

*WHATCOM COUNTY COUNCIL AGENDA BILL*

NO. 1999 - 290

CLEARANCES	Date	Date Received in Council Office	Agenda Date	Assigned To
Orig. Dept.: Planning & Develop	7/28/99		8/10/99	Council
Division Head:				
Dept. Head:				
Prosecutor:				
Budget:				
Executive:				

**SUBJECT:**

Ordinance amend WCC Title 20 zoning and Title 21 subdivisions

**ATTACHMENTS**

Ordinance

**SUMMARY STATEMENT:**

Related County Contract #:	Should the Clerk schedule a hearing? (Y/N N Requested Date:
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This ordinance would amend the Official Whatcom County Zoning Ordinance (Title 20) as a result of the on-going rewrite of the Whatcom County Subdivision Regulations (Title 21) by the Technical Advisory Committee. These amendments relate to lot frontage requirements, the authority of the Hearing Examiner, mobile home par/RV park standards, and landscaping. Several of the changes would involve moving text from the Subdivision Regulations to the Zoning Ordinance.

**RECOMMENDED MOTION (for final action):**

**COUNCIL ACTION TAKEN:**

1999 - 290 7/27/99: Introduced  
 8/10/99: Adopted 6-0, Brown absent, Ord. #99-045

*Related File Numbers:*

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

**ORD.# 99-045**

SPONSORED BY : Planning  
PROPOSED BY: Consent  
INTRODUCTION DATE: 7/27/99

ORDINANCE NO. 99-045

**ADOPTING AMENDMENTS TO THE WHATCOM COUNTY CODE  
TITLE 20 ZONING AND TITLE 21 SUBDIVISIONS**

**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 decided to split the batch of proposed zoning map and text amendments into separate ordinances to allow adoption of some of the proposed amendments in advance of the other proposed amendments; 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 identified minor wording changes which would clarify and improve readability of the proposed text, but do not change the meaning; and

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

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

**FINDINGS**

The Whatcom County Council adopts the Planning Commission's findings relating to the Zoning and Subdivision text amendments as set forth in their Findings of Fact, Reasons for Action, and Recommendations, which are attached as Exhibit 1.

**CONCLUSION**

Amendments to the Official Whatcom County Zoning and Subdivision Ordinance should be adopted as set forth in the Planning Commission's Findings of Fact, Reasons for Action, and Recommendations.

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

Section 1. The Official Whatcom County Zoning and Subdivision Ordinance text (Title 20 and 21) is hereby amended as shown in the attached Exhibit 2.

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 10<sup>th</sup> day of August, 1999


ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

*Jac*   
Dana Brown-Davis, Council Clerk

  
Marlene Dawson, Chairperson

APPROVED as to form:

  
\_\_\_\_\_  
Civil Deputy Prosecutor

Approved ( ) Denied

  
\_\_\_\_\_  
Pete Kremen, Executive

Date: 8-13-99

**EXHIBIT 1**  
**File # 55-98:ZT - TAC Amendments**

**Applicant:** Whatcom County Technical Advisory Committee (TAC)

**Description of Proposal:** Amendments to the Official Whatcom County Zoning Ordinance (Title 20) will be considered as a result of the on going rewrite of the Whatcom County Subdivision Regulations (Title 21) by the Technical Advisory Committee. These amendments to the Zoning Ordinance relate to lot frontage requirements, the authority of the Hearing Examiner, mobile home park/RV park standards, and landscaping. Several of the changes involve moving text from the Subdivision Regulations to the Zoning Ordinance.

**Findings of Fact:**

1. Notice of the Planning Commission hearing on the subject proposal was published in the Bellingham Herald on March 25, 1999.
2. The Deputy SEPA Official for Whatcom County issued a Determination of Non-Significance on November 4, 1998.
3. The proposed amendments to the Official Whatcom County Zoning Ordinance (Title 20) and the Whatcom County Subdivision Regulations (Title 21) would facilitate consistency between County regulations.
4. The proposed amendments would be in the public interest.

**Planning Commission Recommendation:**

Planning Commission recommends approval of the following text amendment:  
Ayes:5 Nays:0 Abstain:1 Absent:3

**EXHIBIT 2**  
**FILE # 55-98:ZT**

Repeal WCC 21.24.010.3.B from the Whatcom County Subdivision Regulations. Move this language (with slight modifications) to new sections in commercial and industrial districts of the Official Whatcom County Zoning Ordinance. It should be noted that there are two different versions of the new text in the Zoning Ordinance. The only difference between these two versions is that the first one contains the word "open space" and the second one doesn't. This is because some zoning districts don't have open space requirements.

**21.24.010.3**

~~Industrial or commercial lots shall comply with the following minimum requirements:~~

- ~~B. Minimum lot frontage shall be sufficient to provide adequate access and utility development, and meet applicable building setback, buffer, open space and development standards of the appropriate district. In no case shall the frontage be less than thirty (30) feet.~~

**20.60,62,63,64,65.255 Minimum Lot Frontage**

For the purpose of dividing property, minimum lot frontage shall be sufficient to provide adequate access and utility development, and meet applicable building setback, buffer, open space and development standards of the district. In no case shall the frontage be less than thirty (30) feet.

**20.61,66,67,68.255 Minimum Lot Frontage**

For the purpose of dividing property, minimum lot frontage shall be sufficient to provide adequate access and utility development, and meet applicable building setback, buffer, and development standards of the district. In no case shall the frontage be less than thirty (30) feet.

**20.92.210 Final decisions.**

The hearing examiner shall conduct open record hearings and prepare a record thereof, and make a final decision upon the following matters:

(1) Appeals from the decision of the administrative official or technical committee as set forth in WCC 21.28.040 for short plats.

(2) Appeals from any orders, requirements, permit, decision or determination made by an administrative official in the administration of this ordinance or the subdivision ordinance, exclusive of long plat design and processing requirements.

(3) Appeals from a decision of the administrator of the Shoreline Management Program.

(4) Applications for zoning ordinance conditional use permits.

- (5) Applications for variances from the terms of the zoning ordinance.
- (6) Applications for shoreline management substantial ~~development~~ project permits not accompanied by a major project development permit when ~~an~~ no open record hearing is required.
- (7) Applications for variances from the terms of the Whatcom County Shoreline Management Program.
- (8) Applications for Shoreline Management Program conditional use permits.
- (9) Applications for flood damage prevention variances.
- (10) Appeals from SEPA determinations of significance, of nonsignificance, and mitigated determinations of nonsignificance.
- (11) Preliminary ~~plats of all proposed~~ subdivisions including and subdivision variances for subdivisions of five or more lots.
- (12) Preliminary binding site plan proposals.
- (13) Application for variances from the provisions of WCC Title 22.
- (14) Revocation proceedings involving previously approved zoning conditional use permits, shoreline management substantial project permits and shoreline conditional use permits.

Delete the mobile home and RV park standards from section 21.32.070 of the Subdivision Regulations and move them to a newly created section 20.80.950 of the Zoning Ordinance and modify these standards as shown below:

**~~21.32.070 Mobile Home and Recreational Vehicle Park Standards~~**

- ~~1. Where not specified by the Zoning Ordinance, mobile home parks shall have a maximum density of seven (7) lease spaces per acre where public water and sewer is provided; otherwise three (3) lease spaces per acre shall be the maximum density. The minimum parcel size for a mobile home park is two (2) acres.~~
- ~~2. Where not specified by the Zoning Ordinance, recreational vehicle parks shall have a maximum density of fifteen (15) lease spaces per acre when public water and sewer is provided; otherwise seven (7) lease spaces shall be the maximum density. The minimum parcel size for a recreational vehicle park is two (2) acres.~~
- ~~3. Mobile home parks shall provide storage area for boats, recreational vehicles and other large items. Recreational vehicle parks may provide such storage areas. Said storage areas shall be screened consistent with these standards.~~
- ~~4. Within a mobile home park, no mobile home, other major structure or outdoor storage shall be located closer than 20 feet to the perimeter of the site.~~
- ~~5. Along the edges of mobile home parks, walls or vegetative screening shall be provided where needed to protect residents from undesirable views, lighting, noise or other off-site influences, or to protect occupants of adjoining property from potentially adverse influences within the mobile home park. In particular, extensive off-street parking areas and service areas for loading and unloading~~

other than passenger vehicles, and for storage and collection of trash and garbage, shall be screened.

6. ~~A thirty (30) foot landscaped buffer area or screening composed of suitable native vegetation shall be placed around all storage areas and at all perimeters of any recreational vehicle park. The purpose of said buffer is to protect on a year-round basis the adjacent property or roadways from unsightliness, visual distraction and/or noise impacts. The buffer area may be reduced where it can be demonstrated that alternative screening can adequately accomplish the purposes stated in this subsection. Perimeter buffers shall be supplemented by a fence or other device where trespass is a potential problem. No structures, development or other activities shall occur within any buffer areas, provided that trails may be located within those buffer areas which are at least fifty (50) feet in width.~~
7. ~~There shall be landscaping developed consistent with zoning requirements within open areas of the mobile home and recreational vehicle parks not otherwise used for park purposes. Such open areas and landscaping shall be continually and properly maintained.~~
8. ~~Mobile home and recreational vehicle parks shall keep forty percent (40%) of the site free of buildings, structures, hard surfacing, parking areas and other impervious surfaces.~~
9. ~~An organization or individual with proper funding to maintain common facilities and operate the parks shall be provided.~~
10. ~~On site recreational amenities with at least one substantial facility serving the users of a park or identified area. Such substantial facilities may include tennis courts, children's play areas with equipment or a swimming pool. The type and size of facility shall be appropriate to the type and amount of clientele being served.~~
11. ~~Maximum length of stay in recreational vehicle parks shall not exceed 180 days for any one year time period.~~
12. ~~Interior roads within mobile home and recreational vehicle parks shall be private. This does not preclude the development of public roads where necessary as determined by the County Engineer.~~
13. ~~For each mobile home space there shall be provided and maintained at least two (2) parking spaces conforming with zoning ordinance requirements. In addition to occupant parking, guest and service parking shall be provided within the boundaries of the park at a ratio of one (1) parking space for each two (2) mobile home spaces.~~
14. ~~There shall be a minimum of ten (10) feet of separation maintained between all mobile homes on the site. Accessory structures may be located no closer than ten (10) feet to any mobile home or five (5) feet to other accessory structures.~~

15. ~~Each rental space shall be numbered.~~

### **20.80.950 Mobile Home and Recreational Vehicle Park Standards**

All mobile home and recreational vehicle parks shall meet the following standards:

1. Where not specified by the applicable zoning district, mobile home parks shall have:
  - a. A maximum density of seven (7) lease spaces per acre when public water and sewer is provided.
  - b. A maximum density of three (3) lease spaces per acre when public water and sewer is not provided.
  - c. A minimum parcel size of two (2) acres.
2. Where not specified by the applicable zoning district, recreational vehicle parks shall have:
  - a. A maximum density of fifteen (15) lease spaces per acre when public water and sewer is provided.
  - b. A maximum density of seven (7) lease spaces per acre when public water and sewer is not provided.
  - c. A minimum parcel size of two (2) acres.
3. Mobile home parks shall provide storage area for boats, recreational vehicles and other large items. Recreational vehicle parks may provide such storage areas. Said storage areas shall be screened consistent with these standards.
4. Within a mobile home park, no mobile home, other major structure or outdoor storage shall be located closer than 20 feet to the perimeter of the site.
5. Along the edges of mobile home parks, walls or vegetative screening shall be provided where needed to protect residents from undesirable views, lighting, noise or other off-site influences, or to protect occupants of adjoining property from potentially adverse influences within the mobile home park. In particular, extensive off-street parking areas and service areas for loading and unloading other than passenger vehicles, and for storage and collection of trash and garbage, shall be screened.
6. A thirty (30) foot landscaped buffer area or screening composed of suitable native vegetation shall be placed around all common storage areas and at all perimeters of any recreational vehicle park. The purpose of said buffer is to

protect on a year-round basis the adjacent property or roadways from unsightliness, visual distraction and/or noise impacts. The buffer area may be reduced where it can be demonstrated that alternative screening can adequately accomplish the purposes stated in this subsection. Perimeter buffers shall be supplemented by a fence or other device where trespass is a potential problem. No structures, development or other activities shall occur within any buffer areas, provided that trails may be located within those buffer areas which are at least fifty (50) feet in width.

7. There shall be landscaping developed consistent with WCC 20.80.300 within open areas of the mobile home and recreational vehicle parks not otherwise used for park purposes. Such open areas and landscaping shall be continually and properly maintained.
8. Mobile home and recreational vehicle parks shall keep forty percent (40%) of the site free of buildings, structures, parking areas and other impervious surfaces.
9. An organization or individual with proper funding to maintain common facilities and operate the parks shall be provided.
10. On-site recreational amenities with at least one substantial facility serving the users of a park or identified area. Such substantial facilities may include tennis courts, children's play areas with equipment or a swimming pool. The type and size of facility shall be appropriate to the type and amount of clientele being served.
11. Maximum length of stay in recreational vehicle parks shall not exceed 180 days for any one-year time period.
12. Interior roads within mobile home and recreational vehicle parks shall be private, unless the County Engineer determines that the development of public roads is necessary.
13. For each mobile home space there shall be provided and maintained at least two (2) parking spaces conforming with zoning ordinance requirements. In addition to occupant parking, guest and service parking shall be provided within the boundaries of the park at a ratio of one (1) parking space for each two (2) mobile home spaces.
14. There shall be a minimum of ten (10) feet of separation maintained between all mobile homes on the site. Accessory structures may be located no closer than ten (10) feet to any mobile home or five (5) feet to other accessory structures.
15. Each rental space shall be numbered on the site plan and the number shall be prominently displayed on the site.

**20.80.315 Scope.**

This section shall apply to all permitted and conditional uses except as specifically listed below. It will apply to mobile home parks and recreational vehicle parks to augment the standards found in WCC 20.80.950 ~~Title 21, the subdivision regulations;~~

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