

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Matt W. Aamot	WA	10-15-99	<b>RECEIVED</b> <b>OCT 19 1999</b> <b>WHATCOM COUNTY COUNCIL</b>	10-26-99	Council Introduction
Division Head: Sylvia Goodwin	SG	10-15-99		10-29-99	Planning & Development Committee
Dept. Head: Michael T. Knapp	MK	10-15-99		11-23-99	P&D / COUNCIL
Prosecutor: Dave Grant	DG	10-15-99			
Purchasing/Budget:	P&B	10/19/99			
Executive: Pete Kremen	PK	10-19			

**SUBJECT: Ordinance adopting Comprehensive Plan amendments, along with associated zoning amendments, relating to the Bellingham UGA/Marine Dr. Rezone (File # CMP99-00009).**

**ATTACHMENTS:**

(1) Proposed Ordinance.

SEPA review required? ( x ) Yes ( ) NO  
 SEPA review completed? ( x ) Yes ( ) NO

Should Clerk schedule a hearing? ( ) Yes ( x<sup>1</sup> ) NO  
 Requested Date:

<sup>1</sup> The Council must hold a hearing if they want to change the Planning Commission's recommendation (WCC 20.10.110 and WCC 20.90.090).

**SUMMARY STATEMENT: The request is to adopt amendments to the Urban Fringe Subarea Plan map and to the zoning map redesignating a 10.74 acre site the Bellingham Urban Growth Area from Urban Residential three dwellings/acre to Light Impact Industrial. This request is subject to a concomitant agreement that would limit the uses on the site.**

The Growth Management Act requires that Comprehensive Plan amendments be considered only once per year, with certain exceptions. All amendments must be considered concurrently. In 1999, the County Council initiated 13 amendments for review under Resolution No. 99-012. The Planning Commission held multiple hearings to consider these amendments. The Planning Commission took a final vote on the package of the 13 amendments on October 14, 1999. The Council is requested to adopt the Planning Commission's recommendations or, alternatively, to hold a hearing and adopt modifications to the Commission's recommendations. The Council can not adopt the amendments until 60 days after they were sent to the State Department of Community, Trade & Economic Development, which occurred on September 23, 1999 (RCW 36.70A.106/WAC 365-195-620). Additionally, the amendments have to be adopted prior to or along with the budget (WCC 20.10.040). Therefore, it appears that the request should be voted on at the Council's November 23, 1999 meeting.

**Distribution Request**

Indicate those who should receive a copy after Council action. List specific names to the right.

ADS Facilities Management	
ADS Finance	
ADS Human Resources	
ADS Info Services	
Assessor	
Auditor	
Cooperative Extension	
District Court	
Executive	
Health	
Hearing Examiner	Michael Bobbink
Jail	
Juvenile	
Parks	
Planning	Michael T. Knapp
Prosecutor	
Public Works	
Sheriff	
Superior Court	
Treasurer	
Other	

**COUNCIL ACTION TAKEN:**

1999 - 405 10/26/99: Introduced  
 11/9/99: Held in Committee  
 11/23/99: Amended and adopted 7-0, Ord. #99-076

Related File Numbers: AB99-074

Ordinance or Resolution Number (this item): **ORD. # 99-076**

SPONSORED BY: Consent  
PROPOSED BY: Planning & Development Services  
INTRODUCTION DATE: 10/26/99

ORDINANCE NO. 99-076

**AMENDING THE URBAN FRINGE SUBAREA PLAN AND THE WHATCOM  
COUNTY TITLE 20 ZONING MAP FROM UR3 TO LIJ FOR 10.74 ACRES  
(BELLINGHAM UGA/MARINE DR. REZONE)**

**WHEREAS**, The Whatcom County Council passed Resolution 99-012 on March 23, 1999 initiating 13 Comprehensive Plan amendments, and related amendments to the Official Whatcom County Zoning Ordinance (Title 20), for review in 1999; and

**WHEREAS**, One of the proposed amendments is a request to amend the Urban Fringe Subarea Plan map and the Whatcom County zoning map for 10.74 acres in Bellingham's Urban Growth Area from Urban Residential three dwellings/acre to Light Impact Industrial; and

**WHEREAS**, The Deputy SEPA Official for Whatcom County issued a determination of non-significance on May 11, 1999; and

**WHEREAS**, Pursuant to RCW 36.70.390 and RCW 36.70.590, legal notice was published in the Bellingham Herald on July 8, 1999; and

**WHEREAS**, The Planning Commission held a public hearing on the subject amendment on July 21, 1999 and considered all testimony;

**WHEREAS**, The Planning Commission held a work session on October 14, 1999 to consider all the amendments concurrently, as required by WCC 20.10.100, WCC 20.90.070, and WCC 20.90.040; and

**WHEREAS**, The Planning Commission 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 20.10.100 and WCC 20.90.070; and

**WHEREAS**, The Planning Commission issued Findings of Fact & Reasons for Actions, Conclusions and Recommendations on the amendments; and

**WHEREAS**, the County Council has considered the Planning Commission's Findings of Fact & Reasons for Action, Conclusions, and Recommendations for all the amendments, as required by WCC 20.10.110 and WCC 20.90.080; and

**WHEREAS**, the County Council has considered all the amendments concurrently so that the cumulative effect of the various proposals can be ascertained, as required by the Growth Management Act (RCW 36.70A.130) and WCC 20.10.010; and

**WHEREAS**, the County Council finds that the amendment to the Urban Fringe Subarea Plan map recommended by the Planning Commission is consistent with the Growth Management Act and the amendment to the Official Whatcom County Zoning map recommended by the Planning Commission is consistent with and implements the Comprehensive Plan; and

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

## **FINDINGS**

1. The request is for an amendment to the official Whatcom County Zoning map and Urban Fringe Subarea map and text from Urban Residential Three Units per Acre(UR3) to Light Impact Industrial (LII), for approximately 10.74 acres.
2. Notice was mailed to the owners of the subject property, as shown on the records of the County Assessor, and to owners of properties within 300' of the subject property and posted on the site on July 9, 1999, and was published in the Bellingham Herald on July 8, 1999.
3. A Determination of Non-Significance was issued by the Deputy SEPA Official for Whatcom County on May 11, 1999.
4. The site is located on the Southwest corner of Locust Rd. and Marine Drive , within the City of Bellingham's Urban Growth Area.
5. The adjacent property lying southeast of the subject site is zoned Heavy Impact Industrial and occupied by the Tilbury Cement Plant and properties to the southwest of the site are zoned Light Impact Industrial. This property will act as a transitional use between the heavy impact industrial zone and the UR-3 zone.
6. The width of the Locust Avenue right-of-way and the 50 foot setbacks, landscaping and development standards in the Light Impact Industrial zoning are adequate to separate residential and light industrial uses and prevent adverse impacts to adjacent residential properties and the ravine.
7. It is probable that public services and utilities necessary to develop this property can be provided concurrent with development. Concurrency provisions in Title 20.80.212 are adequate to ensure that development will not be approved until the required services and utilities are available and traffic impact are addressed.
8. Project review and approval will include review of access and ensure that industrial traffic will not enter or exit the site from Locust Avenue.
9. Changed conditions which support this amendment include: infill development of existing Light Impact Industrial zoned properties, extension of sewer service to adjacent properties, the adoption of an Interlocal Agreement with the City of Bellingham, and the amendments to the Light Impact Industrial zoning text approved by the Planning Commission on June 17, 1999.
10. Being adjacent to the UR-3 zone, the potential provision of employment opportunities at this location would provide short commuting distances and minimal vehicle trips as defined by Comprehensive Plan policy 6D-1.
11. The proposed restrictions limiting adult businesses within 1,000 feet of an adjacent residential zone would prevent the location of adult businesses at this location.

**CONCLUSIONS**

1. It is in the public interest to provide additional fully served light industrial properties, which could result in additional business and employment opportunities for County residents.
2. Adjacent residential properties are adequately protected by the setbacks, landscaping requirements and development standards which apply to Light Impact Industrial development.

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

Section 1. Subject to the concomitant agreement shown on Exhibit 1, the Urban Fringe Subarea Plan map and the Official Whatcom County Zoning map are hereby amended as shown on Exhibit 2.

Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this 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.

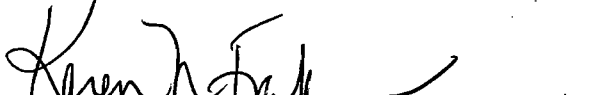
ADOPTED this 23 day of November, 1999.

ATTEST:

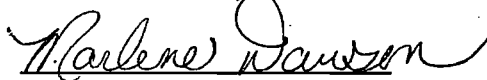


Dana Brown-Davis, Council Clerk

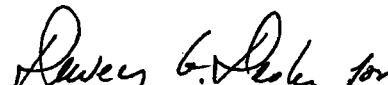
APPROVED as to form:

  
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Marlene Dawson, Chairperson

Approved     Denied

  
Pete Kremen, Executive

Date: 12/2/99

Exhibit 1

**AGREEMENT**

\_\_\_\_\_ This Agreement (herein "Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1999, by and between CONVEYOR DYNAMICS, INC., a corporation, herein "CDI," and WHATCOM COUNTY, a subdivision of the State of Washington, herein "County."

**RECITALS**

CDI is the owner of certain real property, herein the "Property," which is more particularly described on Exhibit "A," attached hereto and incorporated herein, and which is the subject of an application for rezone from Urban Residential three units per acre (UR3) to Light Impact Industrial (LII). The comprehensive plan designation for the Property is Urban Growth Area.

A determination of nonsignificance for this rezone proposal was issued by the Deputy SEPA Official for County on May 11, 1999, and notices were mailed to the owners of the Property and owners of property within three hundred (300) feet of the Property, as shown on the records of the County Assessor, posted on the Property on July 9, 1999, and was also published in the Bellingham Herald on July 8, 1999.

On July 22, 1999, the Whatcom County Planning Commission (the "Commission") held a public hearing, considered input from the staff, applicant and neighbors, and recommended to the Whatcom County Council (the "Council") that the rezone to LII be approved subject to a concomitant agreement. This recommendation was reaffirmed by the Commission on September 9, 1999, and forwarded to the Council and approved.

In response to the Commission's recommendation, the County has entered into this agreement with CDI concurrently with the rezone of the Property to LII. The purpose of this Agreement is to modify the provisions of the zone text for the LII district with respect to the Property to eliminate certain uses which would ordinarily be allowed in the LII, and to further qualify the manner in which those remaining uses allowed will be conducted on the Property. It is not intended that this Agreement would modify or eliminate other relevant requirements imposed by other applicable ordinances and regulations.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, and in consideration of the rezone of the Property as discussed above, the parties covenant and agree as follows:

**Rezone.** Concurrently with the approval of this Agreement, Council shall rezone the Property to LII, subject to the terms and conditions of this Agreement.

**Permitted Uses.** Permitted uses in the LII are identified in Whatcom County Code (WCC) 20.66.050. These permitted uses are allowed on the Property, except as provided below.

**Permitted Uses Prohibited.** The permitted uses identified in the section itemized below are prohibited outright, as follows: .059, .063, .064, .069, .072.

**Permitted Uses Restricted.** The permitted uses listed below are allowed, but restricted as indicated below:

(1) Use listed below may be conducted in a space with a floor

area not exceeding 20,000 square feet, as follows: .058, .062, .068, .071, .073, .074.

(2) The uses allowed by .078 must be similar in nature to uses which are allowed by this Agreement and with the restrictions provided by this agreement on such uses.

Accessory Uses. Accessory uses in the LII are allowed pursuant to WCC 20.66.100.

Conditional Uses. Conditional uses are allowed by WCC 20.66.150. All conditional uses in that section (.151-.156) are prohibited.

Height. Notwithstanding any other provision of WCC Title 20, the height of any structure on the Property is hereby limited to thirty-five (35) feet.

Access. Access to the Property shall be limited to Marine Drive only.

Enclosure. All manufacture, processing, treatment and/or fabrication shall occur only in an enclosed building.

Screen. Permanent storage of raw material, equipment and/or product outside of a fully enclosed structure is only allowed if screened from view of the adjoining residential neighborhoods by a fence or other impenetrable screen.

Effective Date. This Agreement shall be come effective on the effective date of the ordinance rezoning the Property to LII.

Miscellaneous.

Applicable Law. This Agreement shall in all respects be governed by the laws of the State of Washington and Whatcom County Codes.

Modification or Amendment. No amendment, change or modification of this Agreement shall be valid, unless in writing and signed by all of the parties hereto.

Successors and Assigns. All of the terms and provisions contained herein shall inure to the benefit of and shall be binding upon the parties hereto and their respective heirs, legal representatives, successors and assigns.

Entire Agreement. This Agreement constitutes the entire understanding and agreement of the parties with respect to its subject matter and any and all prior agreements understandings or representation with respect to its subject matter are hereby canceled in their entirety and are of no further force or effect.

Headings. The captions and paragraph headings used in this Agreement are inserted for convenience of reference only and are not intended to define, limit or affect the interpretation or construction of any term or provision hereof.

IN WITNESS WHEREOF the parties have executed this Agreement on the day above first written.

CONVEYOR DYNAMICS, INC.

By:

Title:

Laurence K. Kardell  
PRESIDENT

ATTEST:

WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis

Dana Brown-Davis,  
Council Clerk

WHATCOM COUNTY COUNCIL

Marlene Dawson

Chairperson



## EXHIBIT A

LEGAL DESCRIPTION

ALL THAT PORTION OF THE FOLLOWING DESCRIBED TRACT LYING NORTHWESTERLY OF THE BURLINGTON NORTHERN AND SANTE FE RAILROAD.

PARCEL A

BEGINNING AT A POINT 519.2 FEET WEST OF THE CORNER COMMON TO SECTIONS 14, 15, 22 AND 23, TOWNSHIP 38 NORTH, RANGE 2 EAST OF W.M.; THENCE SOUTH 50 DEGREES 12' EAST ALONG THE CENTER OF THE PUBLIC ROAD FORMERLY CALLED THE WHEATCOM AND MARIETTA ROAD, 1306 FEET TO A POINT; THENCE AT RIGHT ANGLES SOUTHWESTERLY 30 FEET TO THE SOUTHERLY SIDE OF SAID ROAD, WHICH IS THE POINT OF BEGINNING OF THE DESCRIPTION OF THE LAND HEREBY CONVEYED; FROM SAID POINT RUN SOUTH 50 DEGREES 12' EAST 181 FEET ALONG THE SOUTHERLY SIDE OF SAID ROAD TO THE NORTHWEST CORNER OF AN EIGHT ACRE TRACT FORMERLY CONVEYED TO C.W. RICKERSON AND S.E. BOOKER AND WIFE ON JANUARY 2, 1901 WHICH DEED WAS RECORDED IN VOLUME 55 OF DEEDS, PAGE 490; THENCE SOUTH 25 DEGREES 50' WEST 1175 FEET TO THE GOVERNMENT MEANDER LINE OF BELLINGHAM BAY; THENCE NORTHWESTERLY ALONG SAID GOVERNMENT MEANDER LINE TO THE SOUTHEAST CORNER OF LANDS FORMERLY DEEDED TO F.F. HANDSCHY BY JOHN BENNETT, MAY 16, 1895, WHICH DEED WAS RECORDED IN VOLUME 40 OF DEEDS, PAGE 163, AND WHICH LANDS WERE DEEDED BY SAID F.F. HANDSCHY TO OTTO A. SCHLEUDER AND JULIUS W. SCHLEUDER ON MAY 5, 1903, WHICH DEED WAS RECORDED IN VOLUME 65 OF DEEDS, PAGE 90; THENCE NORTHEASTERLY ALONG THE EASTERLY LINE OF SAID LANDS FORMERLY DEEDED BY THE SAID F.F. HANDSCHY AND BY THE SAID JOHN BENNETT TO THE POINT OF BEGINNING.

EXCEPTING FROM THE ABOVE DESCRIBED TRACT RAILROAD RIGHT-OF-WAY, COUNTY ROAD AND TRACT CONVEYED TO BELLINGHAM COAL MINES BY DEED RECORDED IN VOLUME 189 OF DEEDS, PAGE 220. ALSO, THAT PART OF LOT 1, "WHEATCOM COUNTY TIDE LAND APPRAISER'S MAP OF NEW WHEATCOM TIDELANDS, STATE OF WASHINGTON", AS PER THE MAP THEREOF, RECORDED IN BOOK 4 OF PLATS, PAGE 31, IN THE AUDITOR'S OFFICE OF SAID COUNTY AND STATE, DESCRIBED AS BOUNDED BY A LINE COMMENCING ON THE MEANDER LINE OF FRACTIONAL SECTION 22, TOWNSHIP 38 NORTH, RANGE 2 EAST OF W.M., WHERE SAID MEANDER LINE IS INTERSECTED BY THE DIVISIONAL LINE ABOVE REFERRED TO AS HAVING BEEN DEEDED BY JOHN BENNETT TO F.F. HANDSCHY ON MAY 16, 1895; AND THE UPLAND HEREBY FIRST ABOVE DESCRIBED; THENCE SOUTHWESTERLY ALONG THE PROLONGATION OF SAID DIVISIONAL LINE TO THE LOW TIDE MEANDER LINE; THENCE SOUTHEASTERLY ALONG SAID MEANDER LINE TO THE SOUTHWEST CORNER OF SAID LOT 1 OF THE NEW WHEATCOM TIDELANDS; THENCE NORTHEASTERLY ALONG THE BOUNDARY OF SAID TIDELAND LOT TO THE SECTION MEANDER LINE; THENCE

NORTHWESTERLY ALONG THE SAID SECTION MEANDER LINE TO THE POINT OF BEGINNING.

ALL SITUATE IN WHEATCOM COUNTY, WASHINGTON.

EXHIBIT A - LEGAL DESCRIPTION  
CONTINUED

PARCEL B

A TRACT OF LAND 140 FEET SQUARE, IN TOWNSHIP 38 NORTH, RANGE 2 EAST OF W.M.; BEING PART OF THE ORIGINAL KNOCH COMPTON DONATION PATENT GRANTED BY THE U.S. MARCH 11, 1867, FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN SECTION 23 OF SAID TOWNSHIP, WHICH POINT IS LOCATED IN THE SOUTHWESTERLY BOUNDARY OF MARINE DRIVE (FORMERLY KNOWN AS LUMMI OR MARIETTA PLANK ROAD). SAID BEGINNING POINT BEING 30 FEET DISTANT AT RIGHT ANGLES FROM THE CENTRAL LINE OF MARINE DRIVE, AT A POINT IN SAID CENTRAL LINE THAT IS 1306 FEET, SOUTHEASTERLY, FROM THE POINT WHERE SAID CENTRAL STREET LINE CROSSES THE NORTH LINE OF SECTION 22 (THIS BEGINNING POINT IS IDENTICALLY THE SAME AS THAT USED IN THE DEED OF JOHN BENNETT TO F.F. HANDSCHY, MAY 16, 1895).

FROM SAID STARTING POINT, RUNNING NORTHWESTERLY ALONG THE SIDE OF MARINE DRIVE 140 FEET TO THE JUNCTION WITH HAYSIDE WAY; THENCE SOUTHWESTERLY ALONG THE LINE OF THAT STREET, 140 FEET; THENCE SOUTHEASTERLY, AT RIGHT ANGLES, 140 FEET TO A PLANNED CEDAR POST SET ON THE BENNETT-HANDSCHY LINE; THENCE NORTHEASTERLY TO THE PLACE OF BEGINNING.

SITUATE IN WHEATCOM COUNTY, WASHINGTON.

PARCEL C

A TRACT OF LAND IN THE KNOCH COMPTON DONATION CLAIM, WHEATCOM COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHWESTERLY LINE OF THE MARINE DRIVE AND THE SOUTHEASTERLY LINE OF THE COUNTY ROAD RECORDED IN VOLUME 318 OF DEEDS, PAGE 113; RECORDS OF THE AUDITOR OF WHEATCOM COUNTY, WASHINGTON, THE SAID POINT OF INTERSECTION BEING 303.81 FEET EAST AND 745.56 FEET SOUTH OF THE CORNER COMMON TO SECTIONS 14, 15, 22 AND 23, TOWNSHIP 38 NORTH, RANGE 2 EAST OF W.M.; THENCE SOUTH 40 DEGREES 00' WEST ALONG THE SOUTHEASTERLY LINE OF COUNTY ROAD 140 FEET; THENCE SOUTH 50 DEGREES 00' EAST 140 FEET TO THE SOUTHEASTERLY LINE OF TRACT RECORDED IN VOLUME 206 OF DEEDS, PAGE 435 AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 60 DEGREES 00' WEST ALONG THE SAID SOUTHEASTERLY LINE 555.43 FEET TO THE

NORTHEASTERLY LINE OF THE GREAT NORTHERN RAILWAY RIGHT-OF-WAY; THENCE NORTHWESTERLY ALONG THE SAID RIGHT-OF-WAY LINE TO THE INTERSECTION WITH THE SOUTHERLY LINE OF THE COUNTY ROAD RECORDED IN VOLUME 318 OF DEEDS, PAGE 113; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF THE COUNTY ROAD TO A POINT THAT BEARS NORTH 50 DEGREES 00' WEST OF THE TRUE POINT OF BEGINNING; THENCE SOUTH 50 DEGREES 00' EAST 140 FEET TO THE TRUE POINT OF BEGINNING.

SITUATE IN WHEATCOM COUNTY, WASHINGTON.

## Chapter 20.66

### LIGHT IMPACT INDUSTRIAL (LII) DISTRICT

#### Sections:

20.66.010	Purpose.
20.66.050	Permitted uses.
20.66.100	Accessory uses.
20.66.150	Conditional uses.
20.66.200	Prohibited uses.
20.66.250	Minimum lot size.
20.66.350	Building setbacks.
20.66.400	Height limitations.
20.66.450	Lot coverage.
20.66.500	Repealed.
20.66.550	Buffer area.
20.66.600	Sign regulations.
20.66.650	Development criteria.
20.66.651	Landscaping.
20.66.652	Off-street parking and loading.
20.66.653	Drainage.
20.66.654	Driveways.
20.66.655	Access.
20.66.656	Maintenance.
20.66.657	Enclosure.
20.66.700	Performance standards.
20.66.701	Pollution control and nuisance abatement.
20.66.702	Heat, light and glare.
20.66.703	Ground vibration.
20.66.704	Odors.
20.66.705	Noise.
20.66.706	Toxic gases and fumes.
20.66.707	Liquid pollutants.

#### **20.66.010 Purpose.**

The purpose of this district is to implement the Light Industrial Park designation of the comprehensive plan by providing for the planned development of large land areas, in appropriate locations, exclusively for industrial and subordinate uses which provide support services to the district. Light industrial uses are primarily related to services, and distribution, manufacture and assembly of finished products that have a relatively light impact on adjacent uses and districts. Furthermore, it is the purpose of this district to encourage the master planning of the entire industrial site in ensuring compatibility between industrial operations, as well as the existing and future character of adjacent areas. (Ord. 84-38, 1984).

**20.66.050 Permitted uses.**

Unless otherwise provided herein, permitted and accessory uses shall be administered pursuant to the applicable provisions of Chapter 20.80 WCC (Supplementary Requirements), Chapter 20.84 WCC (Variances, Conditional Uses and Appeals) and Chapter 20.86 WCC (Procedures for Light and Heavy Impact Industrial District Applications), the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.

.051 The manufacturing and processing of food of a nature that meets the purpose and performance standards of this district excluding primary processing of meat and fish products.

.052 Fabrication of office, computing and accounting machine.

.053 Manufacture of miscellaneous textile goods and fabrication of apparel including clothing, hats, caps, millinery fur products; and miscellaneous fabricated textile products.

.054 Fabrication of furniture and fixtures including household, office and public building furniture; and partitions, shelving and lockers.

.055 Fabrication of paper products including paperboard containers, boxes, carton boxes and paper containers.

.056 Printing and publishing newspapers, periodicals and books; commercial printing; book binding; and manufacture of manifold business forms and greeting cards.

.057 Fabrication of leather products including belting; packing; cut stock and findings for shoes and boots; shoes; footwear; gloves and mittens; luggage; personal leather goods and handbags.

**.058 Fabrication of glass products including glass products from prepared materials; stone cutting; and monuments. (WOULD BE LIMITED TO 20,000 FOOT BUILDINGS BY COMCOMITANT AGREEMENT.)**

**.059 Processing and packaging of drug, pharmaceuticals, perfumes and cosmetics. (WOULD BE PROHIBITED BY COMCOMITANT AGREEMENT)**

.060 Fabrication of electrical equipment including industrial apparatus and household appliances, radio and television sets; communications equipment; electrical components and accessories; and electric lighting equipment and lamps.

.061 Fabrication of instruments, photographic goods, optical goods, watches and clocks, and including engineering, scientific, surgical, medical, dental and ophthalmic products.

**.062 Manufacture and fabrication of jewelry, silverware, plated ware, musical instruments and parts, toys, sporting and athletic goods; pens, pencils and other office and artistic supplies; novelties, buttons and notions; and miscellaneous manufacture. (WOULD BE LIMITED TO 20,000 FOOT BUILDINGS BY COMCOMITANT AGREEMENT.)**

**.063 Rail, truck and freight terminals; warehousing and storage; parcel delivery service; freight forwarding; inspection weighing services; and packaging and crating. (WOULD BE PROHIBITED BY COMCOMITANT AGREEMENT)**

**.064 Boat building and repair. (WOULD BE PROHIBITED BY COMCOMITANT AGREEMENT)**

**.065 Communications including telephone exchanges, and radio and television broadcasting stations and transmitting towers. (HEIGHT WOULD BE LIMITED TO 35 FEET.)**

.066 Business firm headquarters and professional offices.

.067 Construction contractors' business offices and storage and equipment yards.

**.068 Wholesale trade or storage of durable and nondurable goods including automobile parts and supplies; tires and tubes; furniture and home furnishings; lumber and other construction materials; sporting goods, toys and hobby goods; metal service centers and offices; electrical goods; hardware, plumbing and heating equipment; machinery equipment**

and supplies; jewelry, watches and precious stones; other durable goods; paper and paper products; drugs, proprietaries and sundries; apparel, piece goods and notions; groceries and related products; beer, wine and distilled beverages; waste bottles; waste boxes; rags; waste paper; wiping rags and miscellaneous nondurable goods; provided, however, that trade, storage or processing of sulphur shall be prohibited. (WOULD BE LIMITED TO 20,000 SQUARE FOOT BUILDINGS BY COMCOMITANT AGREEMENT)

.069 Building material yards, if screened by a fence and/or vegetation as specified in WCC 20.80.355; provided that screening shall not be required between two contiguous yards where the operator of each yard agrees that such screening is unnecessary. (WOULD BE LIMITED TO 20,000 SQUARE FEET BUILDINGS BY COMCOMITANT AGREEMENT)

.070 Eating establishments, convenience grocery stores, cafes and gas stations operating primarily for the convenience of employees, clients and customers of the district; providing the following criteria are met:

- (1) Maximum floor area is 3,000 square feet per use;
- (2) No more than two pump islands for each gas station;
- (3) Centrally located within the district to primarily serve the industrial uses of this district and not to primarily serve adjacent nonindustrial uses.

.071 Manufacture, processing, treatment or fabrication of metal products and machinery; provided that smelters and remelting mills, and the manufacturing of turbines, oil machinery, mining machinery, industrial process ovens, paper, and textile or rolling mill machinery shall be prohibited. (WOULD BE LIMITED TO 20,000 FOOT BUILDINGS BY COMCOMITANT AGREEMENT.)

.072 Manufacture, processing, treatment and fabrication of lumber, millwork, mobile homes, travel trailers, campers, miscellaneous wood products and other buildings, roofing and construction materials; provided that all odor and noise producing processes shall be conducted within an enclosed structure equipped with such scrubbing, filtering equipment or noise reduction equipment as is necessary to mitigate the odor and/or noise produced. (WOULD BE PROHIBITED BY COMCOMITANT AGREEMENT)

.073 Fabrication of rubber products from finished rubber only and manufacture of miscellaneous plastic products from purchased resins only. (WOULD BE LIMITED TO 20,000 FOOT BUILDINGS BY COMCOMITANT AGREEMENT.)

.074 Manufacture of glass, glass products, pottery and related products, and cutting and shaping of stone products. (WOULD BE LIMITED TO 20,000 FOOT BUILDINGS BY COMCOMITANT AGREEMENT.)

.075 Bottling plants.

.076 Churches.

.077 Public uses and community facilities including police and fire stations, libraries, community centers, recreation facilities and other similar noncommercial uses.

.078 Other uses similar in nature to the uses listed above which are consistent with the purpose and intent of the district, have similar effects on surrounding land uses, and can meet the performance standards for this district. (THESE USES WOULD BE LIMITED TO USES SIMILAR IN NATURE TO USES ALLOWED UNDER THIS AGREEMENT AND THE RESTRICTIONS PROVIDED BY THIS AGREEMENT.)

**20.66.100 Accessory uses.**

- .101 Employee recreation facilities and play areas.
- .102 Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
- .103 Testing and experimentation in connection with a principally permitted use.
- .104 Other accessory uses and buildings, including security and caretaker residences, customarily appurtenant to a principally permitted use.
- .105 Retail sales of merchandise manufactured, assembled or stored on the site and consistent with the definition of accessory uses as defined in Chapter 20.97 WCC (Definitions).
- .106 On-site treatment and storage facilities for hazardous wastes associated with outright permitted uses or approved conditional uses subject to the most current siting criteria under Chapter 173-303 WAC. (Ord. 89-10, 1989; Ord. 87-12, 1987; Ord. 87-11, 1987; Ord. 84-38, 1984).

**20.66.150 Conditional uses.**

**(ALL OF THE FOLLOWING CONDITIONAL USES WOULD BE PROHIBITED UNDER THE PROPOSED CONCOMITANT AGREEMENT)**

**.151 Manufacture of hydraulic cement; concrete gypsum and plaster products; and abrasive asbestos and miscellaneous nonmetallic mineral products.**

**.152 Manufacture of sands.**

**.153 Repair, service and accessory sales for motor vehicles, boats and farm implements provided:**

**(1) The use or uses are not expected to generate significantly more traffic than that which would ordinarily be expected by an industrial use of comparable intensity; and**

**(2) It can be established that sufficient undeveloped, usable property zoned LII is available for the outright permitted uses within the planning subarea for the projected life of the plan as determined by the planning department. Applicant will be responsible for furnishing necessary information.**

**.154 Solid waste disposal facilities and sites of a permanent nature including, but not limited to, landfills, incinerators, and transfer stations, excluding sewage sludge permitted by the Whatcom County department of public health in accordance with WAC 173-304-300; provided that the hearing examiner determines that the proposed facility or site meets the following conditions:**

**(1) The facility or site will not be located within any area identified in an adopted critical areas ordinance or 100-year floodplain unless outside of the floodplain and at least three feet in elevation higher than the floodway elevation;**

**(2) Filling or excavation, structures, or nonmobile machinery for all facilities except inert, demolition, and wood waste landfills will not be located within 1,000 feet of any zone district other than Agriculture or Industrial Zoning Districts, nor any public park, recreation area, wildlife refuge, archaeological and historic areas, shoreline under the jurisdiction of the Shoreline Management Program, unless temporary and of less than 12 months duration; structures used for offices, storage areas for equipment, and weigh scales may be located within 1,000 feet, but no closer than 100 feet or the district setbacks, whichever is greater, if impacts on the adjoining use are shown to be in keeping with the existing and permitted uses in the area;**

**(3) Inert, demolition, and wood waste landfills will not have any filling or excavation areas, structures, or machinery located within 500 feet of any zone district other than Agriculture or**

**Industrial Zoning Districts, nor any public park, recreation area, wildlife refuge, archaeological and historic areas, shoreline under the jurisdiction of the Shoreline Management Program, unless temporary and of less than 12 months duration; structures used for offices, storage areas for equipment, and weigh scales may be located within 1,000 feet, but no closer than 100 feet or the district setbacks, whichever is greater, if impacts on the adjoining use are shown to be in keeping with the existing and permitted uses in the area;**

**(4) The facility or site will not result in filling or excavation, location of structures or buildings, driveways or machinery use except for vegetation maintenance within 100 feet of any property line and except for driveways within 150 feet of any county or state road right-of-way;**

**(5) The facility or site will have vehicular approaches designed to minimize conflict between automobile and truck traffic, will maintain the carrying capacity of county roads, and will be located on a road classified as all weather, except where use is shown to be intermittent and easily delayed until emergency conditions have passed;**

**(6) The facility or site has complied with the provisions of WCC 20.84.200 and all other ordinances and laws regulating solid waste facilities and sites, such as but not limited to WCC Title 24, the Whatcom County SEPA Ordinance, as well as state and federal regulations concerning solid waste facilities and sites; and**

**(7) All landfills have a final closure plan meeting the requirements of WCC Title 24 and of Chapter 173-304 WAC, and the closure plan includes:**

**(a) Reclamation in two to 10 acre increments, as appropriately responsive to the size and intensity of the particular activity, with seeding to be accomplished annually but no later than September 30th; and**

**(b) Permanent vegetative cover that will be maintained in a healthy growing condition with the level of maintenance that is covered through the financial assurance for post-closure activities.**

**(8) The buffer areas and visual screening shall include a minimum of 50 feet wide of landscaping meeting the requirements of WCC 20.80.300 (Landscaping);**

**(9) In addition, the Whatcom County hearing examiner may impose conditions of approval which may be necessary to protect the value and enjoyment of existing adjacent uses.**

**.155 Transitory solid waste facilities for treatment, storage, or collection, including, but not limited to: recycle centers and drop boxes for household materials excluding large items such as automobiles or major appliances; noncommercial composting and mulching facilities; and including but not limited to the type of facilities operated by neighborhood or public service organizations.**

**.156 Golf courses and commercial recreation facilities related to golf courses. (Ord. 94-056, 1994; Ord. 91-013, 1991; Ord. 90-11, 1990; Ord. 88-76, 1988; Ord. 87-12, 1987; Ord. 87-11, 1987; Ord. 84-38, 1984).**

#### **20.66.200 Prohibited uses.**

All other uses.

**20.66.250 Minimum lot size.**

The minimum lot size shall be consistent with the area required to meet the building setback, lot coverage, buffer and development standards of the district. (Ord. 97-57 1, 1997; Ord. 96-046 1, 1996).

**20.66.350 Building setbacks.**

Building setbacks shall be administered pursuant to WCC 20.80.200.

**20.66.400 Height limitations.**

**No maximum height is established; however, when building height exceeds 35 feet, the setback requirements of WCC 20.80.200 shall be increased by one foot for each foot of building height in excess of 35 feet, as applicable to all setbacks. Height of structures shall also conform to, where applicable, the general requirements of WCC 20.80.675. (HEIGHT FOR ALL USES WOULD BE RESTRICTED TO 35 FEET UNDER THE CONCOMITANT AGREEMENT)**

**20.66.450 Lot coverage.**

The maximum building coverage shall not exceed 60 percent of the lot size.

**20.66.500 Open space.**

Repealed by Ord. 97-057. (Ord. 96-046, 1996; Ord. 87-12, 1987; Ord. 87-11, 1987; Ord. 84-38, 1984).

**20.66.550 Buffer area.**

.551 When a parcel situated within this district adjoins an Urban Residential, Urban Residential Medium Density, Rural or Residential Rural District, or county or state roads designated as or proposed for improvements to principal arterial status, setbacks shall be increased to 50 feet. A minimum of 25 feet shall be landscaped consistent with the requirements of WCC 20.80.345.

.552 If any part of said buffer area is separated from, or sold to any contiguous or adjacent owner, lessee or user, the parcel so separated or sold shall be used only as a buffer area in accordance with the above requirements. (Ord. 89-117, 1989). **(ADDITIONAL SCREENING OF OUTDOOR STORAGE AREAS IS ADDED BY PROPOSED CONCOMITANT AGREEMENT.)**

**20.66.600 Sign regulations.**

Sign regulations shall be administered pursuant to WCC 20.80.400.

**20.66.650 Development criteria.**

(Ord. 96-056 Att. A A1, 1996).

**20.66.651 Landscaping.**

Refer to WCC 20.80.300 for landscaping requirements. (Ord. 89-117, 1989).

**20.66.652 Off-street parking and loading.**

Off-street parking and loading provisions shall be administered pursuant to WCC 20.80.500. In addition, loading areas must be located in such a manner that no loading, unloading and/or maneuvering of trucks associated therewith takes place on public rights-of-way.

**20.66.653 Drainage.**

All development activity within Whatcom County shall be subject to the stormwater management provisions of the Whatcom County Development Standards unless specifically exempted. No project permit shall be issued prior to meeting submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards. (Ord. 96-056 Att. A A2, 1996; Ord. 94-022, 1994).

**20.66.654 Driveways.**

Consistent with WCC 20.80.640, driveway plans shall be reviewed by the county engineer or State Department of Highways. (Ord. 84-38, 1984).

**20.66.655 Access.**

Access shall conform to the provisions of WCC 20.80.565 and 20.80.660.

**20.66.656 Maintenance.**

The owner, lessee or user shall be responsible for maintaining an orderly appearance of all properties and shall be responsible for assuring the care and maintenance of any natural growth where appropriate. All required yards, parking areas, storage areas, operation yards and other open uses on the site which are adjacent to a public right-of-way shall be maintained in a neat and orderly manner appropriate for the district at all times.

**20.66.657 Enclosure.**

**All manufacturing or fabrication processes which produce physical off-site impacts of a detrimental nature shall be sufficiently enclosed to mitigate the impact. (UNDER CONCOMITANT AGREEMENT, ALL MANUFACTURE, PROCESSING, TREATMENT AND/OR FABRICATION SHALL OCCUR ONLY IN AN ENCLOSED BUILDING)**

**20.66.700 Performance standards.**

**20.66.701 Pollution control and nuisance abatement.**

Each industry is required to continuously employ the best pollution control and nuisance abatement technology when reasonable and practicably available for each particular industry; provided that where federal, state, or regional laws or regulations provide for the level of technology to be employed, the appropriate standards shall apply.

**20.66.702 Heat, light and glare.**

All operations and facilities producing heat, light or glare, including exterior lighting, shall be so constructed, screened or used as to not unreasonably infringe upon the use and enjoyment of property beyond the boundaries of the district.

**20.66.703 Ground vibration.**

No ground vibration other than that caused by highway vehicles, trains or construction activity shall be permitted which is discernible, without instruments, at or beyond the property line for the use concerned.

**20.66.704 Odors.**

No odor, dust, dirt, or smoke shall be emitted that is detectable, at or beyond the property line, for the use concerned, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of property beyond the boundaries of the district.

**20.66.705 Noise.**

No use in this district shall exceed the maximum environmental noise level established by Chapter 173-60 WAC. (Ord. 91-075, 1991).

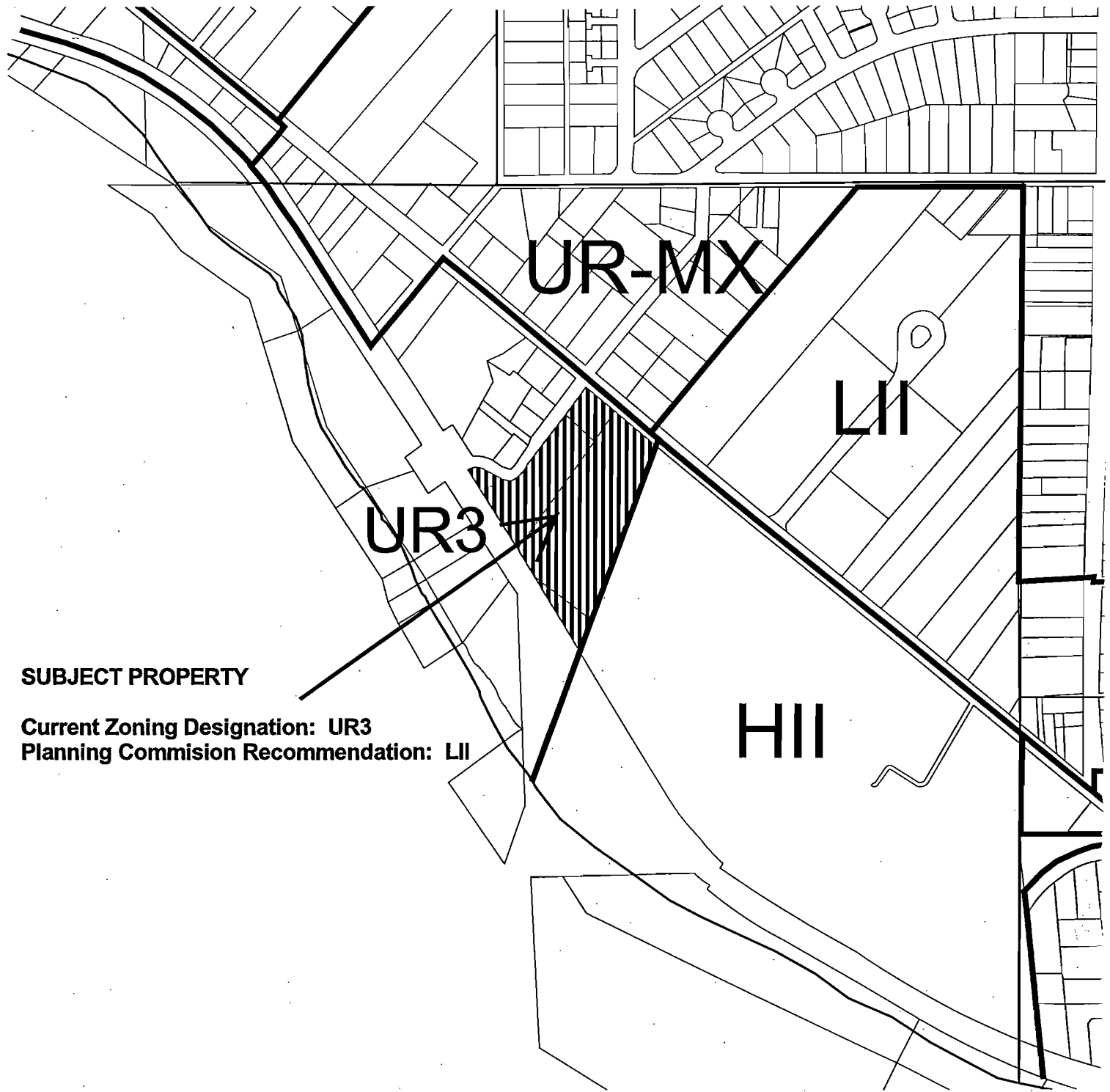
**20.66.706 Toxic gases and fumes.**

There shall be no emission of toxic gases or fumes. (Ord. 91-075, 1991).

**20.66.707 Liquid pollutants.**

There shall be no off-site release to soil or surface drainage ways of water borne or liquid pollutants. (Ord. 91-075, 1991).

**Exhibit 2**



**SUBJECT PROPERTY**

**Current Zoning Designation: UR3  
Planning Commission Recommendation: LII**

The information provided on this map is for illustrative purposes only and is not intended to be used for finding of fact.

**Bellingham UGA/Marine Dr.**

**File: CMP99-00009**



**GIS**