

PROPOSED BY: _____
INTRODUCTION DATE: _____

ORDINANCE NO. _____

ADOPTING VARIOUS MINOR AMENDMENTS TO WHATCOM COUNTY CODE TITLES 20 (ZONING), 21 (LAND DIVISION REGULATIONS) AND 22 (LAND USE AND DEVELOPMENT)

WHEREAS, The Council’s 2022 docket includes item PLN2022-00003, “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 22 to fulfill this directive; and,

WHEREAS, The Whatcom County Council reviewed and considered Planning Commission recommendations, staff recommendations, 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 submitted an application to make various amendments to the Whatcom County Code (WCC) to make corrections, updates, and clarifications.
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on November 14, 2022.
3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on November 7, 2022, for their 60-day review. No comments were received.
4. The Planning Commission held a duly noticed public hearing on the proposed amendments on December 8, 2022.
5. The County Council held a duly noticed public hearing on the proposed amendments on _____, 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.”
7. In reference to Exhibit A, Amendment No. 1: The amendment to require written concurrence from agencies with jurisdiction regarding building heights around airports would gain concurrence from those agencies that the FAR Part 77 imaginary surfaces is being correctly interpreted by staff and applicants.
8. In reference to Exhibit A, Amendment No. 2: The amendments to fix inconsistencies regarding public utilities regulations would (1) allow publicly owned water storage tanks regardless of their purpose (not just fireflow) as a permitted use; and (2) place all rules regarding public utilities in one place (Chapter 20.82, Public Utilities).
9. In reference to Exhibit A, Amendment No. 3: The amendments to revise the definition of “non-industrial buildings” to include other non-industrial uses would allow additional types of non-

industrial buildings, such as office buildings, to enjoy the same setbacks and buffers in the HII district as public uses, restaurants, and cafes currently do.

10. In reference to Exhibit A, Amendment No. 4: The amendments to add a definition of “self-service storage facility,” standardize the various terms used for this type of facility, and allow them in the LII district would standardize the regulation of such facilities and appropriately allow this use in the LII district (in addition to the STC, RGC, GC, and NC districts where they’re currently allowed).
11. In reference to Exhibit A, Amendment No. 5: The amendments to allow HVAC systems within front, rear, and side yard setbacks (subject to size limitations in the side yard so as not to impede access by emergency responders) would encourage the use of heat pumps and other modern HVAC systems, which are typically installed adjacent to structures.
12. In reference to Exhibit A, Amendment No. 6: The amendments to revise Table 20.22.254 (minimum lot width and depth) in URM zone would remove reliance on the little-used TDR program and base such measurements on whether public sewer and water are available.
13. In reference to Exhibit A, Amendment No. 7: The amendment to reduce parking stall size from 10 x 20’ to 9’ x 18’ would reduce impervious surfaces and adopt standards found in most jurisdictions.
14. In reference to Exhibit A, Amendment No. 8: The amendments to delete §20.42.163 would fix an inconsistency with an amendment Council made in 2022.
15. In reference to Exhibit A, Amendment No. 9: The amendments to add bicycle parking requirements help encourage and accommodate increased bicycle usage in Whatcom County, thus reducing carbon footprints.
16. In reference to Exhibit A, Amendment No. 10: The proposed amendments would standardize and simplify accessory dwelling unit language and regulations.
17. In reference to Exhibit A, Amendment No. 11: The amendments would add language authorizing the use and collection of securities—an already commonly used tool—to Whatcom County’s code.
18. In reference to Exhibit A, Amendment No. 12: The addition of §22.05.014 would clarify the obligations of property owners, occupants, and applicants for development activities.
19. In reference to Exhibit A, Amendment No. 13: The addition of §22.05.130(4) would clarify that exceeding permit review timeframes does not construe either approval or denial of a permit.
20. In reference to Exhibit A, Amendment No. 14: The amendments to Chapter 20.89 would, for the most part, simplify language, though amend policy in §20.89.050(2)(a) to limit TDR receiving areas to UGAs or cities, thus better protecting rural character by better concentrating density in cities and Urban Growth Areas.
21. In reference to Exhibit A, Amendment No. 15: Through Ordinance 2022-061 Council amended the language governing seasonal clearing activity limits in the Lake Whatcom Overlay Protection district (among other things). However, staff overlooked proposing the same amendments Water Resources Protection Overlay district. This amendment is aimed at fixing that oversight so as to make the language consistent for both districts.
22. In addition, many of the amendments shown in Exhibit A are solely to fix grammar and have more concise language.

CONCLUSIONS

1. The amendments to the development regulations 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.

ADOPTED this _____ day of _____, 2023.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

APPROVED as to form:

() Approved () Denied

/s/Royce Buckingham approved via email on 3/6/2023

Royce Buckingham, Civil Deputy Prosecutor

Satpal Sidhu, Executive

Date: _____