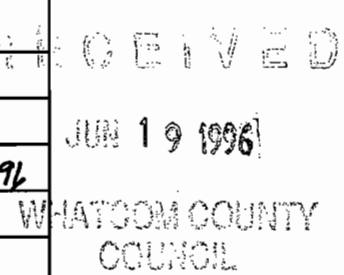


CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Planning & Development Services	JS	6/14		6/25/96	Introduction
Division Head: Vickie Hardin Woods	VK	6/17			
Dept. Head: Michael T. Knapp	TK	6/17			
Prosecutor:	KHF	7/11/96			
Purchasing/Budget:					
Executive:	PK	6/17			

**SUBJECT:** FILE REF: 09-96:IZO AN ORDINANCE EXTENDING THE INTERIM ZONING ORDINANCE, CHAPTER 2.24A UNTIL JULY 15, 1997, 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  
 Draft Resolution

**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	

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

**ORIGINATOR'S RECOMMENDED ACTION:** The Director of Planning & Development Services recommends the Council uphold the Planning Commission recommendations as described in the attached resolution.

**COMMITTEE ACTION TAKEN:**

**COUNCIL ACTION TAKEN:**

1996 - 248 6/25/96: Introduced  
 7/9/96: Adopted 7 - 0. Ord. 96-029

**Related File Numbers:**

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

Ord. 96-029

ORDINANCE NO. 96-029

**AN ORDINANCE EXTENDING THE INTERIM ZONING ORDINANCE, CHAPTER 2.24A UNTIL JULY 15, 1997, 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, 1996; and

WHEREAS, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on Thursday, June 13, 1996; and

WHEREAS, a Determination of Non-Significance was issued by the Deputy SEPA Official on June 12, 1996; and

WHEREAS, the Planning Commission held a public hearing on this matter on Thursday, June 13, 1996, and heard all public testimony on the issues and after due deliberation made a determination that the ordinance be extended; and

WHEREAS, the Council reviewed the Planning Commission recommendation at a regular meeting on DATE.

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. Areas under the present jurisdiction of the Interim Zoning Ordinance include certain lands within the Lummi Reservation and private property exclaves within the National Forest.
3. The County has established permanent zoning in eleven geographic subareas and is ready to proceed with exclaves in the National Forest.
4. The Interim Zoning Ordinance, Chapter 2.24A of the Whatcom County Code, is scheduled to expire on July 15, 1996.
5. Unless it is extended, the Interim Zoning Ordinance will expire prior to the implementation of permanent zoning in certain areas of the County leaving those areas without county zoning.
6. Whatcom County desires to cooperate with the Lummi Tribe in achieving compatible zoning and enforcement of that zoning within the boundaries of the Reservation.

7. Two main issues, water purveyorship and land use jurisdiction, should be resolved before cooperative land use planning is considered again.

8. Water resource issues are currently being addressed through government to government negotiations over the use of groundwater resources underlying the reservation.

**CONCLUSIONS**

It is in the County's best interest to extend the Interim Zoning Ordinance. An extension of one year would allow enough time to plan for the exclaves within the National Forests and to make significant progress with the Lummi Nation on cooperative planning efforts.

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

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

Section 1. The Interim Zoning Ordinance, Chapter 2.24A of the Whatcom County Code, is hereby extended to July 15, 1997, or until permanent zoning is established for all areas within the jurisdiction of Whatcom County, whichever is first.

Section 2. Adjudication of invalidity of any 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.

PASSED this 9 day of July, 1996.


WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
L. Ward Nelson, Chairperson

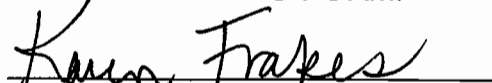
APPROVED     VETOED

  
Pete Kremen, County Executive

ATTEST:

  
Clerk of the Council

APPROVED AS TO FORM:

  
Karen Frakes  
Civil Deputy Prosecuting Attorney

Date 7-12-96