

Whatcom County Planning & Development Services Staff Report

Miscellaneous Code Amendments 2023

I. File Information

File # PLN2023-00003

File Name: Miscellaneous Code Amendments 2023

Applicants: Whatcom County Planning and Development Services (PDS)

Summary of Request: 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. Please refer to Exhibit A (attached) where the proposed amendments and explanations are provided.

Location: Countywide.

Recommendation(s): The Planning Commission recommends approval. Planning and Development Services concurs.

Background: Planning and Development Services annually proposes a series of code amendments to maintain consistency with state regulations, improve unclear wording or procedures, to correct errors or outdated text, or to amend certain policies.

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

The Planning Commission recommends that the Council adopt the following findings of fact and reasons for action:

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 , 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.

V. Proposed Conclusions

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

VI. Recommendation

On October 12, 2023, the Planning Commission voted unanimously to recommend approval. Planning and Development Services concurs.

Attachments

1. Exhibit A – Proposed Code Amendments