



WHATCOM COUNTY PLANNING COMMISSION

5280 Northwest Drive
Bellingham WA 98226

AGENDA May 25, 2023

The Whatcom County Planning Commission will hold a hybrid meeting at 6:30 p.m., with the option to attend remotely or in person at 5280 Northwest Drive, Bellingham.

- Call to Order
- Roll Call
- Flag Salute
- Department Update
- Open Session for Public Comment
- Commissioner Comments
- Approval of Minutes of: May 11, 2023
- Proposed Amendments to WCC Title 20 (Zoning) Regarding Home-Based Businesses

The amendments consolidate the existing code for home occupations, cottage industries, and commercial use of noncommercial properties for special events. (File #PLN2014-00016)

- *Public Hearing and Work Session*
- Unfinished Business
- Adjournment

NOTE: For information on how to watch and participate in the meeting in real time, please visit the following web page: [Participate in Virtual Planning Commission Meeting](#)

Individuals who require special assistance to participate in the meetings are asked to contact "PDS_Planning_Commission@co.whatcom.wa.us" at least 96 hours in advance.

Pending Items Commissioners would like to address:

Code related implications of climate modeling

There are nine members on the Whatcom County Planning Commission. If you will be giving written information to the Commissioners, please give a copy to the Coordinator for our office files.

*For more information please contact Tammy Axlund at (360)778-5935 or PDS_Planning_Commission@co.whatcom.wa.us
5280 Northwest Drive, Bellingham, WA 98226*



**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
May 11, 2023**

Public Hearing and Work Session

1

1 **Call to Order**

2 The meeting was called to order by Whatcom County Planning Commission Chair,
3 Kelvin Barton at 6:38 p.m.

4 **Roll Call**

5 **Present:** Kelvin Barton, Daniel Dahlquist, Stephen Jackson, Kimberley Lund, Dominic
6 Mocerri, Scott Van Dalen

7 **Absent:** Atul Deshmane, Jim Hansen, Julie Jefferson

8 **Staff Present:** Planning and Development Services (PDS): Matt Aamot, Steve
9 Roberge, and Tammy Axlund; Parks: Bennett Knox; Administrative Services –
10 Facilities: Rob Ney

11 **Department Update**

12 Steve Roberge, Assistant Director of PDS, announced the topic for the May 25th
13 Planning Commission meeting will be home based businesses. In a status update
14 regarding hiring to fill the eight vacant positions in PDS, he noted that offers have
15 been accepted for seven of the openings, and we are doing final interviews next week
16 to fill the last open position.

17 **Open Session Public Comment**

18 There was no public comment.

19 **Commissioner Comments**

20 Commissioner Lund indicated that emails from the County started going to her spam
21 folder even though they are on her safe sender list. She was unable to respond to
22 email requests because she did not see them.

23 **Approval of Meeting Minutes**

24 **Timestamp: 4:45**

25 **Commissioner Mocerri moved** to approve the meeting minutes from April 13, 2023.

26 **Commissioner Jackson seconded.**

27 **Roll Call Vote: Ayes-Barton, Jackson, Mocerri; Abstain-Dahlquist, Lund, Van**
28 **Dalen; (Ayes-3; Nays-0; Abstain-3). The motion carried.**

29 Commissioner Barton turned the meeting over to Commissioner Lund to chair the
30 remainder.

31 **Proposed Amendments to the Six-Year Capital Improvement Program for**
32 **Whatcom County Facilities 2023-2028 (PLN2023-00006)**

33 **Timestamp: 8:49**

34 Matt Aamot, PDS Senior Planner, introduced the topic and provided a brief overview.
35 He then invited Bennett Knox, Whatcom County Parks Director, to describe the
36 planned updates to the Parks, Trails, and Activity Centers Chapter. Rob Ney, Facilities



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Public Hearing and Work Session

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1 Projects & Operations Manager, then gave a brief description of each project for the
2 General Government Buildings and Sites Chapter.

3 Mr. Aamot outlined the cost increases, requested Planning Commission
4 recommendation for approval, and invited questions.

5 **a) Public Hearing Regarding Six-Year Capital Improvement Program**

6 **Timestamp: 26:32**

7 No one provided public comment.

8 **b) Six-Year Capital Improvement Program Work Session**

9 **Timestamp: 27:44**

10 Commissioners did not have comments or questions.

11 **Timestamp: 28:59**

12 **Commissioner Jackson moved** to adopt the amendments to the Six-year Capital
13 *Improvement Plan as proposed, with the findings of fact.*

14 **Commissioner Van Dalen seconded.**

15 **Roll Call Vote: Ayes-Barton, Dahlquist, Jackson, Lund, Mocerri, Van Dalen;**
16 **(Ayes-6; Nays-0; Abstain-0). The motion carried.**

17 **Proposed Zoning Code Amendments to the text of the Urban Residential**
18 **District (WCC 20.20), Urban Residential Medium Density District (WCC 20.22),**
19 **Urban Residential Mixed District (WCC 20.24), General Commercial District**
20 **(WCC 20.62), Resort Commercial District (WCC 20.64), Supplementary**
21 **Requirements (WCC 20.80), and Definitions (PLN2023-00002)**

22 **Timestamp: 30:32**

23 Matt Aamot, PDS Senior Planner, provided an explanation of the zoning amendments
24 and responded to Commissioners' questions.

25 **a) Public Hearing Regarding Proposed Zoning Code Amendments**

26 **Timestamp: 48:49**

27 Matt Berry provided public comment.

28 **b) Proposed Zoning Code Amendments Work Session**

29 **Timestamp: 51:41**

30 Mr. Aamot responded to Commissioners' questions and confirmed with Commissioners
31 that they wished to accept a suggestion change the order of the density requirements
32 in WCC 20.22.252.

33 Commissioner Barton announced that he would abstain from the vote due to a possible
34 perceived conflict of interest.

35 **Timestamp: 56:28**

36 **Commissioner Mocerri moved** to adopt the Zoning Code Amendments as proposed
37 *with the adjustment to the order of the density requirements in WCC 20.22.252, and*
38 *accept the findings of fact.*



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Public Hearing and Work Session

3

1 **Commissioner Jackson seconded.**

2 **Roll Call Vote: Ayes-Dahlquist, Jackson, Lund, Mocerri, Van Dalen; Abstain-**
3 **Barton; (Ayes-5; Nays-0; Abstain-1). The motion carried.**

4 **Adjournment**

5 The meeting was adjourned at 7:38 p.m.

6 Minutes prepared by Tammy Axlund.

7 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

8 _____
9 Kelvin Barton, Chair

Tammy Axlund, Secretary

DRAFT

Whatcom County Planning & Development Services Staff Report

Amendments to WCC Title 20 (Zoning) Regarding Home-Based Businesses

I. Project Information

File # PLN2014-00016

File Name: Home-Based Businesses

Applicants: Whatcom County Planning and Development Services (PDS)

Summary of Request: Proposed amendments to WCC Title 20 (Zoning) regarding Home-Based Businesses. The amendments aim to consolidate and rationalize the existing disparate regulations for home occupations, cottage industries, and occasional commercial use of noncommercial properties for hosting special events.

Location: Countywide.

Staff Recommendation: Planning and Development Services recommends the Planning Commission recommend that the Council approve the amendments as shown in Exhibit A.

II. Background

Over the years, Planning & Development Services (PDS) has received numerous inquiries from the public about whether commercially hosting weddings and receptions, social and business retreats, seasonal farm events, and similar events is allowed on otherwise residential or resource properties.

Currently the zoning code does not specifically provide for these uses (events), but it does allow for small-scale home occupations and cottage industries in the County's residential, rural, rural forestry and agricultural districts. As an interim measure, commercially hosting weddings, receptions, and other similar special events have been permitted through the conditional use permit process as a cottage industry or as part of a bed and breakfast operation, even though the code doesn't specifically list them as a permissible use.

Existing code does not clearly communicate to the public that there is a way to gain approval or authorization for event hosting. Generally, when contemplating this type of business, the public doesn't automatically associate weddings, or special events with "cottage industry" or "bed and breakfast" operation.

Thus, in 2014 Council placed on the docket item PLN2014-00016, "Amend the Whatcom County Zoning Ordinance to allow "Weddings and Special Events" in specific zone districts through a conditional use permit. Amend WCC 20.97 to define "Special Events" and amend the parking space requirements in WCC 20.80.580."

Working with the Planning Commission in 2014 and 2015, staff prepared some draft regulations that would specifically allow for event hosting as a Home-Based Business, as well as consolidate the Home-Based Business rules into one place (they are currently spread throughout the code). This direction

became the basis for the structure of the currently proposed amendments. Unfortunately, this project was put on hold shortly thereafter. It has now recommenced.

III. Code Amendments

The proposed code amendments are shown in Exhibit A. Please refer to that attachment; explanations are provided therein. Major changes include:

1. Eliminating “Home Occupations” and “Cottage Industries” and redefining and consolidating them under the umbrella of “Home-Based Businesses”

PDS proposes to eliminate the terms “Home Occupations” and “Cottage Industries,” and, along with incorporating “events” as an HBB, use them as the basis for a 4-tiered system of HBBs.

The proposal is to eliminate the definitions of “Home Occupations” and “Cottage Industries,” and add a new definition of “Home-Based Business” (see Exhibit A, Chapter 20.97).

Additionally, PDS proposes to replace §20.80.970 (Home Occupations) with a new §20.80.970 (Home-Based Businesses) that would define four types or levels of HBBs based on potential impacts. HBB Type 1 correlates to the current “home occupation” classification, HBB Types 2 and 3 to the current “cottage industry” classifications, and HBB Type IV would be the new allowance for “event facilities,” as shown in Table 1.

Table 1. Comparison of Existing Allowances to Proposed Allowances by Zone

Zone Allowed in	Existing Designations			Proposed HBB Designations				
	Home Occupation	Cottage Industry (by max # of employees)			Type I	Type II	Type III	Type IV
		2	4	10				
Urban Residential (UR)	AU				AU	AAU		
Urban Residential – Medium Density (URM)	AU				AU	AAU		
Urban Residential Mixed (UR-MX)	AU				AU	AAU		
Residential Rural (RR)	AU	AAU			AU	AAU		
Rural Residential-Island (RR-I)	AU	AAU			AU	AAU		
Eliza Island (EI)	AU	AAU			AU	AAU		
Rural (R)	AU	AAU	CUP		AU	AAU	CUP	CUP
Point Roberts Transitional Zone (TZ)	AU	CU			AU	AAU	CUP	
Agriculture Protection Overlay (APO)								
Agriculture (AG)	AU	AAU	CUP		AU	AAU	CUP	CUP
Rural Forestry (RF)	AU	AAU	CUP	AAU*	AU	AAU	CUP	CUP
Commercial Forestry (CF)								
Recreation and Open Space (ROS)								
Lake Whatcom Watershed Overlay								
Rural General Commercial (RGC)								
Neighborhood Commercial Center (NC)								
Small Town Commercial (STC)	AU**							
General Commercial (GC)								
Tourist Commercial (TC)								
Resort Commercial (RC)	AU**							
Light Impact Industrial (LII)								
General Manufacturing (GM)								

Zone Allowed in	Existing Designations			Proposed HBB Designations				
	Home Occupation	Cottage Industry (by max # of employees)			Type I	Type II	Type III	Type IV
		2	4	10				
Heavy Impact Industrial (HII)								
Rural Industrial and Manufacturing (RIM)								
Airport Operations (AO)								
Water Resource Protection Overlay								
Point Roberts Special								
Mineral Resource Lands Special (MRL)								
Cherry Point Industrial (CP)								

AU = Accessory Use; AAU = Administrative Authorization Use Permit; CUP = Conditional Use Permit

* Must be forestry related/wood based

** Though code currently says HO's are allowed in commercial zones, there's no need to, since commercial uses are allowed by definition. Thus, not showing HBB allowances for any of the commercial or industrial zones.

2. Normalizing the performance standards

The new section Home-Based Business code (20.80.970) also lists the performance standards for each type of HBB. Each district wherein they're currently allowed has rules for "Home Occupations" and "Cottage Industries," but they differ slightly in different zones. PDS is proposing to eliminate these zone-specific rules and put them into §20.80.970, taken from each of the district rules but standardized. Table 2 shows which standards would apply to which type of HBB.

Table 2. Comparison of Standards Per HBB Type

Standards	HBB Type			
	I	II	III	IV
APPLICABLE TO ALL TYPES				
The use of the property shall be clearly incidental to its use as a residence.	√	√	√	√
The size and scale of the operation shall be compatible with the character of the surrounding neighborhood, and any impacts may not exceed the intensity to those generated by other uses allowed in the zone.	√	√	√	√
There shall be no change in the outside appearance of the building(s) or premises or other visible evidence of a home-based business inconsistent with the character of the dwelling or neighborhood.	√	√	√	√
Can be conducted in primary structure or accessory structures. No limit on number of HBBs per lot.	√	√	√	√
Shall generally comply with the off-street parking requirements of WCC 20.80.500	√	√	√	√
Customers/clients are prohibited on the premises prior to 7:00 a.m. and after 8:00 p.m. (unless an exception is specifically granted by the Director).	√	√	√	√
The home-based business shall be conducted so that noise, fumes, odor, smoke, dust, light, glare, vibration, electrical interference, and other similar impacts are not detectable by sensory perception at or beyond the property line of the lot where the home occupation is located.	√	√	√	√
On site sales in connection with home-based businesses are limited to merchandise handcrafted on site or items accessory to a service (i.e., hair care products for a beauty salon). In no case shall home-based	√	√	√	√

Standards	HBB Type			
	I	II	III	IV
businesses consist only of on-site retail sales.				
Commercial deliveries and pickups to the dwelling unit are limited to one per day Monday through Friday. No commercial deliveries or pickups are permitted on Saturday, Sunday or federal holidays.	√	√	√	√
Home-based businesses engaged in manufacturing shall be limited to the manufacture and assembly of finished products and shall not include the primary manufacture of petroleum products, rubber, plastics, chemicals, asbestos products, or primary metal industries.	√	√	√	√
The portion of the structure(s) housing the home-based business shall comply with applicable life/safety building code regulations.	√	√	√	√
Signage for home-based businesses shall comply with WCC 20.80.470(7).	√	√	√	√
Seasonal employees working less than 21 days per year will not be counted as employees if they are engaged in work directly related to agriculture or forestry.	√	√	√	√
VARIES WITH TYPE				
No more than <u> X </u> people at any one time, other than household members residing on the premises, shall be engaged in the businesses.	2	2	4	
Shall not exceed a total of <u> X </u> SF of building floor area	500 in Eliza, UR, URM, & URM-X; 1,250 in all others	1,750	2,500	
The maximum nameplate horsepower rating of the electrical motors of any single piece of machinery operating shall be <u> X </u> horsepower. The electrical service for home-based businesses shall not exceed <u> X </u> amps.	5/200			
Minimum parcel size		1	5	10
<u> X </u> vehicle(s) up to 18,000 pounds gross vehicle weight is allowed.	1	2	3	
Outside display or storage of materials, merchandise, or equipment	Prohibited	Allowed with screening	Allowed with screening	
Clients are limited to one at any one time, not to exceed <u> X </u> clients per day	5	10	20	
The number of trips related to the business shall not exceed <u> X </u> per day.	5	10	20	
SPECIFIC TO TYPE IV				
Limited to 24 outdoor events per year				√
A maximum of 200 guests shall be permitted for any one event.				√
Amplified music for events shall comply with the Class A Residential source to Residential Receiving Property Standards of WAC 173-60-040. Amplified music is permitted for a one-hour duration. More than one-hour of amplified music may be permitted if requested, however; a noise study may be required.				√
Events are prohibited prior to 12:00 PM and after 9:00 PM.				√
The operator shall be present during all events.				√
Off-site parking may be permitted if an off-site parking and shuttle plan is approved.				√
Minimum buffering shall be required as established in WCC 20.80.345; provided, that minimum side and rear yard buffers are at least 50 feet.				√

3. Changing all instances of “Home Occupations” and “Cottage Industries” to “Home-Based Business” and identifying what type of permit (if any) is required for each type.

The rest of the amendments are solely replacing the terms “Home Occupations” and “Cottage Industries” with “Home-Based Business Type I, II, III, or IV and listing them in the appropriate zones under what permit (if any) is required for each type. Additionally, this text refers readers to WCC 20.80.970 for the standards.

IV. Comprehensive Plan Evaluation

Whatcom County Comprehensive Plan goals and policies that may be applicable to the proposed amendments are:

GOAL 2DD: Retain the character and lifestyle of rural Whatcom County.

GOAL 2D: Refine the regulatory system to ensure accomplishment of desired land use goal in a fair and equitable manner.

Policy 2D-3: Streamline development regulations to eliminate unnecessary time delays.

Goal 2FF: Provide employment opportunities in the rural parts of Whatcom County.

Policy 2FF-1: Support small businesses, cottage industries, home occupations, resource-based, tourist, recreational, and other appropriate industries in the rural areas of Whatcom County. New rural commercial and industrial uses that are more intensive than those permitted within rural zones as home occupations or cottage industries should be located within designated Rural Communities and Rural Business areas.

GOAL 7A: Promote a healthy economy providing ample opportunity for family-wage jobs for diverse segments of the community, which is essential to the quality of life in the area.

Policy 7A-2: Foster a diverse, private-sector job base, which will provide family-wage jobs at the state median income level or greater, and facilitate the retention and expansion of existing businesses.

Chapter 8: Resource Lands

Resource Lands in the Whatcom County Comprehensive Plan Goals & Policies emphasize the importance of “Agriculture Related Heritage.” Chapter Eight Goals and Policies in the Comprehensive Plan have been developed to promote the expansion and stability of local and regional agricultural economies; and:

- To be consistent with and help achieve the state-wide GMA goals to "maintain and enhance" natural resource-based industries
- To implement County-Wide Planning Policies which express the desire for the county to become a government of rural lands and sustainable resource-based industries
- To fulfill the citizens' vision of Whatcom County where resource-based industries are widely practiced and encouraged

Goal 8B: Maintain and enhance Whatcom County's agricultural products industry as a long-term and sustainable industry.

Policy 8B-1: Promote the expansion and stability of local and regional agricultural economies.

Policy 8B-3: Support agricultural product processing facilities through appropriate planning, zoning, and land use regulations.

Policy 8B-4: Support methods and strategies to market Whatcom County agriculture in ways which ensure that agricultural activities (such as dairying) and entities (such as processors) will remain here in the long term.

Goal 8C: Preserve and enhance the cultural heritage that is related to agriculture.

Policy 8C-1: Identify, preserve, and enhance community character, landscape and buildings associated with agricultural activity.

Policy 8C-3: Support the continuation of owner occupied/family owned farms.

Whatcom County County-Wide Planning Policies:

Goal I.8 – Economic development should be encouraged that: a) does not adversely impact the environment; b) is consistent with community values; c) encourages development that provides jobs to county residents d) addresses industries for a more diversified economic base; e) promotes reinvestment in the local economy; and f) supports retention and expansion of existing businesses.

V. Findings of Fact and Reasons for Action

PDS recommends the Planning Commission adopt the following findings of fact and reasons for action:

1. Whatcom County Planning and Development Services has submitted an application to make various amendments to the Whatcom County Code (WCC) to make corrections, updates, and clarifications.
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on May 1, 2023.
3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on April 19, 2023, for their 60-day review. No comments were received.
4. The Planning Commission held a duly noticed public hearing on the proposed amendments on December 8, 2022, and again on May 25, 2023.
5. The County Council held a duly noticed public hearing on the proposed amendments on [REDACTED], 2023.
6. The amendments are consistent with Comprehensive Plan goals and policies listed in section IV of this staff report.
7. In addition, many of the amendments shown in Exhibit A are solely to fix grammar and have more concise language.

VI. Conclusions

1. The amendments are in the public interest.
2. The amendments are consistent with the Whatcom County Comprehensive Plan.

VII. Recommendation

Planning and Development Services recommends the Planning Commission forward the proposed amendments to the County Council with a recommendation of approval.

Attachments

1. Exhibit A – Proposed Home-Based Business Code Amendments

1 **Exhibit A: Amendments to WCC Title 20 (Zoning) Regarding**
2 **Home-Based Businesses**

3
4 **WCC TITLE 20 ZONING**

5 **Chapter 20.80 SUPPLEMENTARY REQUIREMENTS**

6

7 **20.80.400 Sign controls.**

8

9 **20.80.470 Exemptions.**

10 The following types of signs shall be exempt from the regulations of this section and zoning districts;
11 provided, that such signs shall conform to the general provisions of this section.

12

13 (7) Home-based business (all types; see WCC 20.80.970) signs, provided that there shall be no more than
14 one sign, not to exceed eight square feet, and it shall be nonilluminated.

15 **20.80.500 Off-street parking and loading requirements.**

16

17 **20.80.580 Parking space requirements.**

18

19 (61) Type IV home-based businesses (see WCC 20.80.970): 1 for every 3 guests plus 1 space for every
20 employee.

21

22 **20.80.690 Cannabis – Production and processing facilities.**

23 (1) General. Cannabis production or processing facilities shall comply with RCW Title 69, Chapter 314-55
24 WAC, and the following general standards:

25

26 (c) Cannabis production and processing are not allowed as a home-based business-occupations-or
27 cottage-industries.

28 **20.80.691 Cannabis – Retail sales facilities.**

29

30 (2) Consistent with WAC 314-55-015, cannabis retail sales shall not take place in a residence or other
31 location where law enforcement access, without notice or cause, is limited. Cannabis retail sales are
32 not allowed as a home-based business-occupations-or cottage-industries.

33 ~~**20.80.970 Home occupation**~~

34 ~~Home occupations shall be subject to all the following requirements, which shall be regarded as~~
35 ~~cumulative regardless of the number of home occupations on the site:~~

36 ~~(1) No more than two people at one time, other than household members residing on the premises,~~
37 ~~shall be engaged in such occupations.~~

- 1 ~~(2) The use of the property for home occupations shall be clearly accessory to its use for residential~~
2 ~~purposes.~~
- 3 ~~(3) In all zones except EI, UR, URM, and URMX, home occupations shall not exceed a total of 1,250~~
4 ~~square feet of new building floor area, whether located in the dwelling, accessory structure(s) or~~
5 ~~combination thereof. There is no square footage limit inside accessory structures that existed on~~
6 ~~August 6, 2010; however, there shall not be new square footage in addition to existing square~~
7 ~~footage that would bring the total to greater than 1,250 square feet. In the EI, UR, URM, and URMX~~
8 ~~zones, home occupations shall not exceed a total of 500 square feet of building floor area, whether~~
9 ~~located in the dwelling, accessory structure(s) or combination thereof.~~
- 10 ~~(4) There shall be no change in the outside appearance of the building or premises or other visible~~
11 ~~evidence of a home occupation inconsistent with the residential character of the dwelling or~~
12 ~~neighborhood, other than one sign, not exceeding eight square feet in area, nonilluminated and~~
13 ~~mounted on the property.~~
- 14 ~~(5) No traffic shall be generated by such home occupations in greater volume than would normally be~~
15 ~~expected in the applicable zoning district and is appropriate for the road classification which serves~~
16 ~~the property.~~
- 17 ~~(6) Home occupations may use or store vehicles, in accordance with the following:~~
18 ~~(a) The total number of vehicles used in connection with the home occupations shall be permitted~~
19 ~~as follows:~~
20 ~~i. On a lot of record less than two acres, two commercial vehicles, each of which shall not~~
21 ~~exceed 105,500 pounds gross vehicle weight;~~
22 ~~ii. On a lot of record two acres or greater, one commercial vehicle shall be allowed for each~~
23 ~~acre, up to 10 vehicles, regardless of weight.~~
- 24 ~~(b) The vehicles shall not be stored within any required setback areas of the lot or adjacent~~
25 ~~roadways and shall be adequately screened from adjacent neighboring residences or roadways.~~
- 26 ~~(7) Any need for parking generated by the conduct of such home occupations shall comply with the off-~~
27 ~~street parking requirements as specified in this title. In addition, parking shall be provided for~~
28 ~~nonresident employees.~~
- 29 ~~(8) No equipment, process, or material shall be used in such home occupations which creates noise,~~
30 ~~vibration, glare, fumes, odors or electrical interference beyond the property line, or outside the~~
31 ~~building, in sufficient amounts and of such characteristics and duration as is likely to be injurious or~~
32 ~~cause damage to human health, plant or animal life, or property, or impacts heavier or different than~~
33 ~~would be expected from a residential property.~~
- 34 ~~(9) Sales are limited to merchandise manufactured or repaired on the premises and/or items accessory~~
35 ~~to a service provided to patrons who receive services (such as hair care products for a beauty salon),~~
36 ~~telephone, mail order, catalog, e-commerce sales, or other electronic commerce sales. In no case~~
37 ~~shall home occupations consist of only on-site retail sales. Fees rendered for services for the sole use~~

1 or purpose of providing merchandise or equipment (such as tanning beds, copy machines, or similar
2 products) shall be prohibited.

3 ~~(10) The maximum nameplate horsepower rating of the electrical motors of any single piece of
4 machinery operating in the home occupations shall be five horsepower. The electrical service for
5 home occupations shall not exceed 200 amps.~~

6 ~~(11) The following activities, which include but are not limited to mortuaries, funeral homes, automobile,
7 truck and heavy equipment repair and auto body work or auto body painting, are prohibited as
8 home occupations.~~

9 ~~(12) Customers/clients are prohibited on the premises prior to 7:00 a.m. and after 8:00 p.m. unless an
10 exception is specifically granted by the administrator.~~

11 **20.80.970 Home-Based Businesses**

12 There are four types of home-based businesses: Type I, Type II, Type III, and Type IV, as distinguished by
13 the following standards. However, the following activities are prohibited as home-based businesses:
14 mortuaries and funeral homes; live commercial entertainment; postal services; shooting ranges; coffee
15 roasters; semi-truck storage; self-service storage facilities; automobile, truck, and heavy equipment
16 repair or auto body work and painting; cannabis production, processing, or retail sales; or similar
17 activities. For the purpose of land use regulation, family or mini-day day care homes are not considered
18 home-based businesses.

19 (1) **General Standards.** All Type I, II, III, and IV home-based businesses shall be subject to the following
20 requirements, which shall be regarded as cumulative regardless of the number of home-based
21 businesses on the site:

22 (a) The use of the property for home-based businesses shall be clearly incidental to its use as a
23 residence.

24 (b) The size and scale of the operation shall be compatible with the character of the surrounding
25 neighborhood, and any impacts may not exceed the intensity to those generated by other uses
26 allowed in the zone.

27 (c) There shall be no change in the outside appearance of the building(s) or premises or other
28 visible evidence of a home-based business inconsistent with the character of the dwelling or
29 neighborhood.

30 (d) The home-based business may be conducted within any legal principal or accessory dwelling unit
31 or structure. Home-based businesses may be conducted by residents of a principal dwelling unit
32 and/or an accessory dwelling unit. The presence of one home occupation does not preclude a
33 resident of another legally established dwelling unit on the property from also conducting a
34 home occupation.

35 (e) Any need for parking generated by the conduct of such home-based businesses shall generally
36 comply with the off-street parking requirements of WCC 20.80.500. In addition, parking shall be
37 provided for nonresident employees. Parking of vehicles associated with the home-based
38 business is permitted anywhere that parking is permitted on the lot.

39 (f) Customers/clients are prohibited on the premises prior to 7:00 a.m. and after 8:00 p.m. unless
40 an exception is specifically granted by the Director.

41 (g) The home-based business shall be conducted so that noise, fumes, odor, smoke, dust, light,
42 glare, vibration, electrical interference, and other similar impacts are not detectable by sensory
43 perception at or beyond the property line of the lot where the home occupation is located.

44 (h) On site sales in connection with home-based businesses are limited to merchandise handcrafted
45 on site or items accessory to a service (i.e., hair care products for a beauty salon). In no case
46 shall home-based businesses consist only of on-site retail sales. Telephone, mail order catalog, e-

1 commerce, or other electronic commerce sales are allowed if merchandise is delivered (i.e., not
2 picked up by the buyer on site).

3 (i) Commercial deliveries and pickups to the dwelling unit are limited to one per day Monday
4 through Friday. No commercial deliveries or pickups are permitted on Saturday, Sunday or
5 federal holidays.

6 (j) Home-based businesses engaged in manufacturing shall be limited to the manufacture and
7 assembly of finished products and shall not include the primary manufacture of petroleum
8 products, rubber, plastics, chemicals, asbestos products, or primary metal industries.

9 (k) The portion of the structure(s) housing the home-based business shall comply with applicable
10 life/safety regulations.

11 (l) Signage for home-based businesses shall comply with WCC 20.80.470(7).

12 (m) Seasonal employees working less than 21 days per year will not be counted as employees if they
13 are engaged in work directly related to agriculture or forestry.

14 **(2) Type I Home-Based Businesses.** In addition to the requirements of subsection (1), Type I home-
15 based businesses shall be subject to the following requirements:

16 (a) No more than two people at any one time, other than household members residing on the
17 premises, shall be engaged in the businesses.

18 (b) Type I home-based businesses shall not exceed a total of 500 square feet of building floor area in
19 the EI, UR, URM, & URM-X districts, or 1,250 square feet in the other districts where allowed,
20 whether located in the primary dwelling, accessory structure(s), or combination thereof.

21 (c) The maximum nameplate horsepower rating of the electrical motors of any single piece of
22 machinery operating shall be 5 horsepower. The electrical service shall not exceed 200 amps.

23 (d) One vehicle up to 18,000 pounds gross vehicle weight is allowed.

24 (e) There shall be no outside display or storage of materials, merchandise, or equipment.

25 (f) Clients are limited to one at any one time, not to exceed 5 clients per day.

26 (g) The number of trips related to the business shall not exceed 5 per day.

27 **(3) Type II Home-Based Businesses.** In addition to the requirements of subsection (1), Type II home-
28 based businesses shall be subject to the following requirements:

29 (a) The parcel size shall not be less than 1 acre.

30 (b) No more than two people at any one time, other than household members residing on the
31 premises, shall be engaged in the businesses.

32 (c) Type II home-based businesses shall not exceed a total of 500 square feet of building floor area
33 in the EI, UR, URM, & URM-X districts, or 1,750 square feet in the other districts where allowed,
34 whether located in the primary dwelling, accessory structure(s), or combination thereof.

35 (d) If materials are to be stored outdoors, adequate landscaping, screening, or other screening
36 devices shall be required so the material will not be visible from surrounding uses or roads.

37 (e) Two vehicles up to 18,000 pounds gross vehicle weight are allowed.

38 (f) Clients are limited to one at any one time, not to exceed 10 clients per day.

39 (g) The number of trips related to the business shall not exceed 10 per day.

40 **(4) Type III Home-Based Businesses.** In addition to the requirements of subsection (1), Type III home-
41 based businesses shall be subject to the following requirements:

42 (a) No more than four people at any one time, other than household members residing on the
43 premises, shall be engaged in the businesses.

44 (b) Type III home-based businesses shall not exceed a total of 2,500 square feet of building floor
45 area whether located in the primary dwelling, accessory structure(s), or combination thereof.

46 (c) The parcel size shall not be less than 5 acres.

1 (d) If materials are to be stored outdoors, adequate landscaping, screening, or other screening
2 devices shall be required so the material will not be visible from surrounding uses or roads.

3 (e) Three vehicles up to 18,000 pounds gross vehicle weight are allowed and one vehicle in excess of
4 18,000 pounds gross vehicle weight is allowed.

5 (f) Clients are limited to one at any one time, not to exceed 20 clients per day.

6 (g) The number of trips related to the business shall not exceed 20 per day.

7 **(5) Type IV Home-Based Businesses.** Properties commercially used for social events (such as wedding
8 receptions, seminars, private parties) or similar activities are considered Type IV home-based
9 businesses and, in addition to the requirements of subsection (1), shall be subject to the following:

10 (a) The parcel size shall not be less than 10 acres.

11 (b) The use shall be limited to 24 outdoor events per year.

12 (c) A maximum of 200 guests per day shall be permitted for any one event. The trip limits and
13 restriction on the number clients for home-based businesses mentioned above shall not apply to
14 this use.

15 (d) Amplified music for events shall comply with the Class A Residential source to Residential
16 Receiving Property Standards of WAC 173-60-040. Amplified music is permitted for a one-hour
17 duration. More than one-hour of amplified music may be permitted if requested, however; a
18 noise study may be required.

19 (e) Events are prohibited prior to 12:00 PM and after 9:00 PM.

20 (f) The operator shall be present during all events.

21 (g) Parking shall generally conform to the requirements of WCC 20.80.500. Off-site parking may be
22 permitted if an off-site parking and shuttle plan is approved.

23 (h) Minimum buffering shall be required as established in WCC 20.80.345; provided, that minimum
24 side and rear yard buffers are at least 50 feet. Existing vegetation may be used as buffers. Buffer
25 widths can be decreased from 50-feet if the objectives of this section can be accomplished
26 through additional vegetative screening.

27 **20.80.980 Cottage industry**

28 Cottage industry uses shall be subject to all the following criteria:

29 ~~(1) The size and scale of the operation is in keeping with the surrounding area and off-site impacts~~
30 ~~are comparable in intensity to those generated by uses allowed in the zone.~~

31 ~~(2) Building size, lot coverage and number of employees shall be consistent with the standards of~~
32 ~~each district.~~

33 ~~(3) The use of the dwelling unit or accessory structure for the cottage industry shall be clearly~~
34 ~~incidental and subordinate to its use for residential purposes and the purpose of the applicable~~
35 ~~zoning district.~~

36 ~~(4) There shall be no change in the outside appearance of the building or premises inconsistent with~~
37 ~~the residential character of the dwelling or use of the surrounding zoning district, other than~~
38 ~~signage consistent with the zoning regulations of the applicable district.~~

39 ~~(5) No traffic shall be generated by such cottage industry in greater volume than would normally be~~
40 ~~expected in the applicable zoning district and appropriate for the road classification which~~
41 ~~serves the property.~~

42 ~~(6) Any need for parking generated by the conduct of such cottage industry shall meet the off-~~
43 ~~street parking requirements as specified in this title. At least one additional space shall be~~
44 ~~provided for each nonresident on-site employee.~~

45 ~~(7) No equipment, process, or materials shall be used in such cottage industry which creates noise,~~
46 ~~vibration, glare, fumes, odors or electrical interference off the lot in sufficient amounts and of~~

1 such characteristics and duration as is likely to be injurious or cause damage to human health,
2 plant or animal life, or property, or which unreasonably interferes with enjoyment of life and
3 property.

4 ~~(8) Sales in connection with the activity are limited to merchandise manufactured or repaired on
5 the premises, items accessory to a service (such as hair care products for a beauty salon);
6 catalog or e-commerce sales or other products related to or incidental to the primary business.~~

7 ~~(9) Customers/clients are prohibited on the premises prior to 7:00 a.m. and after 8:00 p.m. unless
8 an exception is specifically granted by the administrator.~~

9 ~~(10) The portion of the structure housing the cottage industry shall comply with life/safety
10 regulations.~~

11 ~~(11) Cottage industries should be limited to the manufacture and assembly of finished products that
12 shall not include the primary manufacture of petroleum products, rubber, plastics, chemicals,
13 asbestos products or primary metal industries. Such uses shall be sufficiently enclosed to
14 mitigate potential impacts.~~

15

Chapter 20.97 DEFINITIONS

17

~~20.97.089~~ Cottage Industry

18 ~~“Cottage industry” means a small light industrial, commercial, or service operation, on a parcel where
19 the operator resides; frequently with an art or craft orientation or related to information processing or
20 to the natural resources of the area. See “Home-Based Business.”~~

~~20.97.180~~ Home occupation

21 ~~“Home occupation” means a small scale occupation conducted on a property, within a dwelling unit
22 and/or permitted accessory structure, by the operator who resides on the property. See “Home-Based
23 Business.”~~

Home-Based Business

24 ~~A home-based business is a commercial enterprise for which the principal administrative and managerial
25 activities take place within an individual's personal residence. Home-based businesses must remain
26 incidental to the residential use pursuant to the standards of WCC 20.80.970. For the purpose of land
27 use regulation, family or mini-day care homes are not considered home-based businesses, but shall
28 conform to the requirements of Chapter 110-300 WAC. (Note: The term “home-based business” replaces
29 the previous terms of “cottage industry” and “home occupation.” Instances of these prior terms in the
30 Whatcom County Code shall mean “Home-Based Business.”~~

31

~~20.97.356~~ Rural business designation (Type III LAMIRD).

32 ~~“Rural business designation” means an area that has been designated in the Comprehensive Plan as a
33 limited area of more intensive rural development (LAMIRD), which allows for the intensification of
34 development on lots containing isolated nonresidential uses or new development of isolated cottage
35 industries home-based businesses and isolated small-scale businesses, as defined in Washington State
36 law (RCW 36.70A.070(5)(d)(iii).~~

Chapter 20.20 URBAN RESIDENTIAL (UR) DISTRICT

20.20.100 Accessory uses.

~~.101 Home occupations pursuant to WCC 20.80.970. Type I home-based businesses pursuant to WCC 20.80.970.~~

.....

20.20.130 Administrative approval uses.

.....

~~.133 Reserved. Type II home-based businesses pursuant to WCC 20.80.970.~~

Chapter 20.22 URBAN RESIDENTIAL – MEDIUM DENSITY (URM) DISTRICT

20.22.100 Accessory uses.

.....

~~.101 Home occupations pursuant to WCC 20.80.970. Type I home-based businesses pursuant to WCC 20.80.970.~~

.....

20.22.130 Administrative approval uses.

.....

~~.134 Type II home-based businesses pursuant to WCC 20.80.970.~~

Chapter 20.24 URBAN RESIDENTIAL MIXED (UR-MX) DISTRICT

20.24.100 Accessory uses.

.....

~~.101 Home occupations pursuant to WCC 20.80.970. Type I home-based businesses pursuant to WCC 20.80.970.~~

.....

20.24.130 Administrative approval uses.

.....

~~.135 Type II home-based businesses pursuant to WCC 20.80.970.~~

Chapter 20.32 RESIDENTIAL RURAL (RR) DISTRICT

20.32.100 Accessory uses.

~~.101 Home occupations pursuant to WCC 20.80.970. Type I home-based businesses pursuant to WCC 20.80.970.~~

.....

1 **20.32.130 Administrative approval uses.**

2

3 ~~.135 Type II home-based businesses pursuant to WCC 20.80.970. Cottage industries employing no more~~
4 ~~than two people on site, other than family members residing on the premises; provided, that in addition~~
5 ~~to the criteria found in WCC 22.05.026 and 20.80.980:~~

6 ~~(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in~~
7 ~~an existing or new structure used for a cottage industry and construction of new buildings to~~
8 ~~house said activity shall not, in any case, exceed 1,250 square feet of total floor area. The total~~
9 ~~land area used for buildings and outside storage or other uses related to the cottage industry~~
10 ~~shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.~~

11 ~~(2) The parcel size shall not be less than one acre; provided, that a smaller parcel may be approved~~
12 ~~by the hearing examiner by conditional use.~~

13 ~~(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate~~
14 ~~landscaping, screening, or other devices in order that the material will not be visible by~~
15 ~~surrounding uses or roads.~~

16 ~~(4) One nonilluminated sign, not to exceed eight square feet in size, mounted on the property, is~~
17 ~~permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a~~
18 ~~conditional use.~~

19 ~~(5) Seasonal employees working less than 21 days per year will not be counted as employees if they~~
20 ~~are engaged in work directly related to agriculture or forestry.~~

21

22
23 **Chapter 20.34 RURAL RESIDENTIAL-ISLAND (RR-I) DISTRICT**

24

25 **20.34.100 Accessory uses.**

26 ~~.101 Home occupations pursuant to WCC 20.80.970. Type I home-based businesses pursuant to WCC~~
27 ~~20.80.970.~~

28

29 **20.34.130 Administrative approval uses.**

30

31 ~~.134 Type II home-based businesses pursuant to WCC 20.80.970. Cottage industries employing no more~~
32 ~~than two people on site, other than family members residing on the premises; provided, that in addition~~
33 ~~to the criteria found in WCC 22.05.026 and 20.80.980:~~

34 ~~(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in~~
35 ~~an existing or new structure used for a cottage industry and construction of new buildings to~~
36 ~~house said activity shall not, in any case, exceed 1,250 square feet of total floor area. The total~~
37 ~~land area used for buildings and outside storage or other uses related to the cottage industry~~
38 ~~shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.~~

39 ~~(2) The parcel size shall not be less than one acre; provided, that a smaller parcel may be approved~~
40 ~~by the hearing examiner by conditional use.~~

41 ~~(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate~~
42 ~~landscaping, screening, or other devices in order that the material will not be visible by~~
43 ~~surrounding uses or roads.~~

~~(4) One nonilluminated sign, not to exceed eight square feet in size, mounted on the property, is permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a conditional use.~~

~~(5) Seasonal employees working less than 21 days per year will not be counted as employees if they are engaged in work directly related to agriculture or forestry.~~

.....

20.34.170 Limited use near shoreline.

.171 On the shore side of West Shore Drive and Nugent Road to the McLean Avenue right-of-way, along Seacrest Drive and Island Drive south to the forestry plan designation, and along Legoe Bay Road from Village Point to the northwest corner of Peterson’s Addition to Bellingham Bay Cities, uses are limited as follows:

(1) No residential or commercial structures may be constructed on any area of a parcel where the distance between the ordinary high-water mark and the county road right-of-way is less than 100 feet.

(2) On any area of a parcel where the distance between the ordinary high-water mark and the county road right-of-way is 100 feet or greater, residential uses are limited to single-family structures and any accessory uses that are clearly single-family residential in character and commercial uses are limited to home-based businesses occupations, except along Legoe Bay Road from County Road 656 to and including Village Point where commercial and industrial uses other than home-based businesses occupations are allowed by condition.

Chapter 20.35 ELIZA ISLAND (EI) DISTRICT

20.35.100 Accessory uses.

.101 ~~Type I~~ home-based businesses, occupations pursuant to WCC 20.80.970.

.....

20.35.130 Administrative approval uses.

.....

.132 ~~Type II~~ home-based businesses pursuant to WCC 20.80.970. Cottage industries employing no more than two people on site, other than family members residing on the premises; provided, that in addition to the criteria found in WCC 22.05.026 and 20.80.980:

~~(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 1,250 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.~~

~~(2) The parcel size shall not be less than one acre; provided, that a smaller parcel may be approved by the hearing examiner by conditional use.~~

~~(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate landscaping, screening, or other devices in order that the material will not be visible by surrounding uses or roads.~~

~~(4) One nonilluminated sign, not to exceed four square feet in size, mounted on the property, is permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a conditional use.~~

1

Chapter 20.36 RURAL (R) DISTRICT

3

20.36.100 Accessory uses.

5 ~~.101 Home occupations pursuant to WCC 20.80.970. Type I home-based businesses pursuant to WCC~~
6 ~~20.80.970.~~

7

20.36.130 Administrative approval uses.

9

10 ~~.135 Type II home-based businesses pursuant to WCC 20.80.970. Cottage industries employing no more~~
11 ~~than two on-site people other than family members residing on the premises; provided, that in addition~~
12 ~~to the criteria found in WCC 22.05.026 and 20.80.980:~~

13 ~~(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in~~
14 ~~an existing or new structure used for a cottage industry and construction of new buildings to~~
15 ~~house said activity shall not, in any case, exceed 2,500 square feet of total floor area. The total~~
16 ~~land area used for buildings and outside storage or other uses related to the cottage industry~~
17 ~~shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.~~

18 ~~(2) The parcel size shall not be less than one acre.~~

19 ~~(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate~~
20 ~~landscaping, screening, or other devices in order that the material will not be visible by~~
21 ~~surrounding uses or roads.~~

22 ~~(4) One nonilluminated sign, not to exceed eight square feet in size, mounted on the property, is~~
23 ~~permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a~~
24 ~~conditional use.~~

25 ~~(5) Seasonal employees working less than 21 days per year will not be counted as employees if they~~
26 ~~are engaged in work directly related to agriculture or forestry.~~

27

20.36.150 Conditional uses.

29

30 ~~.161.1 Type III home-based businesses pursuant to WCC 20.80.970. Cottage industries employing no~~
31 ~~more than four people on site, other than family members residing on the premises, conducted in a~~
32 ~~structure(s) other than the dwelling unit; provided, that in addition to the criteria found in WCC~~
33 ~~22.05.026 and 20.80.980:~~

34 ~~(1) The hearing examiner, at his discretion, may place limitations on the square footage used in an~~
35 ~~existing or new structure used for a cottage industry and construction of new buildings to house~~
36 ~~said activity shall not, in any case, exceed 2,500 square feet of total floor area. The total land~~
37 ~~area used for buildings and outside storage or uses related to the cottage industry shall not~~
38 ~~exceed one acre or 25 percent of the site, whichever is less.~~

39 ~~(2) In the event materials will be stored outdoors, the hearing examiner shall require adequate~~
40 ~~landscaping, screening or other devices in order that the material will not be visible by~~
41 ~~surrounding uses or roads.~~

42 ~~(3) One nonilluminated freestanding sign, visible from the road, and not exceeding six feet in~~
43 ~~height, may be permitted. One additional nonilluminated sign may be attached to the building~~

1 for a maximum total signage of 16 square feet. No portion of any sign shall extend above the
2 lowest portion of the roof.

3 ~~(4) In the R-10A zone, where the cottage industry involves production or processing of forestry or~~
4 ~~agricultural related products on parcels larger than 10 acres, the maximum number of~~
5 ~~employees outside the family may be increased at the rate of one additional employee for each~~
6 ~~additional 10 acres to a maximum of 10 employees outside the family. In the event that the~~
7 ~~property is reduced in size below the acreage used to qualify for additional employees under~~
8 ~~this section, the number of employees shall be proportionately reduced.~~

9 ~~(5)(1) Seasonal employees working less than 21 days per year will not be counted as~~
10 ~~employees if they are engaged in work directly related to agriculture or forestry.~~

11 .161.2 Type IV home-based businesses pursuant to WCC 20.80.970.

12

13 ~~.175 Indoor and outdoor, live commercial entertainment, either indoors or outdoors;~~ provided, that:

14 ~~(1) The use complies with WCC Chapter 5.40 (Outdoor Musical Entertainment, Amusements and~~
15 ~~Assemblies).~~

16 ~~(1)(2) The use is located within a Rural 10 Acre (R10A) District, and upon at least a 10-acre~~
17 ~~parcel.~~

18 ~~(2)(3) The use requires a rural setting to be compatible with its entertainment theme.~~

19 ~~(3)(4) Maximum attendance is limited to 1,000 persons per day.~~

20 ~~(4)(5) Accessory food service and gift shop activity is limited to five hours per day, liquor~~
21 ~~service is prohibited.~~

22 ~~(5)(6) The use shall not exceed maximum environmental noise levels established by state law~~
23 ~~(Chapter 173-60 WAC).~~

24 ~~(6)(7) The use will not generate primary traffic flows on local access roads where adjacent~~
25 ~~residential density exceeds one unit per five acres.~~

26 ~~(7)(8) Minimum buffering shall be required as established in WCC 20.80.345; provided, that~~
27 ~~minimum side and rear yard buffers are at least 50 feet.~~

28 ~~(8)(9) Limited hours and seasons of operation are established.~~

29 ~~(9)(10) One on-premises freestanding sign is permitted only, not to exceed 10 feet in height and~~
30 ~~24 square feet in surface area per face, and not exceeding two faces per sign.~~

31 ~~(10)(11) Off-street parking is provided for, consistent with WCC 5.40.040; overnight RV parking~~
32 ~~and/or camping is prohibited.~~

33

34 **Chapter 20.37 POINT ROBERTS TRANSITIONAL ZONE (TZ) DISTRICT**

35 **20.37.100 Accessory uses.**

36 .101 Home ~~B~~based ~~B~~businesses, ~~occupations~~ pursuant to WCC 20.80.970.

37 **20.37.130 Administrative approval uses.**

38

39 **.134** Type II Hhome-bBased bBusinesses, pursuant to WCC 20.80.970.

1 **20.37.150 Conditional uses.**

2

3 ~~.157 Type III Home-Based Businesses, pursuant to WCC 20.80.970. Cottage industries employing no~~
4 ~~more than two people outside the family; provided, that in addition to the conditional use criteria found~~
5 ~~in WCC 22.05.026:~~

- 6 ~~(1) The hearing examiner, at his or her discretion, may place limitations on the square footage used~~
7 ~~in an existing or new structure used for a cottage industry and construction of new buildings to~~
8 ~~house said activity shall not, in any case, exceed 1,250 square feet of total floor area.~~
9 ~~(2) Where conducted in a structure(s) other than the residence, there is a pattern of legally~~
10 ~~established existing businesses in structures outside of residences in the immediate vicinity of~~
11 ~~the proposed cottage industry.~~
12 ~~(3) The parcel size shall not be less than what is required by the zone district density for two~~
13 ~~residences.~~
14 ~~(4) In the event materials will be stored outdoors, the hearing examiner may require adequate~~
15 ~~landscaping, screening or other devices in order that the material will not be visible by~~
16 ~~surrounding uses or roads.~~
17 ~~(5) One non-illuminated sign, not to exceed four square feet in size, mounted on the property, is~~
18 ~~permitted.~~

19 **Chapter 20.40 AGRICULTURAL (AG) DISTRICT**

20 **20.40.100 Accessory uses.**

21

22 ~~.110 Home occupations pursuant to WCC 20.80.970. Type I home-based businesses pursuant to WCC~~
23 ~~20.80.970.~~

24

25 **20.40.130 Administrative approval uses.**

26

27 ~~.135 Type II home-based businesses pursuant to WCC 20.80.970. Cottage industries employing no more~~
28 ~~than two people on site, other than family members residing on the premises; provided, that in addition~~
29 ~~to the criteria found in WCC 22.05.026 and 20.80.980:~~

- 30 ~~(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in~~
31 ~~an existing or new structure used for a cottage industry and construction of new buildings to~~
32 ~~house said activity shall not, in any case, exceed 2,500 square feet of total floor area. The total~~
33 ~~land area used for buildings and outside storage or other uses related to the cottage industry~~
34 ~~shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.~~
35 ~~(2) The parcel size shall not be less than one acre.~~
36 ~~(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate~~
37 ~~landscaping, screening, or other devices in order that the material will not be visible by~~
38 ~~surrounding uses or roads.~~
39 ~~(4) One nonilluminated sign, not to exceed 16 square feet in size, mounted on the property, is~~
40 ~~permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a~~
41 ~~conditional use.~~
42 ~~(5) Seasonal employees working less than 21 days per year will not be counted as employees if they~~
43 ~~are engaged in work directly related to agriculture or forestry.~~

1

2 **20.40.150 Conditional uses.**

3

4 ~~.155.1 Type III home-based businesses pursuant to WCC 20.80.970. A cottage industry employing no~~
5 ~~more than four persons on site, other than family members residing on the premises, and which may be~~
6 ~~conducted in structures other than the dwelling unit; provided, that in addition to the criteria set forth~~
7 ~~in WCC 22.05.026 and 20.80.980, the hearing examiner shall find that the cottage industry satisfies the~~
8 ~~criteria of WCC 20.36.161(1) through (5).~~

9 ~~.155.2 Type IV home-based businesses pursuant to WCC 20.80.970.~~

10

11 **Chapter 20.42 RURAL FORESTRY (RF) DISTRICT**

13 **20.42.100 Accessory uses.**

14

15 ~~.105 Home occupations pursuant to WCC 20.80.970. Type I home-based businesses pursuant to WCC~~
16 ~~20.80.970.~~

17

18 **20.42.130 Administrative approval uses.**

19

20 ~~.135 Type II home-based businesses pursuant to WCC 20.80.970. Cottage industries employing no more~~
21 ~~than two people on site, other than family members residing on the premises; provided, that in addition~~
22 ~~to the criteria found in WCC 22.05.026 and 20.80.980:~~

23 ~~(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in~~
24 ~~an existing or new structure used for a cottage industry and construction of new buildings to~~
25 ~~house said activity shall not, in any case, exceed 2,500 square feet of total floor area. The total~~
26 ~~land area used for buildings and outside storage or other uses related to the cottage industry~~
27 ~~shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.~~

28 ~~(2) The parcel size shall not be less than one acre.~~

29 ~~(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate~~
30 ~~landscaping, screening, or other devices in order that the material will not be visible by~~
31 ~~surrounding uses or roads.~~

32 ~~(4) One nonilluminated sign, not to exceed 16 square feet in size, mounted on the property, is~~
33 ~~permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a~~
34 ~~conditional use.~~

35 ~~(5) Seasonal employees working less than 21 days per year will not be counted as employees if they~~
36 ~~are engaged in work directly related to agriculture or forestry.~~

37 ~~.136 Forestry related/wood based cottage industries which employ no more than 10 onsite people other~~
38 ~~than family members residing on the premises, including primary or low intensity secondary processing~~
39 ~~of timber not permitted in WCC 20.42.053, including fabrication of furniture and fixtures, partitions,~~
40 ~~shelves and lockers, manufacture, processing, treatment and fabrication of lumber, millwork,~~
41 ~~miscellaneous wood products, and other wooden building and roofing materials, excluding pulp, paper~~
42 ~~or plywood mills, conducted in structure(s) other than the dwelling unit; provided, that:~~

- ~~(1) The administrator, at his discretion, in consideration of the surrounding development patterns, property uses and size of the lot on which the proposed cottage industry is locating, may place limitations on the square footage used in an existing or new structure used for a cottage industry. The construction of new buildings to house said activity shall not, in any case, exceed 4,000 square feet of total floor area.~~
- ~~(2) The parcel must access from a collector arterial or higher standard street (this could include shared access).~~
- ~~(3) Minimum parcel size is one acre. Minimum lot size is five acres for buildings which exceed 2,500 square feet of total floor area and/or are constructed of materials which are not of similar materials or scale to a single family residence.~~
- ~~(4) Minimum open space requirement is 40 percent. Adequate buffering is required for both visual screening and noise reduction and must comply with WCC 20.80.345. The administrator may modify the required buffer widths, either reduction or enlargement, on a site-specific basis. A finding regarding the rationale for such modification will be entered into the record. Site development should maintain the existing natural vegetation to the greatest extent possible.~~
- ~~(5) All work is conducted within a building, except that uses which are complementary to the Rural Forestry District and which are determined to be harmonious with adjacent parcels may be allowed outdoors.~~
- ~~(6) In the event materials will be stored outdoors, the administrator may require adequate landscaping, screening or other devices in order that the material will not be visible by surrounding uses or roads.~~
- ~~(7) For parcels visible from a state scenic highway, the administrator shall, at his discretion, require additional measures or restrictions to protect scenic vistas.~~
- ~~(8) The operation of the business must comply with county/state noise, air quality and all other applicable regulations.~~
- ~~(9) There is no polluting or hazardous industrial discharge to a public sewer or septic system.~~
- ~~(10) One nonilluminated freestanding sign, visible from the road, and not exceeding six feet in height, may be permitted. One additional nonilluminated sign may be attached to the building for a maximum total signage of 16 square feet. No portion of any sign shall extend above the lowest portion of the roof.~~
- ~~(11) Not more than 10 nonfamily members not residing on the premises can be employed on site.~~
- ~~(12) An application packet shall be submitted on forms provided by the county and must provide a site plan, drawn to scale, which shows the location of existing and proposed structures, includes dimensions of new and proposed structures to property lines, distance to adjacent structures, uses of adjacent parcels, existing vegetative cover and proposed modifications to vegetative cover of proposed site, location of permanent buffers and proposed plant materials for the permanent buffer, including species, sizes and spacing.~~

.....

20.42.150 Conditional uses.

.....

.164.1 Type III home-based businesses pursuant to WCC 20.80.970. Cottage industries per the criteria in WCC 20.80.980, excluding those allowed in WCC 20.42.135, and which employ not more than four people outside the family conducted in structure(s) other than the dwelling unit. Such activities will comply with all other provisions of WCC 20.36.161(1) through (5).

.165.2 Type IV home-based businesses pursuant to WCC 20.80.970.

1

2 Chapter 20.51 LAKE WHATCOM WATERSHED OVERLAY DISTRICT

3 20.51.070 Conditional uses.

4

5 .071 On-site storage facilities for hazardous wastes associated with permitted uses or conditional uses,
6 other than home-based businesses ~~cottage industries~~ as defined-described in WCC 20.51.095, subject to
7 the most current siting criteria under Chapter 173-303 WAC within the Rural, Rural Forestry,
8 Commercial Forestry, Neighborhood Commercial and Resort Commercial Zone Districts only.

9

10 20.51.080 Prohibited uses.

11

12 .095 Any Home-Based Business~~Cottage industries~~ that would require on-site hazardous waste storage
13 facilities.

14 Chapter 20.59 RURAL GENERAL COMMERCIAL (RGC) DISTRICT

15 20.59.100 Accessory uses.

16

17 .108 Type I home-based businesses pursuant to WCC 20.80.970.

18 20.59.150 Administrative approval uses.

19

20 .153 Type II home-based businesses pursuant to WCC 20.80.970.

21 Chapter 20.60 NEIGHBORHOOD COMMERCIAL CENTER (NC) DISTRICT

22 20.60.100 Accessory uses.

23

24 .104 Family day care homes and mini-day care homes; ~~mini~~-day care homes shall conform to the
25 requirements of Chapter 110-300 WAC~~home occupation, WCC 20.80.970.~~

26

27 Chapter 20.61 SMALL TOWN COMMERCIAL (STC) DISTRICT

28 20.61.100 Accessory uses.

29

30 ~~.102 Home occupation pursuant to WCC 20.80.970.~~ Type I home-based businesses pursuant to WCC
31 20.80.970.

32

33 .108 Family day care homes and mini-day care homes; ~~mini~~-day care homes shall conform to the
34 requirements of Chapter 110-300 WAC~~home occupation, WCC 20.80.970.~~

35 20.61.150 Administrative approval uses.

36

1 [.154 Type II home-based businesses pursuant to WCC 20.80.970.](#)

2 **Chapter 20.62 GENERAL COMMERCIAL (GC) DISTRICT**

3 **20.62.100 Accessory uses.**

4

5 ~~.104~~ Family day care homes and mini-day care homes; provided, that ~~mini~~-day care homes conform to
6 the requirements of ~~Chapter 110-300 WACHome occupation, WCC 20.80.970~~; and further provided, that
7 such uses require a conditional use permit if located within airport overlay zone 2 or 3 as shown in
8 Whatcom County Comprehensive Plan Appendix H.

9

10 [.106 Type I home-based businesses pursuant to WCC 20.80.970.](#)

11 **Chapter 20.63 TOURIST COMMERCIAL (TC) DISTRICT**

12 **20.63.100 Accessory uses.**

13

14 ~~.104~~ Family day care homes and mini-day care homes; provided, that mini-day care homes conform to
15 the requirements of home occupation, WCC 20.80.970; and further provided, that the single-family
16 residence is a legally nonconforming use.

17 **Chapter 20.64 RESORT COMMERCIAL (RC) DISTRICT**

18

19 **20.64.100 Accessory uses.**

20

21 ~~.104~~ Home occupations pursuant to WCC 20.80.970, except that one person other than family residing
22 on the premises may be employed. [Type I home-based businesses pursuant to WCC 20.80.970.](#)

23

24 ~~.120~~ Family day care homes and mini-day care homes; mini-day care homes shall conform to the
25 requirements of ~~Chapter 110-300 WACHome occupation, WCC 20.80.970.~~

26 **20.64.130 Administrative approval uses.**

27

28 [.133 Type II home-based businesses pursuant to WCC 20.80.970.](#)

29 **Chapter 20.69 RURAL INDUSTRIAL AND MANUFACTURING (RIM) DISTRICT**

30 **20.69.100 Accessory uses.**

31

32 ~~.109~~ Childcare facilities operated by, maintained by or funded by business in the district for the purpose
33 of serving the childcare needs of employees whose place of employment lies within this zone district;
34 provided, that mini-day care home uses in a family dwelling shall conform to the requirements of
35 ~~Chapter 110-300 WACHome occupation, WCC 20.970.~~

1 **Chapter 20.71 WATER RESOURCE PROTECTION OVERLAY DISTRICT**

2 **20.71.150 Conditional uses.**

3

4 **.151** On-site storage facilities for hazardous wastes associated with permitted or conditional uses, other
5 than ~~cottage industries~~Home-Bbased Bbusinesses as ~~defined-described~~ in WCC 20.71.215, subject to
6 the most current siting criteria under Chapter 173-303 WAC within the Rural, Rural Forestry,
7 Commercial Forestry, Neighborhood Commercial, or Resort Commercial Zone Districts only.

8

9 **20.71.200 Prohibited uses.**

10

11 **.215** ~~Home-Bbased Bbusinesses Cottage industries~~ that would require on-site hazardous waste storage
12 facilities.

13

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