

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 1999 - 376

CLEARANCES	Date	Date Received in Council Office	Agenda Date	Assigned To
Orig. Dept.: County Council	9/29/99	RECEIVED SEP 29 1999 WHATCOM COUNTY COUNCIL	9/28/99	Introduction
Division Head:			10/12/99	COUNCIL / PED COMM
Dept. Head:			10/26/99	PED COUNCIL
Prosecutor:			11/9/99	PED COUNCIL
Budget:			11/23/99	PED COUNCIL
Executive:				

SUBJECT:

Ordinance adopting amendments to WCC 20.80, Supplementary Requirements (48-98:27)

ATTACHMENTS

SUMMARY STATEMENT:

Related County Contract #:	Should the Clerk schedule a hearing? (Y/N)	Requested Date:
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Ordinance adopting amendments to Whatcom County Code 20.80, Supplementary Requirements

Planning Number 48-98:27

RECOMMENDED MOTION (for final action):

COUNCIL ACTION TAKEN:

- 1999 - 376 9/28/99: Introduced
- 10/12/99: Held/Council
- 10/26/99: Held/Committee to 11/9
- 11/9/99: Held/Committee to 11/23
- 11/23/99: Amended and adopted 7-0, Ord. #99-080

ted File Numbers:

Ordinance or Resolution Number (this item only):

ORD. #99-080

SPONSORED BY: Planning
PROPOSED BY: Planning
INTRODUCTION DATE: 9/28/99

ORDINANCE NO. 99-080

**ADOPTING AMENDMENTS TO THE WHATCOM COUNTY
ZONING TEXT CHAPTER 20.80 REGARDING BUILDING SETBACKS AND
BUFFERS**

WHEREAS, Whatcom County Code, Title 20, Chapter 90 provides direction for docketing zoning map and text amendments and such docket was initiated and processed for 1998; and

WHEREAS, The Deputy SEPA Official for Whatcom County issued a determination of non-significance on November 4, 1998; and

WHEREAS, Pursuant to RCW 36.70.590, legal notice was published in the Bellingham Herald on October 31, 1998, November 26, 1998, January 4, 1999, January 14, 1999, February 11, 1999, February 27, 1999, March 11, 1999, March 25, 1999, April 11, 1999; and

WHEREAS, The Planning Commission held public hearings on the proposed amendments on November 12, 1998, December 10, 1998, January 14, 1999, January 28, 1999, February 11, 1999, February 25, 1999, March 11, 1999, March 25, 1999, and April 8, 1999 and considered all testimony; and

WHEREAS, The Planning Commission held a work session on April 22, 1999 to consider all the amendments concurrently, as required by WCC 20.90.070; and

WHEREAS, The Planning Commission has evaluated the merits of each amendment in relationship to the County Wide Planning Policies and the goals, policies and objectives of the Comprehensive Plan, as required by WCC 20.90.070; and

WHEREAS, The County Council has considered the Planning Commission's Findings of Fact, Reasons for Action, and Recommendations for all the amendments, as required by WCC20.10.110; and

WHEREAS, The County Council decided to split the batch of proposed zoning map and text amendments into separate ordinances to allow for public hearings and adoption of revisions to some of the proposed amendments in advance of the other proposed amendments; and

WHEREAS, the County Council finds the zoning text amendments in the best interest of the public, safety, and welfare, based on the following findings and conclusions:

FINDINGS

1. Public notice was published January 14, 1999, in the Bellingham Herald.

2. SEPA: A Declaration of Non-significance was issued on November 4, 1998, in the Bellingham Herald
3. Staff finds that the proposed amendment by reorganizing and clarifying certain portions of the Chapter 20.80 WCC will promote better and more consistent administration of the setback requirements of Title 20 and will provide better guidance to both staff and the public in understanding and applying setback requirements.
4. Staff finds that the proposed reorganization provides for a better grouping of like topics which will assist in better identifying inconsistencies between existing and proposed regulations in the event future amendments are proposed.
5. The proposed changes are in the public's interest as they provide enhanced clarity of the subject ordinance purpose and intent.

CONCLUSION

Amendments to the Official Whatcom County Zoning Ordinance text should be adopted as set forth in Exhibit 1.

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

Section 1. The Official Whatcom County Zoning Ordinance text (Title 20) is hereby amended as shown in the attached Exhibit 1.

Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of the 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 23 day of ~~October~~^{November}, 1999

ATTEST:



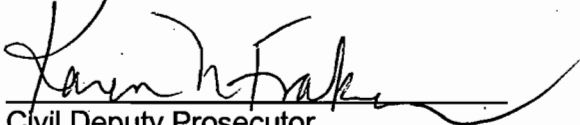
Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



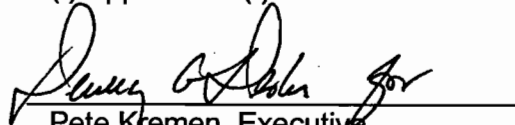
Marlene Dawson, Chairperson

APPROVED as to form:



Civil Deputy Prosecutor

Approved Denied



Pete Kremen, Executive

Date: 12/2/99

EXHIBIT 1
BUFFERS & LANDSCAPING (FILE # 48-98:ZT)

20.80 Supplemental Requirements: *amend the following sections of Chapter 20.80 WCC to read as follows:*

Chapter 20.80
Supplemental Requirements

- 20.80.200 Setback requirements.
- 20.80.210 Minimum building setbacks.
- 20.80.215 Setbacks - Off-premises advertising signs.
- 20.80.220 Use of setback areas. ~~Measurement of setbacks.~~
- 20.80.230 Measurement of setbacks. ~~Corner lots.~~
- ~~20.80.235 Waterfront lots.~~
- 20.80.240 Reserved . ~~Accessory structure setbacks.~~
- 20.80.250 Special Setback Provisions by District ~~Setbacks increased due to building height.~~
- 20.80.251 Residential Districts ~~Light Impact Industrial District.~~
- 20.80.252 Rural District ~~General Manufacturing District.~~
- 20.80.253 Commercial Districts ~~Heavy Impact Industrial District.~~
- 20.80.254 Industrial Districts.
- 20.80.255 Agriculture District.
- 20.80.256 Forestry Districts
- 20.80.257 Recreation Open Space District.
- 20.80.258 All Districts.
- 20.80.260 ~~Certain structures exempt from setback requirements.~~
- ~~20.80.261 Light Impact Industrial District.~~
- ~~20.80.262 General Manufacturing District.~~
- ~~20.80.263 Heavy Impact Industrial District.~~
- ~~20.80.270 Setbacks increased for parcels adjoining another district.~~
- ~~20.80.271 Residential Districts.~~
- ~~20.80.272 Rural District.~~
- ~~20.80.273 Forestry District.~~
- ~~20.80.274 Commercial Districts.~~
- ~~20.80.275 Industrial Districts.~~
- ~~20.80.280 Miscellaneous setback provisions.~~
- ~~20.80.281 Residential Districts.~~
- ~~20.80.282 Agriculture District.~~
- ~~20.80.283 Forestry District.~~
- ~~20.80.284 Recreation and Open Space District.~~
- ~~20.80.285 Commercial Districts.~~
- ~~20.80.286 Industrial Districts.~~
- ~~20.80.287 All districts.~~

- ~~20.80.290 Permitted use of setback areas.~~
- 20.80.300 Landscaping.
- 20.80.310 Purpose.
- 20.80.315 Scope.
- 20.80.320 Plans.
- 20.80.325 Landscaping location and spacing.
- 20.80.330 Plant sizes at time of planting.
- 20.80.335 Plant choices.
- 20.80.340 Existing vegetation.
- 20.80.345 Buffering plantings.
- 20.80.350 Parking areas.
- 20.80.355 Trash and storage areas – Screening and placement.
- 20.80.360 Special requirements for individual zone districts.
- 20.80.365 Conformance to Guide Meridian plan.
- 20.80.370 Modifications.
- 20.80.375 Installation and bonding.
- 20.80.380 Planting and care.
- 20.80.384 Deleted.
- 20.80.385 Street planting.
- 20.80.400 Sign controls.
- 20.80.410 Signs – General provisions – Applicable to all districts.
- 20.80.420 Neighborhood Commercial District sign regulations.
- 20.80.430 General Commercial District sign regulations.
- 20.80.435 Tourist Commercial District sign regulations.
- 20.80.440 Resort Commercial District.
- 20.80.450 General Manufacturing, Light and Heavy Impact Industrial, and Airport Operation Districts sign regulations.
- 20.80.460 Recreation and Open Space District sign regulations.
- 20.80.470 Exemptions.
- 20.80.500 Off-street parking and loading requirements.
- 20.80.505 General requirements.
- 20.80.510 Parking space dimensions.
- 20.80.515 Loading space requirements and dimensions.
- 20.80.520 Surfacing.
- 20.80.521 Drainage.
- 20.80.522 Maintenance.
- 20.80.523 Lighting.
- 20.80.525 Location of parking spaces.
- 20.80.530 Screening and/or landscaping.
- 20.80.535 Required trash areas.
- 20.80.540 Nonpermitted storage.
- 20.80.545 Minimum distance and setbacks.
- 20.80.550 Joint use.
- 20.80.555 Wheel blocks.
- 20.80.560 Width of aisles.

- 20.80.565 Access.
- 20.80.570 Circulation.
- 20.80.575 Striping.
- 20.80.580 Parking space requirements.
- 20.80.585 Accessible parking.
- 20.80.590 General interpretations.
- 20.80.600 Other development standards.
- 20.80.610 Deleted.
- 20.80.620 Noise.
- 20.80.630 Stormwater and drainage.
- 20.80.631 Exemptions.
- 20.80.632 Small development impervious surface treatment.
- 20.80.633 Large development impervious surface treatment.
- 20.80.634 Special districts.
- 20.80.635 Conformance required.
- 20.80.640 Driveways.
- 20.80.650 Air quality.
- 20.80.660 All-weather road access.
- 20.80.670 Docks.
- 20.80.675 Height limitations.
- 20.80.680 Unsuitable land.
- 20.80.700 Replacement dwellings.
- 20.80.720 Variances to lot area and width requirements for new subdivisions.
- 20.80.730 Land clearing.
- 20.80.800 Livestock regulations.
- 20.80.801 Purpose.
- 20.80.805 Animal units.
- 20.80.900 Surface mining registration/inspection procedures.

20.80.200 Setback requirements.

20.80.210 Minimum ~~building~~ setbacks.

(1) All structures, including accessory structures, shall be placed on their lots in compliance with the requirements of the Setback Table (20.80.210(5)), except as may otherwise be provided in this title.

(2) ~~20.80.235~~-Waterfront lots: Waterfront lots shall comply with the building setback requirements set forth in the Whatcom County Shoreline Management Program. (See WCC 20.80.2230(2))

(3) ~~20.80.291~~-Vision Clearance:- Notwithstanding any other setback requirements of this title, and unless specifically provided otherwise, ~~A~~ a clear vision area shall be maintained on the corners of all property at the intersection of two streets, a street and an alley, or a street and a railroad.

(a) ~~(1)~~ A clear vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines

for a distance specified in paragraph (c) ~~(3)~~ below (where the lot has rounded corners, the distance shall be measured from the intersection of those lot lines extended), and the third side of which is a line across the corner of the lot joining the non intersection ends of the other two sides.

(b) ~~(2)~~ A clear vision area shall contain no planting, fence, wall, obstruction, or temporary or permanent obstruction exceeding two and one-half feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade; except that trees exceeding this height may be located in this area; provided all branches and foliage are removed to a height of 10 feet above the grade.

(c) ~~(3)~~ The following measurements shall establish clear vision areas:

(i) ~~(a)~~ In a residential zone, the minimum distance shall be 30 feet or, at intersections including an alley, 10 feet;

(ii) ~~(b)~~ In all other zones, the minimum distance shall be 15 feet, or at the intersection of a street and an alley, 10 feet, except when the angle of intersection between a street other than an alley is less than 30 degrees the distance shall be 25 feet;

(iii) ~~(c)~~ Structures including Bbuildings may be constructed within the clear vision area; provided that any portion of the structure within the clear vision area is more than eight feet above the top of the curb or street center line grade and is supported by not more than two columns each of which is not more than eight inches in diameter.

(4) Properties which are generally located on the Guide Meridian between Horton and Kellogg roads, and specifically identified in the Guide Meridian Improvement Plan, shall be subject to the provisions of said plan. The provisions of said plan shall supersede this chapter where there is inconsistency.

(5) Setback Table: For the purposes of this chapter, the road classification used to determine setback requirements shall be as set forth in the Right of Way Reference Document maintained by the Department of Planning and Development Services. In the event a particular road is not listed in the Right of Way Reference Document, the Department of Public Works shall determine the classification, which classification shall be based on the Whatcom County Development Standards or such other local, state or federal roadway standards as the Department of Public Works deems appropriate. [20.80].222 For the purpose of this section, the Whatcom County planning and development services department shall establish a right of way reference document containing definitions and road rights of way of county, state, and federal roads and highways scheduled for widening or which have a potential for being widened at some time in the future.

Existing Setback Table from WCC 20.80.210

[Language that accompanies the existing Set Back Table]

* Roof overhangs or other architectural features shall not project further than 18 inches into the side or rear yards setbacks. Such overhangs may extend six feet into the front yard setback; however, in no case will they extend more than one half the depth of the front yard setback.

+ Refer to the additional provisions of WCC 20.80.250, ~~20.80.260~~, ~~20.80.270~~, ~~20.80.280~~, ~~20.80.290~~ and 20.80.700 and buffer requirements for individual zones.

o Or as modified pursuant to WCC ~~20.80.286(2)~~ .254(1)(d), 254(2)(d), and 254(4)(b).

** Minor access streets are those that are deadends or that are constrained from ever developing further.

Refer to additional provisions of WCC 20.64.350 or 20.65.400.

+ + When located adjacent to I-5 these setbacks may be reduced to 25 feet subject to the screening requirements under 20.62.651(2).

⊙ No specific setback requirements shall apply to a planned concept submitted for technical committee review. This provision could be used, for example, to allow zero-lot-line development.

ϕ For new development within urban growth areas front yard setbacks may be reduced consistent with minimum front yard setback requirements as set forth in the adjacent city's regulations.

20.80.215 Setbacks - Off-premises advertising signs.

Off-premises advertising signs shall be subject to the following setbacks. WCC 20.80.210 ~~and 20.80.230~~ shall not apply.

(1) No portion of a sign shall be placed within 15 feet of any right-of-way except as provided in paragraph (3) of this section.

(2) Minimum side and rear yard setbacks shall be 10 feet except where they abut a right-of-way.

(3) Off-premises advertising signs oriented towards Interstate 5 may be up to within five feet of the interstate right-of-way when approved by all agencies having jurisdiction.

(4) No off-premises advertising sign shall be within 500 feet of any residence or residential zoning or within 1,000 feet of any church, school, cemetery, park, open space designation or historical landmark.

(5) No off-premises advertising sign shall be within 50 feet of any intersection.

20.80.290 .220 Permitted Use of setback areas.

~~292~~ ~~The requisite~~ All front yard setback measurements are minimum requirements. All front yard and rear yard setback areas ~~must~~ shall be open from side-to-side of the lot except as otherwise provided by the following.

(1) Front Yards

(a) uncovered patios, driveways, walkways, vegetation, pools, recreation equipment, and fences and walls up to four feet in height may be placed in this front yard setback area subject to the limitations of 20.80.210(3) regarding vision clearance. Signs approved for use in a front yard area shall be subject to the limitations of WCC 20.80.410 and/or WCC 20.80.215 as applicable.

(b) ~~and further provided,~~ that fences, walls or vegetative hedges greater than four feet in height up to a maximum of six feet in height may be located within this the front yard setback area ~~may exceed four feet in height, to a maximum of six feet, only if~~ subject to the limitations of 20.80.210(3) regarding vision clearance and provided both of the following applies:

(i) ~~(1) They~~ the additional height does not obstruct or impair visual corridors of surrounding properties and sight distances of vehicular traffic.

(ii) ~~(2) They~~ the additional height is are determined by the administrator ~~adjudged~~ to be necessary in order to provide security and/or privacy to the particular use activity by reason of one or more of the following: ~~(1) 1) The~~ the property's immediate location next to public access areas; or ~~(2) 2) Its a~~ a determination by the administrator that the property and/or its facilities and amenities ~~which~~ are both attractive to the general public, and intended for the exclusive use of its ~~inhabitants~~ residents and/or patrons; or ~~(3) 3) They a~~ a determination by the administrator that the additional height is ~~the needed~~ are deemed necessary for the ~~to protect~~ protection of the public health, safety and general welfare.

~~(2)-293~~ A Rear yard ~~must be open from side to side of the lot; provided that~~

(a) uncovered patios, driveways, walkways, vegetation, pools, recreation equipment, open parking spaces, fences and walls up to seven feet in height, and structures housing accessory uses in Urban Residential, Residential Rural, Rural and Agricultural Zone Districts may be placed in the rear yard; provided that there is an open space of at least eight feet is maintained between any structure housing such accessory use and any other building on that lot. All rear yard measurements are minimum requirements.

(3) 294-A Side yards must be kept open; provided that uncovered patios, driveways, walkways, vegetation, pools, parking areas, recreational equipment, and fences and walls up to seven feet in height may be placed in the side yard.

20.80.220.230 Measurement of setbacks.

~~(1)-221~~ Front Yard. The requisite minimum front yard setbacks line shall be measured from the edge of the abutting road right of way (front property line). For corner lots, the appropriate abutting road right of way shall be determined edge of

~~the existing road right-of-way except as provided in WCC 20.80.2320(3) . The property owner shall bear the responsibility for correctly locating the edge of the abutting road right-of-way from which the measurement is to be taken. provided that where the exact location of the right of way is not known, it shall be assumed that the improved traveling surface is in the center of the right of way. If the width of the right of way is not known, it shall be assumed to be 60 feet. Research and a survey shall be required to determine the center of the road and the width of right of way.~~

~~(2) -223~~ **Shoreline Areas:** In situations where the shoreline setback(s) imposed by the shoreline management program exceed the standard rear and/or side yard setbacks imposed by this ordinance, the front yard setback(s) shall apply to the waterfront side(s) of the lot or tract and the rear yard setback shall apply to the street side of the lot or tract; provided, however, the zoning administrator may waive the setback reversal requirement of this section upon request of the property owner if he finds that the public interest will not be harmed; provided further that the minimum setback on the street side of parcels abutting collector and arterial roadways shall be 20 feet.

~~(3) -20.80.230~~ **Corner lots:** For corner lots or parcels bounding two or more roads the front yard shall be that yard which abuts a collector or arterial road. In the case of two or more roads being designated collectors or arterials, the front yard shall abut the road with the higher classification. If neither of the roads are designated collectors or arterials or they have equal classifications, the owner/builder shall have the option of selecting the front yard. The zoning administrator may override this decision in special circumstances involving public safety. Yards on the other flanking streets may be considered side yards except that for collectors or arterials the minimum setback shall be no less than one half of the normally required road setback.

20.80.240 Reserved~~Accessory structure setbacks.~~

~~Accessory structures shall observe the minimum front, side and rear yard setbacks of WCC 20.80.75.210.~~

20.80.250 Special Setback Provisions by District~~Setbacks increased due to building height.~~

20.80.251 Residential~~Light Impact Industrial Districts~~

~~20.80.271~~**Residential Districts**-(1) Urban Residential District: Setbacks shall be increased to 100 feet for those parcels situated adjacent to Forestry Zone District, except that such parcels which are less than 20,000 square feet in a subdivision approved prior to January 1, 1987, and whose owners have filed an agreement with the county auditor as specified in WCC 20.20.651 shall be subject to the standard setback in WCC 20.80.210.

~~{20.80.271}~~(2)Residential Rural District: Setbacks shall be increased to 100 feet for those parcels situated adjacent to Forestry Zone District, except that such

parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.32.651 shall be subject to the standard setback in WCC 20.80.210.

~~20.80.281 Residential Districts. (1) (3) Urban Residential Medium Density District: Setback requirements for mobile home parks shall be 20 feet from the perimeter of the park for side and rear yards and shall be screened from neighboring uses in accordance with 20.80.345.~~

20.80.252 Rural General-Manufacturing District

~~20.80.272 Rural District (1) Rural District Setbacks: Setbacks shall be increased to 100 feet for those parcels situated adjacent to the Commercial Forestry Zone District, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.36.651 shall be subject to the standard setback in WCC 20.80.210.~~

20.80.253 Commercial Heavy-Impact Industrial Districts

~~20.80.274 Commercial Districts. (1) Neighborhood Commercial District:~~

~~(a) Setbacks for those parcels situated adjacent to Urban Residential, Residential Rural and Rural Zone Districts shall be administered pursuant to WCC 20.60.550 (Buffer area).~~

~~{20.80.274}(2) General Commercial District:~~

~~(a) Setbacks for those parcels situated adjacent to Urban Residential, Rural Cluster Development and Rural Zone Districts shall be administered pursuant to WCC 20.62.550 (Buffer area).~~

~~20.80.285 Commercial Districts. (1) Tourist Commercial District: (2) Resort Commercial District:~~

~~{20.80.274}(3) Tourist Commercial District:~~

~~{20.80.274(3)}(a) Setbacks for those parcels situated adjacent to Urban Residential, Urban Residential Medium Density, Residential Rural and Rural Zone Districts shall be administered pursuant to WCC 20.63.550 (Buffer area).~~

~~{20.80.285(1)}(a) (b) Setback requirements for recreational vehicle parks shall be 30 feet for side and rear yards.~~

~~{20.80.285(1)}(b) (c) Front yard setback requirements for service islands of service stations shall be 25 feet to the center line of the driveway of the closest service island.~~

~~{20.80.274}(4) Resort Commercial District:~~

~~{20.80.274}(a) Setbacks for those parcels situated adjacent to Urban Residential, Residential Rural and Rural Zone Districts shall be administered pursuant to WCC 20.64.550 (Buffer area).~~

~~{20.80.285(2)}(a) (b) Setback requirements for multifamily housing, including all condominiums except time share condominiums and mobile home parks, shall be 20 feet for side and rear yards.~~

~~{20.80.285(2)}(b) (c) Setback requirements for recreational vehicle parks, and resort-oriented hotels and motels including time share condominiums shall be 45 feet for front yard, and 20 feet for side and rear yards.~~

~~{20.80.285(2)}~~(e) (d) Setback requirements for nonresort-oriented hotels and motels and nonhabitation commercial development shall be zero feet for side yards and 10 feet for rear yards.

20.80.254 Industrial Districts

(1) Light Impact Industrial District

~~20.80.254~~ Light Impact Industrial District (a) All setbacks shall be increased by one foot for each foot of building height which exceeds 35 feet.

~~20.80.261~~ Light Impact Industrial District. (b) The building setbacks of WCC 20.80.210 shall not apply to utility or security structures such as poles, meters, fences, guard structures and the like. In addition, the zoning administrator may reduce side and rear yard setbacks for other structures as provided by WCC ~~20.80.286(2)~~ 254(1)(d).

~~{20.80.275}(1)~~ Light Impact Industrial District: (c) Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.66.550 (Buffer Area).

~~20.80.286(2)~~ General Manufacturing, Light Impact Industrial and Airport Operations Districts: (d) The zoning administrator may reduce or eliminate side and rear yard setbacks from side and rear property lines that are not adjoining a nonindustrial district. ~~down as far as zero if~~ provided that the administrator finds that all of the following provisions are met.

~~{20.80.286(2)}~~(a) (i) Screening ~~shall~~ will be provided to protect adjacent uses from unsightliness or visual distraction;

~~{20.80.286(2)}~~(b) (ii) A site plan has been submitted that shows that all structures and improvements including roof overhangs will not cross property boundaries, and a stormwater management plan has been provided that shows that runoff shall will be diverted to on-site drainage facilities;

~~{20.80.286(2)}~~(c) (iii) ~~The reduced~~ A reduction in setbacks would will not reduce solar access on adjacent properties or if a setback reduction will result in reduced solar access, unless all parties having an ownership interest in the property adjacent to the side or rear yards to be reduced stipulate in writing, on forms provided by the zoning administrator, to the reductions. The zoning administrator may require a title report to establish the ownership interests in the adjacent property;

~~{20.80.286(2)}~~(d) (iv) Adjoining properties will be shielded from light sources would be shielded;

~~{20.80.286(2)}~~(e) (v) The use and storage of toxic or hazardous materials or processes ~~shall~~ will not be located within what would otherwise be the setback area unless adequate facilities to contain accidental spills on-site consistent with state regulations are provided;

~~{20.80.286(2)}~~(f) (vi) The reduced setbacks ~~would~~ will not interfere with existing sewer, water and other easements; and

~~{20.80.286(2)}~~(g) (vii) Reduced setbacks shall will not result in the creation of a traffic hazard nor will the reduced setback create a circumstance that does not comply with 20.80.210(3) vision clearance.

(2) General Manufacturing District

~~20.80.252 General Manufacturing District.~~ (a) All setbacks shall be increased by one foot for each foot of building height which exceeds 35 feet.

~~20.80.262 General Manufacturing District.~~ (b) The building setbacks of WCC 20.80.210 shall not apply to utility or security structures such as poles, meters, fences, guard structures and the like. ~~In addition, the zoning administrator may reduce side and rear yard setbacks for other structures as provided by WCC 20.80.286(2).~~

~~{20.80.275}(2) General Manufacturing District.~~ (c) Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.67.550 (Buffer Area).

(d) The provisions of 20.80.254(1)(d) may be applied to side and rear yard setbacks in the General Manufacturing District.

~~20.80.286(3) General Manufacturing and Heavy Impact Industrial Districts:~~

(e) The zoning administrator may reduce setbacks for nonindustrial buildings to those of Light Impact Industrial if the reduced setbacks would not interfere with existing sewer, water and other easements. A greater reduction in setback requires approval under 20.80.254(2)(d).

(3) Heavy Impact Industrial District

~~20.80.253 Heavy Impact Industrial District.~~ (a) All setbacks shall be increased by one foot for each foot of building height, excluding tanks and similar structures, which exceeds 50 feet.

~~20.80.263 Heavy Impact Industrial District.~~ (b) The building setbacks of WCC 20.80.210 shall not apply to utility or security structures such as poles, meters, fences, guard structures and the like, nor to structures relating to shipment on railroad rights-of-way; provided that no traffic hazards are created. For nonindustrial buildings, the provisions of WCC 20.80.286(3) shall apply.

~~{20.80.275}(3) Heavy Impact Industrial District.~~ (c) Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.68.550 (Buffer Area) and Policy 1.05 of the Heavy Impact Industrial designation of the Cherry Point-Ferndale Subarea Plan.

~~{20.80.286}(1) Heavy Impact Industrial District.~~ (d) the setback requirements of the Heavy Impact Industrial District shall apply to the storing and handling of hazardous materials provided that if shall be administered pursuant to this section, or consistent with federal and/or state regulations require different setbacks, the greater setback (county, federal, or state) shall be used, whichever is greater.

~~20.80.286(3) General Manufacturing and Heavy Impact Industrial Districts:~~

(e) The zoning administrator may reduce setbacks for nonindustrial buildings to those of Light Impact Industrial if the reduced setbacks would not interfere with

existing sewer, water and other easements. A greater reduction in setback requires approval under 20.80.254(3)(d).

(4) Airport Operations District

~~{20.80.275}(4) Airport Operations District:~~ (a) Setbacks for parcels adjoining a nonindustrial district shall be administered pursuant to WCC 20.70.550 (Buffer Area).

(b) The provisions of 20.80.254(1)(d) may be applied to side and rear yard setbacks in the Airport Operation District.

20.80.255 Agriculture District

~~20.80.282 Agriculture District:~~ (1) The 50-foot front yard setback requirement for new buildings or additions may be waived if the zoning administrator finds the new building or addition is located along the same building line(s) of existing structures and will result in no additional encroachment, the public interest, safety and health are protected; provided, that for a new building the applicant shall also demonstrate that the proposed location is necessary for the economic viability and the continued operation of the agricultural use.

~~(1) The separation between residences and certain uses not located on the same property shall be 150 feet. Certain uses include barns, pens, milking sheds, or areas used to contain, house or feed animals. Pastures are excluded from this section's requirements. Buildings used for housing of farm animals shall not be constructed within 300 feet of any existing residence not located on the same property.~~

(2) The separation between residences not located on the same property and farm uses such as barns, pens, milking sheds, or areas used to contain, house or feed animals or store manure or feed, shall be 300 feet. Pastures are excluded from this section's requirements.

(3) Parcels of less than five nominal acres shall have the following minimum setbacks:

Front Yards:

- Primary arterials and secondary arterials: 45 feet.
- Collector arterials: 35 feet.
- Neighborhood collectors, local access streets: 25 feet.
- Minor access streets: 20 feet.

Side Yards: Minimum side yard setbacks shall be five feet.

Rear Yards: Minimum rear yard setbacks shall be five feet.

20.80.256 Forestry Districts

~~20.80.75.273 Forestry District:~~ (1) Setbacks shall be increased to 100 feet for those parcels in the Rural Forestry zone situated adjacent to the Commercial Forestry zone, except that such parcels whose owners have filed an agreement with

the county auditor as specified in WCC 20.42.651 shall be subject to the standard setback in WCC 20.80.210. Forest industry buildings, stationary equipment ~~of or~~ storage areas excluding scaling stations and watchman's stations shall not be located within 100 feet of any other zone district.

~~20.80.75.283 Forestry District. (1)~~ (2) Parcels utilized solely for community centers shall observe the following minimum setback requirements: front yard: 50 feet; side yard: 25 feet; rear yard: 25 feet.

(2) (3) Where a parcel, created pursuant to the clustering provision (WCC 20.42.300) or the planned unit development provision (Chapter 20.85 WCC) or when a permitted residence (WCC 20.42.056), adjoins an existing parcel of 20 acres or more in size that is being cultivated for the production of food or fiber, a minimum building setback of 100 feet shall be established from the common property line.

(3) (4) For parcels of less than five nominal acres, unless the provisions of WCC 20.80.283(2) above are applicable, a minimum five-foot side yard and a minimum five-foot rear yard setback shall be observed.

20.80.257 Recreation Open Space District

~~20.80.284 Recreation and Open Space District. (1)~~ Parcels utilized solely for community centers shall observe the following minimum setback requirements: front yard: 50 feet; side yard: 25 feet; rear yard: 25 feet.

(2) Shoreline setbacks shall be administered consistent with the Shoreline Management Program of Whatcom County; provided that a 25-foot setback is maintained from the ordinary high water mark of all water bodies and a 50-foot setback is maintained from the ordinary high water mark of fish spawn streams.

20.80.287.258 All districts

(1) No manure lagoon or other open pit storage shall be located closer than 150 feet from any property line, or in a manner which creates any likelihood of ground water pollution or other health hazard.

(2) All manure storage shall be protected from a 25-year flood; and shall be located 50 feet from irrigation ditches and waterways, 50 feet from the ordinary high water line of any lake or waterway; provided that best management practices as determined by the Whatcom County Conservation District are in place. If the best management practices are not in place, 300 feet shall be substituted for 50 feet.

~~20.80.260 — Certain structures exempt from setback requirements.~~

~~20.80.270 — Setbacks increased for parcels adjoining another district.~~

~~20.80.280 — Miscellaneous setback provisions.~~

~~20.80.286 — Industrial Districts.~~

Definitions- Add the following definition to 20.97:

20.97.428 Solar access.

"Solar access" means a property owner's right to have the sunlight shine on the owner's land.