

Exhibit C Whatcom County Zoning Code Amendments

Urban Residential Medium Density (URM) District

Amend the URM District (WCC 20.22) as follows:

~~20.22.012 Transferable development rights overlay.~~

~~In the Urban Fringe Subarea, this district serves as a zoning overlay for the purpose of designating a receiving area for transfer of development rights credits pursuant to Chapter 20.89 WCC. (Ord. 2004-021 § 1, 2004).~~

Rationale: TDR receiving areas are addressed in 20.22.669 below.

20.22.665 Bellingham Urban Growth Area.

(1) The city of Bellingham’s design and development standards and guidelines ~~and impact fee ordinances~~ shall apply to all development in the Bellingham Urban Growth Area.

Rationale: The County would have to conduct the analysis, and adopt an ordinance, as required by RCW 82.02.050-.110 prior to imposing impact fees in the URM zone. Additionally, the City of Bellingham generally does not extend public water and sewer outside city limits. Therefore, urban density residential development typically does not occur until after annexation.

~~2) Areas designated in the Urban Fringe Subarea Plan for provisional rezone to UR with density as high as 24 units per acre may be developed when all of the following occur:~~

~~(a) Property owner(s) shall prepare a site plan showing the design and layout of proposed lots, multifamily structures, road and pedestrian connections to adjacent parcels, delineated wetlands, and protected critical areas, buffers and open space.~~

~~(b) Property owner(s) shall purchase or transfer sufficient development rights from the Lake Whatcom watershed to achieve the requested density increase, based on the TDR ratios established in the Whatcom County Code.~~

~~(c) Property owner(s) shall comply with city of Bellingham development standards, residential multifamily design standards, and any other conditions imposed by the city of Bellingham through approved utility service zone extension agreements.~~

~~(d) Property owner(s) shall apply to the county for a site-specific rezone pursuant to Chapter 20.90 WCC in conjunction with submittal of a subdivision or binding site plan application for the subject parcel or parcels. (Ord. 2004-021 § 1, 2004).~~

Rationale: There are no areas designated for “provisional rezone” in the Urban Fringe Subarea. Therefore, the provisions above can be deleted.

20.22.669 Transfer of residential development rights.

~~Areas designated in the Comprehensive Plan and assigned a The URM-24 zoningzone districts in the Urban Fringe Subarea, are considered receiving areas for transfer of development rights from the Lake Whatcom watershed sending area. (Ord. 2004-021 § 1, 2004).~~

Rationale: The only URM24 zone in the County is in the Birch Bay UGA (there are none in the Urban Fringe Subarea). Pursuant to WCC 20.89.052(2), development rights from any sending area may be transferred to receiving areas in Birch Bay.

Urban Residential Mixed (UR-MX) District

Amend the UR-MX District (WCC 20.24) as follows:

20.24.050 Permitted uses

.052 Single-family attached dwellings; provided, that public sewer, water and, where identified by the appropriate Comprehensive Plan policies, stormwater collection and detention facilities serve the site, not more than four units are attached, and the number of dwelling units conforms to the density requirements of the district. ~~However, additional multifamily development shall not be allowed within the UR-MX Zones identified on Map 2 of the Urban Fringe Subarea Comprehensive Plan.~~

Rationale: According to the County Zoning Code definitions, “Single-family attached dwelling” means a group of two or more single-family dwelling units, each on a separate lot of record, which are joined to one another by a common party wall, but having separate outside entrances, and for the purposes of this code include townhouses (WCC 20.97.421, underlining added). Additionally, “Multifamily development” means two or more dwelling units on one lot except as provided in WCC 20.40.103 for agricultural housing (WCC 20.97.263, underlining added). Single family attached dwellings are defined differently than multifamily development, and there is no overlap between the two. Therefore, it is unnecessary to state that multifamily developments are prohibited (in a certain area) in a section of the code that does not address multifamily dwellings in the first place. Additionally, there is already a prohibition on multifamily dwellings in this area in WCC 20.24.132(3)).

20.24.130 Administrative approval uses.

.132 Duplex and multifamily dwellings subject to the following limitations and the developer has conducted at least one neighborhood meeting prior to application for the purpose of hearing neighborhood concerns and suggestions regarding the proposal. Where being developed in an existing neighborhood characterized by residential development at densities of one dwelling per acre or greater, the uses listed in this section shall be administered as conditional uses rather than administrative approval uses; and are subject to the same criteria, requirements, bonuses and restrictions as if they were administrative approval uses:

- (1) Duplex and multifamily dwelling units do not comprise more than 25 percent of the total dwelling units allowed for the entire site.
- (2) Duplex and multifamily dwelling units are constructed at the same time as, or after, at least 50 percent of the single-family units in an approved development.
- (3) Multifamily development shall not be allowed within the UR-MX Zones ~~located southeast of the Bellingham International Airport identified on Map 2, Bennett Drive Residential Area of the Urban Fringe Subarea Comprehensive Plan.~~ located southeast of the Bellingham International Airport identified on Map 2, Bennett Drive Residential Area of the Urban Fringe Subarea Comprehensive Plan.

Rationale: Map 2, which included the Bennett Dr. area southeast of the Airport, is proposed for deletion from the Urban Fringe Subarea Plan. Therefore, a written description of this area has been inserted above.

20.24.653 Bellingham Urban Growth Area.

In the Bellingham Urban Growth Area, the city of Bellingham's design and development standards and guidelines ~~and impact fees~~ shall apply. (Ord. 2004-021 § 1, 2004; Ord. 2001-023 § 1, 2001; Ord. 97-046 § 2, 1997).

Rationale: The County would have to conduct the analysis, and adopt an ordinance, as required by RCW 82.02.050-.110 prior to imposing impact fees in the UR-MX zone. Additionally, the City of Bellingham generally does not extend public water and sewer outside city limits. Therefore, urban density residential development typically does not occur until after annexation.

20.24.700 Transfer of residential development rights.

~~.710 Areas designated in the Comprehensive Plan and assigned a~~The UR-MX Zone Districts, with the exception of the ~~UR-MX District located southeast of the Bellingham International Airport, Bennett Drive Residential Area designated on Map 2 of the Urban Fringe Subarea Plan,~~ are ~~considered~~ receiving areas for transfer of development rights ~~from any sending area or base zone which has been established as linked to these areas~~. (Ord. 2016-035 § 1 (Exh. A), 2016; Ord. 2004-021 § 1, 2004; Ord. 2001-023 § 1, 2001; Ord. 98-083 Exh. A § 66, 1998; Ord. 97-046 § 2, 1997).

Rationale: Map 2, which depicted the Bennett Dr. area southeast of the Airport, is proposed for deletion from the Urban Fringe Subarea Plan. Therefore, a written description of this area has been inserted above. Additionally, the only UR-MX zoning districts in existence at the current time are located within the Bellingham UGA. Pursuant to WCC 20.89.052(1), only development rights from the Lake Whatcom watershed may be transferred to the Bellingham UGA.

Gateway Industrial (GI) District

Amend the "Permitted Uses" section of the Gateway Industrial District (WCC 20.65.050) as follows:

.055 The following uses within one-quarter mile of a freeway interchange; except, that where this boundary divides a single parcel up to 10 percent of the area of a parcel that lies outside of this boundary may be included within it for the purposes of lot coverage and open space provisions:

- (1) Retail shops; provided, they do not exceed 10,000 square feet per shop in the Bellingham UGA Gateway Industrial District west of Interstate 5 and north of Airport Way, and west of Bennett Drive and south of Airport Way, shown on Map 3 of the Urban Fringe Subarea Plan (Planning Areas 1 and 2, identified on Map 6 of the 1997 Urban Fringe Subarea Plan). Retail shops in other Gateway Industrial areas shown on that map may not exceed 35,000 square feet per retail shop.
- (2) Tourist information centers.
- (3) Post offices.
- (4) Repair garages, and towing services when based at a service station.
- (5) Banks and/or bank machines.
- (6) Hotels and motels.
- (7) Indoor or outdoor commercial recreational facilities.

Rationale: There is only one Gateway Industrial zoning district remaining in the Bellingham UGA, so it is not necessary to describe the location of this district.

20.65.400 Height limitations.

Maximum building height shall not exceed 35 feet; except, that an additional foot in height is allowed for each one-foot increase in setback in the yard adjoining the interstate highway up to 45 feet in the Bellingham Urban Growth Area Gateway Industrial areas designated on Map 3 of the Urban Fringe Subarea. Height of structures, where applicable, shall also conform to the general requirements of WCC 20.80.675. (Ord. 2016-035 § 1 (Exh. A), 2016; Ord. 2013-057 § 1 (Exh. A), 2013; Ord. 99-040 § 1, 1999; Ord. 99-033 § 1, 1999).

Rationale: There is only one Gateway Industrial zoning district remaining in the Bellingham UGA, so it is not necessary to describe the location of this district.

20.65.450 Site design.

~~Within the Gateway Industrial areas, designated on Map 3 of the Urban Fringe Subarea Plan, in the Bellingham UGA,~~ individual sites shall be designed in a clustered or concentrated form of development instead of lining the road frontage. (Ord. 2016-035 § 1 (Exh. A), 2016; Ord. 99-040 § 1, 1999).

Rationale: There is only one Gateway Industrial zoning district remaining in the Bellingham UGA, so it is not necessary to describe the location of this district.

20.65.550 Buffer area.

When a parcel situated within this district adjoins an ~~Urban Residential, Urban Residential Medium Density, Rural or Residential Rural~~ District, side and rear yard setbacks shall be increased to 25 feet. In the ~~Bellingham UGA, Gateway Industrial District west of Interstate 5 and south of Airport Way, and west of Bennett Drive and less than 470 feet north of Airport Way, shown on Map 3 of the Urban Fringe Subarea Plan (Planning Areas 2 and 3, identified on Map 6 of the 1997 Urban Fringe Subarea Plan),~~ buffer areas shall be increased to 100 feet for commercial or industrial projects which exceed 5,000 square feet of floor area in one building or complex or generate more than 50 vehicle trips per day. Said area shall be landscaped consistent with the requirements of WCC 20.80.345. Use of buffer areas and setbacks for bicycle and pedestrian trails is encouraged. (Ord. 2016-035 § 1 (Exh. A), 2016; Ord. 99-040 § 1, 1999; Ord. 99-033 § 1, 1999; Ord. 89-117, 1989).

Rationale: There are no County Urban Residential, Rural, or Residential Rural zoning districts adjacent to the Gateway Industrial zoning district. There is only one Gateway Industrial zoning district remaining in the Bellingham UGA, so it is not necessary to describe the location of this district.

Light Impact Industrial (LII) District

Amend the “Administrative approval uses” section of the Light Impact Industrial District (WCC 20.66.130) as follows:

.131 An adult business enclosed within a building, when located in a city’s urban growth area; provided, that:

(1) The building that contains the adult business and signs relating to the business are not within 1,000 feet of any of the following:

(a) The outside boundary of any parcel that already contains a public school, private school, or day care;

(b) The outside boundary of any parcel that already contains a church or other house of worship;

(c) An existing public park;

(d) The outside boundary of any parcel that already contains a public library;

(e) A residential or rural zoning district (including Urban Residential, Urban Residential Medium Density, Urban Residential-Mixed, Residential Rural, Rural one dwelling/two acres, Rural one dwelling/five acres, and Rural one dwelling/10 acres and residential zones within the city limits);

(f) Interstate 5 or a state highway; or

(g) The outside boundary of any parcel that already contains another adult business.

(2) Directional signs permitted under WCC 20.80.470 are not subject to the 1,000-foot buffer of subsection (1) of this section.

(3) Adult businesses are prohibited within the Light Impact Industrial Zone located southeast of the Bellingham International Airport and north of Alderwood Avenue, ~~shown on Map 3 of the Urban Fringe Subarea Plan.~~

(4) An adult business shall not sell, provide or allow performances, films, publications, or other activities that are prohibited by state law or county ordinance.

(5) Planning and development services shall send a notice of the proposal to all owners of property within 1,000 feet of the external boundaries of the subject property at least 15 calendar days prior to the decision date. Public notice shall be published in the newspaper of record at least five calendar days prior to the decision date. This is in addition to the requirement of WCC 20.84.235(2). (Ord. 2016-035 § 1 (Exh. A), 2016; Ord. 2001-038 § 2, 2001).

Rationale: There is only one Light Impact Industrial district in the Bellingham UGA that is both southeast of the airport and north of Alderwood Ave. Therefore, it is not necessary to refer to a map (which is proposed for deletion).

Amend the “Prohibited uses” section of the Light Impact Industrial District (WCC 20.66.200) as follows:

.203 In the ~~Bellingham Urban Growth Area~~~~Urban Fringe Subarea~~ the following uses are prohibited: petroleum refinery and the primary manufacturing of products thereof, primary manufacturing and processing of rubber, plastics, chemicals, paper, asbestos and products derived thereof, and primary metal industries. (Ord. 2016-011 § 1 (Exh. L), 2016; Ord. 99-078, 1999; Ord. 99-070 § 2, 1999).

Rationale: The term “Bellingham Urban Growth Area” is a more descriptive term that may provide the public with a better sense of where this prohibition applies.

Amend the “Performance standards” section of the Light Impact Industrial District (WCC 20.66.700) as follows:

20.66.708 Appearance.

New facilities developed in the Bellingham Urban ~~Growth Area~~~~Fringe Subarea~~ shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and such uses shall not change the essential character of the same area. (Ord. 99-078, 1999).

Rationale: The term “Bellingham Urban Growth Area” is a more descriptive term that may provide the public with a better sense of where this regulation applies.

Heavy Impact Industrial (HII) District

Amend the “Permitted uses” section of the Heavy Impact Industrial District (WCC 20.68.050) as follows:

.064 Uses allowed in the Light Impact Industrial Zone as permitted uses, WCC 20.66.100, shall be permitted outright within the Heavy Impact Industrial District ~~in the Bellingham UGA shown on Map 1 of the Urban Fringe Subarea Plan.~~

Rationale: There are three Heavy Impact Industrial zoning districts in the Bellingham UGA, all of which are shown on Map 1 (which is proposed for deletion). Therefore, it is not necessary to describe the location of this district using a map.

Amend the “Conditional uses” section of the Heavy Impact Industrial District (WCC 20.68.150) as follows:

.152 Uses allowed in the Light Impact Industrial zone as permitted uses, WCC 20.66.100, subject to the following:

(1) Outside of the ~~Bellingham Urban Growth Area~~Urban Fringe Subarea, approval shall be supported by a finding by the hearing examiner that allowing the use will not limit the supply of land available to meet the demand for future heavy industrial uses.

(2) Filing of a deed restriction acknowledging that heavy industrial uses are the preferred uses in the zone and agreeing not to protest proposed heavy industrial uses allowed in the zone in accordance with Chapter 20.68 WCC, and to refrain from legal action against any heavy industrial use in compliance with the regulations of WCC Title 20 and any conditions of approval which might have been proposed.

Rationale: The term “Bellingham Urban Growth Area” is a more descriptive term that may provide the public with a better sense of where this regulation applies.

Amend the “Prohibited uses” section of the Heavy Impact Industrial District (WCC 20.68.200) as follows:

.203 In the ~~Bellingham Urban Growth Area~~Urban Fringe Subarea the following uses are prohibited: petroleum refinery and the primary manufacturing of products thereof, primary manufacturing and processing of rubber, plastics, chemicals, paper, asbestos and products derived thereof; and primary metal industries. (Ord. 2016-011 § 1 (Exh. L), 2016; Ord. 99-078, 1999; Ord. 99-070 § 2, 1999; Ord. 91-075, 1991).

Rationale: The term “Bellingham Urban Growth Area” is a more descriptive term that may provide the public with a better sense of where this regulation applies.

Amend the “Buffer area” section of the Heavy Impact Industrial District (WCC 20.68.550) as follows:

.552 To implement the buffer requirements of this district, minimum setbacks for heavy industrial buildings and accessory structures shall be established consistent with the following options:

(1) If a planting screen is not provided by the industrial user and no natural vegetative screening exists, the minimum setback(s) shall be 660 feet, as measured from the edge of the district boundary. The setback area may be used for security roads, parking, or open space.

(2) If natural sight-obscuring and dense vegetation exists, the minimum setback(s) shall be 250 feet, as measured from the district boundary; provided, that a minimum width of 50 feet of natural vegetation is retained. The remainder of the setback(s) may be used for security roads, parking, or open space.

(3) If a 50-foot buffer planting screen is established, pursuant to WCC 20.80.345, the minimum setback(s) shall conform to the setback requirements of WCC 20.80.200, as measured from the district boundary. In addition, security roads may be situated within the minimum buffer setback; provided, that the 50-foot wide buffer planting is established.

(4) When a parcel situated within this district is located within the Bellingham Urban ~~Growth Area~~~~Fringe Subarea~~ and adjoins an Urban Residential District or residential district within the city limits, setbacks for heavy industrial buildings and/or uses shall be increased to 100 feet and landscaped in accordance with the requirements of WCC 20.80.345.

(5) In no case shall the northern and western boundaries of the Cherry Point Heavy Industrial area not contiguous to another industrial zone be less than 660 feet, nor the natural vegetation removed except for parking and security or protective uses in accordance with Heavy Impact Industrial Policy 1.05 of the Cherry Point-Ferndale Subarea Comprehensive Plan.

Rationale: The term “Bellingham Urban Growth Area” is a more descriptive term that may provide the public with a better sense of where this regulation applies.

Amend the “Performance standards” section of the Heavy Impact Industrial District (WCC 20.68.700) as follows:

20.68.708 Appearance.

New facilities developed in the Bellingham Urban ~~Growth Area~~~~Fringe Subarea~~ shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and such uses shall not change the essential character of the same area. (Ord. 99-078, 1999).

Rationale: The term “Bellingham Urban Growth Area” is a more descriptive term that may provide the public with a better sense of where this regulation applies.