

CLEARANCES:	Initial	Date	Date Received in Council Office	Agenda Date	Assigned To
Originator-jrg c:\f2\2\1093.AB	<i>[Signature]</i>	7/21/93	<b>RECEIVED</b>  <b>JUL 21 1993</b>  <b>WHATCOM COUNTY COUNCIL</b>	7/27/93	Council Introduction
Division Head-				8/10/93	P & D / Council
Department Head-	<i>[Signature]</i>	7/27/93		9/14/93	P & D/Council
Prosecutor Review-	<i>[Signature]</i>	7/21/93			
Purchasing/Budget Dir.-					
Executive-					

**SUBJECT:** FILE REF: 1093:ZT AN ORDINANCE AMENDING THE FOOTHILLS SUBAREA COMPREHENSIVE PLAN AND THE OFFICIAL WHATCOM COUNTY ZONING ORDINANCE, TITLE 20, TO ALLOW ONE PRIVATE, NONCOMMERCIAL, RECREATIONAL VEHICLE OR MOBILE HOME PER LOT WITHIN PRE-EXISTING RECREATIONAL SUBDIVISIONS AS A PERMITTED USE IN THE URBAN RESIDENTIAL (UR) AND RESIDENTIAL RURAL (RR) DISTRICTS WITHIN THE FOOTHILLS SUBAREA; AND AMENDING TITLE 20, CHAPTER 94, ENFORCEMENT AND PENALTIES, TO ALLOW CLASS 1 CIVIL INFRACTION PENALTIES FOR VIOLATIONS OF TITLE 20; AND AMENDING CHAPTER 97, DEFINITIONS SECTION.

**ATTACHMENTS:** Agency Report with attached Staff Report  
 Excerpts from Planning Commission Minutes  
 Draft Ordinance

Public Hearing Needed? Yes /    / No / XX /

**SUMMARY STATEMENT:** This amendment request would allow as a permitted use recreational vehicles and mobile homes on individual lots within areas defined as "Recreational Subdivisions" within the Foothills Subarea only. These subdivisions have been defined in the proposed Ordinance and apply to plats originally created in the Subarea primarily for seasonal recreational use. The proposal contains a number of minimum requirements including Health Department approved sewage disposal systems. It also establishes a civil infraction system applicable to violations of Title 20 in order to improve enforcement efforts.

**RECOMMENDED ACTION:** The Director of Land Use and Economic Planning recommends that Council accept the Planning Commissions recommendation by adopting the proposal.

**COMMITTEE ACTION (including dates):**

**COUNCIL ACTION (including dates):**

- 7/27/93: Council introduction
- 8/10/93: Held in committee
- 9/14/93: Council adopted the ordinance with amendments.

*This ordinance was adopted 9-14-93. Its number is ord. 93-056. It will take effect 9-14-94.*

*Raman*

Related File Numbers: \_\_\_\_\_ Ordinance or Resolution Number: Ord 93-056

ORDINANCE NO. 93-056

1  
2 AN ORDINANCE AMENDING THE FOOTHILLS SUBAREA COMPREHENSIVE PLAN AND  
3 THE OFFICIAL WHATCOM COUNTY ZONING ORDINANCE, TITLE 20, TO ALLOW ONE  
4 PRIVATE, NONCOMMERCIAL, RECREATIONAL VEHICLE OR MOBILE HOME PER LOT  
5 WITHIN PRE-EXISTING RECREATIONAL SUBDIVISIONS AS A PERMITTED USE IN THE  
6 URBAN RESIDENTIAL (UR) AND RESIDENTIAL RURAL (RR) DISTRICTS WITHIN THE  
7 FOOTHILLS SUBAREA; AND AMENDING TITLE 20, CHAPTER 94, ENFORCEMENT AND  
8 PENALTIES, TO ALLOW CLASS 1 CIVIL INFRACTION PENALTIES FOR VIOLATIONS OF  
9 TITLE 20; AND AMENDING CHAPTER 97, DEFINITIONS SECTION.

10 WHEREAS, Dennis O'Sullivan, C/O Mt. Baker Rim Property Owners Group, as represented by  
11 Jonathon K. Sitkin, Attorney, has recommended to amend the text of the Official Whatcom County Zoning  
12 Ordinance, Title 20, to allow private recreational vehicles as a permitted use in recreational subdivisions such  
13 as Mt. Baker Rim in the Urban Residential District (UR); and

14 WHEREAS, after reviewing the proposal, Planning staff expanded the scope of the proposal to include  
15 amending the text of the Foothills Subarea Comprehensive Plan, and amending the Official Whatcom County  
16 Zoning Ordinance, Title 20 for the Rural Residential District, Enforcement and Penalties, and Definitions  
17 Chapters.

18 WHEREAS, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on  
19 Thursday, April 15, 1993; and

20 WHEREAS, a Determination of Nonsignificance was issued by the Deputy SEPA Official on February  
21 1, 1993; and

22 WHEREAS, the Planning Commission held a public hearing on this matter on April 28 and May 12,  
23 1993, and heard all public testimony on the issues and held a work session at a public meeting on June 9,  
24 1993, and after due deliberation made a determination that the application be approved with modifications; and

25 WHEREAS, the Council reviewed the Planning Commission recommendation at a public meeting on  
26 July 6, 1993, and

27 WHEREAS, the Council has adopted the following findings and conclusions:

28 **FINDINGS**

- 29 1. The request is to expand the uses allowed in the Urban Residential zone to include as a permitted use  
30 private, non-commercial, recreational occupancy of one self-contained recreational vehicle, mobile  
31 home, camper, or travel trailer per lot. The regulatory effect is limited to the Foothills Subarea.
- 32 2. Close to 400 violations concerning recreational vehicle use have been recorded recently throughout the  
33 county, predominately in the Foothills Subarea.
- 34 3. General Protection (GP) zoning, established in 1974, prohibited the use of recreational vehicles,  
35 including those within recreational subdivisions.
- 36 4. In 1988, with the adoption of the Foothills Subarea Comprehensive Plan, and in the absence of any  
37 private recreational zoning district in Title 20, existing recreational subdivisions were designated either  
38 Urban Reserve, Residential Rural, or Rural. Only the Rural district presently allows the recreational  
39 use of recreational vehicles.

- 1 5. The Interim Zoning Ordinance allows "Recreational Vehicle Subdivisions" within the Suburban  
2 Recreational Residential (SRR) zone district as a Conditional Use.
- 3 6. Whatcom County Code 24.04, contains rules and separate definitions for both recreational vehicle parks  
4 and subdivisions. The Health Department, however, only applies these and other standards to two  
5 recreational subdivisions within the planning area; the Glen at Maple Falls and Campers Paradise.  
6 These two developments are exclusively for seasonal use as required by association rules and do not  
7 share the mixed land use with the rest.
- 8 7. Paradise Valley Subdivision may be a permanent residence to as many as 25% of the lot owners,  
9 where both retired and young couples have found the subdivision to offer affordable lots.
- 10 8. The requested text change might be considered in-compatible with Plan policies, unless the associated  
11 impacts of RV use are mitigated.
- 12 9. The ability of code enforcement people (zoning and health) to know when recreational vehicles are  
13 illegally used on individual lots and ensure code compliance is difficult. If a violation is reported, it is  
14 difficult to investigate the situation when a vehicle can be easily moved.
- 15 10. The amendment would emphasize and legitimize the historic recreational aspects of the subdivisions  
16 including the presence of clubhouse recreational facilities, narrow roads, lack of sidewalks and drainage  
17 structures, and general proximity to recreational areas.
- 18 11. The amendment request would recognize activities which have historically occurred in the area. The  
19 existing Comprehensive Plan and implementing zoning did not account for this pre-established use.
- 20 12. In 1984, a similar request was presented to the county for Sandy Point Heights. The request resulted  
21 in the establishment of a new zoning district, the Seasonal Recreation Residential District (SRR) in the  
22 Interim Zoning Ordinance which allowed recreational subdivisions as a conditional use. Benefits of this  
23 system include a staff and public review process focusing on specific areas and issues, although this  
24 could put an excessive burden on the Hearing Examiner and staff. The major benefit of this system  
25 is lots are regulated together and not separately, which encourages internal management.
- 26 13. One alternative to the request, which has received some support from the Mt. Baker Rim and Paradise  
27 Country Club board members, is to allow existing campers to continue, yet upon change or transfer of  
28 ownership the status be discontinued.
- 29 14. Enforcement will continue to be a major problem for Whatcom County, with this issue proving to be a  
30 classic example. The establishment of a system of civil infractions is a more expeditious and less  
31 expensive method of disposing of minor offenses and will decrease the cost and workload of the courts.

## 32 CONCLUSIONS

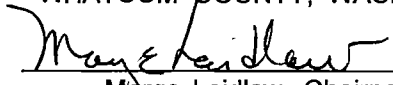
33 As discussed in the above findings, the amendment request would recognize activities which have historically  
34 occurred in the area. In the absence of a more appropriate Plan designation and zoning district when the  
35 Foothill Plan was adopted, the Comprehensive Plan and implementing zoning did not thoroughly examine and  
36 provide for this pre-established use. The problem might have been recognized had it not been for the historical  
37 lack of enforcement. Lack of enforcement was in part due to the absence of complaints as well as the limited  
38 enforcement tools available to county staff. While the practice of mixing the use of RV's, cabins, and homes  
39 within recreational subdivisions may not be desirable to all, it does seem to fit the needs of some. Subdivision  
40 associations themselves should be responsible for further refining the land use direction they choose, and the  
41 county should recognize a form of land use that began prior to comprehensive planning which continues to be  
42 used today, provided that minimum standards to mitigate all significant community and health related impacts  
43 are adhered to.

**NOW THEREFORE BE IT ORDAINED BY THE WHATCOM COUNTY COUNCIL:**

1. The Foothills Subarea Comprehensive Plan, and Title 20, the Official Whatcom County Zoning Ordinance, are hereby amended as shown in the attached Exhibit A. The effective date of this Ordinance is September 14, 1994.
2. The Council finds the public health, safety and general welfare are promoted by this change.
3. Adjudication of invalidity of any of the sections, clauses, or provisions of this Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

PASSED this 14th day of September, 1993


WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Marge Laidlaw, Chairperson

( ) APPROVED ( ) VETOED

ATTEST:

  
Clerk of the Council

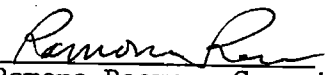
  
Shirley Van Zanten, County Executive

APPROVED AS TO FORM:

  
Karen Frakes  
Civil Deputy Prosecuting Attorney

Date \_\_\_\_\_

\* CLERK'S NOTE: The County Executive declined to sign this ordinance, stating that she objected to the September 14, 1994 effective date (for more information, please see her memo dated 10/1/93, on file with AB93-310). However, this ordinance will take effect without her signature pursuant to Section 2.30 of the Whatcom County Home Rule Charter.

  
Ramona Reeves, Council Clerk  
10-5-93

## EXHIBIT A

### FOOTHILLS SUBAREA COMPREHENSIVE PLAN

#### LAND USE DESIGNATIONS

##### URBAN RESERVE

###### RATIONALE

As a means of alleviating the problems associated with outward expansion, the Comprehensive Plan establishes the **URBAN RESERVE** land use designation. The designation is applied to urban fringe and outlying satellite areas where previous commitments to urban densities and attendant services have been made. The rationale for the designation is to reserve these areas for future urban and continued seasonal recreational purposes and to encourage interim uses that are complementary to and compatible with future urban and seasonal recreational uses, densities, and services.

##### RESIDENTIAL RURAL

###### RATIONALE

Thus, the purpose of the **RESIDENTIAL RURAL** designation is to provide an alternate residential and recreational setting where nonurban living patterns may develop with minimal public services.

#### POLICIES

##### 1. URBAN RESERVE

The primary purpose of the **URBAN RESERVE** policy is to promote an orderly transition from rural land uses and densities to urban uses and densities, including continued seasonal recreational uses, while moving toward the attainment of the Regional Design Goal with respect to future urban development.

##### 2. RESIDENTIAL RURAL

The intent of the **RESIDENTIAL RURAL** land use designation is to provide an alternative to the residential living opportunities of urban or rural settings; acknowledge existing parcel sizes; and maintain the existing non-urban character of residential and seasonal recreational areas.

2.01.1 Within the areas designated as **RESIDENTIAL RURAL** typical uses include single-family attached and detached dwellings, public parks and public and private recreational facilities, home occupations, cottage industries, and neighborhood grocery stores.

**TITLE 20 - THE OFFICIAL WHATCOM COUNTY ZONING ORDINANCE**

**URBAN RESIDENTIAL (UR) DISTRICT  
-AND-  
RESIDENTIAL RURAL (RR) DISTRICT**

**20.20.050 PERMITTED USES**

**20.32.050 PERMITTED USES**

056 One private, noncommercial, recreational vehicle or mobile home per lot within pre-existing recreational subdivisions of the Foothills Subarea, provided that on-site recreational amenities are present and that the following minimum requirements and standards are met and/or followed:

- (1) All recreational vehicles and subdivisions shall comply with Health Department regulations, including approved sewage disposal systems.
- (2) Maximum length of stay in a recreational vehicle shall not exceed 120 days for any one year time period.
- (3) All recreational vehicles shall be screened from either neighboring properties not using RVs or the roads in the subdivision. Existing trees and natural vegetation shall be maintained in all side and rear setback areas.
- (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.
- (6) The location of parked RVs shall observe normal building setback standards for a single family residence.
- (7) All recreational vehicles shall be supported by their own chassis and/or wheels, and shall not be fastened to accessory structures.
- (8) The lot does not have a single family residence, provided that the storage of one unoccupied Recreational Vehicle is permitted.

## ENFORCEMENT & PENALTIES

### 20.94.010 ENFORCEMENT AND PENALTIES

Violations of this Title shall constitute Class 1 civil infractions pursuant to RCW 7.80.120. The maximum penalty and the default amount for such violations shall be consistent with RCW 7.80. All violations shall be heard and determined in accordance with the system established in RCW 7.80. Employees of the Whatcom County Division of Buildings and Code, or its successor agency, if any there be, as well as all others who are otherwise authorized to enforce ordinances of this county, are hereby authorized to enforce the provisions of this Title, consistent with the provisions of RCW 7.80.

## DEFINITIONS

337 **RECREATIONAL SUBDIVISION.** A subdivision created for the purposes of providing private lots primarily for seasonal recreational use. For the purposes of this Ordinance, only the following subdivisions, all within the Foothills Subarea, are to be considered as recreational subdivisions: Mt. Baker Rim, Snowline, Paradise Lakes, Camper's Paradise, Peaceful Valley, the Glen at Maple Falls, Glacier Springs, Glacier Greene, Cascades West, Rivendell Estates, and Jukes Silver Lake Tracts.