

Kate Blystone - Re: PC Memo on Bellingham and Ferndale UGA

From: <TStewart@cob.org>
To: "David Stalheim" <DStalhei@co.whatcom.wa.us>
Date: 10/8/2009 11:52 AM
Subject: Re: PC Memo on Bellingham and Ferndale UGA
CC: "Dennis Rhodes" <DennisRhodes@cityofferndale.org>, "Greg Aucutt" <GAucutt@cob.org>, "Gary Davis" <GDavis@co.whatcom.wa.us>, "Jori Burnett" <JoriBurnett@cityofferndale.org>, "Kate Blystone" <KBlyston@co.whatcom.wa.us>, "Matt Aamot" <MAamot@co.whatcom.wa.us>, "Rebecca Craven" <RCraven@co.whatcom.wa.us>, <HAven@cob.org>
Attachments: 20091006_PCMemo.pdf; 20091006_PCMemoAttachment_Craver_Letter_.pdf; SilverBeachRegs.docx

Hi David,

At the risk of making a complex discussion more complex, we would offer a couple comments on your memo and Kathy's letter.

Your estimates of capacity in both the Geneva and Hillsdale UGA do not consider the City's policy, adopted June 14, 2004, regarding utility service zone extensions. These policies effectively prohibit new water services not already entitled, stating, in pertinent part that before water is provided the "owner agrees to restrict development of all contiguously-owned land to one single-family residence". When this rule is applied to Geneva and Hillsdale UGA, the real development capacity is significantly less than the County estimates.

Area	UR-3 Development Capacity with Water Restriction		County's Estimated
UR-3	County's R5A		
Geneva	77	152	about 74
Hillsdale	25	55	about 25

The conclusion that removal of Geneva and Hillsdale from the UGA would reduce development capacity in the Lake Whatcom Watershed by 108 units is not accurate. With the application of the City's water policy, the net effect between the two options is virtually the same.

We appreciate the comparison of development standards by Kathy. We would point out a couple of additional City regulations that have not been included:

1. The City Stormwater Regulations specifically require the reduction of phosphorus to forested levels and defines the output (0.15 lbs/acres/yr); the County regulations don't specify a standard.
2. The City does not allow ANY land clearing or grading from October 1- May 31st. In addition to the allowing 500 SF of exposed soil, the County also allows different clearing thresholds throughout the season as long a strict standards are met.

I've attached a memo from City Staff regarding the regulatory comparisons.

I'd appreciate it if you could pass these comments along the Commission.

Greg will be at the meeting this evening, if there are any questions.

Tim

From: "David Stalheim" <DStalhei@co.whatcom.wa.us>
To: "Dennis Rhodes" <DennisRhodes@cityofferndale.org>, "Jori Burnett" <JoriBurnett@cityofferndale.org>, "Greg Aucutt" <GAucutt@cob.org>, <TStewart@cob.org>
Cc: "Gary Davis" <GDavis@co.whatcom.wa.us>, "Kate Blystone" <KBlyston@co.whatcom.wa.us>, "Matt Aamot" <MAamot@co.whatcom.wa.us>, "Rebecca Craven" <RCraven@co.whatcom.wa.us>
Date: 10/06/2009 04:01 PM
Subject: PC Memo on Bellingham and Ferndale UGA

Please find attached a memo to the Planning Commission outlining issues and options that came up during the public process for Bellingham and Ferndale UGAs. The Planning Commission will be addressing these two UGAs in work session Thursday night, starting at 6:30 p.m. in Room 513 of the Courthouse.

Please let me know if you have any questions.

David Stalheim, Director
Whatcom County
Planning & Development Services
Phone: 360-676-6907
Fax: 360-738-2525
Email: dstalhei@co.whatcom.wa.us



MEMORANDUM

TO: Whatcom County Planning Commission
FROM: David Stalheim, Director
DATE: October 6, 2009
RE: Urban Growth Area Deliberations on October 8th

On September 17, 2009, the Whatcom County Council and Planning Commission held a public hearing on proposed amendments to the Whatcom County Comprehensive Plan and Zoning Ordinance regarding the review and revision of Urban Growth Areas. The proposed amendments were submitted by County Executive Pete Kremen in response to city and community proposals for Urban Growth Areas presented to Whatcom County on June 16th and subject to public hearing on June 23rd.

This memorandum outlines the two urban growth areas that we ask the Planning Commission to focus on for your deliberations on October 8th: Ferndale and Bellingham.

Additional consideration of the Urban Growth Area proposal includes two planned meetings on the 15th and 22nd of October.

October 15th meeting (focus of deliberation)

- Comprehensive Plan Chapters
- Zoning Text and Maps
- Remaining UGA Issues, including:
 - TDR Policy Based on Drayton Harbor Watershed
 - Birch Bay UGA Boundary
 - Columbia Valley General Commercial Zoning
 - Columbia Valley Comp Plan designation for 40 acres north of Limestone Rd.

October 22nd

- Final UGA recommendations
- Findings of Fact, Conclusions and Recommendations

CITY OF FERNDALE URBAN GROWTH AREA

On June 09, 2009, the city of Ferndale requested that the city submit their proposal for their Urban Growth Area (UGA) by October 30, 2009, approximately one month prior to the Western Washington Growth Management Hearings Board deadline for county action on the Urban Growth Area review. The proposal that was presented included general recommendations, but did not contain a specific map representing their request. On August 19, 2009, after the County Executive finished preparation of his recommendations, the city of Ferndale submitted a proposal to the County Council for their Urban Growth Area.

Comments regarding the Urban Growth Area proposal for Ferndale are from Randy and Kim Schnackenberg and Lee Wiebe (9/17/09) and from the City of Ferndale (8/19/09 and 9/17/09). The Schnackenbergs and Wiebe, who both own property on Brown Road between Vista Drive and Malloy Road, express a general request to retain existing boundaries. The City of Ferndale cites a number of issues in their comments.

Boundaries and Residential Land Capacity

The City of Ferndale's 6/09/09 proposal did not provide a revised Urban Growth Area boundary but proposed reducing the residential portion of the Urban Growth Area by a smaller amount than the Executive has proposed. Absent a city-recommended boundary, the boundary proposed by the County Executive closely follows those recommended by Ferndale's staff and Planning Commission in May 2009, which proposed removing a number of small portions of the unincorporated Urban Growth Area on the east, and a large area on the west.

Under the Growth Management Coordinating Council and County Council approved land capacity analysis (LCA) methodology, the boundaries proposed by the city contained significantly more population capacity than projected population allocated to Ferndale. The Executive Proposal would place several areas in urban reserve, the largest being the Vista Drive corridor, north of the downtown corridor.

When Ferndale submitted a proposed Urban Growth Area map on August 19, 2009, their boundary was similar to the Executive-proposed Urban Growth Area and reserve areas, except that it recommended removing about 22 acres in the southwest portion of the Urban Growth Area and adding commercial/industrial areas outside the current Urban Growth Area boundary. The City's 8/19/09 and 9/17/09 comments oppose designation of an urban reserve, asserting the urban reserve concept is not legally supported, and lacks clear definition and criteria.

The City's June proposal disputed the results of the Land Capacity Analysis and suggested changes to the analysis methodology, the most significant of which involved using the City's target net densities as the assumed densities for purposes of calculating the dwelling unit and population capacity. The City's proposed densities are from Ferndale's 2005 Buildable Lands Inventory (BLI), and are based on a different definition of net buildable acres (and, by extension, net density) than the LCA methodology developed through the GMCC process. The assumed densities used in the LCA are based on permitted densities in the City's development regulations, amended in some cases to reflect actual achieved densities over the past five years where those

achieved densities are significantly lower than maximum permitted densities. County staff consulted extensively with the City in developing these assumed densities.

Boundaries and Commercial Land Capacity

The LCA shows a surplus of available commercial and industrial land in the Ferndale UGA. Both the Executive Proposal and the City of Ferndale (8/19/09) propose removing 76 gross acres of commercial/industrial land that is heavily constrained by wetlands or whose owner does not wish to remain in the UGA. Under the executive proposal there is still a small surplus of commercial/industrial land, but Ferndale also proposes (8/19/09) adding 119 acres along Enterprise south of Grandview, and 140 acres along Slater east of I-5. The southerly expansion abuts the City of Bellingham Urban Growth Area. In the city's 9/17/09 comments, the city mentions studies that have determined Ferndale requires an additional 200,000-300,000 square feet of commercial/retail space. The city did not provide any such studies during the urban growth area review process. The city also did not provide any proposal for how open space corridors within and between urban growth areas would be achieved between Bellingham and Ferndale.

Options:

1. Executive Proposal.
2. Amend the Executive's proposal by omitting the urban reserve designations.
3. City Proposal.

BELLINGHAM URBAN GROWTH AREA

Comments regarding the Urban Growth Area (UGA) proposal for Bellingham addressed a number of issues including the population growth allocation, the Geneva and Hillsdale areas (within the Lake Whatcom Watershed), the Yew St. Rd. area (within the Lake Padden Watershed), Larrabee Springs, Dewey Valley, and focusing growth in the Bellingham UGA. These issues, and a sampling of the comments received, are highlighted below.

Population Growth Allocation

The Bellingham UGA had a total population of 89,284 in 2008 (this includes area within the city limits and in the unincorporated UGA). The County Executive's proposal includes a base allocation of 22,477 for a 2029 population of 111,761. Additionally, the Executive is requesting the City of Bellingham to develop a proposal by 2011 to show how it could accommodate another 4,441 people for a total population of 116,202. This additional population would be placed in reserve and would only be allocated once Bellingham develops a proposal to accommodate this population.

A joint letter from the Bellingham Mayor and City Council President dated September 14, 2009 states:

. . . the Bellingham City Council recommended a population growth allocation of at least 113,055. Executive Kremen's recommendation of 116,200 is about 3,150 higher than the City's original recommendation. . .

We support the Executive's slightly higher growth allocation with the understanding that: 1) the County will continue its efforts to reduce the development capacity in the rural and agricultural areas of the County; and 2) we will have the opportunity during the 2011 comprehensive plan update process to determine whether or not the city can accommodate the additional growth (reconcile the difference).

Comments on the population allocation were received from AVT Consulting (letter, 9/17/09), Building Industry Association of Whatcom County (letter, 9/17/09), Langabeer & Tull, P.S. (letter, 9/17/09), Public Policy Perspectives (letter, 9/17/09), Whatcom County Association of Realtors (letter, 9/17/09), and Eric Hirst (letter, 9/10/09).

Geneva and Hillsdale Areas

The County Executive's proposal recommended removing the Geneva and Hillsdale areas from the UGA and rezoning these areas to Rural one dwelling/five acres (R5), as Lake Whatcom is the drinking water source for approximately half of the people in Whatcom County.

According to GIS analysis of the Geneva area:

- There are 938 dwellings in the Geneva UGA in 2009.

- The existing UR3 zoning would allow another 152 dwellings at full build-out. This does not include a market factor to recognize that a property owner who owns two lots may want to keep one as a side yard and other deductions.
- If Geneva is removed from the UGA and rezoned to R5, about 74 additional dwellings could be constructed at full build-out.
- Removing Geneva from the UGA would reduce development potential by about 78 dwelling units.

According to GIS analysis of the Hillsdale area (the portion of the UGA in the Lake Whatcom Watershed):

- There are 653 dwellings in the Hillsdale UGA in 2009.
- The existing UR3 zoning would allow another 55 dwellings at full build-out.
- If Hillsdale is removed from the UGA and rezoned to R5A, about 25 additional dwellings could be constructed at full build-out.
- Removing Hillsdale from the UGA would reduce development potential by about 30 dwelling units.

A joint letter from the Bellingham Mayor and City Council President dated September 14, 2009 states:

. . . The City has a long-term interest in the water quality of Lake Whatcom because we are responsible for providing the entire population of Bellingham with safe drinking water. It is one of the City's primary obligations to provide this essential resource. . .

We continue to believe that eventual annexation of Geneva and Hillsdale and application and enforcement of more restrictive City development standards makes the most sense for lake water quality. . .

We therefore recommend that the Geneva and Hillsdale areas remain in Bellingham's UGA. . .

Please see attached "Comparison of Lake Whatcom Watershed Regulations" compiled by Cathy Craver on September 3, 2009 for a brief comparison of Whatcom County and Bellingham regulations.

County-wide Planning Policy D.2 appears to indicate Geneva should be in the UGA, as shown below:

Urban Growth Areas for cities shall include those areas contiguous to cities and with urban characteristics as defined by the Act. The Geneva area in Bellingham's UGA is

characterized by urban development, but is also identified by the city and county as a Water Resource Protection UGA because of its location in the Lake Whatcom Watershed. Lake Whatcom is the drinking water source for much of the Bellingham urban area. Geneva is appropriate to include in an urban growth area, but is not an area where additional urban development is desirable.

Comment was received that the Geneva area should remain in the UGA so that there is opportunity to explore annexation. Annexation would allow public facilities and services, including police and fire protection, from Bellingham and allow residents to vote for City of Bellingham elected officials.

Comments on the Geneva and/or Hillsdale areas were received from Building Industry Association of Whatcom County (letter, 9/17/09), Zender Thurston PS (letter, 9/14/09), Wendy Harris (letter 9/9/09), Eric Hirst (letter, 9/10/09), David Hirsch (oral comments, 9/17/09) and Dennis Jones (oral comments, 9/17/09).

Yew St. Rd. Area

The County Executive's proposal recommended removing a portion of the Yew St. Rd. area, which is generally within the Lake Padden Watershed, from the UGA and placing it in a UGA Reserve designation with Rural one dwelling/ten acre zoning. The concept is to study Lake Padden further and implement any needed protection measures to preserve the water quality before allowing urban development to continue in the watershed. Additional planning for adequate public facilities and services should also be conducted.

A joint letter from the Bellingham Mayor and City Council President dated September 14, 2009 states:

. . . We understand the issues raised by the Executive with respect to future urban levels of development and potential impacts on the Padden watershed. We also have questions about how to potentially serve the area with the full range of urban services. Therefore, we support the County Executive's proposal to place the area in a "UGA Reserve" category. We intend to review this issue as part of the City's 2011 comprehensive plan update process. At that time, we may request that the UGA Reserve designation be removed and the area added back to Bellingham's UGA. . .

While Lake Padden is on the Clean Water Act's list for PCBs, there are also potential water quality issues associated with development. The *Final Environmental Impact Statement For: The City of Bellingham; Bellingham Urban Growth Area; Five-Year Review Areas; and Whatcom County Urban Fringe Subarea* (July 1, 2004) states:

. . . Urban runoff, septic tank leakage and fertilizer/pesticide runoff have degraded Padden Creek and Lake Padden water quality. In recent years there have been consistent high fecal coliform counts, turbidity and visible oil sheen. Water quality in Lake Padden has improved with the extension of sewer service to the vicinity, but still suffers late in the summer due to reduced flushing, increased urbanization and growing waterfowl populations. Lake Padden occasionally experiences periods of high water temperature

and low dissolved oxygen. Potential threats to this watershed include urban, industrial and commercial runoff, industrial expansion and increased urban development. . . (p. 3-28).

The high value of Lake Padden as a recreational fishing and swimming lake, and concerns that future development within the Lake Padden Watershed will degrade water quality of the lake, have already been recognized by Whatcom County. Specifically, the Whatcom County Council adopted Ordinance 2009-009 in March 2009 designating the Lake Padden watershed as a Water Resource Protection Overlay District (WCC 20.71), Stormwater Special District (WCC 20.80.635) and Water Resource Special Management Area (WCC 20.80.735). This followed a series of interim ordinances enacted in 2007 and 2008 addressing the same issue.

Comment was received that the Yew St. Rd. area should remain in the UGA so that there is opportunity to explore annexation. Annexation would allow public facilities and services, including police and fire protection, from Bellingham and allow residents to vote for City of Bellingham elected officials.

Concern was also expressed about removing the UGA after the new Wade King Elementary School, which just opened in Fall of 2008, was located in the area.

Comments on the Yew St. Rd. area were received from AVT Consulting (letter, 9/17/09), Belcher Swanson Law Firm (two letters 9/17/09), Rosemary Lea and others (five letters, 9/14/09), Elizabeth Mathews (letter, 9/17/09), David New (letter, 9/17/09), Jim Olson/Cal Leenstra, Mickey Ghio/Frank Muljat (letter, 9/16/09), Wendy Harris (letter 9/9/09), Eric Hirst (letter, 9/10/09), J. Chris Sandvig/Monica Uttich (letter 9/7/09), Allison Roberts (oral comments, 9/17/09), Mimi Brooks-Furland (oral comments, 9/17/09), Wayne Youngquist (oral comments, 9/17/09), Marilyn Buften (oral comments, 9/17/09), Diane Delahunty (oral comments, 9/17/09), Marilyn Flint (oral comments, 9/17/09), Ron Reimer (oral comments, 9/17/09), and Darcy Jones (oral comments, 9/17/09).

Larrabee Springs

The Executive's proposal does not include expansion of the Bellingham UGA northward to include Larrabee Springs.

Comments on the Larrabee Springs area were received from Caitac USA Corporation (letter, 9/17/09), Langabeer & Tull, P.S. (letter 9/17/09), Ted Mischaikov (oral comments, 9/17/09), and Foster Pepper Law Firm (oral comments, 9/17/09).

Dewey Valley

The Executive's proposal did not include removing the Dewey Valley area from the Bellingham UGA.

Comments on the Dewey Valley area were received from RJ Breakey (letter 8/20/09), Lee Breakey (letter, 7/3/09), and Leah Clark McDonald (letter 7/3/09).

Focusing Growth in the Bellingham UGA

The share of growth allocated to Bellingham and the smaller communities has been raised as an issue in the 10-year UGA review process (this issue is closely related to the population growth allocations).

Comments on this issue were received from Futurewise Whatcom (letter, 9/17/09), Whatcom Farm Friends (letter 9/17/09), Lummi Indian Business Council (letter, 9/16/09), and Public Policy Perspectives (letter, 9/17/09).

Neighborhood Character

Richard Maneval raised the issue of protecting neighborhood character (oral comments, 9/17/09).

Options:

1. Executive Proposal.
2. Amend the Executive's proposal by retaining the Geneva and/or Hillsdale areas within the Bellingham UGA boundary.
3. Amend the Executive's proposal by retaining the Yew St. Rd. area within the Bellingham UGA boundary.
4. Amend the Executive's proposal by making other adjustments to the Bellingham UGA boundary.



M E M O R A N D U M

TO: David Stalheim, Director

THROUGH: Oliver Grah, Natural Resources Division Manager

FROM: Cathy Craver, Planner II

DATE: September 3, 2009

SUBJECT: Comparison of Lake Whatcom Watershed Regulations

The following are the main differences between Lake Whatcom watershed regulations applied by the Whatcom County and the City of Bellingham, followed by a general overview of the regulations:

1. Whatcom County requires stormwater be treated on-site (for parcels less than 5 acres) through Development Standards prescribing treatments based on site conditions, and requiring a fully engineered plan when the standards cannot be met. Also, 65% or 5,000 sq. ft. of existing tree canopy must be retained with a Native Growth Protection Area (NGPA) requirement for lots between 2-5 acres.

The City requires stormwater be treated on-site by either a fully engineered plan with 30% of the site designated as a Native Vegetation Protection Area (NVPA), or 75% of total site area meet the prerequisites for a natural forested condition and be retained as a NVPA.

2. Whatcom County allows all lots to have a minimum 2,500 square feet of impervious surfaces (typically applied to substandard lots). Otherwise requires 80% of parcel to be kept free of structures and impervious surface for the UR, URM, and RR zones, and 90% for R zones.

The City limits:

- (a) Impervious surfaces to 2,000 square feet or 20% of the gross lot area, whichever is lesser.
- (b) Partially pervious surface limits not to exceed 1,000 square feet or 10% of the gross lot area, whichever is the lesser.
- (c) Together, the total impervious surface and partially pervious surfaces shall not exceed 25% of the gross lot area nor exceed 2,500 square feet.

General Overview of the Regulations:

Stormwater Management:

- ◆ Whatcom County: Permanent on-site stormwater quality and quantity facilities are required for all new development and remodels that increase impervious surfaces by more than 500 sq. ft. lots less than 5 acres. Proposal must follow the Development Standards administered by Public Works, and if prescriptive measures cannot achieve standards, then an engineered plan will be required. (WCC 20.80.635)
- ◆ City of Bellingham (January 2001-July 2009): Fully engineered stormwater site plan.
- ◆ City of Bellingham (July 2009-present): *See vegetation retention.*

Lot Clearing and Grading:

- ◆ Both jurisdictions allow no greater than 500 square feet of land disturbance from October 1- May 31. (WCC 20.80.735)

Vegetation Retention:

- ◆ Whatcom County: 65% of the existing tree canopy or 5,000 square feet of tree canopy retention requirement, with Native Growth Protection Area for lots between 2-5 acres. (WCC 20.80.735)
- ◆ City of Bellingham (January 2001-July 2009): n/a
- ◆ City of Bellingham (July 2009 – present): Native Vegetation Protection Area (NVPA) Minimum Area must be achieved by (BMC 16.80.080):
 - (a) Fully Engineered Method
 - i. At least 30% of the total site area shall meet the natural forested condition and retained as the NVPA.
 - ii. See full requirements in BMC 15.42.060.A.3.
 - or, (b) Forested Method
 - i. At least 75% of the total site area shall meet the prerequisites for natural forested condition and be retained as NVPA.
 - ii. See full requirements in BMC 15.42.060.A.3.b.

Impervious Surfaces:

- ◆ Whatcom County: In UR, URM, and RR zones, at least 80% of lot or parcel shall be kept free of structures and impervious surfaces, and in R zones, at least 90%. All lots are allowed at least 2,500 square feet of impervious surfaces. (WCC 20.71.300)
- ◆ City of Bellingham (January 2001-July 2009): For residential-single, the greater of 2,000 sq. ft. or 15% of the gross lot area, except for substandard lots. For residential-multi and commercial, limits shall be determined by SEPA review process.
- ◆ City of Bellingham (July 2009 – present):
 - (a) Impervious surface limits not to exceed 2,000 square feet or 20% of the gross lot area, whichever is lesser.
 - (b) Partially pervious surface limits not to exceed 1,000 square feet or 10% of the gross lot area, whichever is the lesser.
 - (c) Together, the total impervious surface and partially pervious surfaces shall not exceed 25% of the gross lot area nor exceed 2,500 square feet. (BMC 16.80.090)

Temporary Erosion and Sediment Control:

- ◆ Both jurisdictions require this for all development activity in the watershed. (WCC 20.80.735)

MEMORANDUM

TO: Greg Aucutt
FROM: Kim Weil and Bill Reilly
SUBJECT: Hillsdale, Geneva, and South Yew Street UGA Boundaries
DATE: September 14, 2009

The City and County have been working cooperatively for many years to attain protection and restoration of Lake Whatcom. Currently, the Interjurisdictional Coordinating Team (ICT) is working in unison on the Lake Whatcom TMDL response for phosphorus and fecal coliform. Our coordination is key to success. However, as we are separate jurisdictions, we have different regulations and programs. This memo summarizes the differences in key environmental areas related to Lake Whatcom protection.

This is not an exhaustive list of all the efforts the City and County, and others, are doing to protect and restore the water quality of Lake Whatcom. It is meant to provide policy makers a quick and abbreviated comparison between City and County code only.

Hillsdale and Geneva UGAs: Lake Whatcom Watershed

Land Use Regulations

City (BMC 16.80)

- New development, and redevelopment over 300 sq. ft., requires 75% retained or created in “natural forested condition” (fully mature forest) or 30%.retained/created and fully engineered stormwater design to with specific limits on phosphorus and fecal coliform transport.
- Recorded conservation easement for the Native Vegetation Protection Area (NVPA=area in natural forested condition).
- For forested method, no more than 2,000 sq. ft. of impervious surface allowed; limit of 1,000 sq. ft. of partially pervious or 2,500 sq. ft. total of both
- See the Stormwater Regulations section for more.

County (WCC 20.80. and WCC 20.71)

- New development requires 65% “tree canopy” (to the extent of the dripline) retained (lawn and other landscaping allowed under canopy); if no tree canopy,

no requirement.

- 35% of tree canopy can be removed for buildings, landscaping, and driveway
- Small lots that can't meet 65% are waived of this requirement.
- 2,500 sq. ft. impervious surface limit or 10% impervious limit in rural zones, 20% in urban zones whichever is larger of the three.
- No limits on partially pervious surfaces (lawns, pervious patios, even etc.).
- Protected Native Growth Area (PNGA=tree canopy area) designation is required for lots 2 to 5 acres in size.

Seasonal Clearing Restrictions

City (BMC 16.80 and BMC 15.42)

- No exposed soil is allowed from October 1st through May 31st
- No clearing is allowed without an approved residential building permit

County (WCC 20.80.735)

- Adopted seasonal restrictions to be consistent with City.
- Clearing is allowed with different thresholds during all months, including October 1st through May 31st, with County approval and application of strict standards.

Phosphorus Reduction

City (BMC 15.42)

- City code specifies the need to reduce phosphorus to forested levels and defines a general level of phosphorus output that is consistent with a forested level.

County

- County specifies generally the TMDL issue but no development code specifies a standard for reduction.

Phosphorus Fertilizers

City (BMC 15.42.050)

- Prohibits use of phosphorus-containing fertilizer on residential lawns and public properties.
- City code bans “commercial fertilizers”; both City and County allow phosphorus fertilizer in the first year of lawn development.
- City considering expanding ordinance to require signage and educational materials at retail stores.

County (WCC 16.32)

- Prohibits use of phosphorus-containing fertilizer on residential lawns and public properties.
- Compost products containing phosphorus likely banned and “commercial fertilizer” is well defined.

Stormwater Controls

City (BMC 15.42)

- Stormwater management is required for all sites that add or replace greater than 120 sq. ft. of impervious surface or landscape area. Projects exceeding 300 sf of impervious surface or landscaping modification may be required to retrofit the

entire site to meet a phosphorus control requirement equivalent to a mature forest.

- Retention of forest or reforestation of 75% of the site can meet stormwater requirement with other simplistic best management practices for the balance of the site.
- Exemptions are provided for homeowner- sponsored onsite stormwater management improvement projects.
- Erosion controls and permits are required for land disturbing activities greater than 500 sf year round.
- City has compiled data citywide on existing site conditions as of September 1995 to prevent aggregate work over time from exceeding thresholds.

County (WCC 20.80.636 and Sect. 221 of Chap 2 of the WC Development Standards)

- Requires a water quality and quantity facility for sites less than 5 acres whenever a project increases impervious surface for a site more than 500 sq. ft.
- Must first try to achieve infiltration; requires engineered system if infiltration can't be achieved.

Stormwater Manuals

City (BMC 15.42)

- City has adopted the 2005 version of Stormwater Management Manual for Western Washington (SWMM) and the 2005 version of the Puget Sound Low Impact Development manual.

County (Chapter 2 WC Development Standards)

- Whatcom County has not yet adopted the 2005 SWMM or one deemed equivalent. This is a step in the process of their compliance with their Phase II NPDES permit. They have referenced the Puget Sound LID manual in alternative designs for impervious surfaces.

Acquisition

City

- Water fund established to fund acquisition of properties (removes development potential).
- Acquired 1,008 acres/removed 578 units to date (and more in City/County joint acquisitions).
- Watershed Advisory Board (also includes County staff and County residents) managed by City for maintenance of properties and related issues.

County

- No dedicated fund specific to Lake Whatcom.
- Acquired 288 acres; acquired 465 acres/removed 124 units jointly with City.

Onsite Septic Systems (OSS)

City

- Prohibits OSS within City limits in the Lake Whatcom Watershed

County

- Requires permit for OSS and has new M & O requirements countywide

Boating

City (Ord. 2005-06-045)

- Prohibits all carbureted two-stroke engines on Lake Whatcom within the City limits.

County (Ord. 2004-02)

- Prohibits all carbureted two-stroke engines except 10 horsepower or less, auxiliary sailboat engines, and electronic fuel-injected carbureted engines purchased before 2004. These will be prohibited as of January 1, 2013.

South Yew Street UGA: Padden Creek Watershed

Land Use Regulations

City (BMC 16.55, BMC 16.40, BMC 15.42)

- All water bodies in the City of Bellingham are protected under the Critical Areas Ordinance, the Shoreline Master Program, and Stormwater Regulations.
- No land use regulations specific to Lake Padden.
- Future growth of City neighborhoods in the Lake Padden Watershed may necessitate consideration of specific regulations.

County (WCC 20.80.735)

- Lake Padden is within the Water Resource Special Management Areas.
- Development standards are the same as Lake Whatcom and other water bodies in this designation.