

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 1999 - 184 A

CLEARANCES	Date	Date Received in Council Office	Agenda Date	Assigned To
Orig. Dept.: Planning & Developm	6/30/99		6/29/99	Introduction
Division Head:			7/13/99	FULL COUNCIL
Dept. Head:				
Prosecutor:				
Budget:				
Executive:				

*SUBJECT:*

Ordinance adopting amendments to the Whatcom County Title 20 Zoning Text

*ATTACHMENTS*

Ordinance and Exhibit 1

*SUMMARY STATEMENT:*

Related County Contract #:	Should the Clerk schedule a hearing? (Y/N)	Requested Date:
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Ordinance adopting amendments to the Whatcom County Title 20 Zoning Text regarding the Gateway Industrial (GI) District

*RECOMMENDED MOTION (for final action):*

*COUNCIL ACTION TAKEN:*

1999 - 184 A 6/29/99: Introduced  
7/13/99: Amended and adopted 7-0 Ord. #99-033

*Related File Numbers:*

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

**ORD. #99-033**

SPONSORED BY: Consent  
PROPOSED BY: Planning  
INTRODUCTION DATE: 6/29/99

ORDINANCE NO. 99-033

**ADOPTING AMENDMENTS TO THE WHATCOM COUNTY  
ZONING TEXT CHAPTER 20.65**

**WHEREAS**, Whatcom County Code, Title 20, Chapter 90 provides direction for docketing zoning map and text amendments and such docket was initiated and processed for 1998; and

**WHEREAS**, The Deputy SEPA Official for Whatcom County issued a determination of non-significance on November 4, 1998; and

**WHEREAS**, Pursuant to RCW 36.70.590, legal notice was published in the Bellingham Herald on October 31, 1998, November 26, 1998, January 4, 1999, January 14, 1999, February 11, 1999, February 27, 1999, March 11, 1999, March 25, 1999, April 11, 1999; and

**WHEREAS**, The Planning Commission held public hearings on the proposed amendments on November 12, 1998, December 10, 1998, January 14, 1999, January 28, 1999, February 11, 1999, February 25, 1999, March 11, 1999, March 25, 1999, and April 8, 1999 and considered all testimony; and

**WHEREAS**, The Planning Commission held a work session on April 22, 1999 to consider all the amendments concurrently, as required by WCC 20.90.070; and

**WHEREAS**, The Planning Commission has evaluated the merits of each amendment in relationship to the County Wide Planning Policies and the goals, policies and objectives of the Comprehensive Plan, as required by WCC 20.90.070; and

**WHEREAS**, The County Council has considered the Planning Commission's Findings of Fact, Reasons for Action, and Recommendations for all the amendments, as required by WCC20.10.110; and

**WHEREAS**, The County Council decided to split the batch of proposed zoning map and text amendments into two or more ordinances to allow the adoption of the proposed text amendments to Chapter 20.65 Gateway Industrial (GI) District in advance of the other proposed amendments; and

**WHEREAS**, The County Council finds that the zoning text amendments conform to the Growth Management Act and are consistent with and implement the Comprehensive Plan and Urban Fringe Subarea Plan; and

**WHEREAS**, the County Council finds the zoning text amendments in the best interest of the public, safety, and welfare, based on the following findings and conclusions:

## FINDINGS

1. Public notice was published in the Bellingham Herald on October 30, 1998.
2. A determination of nonsignificance was issued by the SEPA Official on November 4, 1998.
3. The Urban Fringe Subarea land Use Plan was adopted by the Whatcom County Council on May 19, 1998 as part of the Whatcom County Comprehensive Plan,
4. The Urban Fringe Subarea Plan includes recommendations limiting building size and increasing buffers within certain portions of the Urban Fringe Subarea.
5. The recommended zoning text amendments would implement the Urban Fringe Subarea Plan by revising the building sizes and increasing setbacks in the areas specified.
6. The Gateway Industrial zone already includes standards regarding facility design, setbacks, landscaping, buffers, and signage, and performance standards regarding disturbance of existing or future development, noise, dust, dirt, odors, smoke, toxic gases or fumes, heat, glare, vibration and release of pollutants and no further standards are necessary to implement the Urban Fringe Subarea Plan or Comprehensive Plan.
7. The Planning Commission considered a proposal to require administrative approval or conditional use permit for commercial facilities in this zone and determined that this proposal would result in a more costly and a more time consuming review process for development and could restrict development of Gateway Industrial areas.
8. The zoning text amendments requested in File# 71-98:ZT would allow expansion of commercial uses along Portal Way between Birch Bay Lynden Road and Loomis Trail Road in areas where adequate public services and utilities are not available, and would allow commercial uses on land identified for light industrial uses in the adopted Urban Fringe Plan.
9. There is adequate commercial property within the ¼ mile radius or within adjacent Urban Growth Areas where other public services and utilities are available.
10. There are not many areas with freeway access or visibility to accommodate travelers with recreational vehicles. It is in the public interest to provide facilities for RVs near the freeway.
11. Hotels, motels and indoor recreational facilities are currently allowed in the Tourist Commercial District, but are not specifically listed in Section 20.65.055 of the Gateway Industrial zone where the other Tourist Commercial uses are listed. These uses are appropriate in the vicinity of the Bellingham International Airport and are consistent with the stated purpose of the Gateway Industrial Transportation Corridor, provided adequate utility services can be provided.
12. The zoning text amendments in the recommended text amendments would not allow expansion of commercial uses other than recreational vehicle parks and related facilities, which do not generate a lot of traffic or demand for services and utilities.
13. There are a number of existing single-family residences within the I-5/ Peace Portal Transportation Corridor. An amendment to make these permitted uses will allow property owners to segregate and sell these houses separately from the surrounding property.
14. The proposed text amendments would make the code easier to read and administer.

**CONCLUSION**

Amendments to the Official Whatcom County Zoning Ordinance text should be adopted as set forth in Exhibit 1.


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

Section 1. The Official Whatcom County Zoning Ordinance text (Title 20) is hereby amended as shown in the attached Exhibit 1.

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

ADOPTED this 13 day of ~~June~~<sup>July</sup>, 1999

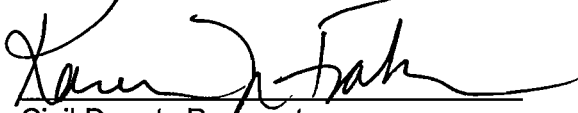
ATTEST:

  
Dana Brown-Davis, Council Clerk

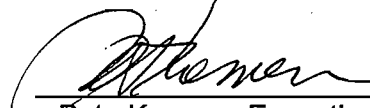
WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Marlene Dawson, Chairperson

APPROVED as to form:

  
Civil Deputy Prosecutor

Approved     Denied

  
Pete Kremen, Executive

Date: 7-21-99

## Exhibit 1

### Gateway Industrial District

#### 20.65.050 Permitted Uses

The following permitted and accessory uses shall be allowed subject to an evaluation by the zoning administrator pursuant to the provisions of this chapter and Chapter 20.80 WCC. No permitted or conditional use shall be issued a building permit without provision of public sewer and water as defined in Chapter 20.97 WCC except as provided in WCC 20.65.058 and 20.65.654. Further, each permitted and accessory use shall be administered pursuant to the applicable provisions of the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.

.051 General office buildings, business firm headquarters and professional offices.

.052 Custom brokerage houses, freight terminals, indoor warehousing and storage, parcel delivery service, freight forwarding, inspection weighing services, and indoor packaging and crating.

.053 Wholesale trade or sales of industrial equipment, including indoor storage of durable and nondurable goods, and outdoor storage of new or reconditioned equipment where such outdoor storage areas individually meet all of the design and development standards.

.054 Light impact industrial uses that are primarily related to services, distribution, manufacture and assembly of finished products, are contained within buildings except as provided in WCC 20.65.103. ~~and do not require an EIS.~~

~~.055 Tourist commercial uses listed in WCC 20.63.050 through 20.63.060, WCC 20.63.101, and WCC 20.63.151 through 20.63.155; within 1/4 mile of a full freeway interchange, except that where this boundary divides a single parcel up to 10 percent of the area of a parcel that lies outside of this boundary may be included within it for the purposes of lot coverage and open space provisions. Retail shops listed herein shall be permitted up to but not to exceed 35,000 square feet per retail shop.~~

.055 The following uses within 1/4 mile of a freeway interchange, except that where this boundary divides a single parcel up to 10 percent of the area of a parcel that lies outside of this boundary may be included within it for the purposes of lot coverage and open space provisions.

(1) Retail shops, provided they do not exceed 10,000 square feet per shop in Planning Areas 1 and 2, identified on Map 6 of the Urban Fringe Subarea Plan and as described in the text of the Urban Fringe Subarea Plan; Map 6: West Bakerview/I-5 Interchange Area, as adopted May 19, 1998. Retail shops in other areas may not exceed 35,000 square feet per retail shop:

- (2) Tourist information centers.
- (3) Post offices.
- (4) Repair garages, and towing services when based at a service station.
- (5) Banks and/or bank machines.
- (6) Hotels and motels.
- (7) Indoor or outdoor commercial recreational facilities.

~~.056 Those uses permitted and conditionally permitted in the Neighborhood Commercial Zone District as listed in WCC 20.60.050 through 20.60.153 that are not dependent upon attracting freeway motorists as shown by adequate market studies provided by the applicant.~~

.056 The following uses, provided that maximum allowable floor area of buildings on parcels located beyond ¼ mile of a freeway interchange shall not exceed 6,000 square feet per individual use or an aggregate of 30,000 square feet within a single development:

- (1) Barber and beauty shops.
- (2) Bakery shops.
- (3) Drug stores, hardware stores, food markets and other convenience retail shops.
- (4) Adult or child care centers.
- (5) Recreational vehicle parks and associated sales and service facilities.
- (6) Churches.
- (7) Service stations.
- (8) Laundry and dry cleaning establishments.
- (9) Eating and drinking establishments.
- (10) Commercial storage of personal recreational boats and trailers, recreational vehicles and accompanying mini-storage.

.057 Agriculture, including commercial horticulture and tree farming, but excluding intensive animal husbandry, with or without public services as long as services meet the requirements of the fire code and the health department.

.058 Public uses which because of locational requirements are necessary in the Gateway Industrial District.

.059 One residential unit for owner-manager or caretaker when part of a building in which the primary use is located.

.060 One existing single-family unit per lot.

**20.65.400 Height Limitations.**

Maximum building height shall not exceed 35 feet, except that an additional foot in height is allowed for each one foot increase in setback in the yard adjoining the interstate highway up to ~~45 feet~~ 75 feet. Height of structures, where applicable, shall also comply to general requirements of WCC 20.80.675.

**20.65.550 Buffer Area.**

When a parcel situated within this district adjoins an Urban Residential, Urban Residential Medium Density, Rural or Residential Rural District, side and rear yard setbacks shall be increased to 25 feet. In Planning Areas 2 and 3, identified on Map 6 of the Urban Fringe Subarea Plan, buffer areas shall be increased to 100 feet for major commercial or industrial projects. Said area shall be landscaped consistent with the requirements of WCC 20.80.345. Use of buffer areas and setbacks for bicycle and pedestrian trails is encouraged.