

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2016-270A

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Gary Davis	9/13/16	GND	<b>RECEIVED</b>  <b>SEP 20 2016</b>  <b>WHATCOM COUNTY COUNCIL</b>	9/27/2016	Introduction
Division Head: Mark Personius				10/11/2016	P & D / Council
Dept. Head: Sam Ryan	SR	9-13-16		10/25/2016	Council
Prosecutor: Royce Buckingham	RB	9-14-16			
Purchasing/Budget:					
Executive: Jack Louws	JL	9.19.16			

**TITLE OF DOCUMENT:**

Resolution Forwarding Draft Shoreline Master Program Amendments For Department of Ecology Review

**ATTACHMENTS:**

1. Draft Resolution and Draft Amendments
2. Staff Memorandum

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.)

Resolution forwards to Department of Ecology draft Shoreline Master Program limited amendments related to vacation rental and bed and breakfast uses

**COMMITTEE ACTION:**

10/11/2016: Forwarded to a Public Hearing to be scheduled at a later date

**COUNCIL ACTION:**

9/27/2016: Introduced 7-0  
 10/11/2016: Held in Council for a Public Hearing  
 10/25/2016: Approved 7-0, Res. 2016-039

**Related County Contract #:**

**Related File Numbers:**  
 PLN2016-00011

**Ordinance or Resolution Number:**

Res. 2016-039

**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](http://www.co.whatcom.wa.us/council).

PROPOSED BY:     PDS      
INTRODUCED:   9/27/2016  

RESOLUTION NO.     2016-039    

**FORWARDING DRAFT SHORELINE MASTER PROGRAM AMENDMENTS  
FOR DEPARTMENT OF ECOLOGY REVIEW**

WHEREAS, the Washington Administrative Code (WAC 173-26-080) requires counties to develop and administer a Shoreline Master Program; and

WHEREAS, the Washington Administrative Code (WAC 173-26-110) requires counties to submit amendments to their Shoreline Master Programs to the Washington State Department of Ecology for its review and formal action; and

WHEREAS, Whatcom County Code Title 23 Shoreline Management contains the County's Shoreline Master Program; and

WHEREAS, Whatcom County Planning and Development Services has submitted an application to amend Title 23 Shoreline Management to define vacation rental uses and bed and breakfast uses as residential uses rather than commercial uses, and

WHEREAS, the Whatcom County Planning Commission held a public hearing regarding the proposed amendment to WCC Title 23 on June 23, 2016; and

WHEREAS, a determination of non-significance was issued under the State Environmental Policy Act on May 27, 2016; and

WHEREAS, the Planning Commission has forwarded its findings and recommendations to the County Council; and

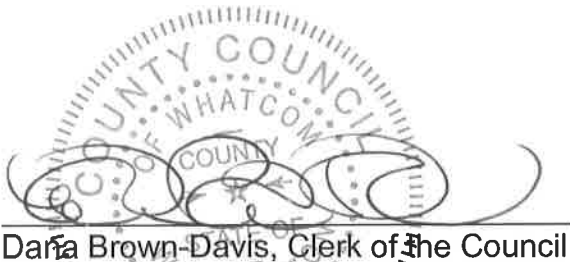
WHEREAS, the Whatcom County Council has reviewed and approved the proposed amendment to the County's Shoreline Management Program and wishes to forward it to the Department of Ecology for their review and approval;

NOW, THEREFORE, BE IT RESOLVED that the Whatcom County Council hereby forwards to the Department of Ecology for their review the amendments shown on attached Exhibit A.

APPROVED this 25th day of October 2016.

ATTEST

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY,  
WASHINGTON

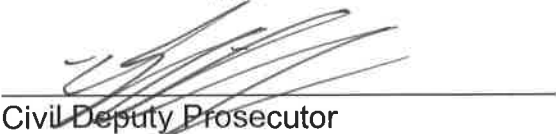


Dana Brown-Davis, Clerk of the Council



Barry Buchanan, Council Chair

APPROVED AS TO FORM:



Civil Deputy Prosecutor

## EXHIBIT A

# Whatcom County Code Title 23 Shoreline Management Program

## AMENDMENTS

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### Chapter 23.30

#### SHORELINE JURISDICTION AND AREA DESIGNATIONS

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#### **23.30.055 Urban conservancy shoreline area – Conditional uses.**

The following may be permitted as conditional uses subject to the applicable policies and regulations of this program:

A. All other residential development.

B. Low intensity water-oriented commercial limited to resort, ~~bed and breakfast,~~ campgrounds and similar facilities subject to the criteria in WCC 23.100.050. Low intensity non-water-oriented commercial limited to resort, ~~bed and breakfast,~~ campgrounds and similar facilities, subject to the criteria in WCC 23.100.050(B)(1)(d).

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#### **23.30.095 Conservancy shoreline area – Conditional uses.**

The following uses may be permitted as conditional uses subject to the applicable policies and regulations of this program:

A. All other residential development.

B. Low intensity water-oriented commercial limited to resort, ~~bed and breakfast,~~ campgrounds and similar facilities. Low intensity non-water-oriented commercial uses limited to resort, ~~bed and breakfast,~~ campgrounds and similar facilities may be permitted as a conditional use, subject to the criteria in WCC 23.100.050(B)(1)(d).

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### Chapter 23.100

#### SHORELINE USE POLICIES AND REGULATIONS

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**23.100.050 Commercial use.**

Commercial development in shoreline areas shall be subject to the policies and regulations of this section and Chapter 23.90 WCC.

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C. Shoreline Area Regulations.

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3. Urban Conservancy. Low intensity water-oriented commercial use and development limited to resort, ~~bed and breakfast~~, campgrounds and similar facilities may be permitted as a conditional use. Low intensity non-water-oriented commercial limited to resort, ~~bed and breakfast~~, campgrounds and similar facilities may be permitted as a conditional use subject to the criteria for such uses in subsection (B)(1)(d) of this section.

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7. Conservancy. Low intensity water-oriented commercial use and development limited to resort, ~~bed and breakfast~~, campgrounds and similar facilities may be permitted as a conditional use. Low intensity non-water-oriented commercial limited to resort, ~~bed and breakfast~~, campgrounds and similar facilities may be permitted as a conditional use subject to the criteria for such uses in subsection (B)(1)(d) of this section.

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**Chapter 23.110**

**DEFINITIONS**

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**23.110.020 B definitions**

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4. "Bed and Breakfast" means a single family residence that is the primary residence(s) of the owner in which, for compensation, one to five rooms are used as sleeping units to house or lodge individuals or families for periods of less than 30 days as transient visitors with or without limited food service.

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**23.110.030 C definitions**

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6. "Commercial development" means those developments whose primary use is for retail, service or other commercial business activities. Included in this definition are developments such as hotels, motels, ~~bed and breakfast establishments,~~ shops, restaurants, banks, professional offices, grocery stores, laundromats, recreational vehicle parks, commercial rental campgrounds and cabins, whether public or private, and indoor or intensive outdoor commercial recreation facilities. Not included are private camping clubs, marinas, signs, utilities, bed and breakfasts, vacation rental units, and other development.

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**23.110.180 R definitions**

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7. "Residential development" means buildings, earth modifications, subdivision and use of land primarily for human residence, including, but not limited to: single-family and multifamily dwellings, condominiums, mobile homes and mobile home parks, boarding homes, family daycare homes, adult family homes, retirement and convalescent homes, bed and breakfasts, and vacation rental units, together with accessory uses common to normal residential use. Camping sites or clubs, recreational vehicle parks, motels, and hotels ~~and other transient housing~~ are not included in this definition.

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**23.110.220 V definitions.**

1. "Vacation Rental Unit" means a dwelling unit where the owner is not present on site during the rental period, which, for compensation, is used to lodge individuals or families for a period of less than 30 days.