

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2009-229

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Michelle Stiles	MS		RECEIVED APR 20 2009 WHATCOM COUNTY COUNCIL	4.28.09	Council Introduction
Division Head:				5/12/09	P & D/Council
Dept. Head: David Stalheim	<i>[Signature]</i>	4-16-09			
Prosecutor: Royce Buckingham	<i>[Signature]</i>	4-17-09			
Purchasing/Budget: Brad Bennett					
Executive: Pete Kremen	<i>[Signature]</i>	4-20-09			

TITLE OF DOCUMENT: Amending the Official Whatcom County Zoning Ordinance, Title 20, for the purposes of clarifying the definitions of bed and breakfast operations and additional standards throughout the code.

ATTACHMENTS:

- (1) Draft Ordinance
- (2) Whatcom County Planning Commission Findings of Fact and Reasons for Action
- (3) Excerpts from Planning Commission Public Hearing Minutes
- (4) Proposed Amended Text
- (5) Staff Report

SEPA review required? Yes NO
 SEPA review completed? Yes NO

Should Clerk schedule a hearing? Yes 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.)

The proposal is to amend the official Whatcom County Zoning Ordinance, Title 20, chapter 20.97, in order to clarify definitions of "bed and breakfast establishment" and "bed and breakfast inn;" also amending Chapter(s): 20.20, 20.22, 20.24, 20.32, 20.34, 20.36, 20.37, 20.61, and 20.72 by clarifying the use of bed and breakfast operations; and also amending 20.40 and 20.64 by including new language to provide for Bed and breakfast operations in the Agricultural and Resort Commercial districts.

COMMITTEE ACTION:

5/12/2009: Forwarded to Council for approval

COUNCIL ACTION:

4/28/2009: Introduced
 5/12/2009: Council Adopted 7-0
 Ord. 2009-033

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

Ord. 2009-033

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: APRIL 28, 2009

ORDINANCE # 2009-033

**AMENDING WHATCOM COUNTY CODE, TITLE 20, FOR THE PURPOSES OF
CLARIFYING THE DEFINITIONS OF BED AND BREAKFAST OPERATIONS AND
ADDITIONAL STANDARDS THROUGHOUT THE CODE**

WHEREAS, Whatcom County Planning and Development Services identified bed and breakfast operations as a "Code Scrub" item as part of the long range work plan. The list of "Code Scrub" items are those that zoning administrative staff have identified with issues needing clarification within the zoning code; and

WHEREAS, legal notice requirements have been met; and

WHEREAS, on Thursday, March 26, 2009, the Whatcom County Planning Commission received the staff's findings and recommendations, and held a public hearing on the proposed amendment and considered all testimony; and

WHEREAS, on Thursday, March 26, 2009, the Whatcom County Planning Commission voted to recommend approval of the proposed amendment to the Whatcom County Council; and

WHEREAS, the Whatcom County Council has considered the Planning Commission's Findings of Fact and Reasons for Action, Conclusions and Recommendation for the proposed amendment; and

WHEREAS, the amendment conforms to the requirements of the Growth Management Act, is consistent with the Goals and Policies of the Whatcom County Comprehensive Plan, the County-Wide Planning Policies, and has been evaluated for consistency with the interlocal agreements and comprehensive plans of associated cities; and

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

FINDINGS OF FACT

FINDINGS OF FACT AND REASONS FOR ACTION

1. Whatcom County Planning and Development staff has compiled a list of issues with the current zoning code that are causing confusion and difficulty in implementation. Among these items were the regulations regarding bed and breakfast establishments and bed and breakfast inns.

2. The text amendment will clarify development regulations for the public to clearly understand what the standards are for bed and breakfasts.
3. Staff held discussions in which it was determined that bed and breakfast operations should be provided in the Agriculture and Resort Commercial zones.
4. The proposed amendment to the Whatcom County Official Zoning Ordinance was initiated to the docket by Whatcom County Planning and Development Services, and was given file number PLN2009-00002.
5. Notice of the proposed amendment was sent to the Department of Community, Trade and Economic Development (CTED) and other state agencies on January 5, 2009. On January 6, 2008 CTED notified Whatcom County that notice of the proposed amendment had been received and had been forwarded to other interested parties as required. No comments regarding the proposed amendment have been received from CTED as of March 26, 2009.
6. On February 26, 2009, the Whatcom County State Environmental Policy Act (SEPA) Official issued a SEPA threshold Determination of Non-Significance (DNS) in regards to the proposed text amendment, a non-project action. The comment period for this determination ended on March 11, 2009. No comments were received regarding this determination.
7. Notice of the Planning Commission hearing for the proposed text amendment was published in the Bellingham Herald on March 12, 2009.
8. Pursuant to Whatcom County Code (WCC) 20.90.050, as of March 11, 2009, Whatcom County Planning and Development Services has: evaluated the proposed amendment in relationship to the goals, objectives and policies of the Whatcom County Comprehensive Plan as authorized by the Washington State Growth Management Act (GMA) – RCW 36.70A; and considered possible environmental impacts that have been identified by the lead agency designated SEPA official through the State Environmental Policy Act (SEPA) threshold determination process.
9. A Whatcom County Planning Commission public hearing was held on the subject amendment on March 26, 2009.
10. On Thursday, March 26, 2009, the Whatcom County Planning Commission voted to recommend approval of the proposed amendment to the Whatcom County Council.

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


Section 1. The Official Whatcom County Zoning Ordinance, Title 20 is hereby amended as shown on Attachment A.

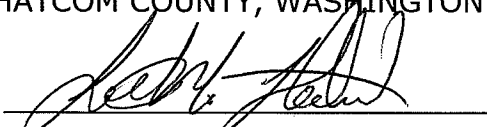
Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this ordinance shall not affect or impair the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED BY COUNCIL
WHATCOM COUNTY
STATE OF WASHINGTON
WASHINGTON

_____ this 12th day of _____, 2009

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Dana Brown-Davis, Council Clerk

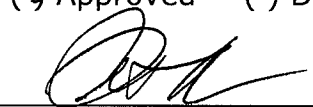

Seth Fleetwood, Chairperson

APPROVED as to form:

Approved Denied



Royce Buckingham,
Civil Deputy Prosecutor



Pete Kremen, Executive

Date: 5-14-09

Attachment A

Chapter 20.97 - Definitions

20.97.027 Bed and breakfast establishment.

“Bed and breakfast establishment” means a privately-owned dwelling that is the primary residence(s) of the owners in which, for compensation, one to two rooms are used to house or lodge individuals or families for periods of less than one month as transient visitors with limited food service. The use of the dwelling unit for the bed and breakfast shall be clearly incidental and subordinate to its use for residential purposes and the purpose of the applicable zoning district.

20.97.028 Bed and breakfast inn.

“Bed and breakfast inn” means a privately-owned dwelling that is the primary residence(s) of the owners in which, for compensation, three to five rooms are used to house or lodge individuals or families for periods of less than one month as transient visitors with limited food service. The use of the dwelling unit for the bed and breakfast shall be clearly incidental and subordinate to its use for residential purposes and the purpose of the applicable zoning district.

Chapter 20.20 Urban Residential District

20.20.100 Accessory uses.

.106 Bed and breakfast establishments.

20.20.150 Conditional uses.

159 Bed and breakfast inns.

Chapter 20.22 Urban Residential – Medium Density District

20.22.100 Accessory uses.

.106 Bed and breakfast establishments

20.22.150 Conditional uses.

.155 Rooming houses, or. bed and breakfast inns.

Chapter 20.24 Urban Residential – Mixed District

20.24.100 Accessory uses.

.106 Bed and breakfast establishments.

20.24.150 Conditional uses.

.159. Bed and breakfast inns.

Chapter 20.32 Residential Rural District

20.32.100 Accessory uses.

.106 Bed and breakfast establishments

20.32.150 Conditional uses.

.159. Bed and breakfast inns.

Chapter 20.34 Rural Residential-Island District

20.34.100 Accessory uses.

.106 Bed and breakfast establishments.

20.34.150 Conditional uses.

.161. Bed and breakfast inns.

Chapter 20.36 Rural District

20.36.100 Accessory uses.

.109 Bed and breakfast establishments.

20.36.150 Conditional uses.

.170. Bed and breakfast inns.

Chapter 20.37 Point Roberts Transitional Zone District

20.37.100 Accessory uses.

.107 Bed and breakfast establishments.

20.37.150 Conditional uses.

.156. Bed and breakfast inns.

Chapter 20.40 Agriculture District

20.40.100 Accessory uses.

.113 Bed and breakfast establishments.

20.40.150 Conditional uses

.194 Bed and breakfast inns.

Chapter 20.42 Rural Forestry District

20.42.150 Conditional uses.

.152 Bed and breakfast establishments.

Chapter 20.61 Small Town Commercial District

20.61.050 Permitted uses.

.060 Hotels, motels, and conference centers.

20.61.100 Accessory uses.

.106 Bed and breakfast establishments and bed and breakfast inns.

Chapter 20.64 Resort Commercial District

20.64.100 Accessory uses.

.110 Bed and breakfast establishments and bed and breakfast inns.

Chapter 20.72 Point Roberts Special District

20.72.050 Permitted uses.

.051 In the RC Zone, bed and breakfast establishments and bed and breakfast inns