

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Nate Brown				10/3/95	County Council
Division Head:				10/17/95	Public Hearing
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:					

SUBJECT: Interim zoning control ordinance modifying open space requirements in LII, HII, and GM zones.

ATTACHMENTS:

SUMMARY STATEMENT:

Please complete sections of box as appropriate & explain the item below.

Related County contract #:	Should Clerk schedule a hearing? NO / / 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):	

ORIGINATOR'S RECOMMENDED ACTION:

COUNCIL ACTION TAKEN:

10/3/95: Introduced
 10/17/95: Adopted as amended 7-0

Related File Numbers:

Ordinance or Resolution Number (this item only):

SPONSORED BY: Consent

PROPOSED BY: Planning

INTRODUCTION DATE: 10/3/95

ORDINANCE NO. 95-051

AN INTERIM ORDINANCE AMENDING TITLE 20 TO REMOVE OPEN SPACE REQUIREMENTS IN THE GM, LII, AND HII ZONES AND TO AMEND THE DEFINITION OF OPEN SPACE AS IT APPLIES IN ALL ZONES

WHEREAS, RCW 36.70.790 provides for the passage of interim zoning controls to protect the public safety, health and general welfare; and

WHEREAS, the Industrial Land Supply Committee sponsored by the Fourth Corner Economic Development Group has identified Whatcom County open space requirements as an unnecessary impediment to industrial development; and

WHEREAS, the staff report for the proposed Whatcom County Comprehensive Plan recommends actions that would allow for reasonable development build-out in industrial zones; and

WHEREAS, the Whatcom County Planning Commission is currently reviewing the proposed Whatcom County Comprehensive Plan with the intent to examine possible changes to zoning regulations in industrial zones; and

WHEREAS, RCW 36.70.795 specifies that after the County Council conducts a public hearing, interim zoning controls may be adopted for six months and up to one year provided a work program establishes the need for a longer period; and

WHEREAS, the Council held a public hearing on October to consider this matter; and

WHEREAS, the Council found the amendments necessary to protect the public health, safety, and welfare; and

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

FINDINGS

1. General Manufacturing (GM) and Heavy Impact Industrial (HII) zone designations require 15% open space, Light Impact Industrial (LII) zone designation requires 15% to 35% open space.
2. Present definition of open space allows only 50% of perimeter setback area, unbuildable land, or water surfaces to be counted toward open space requirements.
3. Setback requirements in LII and GM range from 10 to 30 feet. Setback requirements in HII range from 30 to 100 feet. Lot coverage in LII, GM, and HII is

1 limited to 60% of the lot. Buffers of 25 to 50 feet are required in the LII and GM
2 zones and up to 660 feet when development is adjacent to other zoning
3 boundaries.
4

- 5 4. Enforcement of the code requirements on open space, setbacks, landscaping, lot
6 coverage, critical areas causes undue restrictions on industrial and commercial
7 development as identified in current studies.
8
9 5. Open space requirements have been the determining factor in the decision for
10 numerous projects not to locate in Whatcom County.
11
12 6. Existing regulations have prevented significant economic development in Whatcom
13 County.
14
15 7. The Planning Commission is backlogged with Comprehensive Plan review and
16 cannot schedule review of this amendment until the latter half of 1996.
17
18 8. The Planning Commission in its Comprehensive Plan review is considering studies
19 related to industrial land use, supply, and problems associated with industrial
20 development as part of the Comprehensive Plan review.
21

22 CONCLUSION

23 The existing requirements for setbacks, lot coverage, and buffering provide sufficient
24 protection to the public safety, health and general welfare in the GM, HII and LII zones.
25 The citizens of the county will reap economic benefit from the encouragement of industrial
26 uses; therefore, it is in the County's best interest to adopt interim zoning regulations while
27 open space requirements are being reviewed as part of the County's Comprehensive Plan.
28

29 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:
30

31 Section 1. Amend Title 20, the Official Whatcom County Zoning Code, as follows:
32

33 *Chapter 20.66 Light Impact Industrial District*

34 20.66.250 Minimum Lot Size

35 The minimum lot size shall be consistent with the area required to meet the building
36 setback, lot coverage, buffer, ~~open space~~ and development standards of the district
37

38 ~~20.66.500 Open Space~~

39 ~~At least 35 percent of any parcel situated within a light industrial park shall be utilized for~~
40 ~~open space (an area devoid of structures, accessory facilities and impervious surfaces). At~~
41 ~~least 15 percent of any individual parcel with a single industrial use which is situated~~
42 ~~outside of an industrial park shall be utilized for open space.~~
43

44 *Chapter 20.67 General Manufacturing District*

45 20.67.250 Minimum Lot Size

46 The minimum lot size shall be consistent with the area required to meet the building
47 setback, lot coverage, buffer, ~~open space~~ and development standards of the district

1 ~~20.67.500 Open Space~~

2 ~~At least 15 percent of any parcel shall be utilized for open space (an area devoid of~~
3 ~~structures, accessory facilities and impervious surfaces).~~

4
5 *Chapter 20.68 Heavy Impact Industrial District*

6 20..68.250 Minimum Lot Size

7 The minimum lot size shall be consistent with the area required to meet the building
8 setback, lot coverage, buffer, ~~open space~~ and development standards of the district

9
10 ~~20.68.500-~~

11 ~~At least 15 percent of any parcel shall be utilized for open space (an area devoid of~~
12 ~~structures, accessory facilities and impervious surfaces).~~

13
14 20.68.552 Buffer Area

15 To implement the buffer requirements of this district, minimum setbacks for heavy
16 industrial buildings and accessory structures shall be established consistent with the
17 following options:

- 18
19 (1) If a planting screen is not provided by the industrial user and no natural vegetative
20 screening exists, the minimum setback(s) shall be 660 feet, as measured from the
21 edge of the district boundary. The setback area may be used for security roads,
22 and parking, ~~or the open space requirements of the district.~~
23
24 (2) If natural sight obscuring and dense vegetation exists, the minimum setback(s) shall
25 be 250 feet, as measured from the district boundary; provided that a minimum
26 width of 50 feet of natural vegetation is retained. The remainder of the setback(s)
27 may be used for security roads, and parking, ~~or the open space requirements of this~~
28 ~~district.~~
29

30 *Chapter 20.80 Supplementary Requirements*

31 20.80.360 Special Requirements for individual zone districts

32
33 (5) General Manufacturing (GM): Five feet within the front yard setback and situated
34 adjacent to the road shall be landscaped with vegetative material, except for driveways,
35 walkways and signs. The remainder of the front yard setback may be used for parking.
36 Subject to approval of the county, street trees may be placed in the right-of-way and the
37 five-foot landscaping strip provided contiguous to the building with the front yard setback
38 used for circulation of trucks and heavy equipment. In this situation to provide visual
39 relief ~~the required 15 percent~~ open space should be primarily concentrated in the side
40 yards unless natural habitat in the rear such as wetlands or streams are present which
41 should take precedence.
42

43 *Chapter 20.97 Definitions*

44 20.97.275 Open Space

45
46 "Open space" means any parcel or area of land or water not covered by structures, hard
47 surfacing, parking areas and other impervious surfaces except for pedestrian or bicycle

1 pathways, or where otherwise provided by this title or other county ordinance and set
2 aside. dedicated. active or passive recreation, visual enjoyment or developed limitations of
3 unsuitable land areas. ~~For purposes of this title, not more than a total of 50 percent of the~~
4 ~~required open space for a proposal may be provided in required perimeter setback area,~~
5 ~~unbuildable land area or water surfaces.~~ Tidelands or shorelands shall not be considered
6 open space unless specifically authorized.
7

8 Section 2. This ordinance will be in effect for one year.
9


10 Section 3. The above cited amendments are also forwarded to the Planning Commission
11 and Planning and Development Services Department for consideration and recommendation
12 as permanent changes to the Whatcom County Code.
13

14 Section 4. Adjudication of invalidity of any of the sections, clauses, or provisions of this
15 Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part
16 thereof other than the part so declared to be invalid.
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18
19

20 ADOPTED this 17 day of October, 1995.
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22

23 ATTEST:
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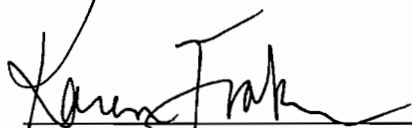
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

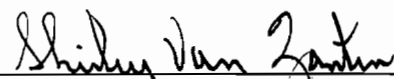
25 
26 Dana Brown-Davis, Council Clerk
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Robert A. Imhof, Chairperson
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32 APPROVED as to form:
33

Approved () Denied

34 
35 Karen Frakes
36 Civil Deputy Prosecutor
37
38
39
40
41


Shirley Van Zanten, Executive

Date: 11-1-95