



Whatcom County

COUNTY COURTHOUSE
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Agenda Bill Master Report

File Number: AB2021-606

File ID:	AB2021-606	Version:	1	Status:	Substitute Adopted
File Created:	10/15/2021	Entered by:	CStrong@co.whatcom.wa.us		
Department:	Planning and Development Services Department	File Type:	Ordinance Requiring a Public Hearing		
Assigned to:	Council	Final Action:	02/22/2022		
Agenda Date:	02/22/2022	Enactment #:	ORD 2022-013		

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TITLE FOR AGENDA ITEM:

Ordinance adopting amendments to the Whatcom County Code Title 20, Zoning, to provide additional affordable housing options, including allowing and regulating tiny homes and allowing duplexes in planned unit developments

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Proposed amendments to the Whatcom County Code Title 20 (Zoning) to provide additional affordable housing options by allowing and regulating tiny homes and allowing duplexes in planned unit developments.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
10/26/2021	Council	WITHDRAWN	
11/09/2021	Council	WITHDRAWN	
12/07/2021	Council	WITHDRAWN	
01/25/2022	Council	WITHDRAWN	
		Aye: 6	Buchanan, Donovan, Elenbaas, Frazey, Galloway, and Kershner
		Nay: 0	
		Absent: 0	
		Abstain: 1	Byrd

Agenda Bill Master Report Continued (AB2021-606)

02/08/2022 Council

INTRODUCED FOR PUBLIC HEARING Council

Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
Nay: 0
Absent: 0

02/22/2022 Council

SUBSTITUTE ADOPTED

Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Frazey, Galloway, and Kershner
Nay: 0
Absent: 0

Attachments: Staff report, Proposed ordinance, Exhibit A, Substitute Exhibit A (2.22.2022)

ORDINANCE NO. 2022-013

ADOPTING AMENDMENTS TO WHATCOM COUNTY CODE TITLE 20 ZONING TO PROVIDE ADDITIONAL AFFORDABLE HOUSING OPTIONS, INCLUDING ALLOWING AND REGULATING TINY HOMES AND ALLOWING DUPLEXES IN PLANNED UNIT DEVELOPMENTS

WHEREAS, The County Council is interested in increasing affordable housing options, in particular by amending the Whatcom County Code to allow for the siting of tiny homes.

WHEREAS, Planning and Development Services (PDS) has identified that in addition to allowing single- and multi-family dwellings in Planned Unit Developments, allowing duplexes would also increase affordable housing options; 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. The County Council has expressed interest in increasing affordable housing options, in particular by amending the Whatcom County Code to allow for the siting of tiny homes.
2. Additionally, Planning and Development Services (PDS) has identified that in addition to allowing single- and multi-family dwellings in Planned Unit Developments, allowing duplexes would also increase affordable housing options.
3. PDS submitted an application (PLN2021-00012) to make amendments to Whatcom County's zoning regulations (WCC Title 20) to provide these affordable housing options.
4. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on May 20, 2021.
5. Notice of the subject amendments was submitted to the Washington State Department of Commerce on May 20, 2021, for their 60-day review.
6. On June 24, 2021, the Planning Commission held a duly noticed public hearing to consider testimony on the proposed amendments.
7. The County Council held a duly noticed public hearing on the proposed amendments on October 23, 2021, and reviewed and considered the Planning Commission recommendation, staff recommendations, and public comments on the proposed amendments.
8. The amendments are consistent with the Growth Management Act, Whatcom County Comprehensive Plan, and other applicable requirements.
9. The proposed amendments reflect current local circumstances and promote the general public health, safety, morals and welfare.

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 update any cross-references made ineffective by these amendments.

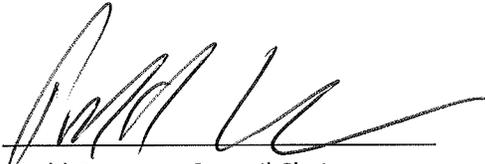
ADOPTED this 22nd day of February, 2022.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:



Dana Brown-Davis, Council Clerk



Todd Donovan, Council Chair

APPROVED as to form:

Approved () Denied

/s/ Royce Buckingham (approved via e-mail) / JL
Civil Deputy Prosecutor



Satpal Sidhu, Executive

Date: 2/25/22

Exhibit A-Strike

Substitute Exhibit A: Proposed Amendments to the Whatcom County Code to Allow and Regulate Tiny Homes & to Allow Duplexes in Planned Unit Developments

Regarding Tiny Homes:

TITLE 20 ZONING

Chapter 20.80 Supplementary Requirements

20.80.950 Mobile Home (including Manufactured Tiny Home) and Recreational Vehicle Park Standards. [CES1]

All mobile home and recreational vehicle parks shall meet the following standards:

- (1) Mobile home parks shall be developed through either a Binding Site Plan pursuant to WCC Title 21 (Land Division) or by condominium pursuant to Chapter 64.34 RCW (Condominium Act). [CES2] In either case:
 - (a) An organization or individual with proper funding to maintain common facilities and operate the parks shall be provided.
 - ~~(a)~~(b) A declaration of covenants addressing and ensuring long-term compliance with the appropriate requirements herein shall be submitted for review and approval.
 - (c) Each rental or lease space shall be numbered on the site plan and the number shall be prominently displayed on the site.
- (2) Where not specified by the applicable zoning district, mobile home parks shall have:
 - (a) A maximum density of seven-7 lease spaces per acre when public water and sewer are provided;
 - (b) A maximum density of three-3 lease spaces per acre when public water and sewer are not provided;
 - (c) A minimum parcel size of two-2 acres.
- ~~(3)~~ Where not specified by the applicable zoning district, recreational vehicle parks shall have:
 - ~~(a)~~ A maximum density of 15 lease spaces per acre when public water and sewer are provided;
 - ~~(b)~~ A maximum density of seven lease spaces per acre when public water and sewer are not provided;
 - ~~(c)~~ A minimum parcel size of two acres.
- ~~(4)~~(3) Mobile home parks shall provide storage area for boats, recreational vehicles, and other large items. Recreational vehicle parks may provide such storage areas. Said storage areas shall be screened consistent with these standards.
- ~~(5)~~(4) Recreational vehicles set up for occupancy shall be at least 10 feet from each other and any structures on the property. Whether or not intended for occupancy, they shall be at least 10 feet

- ~~from all structures not on the same property.~~ Within a mobile home park, no mobile home, other major structure, or outdoor storage shall be located closer than 20 feet to the perimeter of the site.
- ~~(6)~~(5) Along the edges of mobile home parks, walls or vegetative screening shall be provided where needed to protect residents from undesirable views, lighting, noise, or other off-site influences, or to protect occupants of adjoining property from potentially adverse influences within the mobile home park. In particular, extensive off-street parking areas and service areas for loading and unloading other than passenger vehicles, and for storage and collection of trash and garbage, shall be screened.
- ~~(7)~~ A 30-foot landscaped buffer area or screening composed of suitable native vegetation shall be placed around all common storage areas and at all perimeters of any recreational vehicle park. The purpose of said buffer is to protect on a year-round basis the adjacent property or roadways from unsightliness, visual distraction and/or noise impacts. The buffer area may be reduced where it can be demonstrated that alternative screening can adequately accomplish the purposes stated in this subsection. Perimeter buffers shall be supplemented by a fence or other device where trespass is a potential problem. No structures, development or other activities shall occur within any buffer areas; provided, that trails may be located within those buffer areas which are at least 50 feet in width.
- ~~(8)~~(6) There shall be landscaping developed consistent with WCC 20.80.300 (Landscaping) within open areas of the mobile home park and recreational vehicle parks not otherwise used for park purposes. Such open areas and landscaping shall be continually and properly maintained.
- ~~(9)~~(7) Mobile homes and recreational vehicle parks shall keep 40% percent of the site free of buildings, structures, parking areas, and other impervious surfaces.
- ~~(10)~~ An organization or individual with proper funding to maintain common facilities and operate the parks shall be provided.
- ~~(11)~~(8) On-site recreational amenities with at least one substantial facility serving the users of a park or identified area shall be provided. Such substantial facilities may include tennis courts, children's play areas with equipment, or a swimming pool. The type and size of facility shall be appropriate to the type and amount of clientele being served.
- ~~(12)~~ Maximum length of stay in recreational vehicle parks shall not exceed 180 days for any one-year time period.
- ~~(13)~~(9) Interior roads within mobile home and recreational vehicle parks shall be private, unless the County Engineer determines that the development of public roads is necessary.
- ~~(14)~~(10) For each mobile home space there shall be provided and maintained at least two parking spaces conforming with to zoning ordinance the requirements of WCC 20.80.500, et seq. (Off-Street Parking and Loading Requirements). In addition to occupant parking, guest and service parking shall be provided within the boundaries of the park at a ratio of one parking space for each two mobile home spaces.
- ~~(15)~~(11) There shall be a minimum of 10 feet of separation maintained between all mobile homes on the site. Accessory structures may be located no closer than 10 feet to any mobile home or five feet to other accessory structures.
- ~~(12)~~ Each rental space shall be numbered on the site plan and the number shall be prominently displayed on the site. ~~(c)cs3~~ All mobile home parks shall comply with WCC Chapter 24.04 (Recreational Vehicle

Park and Subdivision Rules) regarding utility provision. Utility (wastewater, water, electricity) hook-ups shall be provided for each rentable or leasable space.

20.80.955 Recreational Vehicle (including Tiny Homes on Wheels) Park Standards.

All recreational vehicle parks shall meet the following standards:

- (1) Recreational vehicle parks shall be developed through either a Binding Site Plan pursuant to WCC Title 21 (Land Division) or by condominium pursuant to Chapter 64.34 RCW (Condominium Act).^[CES4] In either case:
 - (a) An organization or individual with proper funding to maintain common facilities and operate the parks shall be provided.
 - (b) A declaration of covenants addressing and ensuring long-term compliance with the appropriate requirements herein shall be submitted for review and approval.
 - (c) Each rental or lease space shall be numbered on the site plan and the number shall be prominently displayed on the site.
- (2) Where not specified by the applicable zoning district, recreational vehicle parks shall have:
 - (a) A maximum density of 15 lease spaces per acre when public water and sewer are provided;
 - (b) A maximum density of 7 lease spaces per acre when public water and sewer are not provided;
 - (c) A minimum parcel size of 2 acres.
- (3) Recreational vehicles set up for occupancy shall be at least 10 feet from each other and any structures on the property. Whether or not intended for occupancy, they shall be at least 10 feet from all structures not on the same property.^[CESS]
- (4) Recreational vehicle parks may provide storage area for boats, recreational vehicles, and other large items.
- (5) A 30-foot landscaped buffer area or screening composed of suitable native vegetation shall be placed around all common storage areas and at all perimeters of any recreational vehicle park. The purpose of said buffer is to protect on a year-round basis the adjacent property or roadways from unsightliness, visual distraction, and/or noise impacts. The buffer area may be reduced where it can be demonstrated that alternative screening can adequately accomplish the purposes stated in this subsection. Perimeter buffers shall be supplemented by a fence or other device where trespass is a potential problem. No structures, development, or other activities shall occur within any buffer areas; provided, that trails that are at least 5 feet in width may be located within those buffer areas.
- (6) There shall be landscaping developed consistent with WCC 20.80.300 (Landscaping) within open areas of recreational vehicle parks not otherwise used for park purposes. Such open areas and landscaping shall be continually and properly maintained.
- (7) Recreational vehicle parks shall keep 40% of the site free of buildings, structures, parking areas, and other impervious surfaces.
- (8) On-site recreational amenities with at least one substantial facility serving the users of a park or identified area shall be provided. Such substantial facilities may include tennis courts, children's play areas with equipment, or a swimming pool. The type and size of facility shall be appropriate to the type and amount of clientele being served.
- (9) Maximum length of stay in recreational vehicle parks shall not exceed 180 days for any one-year time period.

(10) Interior roads within recreational vehicle parks shall be private, unless the County Engineer determines that the development of public roads is necessary.

(11) All recreational vehicle parks shall comply with WCC Chapter 24.04 (Recreational Vehicle Park and Subdivision Rules) regarding utility provision. Utility (wastewater, water, electricity) hook-ups shall be provided for each rentable or leasable space designated for park model trailers (CES6) and Type 1 THOWs. Spaces designated solely for self-contained recreational vehicles may use communal facilities.

Chapter 20.97 Definitions

20.97.250 Mobile Home (a.k.a, Manufactured Home).

“Mobile home” means a dwelling unit designed for long-term human habitation by one family and having complete living facilities; constructed and fabricated into a complete unit at a factory and capable of being transported to a location of use on its own chassis and wheels; identified by a model number and serial number by its manufacturer; and designed primarily for placement on an impermanent footing. This includes manufactured tiny homes (see “Tiny Home.”) A unit which that was originally built as a mobile home but which has substantially lost its mobility through by being placed on a permanent footing, the tongue and axle removed, skirting is installed, and which that wholly meets state standards for such units, shall not be considered to be a mobile home and shall be treated as a single-family dwelling for the purpose of this ordinance code only when it is fixed to a permanent footing and tongue and axle have been removed and skirting installed.

20.97.255 Mobile Home Park.

“Mobile home park” means any parcel or adjacent parcels of land in the same ownership which that is utilized used for occupancy by more than two mobile homes. This term shall not be construed to mean campgrounds, recreational vehicle parks, or tourist facilities for camping.

20.97.292 Park Model Trailer.

“Park-model trailer” means a trailer designed to provide seasonal or temporary living quarters; which are not self-contained and thus may needs to be used with temporarily connections to utilities necessary for operation of installed fixtures and appliances; it has a gross trailer area not exceeding 400 square feet; or and is approved by the state as a park model trailer. This includes Type 1 THOWs (see “Tiny Home on Wheels”).

20.97.335 Recreational Vehicle.

“Recreational vehicle” means a motor vehicle, or portable structure capable of being transported on the highways by a motor vehicle; that is designed and intended for casual or short-term human occupancy for travel, recreational, and vacation uses without a permanent foundation; identified by a model number (RV), serial number, and vehicle registration number; and equipped with limited water storage and other self-contained living facilities. For the purposes of these regulations, the term “recreational vehicle” shall include self-contained campers, motor-homes, Type 2 Tiny Home on Wheels, and travel

trailers, and but shall not include park model trailers or Type 1 Tiny Home on Wheels, as they are not self-contained units.

20.97.340 Recreational Vehicle Park.

“Recreational vehicle park” means a parcel of private land in which three or more contiguous sites are primarily for occupancy by recreational vehicles for travel, recreation, or vacation uses. For Within mobile home parks, only spaces that are designated and/or are used for recreational vehicles shall constitute a recreational vehicle park. ~~Recreational vehicles set up for occupancy shall be at least 10 feet from each other and any structures on the property. Whether or not intended for occupancy, they shall be at least 10 feet from all structures not on the same property.~~ [CES7] For the purposes of these regulations, the term “recreational vehicle park” shall include camping clubs.

20.97.435.03 Tiny Home.

A tiny home is a dwelling unit that is 400 square feet or less in floor area (excluding sleeping lofts[cm8]). For the purposes of this code there are two four types of tiny homes, as described below. For Tiny homes on Wheels see WCC 20.97.435.04.

1. Site-Built Tiny Home. A tiny home built on-site on a permanent foundation that meets the minimum requirements of the International Residential Code (IRC), including provisions of Appendix ●, and is reviewed and inspected by Whatcom County. For the purposes of this code they are equivalent to and are permissible under the same rules as any standard single-family dwelling.
2. Tiny Home on Wheels (THOWs). A Tiny Home on Wheels is a portable structure licensed to be transported on the highways by a motor vehicle. For the purposes of this code there are three subcategories or types of tiny homes on wheels:
 - a. Manufactured Tiny Home. A factory-built tiny home bearing a certification tag from the Washington State Department of Labor and Industries (L&I) or other approved third party inspection agency stating it is approved for use as a single-family residence per the current edition of the International Residential Code (IRC) or Housing and Urban Development (HUD) requirements. Manufactured tiny homes usually have wheels and a chassis when they come out of the factory, and typically have the wheels removed prior to placing it on its manufacturer-approved foundation. For the purposes of this code they are equivalent to and are permissible under the same rules as any standard mobile home.
 - b. “Type 1 THOW” is a THOW designed and intended for casual or short-term human occupancy for travel, recreational, vacation, and other temporary uses without a permanent foundation. Type 1 THOWs are not self-contained, and thus needs to be temporarily connected to utilities necessary for operation of installed fixtures and appliances. For the purposes of this code they are equivalent to and are permissible under the same rules as for Park Model Trailers.
 - c. “Type 2 THOW” is a THOW designed and intended for casual or short-term human occupancy for travel, recreational, vacation, and other temporary uses without a permanent foundation. Type 2 THOWs are self-contained and may use communal utility services (water,

wastewater). For the purposes of this code they are equivalent to and are permissible under the same rules as for Recreational Vehicles (RVs).

20.97.435.04 Tiny Home on Wheels (THOWs)

A Tiny Home on Wheels is a portable structure licensed to be transported on the highways by a motor vehicle; designed and intended for casual or short-term human occupancy for travel, recreational, vacation and other temporary uses without a permanent foundation; in a space of 400 square feet or less in floor area (excluding sleeping lofts). For the purposes of this code there are two types of tiny homes on wheels, as described below:

- “Type 1 THOW” is a THOW that is not self-contained, and thus needs to be temporarily connected to utilities necessary for operation of installed fixtures and appliances. For the purposes of this code they are equivalent to and are permissible under the same rules as for Park Model Trailers.
- “Type 2 THOW” is a THOW that is self-contained and may use communal utility services (water, wastewater). For the purposes of this code they are equivalent to and are permissible under the same rules as for Recreational Vehicles (RVs).

Regarding Duplexes in Urban Zones via Planned Unit Developments:

Title 20 ZONING

Chapter 20.85 Planned Unit Developments (PUD)

20.85.050 Permitted Uses.

~~.051~~ Uses ~~outright permitted~~ allowed in a planned unit development shall include those permitted, accessory, and conditional uses allowed in the underlying zone district(s), ~~as well as and~~ such other uses as provided in WCC 20.85.052 ~~to through~~ 20.85.055. For areas located within a Water Resource Protection Overlay District, the more restrictive use provisions of Chapter 20.71 WCC shall apply.

~~.052~~ In addition to the uses allowed in the underlying zone, the following uses shall be allowed outright ~~where~~ when they are only serving the planned unit development and ~~where~~ all other applicable standards are met:

- (1) Community buildings;
- (2) Indoor recreation facilities, including athletic clubs or fitness centers, racquetball courts, swimming pools, tennis courts, or other similar uses;
- (3) Outdoor recreation facilities, including swimming pools, tennis courts, recreational trails, or similar use; and
- (4) Recreational vehicle storage areas.

~~.053~~ Even though they may not be allowed in the underlying zone(s), a planned unit development may also authorize ~~add the following additional land use activities, as follows;~~ provided the criteria of WCC 20.85.054 are met:

- (1) ~~For~~ In the Urban Residential and Rural zones, duplexes and ~~(CES9)~~ multifamily dwellings consistent with the density requirements of the underlying zone, except as that may be modified by the provisions of WCC 20.85.108 (Density Increases). The number of units attached may be greater than would otherwise be allowed by the underlying zoning;
- (2) ~~In~~ For the Urban Residential and Urban Residential Medium zones, duplexes and ~~(CES10)~~ those uses allowed in the Neighborhood Commercial zone ~~are~~ may also be permitted. In addition, both resort- and non-resort-oriented transient accommodations, such as inns or hotels, may be permitted; provided, that:
 - (a) The total number of sleeping units shall not exceed ~~50% percent~~ of the total number of dwelling units that would be allowed on the property by the underlying zone regulations;
 - (b) Each sleeping unit shall count as one dwelling unit for the purpose of determining the total number of dwelling and sleeping units, in combination, permitted on the property;
 - (c) It can be demonstrated that the overall development will not generate more traffic than conventional residential development at the density allowed in the zone;
- (3) ~~In~~ For the General Commercial zone, those uses allowed in the Urban Residential Medium zone ~~are~~ appropriate ~~allowed~~;
- (4) ~~In~~ For the Resort Commercial zone:

- (a) Multiple single-family dwellings per lot are permitted if developed as condominiums under state law; and
- (b) Single-family attached dwellings (at a base gross density of ~~seven-7~~ units/acre); and
- (5) ~~In For~~ the Light Impact Industrial zone, those uses allowed in the Urban Residential Medium, Neighborhood Commercial, and ~~or~~ General Commercial zones are ~~appropriate~~ allowed.

.054 ~~In order to expand for those additional uses listed allowed in WCC 20.85.053 to be authorized, the applicant shall must demonstrate:~~

- (1) That the primary land use activity of the planned unit development ~~shall be those uses is one~~ allowed by the underlying zone district;
- (2) That the ~~expanded additional~~ uses will benefit and serve the residents or employees of the proposed planned unit development; and
- (3) That all other applicable approval criteria and standards are met.

.055 Where a proposed development is located in two or more zone districts, the uses allowed in the applicable districts may be located on any portion of the site; provided, that all applicable standards are met.

.056 For purposes of determining appropriate standards, the requirements of the zone district allowing the use would apply. If the use is allowed by two or more districts, the lesser standards would apply.