

PROPOSED BY: \_\_\_\_\_  
INTRODUCTION DATE: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ADOPTING AN AMENDMENT TO WHATCOM COUNTY CODE TITLE 20 (ZONING)**

**WHEREAS,** The Council's 2024 docket includes item PLN2023-00004, "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."

**WHEREAS,** Whatcom County Planning and Development Services has proposed amendments to Whatcom County Code Title 20 to fulfill this directive; and,

**WHEREAS,** The Whatcom County Council reviewed and considered the Planning Commission recommendation, staff recommendation, and public comments on the proposed amendments; and

**WHEREAS,** The County Council hereby adopts the following findings of fact:

**FINDINGS OF FACT**

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 14<sup>th</sup>, 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 17<sup>th</sup>, 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 24<sup>th</sup>, 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.

**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.

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

**Section 1.** Amendments to the Whatcom County Code are hereby adopted as shown in Exhibit A.

**Section 2.** Adjudication of invalidity of any of the 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.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

ATTEST:

\_\_\_\_\_  
Cathy Halka, Council Clerk

\_\_\_\_\_  
Barry Buchanan, Council Chair

APPROVED as to form:

( ) Approved      ( ) Denied

\_\_\_\_\_  
Kellen Kooistra, Senior Deputy Prosecutor

\_\_\_\_\_  
Satpal Sidhu, Executive

Date: \_\_\_\_\_

# Exhibit A: 2024 RRI Height Code

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## Title 20 ZONING

### Chapter 20.34 RURAL RESIDENTIAL-ISLAND (RR-I) DISTRICT

#### 20.34.400 Height limitations.

- 1) The ~~M~~maximum height of structures shall be limited to ~~24~~25 feet when any portion of the structure is within 100 feet of the marine shoreline ordinary high water mark, and 30 feet when further away.  
Height of structures shall also conform, where applicable, to the general requirements of WCC 20.80.675.
- 2) All building setbacks shall be pursuant to WCC 20.80.200, or WCC 23.40.020 if within shoreline jurisdiction, but shall be increased by one foot for each foot of building height in excess of 25 feet.
- 3) Any structure exceeding 25 feet in height shall require a fire flow system consistent with WCC 15.04.040, even if the structure has less than the sq footage thresholds cited in B105.1.1.