

## **DRAFT Title 20 Chapters Affected by Rural Element Update**

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### **20.04 General Provisions**

#### **20.04.060 Establishment of districts.**

For the purpose of furthering the goals and policies of the Comprehensive Plan and to carry out the provision of this title, Whatcom County is hereby divided into the following districts:

Chapter Abbreviation District

20.20	UR	Urban Residential
20.22	URM	Urban Residential Medium Density District
20.24	UR-MX	Urban Residential Mixed District
20.32	RR	Residential Rural
20.34	RR-I	Rural Residential-Island
20.35	EI	Eliza Island District
20.36	R	Rural
20.37	TZ	Point Roberts Transitional Zoning District
20.38	APO	Agriculture Protection Overlay
20.40	AG	Agricultural
20.42	RF	Rural Forestry
20.43	CF	Commercial Forestry
20.44	ROS	Recreation and Open Space
20.59	RGC	Rural General Commercial
20.60	NC	Neighborhood Commercial
20.61	STC	Small Town Commercial
20.62	GC	General Commercial
20.63	TC	Tourist Commercial

20.64	RC	Resort Commercial
20.65	GI	Gateway Industrial
20.66	LII	Light Impact Industrial
20.67	GM	General Manufacturing
20.68	HII	Heavy Impact Industrial
20.69	RIM	Rural Industrial-Manufacturing
20.70	AO	Airport Operations
20.71		Water Resource Protection Overlay District
20.72		Point Roberts Special District
20.73	MRL	Mineral Resource Lands Special District
20.74	CP	Cherry Point Industrial District
20.85	PUD	Planned Unit Development

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## **20.13 Wireless Communications Facilities**

### **20.13.050 Siting priorities and prohibited locations.**

(1) In reviewing applications for new wireless communication facilities the approving authority shall evaluate the proposal in relationship to the following siting priorities and prohibited locations. Unless the facility will be located at the highest priority location, the applicant shall demonstrate that:

- (a) None of the higher priority locations are available or;
- (b) If one is available it is not a feasible location for the proposed facility; or
- (c) If feasible, the location is less desirable than the one proposed from the standpoint of minimizing impacts on surrounding land uses.

(2) For the purpose of this section:

- (a) Residential related districts shall include Urban Residential (UR), Urban Residential Medium (URM), Urban Residential Mixed (UR-MX), Eliza Island (EI), Neighborhood Commercial, (NC) Rural Residential (RR), Rural Residential Island (RR-1), and Rural (R) Districts;
- (b) Commercial districts shall include Rural General Commercial (RGC), General Commercial (GC), Resort Commercial (RC) and Tourist Commercial (TC) districts only;

(c) Industrial districts shall include Heavy Impact Industrial (HII), Light Impact Industrial (LII) Gateway Industrial (GI), Rural Industrial & Manufacturing (RIM), General Manufacturing (GM), Airport Operations (AO) and the Cherry Point Industrial District (CP-ID); and

(d) Resource Districts shall include Agriculture (AG), Commercial Forestry (CF), Rural Forestry (RF) and Recreation Open Space (ROS).

(3) Siting Priorities. Listed in descending order with the highest priority first.

(a) Collocated attached antennas on nonresidential buildings and structures including existing wireless communications towers in nonresidential related districts.

(b) Collocated attached antennas on nonresidential buildings and structures including existing wireless communications towers in residential related districts on property not used exclusively for residential purposes.

(c) Attached antennas on nonresidential buildings and structures in nonresidential related districts.

(d) New support structures at remote, low visual impact locations in resource and industrial districts.

(e) Attached antennas on nonresidential buildings and structures in residential related zones on property not used exclusively for residential purposes.

(f) New support structures at low visual impact locations in commercial districts.

(g) Locations other than those listed above.

(4) Prohibited Locations.

(a) New support structures are prohibited on lands within the jurisdiction of the Whatcom County Shoreline Program.

## 20.14 Wind Energy Systems

### 20.14.040 Regulatory framework.

.041 Permits and Zoning.

System Type	Required Permit	Zones
MET tower	Outright permitted <sup>1</sup>	All – for up to 24 months
One SWES	Outright permitted <sup>1</sup>	All
WES with a rated output of 101 kW up to and including 500 kW	Administrative permit <sup>2</sup>	Rural, RIM, AG, CF, RF, HII

Multiple SWES per parcel with a cumulative rated output of up to and including 100 kW	Administrative permit <sup>2</sup>	All
WES greater than 500 kW	Conditional use permit <sup>3</sup>	AG, CF, RF, HII
Multiple WES per parcel with a cumulative rated output above 100 kW	Conditional use permit <sup>3</sup>	AG, CF, RF, HII

- 1 WES and MET towers are required to be in compliance with but not limited to WCC Title 15, Buildings and Construction, and acquire the necessary building permit.
- 2 Administrative permit, WCC 20.84.235.
- 3 Conditional use permit, WCC 20.84.200.

.042 Principal or Accessory Use.

A WES may be considered either as a principal or accessory use. A different existing use or an existing structure on the same lot shall not preclude the installation of a WES or a part of such facility on such lot. Any WES that is constructed and installed in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

## 20.20 Urban Residential (UR) District

### 20.20.010 Purpose.

To promote an orderly transition from rural to urban development, the intent of this district is to encourage land uses and associated densities in designated Urban Growth Areas, which will be complementary with future urban densities and services, while allowing reasonable transition uses of properties. Furthermore, it is the intent of this district to implement the policies of the Comprehensive Plan. In addition, it is the intent of this district to provide the opportunity for the development of building sites which will maximize the efficient use of both energy and land by allowing an option for clustering of residential lots.

### 20.20.015 Applicability.

- (1) In short-term planning areas, this chapter shall be fully applicable.
- (2) Outside short-term planning areas designated on the Comprehensive Plan map, this section shall be limited as noted below.

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### 20.20.130 Administrative approval uses.

The following uses are permitted subject to administrative approval pursuant to WCC [20.84.235](#).

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**.133 Reserved.**

**.134** Mini-day care homes.

**.135 Reserved.**

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**20.20.150 Conditional uses.**

**.151** Public and community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar noncommercial uses, excluding correctional facilities other than those listed in WCC [20.20.184](#). These uses shall not be permitted outside of short-term planning areas designated on the Comprehensive Plan map unless the applicant can demonstrate that there is a need to locate outside those areas in order to comply with legal requirements or standards; or that the proposed location is the most efficient place for the proposed use with respect to providing needed services to the public.

**.152** Public schools; and parochial or private schools; provided such schools shall be approved by the state superintendent of public instruction.

**.153** Churches, educational and religious training institutions, summer camps, and cemeteries.

**.154** Retirement and convalescent homes; social and health rehabilitation centers; day care centers; mini-day care centers; and adult care centers not in a family dwelling; and other health-related services consistent with the purpose of the district.

**.155** Neighborhood grocery stores only in short-term planning areas designated on the Comprehensive Plan map; provided, that:

(1) The gross commercial floor areas, including sales and storage areas, shall not exceed 2,500 square feet;

(2) Storage areas shall be located entirely within the structure; however, outside trash receptacles shall be enclosed and screened from public view;

(3) The owner may have no more than two gasoline islands;

(4) Minor auto repairs may be provided; however engine overhaul, body and fender work, tire recapping and vehicle sales are prohibited;

(5) Hours of operation shall be limited to 7:00 a.m. through 11:00 p.m.;

- (6) Height of the building shall not exceed 28 feet from the average grade;
- (7) The site shall be full fronting on two or more improved public roads or streets;
- (8) All lighting shall be designed and installed to prevent the illumination of adjacent properties during business hours; however, security lighting may be permitted during nonbusiness hours if it is designed to prevent the illumination of adjacent properties;
- (9) Not more than two identification signs, not exceeding 40 square feet in area for each road frontage shall be permitted; provided, that said sign(s) shall be attached flush against the building, but shall not project above any part of the roofline nor extend more than 18 inches from the wall of the building to which it is attached. Said sign(s) shall be harmonious and compatible in appearance with the character of the surrounding area. Signs may only be illuminated by an indirect external source.

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**20.20.250 Maximum density, minimum lot size and width.**

**20.20.251 Minimum lot size.**

For the purpose of creating new building lots within the Urban Residential District, several land use densities are herein provided. The minimum lot size requirements for new construction vary according to the method of subdivision, as well as whether or not public sewer, water, and, where required by regulation, stormwater collection and detention facilities serve the project site. Where the lot cluster land division method is used, the minimum lot size is based on consideration of the zoning district’s setback requirements and the Whatcom County health code regulations for sewage systems and drinking water, but shall not be less than that shown below. Where a maximum lot size is imposed, clustered lots shall be as small as allowed by the health department.

**20.20.252 Maximum density, minimum lot size and maximum lot size.**

District	Maximum Gross Density	Minimum Lot Size		Maximum Lot Size	Min. Reserve Area (Cluster Subdivisions)
		Conventional	Cluster	Cluster Lots	
UR: all densities without public sewer and water**	Maximum gross density: 1 dwelling unit/10	N/A*	8,000 sq. ft.	22,000 sq. ft.	80%

	acres				
UR: in Lake Whatcom Watershed with public sewer and water, and stormwater collection and detention facilities	Maximum density: 1 dwelling unit/5 acres	5 acres	N/A	N/A	N/A
UR: all densities outside short-term planning areas**	Maximum gross density: 1 dwelling unit/10 acres	N/A*	8,000 sq. ft.	22,000 sq. ft.	80%
UR: all densities with public sewer or water**	Maximum gross density: 1 dwelling unit/10 acres	N/A*	8,000 sq. ft.	22,000 sq. ft.	80%
UR-3: in short-term planning areas with public sewer and water, and stormwater collection and detention facilities	Maximum gross density: 3 dwelling units/1 acre	12,000 sq. ft.	8,000 sq. ft.	N/A	25%
UR-4: in short-term planning areas with public sewer and water, and stormwater collection and	Maximum gross density: 4 dwelling units/1 acre Minimum net density:	8,000 sq. ft.	6,000 sq. ft.	N/A	20%

detention facilities	4 dwelling units/1 acre**				
UR-6: in short-term planning areas with public sewer and water, and stormwater collection and detention facilities	Maximum gross density: 6 dwelling units/1 acre Minimum net density: 6 dwelling units/1 acre**	5,500 sq. ft.	4,000 sq. ft.	N/A	20%

\* For the purpose of administering the lot consolidation provisions of WCC [20.83.070](#), the conventional minimum lot size shall be 10 acres.

\*\* Minimum density shall be calculated as net density, after deducting the areas restricted from development by critical area regulations and infrastructure requirements.

**20.20.253 Reserved.**

**20.20.254 Reserved.**

**20.20.255 Minimum lot width and depth.**

District	Width at Street Line		Width at Bldg. Line	Minimum Mean Depth
	Conventional	Cluster		
UR: all districts without public sewer and water and all districts outside short-term planning areas	300'	70'*	80'	100'
UR: with public sewer and water, and stormwater collection and detention facilities:				
3 units per acre	30'	30'	70'	80'
4 units per acre	30'	30'	60'	70'

*30' on a cul-de-sac only				
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**20.32 Residential Rural (RR) District**

**20.32.010 Purpose.**

The purpose of the Residential Rural District is to maintain the low density rural residential character of the areas designated as Rural or Rural Communities on the Comprehensive Plan map and implement the appropriate Comprehensive Plan policies in accordance with RCW 36.70A.070(5). In addition, it is the intent of this district to provide the opportunity for the development of building sites which maximize the efficient use of both energy and land by allowing an option for clustering of residential lots.

**20.32.050 Permitted uses.**

Unless otherwise provided herein, permitted and conditional uses shall be administered pursuant to the applicable provisions of Chapter 20.80 WCC (Supplementary Requirements) and Chapter 20.84 WCC (Variances, Conditional Uses and Appeals).

- .051 One single-family dwelling per lot.
- .052 (1) In short-term planning areas only, single-family attached dwellings; provided, that not more than two units are attached and the number of dwelling units conforms to the density requirements of this district.  
 (2) Outside short-term planning areas, single-family dwellings only.
- .053 Public parks and recreation facilities included in an adopted city or county Comprehensive Plan or Park Plan.
- .054 Agriculture, including animal husbandry, horticulture, viticulture, floriculture, silviculture, and beekeeping; and the cultivation of crops.
- .055 Private, noncommercial boat docks when located on a manmade canal designed for boat traffic pursuant to the Whatcom County Shoreline Management Program.
- .056 Trails, trailheads, restroom facilities and associated parking areas for no more than 30 vehicles.
- .057 One one-story detached accessory storage building per lot; provided, that the floor area shall not exceed 200 square feet and shall only be used for personal storage and not for habitation or business; and provided further, that the storage building shall contain no indoor plumbing but may be served with electrical power for lighting.
- .088 Adult family homes as defined in Chapter 70.128 RCW.

.089 Boarding homes that are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

.090 Mental health facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

.091 Substance abuse facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

**20.32.100 Accessory uses.**

.101 Home occupations pursuant to WCC 20.84.150.

.102 Private noncommercial boat docks, launches, ramps, floats, moorages and boathouses pursuant to the Whatcom County Shoreline Management Program.

.103 Other accessory uses incidental to the primary permitted use.

.104 Temporary dwelling units which have full living accommodations including sleeping, self-contained cooking, bathing, and toilet facilities where the plumbing is connected to permanent site sewage and water systems, including those travel trailers and recreational vehicles that meet the above description, for use by owners during the period of construction of a permanent dwelling while building permit is valid, not to exceed two years.

.105 Family day care homes subject to the requirements of WCC 20.84.150 for home occupations.

.106 Bed and breakfast establishments.

**20.32.130 Administrative approval uses.**

The following uses are permitted subject to administrative approval pursuant to WCC 20.84.235.

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.134 One private, noncommercial, recreational vehicle or park model trailer and one accessory guest RV per lot within designated Rural Communities in the Foothills Subarea, as listed in WCC 20.97.337; provided, that the following minimum requirements and standards are met and/or followed:

- (1) All recreational vehicles that remain on the site for more than 14 consecutive days shall be connected to a permitted on-site sewage system or public sewer.
- (2) Maximum length of occupation of a recreational vehicle shall not exceed 120 days per calendar year; provided, that no accessory guest recreational vehicle shall stay on the lot for more than 14 consecutive days nor more than 30 days total per calendar year.
- (3) All recreational vehicles shall be screened from neighboring properties not using RVs and from public roads. Such screening may consist of landscaped buffer areas, suitable native vegetation or a fence.
- (4) Lots shall not be leased or rented out on a daily or overnight basis for recreational use.

(5) Accessory structures shall be limited to storage, shop, garage, carport and/or similar personal use only and shall not exceed a total of 200 square feet in floor area per lot; provided, that the 200-square-foot limitation shall not apply to that portion of a carport covering the RV.

(6) The locations of parked RVs on vacant lots shall observe normal building setback standards for a single-family residence.

(7) All recreational vehicles shall be supported by their own wheels or camper jacks, and not be fastened to accessory structures.

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**20.32.150 Conditional uses.**

Items indicated by an "\*" are not allowed outside Rural Communities or short-term planning areas unless the applicant can demonstrate that there is a need to locate outside those areas in order to comply with legal requirements or standards; or that the proposed location is the most efficient place for the proposed use with respect to providing needed services to the public.

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.155 Reserved.

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**20.32.251 Minimum lot size and maximum density.**

For the purpose of creating new building lots within the Residential Rural District, several land use densities are provided. The minimum lot size and maximum density requirements for new construction vary according to the method of subdivision and whether or not public water is available, as well as whether stormwater collection and detention facilities, where identified by the appropriate Comprehensive Plan policies, serve the project site. Where the conventional subdivision method is used to create new building lots, if public water is not provided, the minimum lot size shall be five acres or, if public water and, where specified in the Comprehensive Plan, stormwater drainage facilities are provided, the minimum lot size shall be 36,000 square feet for RR-1 or 18,000 square feet for RR-2 areas or 12,000 square feet for RR-3 areas. The lot cluster subdivision method only shall be used if public water is provided, and then the minimum lot size is based on the district's setback requirements (WCC 20.80.200) and the Whatcom County health department regulations for on-site septic disposal, but shall not be less than that shown below.

**20.32.252 Rural Residential Density Overlay.**

In certain areas delineated on the official zoning map in the RR-5A zone, a density overlay may be applied in order to permit densities consistent with surrounding development and the established rural character of the area.

(1) Eligibility. Eligibility for the density overlay is limited to lots that meet the following:

(a) Public water must be available, and

(b) At least 70% of lots wholly or partially within 500 feet of the subject lot's outer boundary must have contained a residence and been under five acres in size on [effective date of this ordinance].

(2) Calculation. Within this overlay the permitted minimum lot size for a lot is equivalent to the mean lot size of all lots that contained a residence on [effective date of this ordinance] and are wholly or partially within 500 feet of the lot's outer boundaries, or one acre, whichever is greater. This calculation is subject to the following:

(a) No lots within a city, urban growth area, or LAMIRD (Rural Community, Rural Tourism, or Rural Business comprehensive plan designation) may be included in the mean lot size calculation, and

(b) Lot sizes existing on or before [effective date of the ordinance], 2010 shall be used in the mean lot size calculation.

**20.32.253 Maximum density and minimum lot size.**

The following districts with their associated lot sizes as indicated below, are only allowed within Rural Communities, as outlined in the Comprehensive Plan: RR-1, RR-2, RR-3. The RR-5A and RR-10A districts are allowed throughout the rural areas. For boundary line adjustments on lots not conforming to minimum lot sizes in this zoning district, lot size averaging may be used by calculating the average lot size of legal lots of record within 500 feet of the outside perimeter of the lots proposed for boundary line adjustment.

District	Gross Density	Minimum Lot Size		Min. Reserve Area (Cluster Subdivisions)
		Conventional	Cluster	
RR-1, RR-2, RR-3, RR-5A: without public water	1 dwelling unit/5 acres	5 acres	N/A	N/A
RR-10A without public water	1 dwelling unit/10 acres	10 acres	N/A	N/A
With public water, and stormwater detention and collection facilities:				
RR-1	1 dwelling unit/1 acre	36,000 sq. ft.	15,000 sq.ft.	30%
RR-2	2 dwelling units/1 acre	18,000 sq. ft.	15,000 sq.ft.	10%
RR-3	3 dwelling units/1 acre	12,000 sq. ft.	8,000 sq.ft.	25%

RR-5A	1 dwelling unit/5 acres	5 acres	N/A	N/A
RR-10A	1 dwelling unit/10 acres	10 acres	N/A	N/A
RR-5A subject to Rural Residential Density Overlay	Maximum: 1 dwelling unit/1 acre per 20.32.252(2)	see 20.32.252		

**20.32.254 Minimum lot width and depth.**

District	Width at Street Line		Width at Bldg. Line	Minimum Mean Depth
	Conventional	Cluster		
RR: without public water	300'	N/A	80'	100'
RR: with public water, and stormwater collection and detention facilities	30'	30'	70'	80'

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**20.32.320 Reserve tract.**

For the purposes of this section, "reserve tract" is defined as that portion of a proposed subdivision or short subdivision which is intended for agricultural, forestry, open space or future development purposes. All "reserve tracts" created through the subdivision process shall be subject to the following provisions:

- (1) After a site is initially subdivided pursuant to this chapter, the "reserve tract" may be retained by the subdivider, conveyed to residents of the subdivision or conveyed to a third party.
- (2) The "reserve tract" may be considered as a building lot; provided, that such lot is included in the overall density calculation of the original parcel of record.
- (3) The "reserve tract" may be further subdivided only through the long subdivision process and only under the following circumstances:
  - (a) The county finds that in developing adjacent tracts it would help to further the objectives listed in WCC 20.32.305(2) above by dividing the reserve tract and increasing the area of reserve proportionately on the adjacent land being subdivided so that there is no net reduction in reserve area; and when the reserve tract is owned by the original developer or a third party, no property owner within the original subdivision will be significantly adversely affected or suffer a substantial decrease of property value as a result of dividing the reserve tract.
  - (b) When the Comprehensive Plan and zoning have been updated as part of the normal process (other than a revision initiated by the private sector or

done for a specific area) and the public process has been gone through, subject to findings that there is no adverse impact to critical areas and development is in compliance with rural land use Comprehensive Plan policies, and when the reserve tract is owned by the original developer or a third party, no property owner within the original subdivision will be significantly adversely affected or suffer a substantial decrease of property value as a result of dividing the reserve tract.

(4) The purpose of the reserve tract as stated in WCC 20.32.320, paragraphs (1), (2) and (3), shall be communicated in writing on the face of the plat or short plat. The number of developable building sites remaining (if any) with the original parcel of record, based on the assigned density, shall also be prominently displayed on the plat or short plat. Whatcom County shall make every effort to assist all agents in communicating clearly such information to all purchasers and prospective purchasers of building lots or "reserve tracts."

(5) That the above requirements (2) to (4) shall be recorded as a deed restriction at the time of filing of the final plat or short plat, and shall constitute an agreement between Whatcom County and the owner of record. Said deed restriction may be amended by mutual agreement between said parties after review for consistency and compliance with the Official Whatcom County Zoning Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Comprehensive Plan.

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## **20.35 Eliza Island (EI) District**

### **20.35.010 Purpose.**

The Eliza Island District has been formed as a separate district due to its unique character. The purpose of this district is to allow for a harmonious mixture of residential, seasonal residential, recreational, and accessory uses. In addition, the district requires that new uses complement the island character by adherence to the goals and policies of the Eliza Island Subarea Plan. When making a determination about uses, consideration will be given to the rural land use policies as outlined in the Comprehensive Plan, as well as cumulative impacts of uses in this rural area.

### **20.35.050 Permitted uses.**

Unless otherwise provided herein, the following permitted, accessory, and conditional uses shall be administered pursuant to the applicable provisions of Chapter 20.80 WCC (Supplementary Requirements) and Chapter 20.84 WCC (Variances, Conditional Uses, and Appeals).

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.060 Trails, trailheads, and associated restroom facilities.

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**20.36 Rural (R) District**

**20.36.010 Purpose.**

The purpose of this district is to implement the Rural designation of the Comprehensive Plan and appropriate subarea plan, which calls for the maintenance of rural character and environmentally fragile areas by allowing a variety of low intensity uses that are compatible and complementary with the conservation of agricultural, forestry and related uses.

**20.36.050 Permitted uses.**

Subject to the provisions of Chapter 20.38 WCC, Agriculture Protection Overlay Zone, unless otherwise provided herein, permitted, accessory and conditional uses shall be administered pursuant to the applicable provisions of Chapter 20.80 WCC (Supplementary Requirements) and Chapter 20.84 WCC (Variances, Conditional Uses and Appeals).

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.064 Public parks and recreation facilities included in an adopted city or county Comprehensive Plan or Park Plan.

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.092 Within Rural Communities and short-term planning areas only, public schools; and parochial or private schools; provided such schools shall be approved by the State Superintendent of Public Instruction.

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**20.36.150 Conditional uses.**

Items indicated by an "\*" are not allowed outside Rural Communities and short-term planning areas unless the applicant can demonstrate that there is a need to locate outside those areas in order to comply with legal requirements or standards; or that the proposed location is the most efficient place for the proposed use with respect to providing needed services to the public.

.151 Public and community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar noncommercial uses, excluding correction facilities.\*

.152 Outside Rural Communities and short-term planning areas only, public schools; and parochial or private schools; provided such schools shall be approved by the State Superintendent of Public Instruction.\*

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.165 Private or public, commercial and noncommercial outdoor recreation facilities including golf courses, playing fields for outdoor sports and other facilities consistent with the purpose of this district.

.166 Hydroelectric projects of five megawatts or less.

.170 Bed and breakfast lodgings.

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**20.36.252 Rural Residential Density Overlay.**

In certain areas delineated on the official zoning map in the R-5A zone, a density overlay may be applied in order to permit densities consistent with surrounding development and the established rural character of the area.

(1) Eligibility. Eligibility for the density overlay is limited to lots that meet the following:

- (a) Public water must be available, and
- (b) At least 70% of lots wholly or partially within 500 feet of the subject lot's outer boundary must have contained a residence and been under five acres in size on [effective date of this ordinance].

(2) Calculation. Within this overlay the permitted minimum lot size for a lot is equivalent to the mean lot size of all lots that contained a residence on [effective date of this ordinance] and are wholly or partially within 500 feet of the lot's outer boundaries, or one acre, whichever is greater. This calculation is subject to the following:

- (a) No lots within a city, urban growth area, or LAMIRD (Rural Community, Rural Tourism, or Rural Business comprehensive plan designation) may be included in the mean lot size calculation, and

(b) Lot sizes existing on or before [effective date of the ordinance], 2010 shall be used in the mean lot size calculation.

**20.36.253 Maximum density and minimum lot size.**

For boundary line adjustments on lots not conforming to minimum lot sizes in this zoning district, lot size averaging may be used by calculating the average lot size of legal lots of record within 500 feet of the outside perimeter of the lots proposed for boundary line adjustment.

District	Gross Density	Minimum Lot Size		Min. Reserve Area (Cluster Subdivisions Outside of Urban Growth Areas)	Min. Reserve Area (Cluster Subdivisions in Urban Growth Areas)
		Conventional	Cluster		
R-2A without public water	1 dwelling unit/5 acres	5 acres	1 acre	20%	80%
R-2A with public water	1 dwelling unit/2 acres	2 acres	12,500 sq. ft.	65%	80%
R-5A without public water	1 dwelling unit/5 acres	5 acres	1 acre	55%	80%
R-5A subject to Agricultural Protection Overlay (Chapter 20.38 WCC)	1 dwelling unit/5 acres	Not applicable	15,000 sq. ft.	75%	Not applicable
R-5A with public water	1 dwelling unit/5 acres	5 acres	12,500 sq. ft.	75%	80%
R-5A with public water subject to Rural Residential Overlay	Maximum: 1 dwelling unit/1 acre per 20.36.252(2)	see 20.36.252(2)	Not applicable	Not applicable	Not applicable

R-10A without public water	1 dwelling unit/10 acres	10 acres	1 acre	70%	80%
R-10A subject to Agricultural Protection Overlay (Chapter 20.38 WCC)	1 dwelling unit/10 acres	Not applicable	15,000 sq. ft.	75%	Not applicable
R-10A with public water	1 dwelling unit/10 acres	10 acres	12,500 sq. ft.	80%	80%
Public facilities approved under WCC 20.36.151	Not applicable	No minimum	No minimum	Not applicable	Not applicable

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**20.36.320 Reserve tract.**

For the purposes of this section, "reserve tract" is defined as that portion of a proposed subdivision or short subdivision which is intended for agricultural, forestry, open space or future development purposes. All "reserve tracts" created through the subdivision process shall be subject to the following provisions:

- (1) After a site is initially subdivided pursuant to this section, the "reserve tract" may be retained by the subdivider, conveyed to residents of the subdivision or conveyed to a third party.
- (2) The "reserve tract" may be considered as a building lot; provided, that such lot is included in the overall density calculation of the original parcel of record.
- (3) The "reserve tract" may be further subdivided only through the long subdivision process and only under one of the following circumstances:
  - (a) The county finds that in developing adjacent tracts it would help to further the objectives listed in WCC 20.36.305(2) by dividing the reserve tract and increasing the area of reserve proportionately on the adjacent land being subdivided so that there is no net reduction in reserve area; and when the reserve tract is owned by the original developer or a third party, no property owner within the original subdivision will be significantly adversely affected or

suffer a substantial decrease of property value as a result of dividing the reserve tract; or

(b) When the Comprehensive Plan and zoning have been updated as part of the normal process (other than a revision initiated by the private sector or done for a specific area) and the public process has been gone through, subject to findings that there is no adverse impact to critical areas and development is in compliance with rural land use Comprehensive Plan policies, and when the reserve tract is owned by the original developer or a third party, no property owner within the original subdivision will be significantly adversely affected or suffer a substantial decrease of property value as a result of dividing the reserve tract; or

(c) The site is within a short-term planning area and public water and sewer serve the proposed development on the reserve tract.

(4) The purpose of the reserve tract as stated in subsections (1), (2) and (3) of this section shall be communicated in writing on the face of the plat or short plat; also, the number of developable building sites remaining (if any) with the original parcel of record, based on the assigned density, shall also be prominently displayed on the plat or short plat. Whatcom County shall make every effort to assist all agents in communicating clearly such information to all purchasers and prospective purchasers of building lots or "reserve tracts."

(5) That the requirements of subsections (2) to (4) of this section shall be recorded as a deed restriction at the time of filing of the final plat or short plat, and shall constitute an agreement between Whatcom County and the owner of record. Said deed restriction may be amended by mutual agreement between said parties after review for consistency and compliance with the Official Whatcom County Zoning Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Comprehensive Plan.

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## **20.59 Rural General Commercial (RGC) District**

### **20.59.010 Purpose.**

The purpose of the Rural General Commercial District is to provide for limited commercial activities which serve the surrounding community and provide job opportunities for residents of the rural area. This district may be located in either a Rural Community or Rural Business area. The district shall comply with the rural land use policies and criteria set forth in the Comprehensive Plan. To retain and enhance the job base in rural areas, the county must have the flexibility to retain existing business and allow them to expand, as per RCW 36.70A.011.

**20.59.050 Permitted uses.**

Unless otherwise provided herein, permitted and conditional uses shall be administered pursuant to the applicable provisions of Chapter 20.80 WCC (Supplementary Requirements) and Chapter 20.84 WCC (Variances, Conditional Uses and Appeals).

.051 Automobile, motorcycle, marine and farm implement sales, rental agencies, repair and service; provided, that all repair services are conducted within an enclosed building.

.052 Automobile service stations, car washes and public garages.

.053 Mobile home and recreational vehicle sales.

.054 Eating and drinking establishments.

.056 Indoor commercial recreation facilities such as bowling alleys, skating rinks, indoor theaters and physical fitness centers.

.057 Intermediate passenger intermodal terminals.

.058 Service establishment including but not limited to barber and beauty shops, laundries, dry cleaners, furniture repair, frozen food lockers, funeral parlors, animal hospitals, auction houses, financial institutions, fraternal organizations and professional offices.

.059 Retail establishments including but not limited to grocery, liquor, drug, sundries, variety, building supplies, clothing, florist, nurseries, optical, sporting goods, appliance, music and pet stores.

.060 Printing and publishing establishments.

.061 Public utilities, except broadcast towers, which require a conditional use permit pursuant to WCC 20.82.030(4), and water and sewer treatment plants, which require a conditional use permit pursuant to WCC 20.82.030(7).

.063 Public community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar noncommercial uses.

.065 One single-family dwelling or duplex per lot of record subject to:

(1) Health department requirements regarding soil type and water supply.

(2) A deed restriction recorded with the Whatcom County auditor is attached to the lot(s) at the time of building permit issuance stating that the dwelling(s) is located in a Rural General Commercial zone and buyers should be aware that commercial uses will be allowed on surrounding parcels and owners have no grounds for protest.

(3) This permitted use is only allowed on lots created as of [effective date of this ordinance], or lots created according to 20.59.257.

.067 One one-story detached accessory storage building per lot; provided, that the floor area shall not exceed the exempt criteria stated in the adopted edition of the International Building Code, and shall only be used for personal storage and not for habitation or business; and provided further, that the storage building shall contain no indoor plumbing but may be served with electrical power for lighting.

.068 Rental storage establishments

.069 Mini-day care centers and day care centers.

.070 Public parks and recreation facilities included in an adopted city or county Comprehensive Plan or Park Plan.

.071 Trails, trailheads, restroom facilities and associated parking areas for no more than 30 vehicles.

.072 Activity centers.

.088 Adult family homes as defined in Chapter 70.128 RCW.

.089 Boarding homes that are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

.090 Mental health facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

.091 Substance abuse facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

.094 Secure community transition facilities for sex offenders.

(1) A secure community transition facility shall not be located adjacent to, immediately across the street or parking lot from, or within the line of sight of existing risk potential facilities, which are:

- (a) Public schools;
- (b) Private schools;
- (c) School bus stops;
- (d) Licensed day care;
- (e) Licensed preschool facilities;
- (f) Public parks;
- (g) Publicly dedicated trails;
- (h) Sports fields;
- (i) Playgrounds;
- (j) Recreational and community centers;
- (k) Churches, synagogues, temples or mosques;
- (l) Public libraries;
- (m) Public and private youth camps; and
- (n) Other uses identified by the State Department of Social and Health Services pursuant to RCW 71.09.020.

"Within the line of sight" shall mean that it is possible to reasonably visually distinguish and recognize individuals. An unobstructed visual distance of 600 feet shall be considered to be within the line of sight. Line of sight may be considered to be less than 600 feet if the applicant can demonstrate that visual barriers exist or would be created that would visually screen the risk potential facility from the secure community transition facility.

(2) No more than one secure community transition facility, with a maximum of three people (other than staff), shall be located within Whatcom County.

**20.59.100 Accessory uses.**

- .101 One residential unit for owner-manager or caretaker when part of a building in which the primary use is located.
- .102 Uses incidental to the primary permitted uses.
- .103 On-site treatment and storage facilities for hazardous wastes associated with outright permitted uses or approved conditional uses subject to the most current siting criteria under Chapter 173-303 WAC.
- .104 Family day care homes and mini-day care homes; provided, that such uses conform to the definition of home occupation, WCC 20.84.150.
- .105 Indoor storage of durable and nondurable goods.

**20.59.150 Administrative approval uses.**

- .151 Outdoor storage of durable and nondurable goods; provided neighboring uses are adequately screened.
- .152 Assembly and manufacturing of prefabricated wood building and components.

**20.59.200 Conditional uses.**

- .202 Churches and cemeteries.
- .203 Amusement parks, outdoor theaters and other outdoor commercial recreation, including golf courses.
- .204 Hotels and motels.
- .205 Animal kennels.
- .206 Commercial truck service facilities including truck fueling, repair and storage operations, overnight accommodations and restaurants.
- .209 Trailheads with parking areas for more than 30 vehicles.
- .210 Public campgrounds.
- .211 Public or private parks that are not included in an adopted city or county Comprehensive Plan or Park Plan.
- .212 Athletic fields.
- .213 State education facilities.
- .214 State and local correction facilities.
- .215 Type I solid waste handling facilities.
- .216 Type II solid waste handling facilities.
- .219 Boarding homes that are larger than other residential structures permitted in the zoning district.
- .220 Mental health facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.
- .221 Substance abuse facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.
- .222 Mental health facilities that provide crisis care.
- .223 Substance abuse facilities that provide crisis care.
- .224 Outpatient mental health facilities.

.225 Outpatient substance abuse treatment facilities, including opiate substitution treatment clinics.

.226 Mitigation banks as a form of compensatory mitigation for wetland and habitat conservation area impacts when permitted in accordance with the provisions of Chapter 16.16 WCC; provided, applications for mitigation banks shall be processed as a major development project pursuant to Chapter 20.88 WCC.

**20.59.250 Prohibited uses.**

.251 All other uses.

.252 Adult businesses.

**20.59.255 Minimum lot size.**

.256 For commercial purposes, the minimum lot size shall be consistent with the area required to meet the building setback, lot coverage and development standards of this district.

.257 For the purpose of creating new residential lots, the minimum lot size shall be 5 acres.

**20.59.300 Minimum lot frontage.**

For the purpose of dividing property, minimum lot frontage shall be sufficient to provide adequate access and utility development, and meet applicable building setback, buffer, open space and development standards of the district. In no case shall the frontage be less than 30 feet.

**20.59.320 Maximum building size.**

.321 Except as otherwise specifically allowed in 20.59.322, in a Rural Community designation, the allowable building floor area shall not exceed 12,000 square feet, or a larger size if consistent with the size, scale, use or intensity of similar uses that existed on July 1, 1990 within the areas currently zoned RGC and designated as a Rural Community, except as otherwise specifically allowed in this chapter.

Determination on consistency with 1990 uses shall be made by the planning and development services department and may be appealed per the process described in Section 20.84.240.

.322 Grocery stores shall not exceed a maximum floor area of 35,000 square feet.

.323 In a Rural Business designation, the maximum allowable floor area is 35,000 square feet.

**20.59.400 Building setbacks.**

Building setbacks shall be administered pursuant to WCC 20.59.600 and 20.80.200.

**20.59.450 Height limitations.**

Maximum building height shall not exceed 35 feet. Height of structures shall also conform, where applicable, to the general requirements of WCC 20.80.675.

**20.59.500 Lot coverage.**

Reserved.

**20.59.550 Open space.**

At least 10 percent of the site shall be kept free of buildings, structures, hard surfacing, parking areas and other impervious surfaces.

**20.59.600 Buffer area.**

.601 When a parcel situated within this district adjoins an Agriculture, Rural or Residential Rural District, or county or state roads designated as or proposed for improvements to principal arterial status, setbacks from property lines adjoining these districts shall be increased to 25 feet. Unless adjoining an agriculture zoning district, said area shall be landscaped consistent with the requirements of WCC [20.80.345](#).

**20.59.650 Sign regulations.**

Sign regulations shall be administered pursuant to WCC 20.80.400.

**20.59.700 Development criteria.**

**20.59.702 Landscaping.**

Refer to WCC 20.80.300 for landscaping requirements.

**20.59.703 Off-street parking and loading.**

Off-street parking and loading shall be administered pursuant to WCC 20.80.500.

**20.59.704 Drainage.**

All development activity within Whatcom County shall be subject to the stormwater management provisions of the Whatcom County Development Standards unless specifically exempted.

No project permit shall be issued prior to meeting submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.

**20.59.705 Driveways.**

Consistent with WCC 20.80.640, driveway plans shall be reviewed by the county engineer or State Department of Highways, as applicable.

**20.59.706 Access.**

Access shall conform to the provisions of WCC 20.80.565.

**20.59.707 Lighting.**

Lighting shall be designed to avoid excessive glare onto neighboring properties, and to not create safety hazards or unreasonable interference with adjacent uses.

**20.59.708 Binding site plan.**

Should the commercial use be developed as part of a binding site plan, it shall be administered pursuant to WCC Title 21 (Subdivision Regulations) and additional requirements, as applicable.

**20.59.750 Performance standards.**

The following provisions shall apply to all uses within this district:

.751 There shall be no storage or handling of hazardous, explosive, highly flammable materials which would cause fire, explosion or safety hazards, except the storage and dispensing of motor fuels in service stations and truck stops.

.752 There shall be no production of noise at any property line of any use in this district in excess of the average intensity of street and traffic noise found in the district.

.753 There shall be no emission of dust, dirt, odors, smoke, or toxic gases and fumes.

.754 There shall be no production of heat, glare or vibration perceptible from any property line of the premises upon which such heat, glare or vibration is being generated.

**20.60 Neighborhood Commercial Center (NC) District**

**20.60.010 Purpose.**

The purpose of the Neighborhood Commercial District is to provide for small, concentrated land areas intended for retail sales of convenience goods and services to persons residing within or visiting a neighborhood trade or service area, as well as to provide job and economic development opportunities for rural residents. When located outside Urban Growth Areas, the Neighborhood Commercial District shall comply with the rural land use policies and criteria set forth in the Comprehensive Plan. An additional purpose of the district is to provide developmental standards aimed at achieving cohesive, coordinated development within this district and achieving compatibility between commercial and surrounding residential uses. The appropriate location of the Neighborhood Commercial District is addressed in the policies of the respective subarea Comprehensive Plan.

. . . . .

**20.60.300 Maximum building size.**

.301 Maximum allowable floor area shall not exceed:

- (1) 6,000 square feet per individual use allowed in the district if located within an urban growth area.
- (2) 6,000 square feet per public community facility located outside an urban growth area.
- (3) 3,000 square feet per individual use allowed in the district if located outside an urban growth area, except for public community facilities as noted above.

.302 The aggregate floor area of all buildings within each neighborhood commercial zone district shall not exceed 30,000 square feet.

.....

**20.60.550 Buffer Area**

.551 When parcels situated within this district adjoin an Agriculture, Urban Residential, Urban Residential Medium Density, Rural or Residential Rural District, side and rear yard setbacks shall be increased to 25 feet along the property line(s) adjacent to the named district. Unless adjoining an Agriculture zoning district, said area shall be landscaped consistent with the requirements of WCC 20.80.345.

.552 When parcels situated within this district are between an interstate highway and a Residential Rural or Rural District, the setback on sides adjoining the Residential Rural or Rural Districts and paralleling the interstate shall be increased to 100 feet. This bugger shall not be altered from existing dense natural vegetation or, where vegetation is lacking, shall be landscaped so as to provide a dense vegetative screen.

.....

**20.60.651 Facility design.**

Individual development within a Neighborhood Commercial Zone District shall be designed to accommodate additional commercial development on adjacent property in an integrated manner. Consistent architectural treatment among structures is encouraged. Each development shall screen roof-mounted mechanical equipment so as not to be visible by surrounding uses or roads.

If located outside an urban growth area, design of the proposed use in the Neighborhood Commercial Zone District shall be consistent with the scale and intensity of the existing uses in the area and consistent with the Comprehensive Plan rural land use chapter.

.....

**20.60.700 Performance standards.**

The following provisions shall apply to all uses within this district:

.....

.706 Proposed new uses in Neighborhood Commercial districts located within a Rural Community designation will be consistent with the size, scale, use, or intensity of existing uses.

**20.61 Small Town Commercial (STC) District**

**20.61.010 Purpose.**

The Small Town Commercial Districts are located within Rural Communities and Rural Business areas identified in the Comprehensive Plan. This zoning district provides for an activity center where rural residents and others can gather, work, shop, entertain and reside. This district is to provide for a range of commercial uses and services to meet the everyday needs of rural residents and natural resource industries, to provide employment opportunities for residents of the rural area, and to provide goods, services, and lodging for travelers and tourists to the area. To retain and enhance the job base in rural areas, the county must have the flexibility to retain existing business and allow them to expand, as per RCW 36.70A.011.

**20.61.050 Permitted uses.**

. . . . .

.051 Motorized vehicles and equipment, motorcycle, marine, farm implement, light and heavy equipment and recreational vehicle service, repair, washing facilities, commercial storage or sale; provided that: ....

.052 Mini storages totaling less than 2,500 square feet of floor area.

.053 Eating and/or drinking establishments including restaurants and taverns, with or without on-site brewing facilities, and mobile food carts, including establishments with drive-through facilities.

.054 Service establishments with less than 2,500 square feet of floor area per establishment, including but not limited to barber and beauty shops, laundries, dry cleaners, printing establishments, furniture repair, frozen food lockers, funeral parlors, banks and financial institutions, fraternal organizations, neighborhood churches and professional offices.

.055 Veterinary practices with accessory indoor kennels.

.056 Retail establishments with less than 2,500 square feet of retail floor area per establishment, including but not limited to liquor, drug, sundries, variety, clothing, florist, optical, sporting goods, appliance, craft, music and pet stores.

.057 Tool and equipment rental, nurseries, hardware stores and building supplies with less than 5,000 square feet of retail floor area per establishment. The utilization of outdoor areas for display and storage purposes is permitted as an accessory use. Outdoor storage shall be within an enclosed fence.

.....

.066 One single-family dwelling per lot of record, or duplexes subject to:

- (1) Health department requirements regarding soil type and water supply.
- (2) A deed restriction recorded with the Whatcom County auditor is attached to the lot(s) at the time of building permit issuance stating that the dwelling(s) is located in a Small Town Commercial Zone and buyers should be aware that commercial uses will be allowed on surrounding parcels and owners have no grounds for protest.
- (3) This permitted use is only allowed on lots created as of [effective date of this ordinance].
- (4) Duplexes are subject to the density provisions of 20.61.350.

.....

.092 Mini-day care centers and day care centers.

.093 Automobile service stations.

**20.61.100 Accessory uses.**

.....

.107 One residential unit for owner-manager or caretaker when part of a building in which the primary use is located.

.108 Family day care homes and mini-day care homes; provided, that such uses conform to the requirements of home occupation, WCC 20.84.150.

**20.61.150 Administrative approval uses.**

.151 Retail and service establishments with more than 2,500 square feet of retail floor area per establishment, but less than 5,000 square feet of retail floor area per establishment.

.....

**20.61.200 Conditional uses.**

.201 Retail and service establishments with more than 5,000 square feet of retail floor area per establishment, but less than 7,500 square feet of retail floor area per establishment.

.202 Tool and equipment rental, nurseries, hardware stores and building supplies with more than 5,000 square feet of retail floor area, but less than 10,000 square feet of retail floor area per establishment. The utilization of outdoor areas for display and storage purposes is permitted as an accessory use. Outdoor storage shall be within an enclosed fence.

.203 Mini storage with less than 10,000 square feet of floor area.

.204 Grocery stores with more than 10,000 square feet of retail floor area, but less than 35,000 square feet of floor area.

. . . . .

.247 Secure community transition facilities for sex offenders.

(1) A secure community transition facility shall not be located adjacent to, immediately across the street or parking lot from, or within the line of sight of existing risk potential facilities, which are:

- (a) Public schools;
- (b) Private schools;
- (c) School bus stops;
- (d) Licensed day care;
- (e) Licensed preschool facilities;
- (f) Public parks;
- (g) Publicly dedicated trails;
- (h) Sports fields;
- (i) Playgrounds;
- (j) Recreational and community centers;
- (k) Churches, synagogues, temples or mosques;
- (l) Public libraries;
- (m) Public and private youth camps; and
- (n) Other uses identified by the State Department of Social and Health Services pursuant to RCW 71.09.020.

“Within the line of sight” shall mean that it is possible to reasonably visually distinguish and recognize individuals. An unobstructed visual distance of 600 feet shall be considered to be within the line of sight. Line of sight may be considered to be less than 600 feet if the applicant can demonstrate that visual barriers exist or would be created that would visually screen the risk potential facility from the secure community transition facility.

(2) No more than one secure community transition facility, with a maximum of three people (other than staff), shall be located within Whatcom County.

.....

**20.61.320 Maximum building size.**

.321 Except as otherwise specifically allowed in Section 20.61.204, in a Rural Community designation, the allowable building floor area shall not exceed 12,000 square feet, or a larger size if consistent with the size, scale, use or intensity of similar uses that existed on July 1, 1990 within the areas currently zoned STC and designated as a Rural Community. Determination on consistency with 1990 uses shall be made by the planning and development services department and may be appealed per the process described in Section 20.84.240.

.322 In a Rural Business designation, the maximum allowable floor area is 35,000 square feet.

**20.61.350 Maximum density.**

.351 Hotels and motels shall not exceed a floor area ratio (FAR) of .60.

.352 Duplexes may not exceed a maximum gross density of six dwelling units/acre.

**20.61.400 Building setbacks.**

Building setbacks shall be administered pursuant to WCC 20.61.600 and 20.80.200 except as provided below.

- (1) Commercial uses shall be allowed to reduce front yard setback to 10 feet and the side yard setback to zero feet where the site and landscape plans promote pedestrian access to the building.

.....

**20.61.600 Buffer area.**

.601 Where parcels situated within this district adjoin an Agriculture, Urban Residential, Urban Residential Medium Density, Residential Rural or Rural District, side and rear yard setbacks shall be increased to 25 feet along the property line(s) adjacent to the named districts. Unless adjoining an Agriculture zoning district, said area shall be landscaped consistent with the requirements of WCC 20.80.345.

.....

**20.61.701 Facility design.**

Individual developments within a Small Town Commercial Zone District should be encouraged to accommodate additional commercial development on adjacent property in an integrated manner. Consistent architectural treatment is

encouraged. Each development shall screen roof-mounted mechanical equipment so as not to be visible by surrounding uses or roads.

Design of the proposed use in the Small Town Commercial zone district shall be consistent with the scale and intensity of the existing uses in the area and consistent with the Comprehensive Plan rural land use chapter.

.....

**20.61.750 Performance standards.**

The following provisions shall apply to all uses within this district:

.....

.757 Proposed new uses in Small Town Commercial districts located within a Rural Community designation will be consistent with the size, scale, use, or intensity of existing uses.

.....

**20.62 General Commercial (GC) District**

.....

**20.62.700 Performance Standards**

The following provisions shall apply to all uses within this district:

.701 There shall be no storage or handling of hazardous, explosive, highly flammable materials which would cause fire, explosion or safety hazards, except the storage and dispensing of motor fuels in service stations and truck stops.

.....

**20.63 Tourist Commercial (TC) District**

**20.63.010 Purpose.**

The purpose of the Tourist Commercial District is to supply sufficient areas arranged in a concentrated form that would allow land use activities which serve the traveling public. The district shall be located and implemented consistent with the goals, objectives and policies of the Comprehensive Plan. The district should be located near major transportation corridors in such a fashion as to provide safe and convenient access that would not impact adjacent noncommercial activities. Further, the district should be in areas where adequate public services such as roads, sewer, water and drainage are available. The district should provide for uses which normally serve the traveling public and encourage a type of development which occurs in a well-designed pattern considering aesthetics and safety. If located outside an Urban Growth Area, the uses in the district should rely on the rural location and setting, and provide recreation and tourist uses that are small in scale, and compatible with existing uses and intensities.

**20.63.050 Permitted uses.**

The following permitted and accessory uses shall be allowed subject to an evaluation by the zoning administrator pursuant to the provisions of this chapter and Chapter 20.80 WCC.

. . . . .

**20.63.150 Conditional uses.**

Unless otherwise provided herein, conditional uses shall be administered pursuant to the applicable provisions of this chapter, Chapter 20.80 WCC (Supplementary Requirements) and Chapter 20.84 WCC (Variances, Conditional Uses and Appeals).

. . . . .

.155 Outdoor recreation facilities, athletic fields and public or private parks not included in an adopted city or county Comprehensive Plan or Park Plan.

. . . . .

**20.63.550 Buffer area.**

.551 When parcels situated within this district adjoin an Agriculture, Urban Residential, Urban Residential Medium Density, Rural or Residential Rural District, side and rear yard setbacks shall be increased to 25 feet along the property line(s) adjacent to the named districts. Unless adjoining an Agriculture zoning district, said area shall be landscaped consistent with the requirements of WCC 20.80.345.

. . . . .

**20.63.651 Facility design.**

Individual developments within a Tourist Commercial Zone District shall be designed to accommodate additional commercial development on adjacent property in an integrated manner. Consistent architectural treatment is encouraged. Each development shall screen roof-mounted mechanical equipment so as not to be visible by surrounding uses or roads.

Design of the proposed use in the Tourist Commercial zone district outside of urban growth areas shall be consistent with the Comprehensive Plan rural land use chapter.

. . . . .

**20.63.700 Performance standards.**

The following provisions shall apply to all uses within this district:

. . . . .

.705 Proposed new uses in Tourist Commercial zone districts located within a Rural Community designation will be consistent with the size, scale, use, or intensity of existing uses.

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**20.64 Resort Commercial (RC) District**

**20.64.010 Purpose.**

The purpose of the Resort Commercial District is to provide land areas which through their natural location and setting, and manmade attributes, attract resort activities. The district shall be located and implemented consistent with the goals, objectives and policies of the Comprehensive Plan. The district should be located in such areas where adequate public services such as roads, sewer, water and drainage are available, and be of such size that a viable resort can be established and maintained. The district should provide for uses normally found in resort areas and encourage the type of development which occurs in a cohesive fashion and which promotes open space and other amenities considered significant for viable resort areas.

**20.64.050 Permitted uses.**

The following permitted uses shall be allowed subject to an evaluation by the zoning administrator pursuant to the provisions of this chapter and Chapter 20.80 WCC.

.....

**20.64.100 Accessory uses.**

.....

.104 Home occupations pursuant to WCC 20.84.150, except that one person other than family residing on the premises may be employed.

.....

.111 Other accessory uses and buildings, including dedicated employee housing, customarily appurtenant to a principally permitted use.

.....

**20.64.250 Minimum lot size.**

Minimum lot size varies according to the availability of public water and/or public sewer. Where public water service is not provided, the minimum parcel size shall be five acres. Where public water service is provided but public sewer is not provided, the minimum parcel size shall be 18,000 square feet when the conventional method is utilized and 15,000 square feet when the cluster method is utilized but may be greater if the Whatcom County health department finds that conditions require the larger size. The following lot sizes apply only where both public sewer and public water serve the project:

.251 Single-family dwellings and duplexes shall have a minimum net parcel size of 6,000 square feet per dwelling.

.....

**20.64.550 Buffer area.**

.551 Except for single-family residences, when a parcel situated within this district adjoins an Urban Residential, Urban Residential Medium Density, Residential Rural or Rural District, side and rear yard setbacks shall be increased to 25 feet along the property line(s) adjacent to the named district. Said area shall be landscaped consistent with the requirements of WCC 20.80.345.

.....

**20.64.651 Facility design.**

Individual developments within a Resort Commercial Zone District should be encouraged to accommodate additional commercial development on adjacent property in an integrated manner. Consistent architectural treatment is encouraged. Each development shall screen roof-mounted mechanical equipment so as not to be visible by surrounding uses or roads.

Design of a proposed use in the Resort Commercial zone district outside of Urban Growth Areas shall be consistent with the Comprehensive Plan rural land use chapter.

.....

**20.64.700 Performance standards.**

The following provisions shall apply to all uses within this district:

.....

.708 Proposed new uses in Resort Commercial zone districts located within a Rural Community designation will be consistent with the size, scale, use, or intensity of existing uses.

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**20.67 General Manufacturing (GM) District**

**20.67.010 Purpose.**

The purpose of this district is to provide for rural general manufacturing activities which by their nature are less intensive uses than those of heavy industry but of

greater intensity than uses associated with the Rural Industrial - Manufacturing district, and to provide employment opportunities for residents of the rural area. General manufacturing uses are primarily related to fabrication, manufacture, storage and distribution of products which have minimal off-site impacts on adjacent nonindustrial zone districts. It is a further purpose of this district to encourage proper design of developments in order to minimize use conflicts within and beyond the district's boundaries as enabled through the district's performance and development standards, as well as buffer and setback requirements. This district shall comply with the rural land use policies and criteria set forth in the Comprehensive Plan. To retain and enhance the job base in rural areas, the county must have the flexibility to retain existing business and allow them to expand, as per RCW 36.70A.011.

**20.67.050 Permitted uses.**

Unless otherwise provided herein, permitted, accessory and conditional uses shall be administered pursuant to the applicable provisions of Chapter 20.80 WCC (Supplementary Requirements) and Chapter 20.84 WCC (Variances, Conditional Uses and Appeals), the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.

. . . . .

.059 Processing and packaging of drugs, pharmaceuticals, perfumes, cosmetics, supplements, remedies, or similar types of products.

. . . . .

. . . . .

.075 Eating establishments, convenience grocery stores, vehicle washes and facilities, and gas stations operating primarily for the convenience of employees, clients and customers of the district; providing the following criteria are met:

- (1) Maximum floor area is 2,500 square feet per use;
- (2) No more than two pump islands for each gas station;
- (3) Centrally located within the district to primarily serve the uses of this district and not to primarily serve the uses in adjacent residential, rural, or commercial zone districts.

.076 One storage building per lot; provided, that the storage building shall not exceed the exempt criteria stated in the adopted edition of the International Building Code, and shall only be used for personal storage and not for habitation or

business; and provided further, that the storage building shall contain no indoor plumbing but may be served with electrical power for lighting.

.....

**20.67.100 Accessory uses.**

.....

.108 Retail trade of merchandise manufactured, assembled or stored on site within the definition of accessory uses as defined in Chapter 20.97; provided retail facilities do not exceed fifteen percent of the total floor area of all buildings located on site.

.....

.....

**20.67.300 Maximum Building Size.**

.301 In a Rural Community designation, the allowable building floor area shall not exceed 20,000 square feet, or a larger size if consistent with the size, scale, use or intensity of similar uses that existed on July 1, 1990 within the areas currently zoned GM and designated as a Rural Community. Determination on consistency with 1990 uses shall be made by the planning and development services department and may be appealed per the process described in Section 20.84.240.

.302 In a Rural Business designation, the maximum allowable floor area is 35,000 square feet.

.....

**20.67.450 Lot coverage.**

Reserved.

**20.67.500 Open space.**

At least 10 percent of the site shall be kept free of buildings, structures, stored materials, hard surfacing, parking areas and other impervious surfaces.

**20.67.550 Buffer area.**

.551 When a parcel situated within this district adjoins an Agriculture, Urban Residential, Urban Residential Medium Density, Rural or Residential Rural District,

or county or state roads designated as or proposed for improvements to principal arterial status, setbacks shall be increased to 25 feet. Unless adjoining an Agriculture zoning district, said area shall be landscaped consistent with the requirements of WCC 20.80.345.

.552 If any part of the buffer area is separated from, or sold to any contiguous or adjacent owner, lessee or user, the parcel so separated or sold shall be used only as a buffer area in accordance with the above requirements.

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## **20.69 Rural Industrial - Manufacturing (RIM) District**

### **20.69.010 Purpose.**

The purpose of the Rural Industrial - Manufacturing District is to provide for industrial and manufacturing uses that are commonly accepted in the rural area, with preference to those uses which facilitate the production of agricultural, forest, and aquatic products; and to provide employment opportunities for residents of the rural area. This zoning designation allows related processing facilities, limited direct resource sales and limited support services that are not detrimental to the natural resource base in the long term. The district shall comply with the rural land use policies and criteria set forth in the Comprehensive Plan. This district may be located in either a Rural Community or Rural Business area. To retain and enhance the job base in rural areas, the county must have the flexibility to retain existing business and allow them to expand, as per RCW 36.70A.011.

### **20.69.050 Permitted uses.**

The following permitted uses shall be allowed subject to an evaluation by the zoning administrator pursuant to the provisions of this chapter and Chapter 20.80 WCC.

.051. Uses related to agriculture including, but not limited to:

- (1) Commercial operations, except for commercial mushroom substrate production facilities as provided for in WCC 20.15, that directly provide agricultural goods or services to farmers. Examples of agricultural commercial operations include, but are not limited to: agricultural parts and implement sales, farm management services, livestock auction facilities, hay sales and storage, sawdust sales and storage, and farm chemical applicator establishments. These operations must abide by the limitations of 20.69.108, and otherwise as outlined in this chapter.
- (2) The processing of agricultural products that originate from the permitted uses in WCC 20.40.050, provided that the facility is not mushroom substrate production facility and the facility processes at least 50 percent agricultural goods produced in Whatcom County.

- (3) Animal hospital and accessory kennels and stables.
- (4) Commercial composting and mulching facilities other than commercial mushroom substrate production facilities as provided for in WCC 20.15.
- (5) Fabrication, maintenance, repair, storage, service and accessory sales of agricultural implements and farm equipment.
- (6) Metal agricultural implement and farm equipment recovery and recycling.
- (7) Confined feeding operations less than 40 acres.
- (8) Storage and distribution of animal feeds, fertilizers, pesticides and seed.
- (9) Plant nurseries and greenhouses for storage, propagation and culture of plants, including sales as an accessory use.

.052 Uses related to forestry including, but not limited to:

- (1) Fabrication, maintenance, repair, service and accessory sales of forestry related items, within the limitations of 20.69.108 and elsewhere as outlined in this chapter.
- (2) Forest industry storage and maintenance facility.
- (3) Forestry management services and forest industry support services.
- (4) Log scaling station.
- (5) Manufacturing wood products and containers.
- (6) Operation of sawmills, chippers, shake and shingle mills, scaling stations, log dumps, sorting and storage areas; forest industry equipment maintenance and storage yards, and forest industry residue dumps and other uses involved in the harvesting and primary processing of timber; provided:
  - (a) The intent of processing is initial reduction in bulk and/or to facilitate transport to secondary processing centers; and
  - (b) All uses within 1,000 feet of a park, recreation area or zone district other than Rural, Agriculture or Industrial shall be temporary and of less than 12 months' duration.
- (7) Wood waste recycling.

.053 Uses related to aquatic resources including, but not limited to, the following:

- (1) Fabrication, maintenance, service, storage, repair and accessory sales of equipment, vessels, and structures associated with aquatic natural resource industries, within the limitations of 20.69.108 and elsewhere as outlined in this chapter.
- (2) Aquaculture, including but not limited to management and propagation of fish and wildlife, upland fish farming, seafood and shellfish processing and accessory on-site sales.

.054 Construction contractors' business offices and storage and equipment yards, including the assembly and manufacturing of prefabricated wood building and components.

.055 Manufacture of miscellaneous textile goods and fabrication of apparel including clothing, hats, caps, millinery fur products; and miscellaneous fabricated textile products.

.056 Fabrication of furniture and fixtures including household, office and public building furniture; and partitions, shelving and lockers.

.057 Fabrication of paper products including paperboard containers, boxes, carton boxes and paper containers.

.058 Printing and publishing newspapers, periodicals and books; commercial printing; book binding; and manufacture of manifold business forms and greeting cards.

.059 Fabrication of leather products including belting; packing; cut stock and findings for shoes and boots; shoes; footwear; gloves and mittens; luggage; personal leather goods and handbags.

.060 Fabrication of glass products including glass products from prepared materials; stone cutting; and monuments.

.061 Processing and packaging of drug, pharmaceuticals, perfumes, cosmetics, supplements and remedies, when associated with derivatives from local agriculture or other local resources.

.062 Fabrication of electrical equipment including industrial apparatus and household appliances, radio and television sets; communications equipment; electrical components and accessories; and electric lighting equipment and lamps.

.063 Fabrication of instruments, photographic goods, optical goods, watches and clocks, and including engineering, scientific, surgical, medical, dental and ophthalmic products.

.064 Manufacture and fabrication of jewelry, silverware, plated ware, musical instruments and parts, toys, sporting and athletic goods; pens, pencils and other office and artistic supplies; novelties, buttons and notions; and miscellaneous manufacture.

.065 Rail, truck and freight terminals; warehousing and storage; parcel delivery service; freight forwarding; inspection weighing services; and packaging and crating.

.066 Communications including telephone exchanges, and radio and television stations. Broadcast towers require a conditional use permit pursuant to WCC 20.82.030(4).

.068 Eating establishments, convenience grocery stores, cafes and gas stations operating primarily for the convenience of employees, clients and customers of the district; providing the following criteria are met:

- (1) Maximum floor area of building is 3,000 square feet;
- (2) No more than two pump islands for each gas station;
- (3) Centrally located within the district to primarily serve the industrial uses of this district and not to primarily serve adjacent nonindustrial uses.

.069 Manufacture, processing, treatment or fabrication of metal products and machinery; provided, that smelters and remelting mills, and the manufacturing of turbines, oil machinery, mining machinery, industrial process ovens, paper, and textile or rolling mill machinery shall be prohibited.

.070 Fabrication of rubber products from finished rubber only and manufacture of miscellaneous plastic products from purchased resins only.

.071 Manufacture of glass, glass products, pottery and related products, and cutting and shaping of stone products.

.072 One one-story detached accessory storage building per lot; provided, that the floor area shall not exceed the exempt criteria stated in the adopted edition of the International Building Code, and shall only be used for personal storage and not for habitation or business; and provided further, that the storage building shall contain no indoor plumbing but may be served with electrical power for lighting.

.073 Secure community transition facilities for sex offenders, when located outside of the Cherry Point Major Port Industrial Urban Growth Area.

(1) A secure community transition facility shall not be located adjacent to, immediately across the street or parking lot from, or within the line of sight of existing risk potential facilities, which are:

- (a) Public schools;
- (b) Private schools;
- (c) School bus stops;
- (d) Licensed day care;
- (e) Licensed preschool facilities;
- (f) Public parks;
- (g) Publicly dedicated trails;
- (h) Sports fields;
- (i) Playgrounds;
- (j) Recreational and community centers;
- (k) Churches, synagogues, temples or mosques;
- (l) Public libraries;
- (m) Public and private youth camps; and
- (n) Other uses identified by the State Department of Social and Health Services pursuant to RCW 71.09.020.

“Within the line of sight” shall mean that it is possible to reasonably visually distinguish and recognize individuals. An unobstructed visual distance of 600 feet shall be considered to be within the line of sight. Line of sight may be considered to be less than 600 feet if the applicant can demonstrate that visual barriers exist or would be created that would visually screen the risk potential facility from the secure community transition facility.

(2) No more than one secure community transition facility, with a maximum of three people (other than staff), shall be located within Whatcom County.

.074 Historic sites open to the public, including natural systems education and/or interpretive areas, and trails, trailheads, restroom facilities and associated parking areas for no more than 30 vehicles.

.075 Public community facilities.

.076 Wholesale trade or storage of durable and nondurable goods; provided trade, storage or processing of sulphur shall be prohibited.

**20.69.100 Accessory Uses.**

.101 Employee recreation facilities and play areas.

.102 Explosives storage operated in compliance with RCW Chapter 70.74.

.103 Temporary buildings for construction purposes for a period not to exceed the duration of such construction.

.104 Metalworking shop for the maintenance and repair of equipment used by the primary permitted use.

.105 On-site treatment and storage facilities for hazardous wastes associated with outright permitted uses or approved conditional uses subject to the most current siting criteria under WAC Chapter 173-303.

.106 Testing and experimentation in connection with a principally permitted use.

.107 Other accessory uses and buildings, including offices, security and a caretaker residence, customarily appurtenant to a principally permitted use.

.108 Retail trade of merchandise manufactured, assembled or stored on site within the definition of accessory uses as defined in Chapter 20.97; provided retail facilities do not exceed fifteen percent of the total floor area of all buildings located on site.

.109 Childcare facilities operated by, maintained by or funded by business in the district for the purpose serving the childcare needs of employees whose place of employment lies within this zone district; provided, that childcare facilities in a family dwelling shall conform to the definition of home occupation, WCC 20.84.150.

**20.69.130 Administrative approval uses. The following uses are permitted with administrative approval pursuant to WCC 20.84.235:**

.131 Agricultural slaughtering facilities, if done in compliance with Title 16 WAC (Department of Agriculture) and Title 16 RCW (Animals and Livestock).

.132 Temporary storage of moved buildings including manufactured homes, provided storage is:

- (1) only for periods less than 12 months duration; and
- (2) limited with no work or maintenance done to the structure while in storage; and
- (3) limited further with no structure used for any other use than to be temporarily stored on site.

.133 Storage or salvage of unlicensed/inoperable vehicles if done in compliance with RCW Chapter 46.80.

**20.69.150 Conditional uses.**

Unless otherwise provided herein, conditional uses shall be administered pursuant to the applicable provisions of Chapter 20.84 WCC (Variances, Conditional Uses and Appeals).

.151 Manufacture, batching and recycling of hydraulic cement, concrete gypsum and plaster products, abrasive asbestos, sand, and miscellaneous nonmetallic mineral products.

.152 Petroleum products and gas storage—bulk.

.153 Confined feeding operations greater than 40 acres.

.154 Repair, service and accessory sales for motor vehicles provided the use or uses are not expected to generate significantly more traffic than that which would ordinarily be expected by an industrial use of comparable intensity.

.155 Public and private parks facilities not included in an adopted city or county Comprehensive Plan or Park Plan.

.156 Trailheads with parking areas for more than 30 vehicles.

.157 Athletic fields.

.158 Intermediate passenger intermodal terminals.

.159 State education facilities.

.160 Type I solid waste handling facilities.

.161 Type II solid waste handling facilities.

.162 Type III solid waste handling facilities; provided, that:

(1) The facility or site will not be located within the 100-year floodplain or the Lake Whatcom watershed. The facility or site will not be located within any area identified in an adopted critical areas ordinance unless outside of the floodplain and at least three feet in elevation higher than the floodway elevation;

(2) Solid waste handling facilities shall be located at least 1,500 feet from the following:

(a) All zoning district boundaries, except Commercial Forestry and Industrial Zones;

(b) Public parks, public recreation areas, or publicly-owned wildlife areas;

(c) Archaeological and historical sites that are registered with the State Office of Archaeology and Historic Preservation;

(d) Shorelines that are within the jurisdiction of the Shoreline Management Program;

(e) Rivers, streams or creeks that contain documented threatened or endangered fish species;

(f) This 1,500-foot buffer does not apply to:

- (i) Structures used for offices, storage areas for equipment, and weigh scales. These facilities shall be set back from the property line 100 feet or the standard zoning district setback, whichever is greater;
  - (ii) Inert landfills;
- (3) Inert landfills shall be located at least 500 feet from the following:
- (a) All zoning district boundaries, except Commercial Forestry and Industrial Zones;
  - (b) Public parks, public recreation areas, or publicly-owned wildlife areas;
  - (c) Archaeological and historical sites that are registered with the State Office of Archaeology and Historic Preservation;
  - (d) Shorelines that are within the jurisdiction of the Shoreline Management Program;
  - (e) Rivers, streams or creeks that contain documented threatened or endangered fish species;
  - (f) This 500-foot buffer does not apply to:
    - (i) Structures used for offices, storage areas for equipment, and weigh scales. These facilities shall be set back from the property line 100 feet or the standard zoning district setback, whichever is greater;
- (4) The facility or site will not result in filling or excavation, location of structures or buildings, driveways or machinery use except for vegetation maintenance within 100 feet of any property line and except for driveways within 150 feet of any county or state road right-of-way;
- (5) The facility or site will have vehicular approaches designed to minimize conflict between automobile and truck traffic, will maintain the carrying capacity of county roads, and will be located on a road classified as all weather, except where use is shown to be intermittent and easily delayed until emergency conditions have passed;
- (6) The facility or site has complied with the provisions of WCC 20.84.200 and all other ordinances and laws regulating solid waste facilities and sites, such as but not limited to WCC Title 24, the Whatcom County SEPA Ordinance, as well as state and federal regulations concerning solid waste facilities and sites; and
- (7) All landfills have a final closure plan meeting the requirements of WCC Title 24 and of Chapter 173-350 WAC, and the closure plan includes:
- (a) Reclamation in two- to 10-acre increments, as appropriately responsive to the size and intensity of the particular activity, with seeding to be accomplished annually but no later than September 30th; and
  - (b) Permanent vegetative cover that will maintain in healthy growing condition with the level of maintenance that is covered through the financial assurance for post-closure activities;
- (8) The buffer areas and visual screening shall include a minimum of 50 feet wide of landscaping meeting the requirements of WCC 20.80.300 (Landscaping);

(9) Solid waste facilities or sites shall be located outside the 10-year time of travel boundary of a public water system's delineated wellhead protection area;

(10) Solid waste facilities or sites that handle putrescible waste will be located at least 10,000 feet from airports serving turbine-powered aircraft and at least 5,000 feet from airports serving piston-powered aircraft. These buffers shall be measured from the boundary of the Airport Operations Zone or, if the airport is not within an Airport Operations Zone, from the boundary of the airport property;

(11) In addition, the Whatcom County hearing examiner may impose conditions of approval which may be necessary to protect the value and enjoyment of existing adjacent uses.

.163 Mitigation banks as a form of compensatory mitigation for wetland and habitat conservation area impacts when permitted in accordance with the provisions of Chapter 16.16 WCC; provided, applications for mitigation banks shall be processed as a major development project pursuant to Chapter 20.88 WCC.

#### **20.69.200 Prohibited uses.**

.201 All other uses.

.202 Adult businesses.

#### **20.69.250 Minimum lot size.**

The minimum lot size shall be consistent with the area required to meet the building setback, lot coverage, buffer and development standards of the district.

#### **20.69.255 Minimum lot frontage.**

For the purpose of dividing property, minimum lot frontage shall be sufficient to provide adequate access and utility development, and meet applicable building setback, buffer, and development standards of the district. In no case shall the frontage be less than 30 feet.

#### **20.69.300 Maximum building size.**

.301 Except as otherwise specifically allowed in this chapter, in a Rural Community designation, the allowable building floor area shall not exceed 22,000 square feet, or a larger size if consistent with the size, scale, use or intensity of similar uses that existed on July 1, 1990 within the areas currently zoned RIM and designated as a Rural Community. Determination on consistency with 1990 uses shall be made by the planning and development services department and may be appealed per the process described in Section 20.84.240.

.302 In a Rural Business designation, the maximum allowable floor area is 35,000 square feet.

#### **20.69.350 Building setbacks.**

Building setbacks shall be administered pursuant to WCC 20.69.550 and WCC 20.80.200.

**20.69.400 Height limitations.**

No maximum structure height is established; however, when building height exceeds 35 feet, the setback requirements of WCC 20.80.200 shall be increased by one foot for each foot of building height in excess of 35 feet, as applicable to all setbacks. Height of structures shall also conform, where applicable, to the general requirements of WCC 20.80.675. Piles of materials, including those stored and/or processed on site, shall not exceed 35 feet.

**20.69.450 Lot coverage.**

Reserved.

**20.69.500 Open space.**

At least 10 percent of the site shall be kept free of buildings, structures, stored materials, hard surfacing, parking areas and other impervious surfaces.

**20.69.550 Buffer area.**

.551 When a parcel situated within this district adjoins an Agriculture, Rural or Residential Rural District, or county or state roads designated as or proposed for improvements to principal arterial status, setbacks of adjoining area shall be increased to 25 feet. Unless adjoining an Agriculture zoning district, said area shall be landscaped consistent with the requirements of WCC 20.80.345.

.552 If any part of said buffer area is separated from, or sold to any contiguous or adjacent owner, lessee or user, the parcel so separated or sold shall be used only as a buffer area in accordance with the above requirements.

**20.69.600 Sign regulations.**

Sign regulations shall be administered pursuant to WCC 20.80.400.

**20.69.650 Development criteria.****20.69.651 Facility design.**

Rural Industrial and Manufacturing developments within this Zone District should be designed to accommodate additional industrial, manufacture, or commercial development on adjacent RIM or other commercially-zoned property in an integrated manner. Consistent architectural treatment is encouraged. Each development shall screen roof-mounted mechanical equipment so as not to be visible by surrounding uses or roads.

Design of a proposed use in the Rural Industrial and Manufacturing zone district shall be consistent with the Comprehensive Plan rural land use chapter.

**20.69.652 Landscaping.**

Refer to WCC 20.80.300 for landscaping requirements.

**20.69.653 Off-street parking and loading.**

Off-street parking and loading provisions shall be administered pursuant to WCC 20.80.500. In addition, loading areas must be located in such a manner that no

loading, unloading and/or maneuvering of trucks associated therewith takes place on public rights-of-way.

**20.69.655 Drainage.**

All development activity within Whatcom County shall be subject to the stormwater management provisions of the Whatcom County Development Standards unless specifically exempted.

No project permit shall be issued prior to meeting submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.

**20.69.656 Driveways.**

Pursuant to WCC 20.80.640, driveway plans shall be reviewed by the county engineer or State Department of Highways, as applicable.

**20.69.657 Access.**

Access shall conform to the provisions of WCC 20.80.565 and 20.80.660.

**20.69.658 Maintenance.**

The owner, lessee or user shall be responsible for maintaining an orderly appearance of all properties, and shall be responsible for assuring the care and maintenance of any natural growth where appropriate. All required yards, parking areas, storage areas, operation yards and other open uses on the site which are adjacent to a public right-of-way shall be maintained in a neat and orderly manner appropriate for the district at all times.

**20.69.659 Enclosure.**

All manufacturing or fabrication processes which produce physical off-site impacts of a detrimental nature shall be sufficiently enclosed to mitigate the impact.

**20.69.700 Performance standards.**

**20.69.701 Pollution control and nuisance abatement.**

Each industrial and/or manufacturing activity is required to continuously employ the best pollution control and nuisance abatement technology when reasonable and practicably available; provided, that where federal, state, or regional laws or regulations provide for the level of technology to be employed, the appropriate standards shall apply.

**20.69.702 Heat, light and glare.**

All operations and facilities producing heat, light or glare, including exterior lighting, shall be so constructed, screened or used as to not unreasonably infringe upon the use and enjoyment of property beyond the boundaries of the district.

**20.69.703 Ground vibrations.**

No ground vibration other than that caused by highway vehicles, trains or construction activity shall be permitted which is discernible, without instruments, at or beyond the property line for the use concerned.

**20.69.704 Odor, dust, dirt, and smoke.**

No odor, dust, dirt, or smoke shall be emitted that is detectable at or beyond the property line, for the use concerned, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of property beyond the boundaries of the district.

**20.69.705 Noise.**

No use in this district shall exceed the maximum environmental noise level established by Chapter 173-60 WAC.

**20.69.706 Toxic gases and fumes.**

There shall be no emission of toxic gases or fumes.

**20.69.707 Liquid pollutants.**

There shall be no off-site release to soil or surface drainage ways of water borne or liquid pollutants.

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**20.72 Point Roberts Special District****20.72.010 Purpose.**

Point Roberts is a unique area of Whatcom County because of its relatively small size, its mixed development character, its relative isolation and the constraints on normal growth patterns caused by the impact of access only via an international border crossing. This geographic isolation from the remainder of Whatcom County complicates the direct application of other zone districts within this title. Point Roberts is considered a limited area of more intense rural development, being clearly bounded by the border and marine environment. However, within these boundaries are zoning districts allowing a variety of development intensities. Proposed changes in uses or lots, and new proposed uses, must be consistent with rural land use as set forth in the Comprehensive Plan.

The Point Roberts Special District is an overlay zone which imposes additional controls and creates opportunities not available in the underlying zone districts to fit the needs of Point Roberts. This district is designed to protect the rural character of Point Roberts while allowing opportunities for community growth and self-reliance.

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**20.72.200 Prohibited uses.**

In addition to the uses prohibited in the underlying zone districts, the following uses are prohibited:

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**20.72.653 Tree canopy retention.**

In addition to compliance with all other requirements of this title and other titles of the Whatcom County Code, development activities shall be subject to the following provisions:

(1) In the RC, RGC, and STC Districts, existing tree canopy areas (as defined by the dripline of the tree(s)) may be used to meet all or part of the open space requirements of this title. If existing tree canopy areas do not fully satisfy the minimum open space requirements of the applicable zone district, the remainder of the required open space shall be subject to the landscaping requirements established in WCC 20.80.300.

(2) In the RR, TZ and R Districts:

(a) Residential Development.

(i) Lots less than one-half acre may remove 100 percent of the existing tree canopy on-site; provided, that 30 percent of the pre-existing tree canopy shall be replanted.

(ii) Lots greater than, or equal to, one-half acre shall retain 30 percent of the existing tree canopy area on a lot. Trees may be removed within areas to be cleared for purposes of a building site, driveways, parking areas, and areas to be landscaped, but such areas shall not exceed 5,000 square feet or 70 percent, whichever is greater, of the total lot area.

(iii) On lots greater than one acre, no more than 50 percent of the existing tree canopy area shall be removed.

(b) Commercial, institutional and recreational development may use existing tree canopy areas to meet all or part of the landscaping requirements of this title.

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## **20.80 Supplementary Requirements**

### **20.80.210 Minimum setbacks.**

. . . . .

(5) Setbacks. For the purposes of this chapter, the road classification used to determine setback requirements shall be as set forth in WCC 20.80.210. In the event a particular road is not listed in the WCC 20.80.210, 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.

#### (a) Setbacks Requirements of all Districts

(i) 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.

(ii) 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.

(iii) In all districts where a single-family residence is a primary permitted use, a building permit may be issued for the construction of a replacement dwelling on the same lot; provided, that the owner agrees by filing a statement with the building official that the old dwelling will be demolished, removed or converted to another permitted use upon completion of the new dwelling.

(iv) A ten foot setback from the International border between Canada and United States shall be maintained as an open space vista. The ten foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the ten foot setback area after approval from the International Boundary Commission.

#### (b) Setbacks Table

##### Commercial Setbacks

General Commercial (GC)							
<i>Road Type</i>						<i>Other</i>	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30' <sup>1</sup>	30'	25'	25'	25'	20'	0'	10'
1. 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).							
Rural General Commercial (RGC)							
<i>Road Type</i>						<i>Other</i>	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30' <sup>1</sup>	30'	25'	25'	25'	20'	0'	10'
1. Setbacks for those parcels situated adjacent to Agriculture, Urban Residential, Rural Cluster Development, and Rural Zone Districts shall be administered pursuant to WCC 20.59.600 (Buffer area).							
2. Side and rear yard setbacks shall be 10 feet from vacant, adjacent, commercially zoned properties.							
Tourist Commercial (TC)							
<i>Road Type</i>						<i>Other</i>	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30' <sup>1</sup>	30'	25'	25'	25'	20'	0'	10'
<i>Water Resource Protection Overlay</i>							
30'	30'	20'	20'	20'	20'	0'	5'

1. Setbacks for those parcels situated adjacent to Agriculture, Urban Residential, Urban Residential Medium Density, Residential Rural and Rural Zone Districts shall be administered pursuant to WCC 20.63.550 (Buffer area).
2. Setback requirements for recreational vehicle parks shall be 30 feet for side and rear yards.
3. 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.

**Small Town Commercial (STC)**

<i>Road Type</i>						<i>Other</i>	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30' <sup>1</sup>	30'	25'	25'	25'	20'	0'	10'

1. Commercial uses shall be allowed to reduce front yard setback to 10 feet and the side yard setback to zero feet where the site and landscape plans promote pedestrian access to the building.
2. Side and rear yard setbacks shall be 10 feet from vacant, adjacent, commercially zoned properties.
3. Setbacks for those parcels situated adjacent to Agriculture, Urban Residential, Urban Residential Medium Density, Residential Rural, and Rural Zone Districts shall be administered pursuant to WCC 20.61.600 (Buffer area).

**Resort Commercial (RC)**

<i>Road Type</i>						<i>Other</i>	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30'	30'	25'	25'	25'	20'	5' <sup>2</sup>	5' <sup>2</sup>

1. 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).
2. 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.
3. 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.

4. 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.

5. A ten foot setback from the International border between Canada and United States shall be maintained as an open space vista. The ten foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the ten foot setback area after approval from the International Boundary Commission.

**Neighborhood Commercial (NC)**

<i>Road Type</i>						<i>Other</i>	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
25'	25'	25'	25'	25'	20'	0'	10'
<i>Water Resource Protection Overlay</i>							
30'	30'	20'	20'	20'	20'	0'	10'

1. Neighborhood Commercial District. Setbacks for those parcels situated adjacent to Agriculture, Urban Residential, Residential Rural and Rural Zone Districts shall be administered pursuant to WCC 20.60.550 (Buffer area).

<sup>1</sup> - When located adjacent to I-5 these setbacks may be reduced to 25' subject to the screening requirements under WCC 20.80.300.

<sup>2</sup> - Roof overhangs or other architectural features shall not project further than 18 inches into the side or rear yard 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.

**Industrial Setbacks**

<b>Heavy Impact Industrial (HII)</b>							
<i>Road Type</i>						<i>Other</i>	
Commercial, Industrial, I-5, State Hwys, Principal &	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard

Minor Arterials							
100'	100'	100'	100'	100'	30'	30'	30'
<p>1. All setbacks shall be increased by one foot for each foot of building height, excluding tanks and similar structures, which exceeds 50 feet.</p> <p>2. 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 zoning administrator may reduce or eliminate side and rear yard setbacks from side and rear property lines that are adjoining an industrial district provided that all of the following provisions are met:</p> <ul style="list-style-type: none"> <li>(i) Screening will be provided to protect adjacent uses from unsightliness or visual distraction;</li> <li>(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 will be diverted to on-site drainage facilities;</li> <li>(iii) A reduction in setbacks will not reduce solar access on adjacent properties or if a setback reduction will result in reduced solar access, 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;</li> <li>(iv) Adjoining properties will be shielded from light sources;</li> <li>(v) The use and storage of toxic or hazardous materials or processes 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;</li> <li>(vi) The reduced setbacks will not interfere with existing sewer, water and other easements; and</li> <li>(vii) Reduced setbacks will not result in the creation of a traffic hazard nor will the reduced setback create a circumstance that does not comply with WCC 20.80.210(3), Vision Clearance.</li> </ul> <p>3. 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.</p> <p>4. The setback requirements of the Heavy Impact Industrial District shall apply to the storing and handling of hazardous materials; provided, that if federal and/or state regulations require different setbacks, the greater setback (county, federal, or state) shall be used.</p> <p>5. 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 subsection (3)(d) of this section.</p>							
Light Impact Industrial (LII)							
<i>Road Type</i>						<i>Other</i>	

Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30'	30'	30'	30'	30'	20'	10'	10'

1. All setbacks shall be increased by one foot for each foot of building height which exceeds 35 feet.
2. 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 subsection (1)(d) of this section (4) of the Light Impact Industrial zone.
3. Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.66.550 (Buffer Area).
4. The zoning administrator may reduce or eliminate side and rear yard setbacks from side and rear property lines that are adjoining an industrial district; provided, that the administrator finds that all of the following provisions are met:
  - (i) Screening will be provided to protect adjacent uses from unsightliness or visual distraction;
  - (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 will be diverted to on-site drainage facilities;
  - (iii) A reduction in setbacks will not reduce solar access on adjacent properties or if a setback reduction will result in reduced solar access, 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;
  - (iv) Adjoining properties will be shielded from light sources;
  - (v) The use and storage of toxic or hazardous materials or processes 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;
  - (vi) The reduced setbacks will not interfere with existing sewer, water and other easements; and
  - (vii) Reduced setbacks will not result in the creation of a traffic hazard nor will the reduced setback create a circumstance that does not comply with WCC 20.80.210(3), Vision Clearance.

**General Manufacturing (GM)**

<i>Road Type</i>						<i>Other</i>	
Commercial, Industrial, I-5, State Hwys,	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard

Principal & Minor Arterials							
30'	30'	30'	30'	30'	20'	10'	10'
<p>1. All setbacks shall be increased by one foot for each foot of building height which exceeds 35 feet.</p> <p>2. 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.</p> <p>3. Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.67.550 (Buffer Area).</p> <p>4. The provisions of subsection (1)(d) of this section may be applied to side and rear yard setbacks in the General Manufacturing District. The zoning administrator may reduce or eliminate side and rear yard setbacks from side and rear property lines that are adjoining an industrial district; provided, that the administrator finds that all of the following provisions are met:</p> <p style="padding-left: 40px;">(i) Screening will be provided to protect adjacent uses from unsightliness or visual distraction;</p> <p style="padding-left: 40px;">(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 will be diverted to on-site drainage facilities;</p> <p style="padding-left: 40px;">(iii) A reduction in setbacks will not reduce solar access on adjacent properties or if a setback reduction will result in reduced solar access, 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;</p> <p style="padding-left: 40px;">(iv) Adjoining properties will be shielded from light sources;</p> <p style="padding-left: 40px;">(v) The use and storage of toxic or hazardous materials or processes 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;</p> <p style="padding-left: 40px;">(vi) The reduced setbacks will not interfere with existing sewer, water and other easements; and</p> <p style="padding-left: 40px;">(vii) Reduced setbacks will not result in the creation of a traffic hazard nor will the reduced setback create a circumstance that does not comply with WCC 20.80.210(3), Vision Clearance.</p> <p>5. 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 subsection (2)(d) of this section.</p>							
Gateway Industrial (GI)							
<i>Road Type</i>						<i>Other</i>	

Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
25'	25'	25'	25'	25'	25'	10'	10'
<p>1. Maximum building height shall not exceed 35 feet; except, that an additional foot in height is allowed for each one-foot increase in setback in the yard adjoining the interstate highway up to 45 feet in the West Bakerview/I-5 Interchange area of the Urban Fringe Subarea and up to 75 feet in the Birch Bay-Lynden Road area of the Blaine-Birch Bay Subarea. Height of structures, where applicable, shall also conform to the general requirements of WCC 20.80.675.</p>							
<b>Airport Operations (AO)</b>							
<i>Road Type</i>						<i>Other</i>	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30'	30'	30'	30'	30'	20'	10'	10'
<p>1. Setbacks for parcels adjoining a nonindustrial district shall be administered pursuant to WCC 20.70.550 (Buffer Area).</p> <p>2. The zoning administrator may reduce or eliminate side and rear yard setbacks from side and rear property lines that are adjoining an industrial district; provided, that the administrator finds that all of the following provisions are met:</p> <ul style="list-style-type: none"> <li>(i) Screening will be provided to protect adjacent uses from unsightliness or visual distraction;</li> <li>(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 will be diverted to on-site drainage facilities;</li> <li>(iii) A reduction in setbacks will not reduce solar access on adjacent properties or if a setback reduction will result in reduced solar access, 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;</li> <li>(iv) Adjoining properties will be shielded from light sources;</li> <li>(v) The use and storage of toxic or hazardous materials or processes 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;</li> <li>(vi) The reduced setbacks will not interfere with existing sewer, water and other</li> </ul>							

easements; and (vii) Reduced setbacks will not result in the creation of a traffic hazard nor will the reduced setback create a circumstance that does not comply with WCC 20.80.210(3), Vision Clearance.							
Rural Industrial – Manufacturing (RIM)							
<i>Road Type</i>						<i>Other</i>	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30'	30'	30'	30'	30'	20'	10'	10'
1. Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.67.550 (Buffer Area).							

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**20.80.360 Special requirements for individual zone districts.**

References to front yard landscaping in (1) through (6) below shall be based on the property line except where the county engineer determines the road is developed at its ultimate width, then the back of the sidewalk can be used.

(1) Urban Residential Medium Density (URM), Neighborhood Commercial (NC); Resort Commercial (RC), and for nonresidential uses in the Residential and Rural Districts: 15 feet within the front yard setback and situated adjacent to the road shall be landscaped with vegetative material, except for driveways, walkways and signs. The remainder of the front yard setback may be used for parking.

(2) Tourist Commercial (TC), Rural General Commercial (RGC) and General Commercial (GC): 10 feet within the front yard setback and situated adjacent to the road shall be landscaped with vegetative material, except for driveways, walkways and signs. The remainder of the front yard setback may be used for parking.

(3) Gateway Industrial (GI):

(a) Fifteen feet within the setback from Portal Way and situated adjacent to the road shall be landscaped with vegetative material, except for driveways, walkways and signs. The remainder of the front yard setback may be used for parking.

(b) Twenty-five feet within the setback from Interstate 5 and situated adjacent to the road shall be landscaped with vegetative material, except for driveways,

walkways and signs. The remainder of the front yard setback may be used for parking.

(4) Rural Industrial and Manufacturing (RIM), Light Impact Industrial (LII) and Airport Operations (AO): 15 feet within the front yard setback and situated adjacent to the road shall be landscaped with vegetative material, except for driveways, walkways and signs. The remainder of the front yard setback may be used for parking. When the Light Impact Industrial zone fronts a minor or local access street the requirements for the General Manufacturing zone may be used.

(5) General Manufacturing (GM): Five feet within the front yard setback and situated adjacent to the road shall be landscaped with vegetative material, except for driveways, walkways and signs. The remainder of the front yard setback may be used for parking. Subject to approval of the county, street trees may be placed in the right-of-way and the five-foot landscaping strip provided contiguous to the building with the front yard setback used for circulation of trucks and heavy equipment. In this situation to provide visual relief open space should be primarily concentrated in the side yards unless natural habitat in the rear such as wetlands or streams are present which should take precedence.

(6) Heavy Impact Industrial (HII): For heavy industrial uses refer to the buffering requirements in WCC 20.68.550. For all other uses the front yard landscaping shall be 15 feet similar to the requirement for the Light Impact Industrial zone.

#### **20.80.430 Rural General Commercial and General Commercial District sign regulations.**

#### **20.80.440 Small Town Commercial and Resort Commercial District sign regulations.**

#### **20.80.450 General manufacturing, light and heavy impact industrial, rural industrial and manufacturing, and airport operation districts sign regulations.**

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### **20.82 Public Utilities**

#### **20.82.010 Intent.**

The provisions of this chapter regulate the installation, maintenance and operation of public utility lines, sanitary sewer, pipelines for oil and gas, railroads (but not included switching yards or round houses), or maintenance facilities. The citizen initiative, enacted through Ordinance 90-124, regarding power line placement, Comprehensive Plan land use designations, Comprehensive Plan policy directives and the specific provisions of this chapter, shall be the basis for decisions regarding

utility development. This chapter applies to all zoning districts unless stated otherwise.

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**20.82.030 Conditional uses.**

The following uses shall require a conditional use permit or major project permit and shall be subject to a threshold determination in accordance with the Whatcom County SEPA Ordinance:

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(3) New sewer and/or water lines with an inside diameter greater than eight inches except for new sewer and/or water lines located and installed by a public utility or municipality within urban growth areas, and in conformance with a state approved sewer and/or water comprehensive plan and consistent with the Whatcom County Comprehensive Plan, which shall be permitted outright.

(4) New sewer line extensions with an inside diameter of six inches or greater and length of 150 feet or greater, except for new sewer lines located and installed within urban growth areas or limited areas of more intensive rural development (LAMIRDs), and in conformance with a state approved sewer and/or water comprehensive plan and consistent with the Whatcom County Comprehensive Plan, which shall be permitted outright.

(5) Electronic communications structures and telecommunication towers including associated maintenance and operations structures, provided this section shall not apply to any structures associated with wireless communications facilities.

(6) Water storage reservoirs with volumes exceeding 50,000 gallons or those with height in excess of 12 feet above the ground level measured within 20 feet in all directions of the tank.

(7) Utility structures located above ground such as pump stations, equipment buildings and similar structures greater than 100 square feet in area.

(8) Sewer and water treatment plants, except that sewer treatment plants are prohibited in the Airports Operations Zone.

(9) Electrical substations and electrical powerlines operating at voltages greater than 55 kV (55,000 volts); provided, applications for such substations and power lines shall be processed as a major development permit (pursuant to Chapter 20.88 WCC); provided, that no further major development permit shall be granted for such lines which:

(a) Operate at greater than 115 kV (115,000 volts) except on land where such permits have already been granted or in those districts classified as industrial;  
or

(b) Operate at 115 kV (115,000 volts) and carry greater than 160 mw (160 megawatts) average loading, except on land where such permits have already been granted or in those districts classified as industrial. For purposes of this section, "average loading" means the average power in megawatts carried by a power line over any 12-month period; provided, that loading at full line carrying capacity may not extend beyond any 90-day period;

(c) Are dedicated to provision of transmission service to (from) an electrical generating plant having a generating capacity greater than 160 mw (160 megawatts), except on lands where such permits have already been granted or in those districts classified as industrial.

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**20.84.220 Criteria.**

Before approving an application for a conditional use permit, the hearing examiner shall ensure that any specific standards of the use district defining the conditional use are fulfilled, and shall find adequate evidence showing that the proposed conditional use at the proposed location:

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(3) If located in a rural area (as designated in the Comprehensive Plan), will be consistent with rural land use policies as designated in the Rural Lands Element of the Comprehensive Plan.

(4) Will not be hazardous or disturbing to existing or future neighboring uses.

(5) Will be serviced adequately by necessary public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

(6) Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.

(7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare or odors.

(8) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets.

(9) Will not result in the destruction, loss or damage of any natural, scenic or historic feature of major importance.

**20.84.225 Revisions to conditional use permits.**

The hearing examiner may approve revisions to conditional use permits; provided, that the proposed changes are within the scope and intent of the original permit.

“Within the scope and intent of the original permit” shall mean the following:

(1) Lot coverage and height may be increased a maximum of 10 percent from the provisions of the original permit; provided, that revisions involving new structures not shown on the original site plan shall require a new permit; and provided further that any revisions authorized under this paragraph shall not exceed height, lot coverage, setback or any other requirements of the regulations for the area in which the project is located; and provided further that any revisions authorized under this paragraph shall be reviewed for consistency with the relevant chapters and policies in the Comprehensive Plan.

(2) Landscaping may be added to a project without necessitating an application for a new permit; provided, that the landscaping is consistent with conditions (if any) attached to the original permit and is consistent with the regulations for the area in which the project is located;

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**20.84.235 Administrative approval uses.**

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(3) Planning and development services shall approve or deny all administrative approval use applications. Decisions for all administrative approval use permits except adult businesses shall be based upon compliance with:

- (a) the criteria established for the proposed use in the appropriate zone district;
- (b) the Comprehensive Plan policies governing the associated land use designation;
- (c) in rural areas, consideration will be given to the cumulative impacts of permitted uses in relation to the governing Comprehensive Plan policies and zoning district; and
- (d) the requirement of this section and of WCC 20.84.220.

Decisions for administrative approval use permits for adult businesses shall be based solely upon the criteria in subsection (7) of this section.

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## **20.97 Definitions**

### **20.97.121.1 Existing uses.**

“Existing uses” - when referencing uses within a Rural Community Type I LAMIRD – means legally established uses that existed on July 1, 1990.

### **20.97.165 Grocery store.**

“Grocery store” means a place of business predominately engaged in the retailing of food to the public, including fresh fruits and vegetables, and food which is manufactured on the premises as an integral part of the retail operation. A grocery store may also engage in the retailing of other items generally used in and around homes including drinks, medical aids, school supplies, papers, magazines and other household items.

### **20.97.194 LAMIRD.**

“LAMIRD” means a limited area of more intensive rural development as described in the Whatcom County Comprehensive Plan, land use chapter. LAMIRDs are characterized by existing uses and separated into three different types as follows:

Type 1 LAMIRDs are commercial, industrial, residential or mixed use areas surrounded by logical outer boundaries, and as defined in the Comprehensive Plan and WA State law (RCW 36.70A.070(5)(d)(i).

Type 2 LAMIRDs are small-scale recreational or tourist areas as defined in the Comprehensive Plan and WA State law (RCW 36.70A.070(5)(d)(ii).

Type 3 LAMIRDs are isolated business uses as defined in the Comprehensive Plan and WA State law (RCW 36.70A.070(5)(d)(iii).

### **20.97.282 Outdoor recreation facilities.**

“Outdoor recreation facilities” means land which is used for outdoor recreational activities. Such facilities include, but are not limited to, tennis and/or racquetball and basketball courts; soccer, baseball and football fields; climbing walls; baseball batting cages; golf courses or driving ranges; and swimming pools.

### **20.97.293.1 Passenger Intermodal Terminal**

(1) “Intermediate Passenger Intermodal Terminal” means a terminal providing predominantly ground and other appropriate and viable low-impact modes of transit for general local commuter traffic, linking Rural Communities with cities, urban growth areas and major passenger intermodal terminals.

(2) "Major Passenger Intermodal Terminal" means a generally large scale central terminal linking multiple intermediate passenger intermodal terminals and other local transportation corridors to current modes of transit for regional and long distance travel and shipment of commodities.

#### **20.97.323.1 Public Community Facility.**

"Public community facility" means a publicly funded community service facility, including but not limited to a fire station, law enforcement station, public school, library, or water/sewer treatment facility; and excluding correction facilities.

#### **20.97.356 Rural Business.**

"Rural business" means a business that provides limited commercial services and job opportunities for rural residents, and is a specific designation under the Comprehensive Plan. Typical uses within a Rural Business designation include the production or manufacturing of goods; the production, repair and servicing of specialized tools and equipment; and the provision of services, including professional, management, consulting, construction, and repair services. Although rural in nature, the uses within the Rural Business designation are typically greater in intensity than Cottage Industries within the Rural zone district.

#### **20.97.356.1 Rural Community**

"Rural Community" means an area that has been designated in the Comprehensive Plan as a mixed-use LAMIRD based on historic development patterns, as defined in WA State law (RCW 36.70A.070(5)(d)(i) and (iv)).

#### **20.97.357 Rural zoning districts.**

"Rural zoning districts" means zoning districts that allow rural, agricultural, recreation and forestry activities. These zoning districts include; R2A, R5A, R10A, ROS, Agriculture, and Forestry. This definition is intended for the purpose of regulating clearing activity only.

#### **20.97.445 Urban zoning districts.**

"Urban zoning districts" means zoning districts that allow industrial and commercial activities, and high and medium density residential densities. These zoning districts include: UR, URM, RR, RR-I, NC, RGC, GC, TC, RC, GI, LII, GM, HII, RIM and AO. This definition is intended for the purpose of regulating clearing activity only.

