

Whatcom County Planning & Development Services Staff Report

Public Community Facilities Lot Coverage Amendment

I. FILE INFORMATION

File # PLN2017-00007

File Name: Title 20 Zoning Code Amendments – Public Community Facilities Lot Coverage

Applicant: Whatcom County Planning and Development Services (PDS)

Summary of Request: Amend Whatcom County Code Title 20 Zoning to increase the lot coverage limit for public community facilities from 20% to 35%, with no limitation on building footprint size, in the Residential Rural (RR), Rural (R), and Point Roberts Transitional Zone (TZ) districts.

Location: Countywide

Staff Recommendation: Approve

II. BACKGROUND

In 2012 Whatcom County adopted Ordinance 2012-032 in response to the Growth Management Hearings Board decision, which found Whatcom County's rural development regulations lacked measures to protect rural character. Among the amendments made by this ordinance were changes to the maximum lot coverage standards in the RR, R, and TZ zoning districts. Lot coverage is "the percent of a lot or parcel which is, or will be, covered by all structures located thereon." (WCC 20.97.217). Before 2012 the maximum lot coverage in these zones was 35% of the lot, regardless of the lot's size. The 2012 amendments changed the standard to "no more than 5,000 square feet or 20%, whichever is greater, of the total area, not to exceed 25,000 square feet," as a way to minimize building size and stormwater impacts¹.

In 2015 in another code amendment related to the same Growth Management Hearings Board case (Ord. 2015-048), the County adopted an amendment to WCC 20.80.100(2) that allowed public community facilities to exceed the cumulative building size limits in rural commercial zones, subject to a conditional use permit. In keeping with the Growth Management Act's intention not to place urban services and facilities in rural areas, that provision was limited to "a public community facility that serves a predominantly rural area."

In October 2016, the County adopted Ordinance 2016-045, which, among other things, adopted the Department of Ecology's *Stormwater Manual for Western Washington* to be applied countywide. This action requires that development over a certain size install controls and mitigate stormwater impacts caused by development. It essentially nullified the need to maintain a lesser lot coverage as a way of managing stormwater.

In June 2017 Whatcom County Public Works asked PDS to process a building permit for an addition to a building within the County's Maintenance and Operations facility on West Smith Road, in the Rural (R)

¹ Other than in our Watershed Overlay areas around our lakes, prior to this Whatcom County had no stormwater regulations applicable in the rural areas.

district. The facility currently covers only 0.56% of the lot (35,773 sf of buildings on 147 acres) and thus doesn't exceed the 25% lot coverage standard, but it does exceed the 25,000 square foot maximum. Thus, without this amendment there is no way to approve this addition.²

In 2018, the Mount Baker School District (MBSD) also approached PDS with a conundrum. In order to accommodate the expected rise in the number of students over the next 20 years, they anticipate needing to build new additions and buildings to several of their campuses (some sooner than later). But they find that they, too, would not be able to do so under the current restrictions. Table 1 shows the District's projections of their needs, as well as how much they are currently over/under the 25,000 sf building footprint and 20% lot coverage limits, as well as were they to build all structures necessary to accommodate their projected needs.

² Because the maintenance facility is a permitted use in the R zone (WCC 20.36.060) expansion of the building cannot be processed as an expansion of a nonconforming use under WCC 20.83.020. Also there is no "hardship" that would justify an application for a variance.

Table 1. Mount Baker School District Facility Lot Coverage/Building Footprint Analysis by Campus, February 2019

Facility	Current						Future				Allowable Bldg. Footprint w/ 35% Lot Coverage (sf)
	Lot Size (ac)	Lot Size (sf)	Cumulative Bldg. Footprint (sf)	Amount Over/Under Max 25,000 sf	Lot Coverage (%)	Amount Over/Under 20% Lot Coverage	Total Projected Bldg. Footprint needed w/in next 20 Years (sf)	Amount Over/Under Max 25,000 sf	Projected Lot Coverage (%)	Amount Over/Under 20% Lot Coverage	
Acme Elementary School	11.20	487,872	30,299	-5,299	6.21%	13.79%	41,184	-16,184	8.44%	11.56%	170,755
Harmony Elementary School	14.28	622,037	41,135	-16,135	6.61%	13.39%	51,871	-26,871	8.34%	11.66%	217,713
Kendall Elementary School	21.84	951,350	58,018	-33,018	6.10%	13.90%	71,832	-46,832	7.55%	12.45%	332,973
Mount Baker Jr/Sr High School	25.00	1,089,000	192,831	-167,831	17.71%	2.29%	235,742	-210,742	21.65%	-1.65%	381,150
Educational Resource Center	13.20	574,992	4,512	20,488	0.78%	19.22%	8,219	16,781	1.43%	18.57%	201,247
Transp./Maint./Ag Instruction	9.33	406,415	19,946	5,054	4.91%	15.09%	22,446	2,554	5.52%	14.48%	142,245

Built-in Projection Assumptions

- **1-5 Years:** At the elementary schools the increased lot coverage is for portables, at the JH/HS it is for a 25% increase in coverage for the Field House
- **Preschool:** This would be placement of a portable at each Elementary School site dedicated for Preschool / Early Education which is something the District is considering
- **6-20 Increase:** Is based upon a long-term consideration of approximately 16% growth in student population, 75 @ Elementary, 150 @ JH/HS level, and 15 @ Pre-K

Considerations (Per School)

- **Acme Elementary**
 - Two portables foreseeable within the next two years to address space issues for pull-out instruction, new computer lab, itinerant staff, etc.
 - Long-term, expand space for a separate cafeteria. Also, addition of a portable for preschool / early education

- **Harmony Elementary**
 - One to two portables foreseeable within the next two years to address space issues for one-on-one pull-out, outside agency use, resource room, etc.
 - Long-term, expand space for a separate cafeteria. Also, addition of a portable for preschool / early education
- **Kendall Elementary**
 - One to two portables foreseeable within the next two years to address space issues for classroom, computer lab, etc.
 - Addition of a portable for preschool / early education
- **Junior High / High School**
 - Expansion of Field House is high priority. Weight room and locker rooms are in need of material upgrades
 - Special Program / Curriculum Portable upgrade in progress
- **Educational Resource Center**
 - Potential install of a play shed
 - Long term if there is an increase in population, the site would need expansion
- **Transportation / Maintenance / Agricultural Instruction**
 - Two portables foreseeable within the next few years to replace temporary Driver Lounge & Transportation Office
 - At this time, there is no foreseeable long-term expansion at the facility

III. ZONING CODE AMENDMENT

Originally, this proposed amendment exempted both public community facilities *and* community centers from the lot coverage limits of the RR, R, and TZ zones. These facilities are defined in WCC as follows:

20.97.323.1 Public community facility.

“Public community facility” means a publicly funded community service facility, including but not limited to a fire station, law enforcement station, public school, library, or water/sewer treatment facility; and excluding correction facilities.

20.97.070 Community center.

“Community center” means land and/or building(s) owned by a public agency or private nonprofit entity used for social, civic, educational or recreational purposes, which serves mainly the community where located; including but not limited to community halls and centers, grange halls, senior citizen centers, teen centers, youth clubs, field houses and churches. The facilities are available for occasional public meetings. They may also have the minimal kitchen facilities required for occasional banquets. Private clubs as defined in this ordinance are not included.

However, at their July 13, 2017, hearing on this matter, the Planning Commission was concerned about including community centers in this amendment, as they foresaw it allowing for a proliferation of large-scale buildings in the rural areas. Not only could this impact rural character, but they worried that were such facility to go bankrupt or otherwise close, the building could not be used for anything else and would sit empty. Thus, they did not recommend approval.

For the proposal currently before Council, staff has worked with the Mount Baker School District and Public Works in determining that a lot coverage maximum of 35% (what it was originally), rather than 20% (what it is currently), without a cap on the building footprint size, would allow both to expand adequately to serve their projected needs in serving the rural community. Schools would still need to obtain a conditional use permit in the RR, R, and TZ districts and “serve a predominantly rural area” to be eligible for the reduction. Additionally, we have deleted the previously proposed exemption for community centers to address the Planning Commission’s concern.

The proposed language would read:

Chapter 20.32 RESIDENTIAL RURAL (RR) DISTRICT

20.32.450 Lot coverage. (Adopted by reference in WCCP Chapter 2.)

Except as follows, nNo structure or combination of structures shall occupy or cover more than 5,000 square feet or 20 percent, whichever is greater, of the total lot area, not to exceed 25,000 square feet. Public community facilities that serve a predominantly rural area shall occupy or cover no more than 35% of a lot, with no limitation on structure (or combination of structures) size. Buildings used for livestock or agricultural products shall be exempt from this lot coverage requirement.

Chapter 20.36 RURAL (R) DISTRICT

20.36.450 Lot coverage. (Adopted by reference in WCCP Chapter 2.)

Except as follows, nNo structure or combination of structures shall occupy or cover more than 5,000 square feet or 20 percent, whichever is greater, of the total lot area, not to exceed 25,000 square feet. Public community facilities that serve a predominantly rural area shall occupy or cover no more than 35% of a lot, with no limitation on structure (or combination of structures) size. Buildings used for livestock or agricultural products shall be exempt from this lot coverage requirement.

Chapter 20.37 POINT ROBERTS TRANSITIONAL ZONE (TZ) DISTRICT

20.37.450 Lot coverage.

Except as follows, nNo structure or combination of structures shall occupy or cover more than 5,000 square feet or 20 percent, whichever is greater, of the total lot area, not to exceed 25,000 square feet. Public community facilities that serve a predominantly rural area shall occupy or cover no more than 35% of a lot, with no limitation on structure (or combination of structures) size. Buildings used for livestock or agricultural products shall be exempt from this lot coverage requirement.

Adopting the proposed amendment would allow public facilities the ability to keep pace with the need for their services in rural areas, while at the same time ensuring neighboring property owners have the opportunity to review and comment on any expansion plans through the conditional use process.

IV. COMPREHENSIVE PLAN EVALUATION

Whatcom County Comprehensive Plan goals and policies that are applicable to the proposed amendments are listed below:

Goal 2DD: Retain the character and lifestyle of rural Whatcom County.

Policy 2DD-2: Protect the character of the rural area through the County’s development regulations. In addition to the policies of this plan that profile measures governing rural development, the following County’s key development regulations are incorporated into this plan by reference to assure that the plan contains measures to protect rural character:

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B. Measures to assure visual compatibility of rural development with the surrounding rural area:

1. Ensure that the visual landscapes traditionally found in rural areas and communities are preserved through limitation on structural coverage of lots in the following Zoning Code provisions, adopted herein by reference:
 - a. WCC 20.32.040 Lot coverage, Residential Rural District
 - b. WCC 20.36.040 Lot coverage, Rural District

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Goal 2EE: Ensure that rural areas are provided with services consistent with the rural character and that development patterns do not encourage an increased service level or degrade water quality.

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Policy 2EE-2: Coordinate and plan public facilities, services, roads, and utilities to ensure that rural areas have appropriate and adequate rural levels of service necessary to maintain a rural lifestyle. Coordinate with rural service providers to ensure efficient and effective service to rural areas.

The subject amendment is consistent with the above referenced Comprehensive Plan goals to protect rural character through measures to assure visual compatibility, and to ensure that adequate public facilities are provided in the rural area.

V. PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION

Staff recommends the Planning Commission adopt the following findings of fact and reasons for action:

1. Whatcom County Planning and Development Services has submitted an application for amendments to WCC Title 20 Zoning to exempt public community facilities from lot coverage limits in the Residential Rural (RR), Rural (R), and Point Roberts Transitional Zone (TZ) districts.
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on June 29, 2017.
3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on June 21, 2017.
4. Notice of the Planning Commission public hearing for the amendments was published in the Bellingham Herald on June 30, 2017.
5. The Planning Commission held a public hearing on the proposed amendments on July 13, 2017.
6. Comprehensive Plan Policy 2DD-2.B.1 supports protecting rural character through lot coverage regulations.
7. Comprehensive Plan Policy 2EE-2 requires that the County ensure adequate public facilities and services in rural areas.

VI. PROPOSED CONCLUSIONS

1. The amendments to the zoning code are in the public interest.
2. The amendments are consistent with the Whatcom County Comprehensive Plan.

VII. STAFF RECOMMENDATION

Planning and Development Services recommends that the County Council adopt these amendments approval.

ATTACHMENTS

Draft ordinance