

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Sylvia Goodwin	SG	9/26/97	RECEIVED OCT 01 1997 WHATCOM COUNTY COUNCIL	10/7/97	Council Introduction
Division Head: Sylvia Goodwin	SG	9/26/97		10/21/97	P & D / Council
Dept. Head: Michael Knapp	MK	9/26/97			
Prosecutor:	KN	9/29/97			
Purchasing/Budget:					
Executive:	PK	9-30-97			

SUBJECT: An Ordinance amending title 20 to remove open space requirements in the GM, LII, and HII zones and amend the definition of open space as it applies in all zones.

ATTACHMENTS:

Proposed Ordinance

Planning Commission Agency Report and minutes will be included in October 21 packet.

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 / /
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 replace Ordinance #96-046 with a permanent ordinance, which would remove the open space requirements in the GM, LII, and HII zones and amend the definition of open space as it applies in all zones.

The Planning Commission will hold a public hearing on the proposed ordinance on October 9, 1997. This ordinance is being introduced to the County Council prior to the Planning Commission hearing to allow adoption prior to the expiration of the interim ordinance.

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

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

1997 - 342 10/7/97: Introduced
 10/21/97: Adopted 7 - 0. Ord. #97-057

Related File Numbers: 13-96:ZT

Ordinance or Resolution Number (this item only):

Ord. # 97-057

ORDINANCE NO. 97-057

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

4
5 **WHEREAS**, on October 17, 1995 the Whatcom County Council adopted an interim
6 ordinance (ordinance #95-051) amending Title 20 which removed open space
7 requirements in the GM, LII and HII zones and amended the definition of open space
8 throughout the text; and which was extended as Ordinance 96-046 on November 18,
9 1996 for one year; and

10
11 **WHEREAS**, on October 28, 1997 this interim ordinance (#96-046) will no longer be in
12 effect; and

13
14 **WHEREAS**, the Deputy SEPA Official issued a Determination of Non-significance on
15 September 25, 1995 for Ordinance #95-051 and the current proposal does not change
16 the original language, therefore requiring no further SEPA review; and

17
18 **WHEREAS**, the Whatcom County Comprehensive Plan Goal 7D and Policy 7D-9
19 recommends actions that would allow for greater flexibility in the regulations and
20 development review process; and

21
22 **WHEREAS**, industrial development projects processed over the last two years under the
23 interim ordinance have benefitted from, the flexibility provided by the amended
24 requirements and have included sufficient open space and landscaping; and

25
26 **WHEREAS**, the Planning Commission held a public hearing on October 9, 1997 to consider
27 this matter; and

28
29 **WHEREAS**, the Planning Commission found the amendments necessary to protect the
30 public health, safety and welfare; and

31
32 **WHEREAS**, the County Council held a public meeting on October 21, 1997 to consider
33 this matter and concurred with Planning Commission's recommendation; and

34
35 **WHEREAS**, the Council has adopted the following Findings and Conclusions:

36
37 **FINDINGS:**

- 38
39 1. If interim Ordinance #96-046 is not renewed, General Manufacturing (GM) and
40 Heavy Impact Industrial (HII) zone designations require 15 % open space. Light
41 Impact industrial (LII) zone designation requires 15 to 35% open space.
42 2. If interim Ordinance 96-046 is not renewed, Title 20 will default to a definition of
43 open space that allows only 50% of perimeter setback area, unbuildable land, or
44 water surfaces to be counted toward open space requirements.
45 3. Setback requirements in LII and GM range from 10 to 30 feet. Setback

1 requirements in HII range from 30 to 100 feet. Lot coverage in LII, GM and HII is
2 limited to 60% of the lot. Buffers of 25 to 50 feet are required in the LII and GM
3 zones and up to 660 feet when development is adjacent to other zoning
4 boundaries. Together, these minimum requirements address minimum aesthetic
5 concerns.

- 6 4. Enforcement of the previous code requirements relating to open space caused
7 undue restrictions on industrial and commercial development as identified in current
8 studies.
- 9 5. Open space requirements have been the determining factor in the decision for
10 numerous projects not to locate in Whatcom County.
- 11 6. Existing regulations have prevented significant economic development in Whatcom
12 County.
- 13 7. The County Council has adopted the Comprehensive Plan which includes Goal 7D
14 and Policy 7D-9 which call for greater flexibility in the regulatory development and
15 review process.

16 CONCLUSION

17
18
19 The requirements for setbacks, lot coverage and buffering provide sufficient protection to
20 the public safety, health and general welfare in the GM, HII and LII zones. The citizens
21 of the County will reap economic benefit from the encouragement of industrial uses;
22 therefore, it is in the county's best interest to adopt the interim zoning regulations as
23 permanent regulations.

24
25 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:

26
27 Section 1. Amend Title 20, the Official Whatcom County Zoning Code, as follows:

28 *Chapter 20.66 Light Impact Industrial District*

29 20.66.250 Minimum Lot Size

30
31 The minimum lot size shall be consistent with the area required to meet the building
32 setback, lot coverage, buffer and development standards of the district.

33 ~~20.66.500 Open Space~~

34
35 ~~At least 35 percent of any parcel situated within a light industrial park shall be utilized for~~
36 ~~open space (an area devoid of structures, accessory facilities and impervious surfaces).~~
37 ~~At least 15 percent of any individual parcel with a single industrial use which is situated~~
38 ~~outside of an industrial park shall be utilized for open space.~~

39 *Chapter 20.67 General Manufacturing District*

40 20.67.250 Minimum Lot Size

41
42 The minimum lot size shall be consistent with the area required to meet the building
43 setback, lot coverage, buffer and development standards of the district.

44 ~~20.67.500 Open Space~~

45
46 ~~At least 15 percent of any parcel situated within a light industrial park shall be utilized for~~
47 ~~open space (an area devoid of structures, accessory facilities and impervious surfaces).~~

1 *Chapter 20.68 Heavy Impact Industrial District*

2 20.68.250 Minimum Lot Size

3 The minimum lot size shall be consistent with the area required to meet the building
4 setback, lot coverage, buffer and development standards of the district.

5
6 ~~20.68.500 Open Space~~

7 ~~At least 15 percent of any parcel situated within a light industrial park shall be utilized for~~
8 ~~open space (an area devoid of structures, accessory facilities and impervious surfaces).~~

9
10 20.68.552 Buffer Area

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

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

23
24 *Chapter 20.80 Supplementary Requirements*

25 20.80.360 Special Requirements for Individual Zone Districts

- 26
27 5. General Manufacturing (GM): Five feet within the front yard setback and situated
28 adjacent to the road shall be landscaped with vegetative material, except for
29 driveways, walkways and signs. The remainder of the front yard setback may be
30 used for parking. Subject to approval of the County, street trees may be placed
31 in the right-of-way and the five foot landscaping strip provided contiguous to the
32 building with the front yard setback used for circulation of trucks and heavy
33 equipment. In this situation to provide visual relief open space should be primarily
34 concentrated in the side yards unless natural habitat in the rear such as wetlands
35 or streams are present which should take precedence.

36
37 *Chapter 20.97 Definitions*

38 20.97.275 Open Space


39 "Open Space" means any parcel or area of land or water not covered by structures, hard
40 surfacing, parking areas and other impervious surfaces except for pedestrian or bicycle
41 pathways, or where otherwise provided by this title or other County ordinance and set
42 aside, dedicated, active or passive recreation, visual enjoyment or developed limitations
43 of unsuitable land areas. ~~For purposes of this title, not more than a total of 50 percent~~
44 ~~of the required open space for a proposal may be provided in required perimeter setback~~
45 ~~area, unbuildable land area or water surfaces.~~ Tidelands or shorelands shall not be
46 considered open space unless specifically authorized.
47

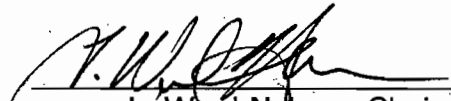
1 Section 2. Adjudication of invalidity of any of the sections, clauses or provisions of this
2 Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part
3 thereof other than the part so declared to be invalid.
4

5 vb ADOPTED this 21 day of October, 1997
6

7 ATTEST:

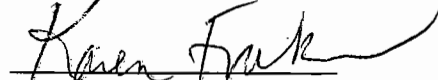
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

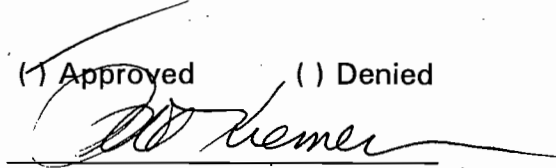
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12 Dana Brown-Davis, Council Clerk


13
14 L. Ward Nelson, Chairperson

15 APPROVED as to form:

() Approved () Denied

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17
18 Karen Frakes
19 Civil Deputy Prosecutor
20


Pete Kremen, Executive

Date: 10/24/97