

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2005-393

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|-----------------------------------|---------|---------|--|-------------|--------------|
| Originator: Elizabeth K. Olsen | EKO | 9/8/05 | RECEIVED OCT 4 - 2005 WHATCOM COUNTY COUNCIL | 10/11/05 | Introduction |
| Division Head: Hal H. Hart | HHH | 9-14-05 | | 10/25/05 | P&D/Council |
| Dept. Head: Troy Holbrook | TH | 9-21-05 | | | |
| Prosecutor: Karen Frakes | KNF | 9/21/05 | | | |
| Purchasing/Budget: | | | | | |
| Executive: Peter Kremen | PK | 10-9-05 | | | |

TITLE OF DOCUMENT:

To amend the Official Whatcom County Zoning Ordinance, Title 20, by clarifying existing code language, eliminating conflict and duplication in the code language.

ATTACHMENTS:

- (1) Draft Ordinance with Attachment "A"
- (2) Agency Report
- (3) Planning Commission Public Hearing Minutes for November 4, 2004, January 27, 2005, February 10, 2005, April 14, 2005, May 12, 2005 and July 28, 2005.
- (4) Staff Reports for November 4, '04,

| | |
|--|--|
| SEPA review required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> NO | Should Clerk schedule a hearing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> NO |
| SEPA review completed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> NO | Requested Date: |

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Amending the Official Whatcom County Zoning Ordinance, Title 20, various chapters. The amendments are designed to clean up minor problems such as unnecessary duplications, conflict, lack of clarity and simple errors and generally to update Title 20. None of these changes will result in more stringent regulatory language.

COMMITTEE ACTION:

10/25/05: In committee approved to forward to Council. Scrivener's error on page 283 of Council packet. Correct page will come over from Planning.

COUNCIL ACTION:

10/11/2005: Introduced
10/25/05: Adopted 7-0 Ordinance 2005-079

Related County Contract #:

Related File Numbers: ZON2004-00005 and ZON2004-00005 cont'd. and Zon2004-00005 #3.

Ordinance or Resolution Number: Ord. 2005-079

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

SPONSORED BY: Consent

PROPOSED BY: PDS

INTRODUCTION DATE: 10/11/05

ORDINANCE NO. 2005-079

**AN ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING CODE,
TITLE 20, TO CLARIFY EXISTING CODE LANGUAGE**

WHEREAS, Regulatory reform is the act of clarifying existing code language by eliminating conflict, duplication and scrivener's errors in code language; and

WHEREAS, Whatcom County Planning and Development Department staff developed a list of changes to Title 20 to clarify existing code language; and

WHEREAS, pursuant to RCW 36.70.390, legal notice was published in the Bellingham Herald on Thursday, October 21, 2004, Sunday, January 16, 2005 and Friday, April 1, 2005; and

WHEREAS, the Whatcom County SEPA Official issued a Determination of Non-significance on November 1, 2004; and

WHEREAS, the Whatcom County Planning Commission held public hearings and work sessions addressing the proposed amendments on Thursday, November 4, 2004, Thursday, January 27, 2005, Thursday, February 10, 2005, Thursday, April 14, 2005, Thursday, May 12, 2005; and July 28, 2005, and considered all testimony; and

WHEREAS, the Whatcom County Planning Commission unanimously recommended approval of the amendments; and

WHEREAS, the Whatcom County Council held a public meeting on September 27, 2005, to consider these amendments and approved the Planning Commission's recommendations; and

WHEREAS, the Whatcom County Council found the amendments in the best interest of the public health, safety and welfare; and

WHEREAS, the County Council has adopted the following Findings of Fact and Conclusions:

FINDINGS OF FACT AND REASONS FOR ACTION

1. The Whatcom County Zoning Ordinance, Title 20, currently includes language that is duplicative and conflicting with other language.
3. A regulatory reform strategy has been developed that is designed to correct errors, improve readability and efficiency in the Land Use Title 20 of the County Code.
4. The first step in the regulatory reform strategy is the "code scab", a general clean-up of

Title 20 for clarity in code language.

5. The text changes will not result in more restrictive regulation.
6. There are no substantive policy issues involved in the proposed changes.
7. The minor text changes will clarify meaning by adding or deleting certain words in the text.
8. The text changes will make language consistent with most current state statutes.
9. The text changes will make language consistent with subsequently adopted county statutes.
10. The text changes will correct obvious flaws or errors in syntax that yield unreasonable conclusions or interpretations.

CONCLUSION

The proposed code scrub changes are a necessary first step in Whatcom County's initiative to improve readability and efficiency of the Whatcom County Code, Title 20.

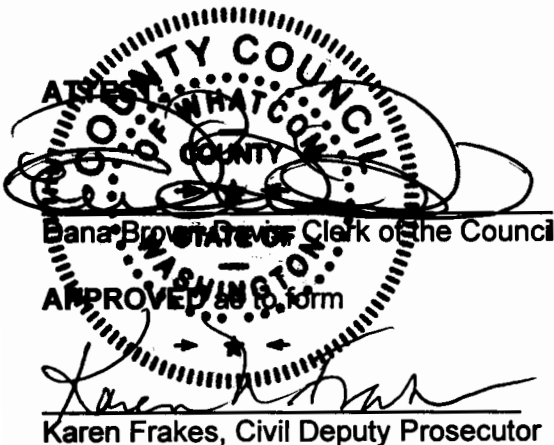
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

Section 1. The Official Whatcom County Code, Title 20, be amended as indicated in Attachment "A", Regulatory Reform: Proposed Code Scrub Amendments.

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.

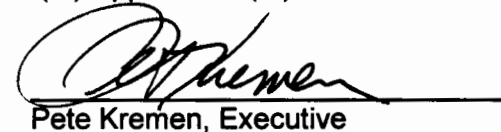
ADOPTED this 25th day of October, 2005.

WHATCOM COUNTY COUNCIL WHATCOM COUNTY, WASHINGTON


Bana Brown, Clerk of the Council
APPROVED as to form
Karen Frakes, Civil Deputy Prosecutor


Laurie Caskey-Schreiber, Chair

() Approved () Denied


Pete Kremen, Executive

Date: 10-27-05

ATTACHMENT "A"

Reviewed and Completed Code Scrub Items – 7/28/2005 ZON2004-00005

- 1) **20.72.651 Facility Design (Point Roberts Special District)**
 - (1) All commercial and institutional use structures and appurtenant signs shall conform to the requirements of the Point Roberts Character Plan.
 - (2) All commercial and institutional structures shall screen roof-mounted mechanical equipment so as not to be visible by surrounding uses or roads.
 - ~~(3) Manufactured homes shall be a minimum of 20 feet wide, shall be installed on a permanent foundation skirted to the ground and shall be in compliance with all applicable requirements of Chapter 15.24 WCC.~~

- 2) **Amending** the square footage of a storage building from 120 square feet in area to 200 square feet in area, to amend the wording to include "one-story detached accessory" to be consistent with the 2003 International Residential Code, and to include this as a permitted use in the Small Town Commercial zone.

20.XX.xxx One one-story detached accessory storage building per lot; provided, that the ~~storage building floor area~~ shall not exceed ~~120~~ 200 square feet ~~in floor area~~ and shall only be used for personal storage and not for habitation or business; and provided further, that the storage building shall contain no indoor plumbing but may be served with electrical power for lighting.

This amendment applies to the sections of the Whatcom County Code, Title 20, in the Permitted Uses of those sections, as noted below:

20.20.057 of Urban Residential District (UR)
20.22.055 of Urban Residential-Medium Density (URM)
20.24.055 of Urban Residential-Mixed (UR-MX)
20.32.057 of Residential Rural (RR)
20.34.055 of Rural Residential-Island
20.35.057 of Eliza Island (EI)
20.36.061 of Rural (R)
20.37.054 of Point Roberts Transitional Zoning (TZ)
20.38.020 of Agriculture Protection Overlay (APO)
20.40.055 of Agriculture District (AG)
20.42.068 of Rural Forestry (RF)
20.43.063 of Commercial Forestry (CF)
20.60.061 of Neighborhood Commercial Center (NC)
20.62.067 of General Commercial (GC)
20.63.063 of Tourist Commercial (TC)
20.64.067 of Resort Commercial (RC)
20.65.061 of Gateway Industrial (GI)
20.66.079 of Light Impact Industrial (LII)

**20.68 063 of Heavy Impact Industrial (HII)
20.70.072 of Point Roberts Special District**

And in Small Town Commercial (STC) section of Title 20, in Permitted Uses:

20.61.069 One one-story detached accessory storage building per lot; provided, that the floor area shall not exceed 200 square feet and shall only be used for personal storage and not for habitation or business; and provided further, that the storage building shall contain no indoor plumbing but may be served with electrical power for lighting.

3) 20.40.010 Purpose

The primary purposes of this district ~~is~~ are to implement the agricultural designation of the Comprehensive Plan, established pursuant to RCW 36.70A.170, preserve, enhance and support the production of food and fiber in Whatcom County to maintain a sufficiently large agricultural land base to insure a viable agriculture industry and to maintain the economic feasibility of supporting services. Whatcom County supports agricultural activities as the highest priority use in the Agriculture District, with all other uses being subordinate to agricultural activities. Whatcom County supports

20.42.010 Purpose

The purpose of this district is to implement the forestry designation of the ~~appropriate subarea~~ Whatcom County Comprehensive Plan, established pursuant to RCW 36.70A.170, by providing the opportunity for nonindustrial landowners to manage their land for long-term productivity, and sustained use of forest resources. In addition, the district encourages the management of land

20.43.010 Purpose

The purpose of this district is to implement the Forestry designation of the Comprehensive Plan, pursuant to RCW 36.70A.170, by providing for and encouraging the long-term productivity, commercial management and sustained use of forest resources. In addition, the district provides for uses that are compatible with forestry activities, while maintaining water quality and soil productivity. (Ord. 98-083 Ex. A § 49, 1998; Ord. 92-094, 1992; Ord. 86-42, 1986).

20.73.010 Purpose

The primary purpose of this district is to implement the mineral resource lands designation of the Comprehensive Plan, established pursuant to RCW 36.70A.170, by allowing the type of activity that encourages and supports the opportunity for the extraction of minerals in areas of Whatcom County designated as containing resources viable for long-term commercial extraction. This district is also designed to discourage incompatible uses from locating upon mineral resource lands where the extraction of minerals occurs or can be anticipated. (Ord. 97-069, 1997; Ord. 92-029, 1992).

4) **20.97.075 Conditional Use**

"Conditional use" means a use permitted only after ~~"public"~~ public review and approved by the hearing examiner and to which ~~"special"~~ conditions may be attached by the hearing examiner.

5) **20.97.010 Agriculture.**

~~"Agriculture" means the use of land for farming, horticulture, floriculture, viticulture, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. The keeping of stock animals, rabbits and domestic fowls shall conform to the additional lot area requirements of the respective zoning district classification.~~

6) **20.97.015 Animal Units**

An "Animal unit" means 1,000 pounds of livestock live weight. Waste production from livestock is expressed in pounds per day per 1,000 pounds of livestock live weight (lb/d/1000#).

7) **20.97.040 Building height.**

"Building height" means the vertical distance from grade plane to the average height of the highest roof surface. Grade Plane is defined as the reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building. See Figures 20.97.040A and 20.97.040B.

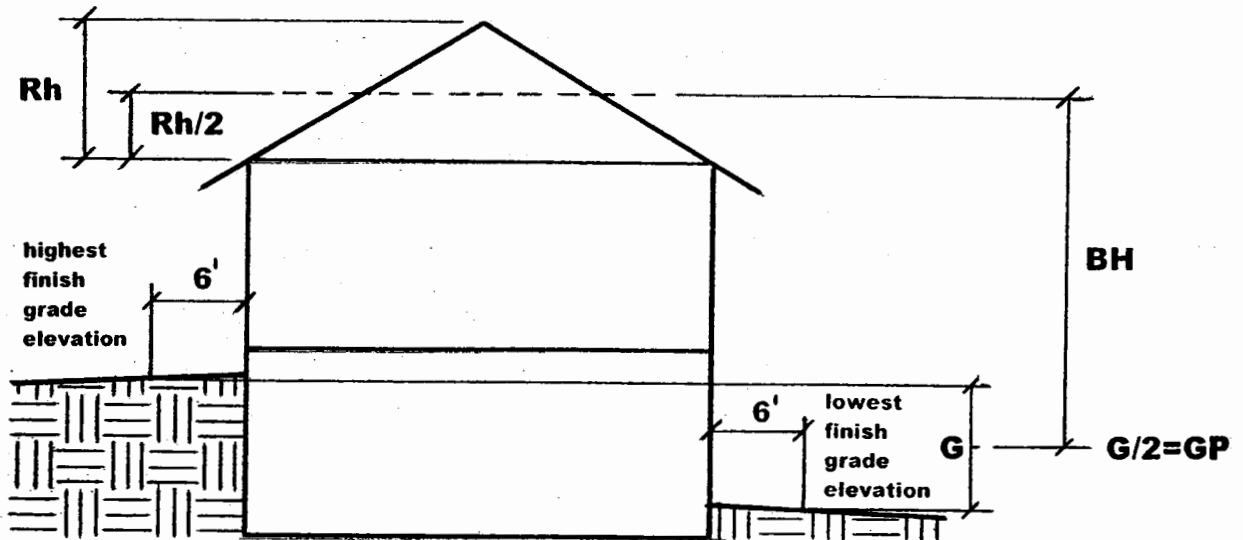
~~above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable or a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:~~

~~(1) The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such a sidewalk or ground surface is not more than 10 feet above lowest grade.~~

~~(2) An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection (1) above is more than 10 feet above lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Mobile homes shall also meet these building height standards.~~

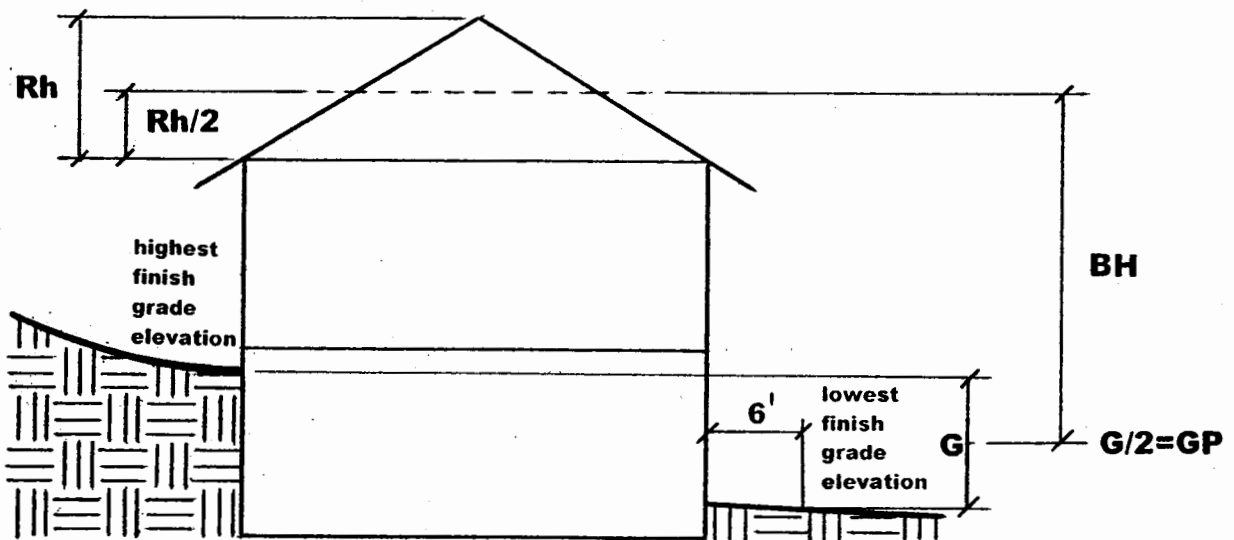
~~Exceptions: Towers, spires, steeples and cupolas not used for habitation or storage may exceed the maximum building height in any zone district by 20 feet; additional height may be approved by conditional use permit; provided the exceptions allowed by this paragraph shall not apply to wireless communications facilities.~~

Figure 20.97.040 A
Determining Grade Plane (GP) and Building Height (BH)



Rh = Roof Height, measured starting from eave line of the highest roof (where the roof plane intersects the outside wall) to the highest peak of the roof.

Figure 20.97.040 B
Determining Grade Plane (GP) and Building Height (BH)



Rh = Roof Height, measured starting from eave line of the highest roof (where the roof plane intersects the outside wall) to the highest peak of the roof.

- 8) **20.97.162 Grade (~~adjacent ground elevation~~) Plane** – see 20.97.040 and Figures 20.97.040A and B.

~~“Grade Plane (adjacent ground elevation)” means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building. (Ord. 85-70, 1985).~~

- 9) **20.97.054 Clearing activity**

~~“Clearing activity” means clearing taking place on a single parcel of record or as part of a single project. Fill and grade activities regulated by the county are considered a clearing activity. (Ord. 99-086, 1999; Ord. 96-013 § 1, 1996). A clearing activity will be considered to be complete once the site has been revegetated and stabilized.~~

- 10) **20.80.737 Land clearing requirements.**

(1) Site Containment. Significant amounts of erosion, sediment, and other impacts resulting from any clearing activity shall be contained on the site and may require temporary erosion/sedimentation control measures, before, during, and immediately following clearing. All clearing activity requiring an approval must comply with the requirements of this chapter and those of the Whatcom County Development Standards, Chapter 3.

(2) Hazards. Clearing activities shall not result in off-site physical damage nor pose a danger or hazard to life or property on- or off-site.

(3) Site-Specific Requirements. Additional site-specific requirements may be established after a site visit by the county. These requirements shall be based on specific site conditions and are limited to timing limitations, additional temporary erosion and sedimentation control, and/or the mitigation of hazardous or potentially hazardous conditions that pose a physical or environmental threat on- or off-site.

(4) Slash Removal in Urban Zoning Districts. In urban zoning districts slash shall be either removed from the site, chipped and spread across the site within one year of project completion, or burned in compliance with the requirements of the Northwest Air Pollution Authority. Note: Burning of slash within urban growth areas may be subject to the provisions of RCW 70.94.743.

(5) Maintaining Established Buffers. Buffers as identified in the clearing permit, WCC 20.80.736(1) or (2) or WCC 20.80.739, shall be left undisturbed unless express permission for clearing activity or tree removal is provided by the county and DNR where an application is required by DNR. When approved by the county and/or DNR, tree removal from buffers should be kept to a minimum. Unauthorized tree removal from established buffers will result in an assessed penalty at a rate of twice the value of the merchantable timber. In the event of a dispute between the landowner and the county over the established value, an assessment will be made by a professional forester or arborist whose selection will be made by mutual agreement between the county and the landowner. The fee for the services of the professional forester or arborist shall be paid by the landowner or responsible party.

(6) A clearing activity will be considered to be complete once the site has been revegetated and stabilized.

11) 20.97.205 Loading space, off-street.

"Off-street loading space" means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery trucks expected to be used and accessible to such vehicles when required off-street parking spaces are filled. ~~Required off-street loading spaces are not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.~~

12) 20.80.515 Loading space requirements and dimensions.

A loading space shall have minimum dimensions of not less than 14 feet in width, 60 feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of not less than 15 feet. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a gross floor area of at least 5,000 square feet in the case of manufacturing, warehouse or terminal buildings, and 10,000 square feet for commercial, hotel, institutional and public buildings. One loading space shall be provided for each additional 10,000 square feet for retail and restaurant buildings; and one for each additional 30,000 square feet for manufacturing, warehouse and service uses.

Required off-street loading spaces are not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

13) ~~20.36.315 Exempt cluster tract.~~

~~The purpose of the exempt cluster tract provision is to provide a convenient method of designating a portion of a given parcel as a receiving area for a specified number of the given parcel's development rights, as defined by the underlying zoning. The result of this action creates a cluster tract and a reserve tract. For the purpose of this section, "exempt cluster tract" is defined as that portion of the parcel intended to be divided in the future into individual building lots. Exempt cluster tracts created under this section may be created separate from and prior to creation of individual building lots; shall be considered legal lots of record; and are subject to the following provisions:~~

~~(1) The exempt cluster tract(s) is a separate parcel, and may have assigned to it the maximum theoretical density and lots allowed under this chapter. This assignment of theoretical density will be accomplished by a "Certificate of Allowable Density" issued by the technical review committee and shall be communicated in writing on the face of the exempt cluster/reserve site plan and/or shall be included with all deeds and contracts of conveyance as a deed restriction. This process of parcel division into a cluster and reserve tract is allowed to occur separate from, and prior to, individual building lot subdivision.~~

~~(2) The technical review committee will review all proposed exempt cluster/reserve tract divisions for compliance with appropriate Comprehensive Plan policies and other applicable county ordinances before issuing a "Certificate of Allowable Density."~~

~~(3) After a site is initially divided into exempt cluster and reserve tracts pursuant to this section, the "exempt cluster tract" may be retained by the owner or conveyed to another party.~~

~~(4) The "exempt cluster tract" may be considered as a building lot; provided the lot is included in the overall density calculation of the original parcel of record.~~

~~(5) The "exempt cluster tract" may be further subdivided using the standards subdivision and short subdivision process as required by WCC Title 21. The actual number of allowable building lots within the cluster tract will be subject to standard subdivision requirements such as physical site limitation, water availability, and other requirements of WCC Title 21.~~

~~(6) The purpose of the "exempt cluster tract" as stated in subsections (1) through (4) of this section shall be communicated in writing on the face of the division map and/or attached to all deeds and contracts as follows:~~

~~1. This division has been approved as an EXEMPT CLUSTER/RESERVE TRACT division. The following notes shall be considered a deed restriction and shall constitute a binding agreement between Whatcom County and all present and future owners of record. Said notes shall be included within all deeds and contracts of conveyance and may only be amended by mutual agreement between said parties pursuant to the zoning in effect at the time.~~

~~2. Lot (lot number) has been designated an EXEMPT CLUSTER TRACT and shall be theoretically eligible for subdivision up to (number of lots) lots under the following restrictions:~~

~~a. The technical review committee has issued a "Certificate of Allowable Density," No. (number assigned to certificate) stating the EXEMPT CLUSTER TRACT is theoretically eligible for (number of lots) lots under (current zoning district) Zone District requirements.~~

~~b. The actual number of buildable lots may be less than the theoretically eligible number of lots due to physical site limitations, water availability and other provisions of WCC Title 21.~~

~~c. The EXEMPT CLUSTER TRACT may be further subdivided only after meeting the requirements of WCC Title 21 and after review and approval by Whatcom County planning and development services.~~

~~d. The EXEMPT CLUSTER TRACT may be retained by the owner or conveyed to (party who will own the cluster tract).~~

~~3. Lot (lot number) has been designated as the EXEMPT RESERVE TRACT and is subject to the following restrictions:~~

~~a. It will contain (zero or one) single family dwelling unit.~~

~~b. It shall not be further subdivided in any manner unless (conditions of future subdivision).~~

~~c. It may be retained by the owner or conveyed to (party who will own the cluster tract).~~

~~Whatcom County shall make every effort to assist all agents in clearly communicating the information to all purchasers and prospective purchasers of building lots or "cluster tracts."~~

~~(7) The requirements in subsection (6) of this section shall be recorded as a deed restriction at the time of filing the division and shall constitute an agreement between Whatcom County and the owner of record. The deed restriction may be amended by mutual agreement between Whatcom County and the owner of~~

~~record, after review for consistency and compliance with the official Whatcom County zoning ordinance, the Whatcom County subdivision ordinance and the Whatcom County Comprehensive Plan. (Ord. 98-083 Exh. A § 42, 1998).~~

And

~~20.42.315 Exempt cluster tract.~~

~~For the purpose of this section, "exempt cluster tract" is defined as that portion of the parcel intended to be divided in the future into individual building lots. Exempt cluster tracts created under this section may be created separate from and prior to creation of individual building lots; shall be considered legal lots of record; and are subject to the following provision:~~

~~(1) The exempt cluster tract(s) is a separate parcel, and may have assigned to it the maximum theoretical density and lots allowed under this chapter. This assignment of theoretical density will be accomplished by a "Certificate of Allowable Density" issued by the technical review committee and shall be communicated in writing on the face of the exempt cluster/reserve site plan and/or shall be included with all deeds and contracts of conveyance as a deed restriction. This process of parcel division into a cluster and reserve tract is allowed to occur separate from, and prior to, individual building lot subdivision.~~

~~(2) The technical review committee will review all proposed exempt cluster/reserve tract divisions for compliance with appropriate Comprehensive Plan policies and other applicable county ordinances before issuing a "Certificate of Allowable Density."~~

~~(3) After a site is initially divided into exempt cluster and reserve tracts pursuant to this section, the "exempt cluster tract" may be retained by the owner or conveyed to another party.~~

~~(4) The "exempt cluster tract" may be considered as a building lot; provided the lot is included in the overall density calculation of the original parcel of record.~~

~~(5) The "exempt cluster tract" may be further subdivided using the standard subdivision and short subdivision process as required by WCC Title 21. The actual number of allowable building lots within the cluster tract will be subject to standard subdivision requirements such as physical site limitation, water availability, and other requirements of WCC Title 21.~~

~~(6) The purpose of the "exempt cluster tract" as stated in WCC 20.42.315, paragraphs (1), (2), (3), and (4) shall be communicated in writing on the face of the division and/or attached to all deeds and contracts as follows:~~

~~1. This _____ division has been approved as an EXEMPT CLUSTER/RESERVE TRACT division. The following notes shall be considered a deed restriction and shall constitute a binding agreement between Whatcom County and all present and future owners of record. Said notes shall be included within all deeds and contracts of conveyance and may only be amended by mutual agreement between said parties pursuant to the zoning in effect at the time.~~

~~2. Lot _____ has been designated an EXEMPT CLUSTER TRACT and shall be theoretically eligible for subdivision up to _____ lots under the following restrictions:~~

~~a. The technical review committee has issued a "Certificate of Allowable Density," No. _____ stating the EXEMPT CLUSTER TRACT is theoretically eligible for _____ lots under _____ Zone District requirements.~~

~~b. The actual number of buildable lots may be less than the theoretically eligible number of lots due to physical site limitations, water availability and other provisions of WCC Title 21.~~

~~c. The EXEMPT CLUSTER TRACT may be further subdivided only after meeting the requirements of WCC 21.00 and after review and approval by Whatcom County building and codes administration.~~

~~d. The EXEMPT CLUSTER TRACT may be retained by the owner or conveyed to _____~~

~~3. Lot _____ has been designated as the EXEMPT RESERVE TRACT and is subject to the following restrictions:~~

~~a. It _____ family dwelling unit.~~

~~b. It shall not be further subdivided in any manner unless _____~~

~~c. It may be retained by the owner or conveyed to _____~~

~~Whatcom County shall make every effort to assist all agents in clearly communicating the information to all purchasers and prospective purchasers of building lots or "cluster tract."~~

~~(7) The above stated requirements in paragraph (6) shall be recorded as a deed restriction at the time of filing the division and shall constitute an agreement between Whatcom County and the owner of record. The deed restriction may be amended by mutual agreement between Whatcom County and the owner of record, after review for consistency and compliance with the Official Whatcom County Zoning Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Comprehensive Plan. (Ord. 98-083 Exh. A § 66, 1998; Ord. 92-096, 1992).~~

14) 20.04.060 Establishment of districts.

For the purpose of furthering the goals and policies of the Comprehensive Plan and to carry out the provision of this title, Whatcom County is hereby divided into the following districts:

| Chapter | Abbreviation | District |
|----------------|---------------------|---|
| <u>20.20</u> | UR | Urban Residential |
| <u>20.22</u> | URM | Urban Residential Medium Density District |
| <u>20.24</u> | UR-MX | Urban Residential Mixed District |
| <u>20.32</u> | RR | Residential Rural |
| <u>20.34</u> | RR-I | Rural Residential-Island |
| <u>20.35</u> | EI | <u>Eliza Island District</u> |
| <u>20.36</u> | R | Rural |

| | | |
|--------------|-----------|---|
| <u>20.37</u> | <u>TZ</u> | <u>Point Roberts Transitional Zoning District</u> |
| <u>20.38</u> | APO | Agriculture Protection Overlay |
| <u>20.40</u> | AG | Agricultural |
| <u>20.42</u> | RF | Rural Forestry |
| <u>20.43</u> | CF | Commercial Forestry |
| <u>20.44</u> | ROS | Recreation and Open Space |
| <u>20.60</u> | NC | Neighborhood Commercial |
| <u>20.61</u> | STC | Small Town Commercial |
| <u>20.62</u> | GC | General Commercial |
| <u>20.63</u> | TC | Tourist Commercial |
| <u>20.64</u> | RC | Resort Commercial |
| <u>20.65</u> | GI | Gateway Industrial |
| <u>20.66</u> | LII | Light Impact Industrial |
| <u>20.67</u> | GM | General Manufacturing |
| <u>20.68</u> | HII | Heavy Impact Industrial |
| <u>20.70</u> | AO | Airport Operations |
| <u>20.71</u> | | <u>Water Resource Protection Overlay District</u> |
| <u>20.72</u> | | Point Roberts Special District |
| <u>20.73</u> | MRL | Mineral Resource Lands Special District |
| <u>20.74</u> | CP | Cherry Point Industrial District |
| <u>20.85</u> | PUD | Planned Unit Development |

- 15) **20.20.131(4)**
20.22.131(4)
20.24.131(4)
20.32.131(4)
20.34.131(4)
20.36.131(4)
20.37.131(4)
20.40.131(4)
20.42.131(4)

Typical example of insertion:

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer or motor home, to provide:

(1) A temporary dwelling space for family members who, due to professionally documented physical or mental disorders, or risks of such disorders, require supervision and care where such care is provided by members of the family who reside on the property; or

(2) A temporary dwelling space for a person providing care for the resident owner of the subject property when said owner needs supervision and care as described in (1) above.

Approval Requirements:

Administrative approval for temporary second dwelling units shall be approved if it is determined that the proposal meets the following requirements:

(1) Temporary second dwelling units shall only be permitted on fully serviced parcels on which the applicant can meet setback, ingress, egress, height restrictions, and lot coverage requirements.

(2) The size of the temporary dwelling shall be appropriate to the use and size of the parcel and shall be limited so as to comply with the standards set forth in (1) above.

(3) The temporary home shall be connected to an approved water supply and adequate capacity sewage disposal system approved by the Whatcom County health department.

(4) When care is no longer necessary, the temporary home shall be removed within sixty (60) days.

(5) The permit shall be valid for one year. The permit may be extended on a yearly basis; provided, that an affidavit is furnished by the permittee affirming that the circumstances allowing the original permit remain in effect.

(6) A covenant shall be filed that restricts sale of the property while the temporary dwelling is in place.

(7) The use will not be hazardous or disturbing to existing or future neighboring uses.

(8) Evidence of adequate off-street parking space shall be provided.

(9) There shall be no occupancy of the temporary dwelling outside the conditions under which the temporary dwelling is permitted pursuant to this section.

(10) All mobile homes must demonstrate compliance with minimum HUD Fire Safety Standards and compliance with current Washington Administrative Code (WAC).

Penalties: False statements on supporting documentation submitted with the application or failure to comply with any of the approval requirements may be cause for revocation of the permit and prosecution.

16) 20.66.550 Buffer area.

.551 When a parcel situated within this district adjoins an Urban Residential, Urban Residential Medium Density, Urban Residential-Mixed, 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.

17) 20.71.302 Open Space and Impervious surfaces

(1) For uses in the UR, URM and RR Zone Districts, at least 80 percent of the lot or parcel shall be kept free of structures and impervious surfaces.

(2) For uses in the R Zone District, at least 90 percent of the lot or parcel shall be kept free of structures and impervious surfaces.

(3) For lots or parcels where the applicable formulas in subsections (1) and (2) of this section would not allow a 2,500-square-foot impervious surface area, 2,500 square feet of impervious surface shall be allowed. Two or more lots of record consolidated pursuant to the provisions of WCC 20.83.070 shall be treated as one undivided parcel for the purpose of calculating total allowable impervious surface. Where two or more lots or parcels are consolidated; ~~and are not subject to the provisions of WCC 20.83.070;~~ and are not subject to a restrictive covenant which precludes development of buildings, structures or other improvements not otherwise identified by said covenant, 4,000 square feet of impervious surface shall be allowed.

(4) Pre-existing nonconforming impervious surfaces may be maintained or redeveloped. However, if 50 percent, or greater, of the pre-existing nonconforming impervious area is to be redeveloped

18) 20.97.087 Cooking facility.

"Cooking Facility" is defined as a room or portion thereof designated and/or customarily used as a place for the preparation, sanitation and cooking of food. A cooking facility may contains any of the following: a kitchen type sink, refrigerator, range, freezer, microwave or any other customarily used appliance or fixture for the preparation or sanitation of food.

20.97.087 088 Correction facility.

"Correction facility" means a facility and accessory uses operated by government, or under contract with government, that is primarily designed, staffed and

20.97.088 089 Cottage industry.

"Cottage industry" means a small light industrial, commercial, or service operation, on a parcel where the operator resides; frequently with an art or craft orientation or related to information processing or to the natural resources of the area, which meets all of the following criteria:

(1) The size and scale of the operation is in keeping with the surrounding area and off-site impacts are comparable in intensity to those generated by uses

19) 20.97.125 Family

~~"Family" means one or more persons occupying a single dwelling unit; provided that unless all members are related by blood or marriage, such family shall not contain over five persons; but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.~~

"Family" means one or more persons related by blood, marriage, or legal adoption, or a group of not more than five persons (excluding servants), not related by blood or marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit. The term "family" shall also include living arrangements of any number of disabled persons living in a family-like setting which are protected by the provisions of the Federal Fair Housing Act and the Washington Housing Act, RCW 36.70.990 and 36.70A.410.

20) 20.97.191 Kennel

"Kennel" means a commercial establishment in which five or more dogs, cats, or ~~domesticated animals~~ other household pets are housed, groomed, bred, boarded, trained or sold for a fee or compensation. (Ord. 99-086,1999).

21) 20.80.325 Landscaping location and spacing.

All required open space or any areas of the property not committed to a use requiring pervious surface must be landscaped. This may consist of any combination of trees, lawn, ground cover and shrubs and up to 20 percent of a nonvegetative decorative pervious material such as washed rock, bricks or paving stones. However at least one tree will be required for every 2,000 square feet of open space including walkways in addition to screening or planting along the property lines. Natural habitat other than noxious weeds may also be appropriate. Deciduous trees will also be required parallel to all public rights-of-way. Small ~~flowering~~ trees will be spaced approximately 25 feet on center; medium trees, 35 feet on center; and large ~~canopy-type~~ trees, 45 feet on center. Alternatively informal clumpings of coniferous or broad-leaved evergreen trees and/or deciduous trees may be utilized in an amount equivalent to a row of trees spaced 25 feet on center. Small, medium and large canopy-type trees, shrubs and groundcover approved for use in county rights-of-way are listed in the Whatcom County Development Standards, Chapter 5 - Road Standards, Appendix I. Additional landscaping and screening is required as noted in other sections of this chapter.

22) 20.97.436.3 Tree Height

(a) Small tree generally indicates a height of less than twentyfive (25) feet at maturity;

(b) Medium tree generally indicates a height of more than twentyfive (25) feet and less than forty (40) feet at maturity;

(c) Large tree generally indicates a height of more than forty feet (40) feet at maturity.