

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Planner: Jeff Griffin	JG	03/18/94	<b>R E C E I V E D</b>  <b>APR 20 1994</b>  <b>WHATCOM COUNTY COUNCIL</b>	4/26/94	Council introduction
Planning Head: Dan Taylor	DT			5/10/94	R&D/ Council
Dept. Head: Nate Brown	NB				
Prosecutor:	DG	5/24/94			
Purchasing/Budget:					
Executive:					

**SUBJECT:** File #07-93:ZT: An Ordinance Amending the Official Whatcom County Zoning Ordinance, Title 20, to allow indoor and outdoor live commercial entertainment as a conditional use in the rural zone.

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

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

Related County contract #: n/a	Should Clerk schedule a hearing? NO / / YES / X / 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, expands the conditional uses allowed in the Rural Zone to include live commercial entertainment when the project requires a rural environment to fulfill its entertainment objectives.

Although a majority of Planning Commission members at the hearing approved the request (4-3), it did not receive the five votes required in order to make a recommendation. It appeared that at least one member, however, voted against the amendment due to a change made by the majority present to include Rural 5 Acre zones in the request in addition to Rural 10 Acre districts. If Council wants to act upon the request, a new hearing must be scheduled.

**ORIGINATOR'S RECOMMENDED ACTION:** The Director of Planning and Development Services recommends Council schedule a hearing and adopt the proposed ordinance.

**COMMITTEE ACTION TAKEN:**

**COUNCIL ACTION TAKEN:**

- 4/26/94: Council introduction
- 5/10/94 Council adopted the ordinance with amendments. 5-2, Henderson and Harris opposed

**Related File Numbers:**

**Ordinance or Resolution Number (this item only):** Ord 94-028

SPONSORED BY: Planning

PROPOSED BY: Council

INTRODUCTION DATE: 4/26/94

ORDINANCE NO. 94-028

**AN ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING ORDINANCE, TITLE 20, TO ALLOW INDOOR AND OUTDOOR LIVE COMMERCIAL ENTERTAINMENT AS A CONDITIONAL USE IN THE RURAL ZONE.**

**WHEREAS**, an application was submitted to amend the text of the Rural Zone to allow pioneer and western oriented live entertainment as a conditional use; and

**WHEREAS**, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on Thursday, March 31, 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 April 13, 1994, and considered all testimony and after due deliberation forwarded the matter to the County Council without a recommendation; and

**WHEREAS**, the Council held a public hearing on May 10, 1994 to consider this matter and after due deliberation approved the matter; 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. Music entertainment facilities are regulated by County business laws where the attendance is greater than one thousand people. Existing County zoning regulations, however, do not adequately define and provide for such uses.
2. Ownership and property history and a requirement for a rural setting have dictated the location of the applicants project.
3. The primary purpose of the Rural comprehensive plan designation is to provide areas of multiple use suitability such as agriculture, forestry, mining, low density residential and home occupations. Secondary uses established in the zoning code allow some uses comparable to the request.
4. Wide use of this amendment request would conflict with the County's Regional

1 Design Goals, which encourage the conservation of resource lands and discourage  
2 uses requiring urban level services in rural areas.

3  
4 5. The request supports county economic goals which encourage diversified  
5 economies, including tourist economies.

6  
7 6. The conditional use process would ensure that site specific issues are recognized  
8 and addressed such as noise and traffic safety issues.

9  
10 Conclusion

11  
12 This text amendment, if approved, could be designed in order to achieve the applicants  
13 request in a limited manner. Curtailing the wide use of this text amendment by narrow  
14 definition would also detract less from County-wide Regional Design Goals and the stated  
15 purpose of the Rural zone. The conditional use process would ensure that site specific  
16 issues are mitigated or avoided.

17  
18  
19 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:

20  
21 Section 1. The Official Whatcom County Zoning Ordinance, Title 20, Chapter 36, Rural  
22 District is hereby amended as shown in the attached Exhibit A.

23  
24 Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this  
25 Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part  
26 thereof other than the part so declared to be invalid.

27  
28 ADOPTED this 10th day of May, 1994.

29  
30  
31 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

32  
33  
34 Ramona Reeves  
35  
36 Ramona Reeves, Council Clerk

37  
38 Robert Imhof  
39  
40 Robert Imhof, Chairperson

41  
42 APPROVED as to form & content:

( ) Approved ( ) Denied

43  
44 Daniel L. Gibson, for  
Karen Frakes, Civil Deputy Prosecutor

Shirley Van Zanter  
Date: \_\_\_\_\_

5-28-94.  
I am declining to sign this ord. because I feel it is bad policy to open <sup>the</sup> Rural District, even with limitations to such activities.  
Shirley Van Zanter

CLERK'S NOTE: The County Executive has declined to sign Ordinance 94-028 for the reasons cited in her note (affixed over her signature lines, at right). Whatcom County's Home Rule Charter Section 2.30 states: "If the Executive does not either sign or veto an ordinance within ten (10) days, Saturdays, Sundays, and Holidays excepted, after presentation of the ordinance by the Council, it shall become law without the Executive's signature." This ordinance will take effect as of May 20, 1994.

Ramona Reeves  
Ramona Reeves, Clerk of the Council

EXHIBIT A

The Official Whatcom County Zoning Ordinance, Title 20, Chapter 36, Rural District, Section .150, Conditional Uses, is hereby amended by adding the following:

.175 Indoor and Outdoor, Live Commercial Entertainment, provided that:

- a. The use is located within a Rural Ten Acre (R10A) District, and upon at least a ten acre parcel.
- b. The use requires a rural setting to be compatible with its entertainment theme.
- c. Maximum attendance is limited to one thousand (1000) persons per day.
- d. Accessory food service and gift shop activity is limited to five hours per day, liquor service is prohibited.
- e. The use shall not exceed maximum environmental noise levels established by State law (Chapter 173-60 WAC).
- f. The use will not generate primary traffic flows on local access roads where adjacent residential density exceeds one unit per five acres.
- g. Minimum buffering shall be required as established in WCC 20.80.345, provided that minimum side and rear yard buffers are at least fifty (50) feet.
- h. Limited hours and seasons of operation are established.
- i. One on-premise free standing sign is permitted only, not to exceed ten (10) feet in height and twenty-four (24) square feet in surface area per face, and not exceeding two (2) faces per sign.
- j. Off-street parking is provided for, consistent with WCC 5.40.040; overnight RV parking and/or camping is prohibited.