

Whatcom County Planning & Development Services Staff Report

Rural Residential Island (RRI) Building Height

I. File Information

File # PLN2024-00004

File Name: Lummi Rural Building Height 2024

Applicants: Whatcom County Planning and Development Services (PDS)

Summary of Action: Proposed amendments to WCC 20.34.400 to, under certain conditions, increase the allowed maximum height of structures from 24 to 25 or 30 feet, depending on its proximity to the shoreline.

Location: Rural Residential-Island District (RRI).

Background: In 2024 the County Council placed on its annual docket Item #PLN2024-00004:

Lummi Island Height: Review height limitations allowed on Lummi Island for consistency with other similarly zoned and situated areas. Lummi Island height limitations are the most restrictive in any zone and limit building height to 24 feet without provisions to increase.

The Council asked Planning and Development Services to review the height limitations for buildings in the Residential Rural Island (RRI) district, a zone only found on Lummi Island. It has had a maximum height limit of 24 feet since 1979, when its original subarea plan was enacted. The Lummi Island Fire Department's (District 11, which is staffed by volunteers) tallest ladder truck is also 24 feet. The 2009 Lummi Island Subarea plan states that water supply is the limiting factor in fire insurance ratings. Lummi is also characterized by potential wildland fire hazards due to its rural character, including the prevalence of wood construction and wood shake roofs, steep and narrow roads, poor access to some remote areas, and the proximity of woodlands to development.

Eliza Island (EI), which is geographically close to Lummi Island, has no fire department, has an allowed maximum height that is more consistent with other districts. Eliza Island's maximum height is 25 feet when within 100 feet of the marine shoreline ordinary high-water mark, and 30 feet elsewhere. It should be noted that building height is measured differently in areas governed by the Shoreline Management Program (SMP) vs areas outside of shoreline.

Other Whatcom County Rural districts have various height maximums, ranging from 25-35 feet. The maximum height allowed in any Whatcom County Residential Rural district is 35 feet. Lummi Island has historically had the most restrictive height limitations.

II. Code Amendments

The proposed code amendments are found in Exhibit A.

These amendments would allow a maximum height of 25 feet when within 100 feet of the marine shoreline's ordinary high-water mark and 30 feet elsewhere. This change creates consistency with other Rural height limitations in Whatcom County.

To protect views from existing homes, the amendments modify the setback requirements for new structures that exceed the historic 24-foot height: for every foot over 25 feet of height a structure is

built, there is an increase in setback by an equal amount (still limited to 30 feet). An increase in building setback is a common code tool used to protect views when building height is increased.

The proposed amendments also include provisions to mitigate fire hazards by either requiring a fire flow system or a residential fire sprinkler system when a structure exceeds 25 feet.

III. Comprehensive Plan Evaluation

The Comprehensive Plan goals and policies were reviewed, and staff has identified the following as applicable to the proposal:

- Goal 2D – *Refine the regulatory system to ensure accomplishment of desired land use goals in a fair and equitable manner.* The proposed amendments are consistent with this goal.
- Goal 2L – *Recognize the important regional differences within Whatcom County.* The proposed amendments are consistent with this goal.

The Lummi Island Subarea Plan (LSAP) was also reviewed and the proposed amendments are consistent with the LSAP.

IV. Proposed Findings of Fact and Reasons for Action

1. Council docketed item #PLN2024-00004 to “review height limitations for consistency with other similarly zoned and situated areas.”
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on October 14th, 2024. No comments have been received to date.
3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on July 17th, 2024, for their 10-day review. No comments were received to date.
4. The Planning Commission held a duly noticed public hearing on the proposed amendments on October 24th, 2024.
5. The requirement to increase setbacks as height increases is intended to protect views from existing residences.
6. The requirement to provide a fire flow system or a residential fire sprinkler system for structures over 25 feet mitigates the limited firefighting capacity of District 11’s tallest ladder truck.

V. Proposed Conclusions

1. The amendments are in the public interest.
2. The amendments are consistent with the Whatcom County Comprehensive Plan, including the Lummi Island Subarea Plan.

VI. Recommendation

The Planning Commission recommended The County Council approve the proposed code changes along with the Findings of Fact.

Attachments

1. Exhibit A – Proposed Code Amendments