

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2011 - 348

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	G. Davis	10/26/2011		10/25/2011	Introduction
Division Head:				11/9/2011	Hearing
Dept. Head:	<i>[Signature]</i>	10-25-11			
Prosecutor:	<i>[Signature]</i>	10-26-11			
Purchasing/Budget:					
Executive:					

TITLE OF DOCUMENT:

Ordinance amending Ordinance 2011-013 related to rural development regulations

ATTACHMENTS:

SEPA review required?	() Yes	() NO	Should Clerk schedule a hearing?	(X) Yes	() NO
SEPA review completed?	() Yes	() NO	Requested Date:	11/9/2011	

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC-as appropriate. Be clear in explaining the intent of the action.)

This ordinance amends zoning code provisions related to pre-existing recreational subdivisions, the Rural Residential density overlay, locational requirements for certain commercial and industrial zones, and the accessory use provisions in the Rural Industrial-Manufacturing District.

COMMITTEE ACTION:

COUNCIL ACTION:

10/25/2011: Introduced
 11/09/2011: Council Amended & Adopted 5-2,
 Mann and Weimer opposed
 Ord. 2011-043

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number: Ord. 2011-043

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

SPONSORED BY: Cosent
PROPOSED BY: PDS
INTRODUCTION DATE: 11/09/2011

ORDINANCE NO. 2011-043

**AMENDING ORDINANCE 2011-013 TO REVISE PORTIONS
OF WHATCOM COUNTY CODE TITLE 20 RELATED TO
RURAL DEVELOPMENT REGULATIONS**

WHEREAS, the County Council adopted Ordinance 2011-013 on May 10, 2011, amending the Whatcom County Comprehensive Plan, Whatcom County Code Title 20, and official zoning maps, pertaining to land use planning in rural areas; and

WHEREAS, clarification is needed as to the comprehensive plan land use designations in which certain commercial and industrial zones are allowed; and

WHEREAS, modifications to the Rural Residential Density Overlay are needed; and

WHEREAS, corrections to other provisions of Ordinance 2011-013 are needed,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the Whatcom County Official Zoning Map is hereby amended as shown in Exhibit A.

ADOPTED this 9th day of November 2011.
COUNTY COUNCIL
OF WHATCOM COUNTY
STATE OF WASHINGTON
ATTEST:
Dana Brown-Davis, Council Clerk

APPROVED as to form:

Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Sam Crawford, Chairman

Approved Denied

Pete Kremen, Executive

Date: 11-15-11

EXHIBIT A
Zoning Code Amendment

WCC Title 20 Amendments

20.32 Residential Rural (RR) District

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20.32.130 Administrative approval uses.

The following uses are permitted subject to administrative approval pursuant to WCC 20.84.235.

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.134 One private, noncommercial, recreational vehicle or park model trailer and one accessory guest RV per lot within designated pre-existing recreational subdivisions in the Foothills Subarea, as listed in WCC 20.97.337; provided, that the following minimum requirements and standards are met and/or followed:

- (1) All recreational vehicles that remain on the site for more than 14 consecutive days shall be connected to a permitted on-site sewage system or public sewer.
- (2) Maximum length of occupation of a recreational vehicle shall not exceed 120 days per calendar year; provided, that no accessory guest recreational vehicle shall stay on the lot for more than 14 consecutive days nor more than 30 days total per calendar year.
- (3) All recreational vehicles shall be screened from neighboring properties not using RVs and from public roads. Such screening may consist of landscaped buffer areas, suitable native vegetation or a fence.
- (4) Lots shall not be leased or rented out on a daily or overnight basis for recreational use.
- (5) Accessory structures shall be limited to storage, shop, garage, carport and/or similar personal use only and shall not exceed a total of 200 square feet in floor area per lot; provided, that the 200-square-foot limitation shall not apply to that portion of a carport covering the RV.
- (6) The locations of parked RVs on vacant lots shall observe normal building setback standards for a single-family residence.
- (7) All recreational vehicles shall be supported by their own wheels or camper jacks, and not be fastened to accessory structures.

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20.32.252 Rural Residential Density Overlay.

In certain areas delineated on the official zoning map in the RR-5A zone, a density overlay may be applied in order to permit densities consistent with surrounding development and the established rural character of the area.

(1) Eligibility. Eligibility for the density overlay is limited to lots that meet the following:

- (a) Public water must be available, and
- (b) At least 70% of lots wholly or partially within 500 feet of the subject lot's outer boundary must have contained a residence and been under five acres in size on the effective date of the ordinance codified in this section.

(2) Calculation. Within this overlay the permitted minimum lot size for a lot is equivalent to the mean lot size of all lots that contained a residence on the effective date of the ordinance codified in this section and are wholly or partially within 500 feet of the lot's outer boundaries, or two acres, whichever is greater. This calculation is subject to the following:

- (a) No lots within a city, urban growth area, or LAMIRD (Rural Community, Rural Tourism, or Rural Business comprehensive plan designation) may be included in the mean lot size calculation, and
- (b) Lot sizes existing on or before the effective date of the ordinance codified in this section shall be used in the mean lot size calculation.

20.32.253 Maximum density and minimum lot size.

The following districts with their associated lot sizes as indicated below, are only allowed within Rural Communities, as outlined in the Comprehensive Plan: RR-1, RR-2, RR-3. The RR-5A and RR-10A districts are allowed throughout the rural areas. For boundary line adjustments on lots not conforming to minimum lot sizes in this zoning district, lot size averaging may be used by calculating the average lot size of legal lots of record within 500 feet of the outside perimeter of the lots proposed for boundary line adjustment.

District	Gross Density	Minimum Lot Size		Min. Reserve Area (Cluster Subdivisions)
		Conventional	Cluster	
RR-1, RR-2, RR-3, RR-5A: without public water	1 dwelling unit/5 acres	5 acres	N/A	N/A
RR-10A without public water	1 dwelling unit/10 acres	10 acres	N/A	N/A
With public water, and stormwater detention and collection facilities:				
RR-1	1 dwelling unit/1 acre	36,000 sq.	15,000	30%

		ft.	sq.ft.	
RR-2	2 dwelling units/1 acre	18,000 sq. ft.	15,000 sq.ft.	10%
RR-3	3 dwelling units/1 acre	12,000 sq. ft.	8,000 sq.ft.	25%
RR-5A	1 dwelling unit/5 acres	5 acres	N/A	N/A
RR-10A	1 dwelling unit/10 acres	10 acres	N/A	N/A
RR-5A subject to Rural Residential Density Overlay	Maximum: 1 dwelling unit/2 acres per 20.32.252(2)	see 20.32.252		

20.32.254 Minimum lot width and depth.

District	Width at Street Line		Width at Bldg. Line	Minimum Mean Depth
	Conventional	Cluster		
RR: without public water	300'	N/A	80'	100'
RR: with public water, and stormwater collection and detention facilities	30'	30'	70'	80'

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20.36 Rural (R) District

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20.36.252 Rural Residential Density Overlay.

In certain areas delineated on the official zoning map in the R-5A zone, a density overlay may be applied in order to permit densities consistent with surrounding development and the established rural character of the area.

(1) Eligibility. Eligibility for the density overlay is limited to lots that meet the following:

- (a) Public water must be available, and
- (b) At least 70% of lots wholly or partially within 500 feet of the subject lot's outer boundary must have contained a residence and been under five acres in size on the effective date of the ordinance codified in this section.

(2) Calculation. Within this overlay the permitted minimum lot size for a lot is equivalent to the mean lot size of all lots that contained a residence on the effective date of the ordinance codified in this section and are wholly or partially within 500 feet of the lot's outer boundaries, or two acres, whichever is greater. This calculation is subject to the following:

(a) No lots within a city, urban growth area, or LAMIRD (Rural Community, Rural Tourism, or Rural Business comprehensive plan designation) may be included in the mean lot size calculation, and

(b) Lot sizes existing on or before the effective date of the ordinance codified in this section shall be used in the mean lot size calculation.

20.36.253 Maximum density and minimum lot size.

For boundary line adjustments on lots not conforming to minimum lot sizes in this zoning district, lot size averaging may be used by calculating the average lot size of legal lots of record within 500 feet of the outside perimeter of the lots proposed for boundary line adjustment.

District	Gross Density	Minimum Lot Size		Min. Reserve Area (Cluster Subdivisions Outside of Urban Growth Areas)	Min. Reserve Area (Cluster Subdivisions in Urban Growth Areas)
		Conventional	Cluster		
R-2A without public water	1 dwelling unit/5 acres	5 acres	1 acre	20%	80%
R-2A with public water	1 dwelling unit/2 acres	2 acres	12,500 sq. ft.	65%	80%
R-5A without public water	1 dwelling unit/5 acres	5 acres	1 acre	55%	80%
R-5A subject to Agricultural Protection Overlay (Chapter 20.38 WCC)	1 dwelling unit/5 acres	Not applicable	15,000 sq. ft.	75%	Not applicable
R-5A with	1 dwelling	5 acres	12,500	75%	80%

public water	unit/5 acres		sq. ft.		
R-5A with public water subject to Rural Residential Overlay	Maximum: 1 dwelling unit/2 acres per 20.36.252(2)	see 20.36.252(2)	Not applicable	Not applicable	Not applicable
R-10A without public water	1 dwelling unit/10 acres	10 acres	1 acre	70%	80%
R-10A subject to Agricultural Protection Overlay (Chapter 20.38 WCC)	1 dwelling unit/10 acres	Not applicable	15,000 sq. ft.	75%	Not applicable
R-10A with public water	1 dwelling unit/10 acres	10 acres	12,500 sq. ft.	80%	80%
Public facilities approved under WCC 20.36.151	Not applicable	No minimum	No minimum	Not applicable	Not applicable

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20.60 Neighborhood Commercial Center (NC) District

20.60.010 Purpose.

The purpose of the Neighborhood Commercial District is to provide for small, concentrated land areas intended for retail sales of convenience goods and services to persons residing within or visiting a neighborhood trade or service area, as well as to provide job and economic development opportunities for rural residents. When located outside Urban Growth Areas, the Neighborhood Commercial District shall comply with the rural land use policies and criteria set forth in the Comprehensive Plan. An additional purpose of the district is to provide developmental standards aimed at achieving cohesive, coordinated development within this district and achieving compatibility between commercial and surrounding

residential uses. This district may be located in an Urban Growth Area, a Rural Community, or Rural Business area, as designated in the Comprehensive Plan.

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20.62 General Commercial (GC) District

The purpose of the General Commercial District is to provide land areas, commensurate with the anticipated demand, for the siting of commercial uses which serve the surrounding community with a broad range of retail goods and services. Since general commercial uses are such that they attract clientele from a relatively large trade area, the application of this district shall only be utilized within Urban Growth Areas, in locations where transportation access can be maximized and incompatible impacts to surrounding land uses minimized. Property within the district may also serve to meet the multifamily needs of the community in accordance with the demands of the market place.

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20.63 Tourist Commercial (TC) District

20.63.010 Purpose.

The purpose of the Tourist Commercial District is to supply sufficient areas arranged in a concentrated form that would allow land use activities which serve the traveling public. The district shall be located and implemented consistent with the goals, objectives and policies of the Comprehensive Plan. The district should be located near major transportation corridors in such a fashion as to provide safe and convenient access that would not impact adjacent noncommercial activities. Further, the district should be in areas where adequate public services such as roads, sewer, water and drainage are available. The district should provide for uses which normally serve the traveling public and encourage a type of development which occurs in a well-designed pattern considering aesthetics and safety. If located outside an Urban Growth Area, this district may be located in an Urban Growth Area, Rural Community, Rural Tourism or Rural Business area as designated by the Comprehensive Plan. If located in Rural Tourism area, the uses in the district should rely on the rural location and setting, and provide recreation and tourist uses that are small in scale, and compatible with existing uses and intensities.

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20.64 Resort Commercial (RC) District

20.64.010 Purpose.

The purpose of the Resort Commercial District is to provide land areas which through their natural location and setting, and manmade attributes, attract resort activities. The district shall be located and implemented consistent with the goals, objectives and policies of the Comprehensive Plan. The district should be located in such areas where adequate public services such as roads, sewer, water and

drainage are available, and be of such size that a viable resort can be established and maintained. The district should provide for uses normally found in resort areas and encourage the type of development which occurs in a cohesive fashion and which promotes open space and other amenities considered significant for viable resort areas. This district may be located in an Urban Growth Area, a Rural Community, or Rural Business area, as designated in the Comprehensive Plan.

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20.65 Gateway Industrial (GI) District

20.65.010 Purpose.

The purpose of the Gateway Industrial District is to supply sufficient areas arranged in a concentrated form for land use activities which promote Canadian-American business activity. In addition, the intent of this district is to encourage land uses and associated densities which will be complementary with light impact industrial park standards while allowing reasonable transition uses of the properties. The district shall be located within Urban Growth Areas and implemented consistent with the goals, objectives and policies of the Comprehensive Plan. The district should be located near major international transportation corridors in such a fashion as to provide safe and convenient access that would not impact adjacent nonindustrial activities. Further, the district should be in areas where adequate public services including but not limited to all-weather roads, public sewer and water and stormwater drainage are available. The district provides for uses that present a positive development image to business travelers and may provide for commercial uses that serve the traveling public; however, commercial activities may not be dependent upon attracting freeway motorist except in areas within 1/4mile of a full freeway interchange.

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20.66 Light Impact Industrial (LII) District

20.66.010 Purpose.

The purpose of the Light Impact Industrial District is to implement the Comprehensive Plan by providing for the planned development of large land areas, in appropriate locations within Urban Growth Areas, primarily for industrial and subordinate uses which provide support services to the district. Light industrial uses are primarily related to services, and distribution, manufacture and assembly of finished products that have a relatively light impact on adjacent uses and districts. Furthermore, it is the purpose of this district to encourage the master planning of the entire industrial site in ensuring compatibility between industrial operations, as well as the existing and future character of the adjacent areas, It is also a purpose of the district to accommodate limited commercial uses that are incompatible with other commercial uses.

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20.67 General Manufacturing (GM) District

20.67.010 Purpose.

The purpose of this district is to provide for rural general manufacturing activities which by their nature are less intensive uses than those of heavy industry but of greater intensity than uses associated with the Rural Industrial - Manufacturing district, and to provide employment opportunities for residents of the rural area. General manufacturing uses are primarily related to fabrication, manufacture, storage and distribution of products which have minimal off-site impacts on adjacent nonindustrial zone districts. It is a further purpose of this district to encourage proper design of developments in order to minimize use conflicts within and beyond the district's boundaries as enabled through the district's performance and development standards, as well as buffer and setback requirements. This district shall comply with the rural land use policies and criteria set forth in the Comprehensive Plan. This district may be located in an Urban Growth Area, a Rural Community, or Rural Business area, as designated in the Comprehensive Plan. To retain and enhance the job base in rural areas, the county must have the flexibility to retain existing business and allow them to expand, as per RCW 36.70A.011.

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20.69 Rural Industrial - Manufacturing (RIM) District

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20.69.100 Accessory Uses.

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.108 Retail sales of merchandise manufactured, assembled or stored on site within the definition of accessory uses as defined in Chapter 20.97; provided retail facilities do not exceed fifteen percent of the total floor area of all buildings located on site.