

Exhibit B

Planned Unit Development (PUD) - Amendments

Amend the PUD Chapter (WCC 20.85) as follows:

20.85.050 Permitted uses.

.051 Uses outright permitted in a planned unit development shall include permitted, accessory and conditional uses allowed in the underlying zone district(s) and such other uses as provided in WCC 20.85.052 to 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 they are only serving the development and where all other applicable standards are met:

- (1) Community building;
- (2) Indoor recreation facility including athletic club or fitness center, racquetball court, swimming pool, tennis court, or other similar uses;
- (3) Outdoor recreation facility including swimming pool, tennis court or similar use; and
- (4) Recreation vehicle storage area.

.053 A planned unit development may add land use activities as follows; provided the criteria of WCC 20.85.054 are met:

- (1) For the Urban Residential, ~~Residential Rural~~ and Rural zones, 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. The number of units attached may be greater than would otherwise be allowed by the underlying zoning;

RATIONALE: The PUD Chapter is applicable within urban growth areas (UGAs). There are no longer any "Residential Rural" zoning districts within UGAs.
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(2) For the Urban Residential and Urban Residential Medium zones, those uses allowed in the Neighborhood Commercial zone are also permitted. In addition, both resort and nonresort-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) For the General Commercial zone, those uses allowed in the Urban Residential Medium zone are appropriate;

~~(4) For the Resort Commercial zone, multiple single-family dwellings per lot are permitted if developed as condominiums under state law; and~~

RATIONALE: At the current time, WCC 20.85.053 does not address adding land use activities for the Resort Commercial zone. Additionally, the Resort Commercial zone allows one single-family dwelling per lot of record (WCC 20.64.054). Some property owners may want to develop their sites as condominiums instead of subdivisions. This amendment would allow such an arrangement.

~~(54) For the Light Impact Industrial zone, those uses allowed in the Urban Residential Medium, Neighborhood Commercial and/or General Commercial zones are appropriate; and~~

~~(5) For the Forestry zone, those uses allowed in the Rural and Residential Rural zones are appropriate.~~

RATIONALE: PUDs are only allowed in UGAs. There is only one Rural Forestry zone in a UGA (Columbia Valley) and it is planned for eventual light impact industrial uses.

.054 In order to expand uses allowed in WCC 20.85.053, the applicant shall demonstrate:

- (1) That the primary land use activity of the planned unit development shall be those uses allowed by the underlying zone district;
- (2) That the expanded uses will benefit and serve the residents or employees of the proposed 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. (Ord. 2004-007 § 1, 2004; Ord. 2003-049 § 1, 2003; Ord. 97-061, 1997; Ord. 96-056 Att. A § V1, 1996; Ord. 89-55, 1989).

20.85.108 Density increases.

(1) The county may approve an increase of dwelling unit density for residential development, or floor area for commercial and industrial activities of not more than 35 percent greater than that permitted by the underlying zone rounded to the nearest whole number. ~~Note:~~ Properties located within a Water Resource Protection Overlay District shall not be eligible for a dwelling unit density increase. Density increases shall be governed by the following factors, and are to be treated as additive, and not compounded:

- (a) A 15 percent increase in base density for meeting the requirements of this chapter.
- (b) A 10 percent increase in base density for improvements to common open space that will serve the needs of the development's residents and would include such facilities as play areas with equipment, basketball courts, handball courts, ball fields, tennis courts or swimming pools. Usable open space on the roof of a building may qualify as improved open space.
- (c) A 10 percent increase in base density for preservation or restoration of historically or architecturally significant structures, or for preservation of significant natural features. The burden of designation of such structures or features as significant shall be upon the applicant, unless such structures or features are already identified as worthy of preservation in the

Comprehensive Plan, Parks Plan, other official documents, or on a local, state or national register. Final determination as to significance shall be made by the planning director at the earliest possible time and no later than the technical committee review.

(d) A 10 percent increase in base density for the design and construction of energy-efficient buildings which will reduce consumption to 75 percent or less of energy demand per square foot per year for space and water heating in a standard building built to the Washington State Energy Code.

(e) A 10 percent increase in base density for the use of energy from a renewable source exclusively serving the project to provide at least 20 percent of the combined space and water heating needs of the structures proposed in the project. Access to the energy source must be protected through site design and protective covenants or easements. Water heating needs shall be based on energy requirements on an annual basis.

(f) A 15 percent increase in the base density for the creation and preservation of significant public access on shorelines.

(g) Single-family and multifamily development projects located in urban residential zoning districts that utilize rear lane or "alley" garage access may be granted a 15 percent increase in base density, provided:

(i) Garages are located with direct maneuvering off of the alley; and

(ii) Front porches are included as part of the front building facade; and

(iii) Site development conforms to low impact development standards as adopted by Whatcom County in place at time of application.

(2) For purposes of determining conformance with subsections (1)(d) and (e) of this section, the energy efficiency of the structures or energy contribution of total energy usage shall be calculated using an analytical procedure generally recognized by the Washington State Energy Office as reasonably representative of the expected energy performance. This detailed information shall be provided as part of the final review process of WCC 20.85.365.

(3) Transfer of development rights shall be utilized within designated density transfer receiving areas as shown on the official Whatcom County zoning map to achieve the allowed maximum density prior to the utilization of the density bonus provisions of this chapter.

(4) In a Resort Commercial zoning district located within the Birch Bay UGA, the County may approve an increase of dwelling unit density for single family dwellings of not more than 100 percent greater than that permitted by the underlying zone, rounded to the nearest whole number, if the following criteria are met:

- (a) The dwellings are located outside the floodplain; and
- (b) No density increases for residential development are granted pursuant to WCC 20.85.108(1); and
- (c) Density credits are acquired pursuant to WCC 20.91.

(Ord. 2009-010 § 1 (Att. A), 2009; Ord. 2004-007 § 1, 2004; Ord. 2003-049 § 1, 2003; Ord. 98-083 Exh. A § 66, 1998).

RATIONALE: The Resort Commercial zone allows a maximum gross density of 7 dwellings per acre for single family residential developments. Comprehensive Plan Policy 2BB-4 indicates that allowed density should be increased to between 10 and 20 dwellings per acre. A 100% increase in 7 dwellings per gross acre would be 14 dwellings gross acre. Gross density is calculated on the entire area of the parcel (before deducting wetlands, area for roads, area for stormwater facilities, etc.). Net densities take into account these deductions. Two examples are provided below:

- If 30% of a site was taken up by wetlands and infrastructure, 14 dwellings per gross acre would be equivalent to 20 dwellings per net buildable acre (if within a subdivision, average lot size would be 2,178 square feet).
- If 40% of a site was taken up by wetlands and infrastructure, 14 dwellings per gross acre would be equivalent to 23 dwellings per net buildable acre (if within a subdivision, average lot size would be 1,894 square feet).