

Whatcom County Planning & Development Services Staff Report

Miscellaneous Code Amendments 2024

I. File Information

File # PLN2024-00002

File Name: Miscellaneous Code Amendments 2024

Applicants: Whatcom County Planning and Development Services (PDS)

Summary of Request: Proposed amendments to WCC Titles 20 (Zoning). 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 six proposed code amendments include one proposed policy change to allow cannabis retail in the Light Impact Industrial District within Urban Growth Areas. Please refer to Exhibit A (attached) where the proposed amendments and explanations are provided.

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 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 June 24th, 2024. No comments have been received to date.
3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on June 4th, 2024, for their 60-day review. No comments were received to date.
4. The Planning Commission held a work session on the proposed amendments on July 25th, 2024
5. The Planning Commission held a duly noticed public hearing on the proposed amendments on August 8th, 2024.
6. On August 8th, 2024 The Whatcom County Planning Commission recommended approval of the proposed Zoning Code changes to The County Council.
7. The County Council held a duly noticed public hearing on the proposed amendments on _____, 2024.

8. 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.
9. In reference to Exhibit A, Amendment No. 1: This amendment would require applicants for Personal Wireless Facilities whose structure might penetrate FAR Part 77 to submit Federal Aviation Administration (FAA) approval tower heights prior to applying for Whatcom County permits and submit that approval with their application.
10. In reference to Exhibit A, Amendment No. 2: This amendment adds an additional 30-foot setback from single-family residential uses to Personal Wireless Facilities to allow for additional height increases when colocation is proposed.
11. In reference to Exhibit A, Amendment No. 3: This amendment removes two leftover uses of the term “significant” trees, as the County has switched from regulating the removal of “significant trees” to regulating the retention of “tree canopy” in our watershed protection districts.
12. In reference to Exhibit A, Amendment No. 4: This amendment clarifies that 0-foot setbacks are allowed for Single-Family Attached uses where Single-Family Attached is allowed.
13. In reference to Exhibit A, Amendment No. 5: This amendment allows cannabis retail in the Light Impact Industrial District within UGAs per Council direction (docket item PLN2024-00006).
14. In reference to Exhibit A, Amendment No. 6: Because of the upcoming stricter permitting timelines of HB 5290, this amendment allows Planning and Development Services to issue permits for land disturbing activities in our watershed protection overlay districts during seasonal closures, though conditions such work not to occur during the seasonal closure.

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