

PROPOSED BY: \_\_\_\_\_  
INTRODUCTION DATE: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**ADOPTING VARIOUS AMENDMENTS TO WCC TITLE 20 (ZONING) REGARDING HOME-BASED  
BUSINESSES**

**WHEREAS,** The Council's 2023 docket includes item PLN2014-00016, "Amend the Whatcom County Zoning Ordinance to allow "Weddings and Special Events" in specific zone districts through a conditional use permit. Amend WCC 20.97 to define "Special Events" and amend the parking space requirements in WCC 20.80.580."

**WHEREAS,** Whatcom County Planning and Development Services has proposed amendments to Whatcom County Code Title 20 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 amendments to WCC Title 20 (Zoning) regarding home-based businesses.
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on May 1, 2023.
3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on April 19, 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 May 25, 2023.
5. The County Council held a duly noticed public hearing on the proposed amendments on September 12, 2023, and another on April 15, 2025.
6. The amendments are consistent with Comprehensive Plan goals and policies listed in section IV of this staff report.
7. 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 in 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 scrivener's errors and update any cross-references made ineffective by these amendments.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

ATTEST:

\_\_\_\_\_  
Cathy Halka, Council Clerk

\_\_\_\_\_  
Kaylee Galloway, Council Chair

APPROVED as to form:

( ) Approved      ( ) Denied

/s/approved via email by Kellen Kooistra/LB  
Civil Deputy Prosecutor

\_\_\_\_\_  
Satpal Sidhu, County Executive

Date: \_\_\_\_\_

# Exhibit A: Amendments to WCC Title 20 (Zoning) Regarding Home-Based Businesses & Agritourism

## WCC TITLE 20 ZONING

### Chapter 20.80 SUPPLEMENTARY REQUIREMENTS

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#### 20.80.400 Sign controls.

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#### 20.80.470 Exemptions.

The following types of signs shall be exempt from the regulations of this section and zoning districts; provided, that such signs shall conform to the general provisions of this section.

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(7) Home-based business (all types; see WCC 20.80.970) signs, provided that there shall be no more than one sign, not to exceed eight square feet, and it shall be nonilluminated.

#### 20.80.500 Off-street parking and loading requirements.

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#### 20.80.580 Parking space requirements.

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(61) Type IV home-based businesses (see WCC 20.80.970): 1 for every 3 guests plus 1 space for every employee.

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#### 20.80.690 Cannabis – Production and processing facilities.

(1) General. Cannabis production or processing facilities shall comply with RCW Title 69, Chapter 314-55 WAC, and the following general standards:

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(c) Cannabis production and processing are not allowed as a home-based business-occupations or cottage industries.

#### 20.80.691 Cannabis – Retail sales facilities.

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(2) Consistent with WAC 314-55-015, cannabis retail sales shall not take place in a residence or other location where law enforcement access, without notice or cause, is limited. Cannabis retail sales are not allowed as a home-based business-occupations or cottage industries.

#### ~~20.80.970 Home occupation~~

~~Home occupations shall be subject to all the following requirements, which shall be regarded as cumulative regardless of the number of home occupations on the site:~~

~~(1) No more than two people at one time, other than household members residing on the premises, shall be engaged in such occupations.~~

- ~~(2) The use of the property for home occupations shall be clearly accessory to its use for residential purposes.~~
- ~~(3) In all zones except EI, UR, URM, and URMX, home occupations shall not exceed a total of 1,250 square feet of new building floor area, whether located in the dwelling, accessory structure(s) or combination thereof. There is no square footage limit inside accessory structures that existed on August 6, 2010; however, there shall not be new square footage in addition to existing square footage that would bring the total to greater than 1,250 square feet. In the EI, UR, URM, and URMX zones, home occupations shall not exceed a total of 500 square feet of building floor area, whether located in the dwelling, accessory structure(s) or combination thereof.~~
- ~~(4) There shall be no change in the outside appearance of the building or premises or other visible evidence of a home occupation inconsistent with the residential character of the dwelling or neighborhood, other than one sign, not exceeding eight square feet in area, nonilluminated and mounted on the property.~~
- ~~(5) No traffic shall be generated by such home occupations in greater volume than would normally be expected in the applicable zoning district and is appropriate for the road classification which serves the property.~~
- ~~(6) Home occupations may use or store vehicles, in accordance with the following:~~
  - ~~(a) The total number of vehicles used in connection with the home occupations shall be permitted as follows:~~
    - ~~i. On a lot of record less than two acres, two commercial vehicles, each of which shall not exceed 105,500 pounds gross vehicle weight;~~
    - ~~ii. On a lot of record two acres or greater, one commercial vehicle shall be allowed for each acre, up to 10 vehicles, regardless of weight.~~
  - ~~(b) The vehicles shall not be stored within any required setback areas of the lot or adjacent roadways and shall be adequately screened from adjacent neighboring residences or roadways.~~
- ~~(7) Any need for parking generated by the conduct of such home occupations shall comply with the off-street parking requirements as specified in this title. In addition, parking shall be provided for nonresident employees.~~
- ~~(8) No equipment, process, or material shall be used in such home occupations which creates noise, vibration, glare, fumes, odors or electrical interference beyond the property line, or outside the building, in sufficient amounts and of such characteristics and duration as is likely to be injurious or cause damage to human health, plant or animal life, or property, or impacts heavier or different than would be expected from a residential property.~~
- ~~(9) Sales are limited to merchandise manufactured or repaired on the premises and/or items accessory to a service provided to patrons who receive services (such as hair care products for a beauty salon), telephone, mail order, catalog, e-commerce sales, or other electronic commerce sales. In no case shall home occupations consist of only on-site retail sales. Fees rendered for services for the sole use~~

or purpose of providing merchandise or equipment (such as tanning beds, copy machines, or similar products) shall be prohibited.

(10) The maximum nameplate horsepower rating of the electrical motors of any single piece of machinery operating in the home occupations shall be five horsepower. The electrical service for home occupations shall not exceed 200 amps.

(11) The following activities, which include but are not limited to mortuaries, funeral homes, automobile, truck and heavy equipment repair and auto body work or auto body painting, are prohibited as home occupations.

(12) Customers/clients are prohibited on the premises prior to 7:00 a.m. and after 8:00 p.m. unless an exception is specifically granted by the administrator.

### **20.80.970 Home-Based Businesses**

(1) There are four types of home-based businesses: Type I, Type II, Type III, and Type IV, as distinguished below.

(2) **Prohibited Uses.** The following uses and activities are prohibited as home-based businesses: mortuaries and funeral homes; live commercial entertainment; postal services; shooting ranges; coffee roasters; semi-truck storage; self-service storage facilities; automobile, truck, and heavy equipment repair or auto body work and painting; cannabis production, processing, or retail sales; primary manufacture of petroleum products, rubber, plastics, chemicals, asbestos or metal products; or similar activities.

(3) **Exemptions.** The following uses and activities are not considered home-based businesses:

(a) Day care homes (regulated pursuant to WAC Chapter 110-300.

(b) Type I and II agritourism activities (see WCC 20.80.972).

(4) **General Standards.** All Type I, II, III, and IV home-based businesses shall be subject to the following requirements, which shall be regarded as cumulative regardless of the number of home-based businesses on the site:

(a) The use of the property for home-based businesses shall be clearly incidental to its use as a residence.

(b) The size and scale of the operation shall be compatible with the character of the surrounding neighborhood, and any impacts may not exceed the intensity to those generated by other uses allowed in the zone.

(c) There shall be no change in the outside appearance of the building(s) or premises or other visible evidence of a home-based business inconsistent with the character of the dwelling or neighborhood.

(d) The home-based business may be conducted within any legal principal or accessory dwelling unit or structure. Home-based businesses may be conducted by residents of a principal dwelling unit and/or an accessory dwelling unit. The presence of one home occupation does not preclude a resident of another legally established dwelling unit on the property from also conducting a home occupation.

(e) Any need for parking generated by the conduct of such home-based businesses shall generally comply with the off-street parking requirements of WCC 20.80.500. In addition, parking shall be provided for nonresident employees. Parking of vehicles associated with the home-based business is permitted anywhere that parking is permitted on the lot.

(f) The home-based business shall be conducted so that noise, fumes, odor, smoke, dust, light, glare, vibration, electrical interference, and other similar impacts are not detectable by sensory perception at or beyond the property line of the lot where the home occupation is located.

- (g) On-site sales in connection with home-based businesses are limited to merchandise handcrafted on-site or items accessory to a service (i.e., hair care products for a beauty salon). In no case shall home-based businesses consist only of on-site retail sales. Telephone, mail order catalog, e-commerce, or other electronic commerce sales are allowed if merchandise is delivered (i.e., not picked up by the buyer on site).
- (h) Commercial deliveries and pickups to the dwelling unit are limited to one per day Monday through Friday. No commercial deliveries or pickups are permitted on Saturday, Sunday or federal holidays.
- (i) Home-based businesses engaged in manufacturing shall be limited to the manufacture and assembly of finished products and shall not include the primary manufacture of petroleum products, rubber, plastics, chemicals, asbestos products, or primary metal industries.
- (j) The portion of the structure(s) housing the home-based business shall comply with applicable life/safety regulations.
- (k) Signage for home-based businesses shall comply with WCC 20.80.470(7).
- (l) Seasonal employees working less than 21 days per year will not be counted as employees if they are engaged in work directly related to agriculture or forestry.
- (5) **Type I Home-Based Businesses.** In addition to the requirements of subsection (4), Type I home-based businesses shall be subject to the following requirements:
- (a) No more than two people at any one time, other than household members residing on the premises, shall be engaged in the businesses.
- (b) Customers/clients are prohibited on the premises prior to 7:00 a.m. and after 8:00 p.m. unless an exception is specifically granted by the Director.
- (c) Type I home-based businesses shall not exceed a total of 500 square feet of building floor area in the EI, UR, URM, & URM-X districts, or 1,250 square feet in the other districts where allowed, whether located in the primary dwelling, accessory structure(s), or combination thereof.
- (d) The maximum nameplate horsepower rating of the electrical motors of any single piece of machinery operating shall be 5 horsepower. The electrical service shall not exceed 200 amps.
- (e) One business-related vehicle up to 18,000 pounds gross vehicle weight is allowed for use on site.
- (f) There shall be no outside display or storage of materials, merchandise, or equipment.
- (g) Clients are limited to one at any one time, not to exceed 5 clients per day.
- (h) The number of trips related to the business shall not exceed 5 per day.
- (6) **Type II Home-Based Businesses.** In addition to the requirements of subsection (4), Type II home-based businesses shall be subject to the following requirements:
- (a) The parcel size shall not be less than 1 acre.
- (b) No more than two people at any one time, other than household members residing on the premises, shall be engaged in the businesses.
- (c) Customers/clients are prohibited on the premises prior to 7:00 a.m. and after 8:00 p.m. unless an exception is specifically granted by the Director.
- (d) Type II home-based businesses shall not exceed a total of 500 square feet of building floor area in the EI, UR, URM, & URM-X districts, or 1,750 square feet in the other districts where allowed, whether located in the primary dwelling, accessory structure(s), or combination thereof.
- (e) If materials are to be stored outdoors, adequate landscaping, screening, or other screening devices shall be required so the material will not be visible from surrounding uses or roads.
- (f) Two business-related vehicles up to 18,000 pounds gross vehicle weight are allowed for use on site.
- (g) Clients are limited to one at any one time, not to exceed 10 clients per day.
- (h) The number of trips related to the business shall not exceed 10 per day.

(7) **Type III Home-Based Businesses.** In addition to the requirements of subsection (4), Type III home-based businesses shall be subject to the following requirements:

- (a) No more than four people at any one time, other than household members residing on the premises, shall be engaged in the businesses.
- (b) Customers/clients are prohibited on the premises prior to 7:00 a.m. and after 8:00 p.m. unless an exception is specifically granted by the Director.
- (c) Type III home-based businesses shall not exceed a total of 2,500 square feet of building floor area whether located in the primary dwelling, accessory structure(s), or combination thereof.
- (d) The parcel size shall not be less than 5 acres.
- (e) If materials are to be stored outdoors, adequate landscaping, screening, or other screening devices shall be required so the material will not be visible from surrounding uses or roads.
- (f) Three business-related vehicles up to 18,000 pounds gross vehicle weight are allowed and one vehicle in excess of 18,000 pounds gross vehicle weight is allowed for use on site.
- (g) Clients are limited to one at any one time, not to exceed 20 clients per day.
- (h) The number of trips related to the business shall not exceed 20 per day.

(8) **Type IV Home-Based Businesses (or Event Facilities).** Properties commercially used for hosting social events such as wedding receptions, seminars, private parties, or similar activities are considered Type IV home-based businesses. In addition to the requirements of subsection (4), Type IV Home-Based Businesses shall be subject to the following:

- (a) The parcel size shall not be less than 10 acres, though said “parcel” may be comprised of contiguous smaller parcels. These parcels must have common ownership, be leased, or be licensed to the applicant. However, if the total parcel(s) size drops so that a minimum of 10 contiguous acres no longer exists then the permit issued for the Type IV Home-Based Business shall become null and void.
- (b) The use shall be limited to a maximum of 36 events per year.
- (c) A maximum of 300 guests per day shall be permitted for any one event. The trip limits and restriction on the number clients for Type I – III home-based businesses shall not apply to this use.
- (d) Amplified music for events shall comply with the Class A Residential Source to Residential Receiving Property Standards of WAC 173-60-040. Amplified music is only permitted between the hours of 9:00 AM and 10:00 PM. Amplified music may be permitted outside of these hours if requested, however; a noise study may be required.
- (e) Events are prohibited before 9:00 AM and after 11:00 PM.
- (f) The operator shall be present during all events.
- (g) Parking shall generally conform to the requirements of WCC 20.80.500. Off-site parking may be permitted if an off-site parking and shuttle plan is approved.
- (h) Minimum buffering shall be required as established in WCC 20.80.345; provided, that minimum side and rear yard buffers are at least 50 feet. Existing vegetation may be used as buffers. Buffer widths can be decreased from 50-feet if the objectives of this section can be accomplished through additional vegetative screening.
- (i) If access to the event facility is from a private, shared driveway/road, the applicant shall submit letters from all owners in interest stating that they approve of the use of the road for this purpose.
- (j) A parking and traffic control plan shall be submitted for approval.
- (k) Applicants shall submit plans describing how adequate sanitation and potable water facilities will be provided.



**20.80.980 Cottage industry**

Cottage industry uses shall be subject to all the following criteria:

- ~~(1) The size and scale of the operation is in keeping with the surrounding area and off-site impacts are comparable in intensity to those generated by uses allowed in the zone.~~
- ~~(2) Building size, lot coverage and number of employees shall be consistent with the standards of each district.~~
- ~~(3) The use of the dwelling unit or accessory structure for the cottage industry shall be clearly incidental and subordinate to its use for residential purposes and the purpose of the applicable zoning district.~~
- ~~(4) There shall be no change in the outside appearance of the building or premises inconsistent with the residential character of the dwelling or use of the surrounding zoning district, other than signage consistent with the zoning regulations of the applicable district.~~
- ~~(5) No traffic shall be generated by such cottage industry in greater volume than would normally be expected in the applicable zoning district and appropriate for the road classification which serves the property.~~
- ~~(6) Any need for parking generated by the conduct of such cottage industry shall meet the off-street parking requirements as specified in this title. At least one additional space shall be provided for each nonresident on-site employee.~~
- ~~(7) No equipment, process, or materials shall be used in such cottage industry which creates noise, vibration, glare, fumes, odors or electrical interference off the lot in sufficient amounts and of such characteristics and duration as is likely to be injurious or cause damage to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.~~
- ~~(8) Sales in connection with the activity are limited to merchandise manufactured or repaired on the premises, items accessory to a service (such as hair care products for a beauty salon), catalog or e-commerce sales or other products related to or incidental to the primary business.~~
- ~~(9) Customers/clients are prohibited on the premises prior to 7:00 a.m. and after 8:00 p.m. unless an exception is specifically granted by the administrator.~~
- ~~(10) The portion of the structure housing the cottage industry shall comply with life/safety regulations.~~
- ~~(11) Cottage industries should be limited to the manufacture and assembly of finished products that shall not include the primary manufacture of petroleum products, rubber, plastics, chemicals, asbestos products or primary metal industries. Such uses shall be sufficiently enclosed to mitigate potential impacts.~~

**20.80.972 Agritourism Activities.**

**(1) Classifications.**

**(a) Type I agritourism activities are those that are:**

**i. primarily outdoors; and,**

**ii. have no more than:**

**1. 500 square feet of building space used for the activity in the Rural or Rural Forestry districts; or**

**2. 2,000 square feet of building space used solely for the activity, or within a building of any size that has the dual use of other agricultural activity, in the Agriculture district.**



(b) Type II agritourism activities are those that exceed the Type I thresholds.

i. Activities such as farm festivals, barn parties, and camping may be considered Type II agritourism activities only if limited to eight weekends per year; otherwise, they are considered and regulated as a Type IV Home-Based Business (see WCC 20.80.970).

(2) General Standards. All Type I and II Agritourism Activities shall be subject to the following requirements:

(a) Adequate facilities shall be provided, if necessary, for parking, traffic control, sanitation, potable water, and public health and safety.

(b) If the activity includes retail sales, only agricultural or forestry products produced on the subject property may be sold.

(c) No traffic shall be generated by such cottage industry in greater volume than would normally be expected in the applicable zoning district and appropriate for the road classification which serves the property.

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## Chapter 20.97 DEFINITIONS

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### **Cottage Industry**

“Cottage industry” means a small light industrial, commercial, or service operation, on a parcel where the operator resides; frequently with an art or craft orientation or related to information processing or to the natural resources of the area.

### **Home occupation**

“Home occupation” means a small-scale occupation conducted on a property, within a dwelling unit and/or permitted accessory structure, by the operator who resides on the property.

### **Agritourism Activities.**

In general, agritourism activities are any activities carried out on a farm or ranch whose primary business activity is agriculture or ranching and that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities including, but not limited to: self-harvest activities for consumers, farming; ranching; historic, cultural, and on-site educational programs; recreational farming programs; guided and self-guided tours; petting zoos; corn mazes; harvest-your-own operations; hayrides; and horseback riding.

### **Home-Based Business.**

A home-based business is a commercial enterprise for which the principal administrative and managerial activities take place within an individual's personal residence. Home-based businesses must remain incidental to the residential use pursuant to the standards of WCC 20.80.970.

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### **Rural business designation (Type III LAMIRD).**

“Rural business designation” means an area that has been designated in the Comprehensive Plan as a limited area of more intensive rural development (LAMIRD), which allows for the intensification of

development on lots containing isolated nonresidential uses or new development of isolated ~~cottage~~  
~~industries~~home-based businesses and isolated small-scale businesses, as defined in Washington State  
law (RCW 36.70A.070(5)(d)(iii)).

## **Chapter 20.20 URBAN RESIDENTIAL (UR) DISTRICT**

### **20.20.100 Accessory uses.**

~~.101 Home occupations pursuant to WCC 20.80.970. Type I home-based businesses pursuant to WCC~~  
~~20.80.970.~~

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### **20.20.130 Administrative approval uses.**

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~~.133 Reserved. Type II home-based businesses pursuant to WCC 20.80.970.~~

## **Chapter 20.22 URBAN RESIDENTIAL – MEDIUM DENSITY (URM) DISTRICT**

### **20.22.100 Accessory uses.**

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~~.101 Home occupations pursuant to WCC 20.80.970. Type I home-based businesses pursuant to WCC~~  
~~20.80.970.~~

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### **20.22.130 Administrative approval uses.**

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~~.134 Type II home-based businesses pursuant to WCC 20.80.970.~~

## **Chapter 20.24 URBAN RESIDENTIAL MIXED (UR-MX) DISTRICT**

### **20.24.100 Accessory uses.**

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~~.101 Home occupations pursuant to WCC 20.80.970. Type I home-based businesses pursuant to WCC~~  
~~20.80.970.~~

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### **20.24.130 Administrative approval uses.**

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~~.135 Type II home-based businesses pursuant to WCC 20.80.970.~~

## **Chapter 20.32 RESIDENTIAL RURAL (RR) DISTRICT**

### **20.32.100 Accessory uses.**

~~.101 Home occupations pursuant to WCC 20.80.970. Type I home-based businesses pursuant to WCC~~  
~~20.80.970.~~

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**20.32.130 Administrative approval uses.**

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~~.135 Type II home-based businesses pursuant to WCC 20.80.970. Cottage industries employing no more than two people on site, other than family members residing on the premises; provided, that in addition to the criteria found in WCC 22.05.026 and 20.80.980:~~

~~(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 1,250 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.~~

~~(2) The parcel size shall not be less than one acre; provided, that a smaller parcel may be approved by the hearing examiner by conditional use.~~

~~(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate landscaping, screening, or other devices in order that the material will not be visible by surrounding uses or roads.~~

~~(4) One nonilluminated sign, not to exceed eight square feet in size, mounted on the property, is permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a conditional use.~~

~~(5) Seasonal employees working less than 21 days per year will not be counted as employees if they are engaged in work directly related to agriculture or forestry.~~

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**Chapter 20.34 RURAL RESIDENTIAL-ISLAND (RR-I) DISTRICT**

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**20.34.100 Accessory uses.**

~~.101 Home occupations pursuant to WCC 20.80.970. Type I home-based businesses pursuant to WCC 20.80.970.~~

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**20.34.130 Administrative approval uses.**

.....

~~.134 Type II home-based businesses pursuant to WCC 20.80.970. Cottage industries employing no more than two people on site, other than family members residing on the premises; provided, that in addition to the criteria found in WCC 22.05.026 and 20.80.980:~~

~~(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 1,250 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.~~

~~(2) The parcel size shall not be less than one acre; provided, that a smaller parcel may be approved by the hearing examiner by conditional use.~~

~~(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate landscaping, screening, or other devices in order that the material will not be visible by surrounding uses or roads.~~

~~(4) One nonilluminated sign, not to exceed eight square feet in size, mounted on the property, is permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a conditional use.~~

~~(5) Seasonal employees working less than 21 days per year will not be counted as employees if they are engaged in work directly related to agriculture or forestry.~~

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#### **20.34.170 Limited use near shoreline.**

**.171** On the shore side of West Shore Drive and Nugent Road to the McLean Avenue right-of-way, along Seacrest Drive and Island Drive south to the forestry plan designation, and along Legoe Bay Road from Village Point to the northwest corner of Peterson's Addition to Bellingham Bay Cities, uses are limited as follows:

- (1) No residential or commercial structures may be constructed on any area of a parcel where the distance between the ordinary high-water mark and the county road right-of-way is less than 100 feet.
- (2) On any area of a parcel where the distance between the ordinary high-water mark and the county road right-of-way is 100 feet or greater, residential uses are limited to single-family structures and any accessory uses that are clearly single-family residential in character and commercial uses are limited to home-based businesses occupations, except along Legoe Bay Road from County Road 656 to and including Village Point where commercial and industrial uses other than home-based businesses occupations are allowed by condition.

### **Chapter 20.35 ELIZA ISLAND (EI) DISTRICT**

#### **20.35.100 Accessory uses.**

**.101** ~~Type I~~ home-based businesses, occupations pursuant to WCC 20.80.970.

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#### **20.35.130 Administrative approval uses.**

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**.132** ~~Type II~~ home-based businesses pursuant to WCC 20.80.970. Cottage industries employing no more than two people on site, other than family members residing on the premises; provided, that in addition to the criteria found in WCC 22.05.026 and 20.80.980:

- ~~(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 1,250 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.~~
- ~~(2) The parcel size shall not be less than one acre; provided, that a smaller parcel may be approved by the hearing examiner by conditional use.~~
- ~~(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate landscaping, screening, or other devices in order that the material will not be visible by surrounding uses or roads.~~
- ~~(4) One nonilluminated sign, not to exceed four square feet in size, mounted on the property, is permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a conditional use.~~

Chapter 20.36 RURAL (R) DISTRICT

**20.36.100 Accessory uses.**

~~.101 Home occupations pursuant to WCC 20.80.970. Type I home-based businesses pursuant to WCC 20.80.970.~~

~~.015 (1) The usual wholesale marketing activities associated with the agricultureal, aquacultureal, forestry, and mineral resource uses permitted in this district.~~

~~(1) Type I Agritourism activities pursuant to WCC 20.80.972.~~

~~(2) Retail marketing, by the operator, of Whatcom County products which originate from the permitted uses stated in WCC 20.36.052 and 20.36.055 provided:~~

~~(1) Only one stand containing not more than 500 square feet of floor area shall be permitted;~~

~~(2) Such stand shall be subject to the setback requirements of WCC 20.80.200; and~~

~~(3) Such stand shall be provided with a sufficient area to permit at least five automobiles to park safely off the road right of way and to re-enter the traffic in a forward motion.~~

**20.36.130 Administrative approval uses.**

~~.133 Repealed by Ord. 2015-016. Type II Agritourism activities pursuant to WCC 20.80.972.~~

~~.135 Type II home-based businesses pursuant to WCC 20.80.970. Cottage industries employing no more than two on-site people other than family members residing on the premises; provided, that in addition to the criteria found in WCC 22.05.026 and 20.80.980:~~

~~(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 2,500 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.~~

~~(2) The parcel size shall not be less than one acre.~~

~~(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate landscaping, screening, or other devices in order that the material will not be visible by surrounding uses or roads.~~

~~(4) One nonilluminated sign, not to exceed eight square feet in size, mounted on the property, is permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a conditional use.~~

~~(5) Seasonal employees working less than 21 days per year will not be counted as employees if they are engaged in work directly related to agriculture or forestry.~~

**20.36.150 Conditional uses.**

~~.161.1 Type III home-based businesses pursuant to WCC 20.80.970. Cottage industries employing no more than four people on-site, other than family members residing on the premises, conducted in a~~

structure(s) other than the dwelling unit; provided, that in addition to the criteria found in WCC 22.05.026 and 20.80.980:

- ~~(1) The hearing examiner, at his discretion, may place limitations on the square footage used in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 2,500 square feet of total floor area. The total land area used for buildings and outside storage or uses related to the cottage industry shall not exceed one acre or 25 percent of the site, whichever is less.~~
- ~~(2) In the event materials will be stored outdoors, the hearing examiner shall require adequate landscaping, screening or other devices in order that the material will not be visible by surrounding uses or roads.~~
- ~~(3) One nonilluminated freestanding sign, visible from the road, and not exceeding six feet in height, may be permitted. One additional nonilluminated sign may be attached to the building for a maximum total signage of 16 square feet. No portion of any sign shall extend above the lowest portion of the roof.~~
- ~~(4) In the R-10A zone, where the cottage industry involves production or processing of forestry or agricultural related products on parcels larger than 10 acres, the maximum number of employees outside the family may be increased at the rate of one additional employee for each additional 10 acres to a maximum of 10 employees outside the family. In the event that the property is reduced in size below the acreage used to qualify for additional employees under this section, the number of employees shall be proportionately reduced.~~
- ~~(5)(1) Seasonal employees working less than 21 days per year will not be counted as employees if they are engaged in work directly related to agriculture or forestry.~~

.161.2 Type IV home-based businesses pursuant to WCC 20.80.970.

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**.175** ~~Indoor and outdoor, live commercial entertainment, either indoors or outdoors;~~ provided, that:

- (1) The use complies with WCC Chapter 5.40 (Outdoor Musical Entertainment, Amusements and Assemblies).
- ~~(1)(2)~~ (2) The use is located within a Rural 10 Acre (R10A) District, and upon at least a 10-acre parcel.
- ~~(2)(3)~~ (3) The use requires a rural setting to be compatible with its entertainment theme.
- ~~(3)(4)~~ (4) Maximum attendance is limited to 1,000 persons per day.
- ~~(4)(5)~~ (5) Accessory food service and gift shop activity is limited to five hours per day, liquor service is prohibited.
- ~~(5)(6)~~ (6) The use shall not exceed maximum environmental noise levels established by state law (Chapter 173-60 WAC).
- ~~(6)(7)~~ (7) The use will not generate primary traffic flows on local access roads where adjacent residential density exceeds one unit per five acres.
- ~~(7)(8)~~ (8) Minimum buffering shall be required as established in WCC 20.80.345; provided, that minimum side and rear yard buffers are at least 50 feet.
- ~~(8)(9)~~ (9) Limited hours and seasons of operation are established.
- ~~(9)(10)~~ (10) One on-premises freestanding sign is permitted only, not to exceed 10 feet in height and 24 square feet in surface area per face, and not exceeding two faces per sign.
- ~~(10)(11)~~ (11) Off-street parking is provided for, consistent with WCC 5.40.040; overnight RV parking and/or camping is prohibited.

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## Chapter 20.37 POINT ROBERTS TRANSITIONAL ZONE (TZ) DISTRICT

### 20.37.100 Accessory uses.

~~.101 Home-based businesses, occupations pursuant to WCC 20.80.970.~~

### 20.37.130 Administrative approval uses.

.....

~~.134 Type II Home-based businesses pursuant to WCC 20.80.970.~~

### 20.37.150 Conditional uses.

.....

~~.157 Type III Home-based businesses, pursuant to WCC 20.80.970. Cottage industries employing no more than two people outside the family; provided, that in addition to the conditional use criteria found in WCC 22.05.026:~~

~~(1) The hearing examiner, at his or her discretion, may place limitations on the square footage used in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 1,250 square feet of total floor area.~~

~~(2) Where conducted in a structure(s) other than the residence, there is a pattern of legally established existing businesses in structures outside of residences in the immediate vicinity of the proposed cottage industry.~~

~~(3) The parcel size shall not be less than what is required by the zone district density for two residences.~~

~~(4) In the event materials will be stored outdoors, the hearing examiner may require adequate landscaping, screening or other devices in order that the material will not be visible by surrounding uses or roads.~~

~~(5) One non-illuminated sign, not to exceed four square feet in size, mounted on the property, is permitted.~~

## Chapter 20.40 AGRICULTURAL (AG) DISTRICT

### 20.40.100 Accessory uses.

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~~.102 (1) Wholesale marketing activities provided the activity is accessory to the provisions of WCC 20.40.051.~~

~~(2) Type I Agritourism activities pursuant to WCC 20.80.972.~~

~~(2) Retail marketing, by the operator, of Whatcom County products which originate from the permitted uses stated in WCC 20.40.050 provided:~~

~~(a) Only one retail sales facility containing not more than 1,000 square feet of floor area shall be permitted.~~

~~(b) Such retail sales facility shall be subject to the setback requirements of WCC 20.80.200.~~

~~(c) Such retail sales facility shall be provided with a sufficient area to permit at least five automobiles to park safely off the road right-of-way and to re-enter the traffic in a forward direction.~~

.....



**.110** ~~Home occupations pursuant to WCC 20.80.970. Type I home-based businesses pursuant to WCC 20.80.970.~~

**20.40.130 Administrative approval uses.**

**.135** ~~Type II home-based businesses pursuant to WCC 20.80.970. Cottage industries employing no more than two people on site, other than family members residing on the premises; provided, that in addition to the criteria found in WCC 22.05.026 and 20.80.980:~~

~~(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 2,500 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.~~

~~(2) The parcel size shall not be less than one acre.~~

~~(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate landscaping, screening, or other devices in order that the material will not be visible by surrounding uses or roads.~~

~~(4) One nonilluminated sign, not to exceed 16 square feet in size, mounted on the property, is permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a conditional use.~~

~~(5) Seasonal employees working less than 21 days per year will not be counted as employees if they are engaged in work directly related to agriculture or forestry.~~

**.136** ~~Repealed by Ord. 2015-016. Type II Agritourism activities pursuant to WCC 20.80.972.~~

**20.40.150 Conditional uses.**

**.155.1** ~~Type III home-based businesses pursuant to WCC 20.80.970. A cottage industry employing no more than four persons on site, other than family members residing on the premises, and which may be conducted in structures other than the dwelling unit; provided, that in addition to the criteria set forth in WCC 22.05.026 and 20.80.980, the hearing examiner shall find that the cottage industry satisfies the criteria of WCC 20.36.161(1) through (5).~~

**.155.2** ~~Type IV home-based businesses pursuant to WCC 20.80.970.~~

## Chapter 20.42 RURAL FORESTRY (RF) DISTRICT

**20.42.100 Accessory uses.**

**.103** (1) The usual wholesale marketing activities associated with the agricultureat, aquacultureat, forestry, and mineral resource uses permitted in this district.

(2) Type I Agritourism activities pursuant to WCC 20.80.972.

~~(2) Retail marketing, by the operator, of Whatcom County products which originate from the permitted uses stated in WCC 20.42.050; provided:~~

~~a. Only one stand containing not more than 500 square feet of floor area shall be permitted;~~

~~b. Such stand shall be subject to the setback requirements of WCC 20.80.200; and~~

~~c. Such stand shall be provided with a sufficient area to permit at least five automobiles to park safely off the road right-of-way and to re-enter the traffic in a forward direction.~~

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~~.105 Home occupations pursuant to WCC 20.80.970: Type I home-based businesses pursuant to WCC 20.80.970.~~

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#### **20.42.130 Administrative approval uses.**

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~~.133 Repealed by Ord. 2015-016: Type II Agritourism activities pursuant to WCC 20.80.972.~~

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~~.135 Type II home-based businesses pursuant to WCC 20.80.970. Cottage industries employing no more than two people on site, other than family members residing on the premises; provided, that in addition to the criteria found in WCC 22.05.026 and 20.80.980:~~

~~(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 2,500 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.~~

~~(2) The parcel size shall not be less than one acre.~~

~~(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate landscaping, screening, or other devices in order that the material will not be visible by surrounding uses or roads.~~

~~(4) One nonilluminated sign, not to exceed 16 square feet in size, mounted on the property, is permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a conditional use.~~

~~(5) Seasonal employees working less than 21 days per year will not be counted as employees if they are engaged in work directly related to agriculture or forestry.~~

~~.136 Forestry related/wood based cottage industries which employ no more than 10 onsite people other than family members residing on the premises, including primary or low intensity secondary processing of timber not permitted in WCC 20.42.053, including fabrication of furniture and fixtures, partitions, shelves and lockers, manufacture, processing, treatment and fabrication of lumber, millwork, miscellaneous wood products, and other wooden building and roofing materials, excluding pulp, paper or plywood mills, conducted in structure(s) other than the dwelling unit; provided, that:~~

~~(1) The administrator, at his discretion, in consideration of the surrounding development patterns, property uses and size of the lot on which the proposed cottage industry is locating, may place limitations on the square footage used in an existing or new structure used for a cottage industry. The construction of new buildings to house said activity shall not, in any case, exceed 4,000 square feet of total floor area.~~

- (2) ~~The parcel must access from a collector arterial or higher standard street (this could include shared access).~~
- (3) ~~Minimum parcel size is one acre. Minimum lot size is five acres for buildings which exceed 2,500 square feet of total floor area and/or are constructed of materials which are not of similar materials or scale to a single family residence.~~
- (4) ~~Minimum open space requirement is 40 percent. Adequate buffering is required for both visual screening and noise reduction and must comply with WCC 20.80.345. The administrator may modify the required buffer widths, either reduction or enlargement, on a site-specific basis. A finding regarding the rationale for such modification will be entered into the record. Site development should maintain the existing natural vegetation to the greatest extent possible.~~
- (5) ~~All work is conducted within a building, except that uses which are complementary to the Rural Forestry District and which are determined to be harmonious with adjacent parcels may be allowed outdoors.~~
- (6) ~~In the event materials will be stored outdoors, the administrator may require adequate landscaping, screening or other devices in order that the material will not be visible by surrounding uses or roads.~~
- (7) ~~For parcels visible from a state scenic highway, the administrator shall, at his discretion, require additional measures or restrictions to protect scenic vistas.~~
- (8) ~~The operation of the business must comply with county/state noise, air quality and all other applicable regulations.~~
- (9) ~~There is no polluting or hazardous industrial discharge to a public sewer or septic system.~~
- (10) ~~One nonilluminated freestanding sign, visible from the road, and not exceeding six feet in height, may be permitted. One additional nonilluminated sign may be attached to the building for a maximum total signage of 16 square feet. No portion of any sign shall extend above the lowest portion of the roof.~~
- (11) ~~Not more than 10 nonfamily members not residing on the premises can be employed on site.~~
- (12) ~~An application packet shall be submitted on forms provided by the county and must provide a site plan, drawn to scale, which shows the location of existing and proposed structures, includes dimensions of new and proposed structures to property lines, distance to adjacent structures, uses of adjacent parcels, existing vegetative cover and proposed modifications to vegetative cover of proposed site, location of permanent buffers and proposed plant materials for the permanent buffer, including species, sizes and spacing.~~

**20.42.150 Conditional uses.**

**.164.1 Type III home-based businesses pursuant to WCC 20.80.970.** ~~Cottage industries per the criteria in WCC 20.80.980, excluding those allowed in WCC 20.42.135, and which employ not more than four people outside the family conducted in structure(s) other than the dwelling unit. Such activities will comply with all other provisions of WCC 20.36.161(1) through (5).~~

**.165.2 Type IV home-based businesses pursuant to WCC 20.80.970.**

## Chapter 20.51 LAKE WHATCOM WATERSHED OVERLAY DISTRICT

### 20.51.070 Conditional uses.

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**.071** On-site storage facilities for hazardous wastes associated with permitted uses or conditional uses, other than [home-based businesses](#) ~~cottage industries~~ as ~~defined~~ [described](#) in WCC 20.51.095, subject to the most current siting criteria under Chapter 173-303 WAC within the Rural, Rural Forestry, Commercial Forestry, Neighborhood Commercial and Resort Commercial Zone Districts only.

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### 20.51.080 Prohibited uses.

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**.095** [Any Home-Based Business](#) ~~Cottage industries~~ that would require on-site hazardous waste storage facilities.

## Chapter 20.59 RURAL GENERAL COMMERCIAL (RGC) DISTRICT

### 20.59.100 Accessory uses.

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[.108 Type I home-based businesses pursuant to WCC 20.80.970.](#)

### 20.59.150 Administrative approval uses.

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[.153 Type II home-based businesses pursuant to WCC 20.80.970.](#)

## Chapter 20.60 NEIGHBORHOOD COMMERCIAL CENTER (NC) DISTRICT

### 20.60.100 Accessory uses.

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**.104** Family day care homes and mini-day care homes; ~~mini~~-day care homes shall conform to the requirements of [Chapter 110-300 WAC](#) ~~home occupation, WCC 20.80.970.~~

## Chapter 20.61 SMALL TOWN COMMERCIAL (STC) DISTRICT

### 20.61.100 Accessory uses.

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**.102** ~~Home occupation pursuant to WCC 20.80.970.~~ [Type I home-based businesses pursuant to WCC 20.80.970.](#)

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**.108** Family day care homes and mini-day care homes; ~~mini~~-day care homes shall conform to the requirements of [Chapter 110-300 WAC](#) ~~home occupation, WCC 20.80.970.~~

### 20.61.150 Administrative approval uses.

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[.154 Type II home-based businesses pursuant to WCC 20.80.970.](#)

## Chapter 20.62 GENERAL COMMERCIAL (GC) DISTRICT

### 20.62.100 Accessory uses.

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~~.104~~ Family day care homes and mini-day care homes; provided, that ~~mini~~-day care homes conform to the requirements of ~~Chapter 110-300 WAC~~~~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.

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.106 Type I home-based businesses pursuant to WCC 20.80.970.

## Chapter 20.63 TOURIST COMMERCIAL (TC) DISTRICT

### 20.63.100 Accessory uses.

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~~.104~~ Family day 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

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### 20.64.100 Accessory uses.

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~~.104~~ Home occupations pursuant to WCC 20.80.970, except that one person other than family residing on the premises may be employed. Type I home-based businesses pursuant to WCC 20.80.970.

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~~.120~~ Family day care homes and mini-day care homes; mini-day care homes shall conform to the requirements of ~~Chapter 110-300 WAC~~~~home occupation, WCC 20.80.970~~.

### 20.64.130 Administrative approval uses.

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.133 Type II home-based businesses pursuant to WCC 20.80.970.

## Chapter 20.69 RURAL INDUSTRIAL AND MANUFACTURING (RIM) DISTRICT

### 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 ~~Chapter 110-300 WAC~~~~home occupation, WCC 20.970~~.

**Chapter 20.71 WATER RESOURCE PROTECTION OVERLAY DISTRICT**

**20.71.150 Conditional uses.**

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**.151** On-site storage facilities for hazardous wastes associated with permitted or conditional uses, other than ~~cottage industries~~Home-Based Businesses as ~~defined-described~~ in WCC 20.71.215, subject to the most current siting criteria under Chapter 173-303 WAC within the Rural, Rural Forestry, Commercial Forestry, Neighborhood Commercial, or Resort Commercial Zone Districts only.

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**20.71.200 Prohibited uses.**

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**.215** ~~Home-Based Businesses~~ Cottage industries that would require on-site hazardous waste storage facilities.

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