



Whatcom County

COUNTY COURTHOUSE
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Agenda Bill Master Report

File Number: AB2026-489

File ID:	AB2026-489	Version:	1	Status:	Substitute Adopted
File Created:	06/15/2026	Entered by:	KOos@co.whatcom.wa.us		
Department:	Council Office	File Type:	Ordinance Requiring a Public Hearing		
Assigned to:	Council			Final Action:	07/28/2026
Agenda Date:	07/28/2026			Enactment #:	ORD 2026-039
Related Files:					

Primary Contact Email: koos@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance adopting amendments to Whatcom County Code Title 20, Zoning, under the 2025-2026 periodic update of the Whatcom County Comprehensive Plan and Development Regulations, pursuant to the Growth Management Act (for concurrent review with other Comprehensive Plan amendment proposals)

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Visit www.whatcomcounty.us/4373 for information on the comprehensive plan update..

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
06/23/2026	Council	SUBSTITUTE INTRODUCED FOR PUBLIC HEARING	Council
		Aye: 5 Boyle, Buchanan, Galloway, Rienstra, and Scanlon	
		Nay: 2 Elenbaas, and Stremler	
07/14/2026	Council	PUBLIC TESTIMONY RECEIVED (file not final)	
07/14/2026	Council	HELD IN COUNCIL	Council
		Aye: 7 Boyle, Buchanan, Elenbaas, Galloway, Rienstra, Scanlon, and Stremler	
		Nay: 0	
07/14/2026	Council	NOT ACTED UPON	

Agenda Bill Master Report Continued (AB2026-489)

07/28/2026 Council

PUBLIC TESTIMONY
RECEIVED (file not final)
SUBSTITUTE ADOPTED

07/28/2026 Council

Aye: 5 Boyle, Buchanan, Galloway, Rienstra, and Scanlon
Nay: 2 Elenbaas, and Stremler

07/28/2026 Council

FORWARDED FOR Council
CONCURRENT REVIEW

07/28/2026 Council

APPROVED
CONCURRENTLY
Aye: 5 Boyle, Buchanan, Galloway, Rienstra, and Scanlon
Nay: 2 Elenbaas, and Stremler

Attachments: Staff Memo, Proposed Ordinance, Substitute Ordinance as Introduced 6.23.2026, Revised Substitute Ordinance for 7.14.2026, Planning Commission Findings of Fact, Notice of Hearing after 6.23.2026, Notice of Hearing after 7.14.2026

PROPOSED BY: PLANNING & DEVELOPMENT SERVICES

INTRODUCED: JUNE 23, 2026

ORDINANCE NO. 2026-039

**ADOPTING AMENDMENTS TO WHATCOM COUNTY CODE TITLE 20 (ZONING),
UNDER THE 2025-2026 PERIODIC UPDATE OF THE WHATCOM COUNTY
COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS, PURSUANT TO THE
GROWTH MANAGEMENT ACT**

WHEREAS, every ten years as part of the periodic update, RCW 36.70A.130(1)(a) requires Whatcom County to take legislative action to review and, if needed, revise its comprehensive plan and development regulations to comply with the requirements of Chapter 36.70A RCW (the Growth Management Act); and

WHEREAS, this ordinance reflects Whatcom County has completed its 2025-2026 periodic review of the development regulations as required pursuant to RCW 36.70A.130; and

WHEREAS, Whatcom County Planning and Development Services has proposed amendments to the official Whatcom County Zoning Map as part of this periodic update to implement the plan's updated goals and policies, fulfill the mandatory elements required for Comprehensive Plans under the GMA, and ensure internal consistency pursuant to RCW 36.70A.130(1)(a), RCW 36.70A.070, and WAC 365-196-500; and

WHEREAS, the County Council docketed PLN2023-00001 to implement development regulation updates associated with the 2025-26 periodic update of the Whatcom County Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED that the Whatcom County Council adopts the recitals above and legislative record and makes the following additional findings:

Section 1. FINDINGS OF FACT.

1. The zoning code amendments were studied under the Whatcom County Comprehensive Plan Environmental Impact Statement (EIS) issued on August 22, 2025, under file number SEPA2024-00001.
2. Notice of Intent to Adopt Development Amendment was submitted to the Washington State Department of Commerce on each of the proposed zoning code amendments as detailed below:
 - a. Periodic Update Related Housing & Concurrent Code Amendments:
 - i. 60-Day Notice of Intent to Adopt Amendment emailed 3-31-2026
 - ii. Assigned Submittal ID Number 2026-S-11662

b. Additional Adequate Provisions Code Amendments:

- i. Request for Expedited Review emailed 5-6-2026
 - ii. Assigned Submittal ID Number 2026-S-12796
 - iii. Granted 5-21-2026
3. The Whatcom County Planning Commission held duly noticed public hearings and work sessions regarding these proposed amendments on April 9, 2026, May 14, 2026, and May 28, 2026.
 4. The County Council engaged in its periodic review of the comprehensive plan and encouraged early and continuous participation by the public and interested parties in the comprehensive plan update process by holding multiple public meetings, public comment periods and work sessions between June 2024 and July 14 2026 as reflected in the legislative record, consistent with requirements for a public participation program adopted by the County as required pursuant to the Growth Management Act. County Council further held duly noticed public hearings on the proposed amendments contemplated by this ordinance on July 14 2026 and July 28, 2026.
 5. These amendments are consistent with the current Whatcom County Comprehensive Plan. There are no policies that would be inconsistent with these amendments.
 6. These amendments are consistent with the 2025-26 periodic update of the Whatcom County Comprehensive Plan, and implement the updated goals and policies of the plan pursuant to WAC 365-196-500.
 7. Adoption of the zoning code amendments implements applicable requirements under the Growth Management Act pursuant to RCW 36.70A.130(1)(a), RCW 36.70A.070, and WAC 365-196-500.
 8. The State legislature found that order to meet the goal of 1,000,000 new homes statewide by 2044, and enhanced quality of life and environmental protection, innovative housing policies will need to be adopted and that increasing housing options that are more affordable to various income levels is critical to achieving the state's housing goals, including those established by the legislature in Engrossed Second Substitute House Bill No. 1220 (chapter 254, Laws of 2021).
 9. The State legislature further found:
 - a. There is continued need for the development of housing at all income levels, including middle housing that will provide a wider variety of housing options and configurations to allow Washingtonians to live near where they work;
 - b. Homes developed at higher densities are more affordable by design for Washington residents both in their construction and reduced household energy and transportation costs;
 - c. The state has made historic investments in subsidized affordable housing through the housing trust fund, yet even with these historic investments, the

magnitude of the housing shortage requires both public and private investment; and

- d. In addition to addressing the housing shortage, allowing more housing options in areas already served by urban infrastructure will reduce the pressure to develop natural and working lands, support key strategies for climate change, food security, and Puget Sound recovery, and save taxpayers and ratepayers money.

10. The subject zoning code amendments are consistent with the GMA Planning Goals under RCW 36.70A.020 including but not limited to:

- a. Number 1: *Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner;*
- b. Number 2: *Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;*
- c. Number 4: *Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock;*
- d. Number 5: *Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities; and*
- e. Number 11: *Citizen participation and coordination. Encourage the involvement of citizens in the planning process, including the participation of vulnerable populations and overburdened communities, and ensure coordination between communities and jurisdictions to reconcile conflicts.*

Section 2. CONCLUSIONS OF LAW. Whatcom County Council concludes the following in regards to this proposed ordinance amending Whatcom County development regulations:

- 1. The development regulation amendments are consistent with the approval criteria in WCC 22.10.060(2)
- 2. These development regulation amendments are in the public interest as they promote the public health, safety and general welfare of Whatcom County.

3. The amendments implement and are consistent with the updated associated goals and policies of the 2025-2026 Comprehensive Plan pursuant to RCW 36.70A.130, and WAC 365-196-500.
4. The amendments are consistent with applicable approval requirements for zoning map amendments under WCC 22.10.060.
5. The amendments are consistent with the Washington State Growth Management Act (RCW 36.70A) and its Planning Goals (RCW 36.70A.020).

BE IT FURTHER ORDAINED by the Whatcom County Council that amendments to the Whatcom County Code Title 20 (Zoning) regulations are hereby adopted as shown in Exhibits 1 through 4; and

BE IT FURTHER ORDAINED by the Whatcom County Council that these development regulation amendments shall be in full force and effect following its adoption and approval as provided by law, following submission to the Washington State Department of Commerce and publication; and

BE IT FINALLY ORDAINED by the Whatcom County Council that, should any part of this regulation be held to be illegal, unconstitutional, or otherwise unenforceable, the remainder of the regulation shall apply.

ADOPTED this 28th day of July, 2026

ATTEST:


Cathy Halka, Clerk of the Council

APPROVED AS TO FORM:

Kimberly Thulin by email (7.6.2026/ko)

Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Kaylee Galloway, Council Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON



Satpal Sidhu, County Executive

☒ Approved () Denied

Date Signed: 8-7-26

Exhibit 1

Adequate Provisions Proposed Code Amendments

RCW 36.70A.070(2)(d)

Proposed Amendment A

Addition & Amendment of "Middle Housing" Definitions

Chapter 20.97 Definitions.

WCC 20.97.040 "D" definitions.

Duplex.

"Duplex" means a residential building containing two attached dwelling units. Units can be built side-by-side or stacked. A single-family dwelling containing an approved attached or detached accessory dwelling unit is not a duplex.

WCC 20.97.200 "T" definitions.

Triplex.

"Triplex" means a residential building containing three attached dwelling units. Units can be built side-by-side or stacked.

WCC 20.97.060 "F" definitions.

Fourplex.

"Fourplex" means a building containing four attached dwelling units. Units can be built side-by-side or stacked.

WCC 20.97.130 "M" definitions.

Multifamily Dwelling.

"Multifamily dwelling" means a building containing more than two attached dwelling units, and for the purposes of this code, includes triplexes, fourplexes, apartment buildings, and residential condominiums.

Proposed Amendment B

Amendment of “Family” definition to comply with RCW 36.01.227

Chapter 20.97 Definitions.

WCC 20.97.060 "F" definitions.

Family.

"Family" means an individual or collection of individuals occupying the entire dwelling unit, or a household, with no limitation on the number of occupants except as limited by health, building, or safety standards. The term "family" shall also include:

- a) Any household arrangement protected under the Federal Fair Housing Act, Washington Housing Act, and applicable provisions of the Revised Code of Washington, including but not limited to living arrangements of persons with disabilities residing together in a dwelling unit in a family-like setting pursuant to RCW 36.70.990 and RCW 36.70A.410.*

Proposed Amendment C

Amendment of “Accessory Dwelling Unit” (ADU) definition to comply with RCW 36.70A.696

Chapter 20.97 Definitions.

WCC 20.97.010 "A" definitions.

Accessory Dwelling Unit (ADU).

"Accessory dwelling unit (ADU)" means an additional independent residential dwelling unit located on the same lot as a single-family dwelling unit, duplex, triplex, fourplex, or other permitted housing type. ADUs can be converted portions of existing homes (i.e., internal ADUs), additions to new or existing homes with at least one shared wall (i.e., attached ADUs), or new stand-alone (i.e., no shared walls) accessory structures or converted portions of existing stand-alone accessory structures (i.e., detached ADUs).

Proposed Amendment D

Amendment of “Tandem Parking” definition to comply with RCW 36.70A.622

Chapter 20.97 Definitions.

WCC 20.97.200 "T" definitions.

Tandem Parking

“Tandem parking” means having two (2) or more vehicles, one in front of or behind the others, with a single means of ingress and egress.

Proposed Amendment E

Allowance & Amendment of Middle Housing Standards in Urban Growth Areas (UGAs)

Chapter 20.20 Urban Residential (UR) District.

WCC 20.20.050 Permitted uses.

.052 Single-family attached dwellings, duplexes, triplexes, and fourplexes; provided, that public sewer, water, and stormwater management facilities serve the site, with no more than four dwelling units per lot, and subject to the density requirements of the district.

Chapter 20.24 Urban Residential Mixed (UR-MX) District.

WCC 20.24.050 Permitted uses.

.052 Single-family attached dwellings, duplexes, triplexes, and fourplexes; provided, that public sewer, water, and stormwater management facilities serve the site, with no more than four dwelling units per lot, and subject to the density requirements of the district.

WCC 20.24.130 Administrative approval uses.

.132 Multifamily dwellings with five or more attached dwelling units, and co-living housing dwellings, subject to the density requirements of the zoning district, and served by public water, sewer, and stormwater management facilities.

WCC 20.24.400 Height regulations.

Maximum height shall be limited to 35 feet for single-family development and 45 feet for duplexes, triplexes, fourplexes, and multifamily developments. Height of structures shall also conform, where applicable, to the general requirements of WCC 20.80.675.

Proposed Amendment F

Allowance & Amendment of Middle Housing Standards in Limited Areas of More Intensive Rural Development (LAMIRDs)

Chapter 20.32 Residential Rural (RR) District.

WCC 20.32.050 Permitted uses.

.052 Duplexes, triplexes, and fourplexes in the RR-2 and RR-3 zoning districts within the "Rural Community" Comprehensive Plan Designation, when served by public sewer and water, with no more than four (4) dwelling units per lot, and subject to the density requirements of the zoning district; except prohibited within the Sandy Point "Rural Community" Comprehensive Plan Designation.

Chapter 20.61 Small Town Commercial (STC) District.

WCC 20.61.050 Permitted uses.

.055 Residential type uses.

(1) One single-family dwelling, duplexes, triplexes, or fourplexes, with no more than four (4) dwelling units per lot, subject to:

- (a) Health department requirements regarding soil type and water supply, provided duplexes, triplexes, and fourplexes must be served by public sewer and water.
- (b) A deed restriction recorded with the Whatcom County auditor is attached to the lot(s) at the time of building permit issuance stating that the dwelling(s) is located in a Small Town Commercial Zone and buyers should be aware that commercial uses will be allowed on surrounding parcels and owners have no grounds for protest.
- (c) This permitted use is only allowed on lots created as of the effective date of the ordinance codified in this section.
- (d) Duplexes, triplexes, and fourplexes are subject to the density provisions of WCC 20.61.350.

WCC 20.61.350 Maximum density.

.352 Duplexes, triplexes, and fourplexes may not exceed a maximum gross density of six dwelling units/acre.

Proposed Amendment G

Allowance & Recategorization of “Mobile Home Parks” in UGAs

Chapter 20.20 Urban Residential (UR) District.

WCC 20.20.130 Administrative approval uses.

.136 Mobile home parks. See WCC 20.80.950 for mobile home and recreational vehicle park standards.

Chapter 20.22 Urban Residential-Medium (URM) District.

WCC 20.22.130 Administrative approval uses.

.135 Mobile home parks. See WCC 20.80.950 for mobile home and recreational vehicle park standards.

Chapter 20.24 Urban Residential Mixed (UR-MX) District.

WCC 20.24.130 Administrative approval uses.

.136 Mobile home parks. See WCC 20.80.950 for mobile home and recreational vehicle park standards.

Chapter 20.64 Resort Commercial (RC).

WCC 20.64.130 Administrative approval uses.

.134 Mobile home parks. See WCC 20.80.950 for mobile home and recreational vehicle park standards.

WCC 20.64.150 Conditional uses.

.153 Residential type uses.

(2) Rooming, boarding, and co-living housing totaling more than six sleeping units.

Proposed Amendment H

Amendment of residential parking standards to comply with RCW 36.70A.070(2)(d) (Adequate Provisions) & RCW 36.70A.622 (Off-Street Parking & Loading Requirements)

Chapter 20.80 Supplementary Requirements.

WCC 20.80.210 Minimum Setbacks

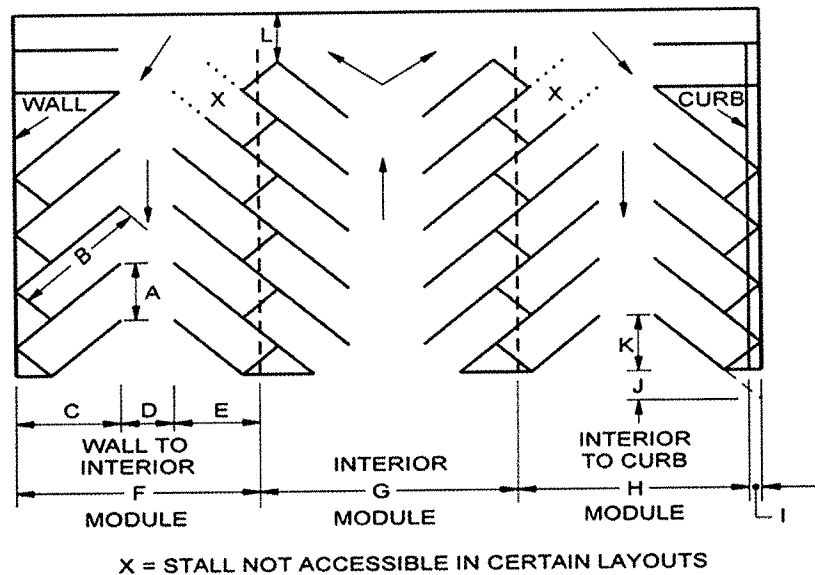
(5)(b) Setbacks Table.

Zoning District	Setback (in feet) from:						
	Right-of-Way Classification					Other	
	I-5, State Highways, Urban Principal, and Urban Minor Arterials	Urban Collector Arterials and Rural Major Collectors	Minor Collectors	Local Access Streets	Minor Access Streets	Side Yard	Rear Yard
Residential Setbacks							
Urban Residential Mixed Use (UR-MX)	45	35	25	10	10	5	5
Urban Residential Medium (URM)	45	35	25	10	10	5	5
Urban Residential (UR)	45	35	25	10	10	5 ¹	5

WCC 20.80.510 Parking space dimensions.

(1) A parking space shall have minimum rectangular dimensions of not less than eight (8) feet in width and 18 feet in length; provided, however, that for any parking area of 12 or more spaces, 35 percent of all spaces may have minimum rectangular dimensions of not less than eight (8) feet in width and 15 feet in length; provided, that these spaces are marked for use by compact automobiles. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in WCC 20.80.580.

- (2) The following off-street parking diagram indicates the dimensions necessary to achieve the dimensions of subsection (1) of this section at various angles. Note that:
- (a) If a parking lot section is designated for compact vehicles the stall may be eight (8) feet by 15 feet for a 90-degree parking angle...



Dimension	Diagram Location	Parking Angle			
		45 Degrees	60 Degrees	75 Degrees	90 Degrees
Stall width, parallel to aisle	A	8.0	8.0	8.0	8.0
Stall length of line	B	25.5	20.8	18.6	18.0
Stall depth to wall	C	16.7	19.1	19.4	18.0
Aisle width between stall lines	D	12.1	12.8	23.0	20.0
Stall depth, interior	E	15.0	17.8	18.7	18.0
Module, wall to interior	F	43.8	49.7	61.1	56.0
Module, interior	G	42.0	48.4	60.5	56.0
Module, interior to curb face	H	43.8	50.6	62.9	58.5
Module, interior to curb face	I	1.8	2.2	2.4	2.5
Offset	J	5.7	4.0	2.1	0.0
Setback	K	12.7	9.0	4.7	0.0
Cross aisle, one-way	L	14.1	14.1	14.1	14.1
Cross aisle, two-way	---	20.0	20.0	20.0	22.0

WCC 20.80.520 Surfacing.

The required number of parking and loading spaces as set forth in WCC § 20.80.515 and § 20.80.580, together with driveways, aisles and other circulation areas, shall be improved with a material acceptable to the county engineer. In some instances:

- (1) Gravel rather than paving may be acceptable.
- (2) Grass block pavers are an acceptable material for all residential development projects, pursuant to applicable stormwater requirements.
- (3) Up to six (6) parking spaces in legally nonconforming gravel parking areas can count toward the minimum number of parking stalls required for a residential development.

WCC 20.80.525 Location of parking spaces.

The following regulations shall govern the location of off-street parking spaces and areas:

- (1) Parking spaces for all one and two-family dwellings shall be located on the same lot as the dwelling which they are intended to serve; unless otherwise approved by the zoning administrator. Use of shared parking spaces for overflow parking is encouraged.
- (2) Tandem parking stalls are allowed for all residential development projects at a rate of one (1) space for every 18 linear feet, subject to access standards of WCC 20.80.565 and Whatcom County development standards.

WCC 20.80.590 General interpretations.

In the interpretation of WCC 20.80.500 et seq., the following rules shall govern...

- (4) The provisions of WCC 20.80.500 do not apply if complying with tree retention requirements would otherwise make a proposed residential development or redevelopment infeasible.

Exhibit 2

Limited Areas of More Intensive Rural Development (LAMIRD) Amendments RCW 36.70A.070(d)

Proposed Amendment

Amendment of LAMIRD standards to comply with RCW 36.70A.070(5)(d)

Chapter 20.80 Supplementary Requirements

WCC 20.80.100 LAMIRD requirements.

(1) Building Size in Rural Communities. Within areas designated in the Comprehensive Plan as rural community, which are limited areas of more intensive development as described in RCW 36.70A.070(5)(d)(i), permitted maximum building sizes shall be in accordance with building sizes that existed in each area on July 1, 1990, as shown in the following table.

a) A public community facility that serves a predominantly rural area may exceed the maximum floor area and maximum combined floor area given for public/community uses in subsection (1) of this section, subject to a conditional use permit per WCC 22.05.026.

b) In the Newhalem, Point Roberts, and Diablo LAMIRDs, an essential rural retail service that serves a predominantly rural area may increase the stated maximum floor area or maximum combined floor area to 10,000 square feet. For the purposes of this section, essential rural retail services' means services including grocery, pharmacy, hardware, automotive parts, and similar uses that sell or provide products necessary for health and safety, such as food, medication, sanitation supplies, and products to maintain habitability and mobility.

(2) Within a rural business designation, a larger building size for new nonresidential development is permitted if a conditional use permit is granted per WCC 22.05.026. A conditional use permit for a larger building size shall be subject to a finding that:

- a) The larger building size will not cause the need for additional public facilities to be provided in the area;
- b) The proposal is consistent with the Comprehensive Plan policies regarding the rural business designation; and
- c) The proposed small-scale business conforms to the rural character of the area.

Table 1.

LAMIRD	Retail/Office/ Restaurant/ Lodging	Storage/ Warehouse	Auto/ Equipment Repair	Public/ Community (1a)	Manufacturing/ Fabrication
Acme	5,000 (5,000)		2,070 (2,070)	17,784 (21,896)	
Axton & Guide Meridian	5,000 (5,000)		2,160 (2,160)		
Birch Bay- Lynden & V.V.	5,000 (5,000)				
Cain Lake	5,000 (5,000)			2,473 (4,825)	
Custer	5,000 (5,000)		3,300 (3,300)	46,451 (46,451)	
Deming	11,790 (18,757)	2,400 (2,400)	1,392 (1,392)	30,099 (79,512)	
Diablo*	5,000 (5,000)			10,872 (10,872)	
Glacier	5,000 (7,888)	3,584 (3,584)		3,150 (3,150)	
Hinotes Corner	6,636 (9,036)		1,500 (1,500)	19,856 (19,856)	
Kendall	7,000 (7,000)			3,340 (3,340)	
Laurel	10,700 (11,000)		10,260 (10,260)	21,950 (63,360)	17,670 (23,590)
Lummi Peninsula	2,500 (2,500)	7,800 (18,540)			7,280 (7,280)
Maple Falls	8,020 (8,020)	4,620 (4,620)		8,822 (10,082)	
Newhalem* (1b)	5,000 (5,000)			4,810 (12,981)	16,284 (28,924)
Nugents Corner	18,221 (19,499)			3,240 (3,240)	

LAMIRD	Retail/Office/ Restaurant/ Lodging	Storage/ Warehouse	Auto/ Equipment Repair	Public/ Community (1a)	Manufacturing/ Fabrication
Point Roberts*	34,704 (34,704)	3,286 (3,286)	6,732 (6,732)	11,246 (11,246)	
Pole & Guide Meridian	6,400 (6,400)		4,548 (5,556)	4,000 (4,000)	
Sandy Point	2,500 (2,500)			1,428 (1,428)	
Smith & Guide Meridian	5,866 (7,068)	5,900 (5,900)	9,600 (17,100)		22,042 (22,042)
Sudden Valley	6,348 (10,320)			30,140 (44,945)	
Van Wyck	5,000 (5,000)	1,904 (1,904)			
Wiser Lake	24,690 (24,690)	11,222 (12,374)		2,130 (2,130)	6,368 (6,368)

Key:

- The upper number indicates the maximum floor area in square feet per building per category on any one lot.
- The lower number indicates the maximum combined floor area in square feet for all buildings per category on any one lot.
- Superscript numbers refer to the following subsections that pertain to that particular use or LAMIRD.
- Blank cells indicate that that particular use type did not exist in that particular LAMIRD on July 1, 1990, and therefore is not allowed.
- An asterisk (*) indicates that the designated LAMIRD is located at least 10 miles from an existing urban growth area.

Exhibit 3

Essential Public Facility (EPF) Amendments

RCW 36.70A.200

Proposed Amendment A

Amendment of Essential Public Facilities (EPF) Definitions

Chapter 20.87 Definitions

WCC 20.97.030 "C" definitions.

Community facility.

"Community facility", as defined by RCW 72.05.020, means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW pursuant to a contract with the department is not a community facility.

WCC 20.97.050 "E" definitions.

Essential Public Facilities

"Essential public facilities" are those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, improvements to high capacity transportation systems as defined in RCW 81.104.015, bus rapid transit routes and stops or improvements to such routes and stops, state and local correctional facilities, solid waste handling facilities, opioid treatment programs including both mobile and fixed-site medication units, recovery residences, harm reduction programs excluding safe injection sites, and inpatient facilities including substance use disorder treatment facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020 (RCW 36.70A.200, Siting of essential public facilities). The County has also designated telecommunication towers, water treatment plants, sewer treatment plants, and water storage facilities as essential public facilities.

WCC 20.97.080 "H" definitions.

Hazardous Liquid

"Hazardous liquid" means petroleum, petroleum products, or anhydrous ammonia.

High-Consequence Land Use

"High-consequence land use" means a land use that, if located in the vicinity of a hazardous liquid or gas transmission pipeline, represents an unusually high risk in the event of a pipeline failure due to characteristics of the inhabitants or functions of the use. High-consequence land uses include:

- a) Land uses that involve a high-density on-site population that is more difficult to evacuate. These uses include schools, hospitals, multifamily housing or other facilities exclusively for the elderly or handicapped housing or facilities, stadiums, and day care centers. Day care centers do not extend to family day care or adult family homes.*
- b) Land uses that serve critical lifeline or emergency functions, such as fire and police facilities.*

WCC 20.97.150 "O" definitions.

Opioid Treatment Programs

"Opioid treatment programs" as defined by RCW 71.24.590, means both mobile and fixed-site medication units, recovery residences, and harm reduction programs excluding safe injection sites. Harm reduction programs means programs that emphasize engaging directly with people who use drugs to prevent overdose and infectious disease transmission, improve the physical, mental, and social well-being of those served, and offer low threshold options for accessing substance use disorder treatment and other services.

WCC 20.97.160 "P" definitions.

Pipeline Corridor.

"Pipeline corridor" means the pipeline pathway defined by rights-of-way and easements in which the pipelines and facilities of a hazardous liquid or gas transmission pipeline operator are located, including rights-of-way and easements over and through public or private property.

WCC 20.97.190 "S" definitions.

Substance Use Disorder Treatment Facilities.

"Substance use disorder treatment facilities" mean buildings and accessory uses primarily utilized to provide services to persons addicted to alcohol and/or other drugs, persons incapacitated by alcohol and/or drugs, and intoxicated persons. These services include detoxification, outpatient care, residential, and inpatient services.

WCC 20.97.200 "T" definitions.

Transmission Pipeline

"Transmission pipeline" means a pipeline carrying hazardous liquids, and all natural gas pipelines equal to or larger than 12 inches in diameter that operate at over 500 psi.

Proposed Amendment B

Substitution of "Substance abuse" with "Substance use disorder" & substitution of "Opioid substitution treatment clinic" with "Opioid treatment program" throughout Title 20 (Zoning)

Chapter 20.20 Urban Residential (UR) District

WCC 20.20.050 Permitted uses.

.091 Substance use disorder treatment facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

WCC 20.20.150 Conditional uses.

.151 Public community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar noncommercial uses, excluding correctional facilities other than those listed in WCC 20.20.184.

.184 Transitional correction facilities for juveniles and adults with 10 or less residents. These facilities include “community facilities” and “juvenile rehabilitation administration” (JRA) facilities run by the state, and residential adult work release facilities.

.191 Substance use disorder treatment facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

WCC 20.20.200 Prohibited uses.

.204 Substance use disorder treatment facilities that provide crisis care.

.206 Outpatient substance use disorder treatment facilities, including opioid treatment programs.

Chapter 20.22 Urban Residential – Medium (URM) District

WCC 20.22.050 Permitted uses.

.091 Substance use disorder treatment facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

WCC 20.22.150 Conditional uses.

.151 Public community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar noncommercial uses, excluding correction facilities other than those listed in WCC 20.22.184.

.184 Transitional correction facilities for juveniles and adults with 10 or less residents. These facilities include “community facilities” and “juvenile rehabilitation administration” (JRA) facilities run by the state and residential adult work release facilities.

.191 Substance use disorder treatment facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

WCC 20.22.200 Prohibited uses.

.204 Substance use disorder treatment facilities that provide crisis care.

.206 Outpatient substance use disorder treatment facilities, including opioid treatment programs.

Chapter 20.24 Urban Residential Mixed Density (UR-MX) District

WCC 20.24.050 Permitted uses.

.091 Substance use disorder treatment facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

WCC 20.24.150 Conditional uses.

.151 Public community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar noncommercial uses outside of centers, excluding correction facilities other than those listed in WCC 20.24.184.

.184 Transitional correction facilities for juveniles and adults with 10 or less residents. These facilities include “community facilities” and “juvenile rehabilitation administration” (JRA) facilities run by the state and residential adult work release facilities.

.191 Substance use disorder treatment facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

WCC 20.24.200 Prohibited uses.

.204 Substance use disorder treatment facilities that provide crisis care.

.206 Outpatient substance use disorder treatment facilities, including opioid treatment programs.

Chapter 20.32 Residential Rural (RR) District

WCC 20.32.050 Permitted uses.

.091 Substance use disorder treatment facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

WCC 20.32.150 Conditional uses.

.151 Public community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar noncommercial uses, excluding correction facilities. *

.191 Substance use disorder treatment facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

WCC 20.32.200 Prohibited uses.

.204 Substance use disorder treatment facilities that provide crisis care.

.206 Outpatient substance use disorder treatment facilities, including opioid treatment programs.

Chapter 20.34 Rural Residential-Island (RR-I) District

WCC 20.34.050 Permitted uses.

.091 Substance use disorder treatment facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

WCC 20.34.150 Conditional uses.

.151 Public community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar noncommercial uses, excluding correction facilities.

.191 Substance use disorder treatment facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

WCC 20.34.200 Prohibited uses.

- .204 Substance use disorder treatment facilities that provide crisis care.
- .206 Outpatient substance use disorder treatment facilities, including opioid treatment programs.

Chapter 20.34 Eliza Island (EI) District**WCC 20.35.050 Permitted uses.**

- .091 Substance use disorder treatment facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

Chapter 20.36 Rural (R) District**WCC 20.36.050 Permitted uses.**

- .091 Substance use disorder treatment facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

WCC 20.36.150 Conditional Uses

- .151 Public community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar noncommercial uses, excluding correction facilities. *
- .191 Substance use disorder treatment facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.
- .193 Substance use disorder treatment facilities that provide crisis care.
- .195 Outpatient substance use disorder treatment facilities, including opioid treatment programs.

Chapter 20.37 Point Roberts Transitional Zone (TZ) District**WCC 20.37.050 Permitted uses.**

- .091 Substance use disorder treatment facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

WCC 20.37.150 Conditional Uses

- .151 Public community facilities including police and fire stations, libraries, community centers, recreation facilities, activity centers, and other similar noncommercial uses. *
- .191 Substance use disorder treatment facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.
- .193 Substance use disorder treatment facilities that provide crisis care.
- .195 Outpatient substance use disorder treatment facilities, including opioid treatment programs.

Chapter 20.40 Agriculture (AG) District

WCC 20.40.050 Permitted uses.

.091 Substance use disorder treatment facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

WCC 20.40.150 Conditional Uses

.191 Substance use disorder treatment facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

Chapter 20.42 Rural Forestry (RF) District

WCC 20.42.050 Permitted uses.

.091 Substance use disorder treatment facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

Chapter 20.59 Rural General Commercial (RGC) District

WCC 20.59.050 Permitted uses.

.056 Public and community type uses.

(8) Substance use disorder treatment facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

WCC 20.59.200 Conditional uses.

.206 Public and community type uses.

(8) Substance use disorder treatment facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

(10) Substance use disorder treatment facilities that provide crisis care.

(12) Outpatient substance use disorder treatment facilities, including opioid treatment programs.

Chapter 20.60 Neighborhood Commercial Center (NC) District

WCC 20.60.050 Permitted uses.

.053 Public and community type uses.

(2) Public community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar noncommercial uses, excluding correction facilities.

(7) Substance use disorder treatment facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

Chapter 20.61 Small Town Commercial (STC) District

WCC 20.61.050 Permitted uses.

.056 Public and community type uses.

(3) Public community facilities including police and fire stations, libraries, community centers, museums, public parks and recreational facilities identified in an adopted city or county Comprehensive Plan or Park Plan, activity centers, tourist information offices and other similar noncommercial uses, excluding correction facilities.

(9) Substance use disorder treatment facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

WCC 20.61.200 Conditional uses

.206 Public and community type uses.

(5) Substance use disorder treatment facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

(7) Substance use disorder treatment facilities that provide crisis care.

(9) Outpatient substance use disorder treatment facilities, including opioid treatment programs.

Chapter 20.62 General Commercial (GC) District

WCC 20.62.050 Permitted uses.

.063 Public community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar noncommercial uses; provided, that such uses require a conditional use permit if located within airport overlay zone 2 or 3 as shown in Whatcom County Comprehensive Plan Appendix H.

.091 Substance use disorder treatment facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

WCC 20.62.150 Conditional uses.

.191 Substance use disorder treatment facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

.193 Substance use disorder treatment facilities that provide crisis care.

.195 Outpatient substance use disorder treatment facilities, including opioid treatment programs.

Chapter 20.63 Tourist Commercial (TC) District

WCC 20.63.050 Permitted uses.

.055 Public and community type uses.

(8) Substance use disorder treatment facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

Chapter 20.64 Resort Commercial (RC) District

WCC 20.64.050 Permitted uses.

.055 Public and community type uses.

(7) Substance use disorder treatment facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

WCC 20.64.150 Conditional uses.

.155 Public and community type uses.

(1) Public community facilities including police and fire stations, libraries, activity centers, community centers, recreation facilities and other similar noncommercial uses, excluding correction facilities.

(9) Substance use disorder treatment facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

WCC 20.64.200 Prohibited uses.

.204 Substance use disorder treatment facilities that provide crisis care.

.206 Outpatient substance use disorder treatment facilities, including opioid treatment programs.

Chapter 20.66 Light Impact Industrial (LII) District

WCC 20.66.050 Permitted Uses

.077 Public community facilities including police and fire stations, libraries, activity centers, community centers, park and recreation facilities identified in an adopted city or county Comprehensive Plan or Park Plan, and other similar noncommercial uses, excluding state education facilities.

WCC 20.66.150 Conditional Uses

.193 Substance use disorder treatment facilities that provide crisis care.

.195 Outpatient substance use disorder treatment facilities, including opioid treatment programs.

Chapter 20.67 General Manufacturing (GM) District

WCC 20.67.050 Permitted Uses

.052 Public/community type uses.

(1) Public community facilities including police and fire stations, libraries, activity centers, community centers, park and recreation facilities identified in an adopted city or county Comprehensive Plan or Park Plan, and other similar noncommercial uses, excluding state education facilities and correction facilities.

Chapter 20.68 Heavy Impact Industrial (HII) District

WCC 20.68.050 Permitted Uses

.062 Public community facilities including police and fire stations, libraries, activity centers, community centers, park and recreation facilities identified in an adopted city or county Comprehensive Plan or Park Plan, and other similar noncommercial uses, excluding state education facilities and correction facilities.

Exhibit 4

Other Concurrent Periodic Update Related Code Amendments

Proposed Amendment A

To align with the Cherry Point UGA proposal and prevent the 660' buffer standard of the HII zoning district from encroaching into BP's main plant area at Cherry Point.

Chapter 20.68 Heavy Impact Industrial (HII) District

WCC 20.68.550 Buffer area.

.552 To implement the buffer requirements of this district, minimum setbacks for heavy industrial buildings and accessory structures shall be established consistent with the following options:

- (5) In no case shall the setback from the northern and western boundaries of the Cherry Point Heavy Industrial Area, which are west of Safsten Road and not contiguous to another industrial zone, be less than 660 feet, nor the natural vegetation removed except for parking and security or protective uses.

.555 Required buffers may be provided off-site by written agreement in the form of a deed restriction on the off-site parcel that runs with the land and shall be filed with the County Auditor. The off-site buffer agreement shall be written so that it may be revised or rescinded in the event that land use or zoning designations are changed in such a way that the buffer becomes no longer necessary.

Proposed Amendment B

To comply with RCW 36.70A.142, to allow for the siting of organic materials management facilities in the areas identified in Whatcom County's Solid Waste Management Plan (SWMP).

WCC 20.72 Point Roberts Special District

WCC 20.72.150 Conditional uses

All conditional uses in the underlying zone districts shall remain conditional uses unless expressly prohibited by this chapter. In addition, the following uses may be conditionally permitted:

.152 In the Rural District:

- (1) Surface and subsurface mining including the extraction of sand and gravel pursuant to the provisions of WCC § 20.36.159 (Rural District, Conditional Uses).
- (2) Private commercial recreation facilities and clubs.
- (3) Commercial composting and mulching facilities other than commercial mushroom substrate production facilities, as provided for in Chapter 20.15 WCC.