

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 96-074

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Terry Galvin	GA	02-14-96	<b>RECEIVED</b>  <b>FEB 14 1996</b>  <b>WHATCOM COUNTY COUNCIL</b>	2/20/96	Council Introduction
Division Head: Vickie Hardin Woods	VHW	02-14-96		3/5/96	Plan & Devel. / Council
Dept. Head: Nate Brown	NWB	02-14-96			
Prosecutor: Karen Frakes	KSF	2/14/96			
Purchasing/Budget:					
Executive: Pete Kremen					

**SUBJECT:** An Ordinance Amending Land Clearing Regulations in Title 20, The Official Whatcom County Zoning Ordinance

- ATTACHMENTS:**
- Letter from TAC to Council Chair Nelson
  - Staff Memo
  - Proposed Ordinance
  - Draft Whatcom County Development Standards, Chapter 3 - Land Clearing
  - Agency Report with attached Staff Report (see AB 95-309)
  - Draft Planning Commission Minutes (see AB 95-309)

**SUMMARY STATEMENT:** Please complete sections of box as appropriate & explain the item below.

Related County contract #: n/a	Should Clerk schedule a hearing? NO /X/ YES / / Requested date:
Amount budgeted for this item/project: \$ n/a	Is it (or will it be) within budget? YES / / NO / / (Please explain below) n/a
Budget line item number(s): n/a	

A request has been made by Staff to replace Ordinances #89-129 (six year moratorium), #90-24 (Forested Land Clearing), and #90-58 (Erosion and Sedimentation Control in Critical Watersheds) with an amendment to Title 20, Chapter 20.80.730 that creates regulatory language establishing conditions under which clearing activity can take place in Whatcom County.

The Planning Commission unanimously supported the regulations, including designating Lake Whatcom and Drayton Harbor Watersheds as Special Districts. At a public hearing on July 18, 1996, the County Council referred the proposal to the Technical Advisory Committee (TAC) for technical review (and the creation of development standards and administrative procedures related to the clearing regulations).

The TAC completed its review over the last six months and unanimously supported the Planning Commission's recommendation **with some amendments**. These amendments are shown in the text of the ordinance before the Council. The net effect of these regulatory changes is greater simplicity and greater flexibility for the landowner.

**ORIGINATOR'S RECOMMENDED ACTION:** The Director of Planning and Development Services recommends Council adopt the ordinance, **with the exception of the changes proposed by the TAC to special districts**. The changes to special districts are clearly a violation of Council direction in both the Lake Whatcom and Drayton Harbor watersheds. The original special district language implements this direction and should be retained.

**COMMITTEE ACTION TAKEN:**

**COUNCIL ACTION TAKEN:**

- 1996-74-2/20/96: Introduced
- 3/5/96: Held in Committee until 3/19/96
- 3/19/96: Scheduled for work session 3/26/96 at 1:00 p.m.
- 4/2/96: Amended and Approved 6 - 0, Starkenburg abstained

*Ordinance or Resolution Number (this item only):*  
  
Ord. 96-013

Clerk's Note:

4.15.96

I spoke with Karen  
Frakes today re: this  
ordinance.

Karen has opted  
not to sign the  
ordinance because  
she has some  
concerns about the  
content.

I agree

SPONSORED BY: Consent

PROPOSED BY: Council

INTRODUCTION DATE: February 20, 1996

ORDINANCE NO. 96-013

AN ORDINANCE AMENDING LAND CLEARING REGULATIONS IN TITLE 20, THE OFFICIAL WHATCOM COUNTY ZONING CODE

**WHEREAS**, a request has been made to replace Ordinances #89-129 (six year moratorium), #90-24 (Forested Land Clearing), and #90-58 (Erosion and Sedimentation Control in Critical Watersheds) with an amendment to Title 20, Chapter 20.80.730 that creates regulatory language establishing conditions under which clearing activity can take place in Whatcom County;

**WHEREAS**, the County Council directed staff to prepare uniform and comprehensive management practices for clearing activity; and

**WHEREAS**, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on Thursday, March 30, 1995; and

**WHEREAS**, a Determination of Non-significance was issued by the responsible Deputy SEPA Official on April 12, 1995; and

**WHEREAS**, the Planning Commission held a public hearing on April 12, 1995; and

**WHEREAS**, the Planning Commission held a work session on June 22, 1995, and after due consideration of public testimony, made amendments to the proposal, and unanimously recommended Council approval; and

**WHEREAS**, Council held a public meeting on July 18, 1995, and considered public testimony to the proposed draft regulatory language establishing conditions for clearing activity in Whatcom County; and

**WHEREAS**, Council held a work session on August 1, 1995, and after due consideration acknowledged that the proposed draft regulatory language is an improvement to the fragmented and conflicting clearing regulations that currently exist and also provides the necessary regulatory authority for the development of a clearing chapter to be the second installment of a complete revision and update of the 1984 Development Standards; and

**WHEREAS**, Council directed staff to prepare a resolution requesting the Whatcom County Development Standards Technical Advisory Committee (TAC) review land clearing regulations and create corresponding development standards for Council review; and

**WHEREAS**, the TAC has completed its review of the regulations and corresponding development standards and submitted both to the Council for approval of the regulations,

1 along with a recommendation to forward the clearing standards to the County Executive  
2 for administrative approval; and

3  
4 **WHEREAS**, pursuant to RCW 36.70.590 legal notice was published in the Bellingham  
5 Herald on Saturday, February 24, 1996; and

6  
7 **WHEREAS**, the Council held a public hearing on March 5 to consider this matter and  
8 accepted the TAC's assessment that the draft standards are consistent with the  
9 ordinance; and

10  
11 **WHEREAS**, the Council found the amendments in the best interest of the public health,  
12 safety, and welfare; and

13  
14 **WHEREAS**, the Council has adopted the following Findings and Conclusions:

15  
16 **FINDINGS**

- 17  
18 1. In 1990, a Forested Land Clearing Ordinance (#90-24) and an Interim Erosion and  
19 Sedimentation Ordinance (#90-58) was approved by Council as temporary measures  
20 until a permanent update of the Whatcom County Development Standards was  
21 concluded.  
22  
23 3. On April 24, 1990, the County Council passed Resolution #90-36, to form a Technical  
24 Advisory Committee to Review, Evaluate, and Revise the 1984 edition of the Whatcom  
25 County Development and Subdivision Standards.  
26  
27 4. On March 30, 1993, a new effort was initiated by Nate Brown, the Director of  
28 Planning and Development Services Department, who proposed a new approach to  
29 revive the Development Standards revision effort.  
30  
31 5. Currently there is no uniform and comprehensive management practices for clearing  
32 activity identified in the regulatory texts of Whatcom County.  
33  
34 6. The purpose of this ordinance is to ensure that clearing activity is done in a responsible  
35 manner by providing a reasonable standard for land clearing in Whatcom County. It is  
36 also the purpose of this ordinance to establish a County review process for larger  
37 clearing projects to ensure that these standards are met.  
38  
39 7. This regulation substantially raises the threshold for County review.  
40  
41 8. The clearing regulations provide greater flexibility for the land owner.  
42  
43 9. The proposal designates Lake Whatcom and Drayton Harbor Watersheds as Special  
44 Management Areas to establish special standards for clearing activity in these  
45 watersheds.  
46  
47

- 1 10. Many of the provisions of these regulations are predicated on an underlying  
2 perspective that the private property owner must take more responsibility for the  
3 condition of his or her property so that the County can provide less oversight.  
4  
5 11. The net effect of the regulatory changes is greater simplicity in administrative  
6 review and more environmentally sound clearing practices in Whatcom County.  
7

8 **CONCLUSION**  
9

10  
11 The regulatory language is an improvement to the fragmented and conflicting clearing  
12 regulations that currently exist. They also provide the necessary regulatory authority  
13 for the development of a Clearing Chapter as the second installment of a complete  
14 revision and update of the 1984 Development Standards.  
15

16 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that:  
17

18 Section 1. Amend Title 20, the official Whatcom County Zoning Code, as follows:  
19

20 **Chapter 20.80 SUPPLEMENTARY REQUIREMENTS**  
21

22 **New Text:**  
23

24 **.730 LAND CLEARING**  
25

26 (1) **Purpose:** The purpose of this ordinance is to avoid or minimize impacts of clearing  
27 activity to adjacent and downstream public or private property. The regulations contained  
28 in this section implement this goal by providing a reasonable standard for clearing land in  
29 Whatcom County. It is also the purpose of this ordinance to establish a County review  
30 process for larger clearing projects to insure these regulations are met.  
31

32 (2) **Applicability:** All land clearing shall be subject to the provisions of this section unless  
33 specifically exempted. No land clearing approval shall be issued by the County prior to  
34 meeting the submittal requirements as set forth in the Whatcom County Development  
35 Standards and only when in compliance with federal, state and local regulations, including  
36 the Critical Areas Ordinance and the Shorelines-Management Program. Administrative  
37 provisions and technical standards for implementing these regulations shall be contained in  
38 the Whatcom County Development Standards.  
39

40 (3) **Exemptions:** Any land clearing that is exclusively related to agriculture as defined in  
41 this ordinance, forest practices other than a Class IV General, regulated under RCW 79.09,  
42 and surface mining regulated under RCW 78.44, shall be exempt from these regulations.  
43

44 (4) **County Review Thresholds:**  
45

- 46 A. The County will not review vegetation maintenance activities as defined by  
47 Whatcom County provided exposed soils do not exceed 5,000 sq. ft on 30%

1 slopes, 1 acre in Urban Zoning Districts and 2 acres in Rural Zoning Districts.  
2

3 B. The County shall require County review and approval of a land clearing activity  
4 when any of the following land clearing thresholds have been reached. If land  
5 clearing activity does not meet the threshold criteria, County review of the land  
6 clearing is not required. However, the owner must comply with the minimum  
7 requirements established in this chapter and in the Whatcom County Development  
8 Standards.  
9

10 i 5,000 Square Feet Threshold on 30% Slopes: The County shall review all  
11 proposed land clearing activities that are 5,000 square feet or greater when an  
12 accumulative area of land clearing is proposed to take place on slopes greater  
13 than 30% in gradient.  
14

15 ii One Acre Threshold in Urban Zoning Districts: The County shall  
16 review all proposed land clearing activities that are one acre or greater when the  
17 activities are proposed to take place in Urban zoning districts and the slope is  
18 less than 30% in gradient.  
19

20 iii Two Acre Threshold in Rural Zoning Districts: The County shall review all  
21 proposed land clearing activities that are two acres or greater when the  
22 activities are proposed to take place in Rural zoning districts and the slope is  
23 less than 30% in gradient.  
24

25 (5) **Permit Approval Process**: If County review and approval is required to clear land, the  
26 County shall establish conditions for approval through one of the following permits:  
27

28 A. Development Permit: When land clearing is proposed as a part of a development  
29 proposal the submittal requirements contained in the Whatcom County  
30 Development Standards must be submitted by the permit applicant and approved by  
31 the County as part of a development permit application prior to any clearing  
32 activity. Under this condition, a clearing permit shall not be required.  
33

34 B. Clearing Permit: A clearing permit shall be required when land clearing is the only  
35 activity taking place and when no other development permit is required by the  
36 County for the proposal. Under this condition, submittal requirements contained in  
37 the Whatcom County Development Standards must be submitted with the clearing  
38 permit application.  
39

40 (6) **Land Clearing Requirements**:  
41

42 A. **Site Containment**: Significant amounts of erosion, sediment, and other impacts  
43 resulting from any land clearing activity shall be contained on the site and may  
44 require temporary erosion/sedimentation control measures during and immediately  
45 following clearing. All clearing activity requiring an approval must comply with the  
46 requirements of this chapter and those of the Whatcom County Development  
47 Standards.

- 1 B. **Hazards:** Land clearing shall not result in significant off-site physical damage nor  
2 pose a significant danger or hazard to life or property off-site.  
3  
4 C. **Site Specific Requirements:** Additional site specific requirements may be  
5 established after a site visit by the County. These requirements shall be based on  
6 specific site conditions and are limited to additional temporary erosion and  
7 sedimentation control and/or the mitigation of hazardous or potentially hazardous  
8 conditions that pose a threat off site.  
9  
10 D. **Slash Removal In Urban Zoning Districts:** In Urban Zoning Districts slash shall be  
11 either removed from the site, burned or chipped and spread across the site within  
12 one year of project completion.  
13

14 **(7) Forest Practices and Development Restrictions**  
15

- 16 A. **Purpose:** The purpose of this section is to facilitate the proper management of our  
17 forest resources while providing flexibility for the land owners who are not certain  
18 of their future plans. The landowner should have the option to log under a DNR  
19 Forest Practices Permit without a County Development Permit while maintaining the  
20 option to convert the land at a later date. It is also the purpose of this section to  
21 allow the landowner to seek a waiver from a six year moratorium when he/she  
22 repairs damage caused by the activity.  
23  
24 B. **Six Year Moratorium:** Any property that has been cleared under a Class I, II, III, and  
25 IV Special Forest Practices Permit shall not be eligible for any development permit  
26 for a period of six (6) years from the issuing date of the Forest Practices Permit.  
27 Provisions shall be made by the County to record such a condition.  
28  
29 C. **Waiver of Six Year Moratorium:** There are two conditions under which a  
30 moratorium waiver may be granted, as follows:  
31  
32 i A waiver may be granted by the County when a Conversion Option Harvest Plan  
33 is signed by the applicant and approved by the County;  
34  
35 ii A waiver may be granted by the County Executive when the owner either brings  
36 the site into full compliance or agrees in writing to bring the site into full  
37 compliance with Whatcom County codes in existence at the time the FPA was  
38 approved. Written agreement must be accompanied by an assurance of  
39 performance.  
40

41 **(8) Conversion Option Harvest Plan (COHP)**  
42

- 43 A. A Conversion Option Harvest Plan shall conform to the submission requirements of  
44 the Department of Natural Resources.  
45  
46 B. A Conversion Option Harvest Plan must be reviewed and approved by the County  
47 prior to submittal to the Department of Natural Resources in order for a moratorium

1 waiver on development to be granted by the County.  
2

3 C. A fee shall be established for the review of a Conversion Options Harvest Plan.  
4

5 D. The Conversion Option Harvest Plan shall remain in effect until a development  
6 permit has been approved by the County.  
7

8 (9) **Posting Authorization:** Land clearing authorization must be posted by the permit  
9 applicant and clearly visible at the access to the site.  
10

11 (10) **Assurance of Performance:** The County may require financial assurance for the  
12 proper performance and for the repair of site conditions; including but not limited to,  
13 temporary erosion and sedimentation control facilities, vegetation restoration, and damage  
14 repair. See 20.94.200 under General Enforcement and Penalties.  
15

16 (11) **Penalties:** Violation of these requirements is punishable, pursuant to 20.94.200 of  
17 the Whatcom County Zoning Ordinance, Title 20.  
18

19 (12) **Review Fees:** Review fees will be assessed as established by the Whatcom County  
20 Unified Fee Schedule.  
21

22 (13) **Special Management Areas:**  
23

24 A. **Purpose:** The purpose of a Special Management Area in this chapter is to establish  
25 a more stringent standard for clearing activity in highly valued water resource areas,  
26 environmentally sensitive areas that exhibit clear evidence of degradation correlated  
27 to development, or areas where natural conditions are so unstable that clearing  
28 activity in the areas can result in hazardous conditions.  
29

30 B. **Special Management Area Designation:** Whatcom County shall establish the  
31 following geographic areas as Special Management Areas:

- 32 i. Lake Whatcom Watershed
- 33 ii. Drayton Harbor Watershed  
34

35 C. **Special Management Area Requirements:**  
36

37 i. **County Review Thresholds:** County review and approval of a clearing activity  
38 shall be required when any of the following thresholds have been reached:  
39

40 (a) 5,000 Square Feet Threshold on 20% Slopes: The County will review all  
41 proposed land clearing activities that are 5,000 square feet or greater when  
42 an accumulative area of clearing is proposed to take place on slopes greater  
43 than 20% in gradient.  
44

45 (b) 5,000 Square Feet Threshold within the Jurisdiction of the Shoreline  
46 Management Program: The County will review all proposed land clearing  
47 activities that are 5,000 square feet or greater when any part of the activity

1 is proposed to take place within the jurisdiction of the Whatcom County  
2 Shorelines Management Program.

3  
4 (c) 5,000 Square Feet Threshold within 200 Feet of a Type One through Four  
5 Stream: The County will review all proposed land clearing activities that are  
6 5,000 square feet or greater when any part of the activity is proposed to  
7 take place 200 feet or closer to a Type 1, 2, 3, or 4 stream.

8  
9 (d) 5,000 Square Feet Threshold within 50 Feet of a Type Five Stream: The  
10 County will review all proposed land clearing activities that are 5,000 square  
11 feet or greater when any part of the activity is proposed to take place 50  
12 feet or closer to a Type 5 stream.

13  
14 (e) 10,000 Square Feet Threshold in Urban Zoning Districts: The County will  
15 review all proposed land clearing activities that are 10,000 sq.ft. or greater  
16 when the activity is proposed to take place in urban zoning districts and the  
17 slope is under 20% in gradient.

18  
19 (f) Two Acre Threshold in Rural Zoning Districts: The County shall review all  
20 proposed land clearing activities that are two acres or greater when the  
21 activity is proposed to take place in rural zoning districts and the slope is  
22 less than 20% in gradient.

23  
24 ii. **Clearing activity must conform to the following conditions:**

25  
26 (a) **Cover Protection**: Unless otherwise approved by the County, disturbed areas  
27 must be provided with cover protection within 15 days of the time of  
28 disturbance.

29  
30 A vegetation plan must accompany the application and be approved by  
31 the Technical Administrator before clearing takes place. The vegetation  
32 plan may be created and drawn to simple standards by the permit  
33 applicant. A vegetation plan shall have the following components:

- 34 • Identification of all areas that will be undisturbed;
- 35 • Identification of areas to be revegetated;
- 36 • The inclusion of vegetation that contributes to soil stabilization;
- 37 • A planting schedule that indicates the time frame for re-  
38 vegetation.

39  
40 (b) **Financial Assurance of Performance**: The County may require financial  
41 assurance to insure proper performance prior to clearing a site and for the  
42 repair of degraded site conditions relating to the clearing activity when the  
43 proposal is located in a Special Management Area.

44  
45 (c) **150% Violation Fines**: When a violation occurs in a area designated as a  
46 Special Management Area within the context of this chapter, the total fine  
47 assessment shall be increased to one hundred and fifty percent.

1 **Amend 20.94.010 to read:**

2  
3 **20.94.010 Enforcement and penalties.**

4 With the exception of violations subject to 20.94.020 and 20.94.200, violations of  
5 this title shall constitute Class 1 civil infractions ....  
6  
7

8 **Add the following to 20.94:**

9 **20.94.200 Clearing**

10  
11 (1) Purpose: The purpose of this section is to insure that regulations and standards relating  
12 to land clearing activity are complied with. In doing so the intent is to penalize  
13 intentional and repeat acts of non-compliance sufficient to reduce the number of these  
14 illegal acts while providing opportunities for remission of penalties for the first time  
15 offender.  
16

17 (2) Offense and Penalty.

18 Any person who engages in or is responsible for a land clearing activity, and

19 A. Fails to obtain a development permit or authorization when required pursuant to  
20 20.80.730; or

21 B. Fails to comply with any permit condition required pursuant to 20.80.730; or

22 C. Fails to comply with the regulatory requirements of 20.80.730;

23 shall be guilty of a civil offense and may be fined a sum not to exceed one thousand  
24 dollars (\$1,000.00) for the first offense. The amount fined shall be referred to as the  
25 penalty. Criteria for administratively determining the assessed penalty shall be  
26 established in the Whatcom County Development Standards. These Standards shall  
27 also provide clear administrative procedure for enforcement of the provisions  
28 established in 20.94.200.  
29

30 (3) Length of Offense.

31 Each day, or portion thereof, of land clearing activity in conjunction with any of the  
32 above violations shall constitute a separate offense. An offense shall begin on the  
33 date that a notice of violation has been issued.  
34

35 (4) Notice of Violation and Stop work order.

36 In the event any person violates any of the provisions of this ordinance, the County  
37 shall issue a notice of violation to be delivered to the owner or the owner's agent, and  
38 to be conspicuously posted at the site, and may order all work to cease until authorized  
39 to proceed. Failure to comply with the order to stop work shall be a gross misdemeanor  
40 punishable upon conviction by a minimum fine of five hundred dollars (\$500.00) up to  
41 a maximum fine of one thousand dollars (\$1,000.00) or one (1) year in jail, or both.  
42 Under no circumstance, may the court defer or suspend any portion of the minimum  
43 five hundred dollar (\$500.00) fine for any conviction under this section. Each day or  
44 part thereof of noncompliance with said order to stop work shall constitute a separate  
45 offense.  
46  
47

1 (5) Notice of Penalty.

2 The penalty provided in Section 200 shall be imposed by a notice in writing, either by  
3 certified mail with return receipt requested, or by personal service to the person,  
4 incurring the same. The notice of penalty shall include the amount of the penalty  
5 imposed and shall describe the violation with reasonable particularity in ordering the act  
6 or acts constituting the violation or violations to cease and desist.  
7

8 (6) Restoration or Mitigation.

9 If the land clearing activity has occurred on a site in violation of this ordinance, prompt  
10 corrective action, restoration or mitigation of the site will be required when appropriate.  
11 If this provision is not complied with, the County may restore or mitigate the site and  
12 charge the responsible person for the full cost of such an activity.  
13

14 (7) Penalties.

15 Penalties and fines shall be identified and clarified in the following manner:

16 A. First Offense: Any person who commits only one offense within a five year  
17 period of time is guilty of a first offense.

18  
19 B. Repeat Offense: Any person who commits an offense subsequent to a first  
20 offense shall be guilty of a repeat offense regardless of the location or the type  
21 of offense set forth in (2)A., B., and C. above.  
22

23 C. Penalty for Repeat Offenses: repeat offenses shall receive a penalty that equals  
24 the sum of the fines for the first offense and all subsequent fines multiplied by a  
25 number corresponding to the amount of offenses committed. Repeat offenses  
26 will be added to this formula until a five year period passes without an offense.  
27

28 (8) Remission of fines.

29 Within twenty (20) days after the notice is received, the person incurring the penalty  
30 may apply in writing to the County for remission or mitigation of such penalty. Upon  
31 receipt of the application, the County may remit or mitigate the penalty upon whatever  
32 terms the County in its discretion deems proper. The County's final decision on  
33 mitigation or revision shall be reviewed by the Hearing Examiner if the aggrieved party  
34 files a written appeal pursuant to WCC 20.84.240.  
35

36 (9) Authority of Prosecuting Attorney.

37 The Prosecuting Attorney may enforce compliance with this ordinance by such  
38 injunctive, declaratory, or other actions as deemed necessary to insure that violations  
39 are prevented, ceased, or abated.  
40

41 (10) Appeals.

42 Appeals of administrative decisions may be made pursuant to 20.84.240 Whatcom  
43 County Code. Appeals on technical issues established in the Whatcom County  
44 Development Standards shall be made pursuant to 12.08.035.I, Whatcom County  
45 Code.  
46  
47

1 **ADD THE FOLLOWING DEFINITIONS TO TITLE 20:**

2 **Clearing:** Destruction of vegetation by manual, mechanical, or chemical methods resulting  
3 in exposed soils.

4  
5 **Clearing activity:** Clearing taking place on a single parcel of record or as part of a single  
6 project. A clearing activity will be considered to be complete once the site has been  
7 revegetated and stabilized.

8  
9 **Conversion Option Harvest Plan (COHP):** A voluntary plan developed by the landowner  
10 and approved by the County prior to submittal to the Department of Natural Resources,  
11 indicating the limits of harvest areas, road locations, critical area buffers and open space.  
12 The plan provides the landowner with the opportunity to log under a DNR Class II, III, or IV  
13 Special Permit without a County Development Permit while maintaining the option to  
14 convert the land at a later date. Under this condition, the imposition of a six year  
15 moratorium on future development will not apply.

16  
17 **Development:** Any activity that requires Federal, State, or local approval for the use or  
18 modification of land or its resource. These activities include; but are not limited to,  
19 subdivision and short subdivisions; binding site plans; planned unit developments;  
20 variances; shoreline substantial development; clearing activity; excavation; embankment;  
21 fill and grade work; activity conditionally allowed; building or construction; revocable  
22 encroachment permits; and septic approval.

23  
24 **Drainage Ditch:** An artificially created watercourse constructed to drain surface or  
25 groundwater.

26  
27 **Forest Practice:** Any activity conducted on or directly pertaining to forest land and related  
28 to growing, harvesting or processing timber (222-16 WAC); including , but limited to: (1)  
29 road and trail construction; (2) fertilization; (3) prevention and suppression of diseases and  
30 insects; or other activities which qualify as a use or development subject to the Forest  
31 Practices Act.

32  
33 **Rural Zoning Districts:** Zoning districts that allow rural, agricultural, recreation and forestry  
34 activities and do not require sewer and/or water prior to development. These zoning  
35 districts include; R2A, R5A, R10A, ROS, Agriculture, and Forestry. This definition is  
36 intended for the purpose of regulating clearing activity only.

37  
38 **Stream:** As defined in the Whatcom County Critical Areas regulations (WCC 16.16).

39  
40 **Urban Zoning Districts:** Zoning districts that allow industrial and commercial activities, and  
41 high and medium density residential densities. These zoning districts include: UR, URM,  
42 RR, RR-I, NC, GC, TC, RC, GI, LII, GM, HII, and AO. This definition is intended for the  
43 purpose of regulating clearing activity only.

44  
45 **Vegetation Maintenance:** Lawn maintenance, brush and tree pruning and other normal  
46 land maintenance activities involving cutting, removal or planting of vegetation by manual,  
47 mechanical, or chemical methods.

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Section 2. This ordinance, as adopted, or as hereafter amended, repeals Ordinances #89-129 (six-year moratorium), #90-24 (Forested Land Clearing), and #90-58 (Erosion and Sedimentation Control in Critical Watersheds).

Section 3. 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 second day of April, 1996.

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

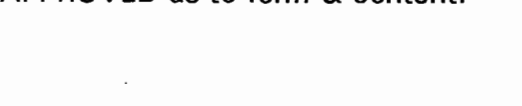
ATTEST:

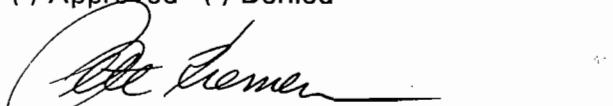
  
Dana Brown-Davis, Council Clerk

  
Ward Nelson, Chairperson

APPROVED as to form & content:

Approved ( ) Denied

  
Karen Frakes, Civil Deputy Prosecutor

  
Pete Kremen, Executive

Date: 4/16/96

10/10/10

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