

International Boundary Setback

File #: PLN 2010-00007
Applicant: International Boundary Commission/ PDS
Description: Amend zoning code to require setbacks from international border.

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive,
Bellingham, WA 98226-9013
360-676-6907, TTY 800-833-6384
360-738-2525 Fax



David Stalheim
Director

J.E. "Sam" Ryan
Assistant Director

**WHATCOM COUNTY
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
APPLICATION FOR ZONING AMENDMENTS**

Please check one of the following:

- STANDARD MAP AMENDMENT Complete Sections A, B, C, & F SITE SPECIFIC REZONE Complete Sections A, B, D, & F ZONING TEXT AMENDMENT Complete Sections A, E, & F

Do not write in this section of the application-for official use only:

Date Received: _____ File #: PLAN 2010-00007
Date Complete: _____ Initials of reviewer: _____

A. GENERAL INFORMATION-All applicants must complete this section.

1. APPLICANT'S NAME:
Whatcom County Planning and Development Services

SIGNATURE:

MAILING ADDRESS:
5280 Northwest Drive
Bellingham, WA 98225

E-MAIL ADDRESS

BUSINESS PHONE: 360-676-6907 HOME PHONE: _____

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2. AGENT'S NAME:

MAILING ADDRESS:

E-MAIL ADDRESS

BUSINESS PHONE: _____

3. TOPIC OF PROPOSED AMENDMENT:

International boundary vista

4. Please give a complete but short description of the proposed amendment.

The proposed amendment is to WCC Title 20, specifically section 20.80.210(5)(a) "Setback requirements of all districts". The proposal would implement development regulations to enforce a 10 foot setback from the Canadian border. A twenty foot vista between the United States and Canadian border has been maintained since 1908 by the International Boundary Commission (1908).The ten foot setback area may be landscaped, but is restricted to trees and shrubbery with a mature height of less than 3 feet, but no permanent structures may be located within the setback area.

5. Explain how the proposed amendment is consistent with the goals, policies, and overall intent of the Comprehensive Plan by listing specific goals or policies and explaining how the proposal complies with each of them.

Chapter 2 - Land Use

Goal 2UU: Promote coordination among the county, cities, Port of Bellingham, and other appropriate jurisdictions in order to protect linked greenbelts, parks, and open spaces.

Policy 2UU-2: Link county open space corridors with those of adjacent jurisdictions where viable.

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6. Please describe the "changed" condition(s), which support the amendment.

The Treaty of 1925 between the United States and Canada empowered the IBC to maintain an effective boundary line and keep established a 20 foot vista. Ten feet on the Canadian and ten feet on the United States side of the border are kept open for this vista.

B. ZONING MAP AMENDMENTS (STANDARD MAP AMENDMENTS AND SITE SPECIFIC REZONES)

7. PROPERTY INTEREST OF APPLICANT:

PURCHASER/OWNER

LESSEE

OTHER:

N/A

EXISTING COMPREHENSIVE PLAN DESIGNATION:

N/A

EXISTING ZONING DISTRICT:

N/A

SUBAREA:

N/A

8. What is the proposed zoning classification?

N/A

9. What is the present use of the property or properties within the proposed rezone?

N/A

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10. Describe the land use of the surrounding properties.

N/A

C. STANDARD MAP AMENDMENTS

11. Supporting information for standard map amendments (attach the following items):

- a) A vicinity map showing property lines, roads, buildings and their use, easements, existing and proposed zoning, wells and other pertinent data.
- b) A list of all property owners and others having a legal interest in the property covered by the proposed change.
- c) A list of the names and mailing addresses of the owners of all property within 300 feet (exclusive of roads and alleys).

A site plan may be requested at a future date if the intended amendment is to accommodate a particular development. The applicant may wish to submit a plan at the time of application. The site plan is a scaled drawing showing approximate location of buildings, roadways, parking, drainage facilities, sanitation and water facilities, and easements. Where appropriate, the location of landscaping, buffers, common areas, and typical individual lease spaces for mobile home and recreational vehicle parks shall be included in the site plan.

D. SITE SPECIFIC REZONES

12. Does the proposed amendment have a substantial relationship to public health, safety, morals, general welfare or community needs?

A clear and unobstructed boundary vista lessens the likelihood that a citizen from either country may inadvertently cross the U.S.-Canadian boundary and enhances the ability of Law Enforcement to secure the northern boundary between the U.S. and Canada.

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13. Will the proposed use be serviced adequately by essential public facilities such as highways, streets, public safety and fire protection, drainage structure, refuse disposal, water and sewers, and schools; or will the persons or agencies responsible for the establishment of the proposed use be able to adequately provide any such services? Describe.

N/A

14. Is the proposal is located within an Urban Growth Area? Yes No (go to question #15)

a) Will the site be serviced by full urban services or be capable of receiving urban services in time to serve the development?

N/A

b) Will the proposed site use preclude development at urban levels of density when the area is annexed into the city?

N/A

c) Will the proposed site be five (5) or more acres in size? Yes No

15. Supporting information for site-specific map amendment.
Attach the following items:

a) A vicinity map showing property lines, roads, buildings and their use, easements, existing and proposed zoning, wells and other pertinent data.

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-
- b) A conceptual site plan drawn at not less than one (1) inch to one-hundred (100), unless mutually agreed to by the proponent and administrative official, including, but not be limited to:
- 1) General location of structures.
 - 2) Location and number of access points.
 - 3) Approximate gross floor area of structures.
 - 4) Name of the proposal.
 - 5) Identification of areas requiring special treatment due to their sensitive nature.
 - 6) North directional arrow.
 - 7) Names and location of all public streets or roads bordering the site.
 - 8) General legal description(s) for the site.

- c) Concurrent submittal of a Discretionary Development Permit or Building Permit, if required for the project.

NOTE: If the project does not require a Discretionary Development Permit or Building Permit or will be constructed in phases, then a narrative statement must be submitted with the conceptual site plan that provides a detailed description of the project proposal and a project completion date. If the project will be constructed in phases provide start and completion dates for each phase and include a final completion date for the entire proposed project.

- d) A list of all property owners and others having a legal interest in the property covered by the proposed change.
- e) Evidence that all property owners within the proposed rezone boundary concur with the rezone and project proposal.
- f) Mailing labels with names and mailing addresses of the owners of all property included within the area proposed for re-designation and:
- For a map amendment within an existing urban growth area, mailing labels with the typed address of each property owner within 300 feet of the external boundaries of the subject property as shown by the records of the county assessor.
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external boundaries of the subject property as shown by the records of the county assessor.

- g) A completed Environmental Checklist.

E. ZONING TEXT AMENDMENTS

16. Are there any other circumstances that justify the proposed change?

There are no new circumstances that have brought about this proposal. Adoption of the proposed development regulation within Whatcom County's zoning code would implement this long standing treaty between the United States and Canada. Having the requirement within Title 20 would also clearly show the requirement for property bordering Canada.

F. AUTHORIZATION:

Signature of Applicant(s) or Agent:

(I, we) certify that (I, we) are the owner(s) of record of all the above described property and that we will pay for legal notice in the newspaper:

_____ Date: _____

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_____ Date: _____

_____ Date: _____



International
Boundary
Commission

December 10, 2009

David Stalheim, Director
Whatcom County
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9013

Dear Mr. Stalheim,

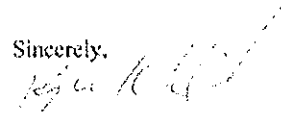
I received an application for a zoning amendment for Whatcom County along the United States Canadian boundary.

We appreciate very much your efforts in assisting us with this zoning amendment and would also ask if Whatcom County could Sponsor this amendment.

We believe that this amendment is not only a benefit to the IBC, but also to the residents of Whatcom County that own property on or near the U.S. Canadian boundary.

I thank you again for your assistance.

Sincerely,


Kyle K. Hipsley
A/U.S. Commissioner

United States Section
2401 Pennsylvania Avenue, N.W.
Suite 475,
Washington, DC 20037 U.S.A.

Tel: (202) 736-9100
Fax: (202) 254-4562

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_____ Date: _____

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International
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December 10, 2009

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Whatcom County
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9013

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We believe that this amendment is not only a benefit to the IBC, but also to the residents of Whatcom County that own property on or near the U.S. Canadian boundary.

I thank you again for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Kyle K. Hipsley".

Kyle K. Hipsley
A/U.S. Commissioner

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2401 Pennsylvania Avenue, N.W.
Suite 425,
Washington, DC 20037 U.S.A.

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