

CLEARANCES	Date	Date Received in Council Office	Agenda Date	Assigned To
Orig. Dept.: County Council	9/29/99	RECEIVED SEP 29 1999 WHATCOM COUNTY COUNCIL	9/28/99	Introduction
Division Head:			10/12/99	P&B COMM.
Dept. Head:			10/26/99	P&B COMM
Prosecutor:			10/26/99	PUBLIC HEARING
Budget:				
Executive:				

SUBJECT:

Ord. amending WCC Title 20 (various) to increase setbacks for parcels (56-98:2T)

ATTACHMENTS

SUMMARY STATEMENT:

Related County Contract #:	Should the Clerk schedule a hearing? (Y/N Y Requested Date: 10/26/99
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Ordinance amending Whatcom County Code Title 20 (various sections) to increase setbacks for parcels adjacent to forestry zones (Planning Number 56-98:2T)

RECOMMENDED MOTION (for final action):

COUNCIL ACTION TAKEN:

1999 - 384 9/28/99: Introduced
 10/12/99: Not discussed
 10/26/99: Adopted 7-0, Ord. #99-059

Related File Numbers:

Ordinance or Resolution Number (this item only):

ORD. #99-059

SPONSORED BY : Planning
PROPOSED BY: Planning
INTRODUCTION DATE: 9/28/99

ORDINANCE NO. 99-059

**ADOPTING AMENDMENTS TO THE WHATCOM COUNTY
ZONING TEXT CHAPTER 20.80 AND 20.97 REGARDING MEASUREMENT
OF FRONT YARD SETBACKS**

WHEREAS, Whatcom County Code, Title 20, Chapter 90 provides direction for docketing zoning map and text amendments and such docket was initiated and processed for 1998; and

WHEREAS, The Deputy SEPA Official for Whatcom County issued a determination of non-significance on November 4, 1998; and

WHEREAS, Pursuant to RCW 36.70.590, legal notice was published in the Bellingham Herald on October 31, 1998, November 26, 1998, January 4, 1999, January 14, 1999, February 11, 1999, February 27, 1999, March 11, 1999, March 25, 1999, April 11, 1999; and

WHEREAS, The Planning Commission held public hearings on the proposed amendments on November 12, 1998, December 10, 1998, January 14, 1999, January 28, 1999, February 11, 1999, February 25, 1999, March 11, 1999, March 25, 1999, and April 8, 1999 and considered all testimony; and

WHEREAS, The Planning Commission held a work session on April 22, 1999 to consider all the amendments concurrently, as required by WCC 20.90.070; and

WHEREAS, The Planning Commission has evaluated the merits of each amendment in relationship to the County Wide Planning Policies and the goals, policies and objectives of the Comprehensive Plan, as required by WCC 20.90.070; and

WHEREAS, The County Council has considered the Planning Commission's Findings of Fact, Reasons for Action, and Recommendations for all the amendments, as required by WCC 20.10.110; and

WHEREAS, The County Council decided to split the batch of proposed zoning map and text amendments into separate ordinances to allow for public hearings and adoption of revisions to some of the proposed amendments in advance of the other proposed amendments; and

WHEREAS, the County Council finds the zoning text amendments in the best interest of the public, safety, and welfare, based on the following findings and conclusions:

FINDINGS

- 1. Public notice was published November 26, 1998 in the Bellingham Herald.
- 2. SEPA: A Declaration of Non-Significance was issued for the proposed amendments on November 4, 1998.
- 3. Staff finds that in order to protect the public health safety and welfare, there is a need to have the front yard setback determined with greater assurance than is presently the case under existing regulations. The proposed amendment provides the minimum requirement necessary to assure the accurate location of the front yard setback line.

CONCLUSION

Amendments to the Official Whatcom County Zoning Ordinance text should be adopted as set forth in Exhibit 1.

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

Section 1. The Official Whatcom County Zoning Ordinance text (Title 20) is hereby amended as shown in the attached Exhibit 1.

Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of the 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.

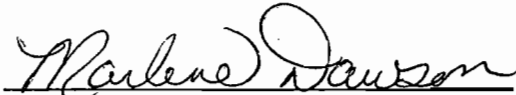
ADOPTED this 26 day of October, 1999

ATTEST:



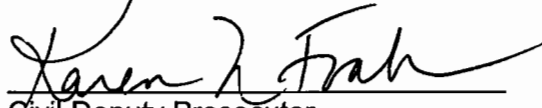
Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



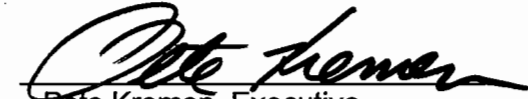
Marlene Dawson, Chairperson

APPROVED as to form:



Civil Deputy Prosecutor

Approved Denied



Pete Kremen, Executive

Date: 11-4-99

EXHIBIT 1

20.80.220 Measurement of Setbacks *Amend WCC 20.80.221 to read as follows:*

.221 The requisite minimum front yard setbacks line shall be measured from the edge of the abutting road right of way (front property line). For corner lots, the appropriate abutting road right of way shall be determined edge of the existing road right of way except as provided in WCC 20.80.230. The property owner shall bear the responsibility for correctly locating the edge of the abutting road right-of-way from which the measurement is to be taken. ~~provided that where the exact location of the right of way is not known, it shall be assumed that the improved traveling surface is in the center of the right of way. If the width of the right of way is not known, it shall be assumed to be 60 feet. Research and a survey shall be required to determine the center of the road and the width of right of way.~~

20.97.460 Yard, Front: *amended the language of WCC 20.97.460 to read as follows:*

“Front yard” means an open space on a lot, between the road right of way (front property line) and the requisite minimum front yard setback line. ~~Where a lot lies at the corner of two or more roads, it shall have a front yard setback area extending back from each right of way. If the exact location of the right of way is not known, it shall be assumed that the improved traveling surface of the road is in the center of the road right of way. If the width of the road right of way is not know, it shall be assumed to be 60 feet.~~

20.97 Definitions: *add new definition for the term “setback line” to read as follows:*

20.97.362 Setback Line.

That line that is the required minimum distance from the street or road right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.