



Whatcom County

COUNTY COURTHOUSE
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Agenda Bill Master Report

File Number: AB2023-387

File ID:	AB2023-387	Version:	1	Status:	Adopted
File Created:	06/05/2023	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Ordinance Requiring a Public Hearing		
Assigned to:	Council	Final Action:	07/25/2023		
Agenda Date:	07/25/2023	Enactment #:	ORD 2023-041		

Primary Contact Email: DBrown@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance adopting amendments to Whatcom County Code Title 20 (Zoning) to regulate short-term/vacation rentals

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Proposed amendments to Whatcom County Code Title 20 (Zoning) to define and regulate short-term rentals

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
06/06/2023	Council	REFERRED TO COMMITTEE	Council Planning and Development Committee
		Aye: 6 Buchanan, Byrd, Donovan, Frazey, Galloway, and Kershner	
		Nay: 1 Elenbaas	
06/06/2023	Council	INTRODUCED FOR PUBLIC HEARING	Council
07/11/2023	Council Planning and Development Committee	DISCUSSED AND MOTION(S) APPROVED	
07/11/2023	Council	SUBSTITUTE INTRODUCED FOR PUBLIC HEARING	Council
		Aye: 5 Buchanan, Byrd, Donovan, Frazey, and Galloway	
		Nay: 1 Elenbaas	
		Absent: 1 Kershner	
07/25/2023	Council	ADOPTED	

Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner

Nay: 0

Attachments: Ordinance - Donovan for 6.6.2023 Introduction, Exhibit A - Donovan for 6.6.2023 Introduction, Attachment A - Donovan for 6.6.2023 Introduction, Attachment A - Galloway for 7.11.2023, Ordinance for 7.11.2023 Introduction, Substitute Exhibit A For 7.11.2023 Introduction as amended in committee

ORDINANCE NO. 2023 - 041

**ADOPTING AMENDMENTS TO WHATCOM COUNTY CODE TITLE 20 (ZONING) TO REGULATE
SHORT-TERM/VACATION RENTALS**

WHEREAS, the Council's docket includes items PLN2014-00020 and PLN2016-00011 to "Amend Whatcom County Code Title 20 (Zoning) & Title 23 (Shoreline Management Program) to allow vacation rentals under certain conditions as a use within certain zones and shoreline designations."

WHEREAS, over the years, the County has received numerous complaints about excessive noise, over-parking, and other nuisances; 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 submitted an application for a zoning code amendment to add a definition and standards for vacation rental units.
2. The amendment would add vacation rentals as an accessory use in zones where "bed and breakfast establishments" are currently permitted as an accessory use.
3. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on December 8, 2014.
4. Notice of the subject amendment was submitted to the Washington State Department of Commerce on November 26, 2014, for their 60-day review. No comments were received.
5. On January 8, 2015, the Whatcom County Planning Commission held a duly noticed public hearing on a proposal to amend the Zoning Code (WCC Title 20) to allow vacation rental units as accessory uses in most zones, and recommended approval.
6. The County Council held an advisory public hearing on May 10th, 2022, and a duly noticed public hearing on the proposed amendments on July, 25th, 2023.
7. WCCP Policies 2A-13, 2FF-1, 2FF-3, 2FF-4, and 7K-4 support small home-based businesses in the rural areas of the county.
8. WCCP Policies 2FF-3 and 2FF-4 support rural businesses provided they do not adversely impact rural character or surrounding uses.
9. WCCP Policy 2DD-2 supports protecting rural character through development regulations.
10. The vacation rental amendments are necessary to better regulate vacation rentals, minimize impacts on neighboring properties, and ensure consistency with WCC Title 23 (Shoreline Management Program).
11. The Council deems it appropriate to require registration by owners of vacation rentals as a means of enforcing health, safety, and other requirements, but understands it will take some time for

Planning and Development Services and Finance to engage a vendor to develop and administer a vacation rental registration system, develop a fee structure for said registry and develop a strategy to inform vacation rental operators of the pending registration requirement and performance standards in Attachment A.

12. In addition, many of the amendments 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 related to defining vacation rentals and specifying in what zones vacation rentals are allowed by what permit, as shown in Exhibit A, are hereby adopted and shall become effective 10 days after the County Executive signs this ordinance.

Section 2. Planning and Development Services and the Finance Department are requested to work together to engage a vendor to develop and administer a vacation rental registration system, public outreach strategy, and a fee structure for said registry. Said fee structure, to be added to the County's Unified Fee Schedule, shall be presented to the Council for consideration and potential adoption as soon as practicable. At that time, Attachment A shall also be presented to Council for consideration for adoption.

Section 3. Staff is authorized to work with Code Publishing to correct and update any cross-references made ineffective by these amendments.

ADOPTED this 25th day of July, 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 7/12/2023/MR

Royce Buckingham, Civil Deputy Prosecutor

Satpal Sidhu, Executive

Date: 7/29/23

EXHIBIT A
Whatcom County Code Title 20 Zoning
AMENDMENTS

CHAPTER 20.20 URBAN RESIDENTIAL (UR) DISTRICT

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20.20.100 Accessory uses.

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.106 Bed and breakfast establishments, except in the Lake Whatcom Watershed Overlay District, where bed and breakfast establishments are a conditional use, per WCC 20.51.070.

.107 Vacation rental units, except in the Lake Whatcom Watershed Overlay District, where vacation rental units are a conditional use, per WCC 20.51.070.

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CHAPTER 20.22 URBAN RESIDENTIAL – MEDIUM DENSITY (URM) DISTRICT

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20.22.100 Accessory uses.

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.107 Vacation rental units.

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CHAPTER 20.24 URBAN RESIDENTIAL MIXED (UR-MX) DISTRICT

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20.24.100 Accessory uses.

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.107 Vacation rental units.

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CHAPTER 20.32 RESIDENTIAL RURAL (RR) DISTRICT

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20.32.100 Accessory uses.

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.106 Bed and breakfast establishments, except in the Lake Whatcom Watershed Overlay District, where bed and breakfast establishments are a conditional use, per WCC 20.51.070.

.107 Vacation rental units, except in the Lake Whatcom Watershed Overlay District, where vacation rental units are a conditional use, per WCC 20.51.070.

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CHAPTER 20.34 RURAL RESIDENTIAL - ISLAND (RR-I) DISTRICT

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20.34.100 Accessory uses.

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.107 Vacation rental units.

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CHAPTER 20.35 ELIZA ISLAND (EI) DISTRICT

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20.35.100 Accessory uses.

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.108 Vacation rental units.

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CHAPTER 20.36 RURAL (R) DISTRICT

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20.36.100 Accessory uses.

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.109 Bed and breakfast establishments, except in the Lake Whatcom Watershed Overlay District, where bed and breakfast establishments are a conditional use, per WCC 20.51.070.

.110 Vacation rental units, except in the Lake Whatcom Watershed Overlay District, where vacation rental units are a conditional use, per WCC 20.51.070.

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CHAPTER 20.37 POINT ROBERTS TRANSITIONAL ZONE (TZ) DISTRICT

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20.37.100 Accessory uses.

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.108 Vacation rental units.

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CHAPTER 20.40 AGRICULTURE (AG) DISTRICT

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20.40.100 Accessory uses.

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.114 Vacation rental units.

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CHAPTER 20.42 RURAL FORESTRY (RF) DISTRICT

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20.42.150 Accessory uses.

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.106 Vacation rental units.

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CHAPTER 20.51 LAKE WHATCOM WATERSHED OVERLAY DISTRICT

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20.51.100 Conditional uses.

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.074 Bed and Breakfast Establishments and Inns.

.075 Vacation Rental Units.

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CHAPTER 20.59 RURAL GENERAL COMMERCIAL (RGC) DISTRICT

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20.59.100 Accessory uses.

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.108 Vacation rental units.

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CHAPTER 20.61 SMALL TOWN COMMERCIAL (STC) DISTRICT

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20.61.100 Accessory uses.

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.111 Vacation rental units.

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CHAPTER 20.62 GENERAL COMMERCIAL (GC) DISTRICT

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20.62.100 Accessory uses.

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.106 Vacation rental units.

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CHAPTER 20.64 RESORT COMMERCIAL (RC) DISTRICT

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20.64.100 Accessory uses.

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.113 Vacation rental units.

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CHAPTER 20.80 SUPPLEMENTARY REQUIREMENTS

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20.80.580 Parking space requirements.

For the purpose of this ordinance, the following parking space requirements shall apply (See also WCC [20.97.140](#)):

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(7.1) Bed and Breakfast Establishments and Inns: 1 for each rented sleeping unit in addition to the parking spaces required for the single-family dwelling.

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(59.1) Vacation Rental Units: 1 for each sleeping unit.

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CHAPTER 20.97 DEFINITIONS

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20.97.027 Bed and breakfast establishment.

“Bed and breakfast establishment” means a privately-owned dwelling that is the primary residence~~(s)~~ of the owners and in which, for compensation, one to two rooms are used as sleeping units to house or lodge individuals or families for periods of less than ~~one month~~30 days as transient visitors with or without limited food service. The use of the dwelling unit for the bed and breakfast shall be clearly incidental and subordinate to its use for residential purposes and the purpose of the applicable zoning district. At least one owner shall be present overnight when a guest room is rented.

20.97.028 Bed and breakfast inn.

“Bed and breakfast inn” means a privately-owned dwelling that is the primary residence(s) of the owners in which, for compensation, three to five rooms are used as sleeping units to house or lodge individuals or families for periods of less than ~~one month~~ 30 days as transient visitors with or without limited food service. The use of the dwelling unit for the bed and breakfast shall be clearly incidental and subordinate to its use for residential purposes and the purpose of the applicable zoning district. At least one owner shall be present overnight when a guest room is rented.

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20.97.445.1 Vacation Rental Unit.

“Vacation Rental Unit” means a single-family dwelling unit or accessory dwelling unit that, for compensation, is rented as a single unit used to lodge individuals or families for a period of less than 30 days and where the owner is not present in the rented unit during the rental period. Individual sleeping rooms shall not be rented individually.