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WHATCOM COUNTY COUNCIL  
Planning and Development Committee

April 27, 2010

**CALL TO ORDER**

Committee Chair Bill Knutzen called the meeting to order at 2:15 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

**ROLL CALL**

**Present:** Ken Mann, Bill Knutzen and Barbara Brenner.  
**Absent:** None.  
**Also Present:** Sam Crawford and Kathy Kershner.

**COMMITTEE DISCUSSION**

**1. DISCUSSION OF THE PROPOSED ORDINANCE AMENDING WHATCOM COUNTY CODE, TITLE 20, TO CLARIFY AND REVISE THE DEFINITION AND STANDARDS OF HOME OCCUPATIONS (AB2010-047)**

Brenner moved to recommend approval to the full Council, with the amendments that she submitted earlier:

- 20.84.150(1), "~~(1)~~ (A) The following home occupation requirements shall be regarded as cumulative regardless of the number of home occupations on the ~~site(-):~~ site(+):
- 20.84.150(4) "In all zones except EI, UR, URM, and URMX, ... total of ~~2500~~ 4500 square feet of building floor area. In the..."
- 20.84.150(7)(1)(a), "On a lot of record ~~one acre or~~ less than one acre ...."
- 20.84.150(7)(1)(d), On a lot of record which is ~~greater than five acres or greater;~~ three vehicles, which may include heavy equipment regardless of weight;..."
- 20.84.150(7)(1)(e), "On a lot of record which is ~~greater than ten acres or greater;~~ four vehicles, which may include heavy equipment regardless of weight."
- 20.84.150(9), "No equipment, process, or materials shall be used in such home occupations which ~~create(-s)~~ noise,...or property, ~~or impacts heavier or different than would be expected from a residential property. , or which unreasonably interferes with enjoyment of life and property."~~ or impacts heavier or different than would be expected from a residential property. , or which unreasonably interferes with enjoyment of life and property."
- 20.84.150(10), "Sales are limited...or other ~~electronic commerce sales. In no case shall home occupations consist of only retail sales. Fees rendered for services for the sole use or purpose of providing~~ Retail sales or uses of other types of merchandise or equipment (such as tanning beds, copy machines, or similar products) shall be prohibited."
- 20.84.150(11), "The maximum nameplate horsepower rating of the electrical motors of any single piece of machinery operating in the home occupations shall be ~~five horsepower and no equipment shall be~~ may include three-phase motors. The electrical service for home occupations shall not exceed 200 amps."
- 20.84.150(12), "The following activities, which include but are not limited to: mortuaries, funeral ~~homes, major automobile, major truck~~ and heavy equipment repair and auto body work or auto body painting, parking and storage of heavy equipment, storage of building materials for use on other properties, are prohibited as home occupations. ~~Minor automobile and minor truck repair shall be allowed."~~ Minor automobile and minor truck repair shall be allowed."

1  
2 Mann stated he's not comfortable with changing the minimum square feet from  
3 2,500 to 4,500.

4  
5 The following person spoke:

- 6 • Wain Harrison, Planning and Development Services Department, stated he  
7 agrees with Councilmember Mann. The original proposed ordinance was  
8 commensurate with a minor amendment. It meant the intent of a home  
9 occupation on a scale that doesn't require a permit. These proposals ceded  
10 that intent. However, the Committee may go there.

11  
12 Discussion included consistency in the Code; making enforcement easier for staff  
13 versus making home occupations easier for the public, and; whether square footage  
14 inconsistencies make it confusing for staff and the public.

15  
16 Brenner stated items (7)(2) and (7)(3) are subsets of (7)(1), and should be  
17 renumbered accordingly.

18  
19 ***The committee concurred.***

20  
21 Discussion included the intent to not prohibit businesses solely for things such as  
22 tanning beds and copier services, but to allow them only as accessory uses; the intent of  
23 subsection (10), and; not allowing retail sales-only home occupations.

24  
25 Harrison stated he would develop alternate language for subsection (10).

26  
27 ***Knutzen moved to amend*** the motion to amend 20.84.150(10), "Sales are  
28 limited...or other electronic commerce sales. In no case shall home occupations consist of  
29 only **on site** retail sales. Fees rendered for services for the sole use or purpose of providing  
30 merchandise or equipment (such as tanning beds, copy machines, or similar products) shall  
31 be prohibited."

32  
33 The motion to amend the motion carried by the following vote:

34 **Ayes:** Mann, Knutzen and Brenner (3)

35 **Nays:** None (0)

36  
37 Harrison suggested amending 20.84.150(11), "The maximum nameplate  
38 horsepower rating of the electrical motors of **any single piece of machinery operating in the**  
39 **home occupations shall be five horsepower and no equipment shall be may include three-**  
40 **phase** motors. The electrical service for home occupations shall not exceed 200 amps."

41  
42 ***Brenner accepted*** the Mr. Harrison's suggestion as a friendly amendment to her  
43 motion to recommend approval, with amendments.

44  
45 The motion on the friendly amendment carried by the following vote:

46 **Ayes:** Mann, Knutzen and Brenner (3)

47 **Nays:** None (0)

48  
49 20.84.150(12), "The following activities, which include but are not limited to:  
50 mortuaries, funeral **homes, major automobile, major truck a** and heavy equipment repair and  
51 auto body work or auto body painting, parking and storage of heavy equipment, storage of  
52 building materials for use on other properties, are prohibited **as home occupations. Minor**  
53 **automobile and minor truck repair shall be allowed."**

1  
2 There was discussion on the motion to amend subsection (12); defining the  
3 difference between major and minor auto and truck repair; as written and without the  
4 amendment, the section allows storage of heavy equipment, per subsection (7); small  
5 businesses who provide minor services; monitoring hazardous chemicals and hazardous  
6 waste from unsupervised auto repair and auto body shops; making enough amendments to  
7 require re-introduction; whether the intent to exclude these services to avoid hazardous  
8 materials is covered in subsection (9), and; potentially punishing businesses that have  
9 taken the time to get their licenses, insurance, and permits.

10  
11 **Knutzen suggested a friendly amendment** to leave 20.84.150(12) as it is in the  
12 Council packet, "The following activities, which include but are not limited to: mortuaries,  
13 funeral homes, automobile, truck and heavy equipment repair and auto body work or auto  
14 body painting, parking and storage of heavy equipment, storage of building materials for  
15 use on other properties, are prohibited as home occupations."

16  
17 **Brenner accepted** the friendly amendment.

18  
19 **Knutzen moved** to amend the motion, to amend 20.84.150(4) "In all zones except  
20 EI, UR, URM, and URMX, ... total of 2500 **4500** square feet of building floor area. In the..."

21  
22 The motion carried by the following vote:

23 **Ayes:** Mann and Knutzen (2)

24 **Nays:** Brenner (1)

25  
26 **Knutzen restated the motion** to recommend approval to the full Council, with the  
27 amendments that Councilmember Brenner submitted earlier, as amended:

- 28 • 20.84.150(1), "~~(1)~~ **(A)** The following home occupation requirements shall be regarded  
29 as cumulative regardless of the number of home occupations on the **site(+)**:"
- 30 • 20.84.150(7)(1)(a), "On a lot of record ~~one acre or~~ **less than one acre** ...."
- 31 • 20.84.150(7)(1)(d), "On a lot of record which is **greater than five acres or greater;**  
32 three vehicles, which may include heavy equipment regardless of weight;..."
- 33 • 20.84.150(7)(1)(e), "On a lot of record which is **greater than ten acres or greater;**  
34 four vehicles, which may include heavy equipment regardless of weight."
- 35 • 20.84.150(9), "No equipment, process, or materials shall be used in such home  
36 occupations which **create(s) noise, ... or property, or impacts heavier or different than**  
37 **would be expected from a residential property, , or which unreasonably interferes**  
38 **with enjoyment of life and property."**
- 39 • 20.84.150(10), "Sales are limited...or other electronic commerce sales. In no case  
40 shall home occupations consist of only **onsite** retail sales. Fees rendered for services  
41 for the sole use or purpose of providing merchandise or equipment (such as tanning  
42 beds, copy machines, or similar products) shall be prohibited."
- 43 • 20.84.150(11), "The maximum nameplate horsepower rating of the electrical motors  
44 of any single piece of machinery operating in the home occupations shall be five  
45 horsepower ~~and no equipment shall be three-phase motors~~. The electrical service for  
46 home occupations shall not exceed 200 amps."

47  
48 The motion to recommend approval as amended carried by the following vote:

49 **Ayes:** Mann, Knutzen and Brenner (3)

50 **Nays:** None (0)

1 **2. RURAL ELEMENT UPDATE - DISCUSSION OF GROWTH MANAGEMENT ACT**  
2 **REQUIREMENTS AND THE PLANNING COMMISSION RECOMMENDATIONS**  
3 **(AB2010-072)**  
4

5 Gary Davis, Planning and Development Services Department, submitted and read  
6 from a presentation (*on file*) and gave a staff report.  
7

8 Discussion included whether a LAMIRD can be used to identify a personal  
9 community, such as Cain Lake; whether clustering would be required to achieve the  
10 average density of the surrounding area; whether Whatcom County use the same or  
11 different assumptions that Clallam County used, and; acknowledging historic, rural  
12 communities.  
13

14 Knutzen stated the water line option may give them options on limited areas of more  
15 intense rural development (LAMIRDs). Davis stated he will present those options at the  
16 next meeting.  
17

18 Brenner stated she doesn't like calling something a rural neighborhood. Instead, call  
19 it rural community. Add a map that shows the historic communities that used to be called  
20 townships. She would like to hear more about the water line option. Also, talk about major  
21 water lines as opposed to all water lines.  
22

23 Discussion continued and included LAMIRDs with residential components adjacent to  
24 urban growth areas; whether lower density zoning with nonconforming lots would cause  
25 financial hardship to the owner; whether an existing business on commercial property on  
26 the Guide would be affected if zoned differently so it becomes a nonconforming use;  
27 whether the County assumption is to not put LAMIRDs next to urban growth areas, and; the  
28 difference between the LAMIRD and density overlay areas in terms of zoning boundary.  
29

30 **3. UPDATE ON URBAN GROWTH AREA ISSUES (AB2010-054)**  
31

32 This item was withdrawn from the agenda.  
33

34 **OTHER BUSINESS**  
35

36 There was no other business.  
37

38  
39 **ADJOURN**  
40

41 The meeting adjourned at 3:35 p.m.  
42

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4 Please contact the Council Office to obtain an  
4 official, signed copy:  
4 360-676-6690 or council@co.whatcom.wa.us  
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53 \_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_   
Bill Knutzen, Committee Chair