

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Dan Taylor		01-27-95	<div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">RECEIVED</div> <div style="font-size: 1.5em; font-weight: bold; margin-top: 10px;">FEB 8 1995</div> <div style="font-size: 1.2em; font-weight: bold; margin-top: 10px;">WHATCOM COUNTY COUNCIL</div>	2/14/95	
Division Head: Dan Taylor	DT	2/5/95		2/28/95	Council
Dept. Head: Nate Brown	NJB	2/5/95			
Prosecutor: Karen Frakes	KFW	2/1/95			
Purchasing/Budget:					
Executive: Shirley Van Zanten	SVZ	2/1/95			

**SUBJECT:** File #19-94:ZT An Ordinance Amending Title 20, the Official Whatcom County Zoning Code, Section 20.20 (Urban Residential) to Allow Limited Light Industrial Uses in Areas Zoned Urban Residential within the Foothills and South Fork Subareas, Subject to Conditions.

**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 /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 amendment was initiated by a private request to solve a specific problem and will initially impact the Acme, Glacier, and Paradise Lakes/Peaceful Valley area. The Council sent this application forward ahead of other applications because of the potential economic opportunity in the eastern part of the county. It may, however, have broader applicability and apply to Maple Falls and Deming and potentially set the stage for regulations related to hamlets. The Planning Commission unanimously supported this request.

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

**COMMITTEE ACTION TAKEN:**

**COUNCIL ACTION TAKEN:**

2/14/95: Introduced  
~~3/7/95~~ 2/28/95: Adopted 7-0

**Related File Numbers:**

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

SPONSORED BY: Planning

PROPOSED BY: Council

INTRODUCTION DATE: 2/14/95

ORDINANCE NO. ~~95-010~~

AN ORDINANCE AMENDING TITLE 20, THE OFFICIAL WHATCOM ZONING CODE, SECTION 20.20 (URBAN RESIDENTIAL) TO ALLOW LIMITED LIGHT INDUSTRIAL USES IN AREAS ZONED URBAN RESIDENTIAL WITHIN THE FOOTHILLS AND SOUTH FORK SUBAREAS, SUBJECT TO CONDITIONS.

**WHEREAS**, the request is to allow limited light fabrication and assembly in the UR zones in the Foothills and South Fork subareas or in other areas designated as candidates for Hamlets in the GMA Comprehensive Plan subject to Administrative Approval and specific conditions; and

**WHEREAS**, this amendment was initiated by a private request to solve a specific problem and will initially impact the Acme, Glacier, and the Paradise Lakes/Peaceful Valley area. However, it may have broader applicability and apply to Maple Falls and Deming and potentially set the stage for regulations related to Hamlets; and

**WHEREAS**, a Determination of Non-Significance had been issued on January 11, 1995 by the responsible Deputy SEPA Official; and

**WHEREAS**, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on Thursday, January 12, 1995; and

**WHEREAS**, the Council sent this application forward ahead of other applications because of the potential economic opportunity -- the provision of additional jobs and tax base in the eastern part of the county; and

**WHEREAS**, the Planning Commission held a public hearing on January 25, 1995, and considered all testimony; and

**WHEREAS**, Planning Commission held a work session and after due deliberation, amended Staff's recommendation and unanimously approved the request; and

**WHEREAS**, the Council held a public meeting on February 28, 1995, 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:






1 Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this Ordinance  
2 shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the  
3 part so declared to be invalid.  
4  
5

6 ADOPTED this 28 day of February, 1995.  
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9  
10 ATTEST:

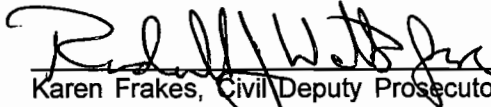
WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

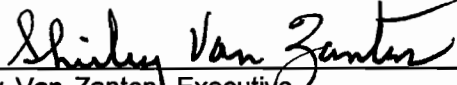
11  
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14 Ramona Reeves, Council Clerk  
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18 Robert A. Imhof, Chairperson  
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20 APPROVED as to form & content:

Approved  Denied

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24 Karen Frakes, Civil Deputy Prosecutor  
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26  
27 Shirley Van Zanten, Executive

Date: \_\_\_\_\_

## WHATCOM COUNTY PLANNING DEPARTMENT AGENCY REPORT

IN THE MATTER OF AMENDING TITLE 20, THE OFFICIAL )  
WHATCOM ZONING CODE, SECTION 20.20 (URBAN ) FINDINGS, REASONS  
RESIDENTIAL) TO ALLOW LIMITED LIGHT INDUSTRIAL USES IN ) AND MOTIONS  
AREAS ZONED URBAN RESIDENTIAL WITHIN THE FOOTHILLS )  
AND SOUTH FORK SUBAREAS, SUBJECT TO CONDITIONS.

**WHEREAS**, the request is to allow limited light fabrication and assembly in the UR zones in the Foothills and South Fork subareas or in other areas designated as candidates for Hamlets in the GMA Comprehensive Plan subject to Administrative Approval and specific conditions; and

**WHEREAS**, this amendment was initiated by a private request to solve a specific problem and will initially impact the Acme, Glacier, and the Paradise Lakes/Peaceful Valley area. However, it may have broader applicability and apply to Maple Falls and Deming and potentially set the stage for regulations related to Hamlets; and

**WHEREAS**, a Determination of Non-Significance had been issued on January 11, 1995 by the responsible Deputy SEPA Official; and

**WHEREAS**, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on Thursday, January 12, 1995; and

**WHEREAS**, the Council sent this application forward ahead of other applications because of the potential economic opportunity -- the provision of additional jobs and tax base in the eastern part of the county; and

**WHEREAS**, the Planning Commission held a public hearing on January 25, 1995, and considered all testimony; and

**WHEREAS**, Planning Commission held a work session and after due deliberation, amended Staff's recommendation and unanimously approved the request; and

### NOW THEREFORE BE IT RESOLVED:

#### FINDINGS OF FACT AND REASONS FOR ACTION

1. A quorum of Commission members was present during the hearing and subsequent work session.
2. The statutory requirement was met regarding legal notice.
3. The Planning Commission generally concurred with the staff FINDINGS and CONCLUSIONS as presented in the Staff Report dated January 18, 1995.
4. At the special meeting on January 25, 1995, the Planning Commission voted unanimously to approve the text amendment.

**WHATCOM COUNTY PLANNING COMMISSION**

\_\_\_\_\_  
David G. Simpson, Chairman

\_\_\_\_\_  
Daniel W. Taylor, Secretary

Date: \_\_\_\_\_

Commissioners present at January 25, 1995 hearing and work session: Clare Fogelsong, Dave Ernst, Elaine McRory, Jerry Landcastle, Rod Ericksen, Phil Urso, and David Simpson

Vote: Ayes: unanimous

Attachment: Staff Report

*Prepared by:* Dan Taylor

## WHATCOM COUNTY PLANNING DEPARTMENT STAFF REPORT

**APPLICANT:** Gary Roth represented by Ametron Consulting Group

### REQUEST

The request is to allow limited light fabrication and assembly in the UR zones in the Foothills and South Fork subareas or in other areas designated as candidates for Hamlets in the GMA Comprehensive Plan subject to Administrative Approval and specific conditions.

### LOCATION

At present, this request would be limited to Acme, Glacier, and the Paradise Lakes/Peaceful Valley area. In the future, it might also apply to Maple Falls and Deming and other similar areas with the potential to be Hamlets.

### STATUTORY REQUIREMENTS

Pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on Thursday, January 12, 1995, and a public hearing will be held on January 25, 1995. The Deputy SEPA Official issued a Determination of Non-significance on January 11, 1995.

### REGULATORY EFFECTS OF THE REQUEST

A small electronic firm with a few employees located in the UR zone at Acme is the applicant. Under present conditions, this firm would not be allowed if it were a new use, and it is unable to expand. This amendment would allow this type of business to expand under appropriate conditions as an Administrative Approval Use. It would also allow it or similar uses the potential to start up in any of the UR zones in the South Fork and Foothills subareas in the same manner.

### BACKGROUND

As previously stated, this is a private request to solve a specific problem. However it may have broader applicability and potentially sets the stage for regulations related to Hamlets. The Council has sent this application forward ahead of other applications because of potential economic opportunity -- the provision of additional jobs and tax base in the eastern part of the county.

The proposal has been a joint effort between the applicant and the County, drafted with enough detail to satisfy SEPA concerns.

## ANALYSIS

The draft GMA plan places an emphasis on increased economic opportunity particularly in the eastern portion of the county. It also proposes a Hamlet concept which encourages concentrated mixed uses to create a more traditional lifestyle with fewer vehicular trips and more possibility for pedestrian access. This is all subject to not degrading the environment or rural quality of life.

The proposal attempts to find that balance by allowing certain light industrial type uses in the Urban Residential zone, using performance standards rather than attempting to list specific uses. The access requirement will eliminate any significant traffic on local streets. And, as there is no guarantee employees will actually live near where they work, even though this amendment should help foster that, the limitation of seven persons per acre attempts to limit traffic generation as well as other impacts on what is intended to be single family areas. The primary effect of the employee per acre requirement, however, is to limit the scale of a proposed industrial use and help maintain the rural character of an area without having to set other limits on total number of employees or the size of a building or buildings. As an alternative, limiting building size could be imposed as a requirement. The applicant has suggested a structure size of 2,500 square feet per acre would work for his particular situation. Whatever approach is taken, it will be somewhat arbitrary, but serve the legitimate intent of controlling scale. One such restriction seems appropriate without any apparent need to have more than one. Any of these approaches should also help insure that someone does not assemble several lots in the middle of a residential subdivision such as Peaceful Valley and create a comparatively major industrial use. If someone, however, has a house on a quarter acre lot and has a small family business with one employee, it would be appropriate. The downside of the seven person per acre limit might be too low an intensity for good pedestrian scale if it were to occur in the center of a hamlet.

Keeping work inside the building and not allowing outdoor storage is also intended to help maintain a character compatible with a residential neighborhood or residential area. Condition 5 will preclude an industrial process that might have a discharge detrimental to a septic or small sewer system. Conditions 6 through 10 are restatements of the development standards applicable to industrial uses which are found in a number of zones. In all cases, the potential pollutant is not allowed or it is contained to the property.

Condition 11 as drafted may need more work. An alternative would be to state the specific requirements by category, i.e., setbacks, height, lot coverage, buffers, landscaping, signage, and parking. The UR zone has the following provisions:

- setbacks: Front yard: 20 ft - 45 ft; side and rear yards: 5 ft; the latter were increased to 10 ft which, depending on one's view point, might not be adequate.
- height: 35 ft; similar to the industrial zones and more than adequate
- lot coverage: 35% or 2,500 square feet whichever is greater; this is probably too restrictive.

RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION

Special Meeting

January 25, 1995

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**CALL TO ORDER** The meeting was called to order by Chairperson, David Simpson, at 7:00 P.M. The meeting was held at the Courthouse Annex, 1000 North Forest Street, Bellingham, Washington.

**ROLL CALL** Elaine McRory, Clare Fogelsong, Phil Urso, Jerry Landcastle, Dave Ernst, Rod Erickson, and David Simpson

**STAFF PRESENT** Dan Taylor and Carole Magner

**Scheduling Update:**

Comprehensive Plan joint public hearings begin Feb 15 for four consecutive Wednesday nights through March 8 with the County Council. Work sessions will begin immediately at the end of March lasting until the end of June. Taylor suggested Commissioners consider rotating attendance, meetings will be held once a week, but it is not anticipated that everyone will attend all of them.

Council may direct Commission to address Urban Growth Boundaries first since we're out of compliance ... but then we're out of compliance with everything. Taylor explained that there had been an Executive work session the day before but he didn't know if a strategy had been worked out.

There are between 10 and 19 rezones not done from the last several years. Rezones will be scheduled in July as soon as work sessions are finished. Toward the end of the year, there will be regulatory changes to address.

There will be no meeting on February 8.

Landcastle asked for clarification regarding the extension of Commissioners' terms. Taylor explained that the ordinance that was introduced by Council last night will be passed at their next regular meeting (Feb 14) which allows the Council to appoint Planning Commissioners without Executive involvement.

Landcastle pointed out that the comp plan hearings would begin with three Planning Commissioners uncertain their attendance at these meeting would be any more relevant than just attending meetings for the sake of attending meetings. The year has again begun with confusion on the appointments which really isn't affair, not to those wishing re-appointment or those seeking appointment, or even those Commissioners with secured positions ... three people could be changed which means attending the meetings could be a waste of time for existing commissioners and new commissioners (potentially three!) could miss up to three/perhaps all four public hearings on the comp plan and would have to listen to hours and hours of tapes in order to participate.

It is awkward and a "heck of a way to run a railroad."

Simpson moved, seconded by Landcastle to set the Commissioners' annual business meeting to a special meeting in March ... Motion carried with McRory abstaining.

- landscaping: There is no front yard landscaping in the UR zone. Most zones have 5 ft to 15 ft of front yard landscaping.
- buffers: These are covered under landscaping and are 25 ft when the adjacent use is different; this should be adequate.
- signage: No cross reference to signage in the UR zone; may need something similar to the cottage industry requirement.
- parking: One per employee for manufacturing uses plus one for each vehicle maintained on the premise; this would be appropriate.

In developing specific requirements, it would be useful to review the cottage industry requirements on page 36:5 of the code and the proposed UR-Mixed zone. These proposed regulations are taking a slightly different direction from those and the comparison would be useful. Additional standards could also be considered to ensure compatibility with the surrounding area such as building design considerations.

Another issue which needs discussion is the Administrative Approval approach. This amendment is being proposed at the same time as revisions to the Administrative Approval process are being considered. (See staff report on Accessory Housing.) Assuming these changes are made (notice within 300-feet and process to have a hearing if necessary), Administrative Approval would appear to be a streamlined, expeditious way to approach this type of use with adequate safeguards built in. If these changes should not be made, then a conditional use may be a safer way to go.

## FINDINGS

1. A text amendment is being proposed by a private applicant to allow for expansion of a small electronic firm in Acme, by allowing limited industrial uses in the Urban Residential zoned areas.
2. The proposal as written would also apply to other areas in the South Fork and Foothills subareas and potential Hamlets as being proposed in the GMA Comprehensive Plan.
3. This amendment will serve as a precursor to the development of a more comprehensive set of regulations which will implement the Hamlet concept being developed in the GMA plan.
4. Use of the Administrative Approval process and the conditions being proposed will limit the impacts of these uses on the surrounding neighborhood.
5. As a separate action, the Administrative Approval process is being amended to include notice to property owners within 300-feet and a formal process to request a hearing. If adopted, this will provide additional protection to surrounding property owners.

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**Public Hearings**

1. File #19-94:ZT Urban Residential to Light Impact Industrial

No conflict of interest was noted by Commissioners.

Taylor presented staff report and recommended request be approved as written with the exception of adding a signage requirement.

Fogelsong objects to (3): to set employee limit could work against hamlets later on. Taylor saw this as first step that could be evolved, but Fogelsong wants to leap now. He would also rather not have lot coverage requirement.

Fogelsong: add "except for loading and unloading" to (4) ... agreed.

Testimony opened.

Kenneth Johnston, 3765 East Smith Road, Engineer and partner with owner .. company started in Lynwood and moved here in 1990 as a cottage industry. The business has been so successful that expansion is necessary. He is familiar with hamlet concept and this business represents the ideal for Whatcom County to encourage ... light manufacturing, employing local people at higher than minimum wage. He complimented Planning staff for their helpfulness.

McRory asked what the company manufactures and Johnston explained that four years ago the company had one product ... power sensor equipment.

Gary Roth, 5687 Doren Road, Acme, applicant and owner. The company doesn't build circuit boards or cases on site; only assembles and tests the units so no problem with dust, chemicals, noise. They have been able to create jobs ... several people in community work for them ... and with more space, they can hire more ... typically workers are housewives... \$8/\$10 per hour with health benefits for low skilled people who would otherwise not find work in Acme.

Landcastle asked if this were approved, will it take their company out of current cottage industry status. Taylor explained that this would be administrative approval and they would no longer be a cottage industry.

Landcastle asked Roth his opinion of the ideal size for a small electronic assembly and Roth thought it would be something in twenties/low 30s ... utility industry has a lot of needs which their company is fortunate to address.

Richard Gilda, Jensen Road, Bellingham. Mt. Baker School District needs to increase its tax base. He talked to 17 people in the area and they were all in favor of the project. People asked that they not be too restrictive ... administrative approval is probably the greatest thing since peanut butter for people in area in order not to have to go through a lot of paper work. He urged Commissioners to consider "visible outdoor storage" that would allow a fence without putting up an entirely new building. (6) (hazardous materials) is too restrictive.

Bob Ryan, 2723 Cedarwood Ave. For (6), he suggested informing the local fire district of what is being stored so they can check off that chemicals are not hazardous.

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As no one else wished to speak, public testimony portion of the hearing was closed.

**Work Session**

Fogelsong: #3, "no more than 10,000 sq ft for buildings and 25% open space requirement" in keeping with the UR-Mix concept. He urged Commissioners to consider dropping employee limit. Erickson agrees and explained that "Visioning" Committee envisioned hamlets as places where people walked to work.

Simpson expressed concern that there be consistency with cottage industry and urged minimum lot size.

After discussion, Commissioners agreed to: half acre minimum lot size and 10,000 sq ft maximum building size (unless there's an existing building ... in which case it could then be larger) and 25% open space requirement ...

Fogelsong: drop the 35% lot coverage.

Erickson would prefer larger buildings in order to keep storage inside ... nicer for the neighbors.

Delete 3 and replace with 10,000 sq ft maximum building size.

#(6) include language that it is to be approved by fire department for fire safety .. "this is to be reviewed by the local fire district." agreed.

#(4) add "except for loading and unload." agreed.

#(2) add "The parcel must access from a collector arterial or higher standard street." ... agreed.

#(8) Urso moved to leave as is, seconded by McRory ... 4 ayes (em, de, em, re); 3 nays (jl, cf, ds) ... motion carried.

#(11) Ernst: building should not be built closer than 10 ft from property line ... coverage ... 35 / 45 ft front and 10 ft on sides and rear ... front yard setbacks will be dealt with later.

#(12) signage ... not to exceed 6 ft in height (free standing) ... a total of two signs ... use existing signage language.

Ernst questioned whether we will be encouraging more than one of these in a hamlet?

Ernst asked that Taylor add conclusion to #4: "rural character of the hamlet will be maintained." Agreed.

Erickson: Is parking too high if one per employee? Ernst suggested adding "parking requirements may be reduced provided that on-street parking is not allowed for employee parking.

Moved by Fogelsong, seconded by Erickson to accept, with changes, the staff recommendation ... Simpson added a friendly amendment that final text when completed, be

## CONCLUSIONS

1. The proposed text amendments will help create economic opportunity in the eastern part of the county and create opportunity to reduce vehicular trips by allowing jobs near homes.
2. The Administrative Approval process and proposed conditions will provide adequate safeguards to the surrounding properties and will preclude diminishing property values.
3. These text amendments will form a basis for more comprehensive changes to implement the Hamlet concept being developed as part of Growth Management.

## RECOMMENDATION

Add the following to the Administrative Approval Section of the UR zone (WCC 20.20.130):

### 20.20.130 ADMINISTRATIVE APPROVAL USES

.133 Light fabrication and assembly provided:

- (1) These uses are allowed in UR designations in the Foothills and South Fork Valley Subareas only or in any area which may be designated as a hamlet or as a candidate to be a hamlet in the overall comprehensive plan.
- (2) The parcel has direct access from a collector arterial or higher standard street. (This could include a shared access.)
- (3) There will be no more than seven employees per acre.
- (4) All work is conducted within a building and no outdoor storage is allowed.
- (5) There is no industrial discharge to a public sewer or septic system.
- (6) There is no storage or handling of hazardous, explosive, highly flammable materials which would cause fire, explosion or safety hazards.

- (7) There is no production of noise at property lines in excess of the average intensity of street and traffic noise found in the District.
- (8) There is no emission of dust, dirt, odors, smoke, or toxic gases and fumes.
- (9) There is no production of heat, glare or vibration perceptible from any property line of the premises.
- (10) There is no off-site release to soil or surface drainage ways of water borne or liquid pollutants.
- (11) All applicable standards of the UR zone shall apply, except rear and side yard requirements shall be increased to ten feet.