

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Gordon Rogers		11-15-93	<b>RECEIVED</b>  <b>NOV 17 1993</b>  <b>WHATCOM COUNTY COUNCIL</b>	11/23/93	Council Introduction
Division Head: Daniel W. Taylor	DWT	11-16-93		12/7/93	P&D / Council
Dept. Head:				1/25/ 94	Council/Hearing
Prosecutor:	KNE	11-16-93			
Purchasing/Budget:					
Executive:					

**SUBJECT:**

File #21-93:ZT; An ordinance amending the text of the Official Whatcom County Zoning Ordinance, WCC 20.20 (Urban Residential), 20.22 (Urban Residential Medium Density), 20.32 (Rural Residential), 20.34 (Rural Residential Island), and 20.36 (Rural) to allow detached accessory dwelling units as a conditional use with some restrictions. Also to amend 20.97 (Definitions) adding detached accessory dwelling units as a conditional use. (Planning Commission File 21-93:ZT)

**ATTACHMENTS:**

- Agency Report, Staff Report with draft text amendments "ATTACHMENT A"
- Final amendments recommended by Planning Commission "ATTACHMENT C"
- Draft Planning Commission Minutes
- Proposed Ordinance

**BRIEF SUMMARY STATEMENT: Please complete sections of box as appropriate & explain the item below.**

Related County contract #:	Should Clerk schedule a hearing? NO /X/ YES / / Requested date:
Amount budgeted for this item/project: \$	Is it (or will it be) within budget? YES / / NO / / (Please explain below)
Budget line item number(s):	

This request for text amendment originated with a group, known as the Ad Hoc Housing Committee, comprised of housing purveyors and others interested in affordable housing. The amendment provides for detached accessory dwellings as a Conditional Use in UR, URM, and Rural zone districts. The Council directed the staff and Planning Commission to consider these amendments; the Planning Commission gave them priority. The amendment request has been expanded by the Planning Department to include amendment of Agriculture and Rural districts to enhance the ability of owners of Agriculture- and Rural-zoned land to provide seasonal or permanent housing for farm workers.

**ORIGINATOR'S RECOMMENDED ACTION:** The Director of Land Use and Economic Planning recommends County Council adopt the recommendations of the Planning Commission.

**COMMITTEE ACTION TAKEN:**

**COUNCIL ACTION TAKEN:**

- 11/23/93: Council Introduction
- 12/7/93: Scheduled for hearing 1/25/93
- 1/25/94: Council adopted the ordinance. 7-0. (Amendments)

**Related File Numbers:**

**Ordinance or Resolution Number (this item only):**

SPONSORED BY: Planning

PROPOSED BY: Planning

INTRODUCTION DATE: 11/23/93

ORDINANCE NO. 94-002

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AN ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING ORDINANCE (TITLE 20) CHAPTERS .20, .22, .32, .34, .36, .40, AND .64 TO REVISE REGULATIONS ACCOMMODATING DETACHED ACCESSORY DWELLING UNITS AS A CONDITIONAL USE AND TO MAKE APPROPRIATE CORRECTIONS TO SECTION .97, DEFINITIONS

**WHEREAS**, the County Council has requested that the text of the Whatcom County Zoning Ordinance (Title 20) be amended to provide for "detached accessory dwelling units" as a Conditional Use; and

**WHEREAS**, the Planning Department expanded the request to include appropriate amendments to the Definitions section of Title 20; and

**WHEREAS**, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on August 21, 1993; and

**WHEREAS**, A Determination of Non-Significance was issued by the Deputy SEPA Official on September 1, 1993; and

**WHEREAS**, the Planning Commission held a public hearing on the requested text amendments on September 8, and October 13, 1993 and work sessions on October 13, and November 10, 1993 and heard all testimony; and

**WHEREAS**, the Planning Commission, after due deliberation, voted 7-0 recommending adoption of the amendment; and

**WHEREAS**, the Council, at a public hearing on January 25, 1994, separated the accessory dwelling portion of the amendment from the migrant worker portion and found the accessory dwelling portion and attendant definition amendments in the best interest of the public health, safety, and welfare; and

**WHEREAS**, the Council has adopted the following Findings and Conclusions:

**FINDINGS**

- 1. Water availability will impose limitations on the use of conditionally permitted detached accessory dwelling units; availability of water hook-ups, approval by water purveyor, potential for transition to public wells, and approval by the Environmental Health

1 Department. Such limitations will serve as deterrents to unacceptable density increases  
2 resulting from this request.

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4 2. Sewage treatment capacity will be reviewed and approved by the Environmental Health  
5 Department. Land availability for a reserve drain field and level of soil permeability will be  
6 limiting factors. A substantial improvement or additional septic system will result in most  
7 cases.

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9 3. The accessory unit shall be built with the same landscape and appearance as the  
10 surrounding neighborhood and use a common driveway.

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12 4. Auto trips generated as a result of this request may create some congestion in more  
13 densely populated areas.

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15 5. The Conditional Use Process is an adequate tool for detached accessory dwelling units  
16 in that it will be based on a case by case basis and be subject to public comment.

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18 6. Dramatic density increases are unlikely due to multiple natural and imposed constraints  
19 such as water availability, lot size and orientation, wetlands, expense, and the Conditional  
20 Use permit process itself.

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22 7. The Lummi Island Plan stipulates that residential density is established by water supply.  
23 Any unplanned density increase on Lummi Island resulting from these amendments could  
24 jeopardize a sensitive balance on the island. Lummi Island, therefore should be excepted  
25 from the provisions of these amendments until an adequate water supply is available.

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27 8. Properties within the Lake Whatcom Watershed should be excluded from the provisions  
28 of this ordinance due to documented and ongoing concerns for Lake Whatcom water  
29 quality.

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31 **CONCLUSIONS**

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33 It is clear that there is a need for more affordable housing in Whatcom County. Approval  
34 of this request for text amendments allowing detached accessory dwelling units will  
35 contribute to availability of that housing. While the potential would exist, with approval of  
36 this request, for very large numbers of detached accessory units, in reality, multiple  
37 constraints will act to appreciably limit that number; and the Conditional Use permit  
38 process itself will provide additional controls.

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41 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:

42  
43 Section 1. The Official Whatcom County Zoning Ordinance (Title 20) sections 20.20.150  
44 Urban Residential, 20.22.150 Urban Residential Medium Density, 20.32.150 Residential  
45 Rural, 20.34.150 Rural Residential Island, 20.36.150 Rural, 20.64.150 Resort Commercial  
46 (Conditional Uses); and 20.97 Definitions are hereby amended as shown in "Appendix A".  
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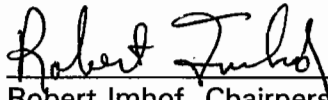
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3 Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this  
4 Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part  
5 thereof other than the part so declared to be invalid.  
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7 ADOPTED this 25th day of Jan., 1994.

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10 ATTEST:

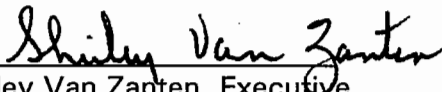
WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

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14 Ramona Reeves, Council Clerk

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18 Robert Imhof, Chairperson

19 APPROVED as to form & content:  Approved ( ) Denied

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23 Civil Deputy Prosecutor

  
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Shirley Van Zanten, Executive  
Date: 2-16-94

# APPENDIX A

## REVISED TEXT AMENDMENTS FOR ACCESSORY DWELLING UNITS

### URBAN RESIDENTIAL

#### 20.20.150 Conditional Uses

**.158** ~~Accessory apartments to single-family detached residences or detached accessory dwelling units to single-family detached residences dwellings, except in the Lake Whatcom Watershed,~~ provided that:

- (1) ~~In addition to an existing or permitted dwelling, there shall be no more than one (1) of the following: temporary second dwelling, accessory apartment, or detached accessory dwelling unit per lot;~~
- (2) ~~The owner(s) of the one-family single-family lot upon which the accessory apartment or detached accessory dwelling unit is located shall occupy as their primary domicile at least one (1) of the dwelling units on that lot;~~
- (3) ~~Adequate provision has been made for the disposal of sewage, waste, and drainage stormwater runoff generated by the occupancy of such accessory apartment units. For accessory apartments or detached accessory dwelling units, proof of potable water availability for the additional dwelling unit must be obtained prior to application for a building permit;~~
- (4) ~~There shall be only one (1) front entrance to the house visible from the front yard and street; for accessory apartments and only one additional entrance visible from the front yard for detached accessory dwelling units;~~
- (5) ~~An accessory apartment shall be clearly a subordinate part of an existing building residence; attached by a common wall, floor or ceiling and not simply by an attached breezeway or porch, and there shall be no external evidence of occupancy of more than one dwelling unit;~~

- ~~(6) — No additional parking is required when adding an accessory apartment~~
- (6) In no case shall an accessory apartment be larger than 1000 square feet;
- ~~(7) — When the total area of the existing dwelling unit plus the accessory apartment is greater than 2,000 square feet, the accessory apartment shall be no larger than 600 square feet in area; and~~
- (7) Detached accessory dwellings must not exceed 1000 square feet;
- ~~(8) — The construction and occupancy of the accessory apartment shall not be detrimental to the neighborhood in which the lot is located.~~
- (8) Long plats granted after adoption of this amendment shall be marked, specifically designating lots allowed to be developed with accessory apartments or detached accessory dwelling units at the option of the developer for future individual owners;
- (9) A common driveway serving both the existing unit and any accessory unit shall be used to the greatest extent possible.
- (10) A deed restriction is recorded with the Whatcom County Auditor at the time of building permit issuance, stating:
  - (a.) detached accessory dwelling units and associated land cannot be sold separately from the original dwelling; except in the event the zoning is changed to another zone district that would permit such a land division;
  - (b.) one of the dwellings must be the primary domicile of the owner.

## URBAN RESIDENTIAL - MEDIUM DENSITY

### 20.22.150 Conditional Uses

161 (Same as 20.20.158 above)

## **RESIDENTIAL RURAL**

### **20.32.150 Conditional Uses**

**.158** (Same as 20.20.158 above)

## **RURAL RESIDENTIAL ISLAND**

### **20.34.150 Conditional Uses**

**.160** Accessory apartments or detached accessory dwelling units to single-family detached residences dwellings provided that these Conditional Uses will not be approved until an adequate water supply is available and provided that: (balance of text same as 20.20.158 above)

## **RURAL**

### **20.36.150 Conditional Uses**

**.169** (Same as 20.20.158 above)

## **RESORT COMMERCIAL**

### **20.64.150 Conditional Uses**

**.165** (Same as 20.20.158 above)

## **DEFINITIONS**

### **20.97 Definitions**

#### **.003 Accessory Apartment**

An accessory apartment is a separate and complete residential unit designed for occupancy by a family ~~with one or two members that is~~ it is substantially contained within the structure of a single-family dwelling unit and ~~with~~ there is internal access between units.

#### **.097 Detached Accessory Dwelling Unit**

A separate and complete dwelling unit not attached in any way to the main or existing dwelling unit; designed for occupancy by a family.

#### **~~.110 DWELLING, SINGLE-FAMILY.~~**

~~A detached residential unit permanently installed and served with utilities.~~

#### **~~.115 DWELLING, TWO-FAMILY (DUPLEX).~~**

~~Two residential units attached by a common wall, usually with outside entrances for each unit; the single building designed for occupancy by two families.~~

~~**.120 DWELLING, MULTIPLE FAMILY.**~~

~~A single building containing three or more attached residential units.~~

**.264 Multi-Family Dwelling**

A single building containing two or more attached residential units.

**.422 Single-Family Dwelling**

A residential unit permanently installed and served with utilities.