

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Terry Galvin	GG	10/4/96	RECEIVED OCT 9 1996 WHATCOM COUNTY COUNCIL	10/15/96	Council Introduction
Division Head: Elizabeth Sjostrom	ES	10/4/96		10/29/96	P & D / Council
Dept. Head: Michael Knapp	MTK	10/4/96			
Prosecutor:	KNE	10/4/96			
Purchasing/Budget:					
Executive:	PK	10-7-96			

SUBJECT: An Ordinance amending certain provisions of Title 20, WCC that remove open space requirements in the GM, LII, and HII zones and amending the definition of open space as it is applied in all zones.

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 /X/ NO / / (Please explain below) n/a
Budget line item number(s): n/a	

The request is 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. The existing requirements for setbacks, lot coverage, and buffering provide sufficient protection to the public safety, health, and general welfare in the GM, HII and LII zones. The citizens of the county will reap economic benefit from the encouragement of industrial uses. It is premature to pass a permanent ordinance related to this issue until such time that a final Comprehensive Plan has been approved and thorough review and analysis can take place; therefore, it is in the County's best interest to adopt interim zoning regulations while open space requirements are being reviewed as part of the County's Comprehensive Plan.

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. The Director also recommends that this ordinance be in effect for one full year to allow time for the Comprehensive Plan to be completed.

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

996 - 357 10/15/96: Introduction
 10/29/96: Adopted 7 - 0. Ord. #96-046

ice or Resolution Number (this item only):

Ord. # 96-046

SPONSORED BY: Consent

PROPOSED BY: Planning

INTRODUCTION DATE: 10/15/96

ORDINANCE NO. 96-046

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, on October 17, 1995 the Whatcom County Council adopted an interim ordinance (ordinance #95-051) amending Title 20 that removed open space requirements in the GM, LII, and HII zones and amended the definition of open space throughout the text; and

WHEREAS, on October 17, 1996 interim ordinance #95-051 will no longer be in effect; and

WHEREAS, the Deputy SEPA Official issued a Determination of Nonsignificance on September 25, 1995 for ordinance #95-051 and the current proposal does not change the original language therefore requiring no further SEPA review.

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 Council 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 Planning Commission held a public hearing on September 26, 1996 to consider this matter; and

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

WHEREAS, the Council held a public meeting on October 29, 1996 to consider this

1 matter and concurred with Planning Commissions recommendation; and

2
3 **WHEREAS**, the Council has adopted the following Findings and Conclusions:

4
5 **FINDINGS**

- 6 1. If interim Ordinance #95-051 is not renewed, General Manufacturing (GM) and
7 Heavy Impact Industrial (HII) zone designations require 15% open space. Light
8 Impact Industrial (LII) zone designation requires 15% to 35% open space.
9 2. If interim Ordinance #95-051 is not renewed, Title 20 will default to a definition of
10 open space that allows only 50% of perimeter setback area, unbuildable land, or
11 water surfaces to be counted toward open space requirements.
12 3. Setback requirements in LII and GM range from 10 to 30 feet. Setback
13 requirements in HII range from 30 to 100 feet. Lot coverage in LII, GM, and HII is
14 limited to 60% of the lot. Buffers of 25 to 50 feet are required in the LII and GM
15 zones and up to 660 feet when development is adjacent to other zoning
16 boundaries. Together, these minimum requirements address minimum aesthetic
17 concerns.
18 4. Enforcement of the code requirements relating to open space causes undue
19 restrictions on industrial and commercial development as identified in current
20 studies.
21 5. Open space requirements have been the determining factor in the decision for
22 numerous projects not to locate in Whatcom County.
23 6. Existing regulations have prevented significant economic development in Whatcom
24 County.
25 7. The County Council has not adopted the proposed Comprehensive Plan; however,
26 members of the Council are considering studies related to industrial land use,
27 supply, and problems associated with industrial development as part of the
28 Comprehensive Plan review.

29
30 **CONCLUSION**

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

36
37 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:

38
39 Section 1. Amend Title 20, the Official Whatcom County Zoning Code, as follows:

40
41 *Chapter 20.66 Light Impact Industrial District*

42 20.66.250 Minimum Lot Size

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

45
46 ~~20.66.500 Open Space~~

47 ~~At least 35 percent of any parcel situated within a light industrial park shall be utilized for~~

1 ~~open space (an area devoid of structures, accessory facilities and impervious surfaces). At~~
2 ~~least 15 percent of any individual parcel with a single industrial use which is situated~~
3 ~~outside of an industrial park shall be utilized for open space.~~

4
5 *Chapter 20.67 General Manufacturing District*

6 20.67.250 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 ~~20.67.500 Open Space~~

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 *Chapter 20.68 Heavy Impact Industrial District*

15 20..68.250 Minimum Lot Size

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

18
19 ~~20.68.500~~

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

22
23 20.68.552 Buffer Area

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

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

36
37 *Chapter 20.80 Supplementary Requirements*

38 20.80.360 Special Requirements for individual zone districts

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

1 should take precedence.
2
3

4 *Chapter 20.97 Definitions*

5 20.97.275 Open Space

6 "Open space" means any parcel or area of land or water not covered by structures, hard
7 surfacing, parking areas and other impervious surfaces except for pedestrian or bicycle
8 pathways, or where otherwise provided by this title or other county ordinance and set
9 aside. dedicated. active or passive recreation, visual enjoyment or developed limitations of
10 unsuitable land areas. ~~For purposes of this title, not more than a total of 50 percent of the~~
11 ~~required open space for a proposal may be provided in required perimeter setback area,~~
12 ~~unbuildable land area or water surfaces.~~ Tidelands or shorelands shall not be considered
13 open space unless specifically authorized.
14

15 Section 2. This ordinance will be in effect for one year.
16

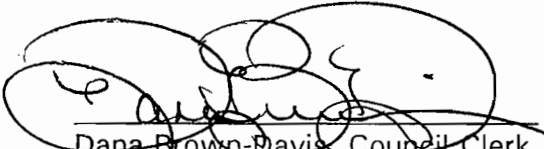
17 Section 3. The above cited amendments are also forwarded to the Planning Commission
18 and Planning and Development Services Department for consideration and recommendation
19 as permanent changes to the Whatcom County Code. The Planning Commission shall
20 render a recommendation to the County Council two months prior to the sunset date of
21 this ordinance.
22

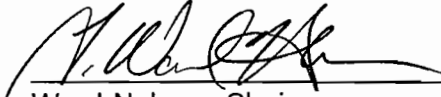
23 Section 4. Adjudication of invalidity of any of the sections, clauses, or provisions of this
24 Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part
25 thereof other than the part so declared to be invalid.
26
27

28 ADOPTED this 29 day of October, 1996.
29

30
31 ATTEST:

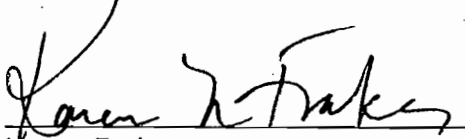
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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36 Dana Brown-Davis, Council Clerk
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38
39 Ward Nelson, Chairperson
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41 APPROVED as to form:

Approved () Denied

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43 
44 Karen Frakes
45 Civil Deputy Prosecutor
46
47


48
49 Pete Kremen, Executive
50

Date: 11/8/96