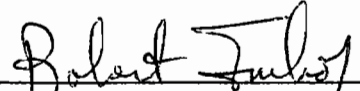
1 Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this  
2 Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part  
3 thereof other than the part so declared to be invalid.  
4

5 ADOPTED this 22nd day of February, 1994.  
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7

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9  
10 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

11  
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13  
14   
15 Ramona Reeves, Council Clerk

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18  
19   
20 Robert Imhof, Chairperson

21 APPROVED as to form & content:

Approved  Denied

22  
23   
24 Karen Frakes, Civil Deputy Prosecutor

25  
26   
Shirley Van Zanten, Executive

Date: 2-23-94