

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Dan Taylor	DWT	03/02/94	<b>RECEIVED</b>  <b>MAR 2 1994</b>  <b>WHATCOM COUNTY COUNCIL</b>	3/8/94	Council Intro.
Division Head: Dan Taylor	DWT			3/22/94	P & D/ Council
Dept. Head: Nate Brown	NBS	3/2/94			
Prosecutor:					
Purchasing/Budget:					
Executive:					

**SUBJECT:** File #01-94:ZT: An Ordinance Amending the Official Whatcom County Zoning Code, Title 20, Chapter 20.62.050 to allow single family and multi-family units, in the General Commercial zone, based on the availability of public sewer or water, and adequate storm drainage.

**ATTACHMENTS:** Proposed Ordinance  
 Agency Report with attached Staff Report  
 Draft Planning Commission Minutes, February 9 and February 23 excerpts

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

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

This ordinance, in response to a private request, modifies the text of the General Commercial zone to allow single family and multiple family units subject to public water or sewer, and adequate storm drainage and other conditions, including Health Department approval. This is a departure from the previous language which allowed up to 18 units of multiple family per acre, but required public water, sewer, and storm drainage. This is more flexible language which will permit a range of densities depending upon the specific site conditions.

**ORIGINATOR'S RECOMMENDED ACTION:** The Director of Planning and Development Services recommends Council accept the Planning Commission's recommendation and adopt the proposed ordinance.

**COMMITTEE ACTION TAKEN:**

**COUNCIL ACTION TAKEN:**

- 3/8/94: Intro.
- 3/22/94: Council adopted the ordinance. 7-0.

**Related File Numbers:**

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

SPONSORED BY: Planning

PROPOSED BY: Council

INTRODUCTION DATE: 3/8/94

ORDINANCE NO. 94-017

AN ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING CODE, TITLE 20, CHAPTER 20.62.050 TO ALLOW SINGLE FAMILY AND MULTI-FAMILY UNITS IN THE GENERAL COMMERCIAL ZONE, BASED ON THE AVAILABILITY OF PUBLIC SEWER OR WATER, AND ADEQUATE STORM DRAINAGE.

**WHEREAS**, an application was submitted to amend the General Commercial zone district (WCC 20.62) to allow multi-family dwelling units up to four units per acre subject to public sewer or water; and

**WHEREAS**, the Planning Staff proposed modifications to the original request to add single family dwellings; and

**WHEREAS**, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on Thursday, January 27, 1994; and

**WHEREAS**, a Determination of Non-Significance had been issued on February 1, 1994, by the responsible Deputy SEPA Official; and

**WHEREAS**, the Planning Commission held a public hearing on the proposed amendments on February 9, 1994, and considered all testimony; and

**WHEREAS**, the Planning Commission approved the staff recommendation, with modifications; and

**WHEREAS**, the Council held a public meeting on March 23, 1994-to consider this matter and approved the Planning Commission recommendation; and

**WHEREAS**, the Council found the 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. The applicant owns property in a General Commercial zone which he believes is better suited to a low density multi-family use.
2. Others have had problems with the prohibition of single-family dwellings in General Commercial zones.
3. There is a nation-wide trend towards more flexibility and a greater mixing of uses to

1 Management Plan establishes a clearer direction.  
2  
3

4 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:  
5

6 Section 1. The Official Whatcom County Zoning Code, Title 20, Chapter 20.62.050 is  
7 amended in accordance with Attachment A.  
8

9 Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of  
10 this Ordinance shall not affect or impair the validity of the Ordinance as a whole or any  
11 part thereof other than the part so declared to be invalid.  
12

13 ADOPTED this 22nd day of March, 1994.  
14  
15

16  
17  
18 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

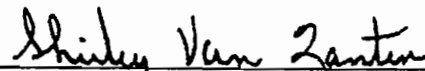
19  
20  
21   
22 \_\_\_\_\_  
23 Ramona Reeves, Council Clerk  
24

25  
26  
27   
28 \_\_\_\_\_  
29 Robert Imhof, Chairperson  
30

31 APPROVED as to form & content:

() Approved ( ) Denied

32  
33   
34 \_\_\_\_\_  
35 Karen Frakes, Civil Deputy Prosecutor

  
\_\_\_\_\_  
Shirley Van Zanten, Executive

Date: 3-23-94

## ATTACHMENT A

### AMENDMENT TO TITLE 20, CHAPTER 20.62.050

~~065~~ One single family dwelling per lot of record subject to:

- ~~1)~~ Health Department requirements regarding soil type and water supply;
- ~~2)~~ Height regulations, lot coverage, open space, development standards and performance standards shall be in accordance with the provisions of Chapter 20.20; except that side and rear yard setbacks shall be ten feet from vacant, adjacent, commercially zoned properties;
- ~~3)~~ A deed restriction recorded with the Whatcom County Auditor is attached to the lot(s) at the time of building permit issuance stating that the dwelling(s) is located in a General Commercial zone and buyers should be aware that commercial uses will be allowed on surrounding parcels and owners have no grounds for protest.

~~.0665~~ Duplexes and multi-family dwellings not to exceed eighteen (18) units per acre subject to:

- ~~1)~~ Availability of adequate public sewer, or water, and appropriate storm drainage;
- ~~2)~~ The maximum number of units shall be determined by the Health Department based on soil type and water supply;
- ~~2)3)~~ Provision of adequate right-of-way and street improvements to bring adjacent roadways up to necessary standards;
- ~~3)4)~~ Height regulations, lot coverage, open space, development standards and performance standards shall be in accordance with the provisions of Chapter 20.22;
- ~~4)5)~~ Site plan review shall be done by the Technical Review Committee to insure compliance with the intent of the General Development Standards Chapter 20.22.650. Four or less units per acre are exempt from this requirement.
- ~~6)~~ A deed restriction recorded with the Whatcom County Auditor is attached to the lot(s) at the time of building permit issuance stating that the dwelling(s) is located in a General Commercial zone and buyers should be aware that commercial uses will be allowed on surrounding parcels and owners have no grounds for protest.