



Whatcom County

COUNTY COURTHOUSE
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Agenda Bill Report

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TITLE FOR AGENDA ITEM:

Ordinance adopting various amendments to Whatcom County Code Title 20, Zoning, and Title 21, Land Division Regulations

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Proposed amendments to WCC Titles 20 (Zoning) and 21 (Land Division Regulations). This is an annual “code scrub,” wherein Planning and Development Services proposes amendments to clarify code, fix inconsistencies and grammar, and modify or add minor policies. This year’s 9 proposed code amendments include two proposed policy changes regarding: overflow parking for certain residential developments using private roads, and a requirement that garbage collection service providers review and approve proposed garbage enclosures.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
11/21/2023	Council	INTRODUCED FOR PUBLIC HEARING	Council
		Aye: 5 Buchanan, Donovan, Frazey, Galloway, and Kershner	
		Nay: 1 Elenbaas	
		Absent: 1 Byrd	
12/05/2023	Council	ADOPTED	

Agenda Bill Report Continued (AB2023-748)

Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Attachments: Staff Report, Ordinance, Notice of Hearing after 11.21.2023.pdf

ORDINANCE NO. 2023-078

AN ORDINANCE ADOPTING VARIOUS AMENDMENTS TO WHATCOM COUNTY CODE TITLES 20 (ZONING) AND 21 (LAND DIVISION REGULATIONS)

WHEREAS, The Council’s 2023 docket includes item PLN2023-00003, “Review and revise the Whatcom County Zoning Code and other sections of the County Code to implement Comprehensive Plan policies and/or address issues identified in the administration of the codes. Revisions needed to achieve consistency with the Growth Management Act may also be considered.”

WHEREAS, Whatcom County Planning and Development Services has proposed amendments to Whatcom County Code Titles 20 and 21 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. Whatcom County Planning and Development Services has applied to make various amendments to the Whatcom County Code (WCC) to make corrections, updates, and clarifications pursuant to docket item PLN2023-00003.
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on September 19, 2023. No comments have been received to date.
3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on September 11, 2023, for their 60-day review. No comments were received.
4. The Planning Commission held a duly noticed public hearing on the proposed amendments on October 12, 2023.
5. The County Council held a duly noticed public hearing on the proposed amendments on **December 5**, 2023.
6. The amendments are consistent with Comprehensive Plan Policy Goal 2D to “refine the regulatory system to ensure accomplishment of desired land use goals in a fair and equitable manner.” There are no policies with which these amendments would be inconsistent.
7. In reference to Exhibit A, Amendment No. 1: This amendment deletes a reference to a section that hasn’t existed since the 1990s.
8. In reference to Exhibit A, Amendment No. 2: This amendment clarifies that submittal requirements for final plats are contained in the Planning and Development Services Administrative Manual.
9. In reference to Exhibit A, Amendment No. 3: This amendment exempts temporary non-commercial signs in public rights-of-way from regulations, as per the Washington State Attorney General issued opinion.
10. In reference to Exhibit A, Amendment No. 4: This amendment would require that Planning and Development Services notifies and includes garbage collection providers in site plan review to ensure that trash receptacles are accessible by them.

11. In reference to Exhibit A, Amendment No. 5: This amendment deletes duplicative and confusing floor area regulations for the RGC/RIM designation.
12. In reference to Exhibit A, Amendment No. 6: This amendment clarifies that WCC 20.72.654 applies only in the Small Town Commercial District of Point Roberts.
13. In reference to Exhibit A, Amendment No. 7: This amendment aligns the rules for requiring the installation of frontage improvements for commercial development in Point Roberts with the practices of Whatcom County Public Works.
14. In reference to Exhibit A, Amendment No. 8: This amendment would require overflow parking for certain residential developments using private roads so as to minimize traffic congestion and ensure that emergency services can access all properties.
15. In reference to Exhibit A, Amendment No. 9: This amendment updates Whatcom County's child care facilities standards to comply with recent amendments to the State's regulations.
16. In addition, many of the amendments shown in Exhibit A are solely to fix grammar and have more concise language.

CONCLUSIONS

1. The amendments are the public interest.
2. The amendments are consistent with the Whatcom County Comprehensive 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. Staff is authorized to work with Code Publishing to correct and update any cross-references made ineffective by these amendments.

Section 3. Severability. Should any part of this regulation be held to be illegal, unconstitutional, or otherwise unenforceable, the remainder of the regulation shall still apply.

ADOPTED this 5th day of December, 2023.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:


Dana Brown-Davis, Council Clerk

APPROVED as to form:

/s/Royce Buckingham approved via email on 11/16/2023/MR

Royce Buckingham, Civil Deputy Prosecutor


Barry Buchanan, Council Chair

Approved () Denied


Satpal Sidhu, Executive

Date: 12/8/23

Exhibit A: 2023 Miscellaneous Code Amendments

1) Cleaning Up an Old Cross-Reference

PDS proposes to delete the second sentence of WCC 20.35.350, since it references a section that hasn't existed since the 1990s.

Title 20 ZONING

Chapter 20.35 Eliza Island (EI) District

20.35.350 Building setbacks.

.351 Minimum front, side, and rear yard setbacks shall be five feet. ~~The provisions of WCC 20.80.290 do not apply to setback areas within this district.~~

2) Cleaning up final plat/recording language

For final plat submittals WCC 21.05.039 only states that the final plat must be submitted "in proper form," but does not address what "proper form" is. PDS would like to reference the standards contained in the PDS Administrative Manual for these details.

Title 21 LAND DIVISION REGULATIONS

Chapter 21.05 Preliminary Long Subdivisions

21.05.039 Phasing, expiration and time extension for preliminary long subdivision approval.

(1) Except as provided by subsection (1)(a) of this section, a final plat shall be submitted ~~to the subdivision administrator in proper form~~ for final plat approval within seven years of the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015.

~~(a)~~ A final plat shall be submitted ~~in proper form~~ for final plat approval within 10 years of the date of preliminary plat approval if this project is not subject to requirements adopted under Chapter 90.58 RCW and the date of preliminary plat approval is on or before December 31, 2007.

~~(a)~~(b) All final plat submittals shall be in the format and meet the submittal requirements specified in the Planning and Development Services Administrative Manual.

(2) Extension of Time for Submittal of Final Long Subdivision. The expiration of a preliminary long subdivision approval may be extended under the following provisions:

(a) An applicant files a written request ~~with the subdivision administrator~~ prior to expiration of the five-year expiration period. The request shall state the specific work items, standards, and criteria ~~which that~~ have not been completed and the reasons therefor. The request shall also indicate when the work will be completed ~~within the requested period~~. The ~~subdivision administrator~~ Director shall review the request and provide a recommendation to the ~~H~~Hearing ~~e~~Examiner.

- (b) The Hearing Examiner shall have authority to grant one one-year extension subsequent to the original preliminary plat approval.
 - (c) The one-year extension may be granted if, after taking into consideration technical, economic, and other matters beyond the control of the applicant, the Hearing Examiner finds that there is reasonable justification for the granting of an extension.
 - (d) In granting the one-year extension the Hearing Examiner shall take into consideration such changes in rules, regulations, ordinances, or development standards, or portions thereof, that have occurred since the time the original approval was granted.
 - (e) The Hearing Examiner may condition the extension so as to require compliance with any such subsequently adopted rules, regulations, ordinances, or development standards, or portion thereof, that are deemed necessary to protect the public health, safety, and welfare.
- (3) Phased Subdivision. An applicant may seek approval of a phasing plan at the time of preliminary subdivision approval. If phasing is approved as part of a preliminary subdivision, the phasing plan shall expire 10 years from the date of preliminary approval. Each phase submitted after five years from the date of preliminary approval shall comply with the rules, regulations, and ordinances in effect as of the date construction plans are submitted for each phase.

3) Exemption of Temporary Non-Commercial Signs from Regulation

Following the U.S. Supreme Court's decisions in *Reed v. Town of Gilbert (2015)* and the *City of Austin v. Reagan National Advertising of Austin (2022)*, the Washington State Attorney General issued an opinion basically saying that jurisdictions cannot preclude temporary signs containing non-commercial speech (i.e., political signs) from being placed in public rights of way, except as to maintain safety or near public facilities. However, the County's sign regulations (WCC 20.80.400) prohibit *any* new off-site signs, which conflicts with this opinion.

Therefore, PDS would like to add a new exemption for temporary non-commercial signs in public rights-of-way not adjacent to public facilities, subject to certain safety requirements.

20.80.470 Exemptions.

(...)

(8) Non-commercial temporary signs in public rights-of-way subject to the following:

- a) Such signs are only allowed in non-hard surface areas of the right-of-way.
- b) No sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, bench, or any type of street furniture, or otherwise create a hazard, including a trip hazard.
- c) Such signs shall meet the requirements of WCC 20.80.200(3) (Vision Clearance).
- d) Such signs shall only be installed on stakes that can be manually pushed or hammered into the ground; all other installation signs are prohibited unless specifically allowed by a right-of-way use permit.
- e) Such signs shall not be located in rights-of-way adjacent to County or other government-owned facilities or properties.
- f) Signs are limited to four square feet total per side and three feet in height, from the ground to the top of the sign.
- g) Such signs shall be removed if in need of repair, worn or dilapidated, or create a public nuisance.

4) Include a requirement that garbage collection service providers review and approve proposed garbage enclosures.

Staff has run into an issue wherein after a project has been approved, the garbage collection provider serving the property says that sometimes their trucks can't easily get to the dumpsters to empty them. We would like to add a requirement that the location of such enclosures be reviewed and approved by the service provider(s) during permit application review, as we do for other service providers. It is general practice to send preapplication meeting notices and notice of applications to neighboring cities, agencies, or tribes that will potentially be affected and public utilities within 500 feet of the project location. With this amendment, we would then send notice to garbage companies for input in design.

Additionally, while §20.80.355 requires that garbage collection areas be *screened*, only Chapter 20.22 contains a requirement that they be *provided*. Staff proposes to remedy this by deleting the requirement in §20.22.663 but including it in §20.80.355 so that it applies to all zoning districts.

TITLE 20 ZONING

Chapter 20.80 Supplementary Requirements

20.80.300 Landscaping.

(...)

20.80.355 Trash or garbage collection storage areas – Screening and placement.

Garbage disposal facilities shall be provided in accordance with applicable Whatcom County Board of Health rules and regulations (WCC Chapter 8.10). All trash or garbage collection storage areas must be screened from view from adjacent streets and properties using a solid fence or wall a minimum of six feet high. The garbage collection service provider shall be provided opportunity to approve the location prior to permit approval.

Chapter 20.22 Urban Residential – Medium Density (URM) District

~~**20.22.663 Garbage facilities.**~~

~~Garbage disposal facilities shall be provided in accordance with applicable Whatcom County board of health rules and regulations, and subject to approval of the health department.~~

5) Clarify RGC/RIM floor area rules

There's only one area designated Rural Business and zoned RIM (next to I-5 at the Birch Bay exit). Both WCC 20.59.322 & 20.69.302 say the maximum floor area in this area is 7,000 square feet. §20.80.100(3) repeats this, but has an exception for the only place so designated/zoned and allows up to 12,000 or 20,000 sf., depending on the age of the building.

PDS would like to consolidate these confusing rules and eliminate §20.80.100(3).

TITLE 20 ZONING

Chapter 20.59 Rural General Commercial (RGC) District

20.59.320 Maximum building size.

.322 In a Rural Business designation, the maximum allowable floor area for a new use is ~~12,000 7,000~~ square feet per building ~~except~~ as provided in WCC 20.80.100(3) and (4). For buildings in which nonresidential uses existed on July 1, 2012, building size expansion to no greater than 20,000 square feet is permitted.

Chapter 20.69 Rural Industrial and Manufacturing (RIM) District

20.69.300 Maximum building size.

.302 In a Rural Business designation, the maximum allowable floor area per building is ~~12,000 7,000~~ square feet ~~except~~ as provided in WCC 20.80.100(3) and (4). For buildings in which nonresidential uses existed on July 1, 2012, building size expansion to no greater than 20,000 square feet is permitted.

Chapter 20.80 Supplementary Requirements

20.80.100 LAMIRD requirements.

(...)

~~(3) Within areas designated in the Comprehensive Plan as Rural Business, which are Limited Areas of More Intensive Development as described in RCW 36.70A.070(5)(d)(iii), new nonresidential uses are subject to a maximum building size of 7,000 square feet, except in the Birch Bay Lynden/I-5 area where new nonresidential uses are subject to a maximum building size of 12,000 square feet, which is considered "small scale" relative to existing uses in that area. For buildings in which nonresidential uses existed on July 1, 2012, building size expansion to no greater than 8,000 square feet is permitted, except in the Birch Bay Lynden/I-5 area, where building size no greater than 20,000 square feet is permitted.~~

~~(4)~~(3) 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.

6) Clarify that WCC 20.72.654 applies only in the Small Town Commercial District

In Point Roberts, WCC 20.72.654 requires development to "ensure view access" in its design. However, according to the Point Roberts Character Plan, this was only intended to apply to commercial

development in the Small Town Commercial district, as the only reference to protecting views is in Section 4-004 (Building Mass), item 2 (which only applies to the commercial district):

“It is important to maintain open view corridors of the tidal waters. New buildings should be designed and oriented so as not to dominate or overshadow smaller structures and the overall view of the tidal water. Refer to WCC 20.72.653 (Site design and view corridors).”

But neighbors have starting to use this section to protest SFR development in all zones. Therefore, PDS proposes to add language making it clear that this section only applies in the Small Town Commercial district.

TITLE 20 ZONING

Chapter 20.72 Point Roberts Special District

20.72.654 Site design/view corridors. (Adopted by reference in WCCP Chapter 2.)

In the Small Town Commercial district, Sscenic views and open space shall be considered in all developments and the site plan designed to ensure view access is maximized while maintaining reasonable use of the development site.

7) Clarify rules for requiring the installation of frontage improvements for commercial development in Point Roberts

Though WCC 20.72.657 says that commercial development “shall” install frontage improvements, in practice, Public Works—through their concurrency review—never requires that frontage improvements be installed on the typical commercial development in Point Roberts, as the projects are generally too small to meet the concurrency threshold. Thus, this language sets up a false expectation among residents, leading to disappointment. The proposed language would clarify that Public Works must run the concurrency test to determine whether frontage improvements are required.

TITLE 20 ZONING

Chapter 20.72 Point Roberts Special District

20.72.657 Non-vehicular access

1. When determined to be required by Whatcom County Public Works pursuant to Whatcom County Public Works’ road standards, Chapter 5, Ccommercial development or redevelopment of any parcel along Tyee Drive, Gulf Road, Marine Drive, and APA Road shall be required to install appropriate street improvements along the road frontage of the parcel. Such frontage improvements which may include curbs, gutters, sidewalks, boardwalks, benches, lighting, and appropriate provisions for bicycle and equestrian facilities in accordance with the applicable Comprehensive Plan policies, land use regulations and current road standards for the classification of those streets. Planting of street trees along the road frontage(s) of the subject parcel shall be required pursuant to WCC 20.80.325. These requirements may be waived if a local improvement district, road improvement district, or transportation benefit district is formed for the purpose of providing the aforementioned improvements.

8) POLICY CHANGE: Require overflow parking for certain residential developments using private roads.

WCC 20.80.580 requires that developments provide a certain number of off-street parking spaces for many different uses, including single-family residential (2/unit), duplex (2/unit), and multifamily residential (3/2 units) uses. And generally, when development is on public streets, the streets are wide enough that on-street parking is available for guests or for families that have more than two vehicles.

However, a parking problem has arisen due to more and more of these types of developments being built with private roads rather than public streets. Public Works' Development Standards allow narrower roads when they're private (24' or less), which do not have adequate space for on-street parking. This isn't so much a problem in rural 5-ac subdivisions, but it is problematic in the more urban zones within Urban Growth Areas (UGAs) and Limited Areas of More Intensive Rural Development (LAMIRDs) where densities are higher.

So while we require each dwelling unit to provide their required off-street parking spaces, developers are not providing adequate parking for guests or those families that have more than 2 vehicles, leading to congestion and blocking emergency access on these private roads.

PDS would like to address this by amending WCC 20.80.580 to require single-family, duplex, and multifamily residential uses of over 4 units on private roads to provide 1 overflow stall per every 2 units (in addition to the required off-street parking).

Last year PDS proposed these same amendments, but the Planning Commission pulled it from consideration as Commissioner Lund had cited a 2022 Parking Policy & Housing Affordability report prepared by the Whatcom Housing Alliance, which analyzed the cost of overparking and recommended that parking requirements be reduced or eliminated, citing several local, state, and national case studies.

PDS has since reviewed that report, and though we generally agree with its findings and recommendations *for urban areas*, we do not believe it to be applicable to rural or semi-rural areas. While it makes sweeping recommendations for *Whatcom County*, all the examples shown in that report are from urban areas that have public transportation, streets wide enough to park along, and services within walking distance of residential areas. PDS agrees that such reforms might be transformational and encourage more people to use alternative transportation when it's available, but it is just not available to the extent needed in most areas of the county. And with our current parking/private road width standards, fire trucks are having problems getting through.

Thus, we are proposing these amendments again and have attached that report for the Commission's perusal.

TITLE 20 ZONING

Chapter 20.80 Supplementary Requirements

20.80.580 Parking space requirements.

For the purpose of this ordinance, the following parking space requirements shall apply (See also WCC 20.97.140):

(...)

(21) Duplex: 2 for each unit, plus for any duplex development of more than 4 units within a UGA or LAMIRD: 1 overflow space for every 2 units.

(...)

(38) Multifamily dwelling: 3 for each 2 units, plus for any multifamily development of more than 4 units within a UGA or LAMIRD: 1 overflow space for every 2 units.

(...)

(50) Single-family dwelling: 2 for each unit, plus for any single-family development of more than 4 units within a UGA or LAMIRD: 1 overflow space for every 2 units.

(...)

9) POLICY CHANGE: Update Child Care Facilities Standards to Comply with State Code

In an effort to make childcare more affordable, Washington State code regarding in-home day cares (RCW 43.216.010) has been amended from “six or fewer children” to “twelve or fewer children.” Whatcom County’s code is now inconsistent with the state requirement, as we have two levels of in-home day care: family day care homes (allowing only up to 6) and mini-day care homes (allowing 6 to 12). This has resulted in PDS having to issue administrative use permits for uses (mini-day care homes) allowed outright by state law.

And while reviewing the WCC for this change, we’ve also noticed some peculiarities about our commercial day care center rules as well, and would like to simplify those to some extent in the effort to make childcare more affordable.

Existing Definitions

“Family day care home” means an occupied dwelling unit regularly providing care during part of the 24-hour day for six or fewer children in the family abode of the person or persons under whose direct care the children are placed. Such care in a family day care home is limited to six or fewer children, including those children living in the home or children of other close relatives cared for in the home.

“Mini-day care home” means an occupied dwelling unit regularly providing care during part of the 24-hour day for seven to 12 children in the family abode of the person or persons under whose direct care the children are placed. Such care in a mini-day care home is limited to 12 or fewer children, including those children living in the home or children of other close relatives cared for in the home.

“Mini-day care center” means a structure other than an occupied dwelling unit regularly providing care during part of the 24-hour day for 12 or fewer children. Such care in a mini-day care center is limited to 12 or fewer children, including those children of the faculty or children of other close relatives cared for by the faculty.

“Day care center” means a structure other than an occupied dwelling unit regularly providing care during part of the 24-hour day to 13 or more children.

Existing Use Allowances & Required Permits

As shown in the first table below, family day care homes are allowed in most residential and commercial districts, most being listed as an accessory use, though outright permitted in RR-I, and for some reason not allowed in UR-MD or UR-MX. Thus, no permits are needed from Whatcom County (though they still need a state license and a life/safety inspection from our Building Divisions, triggered by application for a state license and annually inspected thereafter). Mini-day care homes are allowed in these same districts, though require an Administrative Approval Use in the residential districts.

As for commercial day cares, they’re allowed in our residential districts as a conditional use, in Ag and our commercial zones as a permitted use, and in our industrial zones as an accessory use “if operated,

maintained, and/or funded by business in the district for the purpose of serving the childcare needs of employees whose place of employment lies within this zone district.”

Zoning District	Family Day Care Home	Mini-Day Care Home	Mini-Day Care Center	Day Care Center
	(1-6 children in home)	(7-12 children in home)	(1-12 children in commercial space)	(13+ children in commercial space)
Urban Residential	AU	AAU	CU	CU
Urban Residential-Medium Density		AAU	CU	CU
Urban Residential-Mixed		AAU	CU	CU
Residential Rural	AU	AAU	CU	CU
Rural Residential-Island	P	AU	CU	CU
Eliza Island	AU	AAU	CU	CU
Rural	AU	AAU	CU	CU
Point Roberts Transitional Zone		AAU	CU	CU
Agriculture	AU	AAU	P	P
Rural General Commercial	AU	AU	P	P
Neighborhood Commercial Center	AU	AU	P	P
Small Town Commercial	AU	AU	P	P
General Commercial	AU	AU	P	P
Tourist Commercial	AU	AU	P	P
Resort Commercial	AU	AU	P	P
Light Impact Industrial*			AU	AU
General Manufacturing*			AU	AU
Heavy Impact Industrial*			AU	AU
Rural Industrial and Manufacturing*	AU	AU	AU	AU
Airport Operations			AU	AU

P – Permitted (no permit needed)

AAU – Administrative Approval Use

AU – Accessory Use (no permit needed)

CU – Conditional Use

* All childcare facilities allowed if operated, maintained, and/or funded by business in the district for the purpose of serving the childcare needs of employees whose place of employment lies within this zone district

Proposed Use Allowances & Required Permits

Regarding In-Home Day Care

Since day care homes can now house up to 12 kids under state law, then we no longer need the Mini-Day Care Home use or definition. PDS proposes to:

- Eliminate the use “mini-day care homes” in both the definitions and as listed uses.
- Amend the definition of “family day care homes” to allow up to 12 children, and change the name to “day care homes.”
- Allow day care homes in UR-MD, UR-MX, and TZ (where they’re currently not allowed for some reason) as an accessory use, similar to the other residential zones, and
- Eliminate day care homes as a use in RIM, as no residential uses are allowed there.

Regarding Commercial Day Care Centers

As for the commercial versions (mini-day care centers and day care centers), PDS proposes to

- Eliminate “mini-day care centers” in both the definitions and as listed uses, since the permitting is the same regardless of how many children are cared for.
- Residential, Ag, and commercial district permitting would remain the same.

- But in the industrial districts staff is proposing to allow them as a permitted use, and eliminate the requirement that they be “operated, maintained, and/or funded by business in the district for the purpose of serving the childcare needs of employees whose place of employment lies within this zone district,” since if someone wants to start a day care that would cater to that clientele, why should that matter?

The proposed scheme is shown in the following table:

Zoning District	Day Care Homes	Day Care Centers
	(1-12 children in home)	(any number of children in commercial space)
Urban Residential	AU	CU
Urban Residential-Medium Density	AU	CU
Urban Residential-Mixed	AU	CU
Residential Rural	AU	CU
Rural Residential-Island	AU	CU
Eliza Island	AU	CU
Rural	AU	CU
Point Roberts Transitional Zone	AU	CU
Agriculture	AU	P
Rural General Commercial	AU	P
Neighborhood Commercial Center	AU	P
Small Town Commercial	AU	P
General Commercial	AU	P
Tourist Commercial	AU	P
Resort Commercial	AU	P
Light Impact Industrial		P
General Manufacturing		P
Heavy Impact Industrial		P
Rural Industrial and Manufacturing		P
Airport Operations		P

P – Permitted (no permit needed)
 AU – Accessory Use (no permit needed)

AAU – Administrative Approval Use
 CU – Conditional Use

TITLE 20 ZONING

Chapter 20.97: Definitions

Day Care Center

“Day care center” means a ~~business structure other than an occupied dwelling unit~~ regularly providing ~~childcare~~ during part of the 24-hour day to ~~13 or more~~ any number of children in commercial structure.

~~Family-d~~Day Care Home.

“Family day care home” means an occupied dwelling unit regularly providing childcare services during part of the 24-hour day for ~~six~~ twelve or fewer children in the family abode of the person or persons under whose direct care the children are placed. Such care in a family day care home is limited to twelve ~~six~~ or fewer children, including those children living in the home or children of other close relatives cared for in the home.

Mini-day care center

“Mini-day care center” means a ~~structure other than an occupied dwelling unit~~ regularly providing care during part of the 24-hour day for ~~12 or fewer~~ children. Such care in a mini-day care center is limited to

~~12 or fewer children, including those children of the faculty or children of other close relatives cared for by the faculty.~~

~~**Mini-day care home.**~~

~~“Mini-day care home” means an occupied dwelling unit regularly providing care during part of the 24-hour day for seven to 12 children in the family abode of the person or persons under whose direct care the children are placed. Such care in a mini-day care home is limited to 12 or fewer children, including those children living in the home or children of other close relatives cared for in the home.~~

Chapter 20.20 Urban Residential (UR) District

20.20.100 Accessory uses.

(...)

~~.105 Family dDay care homes.~~

(...)

20.20.130 Administrative approval uses.

(...)

~~.134 Mini-day care homes.~~

(...)

Chapter 20.22 Urban Residential – Medium Density (URM) District

20.22.100 Accessory uses.

(...)

~~.105 Day care homes Repealed by Ord. 2022-012.~~

(...)

20.22.130 Administrative approval uses.

(...)

~~.133 Mini-day care homes~~

(...)

Chapter 20.24 Urban Residential Mixed (UR-MX) District

20.24.100 Accessory uses.

(...)

~~.105 Day care homes Repealed by Ord. 2022-012.~~

(...)

20.24.130 Administrative approval uses.

(...)

~~.134 Mini-day care homes.~~

(...)

Chapter 20.32 Residential Rural (RR) District

20.32.100 Accessory uses.

(...)

.105 Family-dDay care homes.

(...)

20.32.130 Administrative approval uses.

(...)

~~.133 Mini-day care homes~~

(...)

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

20.35.100 Accessory uses.

(...)

.107 Family-dDay care homes.

(...)

20.34.130 Administrative approval uses.

(...)

~~.133 Mini-day care homes.~~

(...)

Chapter 20.35 Eliza Island (EI) District

20.35.100 Accessory uses.

(...)

.107 Family-dDay care homes.

(...)

20.35.130 Administrative approval uses.

~~.131 Mini-day care homes.~~

(...)

Chapter 20.36 Rural (R) District

20.36.100 Accessory uses.

(...)

.108 Family-dDay care homes.

(...)

20.36.130 Administrative approval uses.

(...)

~~.134 Mini-day care homes.~~

(...)

Chapter 20.40 Agriculture (AG) District

20.40.100 Accessory uses.

(...)

~~.112 Family dDay care homes.~~

(...)

20.40.130 Administrative approval uses.

(...)

~~.138 Mini-day care homes.~~

(...)

Chapter 20.59 Rural General Commercial (RGC) District

20.59.050 Permitted uses.

(...)

.051 Retail and office type uses.

(...)

(6) ~~Mini-day care centers and dDay care centers.~~

(...)

20.59.100 Accessory uses.

(...)

~~.104 Family dDay care homes and mini-day care homes; mini-day care homes shall conform to the definition of home occupation, WCC 20.80.970.~~

(...)

Chapter 20.60 Neighborhood Commercial Center (NC) District

20.60.050 Permitted uses.

(...)

.053 Public and community type uses.

(1) Adult care centers, ~~mini-day care centers,~~ and day care centers.

(...)

20.60.100 Accessory uses.

(...)

~~.104 Family dDay care homes and mini-day care homes; provided, that mini-day care homes conform to the definition of home occupation, WCC 20.80.970; and further provided, that the single family residence is a legally nonconforming use.~~

(...)

Chapter 20.61 Small Town Commercial (STC) District

20.61.050 Permitted uses.

(...)

.051 Retail and office type uses.

(...)

(7) ~~Mini-day care centers and d~~ay care centers.

(...)

20.61.100 Accessory uses.

(...)

~~.108 Family d~~ay care homes and ~~mini-day care homes~~; ~~mini-day care homes shall conform to the requirements of home occupation, WCC 20.80.970.~~

(...)

Chapter 20.62 General Commercial (GC) District

20.62.050 Permitted uses.

(...)

~~.069 Mini-day care centers and d~~ay care centers; 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.

(...)

20.62.100 Accessory uses.

(...)

~~.104 Family d~~ay care homes and ~~mini-day care homes~~; provided, that ~~mini-day care homes conform to the requirements of home occupation, WCC 20.80.970; and further 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.

(...)

Chapter 20.63 Tourist Commercial (TC) District

20.63.050 Permitted uses.

(...)

.051 Retail and office type uses.

(...)

(9) ~~Mini-day care centers and d~~ay care centers.

(...)

20.63.100 Accessory uses.

(...)

~~.104 Family d~~ay care homes and ~~mini-day care homes~~; provided, that ~~mini-day care homes conform to the requirements of home occupation, WCC 20.80.970; and further provided, that the single-family residence is a legally nonconforming use.~~

(...)

Chapter 20.64 Resort Commercial (RC) District

20.64.050 Permitted uses.

(...)

.055 Public and community type uses.

(...)

(3) ~~Mini-day care centers and d~~Day care centers.

(...)

20.64.100 Accessory uses.

(...)

.120 ~~Family d~~Day care homes and ~~mini-day care homes; mini-day care homes shall conform to the requirements of home occupation, WCC 20.80.970.~~

(...)

Chapter 20.66 Light Impact Industrial (LII) District

20.66.050 Permitted uses

(...)

.083 Day care centers.

(...)

20.66.100 Accessory uses.

(...)

~~.107 Mini-day care centers and day care centers operated by, maintained by or funded by business in the district for the purpose of serving the child care needs of employees whose place of employment lies within this zone district.~~

(...)

Chapter 20.67 General Manufacturing (GM) District

20.67.050 Permitted uses.

(...)

.052 Public/community type uses.

(...)

(4) Day care centers.

(...)

20.67.100 Accessory uses.

(...)

.107 Mini-day care centers and day care centers operated by, maintained by or funded by business in the district for the purpose of serving the child care needs of employees whose place of employment lies within this zone district.

(...)

Chapter 20.68 Heavy Impact Industrial (HII) District

20.68.050 Permitted uses.

(...)

.108 Day Care Centers.

(...)

20.68.100 Accessory uses.

(...)

~~.107 Mini day care centers, and day care centers operated by, maintained by or funded by business in the district for the purpose of serving the child care needs of employees whose place of employment lies within this zone district.~~

(...)

Chapter 20.69 Rural Industrial and Manufacturing (RIM) District

20.69.050 Permitted uses.

(...)

.055 Public/community type uses.

(...)

(4) Day care centers

(...)

20.69.100 Accessory uses.

(...)

~~.109 Childcare facilities operated by, maintained by or funded by business in the district for the purpose of serving the childcare needs of employees whose place of employment lies within this zone district; provided, that mini day care home uses in a family dwelling shall conform to the requirements of home occupation, WCC 20.80.970.~~

(...)