

Whatcom County Planning & Development Services Staff Report

Miscellaneous Code Amendments 2025

I. File Information

File # PLN2025-00004, SEPA2025-00060

File Name: 2025 Annual Code Scrub

Applicants: Whatcom County Planning and Development Services (PDS)

Summary of Request: Proposed amendments to Title 20 (Zoning), and Title 22 (Land Use and Development). These are annual Whatcom County Code amendments wherein Planning and Development Services proposes amendments to clarify code, fix inconsistencies and grammar, and modify or add minor policies.

Location: Countywide

II. Code Amendments

The proposed code amendments are found in Exhibit A. Please refer to that attachment; explanations are provided therein.

III. Comprehensive Plan Evaluation

The proposed amendments are consistent with Comprehensive Plan's Goal 2D to "Refine the regulatory system to ensure accomplishment of desired land use goals in a fair and equitable manner." Staff finds no policies with which these amendments would be inconsistent.

IV. Proposed Findings of Fact and Reasons for Action

It is recommended the Planning Commission adopt the following findings of fact and reasons for action:

1. Whatcom County Planning and Development Services has submitted an application to make various amendments to Title 20 (Zoning) and Title 22 (Land Use and Development) of 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 October 17th, 2025. No comments have been received to date.
3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on October 17th, 2025 for their 10-day expedited review. No comments were received to date.
4. The Planning Commission held a duly noticed public hearing on the proposed amendments on October 30th, 2025.
5. On October 30th, 2025 the Whatcom County Planning Commission recommended all of the proposed Zoning Code changes to The County Council.

6. The County Council held a duly noticed public hearing on the proposed amendments on _____.
7. 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.
8. In reference to Exhibit A, Amendment No. 1: This amendment is to revise Chapter 20.71 WATER RESOURCE PROTECTION OVERLAY DISTRICT (WCC 20.71.302), by removing the impervious surface limitations as it relates to public schools.
9. In reference to Exhibit A, Amendment No. 2: This amendment is to update existing “Day Care Home” definition within WCC 20.97.040 to comply with State Child Care Facilities Standards.
10. In reference to Exhibit A, Amendment No. 3: This amendment is to clarifying well buffer distance standards within WCC 20.38.060(6) for clustered lots within a subdivision.
11. In reference to Exhibit A, Amendment No. 4: This amendment is to update open space standards within WCC 20.80.220(2) for structures located within rear yard setback areas to conform with current Washington State building code standards.
12. In reference to Exhibit A, Amendment No. 5: This amendment is to clarify establishment of electronic vehicle charging stations within front yard, side yard, and rear yard setback areas within WCC 20.80.220(1)(a).
13. In reference to Exhibit A, Amendment No. 6: This amendment is to clarify density requirements within the Resort Commercial zoning district within WCC 20.64.260.
14. In reference to Exhibit A, Amendment No. 7: This amendment is to language within WCC 22.05.160(d) regarding Hearing Examiner standards to align with changes made by County Council under AB2025-539.
15. In reference to Exhibit A, Amendment No. 8: This amendment is to amend pre-application refund policy within WCC 22.05.040(2).
16. In reference to Exhibit A, Amendment No. 9: This amendment is to amend reduced application fees policy within WCC 22.25.030.
17. In reference to Exhibit A, Amendment No. 10: This amendment is to clarify standards for transfer of Conditional Use Permits within WCC 22.05.026(2).
18. In reference to Exhibit A, Amendment No. 11: This amendment is to clarify standards for transfer of Administrative Approval Use Permits within WCC 22.05.028(5).

V. Proposed Conclusions

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

VI. Recommendation

The Planning Commission recommends that The County Council approve the proposed amendments and Findings of Fact.

Attachments

1. Exhibit A – Proposed Code Amendments