### WHATCOM COUNTY COUNCIL AGENDA BILL

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**TITLE OF DOCUMENT:** Ordinance Repealing Ordinance # 2010-67 – One-time Economic Hardship Extension.

**ATTACHMENTS:** Ordinance

**SEPA review required?** ( ) Yes ( X ) NO  
**SEPA review completed?** ( ) Yes ( X ) NO  
**Should Clerk schedule a hearing?** ( ) Yes ( ) NO  
**Requested Date:**

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

This is an Ordinance to repeal expired Ordinance 2010-67, which was invalidated by the Western Washington Growth Management Hearings Board, in part, because the Board felt the Ordinance “purports to allow permit extension requests to be filed for up to two years,” until March 1, 2012, despite that the Ordinance has lapsed. Page 20, WWMGHB Final Decision and Order, August 2, 2011. This proposed Ordinance formally repeals 2010-67, ensuring that no new requests will be accepted.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

- 2/28/2012: Introduced
- 3/13/2012: Council Adopted 7-0  
  Ord. 2012-013

**Related County Contract #:**  
**Related File Numbers:**  
**Ordinance or Resolution Number:** Ord. 2012-013

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
ORDINANCE NO. 2012-013

REPEALING ORDINANCE #2010-067 – ONE-TIME ECONOMIC HARDSHIP EXTENSION

WHEREAS, Ordinance 2010-067 (one-time extensions for land use regulations due to financial hardship) was intended to be temporary, and;

WHEREAS, the County Council allowed the ordinance to expire on June 19, 2011, without any plans for renewal, and;

WHEREAS, clauses in the expired ordinance indicated that an applicant had to file an extension request “no later than March 1, 2012,” and;

WHEREAS, on August 2, 2011, the Western Washington Region of the Growth Management Hearings Board prospectively invalidated the expired ordinance, in part, because the Board interpreted the above-referenced clauses to allow extension requests until March 1, 2012, despite the expiration of the ordinance; and,

WHEREAS, applications submitted after June 19, 2011, cannot legally be allowed under the authority of expired Ordinance 2010-067, both because it has expired, and because extension applications were not intended by the legislature to be accepted beyond the date of the ordinance’s expiration, June 19, 2011.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Ordinance 2010-067 is hereby repealed.

ADOPTED the 13th day of March 2012.

DATED: 3-4-12

Kathy Kershner, Council Chair

Jack Louws, County Executive

Civil Deputy Prosecutor