

DRAFT Title 20 Chapters Affected by Rural Element Update

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
<u>20.59</u>	<u>RGC</u>	<u>Rural General Commercial</u>
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
<u>20.69</u>	<u>RIM</u>	<u>Rural Industrial-Manufacturing</u>
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

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

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

20.32 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 Residential Rural 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.

Deleted: , the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program

.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.

.059 Family day care homes subject to the requirements of WCC 20.97.180 for home occupations.

.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 20.97.180.

.102 Private noncommercial boat docks, launches, ramps, floats, moorages and bathhouses 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.

20.32.130 Administrative approval uses.

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

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer or motor home, to provide:

- (1) A temporary dwelling space for family members who, due to professionally documented physical or mental disorders, or risks of such disorders, require supervision and care where such care is provided by members of the family who reside on the property; or
- (2) A temporary dwelling space for a person providing care for the resident owner of the subject property when said owner needs supervision and care as described in (1) above.

Approval Requirements:

Administrative approval for temporary second dwelling units shall be approved if it is determined that the proposal meets the following requirements:

- (1) Temporary second dwelling units shall only be permitted on fully serviced parcels on which the applicant can meet setback, ingress, egress, height restrictions, and lot coverage requirements.
- (2) The size of the temporary dwelling shall be appropriate to the use and size of the parcel and shall be limited so as to comply with the standards set forth in (1) above.
- (3) The temporary home shall be connected to an approved water supply and adequate capacity sewage disposal system approved by the Whatcom County health department.
- (4) When care is no longer necessary, the temporary home shall be removed within 60 days.
- (5) The permit shall be valid for one year. The permit may be extended on a yearly basis; provided, that an affidavit is furnished by the permittee affirming that the circumstances allowing the original permit remain in effect.
- (6) A covenant shall be filed that restricts sale of the property while the temporary dwelling is in place.
- (7) The use will not be hazardous or disturbing to existing or future neighboring uses.
- (8) Evidence of adequate off-street parking space shall be provided.
- (9) There shall be no occupancy of the temporary dwelling outside the conditions under which the temporary dwelling is permitted pursuant to this section.
- (10) All mobile homes must demonstrate compliance with minimum HUD Fire Safety Standards and compliance with current Washington Administrative Code (WAC).

Penalties: False statements on supporting documentation submitted with the application or failure to comply with any of the approval requirements may be cause for revocation of the permit and prosecution.

.132 Accessory apartments or detached accessory dwelling units to single-family dwellings; provided, that all of the following approval requirements are met:

- (1) In addition to an existing or permitted dwelling, there shall be no more than one accessory apartment or detached accessory dwelling unit per lot;

- (2) The owner(s) of the single-family lot upon which the accessory apartment or detached accessory dwelling unit is located shall occupy as their primary domicile at least one of the dwelling units on that lot;
- (3) Proof that adequate provisions have been made for potable water, wastewater disposal, and stormwater runoff for the additional dwelling unit must be obtained prior to application for a building permit;
- (4) There shall be only one front entrance to the house visible from the front yard and street for accessory apartments and only one additional entrance visible from the front yard for detached accessory dwelling units;
- (5) Accessory apartments and detached accessory units shall be clearly a subordinate part of an existing residence;
- (6) In no case shall an accessory apartment or detached dwelling unit be larger than 1,248 square feet in floor area;
- (7) Long plats and short plats which are granted after January 25, 1994, shall be marked, specifically designating lots allowed to be developed with accessory apartments or detached accessory dwelling units at the option of the developer for future individual owners. Accessory apartments and detached accessory dwelling units shall be prohibited on:
 - (a) All lots in long plats which received preliminary plat approval after January 25, 1994, unless those lots have been specifically marked for such use through the long plat process;
 - (b) All lots within short plats which received approval after January 25, 1994, unless those lots have been specifically marked for such use through the short plat process;
 - (c) All reserve tracts within long plats and short plats created by the cluster subdivision method;
- (8) A common driveway serving both the existing unit and any accessory unit shall be used to the greatest extent possible;
- (9) A deed restriction is recorded with the Whatcom County auditor prior to building permit issuance, stating:
 - (a) Detached accessory dwelling units and associated land cannot be financed or sold separately from the original dwelling, except in the event the zoning permits such a land division; and
 - (b) One of the dwellings must be the primary domicile of the owner;
- (10) Outside of an urban growth area, the minimum lot size for detached accessory units shall be five acres unless the parcel is large enough to accommodate two dwelling units consistent with the underlying zoning density;
- (11) Accessory apartments and detached accessory dwelling units to single-family dwellings are allowed within the Lake Whatcom watershed, only under the following circumstances:
 - (a) Development of the parcel with the primary residence and accessory apartment or detached accessory dwelling shall conform to the density of the

zoning district in which it is located. Adjacent properties in the same ownership may be bound by covenant to comply with the underlying zoning density; and

(b) All of the above approval requirements shall be met for so long as the accessory unit remains;

(12) Detached accessory dwelling units shall be located so as to minimize visual impact to the public right-of-way and to adjacent properties. Location in immediate proximity to the primary residence is preferred. Location closer to property lines than to the primary residence may be considered by the administrator when such location serves the goal of reducing overall visual impact to public right-of-way and adjacent properties, and such location still meets the setback requirements as stated in Chapter 20.80 WCC. To minimize environmental and visual impact the applicant may be required to provide fencing and/or planting to screen the unit from public right-of-way and adjacent properties;

(13) All mobile homes must demonstrate compliance with minimum HUD Fire Safety Standards and compliance with Washington Administrative Code (WAC).

.133 Mini-day care centers in a family dwelling.

.134 One private, noncommercial, recreational vehicle or park model trailer and one accessory guest RV per lot within pre-existing recreational subdivisions of 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.

.135 Cottage industries employing no more than two people on-site, other than family members residing on the premises; provided, that in addition to the criteria found in WCC 20.84.220 and 20.97.087:

(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 1,250 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.

(2) The parcel size shall not be less than one acre; provided, that a smaller parcel may be approved by the hearing examiner by conditional use.

(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate landscaping, screening, or other devices in order that the material will not be visible by surrounding uses or roads.

(4) One nonilluminated sign, not to exceed eight square feet in size, mounted on the property, is permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a conditional use.

(5) Seasonal employees working less than 21 days per year will not be counted as employees if they are engaged in work directly related to agriculture or forestry.

20.32.150 Conditional uses.

Items indicated by an "*" are not allowed outside Rural Centers 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.

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

.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.*

.156 Golf course.

.157 Activity centers.

.158 Public or private parks that are not included in an adopted city or county Comprehensive Plan or Park Plan.

.159 Bed and breakfast lodgings.

.160 Confinement feeding operations and feedlots.

.161 Public campgrounds.

Deleted: .155 Neighborhood grocery stores only in small towns and crossroads commercial areas; provided, that:¶
(1) The gross commercial floor area, including sales and storage areas, shall not exceed 2,500 square feet;¶
(2) Storage areas shall be located entirely within the structure; however, outside storage of solid waste receptacles shall be permitted if the receptacles are enclosed and screened from public view;¶
(3) The owner may have no more than two gasoline pumps;¶
(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) Internal structural lighting shall be limited to hours of operation and shall be designed and installed to prevent the illumination of adjacent properties; however, lighting for security purposes¶
may be used after business hours if such lighting is consistent with the above statement;¶
(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 indirect external source.¶

.162 Private, noncommercial boat docks, launches, ramps, floats, moorages and boathouses pursuant to the Whatcom County Shoreline Management Program for owners of legal lots of record abutting the shoreline. The conditional use permit shall be approved if the hearing examiner finds that the proposal will not be hazardous or disturbing to neighbors and all applicable zoning requirements are satisfied. The criteria of WCC 20.84.220 shall not apply.

.163 Plant nurseries and greenhouses for storage, propagation and culture of plants, including sales as an accessory use provided:

- (1) Must be located on a collector arterial or higher classified road.
- (2) Covered sales area and associated display areas must not exceed 10 percent of the total area of development.
- (3) There shall be fixed hours of operation.
- (4) Parking lot, indoor sales or other potential impacts related to operations shall be buffered from neighbors.
- (5) Signage shall be aesthetically compatible with the character of the neighborhood.
- (6) All other criteria for conditional use permits must be met.
- (7) Outdoor storage of fertilizer is prohibited.
- (8) No aerial application of chemical products shall be allowed within 50 feet of dissimilar uses.
- (9) This type of activity will be prohibited in the Lake Whatcom watershed and Lummi Island and in other areas deemed to be water quality sensitive, excluding retail nurseries operating chemical free.

.164 Athletic fields.

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

.183 State education facilities.

.185 Type I solid waste handling facilities.

.186 Type II solid waste handling facilities.

.189 Boarding homes that are larger than other residential structures permitted in the zoning district.*

.190 Mental health facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.*

.191 Substance abuse facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.*

.192 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.

20.32.200 Prohibited uses.

.201 All other uses.

- .202 Adult businesses.
- .203 Mental health facilities that provide crisis care.
- .204 Substance abuse facilities that provide crisis care.
- .205 Outpatient mental health facilities.
- .206 Outpatient substance abuse treatment facilities, including opiate substitution treatment clinics.
- .210 Secure community transition facilities for sex offenders.

20.32.250 Maximum density, minimum lot size and width.

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 location within Lake Whatcom Watershed boundaries, 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.

Within Limited Areas of More Intensive Rural Development (LAMIRDs) that lie wholly or partially within the Lake Whatcom Watershed boundaries the minimum lot size shall be five acres; except for the purposes of lot creation for Public Community Facility uses, in which the minimum lot size shall be consistent with the area required to meet the building setback, lot coverage and development standards of this district, and provided further that the remainder/reserve lot(s) or tract(s) shall be used for open space purposes with no densities reserved.

20.32.252 Cluster bonus schedule.

Repealed by Ord. 98-083.

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 Centers, 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, <u>RR-5A</u> : without public water	1 dwelling unit/5 acres	5 acres	N/A	N/A
<u>RR-10A: without public water</u>	<u>1 dwelling unit/10 acres</u>	<u>10 acres</u>	<u>N/A</u>	<u>N/A</u>
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%
<u>RR-5A</u>	<u>1 dwelling unit/5 acres</u>	<u>5 acres</u>	<u>N/A</u>	<u>N/A</u>
<u>RR-10A</u>	<u>1 dwelling unit/10 acres</u>	<u>10 acres</u>	<u>N/A</u>	<u>N/A</u>
<u>LAMIRDS in the Lake Whatcom Watershed boundaries</u>				
<u>RR-1, RR-2, RR-3, RR-5A</u>	<u>1 dwelling unit/5 acres</u>	<u>5 acres</u>	<u>N/A</u>	<u>N/A</u>

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'

20.32.300 Lot clustering and reserve tract.

20.32.305 Lot clustering.

(1) The purpose of lot clustering is to provide an alternative method of creating economical building lots with spatially efficient sizes. Clustering is intended to reduce development cost, increase energy efficiency and reserve areas of land which are suitable for agriculture, forestry, open space or possible future development.

(2) The clustering option is also intended to help preserve open space and the character of areas and reduce total impervious surface area thereby reducing runoff while assuring continued viable undeveloped natural vegetated corridors for wildlife habitat, protection of watersheds, preservation of wetlands, preservation of aesthetic values including view corridors, and preservation of potential trail and recreation areas.

20.32.310 Design standards.

The creation of new building lots, pursuant to this section, shall be governed by the following recommended design standards:

(1) Clustered building lots may be only created through the subdivision or short subdivision process.

(2) Building lots should be designed and located to the fullest extent possible to be compatible with valuable or unique natural features, as well as physical constraints of the site.

(3) Where practical, the majority of building sites should be arranged in a cluster or concentrated pattern to be compatible with physical site features, allow for the efficient conversion of the "reserve tract" to other uses in the future, and have no more than two common encroachments on existing county roads. The arrangement of clustered building lots is intended to discourage development forms commonly known as linear, straight-line or highway strip patterns.

(4) Common access to clustered building lots should be provided by short length roads or loop roads. In addition, interior streets shall be designed to allow access to the "reserve tract" for the purpose of future approved development.

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.

Deleted: state

20.32.350 Building setbacks.

Building setbacks shall be administered pursuant to WCC 20.80.200 (Setback requirements).

20.32.400 Height limitations.

Maximum height shall be limited to 35 feet. Height of structures shall also conform, where applicable, to the general requirements of WCC 20.80.675.

20.32.450 Lot coverage.

No structure or combination of structures shall occupy or cover more than 2,500 square feet or 35 percent, whichever is greater of the total area.

20.32.650 Development criteria.

20.32.651 Plat language for proposed subdivisions.

When a proposed subdivision, binding site plan, short subdivision or exempt land division will be located adjacent to or across a right-of-way from an existing Forestry District, the developer and any subsequent purchasers or successors in interest shall agree to refrain from any legal action to restrain or collect damages from the owners of such adjacent properties, or from Whatcom County, arising out of any reasonable and lawful activity on said forestry lands which occurs in the normal course of their established use. The agreement shall appear as a covenant or deed restriction upon the plat, tract or instrument of conveyance and shall run with the land.

20.32.652 Use of natural resources.

All discretionary project permits for land on or within one-half mile of the area designated as Agriculture, Rural, Commercial Forestry or Rural Forestry or within 300 feet of an area designated as Mineral Resource Lands in the Whatcom County Comprehensive Plan, or upon which farm operations are being conducted, shall be subject to the right to farm, right to practice forestry and mineral land disclosure policies contained in WCC Title 14, Use of Natural Resources.

20.32.653 Landscaping.

Refer to WCC 20.80.300 for landscaping requirements.

20.32.654 Parking requirements.

Parking shall conform to the requirements of WCC 20.80.500. However, recreation vehicles, and boat parking and storage shall be limited to side and rear yards.

20.32.655 Livestock regulations.

The keeping of livestock shall be administered pursuant to WCC 20.80.800 (Supplementary Requirements).

20.32.656 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.

20.35 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.

Deleted: Comprehensive

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).

Deleted: , as well as the Whatcom County SEPA and Subdivision Ordinances, and the Whatcom County Shoreline Management Program

- .051 One single-family dwelling per lot.
- .052 Noncommercial community parks and recreation facilities.
- .053 The raising of crops, fruits, berries, and horticultural products.
- .054 Public reserves, playgrounds, forest preserves, beach activities, wildlife reserves, and natural systems education and/or interpretative areas.
- .055 Noncommercial and nonvehicular camping activities (with approval from the Whatcom County health department).
- .056 Private, noncommercial mooring buoys.
- .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.
- .059 Family day care homes subject to the requirements of WCC 20.97.180 for home occupations.
- .060 Trails, trailheads, and associated restroom facilities.
- .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.

20.35.100 Accessory uses.

- .101 Home occupations pursuant to WCC 20.97.180.
- .102 Noncommercial community boat docks, ramps, floats, and moorages pursuant to the Whatcom County Shoreline Management Program.

.103 Restrooms, picnic shelters, tool and equipment storage, playgrounds, water storage, and similar buildings and equipment normally associated with low intensity use of community property.

.104 One detached sleeping unit per lot.

.105 Other accessory uses normally incidental to the primary permitted uses.

.106 Solar and wind power plants serving two or less residences.

20.35.130 Administrative approval uses.

.131 Mini-day care centers in a family dwelling.

.132 Cottage industries employing no more than two people on-site, other than family members residing on the premises; provided, that in addition to the criteria found in WCC 20.84.220 and 20.97.087:

(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 1,250 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.

(2) The parcel size shall not be less than one acre; provided, that a smaller parcel may be approved by the hearing examiner by conditional use.

(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate landscaping, screening, or other devices in order that the material will not be visible by surrounding uses or roads.

(4) One nonilluminated sign, not to exceed four square feet in size, mounted on the property, is permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a conditional use.

20.35.150 Conditional uses.

.151 Community centers.

.152 Aircraft runway strips.

.153 Solar and wind power plants serving more than two residences.

.154 Day care centers; and mini-day care centers not in a family dwelling.

.155 Activity centers.

.163 Athletic fields.

.185 Type I solid waste handling facilities.

.186 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.

20.35.200 Prohibited uses.

.201 Single-family residential on platted community tracts is prohibited, except for one single-family dwelling for the island's caretaker.

.202 Adult businesses.

.203 All docks not permitted in WCC 20.35.102.

.204 All other uses not permitted, accessory, or conditional.

.205 Storage or occupation of recreational vehicles.

20.35.250 Minimum lot size and density.

.251 For the purposes of creating new building lots within the Eliza Island District, the minimum lot size shall be ~~ten (10) acres~~. Minimum width at street line shall be 70 feet, at building line 80 feet, and minimum mean depth shall be 100 feet.

Deleted: one-half (1/2)

20.35.350 Building setbacks.

.351 Minimum front, side, and rear yard setbacks shall be five feet. The provisions of WCC 20.80.290 do not apply to setback areas within this district.

20.35.400 Height limitations.

.401 Maximum height of structures shall be limited to 25 feet when within 100 feet of the marine shoreline ordinary high water mark, and 30 feet elsewhere. Height of structures shall also conform to the general requirements of WCC 20.80.675 where applicable.

20.35.500 Open space.

.501 At least 75 percent of any lot shall be utilized as open space (50 percent for community tract E).

.502 Vegetation clearing on the face of shoreline bluffs and banks is prohibited; provided, that pruning of branches for view is permitted if no more than 30 percent of the live crown is removed.

20.35.650 Development criteria.

20.35.651 Design.

(1) No structure or combination of structures, including accessory buildings, shall have a total square footage of more than 1,800 square feet on any private lot.

(2) Exterior sidings shall consist of or resemble natural wood or masonry materials.

20.35.652 Recreational homes.

Due to the preference for seasonal use of many homes on the island, some flexibility with construction requirements is allowed; provided, that (1) the floor space of the vacation home does not exceed 800 square feet; and (2) the applicant shall record with the deed a covenant stating that the structure is for part-time use only. Upon meeting these requirements, the following is allowed with approval of the building official:

(1) Pier and post foundations.

- (2) Wood heat as the primary heat source.
- (3) Exposed beam ceilings with minimum R-10 insulation beneath roofing.
- (4) Reduced insulation and ventilation requirements.

20.35.653 Bald eagle management plan.

- (1) Between January 1st and August 15th, there will be no external construction or land clearing within 660 feet of a viable nest site. If the nest site is determined to be inactive by the WDW in April, construction or land clearing may begin on May 1st.
- (2) On any lot between 400 and 660 feet of a viable nest site, no conifer greater than six feet tall will be taken; provided, that such conifers may be cleared for a building site and path and an area within 25 feet of the building site. Conifers may only be removed for drainfields if no reasonable alternative exists.
- (3) On any lot 400 feet or greater from a viable nest site, a minimum of 50 percent of the pre-construction or clearing stand with stems/acre and size classes representative of the conifer stand greater than six feet tall must remain. In addition, on any shoreline lot a minimum of three conifers greater than 18 inches d.b.h. must remain within 75 feet landward of the survey staking line on the plat map. Pruning of branches for view is acceptable if no more than 30 percent of the live crown is removed.
- (4) Any landowner objecting to the above conditions can negotiate an individual site management plan with the WDW. Any construction or land clearing within 400 feet of a viable nest site will also require an individual bald eagle management plan with the WDW. The WDW will provide locations of viable and active nest sites to Whatcom County and the Eliza Island Beach Club by May 1st annually.

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.

Deleted: appropriate subarea

Deleted: Furthermore, the purpose of this district is to provide the option for residential uses to arrange in cluster development patterns while reserving tracts of land for rural uses and potential future resubdivision. (Ord. 98-083 Exh. A § 37, 1998; Ord. 82-58, 1982).

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).

Deleted: , the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program

.051 One single-family detached dwelling per lot.

.052 Agriculture including animal husbandry, horticulture, viticulture, floriculture and beekeeping; and the cultivation of crops.

.053 Sod farming; provided, that removal of such material does not exceed 500 cubic yards of soil per year.

.054 Fish farms, and aquaculture and mariculture projects; provided, that no new seafood or fish-raising facilities or ponds shall be located within 1,000 feet of agricultural operations requiring pesticide, and/or herbicide applications as part of their normal farm practices.

.055 Small wood lot management, tree farming, commercial forestry and reforestation, including the temporary use of portable management harvesting or processing equipment.

.056 Private, noncommercial, recreation occupancy of a recreational vehicle; provided, that the following minimum requirements and standards are met and/or followed:

(1) Maximum length of stay of any recreational vehicle on a lot shall not exceed a total of 120 days per calendar year; provided, that no accessory guest RV shall remain on the subject lot for more than 14 consecutive days nor more than 30 days total per calendar year.

(2) If the subject lot is located within:

(a) Rural, one dwelling unit per two acres (R2A), one recreational vehicle and one accessory guest RV per lot shall be allowed.

(b) Rural, one dwelling unit per five acres (R5A), or rural, one dwelling unit per 10 acres (R10A), one recreational vehicle and one accessory guest RV may be allowed per each additional two acres of the subject lot. The total number of recreational vehicles on a single lot at one time shall not exceed five.

(3) In the case of a special event or occasion:

(a) Any proponent of a temporary special event which requires a total allowable number of RVs that exceeds the standard maximum allowed, shall file an affidavit with the department of planning and development services which specifies the nature of the special event, location, the specified days of the proposed use and the sanitation and wastewater disposal facilities proposed for the event.

(b) The duration of the temporary special event shall include the days the use is being set up and established as well as when the event actually takes place.

(c) A parcel shall host no more than three temporary special events within a calendar year; provided, that the time periods specified in subsection (1) of this section are not exceeded.

(4) 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 or shall provide documentation that wastewater was removed by a licensed sanitary disposal service.

(5) 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.

(6) Lots shall not be leased or rented out on a daily or overnight basis for recreational use.

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

(8) All recreational vehicles shall be supported by their own wheels or camper jacks, and not be fastened to accessory structures. Placement of a recreational vehicle on a foundation or removal of the wheels of a recreational vehicle, except for temporary purposes for repair, is prohibited.

.057 Noncommercial extraction of sand, gravel or both for farm enhancement purposes; provided all materials extracted remain on land owned or leased by the farmer for agricultural purposes.

.058 Gravel bar scalping projects within the jurisdiction of the Shoreline Management Program.

.060 Public uses associated with government office buildings; public works maintenance yards or facilities, such as shops; storage buildings; and athletic fields and associated facilities if located within the current county complex at Northwest and Smith Roads. Other government or quasi-government uses of similar or complementary types would also be allowed if such uses are compatible with the character of existing facilities and the surrounding neighborhood. Facilities that do not conform to the current pattern of use, including, but not limited to, jail facilities or hazardous waste facilities, that could reasonably be expected to arouse the concern or alarm of the public, or that are incompatible with the surrounding neighborhood, shall require normal conditional use review.

.061 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.

.063 Family day care homes subject to the requirements of WCC 20.97.180 for home occupations.

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

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

.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.

20.36.100 Accessory uses.

.101 Home occupations pursuant to WCC 20.97.180.

.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 uses.

.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 (1) The usual wholesale marketing activities associated with the agricultural, aquacultural, forestry, and mineral resource uses permitted in this district.

(2) Retail marketing, by the operator, of Whatcom County products which originate from the permitted uses stated in WCC 20.36.052 and 20.36.055 provided:

(a) Only one stand containing not more than 500 square feet of floor area shall be permitted;

(b) Such stand shall be subject to the setback requirements of WCC 20.80.200; and

(c) Such stand shall be provided with a sufficient area to permit at least five automobiles to park safely off the road right-of-way and to re-enter the traffic in a forward motion.

.106 Utilization of sewage sludge on land when regulated by a utilization permit issued by the Bellingham-Whatcom County district department of public health in accordance with WAC 173-304-300. This would apply to any land owned or leased by the same operator.

.107 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.

20.36.130 Administrative approval uses.

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

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer or motor home, to provide:

(1) A temporary dwelling space for family members who, due to professionally documented physical or mental disorders, or risks of such disorders, require

supervision and care where such care is provided by members of the family who reside on the property; or

(2) A temporary dwelling space for a person providing care for the resident owner of the subject property when said owner needs supervision and care as described in (1) above.

Approval Requirements:

Administrative approval for temporary second dwelling units shall be approved if it is determined that the proposal meets the following requirements:

(1) Temporary second dwelling units shall only be permitted on fully serviced parcels on which the applicant can meet setback, ingress, egress, height restrictions, and lot coverage requirements.

(2) The size of the temporary dwelling shall be appropriate to the use and size of the parcel and shall be limited so as to comply with the standards set forth in (1) above.

(3) The temporary home shall be connected to an approved water supply and adequate capacity sewage disposal system approved by the Whatcom County health department.

(4) When care is no longer necessary, the temporary home shall be removed within 60 days.

(5) The permit shall be valid for one year. The permit may be extended on a yearly basis; provided, that an affidavit is furnished by the permittee affirming that the circumstances allowing the original permit remain in effect.

(6) A covenant shall be filed that restricts sale of the property while the temporary dwelling is in place.

(7) The use will not be hazardous or disturbing to existing or future neighboring uses.

(8) Evidence of adequate off-street parking space shall be provided.

(9) There shall be no occupancy of the temporary dwelling outside the conditions under which the temporary dwelling is permitted pursuant to this section.

(10) All mobile homes must demonstrate compliance with minimum HUD Fire Safety Standards and compliance with current Washington Administrative Code (WAC).

Penalties: False statements on supporting documentation submitted with the application or failure to comply with any of the approval requirements may be cause for revocation of the permit and prosecution.

.132 Accessory apartments or detached accessory dwelling units to single-family dwellings; provided, that all of the following requirements are met:

(1) In addition to an existing or permitted dwelling, there shall be no more than one accessory apartment or detached accessory dwelling unit per lot;

- (2) The owner(s) of the single-family lot upon which the accessory apartment or detached accessory dwelling unit is located shall occupy as their primary domicile at least one of the dwelling units on that lot;
- (3) Proof that adequate provisions have been made for potable water, wastewater disposal, and stormwater runoff for the additional dwelling unit must be obtained prior to application for a building permit;
- (4) There shall be only one front entrance to the house visible from the front yard and street for accessory apartments and only one additional entrance visible from the front yard for detached accessory dwelling units;
- (5) Accessory apartments and detached accessory units shall be clearly a subordinate part of an existing residence;
- (6) In no case shall an accessory apartment or detached dwelling unit be larger than 1,248 square feet in floor area;
- (7) Long plats and short plats which are granted after January 25, 1994, shall be marked, specifically designating lots allowed to be developed with accessory apartments or detached accessory dwelling units at the option of the developer for future individual owners. Accessory apartments and detached accessory dwelling units shall be prohibited on:
 - (a) All lots in long plats which received preliminary plat approval after January 25, 1994, unless those lots have been specifically marked for such use through the long plat process;
 - (b) All lots within short plats which received approval after January 25, 1994, unless those lots have been specifically marked for such use through the short plat process;
 - (c) All reserve tracts within long plats and short plats created by the cluster subdivision method;
- (8) A common driveway serving both the existing unit and any accessory unit shall be used to the greatest extent possible;
- (9) A deed restriction is recorded with the Whatcom County auditor prior to building permit issuance, stating:
 - (a) Detached accessory dwelling units and associated land cannot be financed or sold separately from the original dwelling, except in the event the zoning permits such a land division; and
 - (b) One of the dwellings must be the primary domicile of the owner;
- (10) Outside of an urban growth area, the minimum lot size for detached accessory units shall be five acres unless the parcel is large enough to accommodate two dwelling units consistent with the underlying zoning density;
- (11) Accessory apartments and detached accessory dwelling units to single-family dwellings are allowed within the Lake Whatcom Watershed, only under the following circumstances:
 - (a) Development of the parcel with the primary residence and accessory apartment or detached accessory dwelling shall conform to the density of the

zoning district in which it is located. Adjacent properties in the same ownership may be bound by covenant to comply with the underlying zoning density; and

(b) All of the above approval requirements shall be met for so long as the accessory unit remains;

(12) Detached accessory dwelling units shall be located so as to minimize visual impact to the public right-of-way and to adjacent properties. Location in immediate proximity to the primary residence is preferred. Location closer to property lines than to the primary residence may be considered by the administrator when such location serves the goal of reducing overall visual impact to public right-of-way and adjacent properties, and such location still meets the setback requirements as stated in Chapter 20.80 WCC. To minimize environmental and visual impact the applicant may be required to provide fencing and/or planting to screen the unit from public right-of-way and adjacent properties;

(13) All mobile homes must demonstrate compliance with minimum HUD Fire Safety Standards and compliance with Washington Administrative Code (WAC).

.133 Surface mining subject to Washington State's Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

.134 Mini-day care centers in a family dwelling.

.135 Cottage industries employing no more than two on-site people other than family members residing on the premises; provided, that in addition to the criteria found in WCC 20.84.220 and 20.97.089:

(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 2,500 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.

(2) The parcel size shall not be less than one acre.

(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate landscaping, screening, or other devices in order that the material will not be visible by surrounding uses or roads.

(4) One nonilluminated sign, not to exceed eight square feet in size, mounted on the property, is permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a conditional use.

(5) Seasonal employees working less than 21 days per year will not be counted as employees if they are engaged in work directly related to agriculture or forestry.

.136 In R5A and R10A zoning districts, the processing of agricultural products that originate from the permitted uses in WCC 20.40.050, provided the following criteria are met:

- (1) The facility is not a slaughterhouse or mushroom substrate production facility.
- (2) The facility is supplemental and related to the primary permitted use.
- (3) The facility processes at least 50 percent agricultural goods produced in Whatcom County and which originate from permitted uses.
- (4) The facility employs no more than 10 permanent employees.
- (5) The facility does not exceed 10,000 square feet in proposed and existing buildings (as defined by WCC 20.97.035) devoted to agricultural processing.

20.36.140 Pre-existing multifamily farmworker housing exemption.

This section recognizes the existence of multifamily farmworker housing located within the Rural Zone and the need to retain existing multifamily farmworker housing whenever possible to maintain the necessary infrastructure for the local farm economy. This section allows for the transfer of ownership of existing multifamily farmworker housing developments to recognized not-for-profit housing agencies or individuals or enterprises whose primary business is agricultural production by administrative approval when the following criteria are met:

- (1) The structure(s) were constructed before January 1, 1990, within the Rural Zoning District, for the purpose of providing multifamily full-time or part-time accommodation of individuals and their families engaged in farm work as their primary employment.
- (2) The minimum parcel size shall comply with the specific Rural acreage designation (R5A, R10A) but shall not be less than five acres.
- (3) The parcel was created by short plat or exempt subdivision pursuant to the requirements of WCC Title 21, Land Division Regulations.
- (4) The structure was constructed in accordance with all building, health, safety and land use requirements in effect at the time of original construction.
- (5) There is evidence of adequate potable water and sewage disposal.
- (6) The development shall retain all the specified components and amenities as identified in the original permit approval. Units originally approved as part-time units may be established as full-time units if the administrator finds that adequate services and local infrastructure are available to accommodate the conversion and the approval of such conversions will not seriously alter the existing or future neighborhood uses.
- (7) Restrictions on the title of the parcel containing the multifamily development which:
 - (a) Restrict future use of the structure as multifamily housing for farmworkers and their families for the life of the structure;
 - (b) Restrict sale of the structure to not-for-profit housing agencies, or individuals or enterprises whose primary business is agricultural production.

20.36.150 Conditional uses.

Items indicated by an “*” are not allowed outside [Rural Centers 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 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 Animal hospitals and accessory kennels and stables provided:

(1) No building or animal enclosure shall be located closer than 50 feet from the external property lines;

(2) Such facilities must have a waste disposal program approved by the county health department; and

(3) Such facilities shall be operated at all times in a manner specifically designed to prevent the use of the facilities from becoming a nuisance, either public or private; and the hearing examiner shall require of the applicant a detailed program to minimize potential annoying effects; said program to be recorded as one of the conditions attached to the permit.

.156 Commercial kennels and stables intended for the boarding or training of domestic animals.

.157 Housing or camping facilities to accommodate seasonal or permanent agricultural employees provided:

(1) Such facilities shall be located at least 50 feet from the external property lines;

(2) Such facilities shall conform with applicable building and health regulations;

(3) Such facilities shall be occupied only by agricultural employees and their immediate families; and

(4) Permanent housing shall not exceed the density of the zone and a covenant shall be filed with the county auditor stating the residence cannot be sold or leased without proper subdivision approval.

.158 Aircraft landing areas when solely for personal (aircraft based at those landing areas are owned or controlled by the landowner or tenant and subject to any limitations deemed necessary by the hearing examiner) uses; provided the centerline of any such landing area shall not be located within 500 feet of any

property line, building, or structure; except that a legal affidavit from adjacent property owner(s) allowing all, or a portion, of that 500 feet as a recorded easement on their property, presented as part of a conditional use permit application, shall be acceptable. The surface of any such landing areas shall be grass or sod and not longer than 2,500 feet. It shall be unlighted and for daytime use only.

Fuels and lubricants associated with the operation of personal use aircraft will be stored and handled in accordance with pertinent state and county codes. All aircraft and pilots must comply with all current Federal Aviation Regulations for the maintenance and operation of aircraft. Notification of conditional use permit application hearing shall go, by first class mail, to residents within 1,000 feet from any point on a proposed aircraft landing area; the applicant shall pay the cost of such mailings.

.159 Surface mining and accessory washing and sorting outside of short-term planning areas; provided, that:

- (1) The activity is not subject to Washington State's Surface Mining Act (Chapter 78.44 RCW).
- (2) The activity will not result in excavation or equipment within 50 feet of county road rights-of-way.
- (3) The activity will not result in excavation or equipment within 50 feet of the exterior property lines of the site, except in the case of two contiguous operations in which case by mutual consent this setback can be zero.
- (4) Reclaimed side slopes shall not be steeper than three feet horizontal to one foot vertical for unconsolidated materials.
- (5) At minimum, the operations shall adhere to the development and performance standards of WCC 20.73.650 and 20.73.700.
- (6) All topsoil remains on site for use in subsequent reclamation.
- (7) No soil erosion or sedimentation will occur beyond the exterior property lines of the site.
- (8) No excavation shall occur within the five-year zone of contribution for designated wellhead protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. Wellhead protection boundaries may be adjusted in accordance with WCC 20.73.131(2).
- (9) A cumulative maximum of three acres may be mined within the outer boundary of the parcel as it existed at the time of adoption of the amendment codified in this subsection. The intent of this provision is to prevent multiple conditional use permits for three-acre surface mines on a single parcel and prevent lots that were divided from a parent parcel after adoption of the amendment codified in this subsection from each having a three-acre surface mine.

.161 Cottage industries employing no more than four people on-site, other than family members residing on the premises, conducted in a structure(s) other than

Deleted: .160 Neighborhood grocery stores in small towns and crossroads commercial areas only; provided, that:¶

- (1) The gross commercial floor area, including sales and storage areas, shall not exceed 2,500 square feet except that the overall floor area may be increased to a maximum of 3,500 square feet where an ancillary use is approved by the hearing examiner. All ancillary uses shall not exceed 30 percent of the total floor area and must have similar type and level of impacts as generated by a neighborhood grocery store. Such ancillary uses may include but not be limited to post office, soda fountain, hardware sales or clothing sales; ¶
- (2) Storage areas shall be located entirely within the structure; however, outside storage of solid waste receptacles shall be permitted if the receptacles are enclosed and screened from public view; ¶
- (3) The owner may have no more than two gasoline pumps; ¶
- (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) Internal structural lighting shall be limited to hours of operation and shall be designed and installed to prevent the illumination of adjacent properties; however, lighting for security purposes may be used after business hours if such lighting is consistent with the above statement; and ¶
- (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. ¶

the dwelling unit; provided, that in addition to the criteria found in WCC 20.84.220 and 20.97.087:

(1) The hearing examiner, at his discretion, may place limitations on the square footage used in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 2,500 square feet of total floor area. The total land area used for buildings and outside storage or uses related to the cottage industry shall not exceed one acre or 25 percent of the site, whichever is less.

(2) In the event materials will be stored outdoors, the hearing examiner shall require adequate landscaping, screening or other devices in order that the material will not be visible by surrounding uses or roads.

(3) One nonilluminated freestanding sign, visible from the road, and not exceeding six feet in height, may be permitted. One additional nonilluminated sign may be attached to the building for a maximum total signage of 16 square feet. No portion of any sign shall extend above the lowest portion of the roof.

(4) In the R-10A zone, where the cottage industry involves production or processing of forestry or agricultural related products on parcels larger than 10 acres, the maximum number of employees outside the family may be increased at the rate of one additional employee for each additional 10 acres to a maximum of 10 employees outside the family. In the event that the property is reduced in size below the acreage used to qualify for additional employees under this section, the number of employees shall be proportionately reduced.

(5) Seasonal employees working less than 21 days per year will not be counted as employees if they are engaged in work directly related to agriculture or forestry.

.162 Small scale commercial processing of forestry products on a permanent basis, utilizing permanently installed equipment, and provided the use is compatible and augments the economic viability of the forest community, appropriate provision is made of water to meet fire flow standards, and is consistent with applicable local, state and federal standards and regulations.

.163 In R5A and R10A zoning districts, the processing of agricultural products that originate from the permitted uses in WCC 20.40.050, provided the following criteria are met:

(1) The facility is not a slaughterhouse or mushroom substrate production facility.

(2) The facility processes at least 50 percent agricultural goods produced in Whatcom County and which originate from permitted uses.

(3) The facility employs over 10 permanent employees.

(4) The facility exceeds 10,000 square feet in proposed and existing buildings (as defined by WCC 20.97.035) devoted to agricultural processing.

.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.

Deleted: sports

Deleted: and clubs

.166 Hydroelectric projects of five megawatts or less.

~~.170 Bed and breakfast lodgings.~~

.171 Confinement feeding operations and feedlots; provided, however, that such uses shall not be allowed inside urban growth areas.

.172 Commercial operations that directly provide goods or services to agricultural operators with the intent of augmenting agricultural operations, including but not limited to hay sales and storage, sawdust sales and storage, farm equipment service and repair, and farm chemical applicator establishments; provided, that the prospective commercial operation is limited to directly serving agricultural operators; does not include the manufacture of farm-related implements; does not include livestock auction facilities; and is located on a parcel that is surrounded by agricultural operations or is in an area that is predominantly used for agriculture or forestry or mining.

.173 Rock crushing and asphalt and concrete batch plants, when within an MRL Special District.

.174 Plant nurseries and greenhouses for storage, propagation and culture of plants, including sales as an accessory use provided:

- (1) Must be located on a collector arterial or higher classified road.
- (2) Covered sales area and associated display areas must not exceed 10 percent of the total area of development.
- (3) There shall be fixed hours of operation.
- (4) Parking lot, indoor sales or other potential impacts related to operations shall be buffered from neighbors.
- (5) Signage shall be aesthetically compatible with the character of the neighborhood.
- (6) All other criteria for conditional use permits must be met.
- (7) Outdoor storage of fertilizer is prohibited.
- (8) No aerial application of chemical products shall be allowed within 50 feet of dissimilar uses.
- (9) This type of activity will be prohibited in the Lake Whatcom watershed and Lummi Island and in other areas deemed to be water quality sensitive, excluding retail nurseries operating chemical free.

.175 Indoor and outdoor, live commercial entertainment; provided, that:

- (1) The use is located within a Rural 10 Acre (R10A) District, and upon at least a 10 acre parcel.
- (2) The use requires a rural setting to be compatible with its entertainment theme.
- (3) Maximum attendance is limited to 1,000 persons per day.
- (4) Accessory food service and gift shop activity is limited to five hours per day, liquor service is prohibited.

Deleted: .168 Coin-operated laundry where developed in association with a neighborhood grocery store as provided in WCC 20.36.160. Maximum total floor area of the laundry and grocery store shall be 4,500 square feet. ¶

- (5) The use shall not exceed maximum environmental noise levels established by state law (Chapter 173-60 WAC).
 - (6) The use will not generate primary traffic flows on local access roads where adjacent residential density exceeds one unit per five acres.
 - (7) Minimum buffering shall be required as established in WCC 20.80.345; provided, that minimum side and rear yard buffers are at least 50 feet.
 - (8) Limited hours and seasons of operation are established.
 - (9) One on-premises freestanding sign is permitted only, not to exceed 10 feet in height and 24 square feet in surface area per face, and not exceeding two faces per sign.
 - (10) Off-street parking is provided for, consistent with WCC 5.40.040; overnight RV parking and/or camping is prohibited.
- .176 Rental cabins, together with associated meeting facilities and other customary accessory uses, including but not limited to cooking and dining facilities, retail sales of meeting supplies and gifts, swim pools and exercise rooms in the Foothills Subarea, provided the following standards are met:
- (1) Density shall not exceed five sleeping units per five gross acres.
 - (2) Legally established resorts or rental cabins existing as of the date of the adoption of the ordinance codified in this section which meet the criteria in subsection (1) of this section shall be permitted outright. However, expansions shall only be allowed by conditional use and shall be bound by the density standards above; and
 - (3) Each cabin shall have a maximum of three sleeping units.
- .177 Activity centers.
- .178 Public or private parks that are not included in an adopted city or county Comprehensive Plan or Park Plan.
- .179 Public campgrounds.
- .180 Trailheads with parking areas for more than 30 vehicles.
- .183 State education facilities.
- .185 Type I solid waste handling facilities.
- .186 Type II solid waste handling facilities.
- .187 Type III solid waste handling facilities only in those areas specified as suitable for solid waste sites in the applicable subarea Comprehensive Plan.
- .189 Boarding homes that are larger than other residential structures permitted in the zoning district.*
- .190 Mental health facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.*
- .191 Substance abuse facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.*
- .192 Mental health facilities that provide crisis care.*

.193 Substance abuse facilities that provide crisis care.*

.194 Outpatient mental health facilities.*

.195 Outpatient substance abuse treatment facilities, including opiate substitution treatment clinics.*

.196 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.

20.36.200 Prohibited uses.

.201 All other uses.

.202 Adult businesses.

.210 Secure community transition facilities for sex offenders.

20.36.250 Maximum density, minimum lot size and width.

20.36.251 Minimum lot size and maximum density.

For the purpose of creating new building lots within the Rural District, several land use densities are herein provided. The minimum lot size and maximum density requirements for new construction vary according to the method of subdivision design. Where the conventional subdivision method is used to create new building lots, the minimum lot size shall be two, five or 10 acres, depending on the specific zone classification and whether public water is available. Where the lot cluster subdivision method is used, the minimum lot size is based on the consideration of the zoning district’s setback requirements (WCC 20.80.200) and the Whatcom County Health Code regulations for sewage systems and drinking water, but shall not be less than that shown below. Lots for public facilities approved under WCC 20.36.151 are not subject to minimum lot size requirements.

20.36.253 Maximum density and minimum lot size.

The R-2A district with its associated lot sizes as indicated below, is only allowed within Rural Centers, as outlined in the Comprehensive Plan. The R-5A and R-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 Outside of Urban Growth	Min. Reserve Area (Cluster Subdivisions in Urban Growth Areas)
		Conventional	Cluster		

				Areas)	
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-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

20.36.254 Minimum lot width and depth.

District	Width at Street Line	Width at Bldg.	Minimum
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	Conventional	Cluster	Line	Mean Depth
R-2	200'	70'*	80'	100'
R-5A	300'	70'*	80'	100'
R-10A	300'	70'*	80'	100'

*30' on a cul-de-sac only

20.36.300 Lot clustering and reserve tract.

20.36.305 Lot clustering.

(1) The purpose of lot clustering is to provide an alternative method of creating economical building lots with spatially efficient sizes. Clustering is intended to reduce development cost, increase energy efficiency and reserve areas of land which are suitable for agriculture, forestry, open space or possible future development.

(2) The clustering option is also intended to help preserve open space and the character of areas and reduce total impervious surface area thereby reducing runoff while assuring continued viable undeveloped natural vegetated corridors for wildlife habitat, protection of watersheds, preservation of wetlands, preservation of aesthetic values including view corridors, and preservation of potential trail and recreation areas.

(3) Lot clustering is required for residential developments on parcels 10 acres or greater when:

- (a) The property is located within a short-term planning area and public water and sewer are not available; or
- (b) The property is located within a long-term planning area.

20.36.310 Design standards.

The creation of new building lots, pursuant to this section, shall be governed by the following recommended design standards:

- (1) Clustered building lots may be only created through the subdivision or short subdivision process.
- (2) Building lots should be designed and located to the fullest extent possible to be compatible with valuable or unique natural features, as well as physical constraints of the site.
- (3) Where practical, the majority of building sites should be arranged in a cluster or concentrated pattern to be compatible with physical site features, allow for the efficient conversion of the "reserve tract" to other uses in the future, and have no more than two common encroachments on existing county roads. The arrangement of clustered building lots is intended to discourage

development forms commonly known as linear, straight-line or highway strip patterns.

(4) Common access to clustered building lots should be provided by short length roads or loop roads. In addition, interior streets shall be designed to allow access to the "reserve tract" for the purpose of future approved development.

(5) Where the boundaries of a proposed cluster subdivision includes land in more than one rural zone designation (R2-A, R-5A and R-10A) the following shall apply:

(a) The total number of units permitted shall be computed by separately calculating the number of lots allowed in each zone district based on the amount of land area within the district. The number of lots allowed in each district shall be totaled to arrive at the total number of lots.

(b) Lot clusters may be distributed or arranged on property(s) covered by the subdivision such that density from an R-5A or R-10A portion of a subdivision may be transferred to an adjacent portion of the subdivision with a different rural zoning designation (R-2A, R-5A or R-10A); provided, the total number of lots for the entire subdivision does not exceed the number calculated in subsection (5)(a) of this section; and provided further, that the lot design is consistent with subsections (1) through (4) of this section. Density from R-2A portions of the subdivision may not be transferred to R-5A or R-10A portions of the subdivision.

(6) In order to preserve rural character, no more than 16 residential lots shall be permitted in one cluster and there shall be at least 500 feet of separation between any new clusters.

(7) Any structure within the cluster subdivision which will be used for human habitation shall be set back a minimum of 100 feet from the property line of any parcel or portion thereof which is designated or used for agricultural purposes. No structures shall be constructed within 30 feet of exterior, side and rear property lines.

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.

20.36.350 Building setbacks.

Building setbacks shall be administered pursuant to WCC 20.80.200 (Setback Requirements).

20.36.400 Height limitations.

Maximum height shall be limited to 35 feet. Height of structures shall also conform, where applicable, to the general requirements of WCC 20.80.675.

20.36.450 Lot coverage.

No structure or combination of structures, including accessory buildings, shall occupy or cover more than 2,500 square feet or 35 percent, whichever is greater of the total area.

20.36.650 Development criteria.

20.36.651 Plat language for proposed subdivisions.

When a proposed subdivision, binding site plan, short subdivision or exempt land division will be located adjacent to or across a right-of-way from an existing Forestry District, the developer and any subsequent purchasers or successors in interest shall agree to refrain from any legal action to restrain or collect damages from the owners of such adjacent properties, or from Whatcom County, arising out of any reasonable and lawful activity on said forestry lands which occurs in the normal course of their established use. The agreement shall appear as a covenant or deed restriction upon the plat, tract or instrument of conveyance and shall run with the land.

20.36.652 Use of natural resources.

All discretionary project permits for land on or within one-half mile of the area designated as Agriculture, Rural, Commercial Forestry or Rural Forestry or within 300 feet of an area designated as Mineral Resource Lands in the Whatcom County Comprehensive Plan, or upon which farm operations are being conducted, shall be subject to the right to farm, right to practice forestry and mineral land disclosure policies contained in WCC Title 14, Use of Natural Resources.

20.36.653 Landscaping.

Refer to WCC 20.80.300 for landscaping requirements.

20.36.654 Parking requirements.

Parking shall conform to the requirements of WCC 20.80.500. However, recreation vehicles, and boat parking and storage shall be limited to side and rear yards. For clustered lots created pursuant to WCC 20.36.300, recreational vehicles, and boat parking and storage shall be located in an identifiable area and screened so that the vehicles or boats shall not be visible by adjoining properties.

20.36.655 Livestock regulations.

The keeping of livestock shall be administered pursuant to WCC 20.80.800 (Supplementary Requirements).

20.36.656 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 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 is applied in areas where more intensive rural commercial development existed as of July 1, 1990. The district shall comply with the rural land use policies and criteria set forth in the Comprehensive Plan.

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 limited to bowling alleys, skating rinks, indoor theaters and physical fitness centers; provided, that such recreation uses shall be limited to a total floor area of 5,000 square feet.

.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 December 1, 2009, 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.

.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(11).

"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 20.97.180.

.105 Indoor storage of durable and nondurable goods.

20.59.150 Administrative approval uses.

.151 Rental storage establishments.

.152 Outdoor storage of durable and nondurable goods; provided neighboring uses are adequately screened.

.153 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 residential purposes, 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 this chapter, maximum allowable floor area shall not exceed 12,000 square feet.

.322 Grocery stores shall not exceed a maximum floor area of 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.

No more than 30 percent of a parcel shall be occupied by buildings or structures.

20.59.550 Open space.

At least 15 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 a 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. Said area shall be landscaped consistent with the requirements of WCC 20.80.345.

.602 Buffers shall be further increased in the following situations:

(1) When a parcel situated within this district adjoins a Rural comprehensive plan designation (as designated on map 8 or chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining this designation shall be increased to 50 feet.

(2) For a lot of record created as of the effective date of this ordinance, and adjoining an Agriculture, Commercial Forestry, Rural Forestry, or Mineral Resource Area comprehensive plan designation (as designated on map 8 of chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining this designation shall be increased to 50 feet.

(3) For a lot of record created after the effective date of this ordinance, and adjoining an Agriculture, Commercial Forestry, Rural Forestry, or Mineral Resource Area comprehensive plan designation (as designated on map 8 of chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining these designations shall be increased to 100 feet.

(4) Buffer areas required in (1), (2), and (3) may include public rights-of-way or granted vehicular access easements in a subdivision, binding site plan, or short subdivision.

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 gasoline in service stations.

.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.

20.60.050 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 Barber and beauty shops.
- .052 Baker shops.
- .053 Drug stores.
- .054 Food markets.
- .055 Hardware stores.
- .056 Stationery stores.
- .057 Other convenience retail shops not greater than 2,500 square feet per shop.
- .058 Professional offices not greater than 2,500 square feet per business.
- .059 Adult care centers, and child care facilities; provided, that a child care facility in a family dwelling shall conform to the definition of home occupation, WCC 20.97.180.
- .060 Public and community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar noncommercial uses, excluding correction facilities.
- .061 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.
- .062 Public parks and recreation facilities included in an adopted city or county Comprehensive Plan or Park Plan.
- .063 Trails, trailheads, restroom facilities and associated parking areas for no more than 30 vehicles.
- .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.

Deleted: In addition, each permitted use shall be administered pursuant to the applicable provisions of the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.

.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.

20.60.100 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.

20.60.150 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 Service stations.

.152 Laundry and dry cleaning establishments.

.153 Eating and drinking establishments.

.154 Commercial storage of personal recreational boats and trailers, recreational-type vehicles and accompanying mini-storage; provided, that:

- (1) Security for the site shall be provided by the applicant;
- (2) No engine repairs or oil changes shall be made on the subject site;
- (3) Adequate water supply and wastewater disposal for washdown facilities shall be demonstrated by the applicant.

.155 Activity centers.

.156 Public or private parks that are not included in an adopted city or county Comprehensive Plan or Park Plan.

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

.158 Athletic fields.

.183 State education facilities.

.185 Type I solid waste handling facilities.

.186 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.

20.60.200 Prohibited uses.

.201 All other uses.

.202 Adult businesses.

Deleted: , the Whatcom County SEPA Ordinance, the Official Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program

20.60.250 Minimum lot size.

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

20.60.255 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, open space and development standards of the district. In no case shall the frontage be less than 30 feet.

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.

20.60.350 Building setbacks.

Building setbacks shall be administered pursuant to WCC 20.60.550 and 20.80.200.

20.60.400 Height limitations.

Maximum building height shall not exceed 25 feet.

20.60.450 Lot coverage.

Buildings or structures shall not occupy more than 30 percent of a parcel.

20.60.500 Open space.

At least 15 percent of the site shall be kept free of buildings, structures, hard surfacing, parking areas and other impervious surfaces.

20.60.550 Buffer area.

.551 When parcels situated within this district adjoin 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.

.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 buffer 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.

.553 Buffers shall be further increased in the following situations:

(1) When a parcel situated within this district adjoins a Rural comprehensive plan designation (as designated on map 8 or chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining this designation shall be increased to 50 feet.

(2) For a lot of record created as of the effective date of this ordinance, and adjoining an Agriculture, Commercial Forestry, Rural Forestry, or Mineral Resource Area comprehensive plan designation (as designated on map 8 of chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining this designation shall be increased to 50 feet.

(3) For a lot of record created after the effective date of this ordinance, and adjoining an Agriculture, Commercial Forestry, Rural Forestry, or Mineral Resource Area comprehensive plan designation (as designated on map 8 of chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining these designations shall be increased to 100 feet.

(4) Buffer areas required in (1), (2), and (3) may include public rights-of-way or granted vehicular access easements in a subdivision, binding site plan, or short subdivision.

20.60.600 Sign regulations.

Sign regulations shall be administered pursuant to WCC 20.80.400.

20.60.650 Development criteria.

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.

20.60.652 Landscaping.

Refer to WCC 20.80.300 for landscaping requirements.

20.60.653 Off-street parking and loading.

(1) A bicycle parking area at a rate of one space per 1,000 square feet of floor area or a minimum of one space, whichever is greater, shall be provided for each use. Each bicycle parking space shall consist of a rack or other structure designed for the lock-up of a bicycle.

(2) If two or more businesses adjoin each other or are otherwise designed and developed in a coordinated fashion as determined by the zoning administrator in order to utilize shared parking facilities, then the total number of required parking spaces for all the uses involved shall be reduced by 30 percent or not less than five spaces per retail establishment, whichever is greater.

(3) Except as provided in this section, off-street parking and loading shall be administered pursuant to WCC 20.80.500.

20.60.654 Sidewalks.

Sidewalks shall be installed pursuant to the requirements of the county engineer.

20.60.655 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.

20.60.656 Driveways.

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

20.60.657 Access.

Access shall conform to the provisions of WCC 20.80.565.

20.60.658 Lighting.

Lighting shall be designed to avoid excessive glare onto neighboring properties, and to create safety hazards or unreasonable interference with adjacent uses.

20.60.659 Binding site plan.

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

20.60.700 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 gasoline in service stations.

.702 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.

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

.704 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.

.705 There shall be no storage or merchandising outdoors, with the exception of recreational boats, trailers and vehicles in an approved recreational vehicle storage facility.

.706 Proposed new uses in districts located outside urban growth areas will be consistent with the scale, use, and intensity of existing uses.

20.61 Small Town Commercial (STC) District

20.61.010 Purpose.

The Small Town Commercial Districts are located within Rural Centers 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.

Deleted: purpose of the

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Deleted: serving the surrounding rural trade area and out-of-area tourists. The boundaries of the district shall recognize the existing pattern of commercial development within rural small towns. The boundaries shall allow for small-scale infill development and redevelopment commensurate with available public services, physical limitations, and the anticipated demand for siting of development. An additional purpose of the district is to provide limited light industrial activities for employment opportunities for rural residents.

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:

- (1) All repair services, other than replacement of lights, wiper blades, or other similar minor repairs or servicing shall be conducted within an enclosed building;
- (2) Adequate water supply and wastewater disposal for washing facilities shall be demonstrated by the applicant;
- (3) Security for the site shall be provided by the applicant;
- (4) Such a facility, and associated activities, shall not occupy more than four acres of a parcel;
- (5) The maximum permitted sales area for motorized vehicle and equipment sales shall not exceed one-half acre in size.

.052 Mini storages with 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.

Deleted: shop

.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.

Deleted: shop

.058 Grocery stores with less than 10,000 square feet of retail floor area.

.059 Public markets, subject to the following only:

- (1) The applicant submits a plan which includes name, address, and phone number of the contact person; hours of operation; site layout indicating location of vendor stalls and plans for the stalls including provision for temporary tie-downs, trash disposal, and restroom facilities.
- (2) The use is seasonal, restricted to a maximum of 150 days per calendar year.
- (3) Provision is made for one parking space per 100 square feet of merchandise display area, sized in accordance with WCC 20.80.500.
- (4) Perimeter stalls are oriented away from adjacent properties, with any outdoor equipment or trash receptacle screened from adjacent uses as per WCC 20.80.355.
- (5) Hours are limited to 7:30 a.m. to 9:00 p.m.
- (6) Accessible parking and restroom requirements of Chapter 51-30 WAC are complied with.
- (7) Buffering or screening is provided from residences when a parcel adjoins an Urban Residential, Urban Residential Medium Density, Rural or Rural Residential District.
- (8) Signage is consistent with WCC 20.80.440, except that, in addition, one placard not to exceed two feet by two feet shall be allowed for each individual stall.
- (9) The use complies with the performance standards of WCC 20.64.700.
- (10) No overnight camping or vehicle parking is allowed on site.
- (11) Restrooms are adequately set back and buffered from adjacent properties.

.060 Hotels, motels and bed, breakfast inns and conference centers.

.061 The operation of facilities intended to provide education related to forestry, agriculture and mining, including but not limited to demonstration forests and conservation laboratories.

.062 Public schools, and parochial or private schools; provided such schools shall be approved by the State Superintendent of Public Instruction.

.063 Public and community facilities including police and fire stations, libraries, community centers, museums, public parks and recreational facilities identified in an adopted city or county Comprehensive Plan or Park Plan, activity centers, tourist information offices and other similar noncommercial uses, excluding correction facilities.

.064 Post offices.

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

Deleted: or duplex

(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.~~

Deleted: (2) Height regulations, lot coverage, open space, development standards and performance standards shall be in accordance with the provisions of Chapter 20.20 WCC, except that side and rear yard setbacks shall be 10 feet from vacant, adjacent commercially zoned properties.¶

~~(3) This permitted use is only allowed on lots created as of December 1, 2009.~~

~~(4) Duplexes are subject to the density provisions of 20.61.350.~~

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.067 One residential unit per business establishment in a commercial structure subject to health department requirements regarding sewage disposal and water supply.

.068 Multi-use establishments; provided, that no more than 50 percent of the structure shall be used for residential dwellings.

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

.070* 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.

20.61.100 Accessory uses.

.101 Uses incidental to the primary permitted use.

.102 Home occupation (pursuant to WCC 20.97.180).

.103 Assembly, crafting, or manufacturing of items of a type related directly to the character of a permitted use and sold at retail on the premises.

.104 Retail or service establishments accessory to a primary permitted use; provided, that it does not exceed 2,500 square feet of retail floor area.

.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 Chapter 173-303 WAC.

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

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.

.152 Light fabrication and assembly, provided:

(1) Individual buildings will be limited to a maximum of 10,000 square feet of total floor area except for existing buildings.

(2) All work is conducted within a building, except for activities complementary to the intent of the STC District and which is harmonious with adjacent parcels.

(3) In the event materials will be stored outdoors, the administrator may require adequate landscaping, screening or other devices in order that the material will not be visible by surrounding uses or roads.

(4) Two signs are permitted. One nonilluminated freestanding and not to exceed six feet in height. One additional nonilluminated sign may be attached to the building for a maximum total signage of 16 square feet. No portion of any sign shall extend above the lowest portion of the roof.

.153 Accessory apartments or detached accessory dwelling units to single-family dwellings; provided, that all of the following requirements are met:

(1) In addition to an existing or permitted dwelling, there shall be no more than one accessory apartment or detached accessory dwelling unit per lot;

(2) The owner(s) of the single-family lot upon which the accessory apartment or detached accessory dwelling unit is located shall occupy as their primary domicile at least one of the dwelling units on that lot;

(3) Proof that adequate provisions have been made for potable water, wastewater disposal, and stormwater runoff for the additional dwelling unit must be obtained prior to application for a building permit;

(4) There shall be only one front entrance to the house visible from the front yard and street for accessory apartments and only one additional entrance visible from the front yard for detached accessory dwelling units;

(5) Accessory apartments and detached accessory units shall be clearly a subordinate part of an existing residence;

(6) In no case shall an accessory apartment or detached dwelling unit be larger than 1,248 square feet in floor area;

(7) Long plats and short plats which are granted after January 25, 1994, shall be marked, specifically designating lots allowed to be developed with accessory apartments or detached accessory dwelling units at the option of the developer for future individual owners. Accessory apartments and detached accessory dwelling units shall be prohibited on:

(a) All lots in long plats which received preliminary plat approval after January 25, 1994, unless those lots have been specifically marked for such use through the long plat process;

(b) All lots within short plats which received approval after January 25, 1994, unless those lots have been specifically marked for such use through the short plat process;

(c) All reserve tracts within long plats and short plats created by the cluster subdivision method;

(8) A common driveway serving both the existing unit and any accessory unit shall be used to the greatest extent possible;

(9) A deed restriction is recorded with the Whatcom County auditor prior to building permit issuance, stating:

(a) Detached accessory dwelling units and associated land cannot be sold separately from the original dwelling, except in the event the zoning permits such a land division; and

(b) One of the dwellings must be the primary domicile of the owner.

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.

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.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.

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Deleted: retail

.205 Animal kennels not associated with a veterinary practice.

.206 Recreational vehicle parks for transient motor homes and tourist trailers.

.207 Indoor commercial recreational facilities with less than 5,000 square feet maximum floor area.

.208 Outdoor commercial recreation on an area not to exceed three acres in size.

- .209 Churches, educational and religious training institutions, summer camps and cemeteries.
- .210 Public or private parks that are not included in an adopted city or county Comprehensive Plan or Park Plan.
- .211 Public campgrounds, not to exceed three acres.
- .212 Trailheads with parking areas for more than 30 vehicles.
- .213 Athletic fields.
- .234 State and local correction facilities.
- .235 Type I solid waste handling facilities.
- .239 Boarding homes that are larger than other residential structures permitted in the zoning district.
- .240 Mental health facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.
- .241 Substance abuse facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.
- .242 Mental health facilities that provide crisis care.
- .243 Substance abuse facilities that provide crisis care.
- .244 Outpatient mental health facilities.
- .245 Outpatient substance abuse treatment facilities, including opiate substitution treatment clinics.
- .246 State education facilities.
- .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(11).

“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.

.248 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.

20.61.250 Prohibited uses.

.251 All other uses.

.252 Adult businesses.

20.61.255 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.

20.61.300 Minimum lot size.

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

20.61.320 Maximum building size.

Except as otherwise specifically allowed in Section 20.61.204, maximum allowable building footprint floor area shall not exceed 10,000 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.

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20.61.450 Height limitations.

The maximum building height shall not exceed 45 feet except for spires and decorative towers on public/community buildings, schools, and churches, which shall not exceed 70 feet in height. Height of structures shall also conform, where applicable, to the general requirements of WCC 20.80.675.

20.61.500 Lot coverage.

No more than 70 percent of a parcel shall be occupied by buildings or structures.

20.61.550 Open space.

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

20.61.600 Buffer area.

.601 Where parcels situated within this district adjoin 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 districts. Said area shall be landscaped consistent with the requirements of WCC 20.80.345.

.602 Buffers shall be further increased in the following situations:

(1) When a parcel situated within this district adjoins a Rural comprehensive plan designation (as designated on map 8 or chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining this designation shall be increased to 50 feet.

(2) For a lot of record created as of the effective date of this ordinance, and adjoining an Agriculture, Commercial Forestry, Rural Forestry, or Mineral Resource Area comprehensive plan designation (as designated on map 8 of chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining this designation shall be increased to 50 feet.

(3) For a lot of record created after the effective date of this ordinance, and adjoining an Agriculture, Commercial Forestry, Rural Forestry, or Mineral Resource Area comprehensive plan designation (as designated on map 8 of chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining these designations shall be increased to 100 feet.

(4) Buffer areas required in (1), (2), and (3) may include public rights-of-way or granted vehicular access easements in a subdivision, binding site plan, or short subdivision.

20.61.650 Sign regulations.

Sign regulations shall be administered pursuant to WCC 20.80.410 and 20.80.440, or as otherwise determined in this chapter.

20.61.700 Development criteria.**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.

20.61.702 Landscaping.

Refer to WCC 20.80.300 for landscaping requirements.

20.61.703 Off-street parking and loading.

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

20.61.704 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.

20.61.705 Driveways.

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

20.61.706 Access.

Access shall conform to the provisions of WCC 20.80.565.

20.61.707 Lighting.

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

20.61.708 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.

20.61.709 Plat language for proposed subdivisions.

When a proposed subdivision, binding site plan, short subdivision or exempt land division will be located adjacent to or across a right-of-way from an existing Forestry District, the developer and any subsequent purchasers or successors in interest shall agree to refrain from any legal action to restrain or collect damages from the owners of such adjacent properties, or from Whatcom County, arising out of any reasonable and lawful activity on said forestry lands which occurs in the

normal course of their established use. The agreement shall appear as a covenant or deed restriction upon the plat, tract or instrument of conveyance and shall run with the land.

20.61.750 Performance standards.

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

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

.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 significant quantities 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.

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

.756 There shall be no polluting or hazardous discharge to a public sewer or septic system.

.757 Proposed new uses will be consistent with the scale, use, and intensity of existing uses.

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.

Deleted: Further, each permitted and accessory use shall be administered pursuant to the applicable provisions of the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.

- .051 Restaurants.
- .052 Retail shops no greater than 2,500 square feet in size per shop.
- .053 Tourist information centers.
- .054 Barber and beauty shops.
- .055 Post offices.
- .056 Professional offices no greater than 2,500 square feet in size per shop.
- .057 Service stations and towing services when based at a service station.
- .058 Laundromats.
- .059 Banks and/or bank machines.
- .060 Churches.
- .061 Indoor commercial recreation facilities.
- .062 Hotels and motels.
- .063 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.
- .065 Child care facilities; provided, that child care facilities in a family dwelling shall conform to the definition of home occupation, WCC 20.97.180.
- .066 Public parks and recreation facilities included in an adopted city or county Comprehensive Plan or Park Plan.
- .067 Trails, trailheads, restroom facilities and associated parking areas for no more than 30 vehicles.
- .068 Activity centers.
- .080 Major passenger intermodal terminals.
- .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.

20.63.100 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.

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).

Deleted: , the Whatcom County SEPA Ordinance, the Official Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program

.151 Automobile repair garages.

.152 Dry cleaners.

.153 Campgrounds and recreational vehicle parks.

.154 Public uses, which because of locational requirements, are necessary in the Tourist Commercial District; provided, the uses are consistent with Tourist Commercial policies, the purpose of the district and its attendant provisions.

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

Deleted: commercial

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

.185 Type I solid waste handling facilities.

.186 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.

20.63.200 Prohibited uses.

.201 All other uses.

.202 Adult businesses.

20.63.250 Minimum lot size.

.251 Hotels and motels shall have a minimum net parcel size of 20,000 square feet.

.252 Other uses shall have a minimum lot size consistent with the area required to meet the building setback, lot coverage and development standards of this district.

20.63.255 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, open space and development standards of the district. In no case shall the frontage be less than 30 feet.

20.63.300 Maximum density.

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

.302 Recreational vehicle parks shall not exceed a density of 15 units per acre.

.303 All other uses shall not exceed a floor area ratio (FAR) of .70.

20.63.350 Building setbacks.

Building setbacks shall be administered pursuant to WCC 20.63.550 and 20.80.200.

20.63.400 Height limitations.

Maximum building height shall not exceed 40 feet. Height of structures shall also conform to, where applicable, the general requirements of WCC 20.80.675.

20.63.450 Lot coverage.

Maximum building or structural coverage shall not exceed 50 percent of the lot size.

20.63.500 Open space.

.501 Recreational vehicle parks shall keep 35 percent of the site free of buildings, structures, hard surfacing, parking areas and other impervious surfaces.

.502 All other uses shall keep 10 percent of the site free of buildings, structures, hard surfacing, parking areas and impervious surfaces.

20.63.550 Buffer area.

.551 When parcels situated within this district adjoin an 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. Said area shall be landscaped consistent with the requirements of WCC 20.80.345.

.552 Buffers shall be further increased in the following situations:

(1) When a parcel situated within this district adjoins a Rural comprehensive plan designation (as designated on map 8 or chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining this designation shall be increased to 50 feet.

(2) For a lot of record created as of the effective date of this ordinance, and adjoining an Agriculture, Commercial Forestry, Rural Forestry, or Mineral Resource Area comprehensive plan designation (as designated on map 8 of chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining this designation shall be increased to 50 feet.

(3) For a lot of record created after the effective date of this ordinance, and adjoining an Agriculture, Commercial Forestry, Rural Forestry, or Mineral Resource Area comprehensive plan designation (as designated on map 8 of chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining these designations shall be increased to 100 feet.

(4) Buffer areas required in (1), (2), and (3) may include public rights-of-way or granted vehicular access easements in a subdivision, binding site plan, or short subdivision.

20.63.600 Sign regulations.

Sign regulations shall be administered pursuant to WCC 20.80.400.

20.63.650 Development criteria.**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.

If located outside an urban growth area, design of the proposed use in the Tourist 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.

20.63.652 Landscaping.

Refer to WCC 20.80.300 for landscaping requirements.

20.63.653 Off-street parking and loading.

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

20.63.654 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.

20.63.655 Driveways.

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

20.63.656 Access.

Access shall conform to the provisions of WCC 20.80.565.

20.63.657 Lighting.

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

20.63.658 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.

20.63.700 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 gasoline in service stations.

.702 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.

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

.704 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.

.705 Proposed new uses in districts located outside urban growth areas will be consistent with the scale, use, and intensity of existing uses.

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.

.051 One single-family dwelling per lot of record.

.052 One duplex per lot of record.

.053 Retail shops and resort related uses no greater than 2,500 square feet in area per shop.

.054 Barber and beauty shops.

Deleted: In addition, each permitted use shall be administered pursuant to the applicable provisions of the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.

.055 Restaurants without drive through service; provided, that a minimum of 50 percent of the seating is inside and any outdoor seating is screened from adjacent properties and streets.

.056 Laundromats.

.057 Banks no greater than 2,500 square feet in area.

.058 Professional offices.

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

.060 Multifamily dwellings containing eight or less sleeping units.

.061 Hotels or motels and time share condominiums accommodating 16 or less sleeping units.

.062 Rooming houses accommodating eight or less nonfamily members.

.063 Taverns; provided further that up to 50 percent of seating may be in an outdoor area screened from adjacent properties and streets.

.064 Parking lots or garages.

.065 One private, noncommercial, recreational vehicle and one accessory guest RV per lot; 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 stay of a recreational vehicle on a lot located outside of a recreational vehicle park 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) Outside of an approved recreational vehicle park, lots shall not be leased or rented out on a daily or overnight basis for recreational use.

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

(6) All recreational vehicles shall be supported by their own wheels or camper jacks, and not be fastened to accessory structures. Placement of a recreational vehicle on a foundation or removal of the wheels of a recreational vehicle, except for temporary purposes for repair, is prohibited.

.066 Public markets, subject to the following, only:

(1) The applicant submits a plan which includes name, address, and phone number of the contact person; hours of operation; site layout indicating location of vendor stalls and plans for the stalls including provision for temporary tie-downs, trash disposal, and restroom facilities.

- (2) The use is seasonal, restricted to a maximum of 150 consecutive days per calendar year.
 - (3) Permanent or portable restroom facilities are made available.
 - (4) Provision is made for one parking space per 100 square feet of merchandise display area, sized in accordance with WCC 20.80.500.
 - (5) Perimeter stalls are oriented away from adjacent properties, with any outdoor equipment, trash receptacle or portable toilets screened from adjacent uses as per WCC 20.80.355.
 - (6) Hours are limited to 9:00 a.m. to 9:00 p.m.
 - (7) Accessible parking and restroom requirements of Chapter 51-30 WAC are complied with.
 - (8) Buffering or screening is provided from residences when a parcel adjoins an Urban Residential, Urban Residential Medium Density, Rural, or Rural Residential district.
 - (9) Signage is consistent with WCC 20.80.440, except that, in addition, one placard not to exceed two feet by two feet shall be allowed for each individual stall.
 - (10) The use complies with the performance standards of WCC 20.64.700.
 - (11) No overnight camping or vehicle parking is allowed on site.
 - (12) Restrooms are adequately set back and buffered from adjacent properties.
- .067 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.
- .069 Child care facilities; provided, that child care facilities in a family dwelling shall conform to the definition of home occupation, WCC 20.97.180.
- .070 Trails, trailheads, restroom facilities and associated parking areas for no more than 30 vehicles.
- .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.

20.64.100 Accessory uses.

- .101 Docks.

- .102 Resort administrative offices.
- .103 Uses incidental to the primary permitted uses.
- .104 Home occupations pursuant to WCC 20.97.180, except that one person other than family residing on the premises may be employed.
- .105 Any retail or personal service establishment, including self-service laundry, may be located within a building occupied by a hotel or motel; provided, that such use shall have no separate outside entrance and no sign visible from outside the building; and provided further, that the total floor space devoted to such uses shall not exceed 15 percent of the floor space of the building in which they are located; and provided further, that such use is not specifically prohibited in WCC 20.64.200.
- .106 Assembly or crafting of items of a type related directly to the character of a permitted use and sold at retail on the premises; provided, that no piece of machinery used in such work exceeds three horsepower.
- .107 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 the building permit is valid, not to exceed two years.
- .108 One residential unit for owner-manager or caretaker when part of a building in which the primary use is located.
- .109 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.
- .110 Other accessory uses and buildings, including dedicated employee housing, customarily appurtenant to a principally permitted use.

20.64.130 Administrative approval uses.

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

.132 Accessory apartments or detached accessory dwelling units to single-family dwellings; provided, that all of the following requirements are met:

- (1) In addition to an existing or permitted dwelling, there shall be no more than one accessory apartment or detached accessory dwelling unit per lot;
- (2) The owner(s) of the single-family lot upon which the accessory apartment or detached accessory dwelling unit is located shall occupy as their primary domicile at least one of the dwelling units on that lot;
- (3) Proof that adequate provisions have been made for potable water, wastewater disposal, and stormwater runoff for the additional dwelling unit must be obtained prior to application for a building permit;
- (4) There shall be only one front entrance to the house visible from the front yard and street for accessory apartments and only one additional entrance visible from the front yard for detached accessory dwelling units;

- (5) Accessory apartments and detached accessory units shall be clearly a subordinate part of an existing residence;
- (6) In no case shall an accessory apartment or detached dwelling unit be larger than 1,248 square feet in floor area;
- (7) Long plats and short plats which are granted after January 25, 1994, shall be marked, specifically designating lots allowed to be developed with accessory apartments or detached accessory dwelling units at the option of the developer for future individual owners. Accessory apartments and detached accessory dwelling units shall be prohibited on:
- (a) All lots in long plats which received preliminary plat approval after January 25, 1994, unless those lots have been specifically marked for such use through the long plat process;
 - (b) All lots within short plats which received approval after January 25, 1994, unless those lots have been specifically marked for such use through the short plat process;
 - (c) All reserve tracts within long plats and short plats created by the cluster subdivision method;
- (8) A common driveway serving both the existing unit and any accessory unit shall be used to the greatest extent possible;
- (9) A deed restriction is recorded with the Whatcom County auditor prior to building permit issuance, stating:
- (a) Detached accessory dwelling units and associated land cannot be sold separately from the original dwelling, except in the event the zoning permits such a land division; and
 - (b) One of the dwellings must be the primary domicile of the owner;
- (10) Outside of an urban growth area, the minimum lot size for detached accessory units shall be five acres unless the parcel is large enough to accommodate two dwelling units consistent with the underlying zoning density;
- (11) Accessory apartments and detached accessory dwelling units to single-family dwellings are allowed within the Lake Whatcom watershed, only under the following circumstances:
- (a) Development of the parcel with the primary residence and accessory apartment or detached accessory dwelling shall conform to the density of the zoning district in which it is located. Adjacent properties in the same ownership may be bound by covenant to comply with the underlying zoning density; and
 - (b) All of the above approval requirements shall be met for so long as the accessory unit remains;
- (12) Detached accessory dwelling units shall be located so as to minimize visual impact to the public right-of-way and to adjacent properties. Location in immediate proximity to the primary residence is preferred. Location closer to property lines than to the primary residence may be considered by the administrator when such location serves the goal of reducing overall visual impact to public right-of-way and adjacent properties, and such location still

meets the setback requirements as stated in Chapter 20.80 WCC. To minimize environmental and visual impact the applicant may be required to provide fencing and/or planting to screen the unit from public right-of-way and adjacent properties;

(13) All mobile homes must demonstrate compliance with minimum HUD Fire Safety Standards and compliance with Washington Administrative Code (WAC).

20.64.150 Conditional uses.

Unless otherwise provided herein, 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, Administrative Approval Uses and Appeals), the Whatcom County SEPA Ordinance, the Official Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.

- .151 Marinas, public or commercial launching ramps, and docks.
- .152 Multifamily dwellings including residential condominiums totalling more than eight sleeping units.
- .153 Hotels and motels totalling more than 16 sleeping units.
- .154 Time share condominiums totalling more than 16 sleeping units.
- .155 Rooming and boarding houses totalling more than eight sleeping units.
- .156 Mobile home parks.
- .157 Campgrounds and recreational vehicle parks.
- .158 Commercial amusement and recreation establishments and clubs.
- .159 Service stations and automobile repair garages; provided, that:
 - (1) All storage tanks shall either be aboveground and completely screened from neighboring uses; or
 - (2) Shall have a full separate containment structure and shall have monitoring devices that will indicate any leakage; or
 - (3) Shall have an independent engineer's certification that the installation meets all requirements of the federal regulations contained in 40 CFR Part 280 in effect at the time of application;
 - (4) In addition to either (2) or (3) of the above requirements, all underground storage tanks shall meet the financial responsibility and reporting requirements of 40 CFR Part 2 in effect at the time of application.
- .160 Golf courses.
- .161 Public and community facilities including police and fire stations, libraries, activity centers, community centers, recreation facilities and other similar noncommercial uses, excluding correction facilities.
- .162 Public schools; and parochial or private schools; provided such schools shall be approved by the State Superintendent of Public Instruction.
- .163 Churches, educational and religious training institutions, summer camps, and cemeteries.

.164 Retirement and convalescent homes; social and health rehabilitation centers; children and adult care centers in a building not used as a residence; and other health-related services consistent with the purpose of the district.

.165 Any use which seeks a comparative value exchange for the open space requirement outlined in WCC 20.64.502 and 20.64.503.

.166 Public or private parks not included in an adopted city or county Comprehensive Plan or Park Plan.

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

.168 Athletic fields.

.183 State education facilities.

.185 Type I solid waste handling facilities.

.189 Boarding homes that are larger than other residential structures permitted in the zoning district.

.190 Mental health facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

.191 Substance abuse facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

.192 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.

20.64.200 Prohibited uses.

.201 All other uses.

.202 Adult businesses.

.203 Mental health facilities that provide crisis care.

.204 Substance abuse facilities that provide crisis care.

.205 Outpatient mental health facilities.

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

.210 Secure community transition facilities for sex offenders.

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~~.

Deleted: family

.252 Multifamily dwellings including all condominiums except time share condominiums shall have a minimum net parcel size of 8,000 square feet and shall have a site of at least 2,000 square feet for each dwelling unit.

.253 Mobile home and recreational vehicle parks shall have a minimum net parcel size of at least 8,000 square feet.

.254 Hotels and motels and time share condominiums shall have a minimum net parcel size of 8,000 square feet and shall have a site of at least 1,600 square feet for each sleeping unit.

.255 Nonhabitation commercial uses shall have a minimum lot size consistent with the area required to meet the building setback, lot coverage and development standards of this district.

20.64.256 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.

20.64.260 Maximum density.

Maximum density varies according to the availability of public water and/or public sewer. Where public water service is not provided, the maximum density for dwelling units, or dwelling unit equivalent as determined by the Whatcom County health department, shall be one dwelling/five acres. Where public water service is provided but public sewer is not provided, the maximum density for dwelling units, or dwelling unit equivalent as determined by the Whatcom County health department, shall be two per acre unless the health department finds that conditions require a lower density. The following densities apply only where both public sewer and public water serve the project:

.261 Single-family dwellings and duplexes shall not exceed a density of seven units per acre.

.262 Multifamily dwellings including all condominiums except time share condominiums shall not exceed a density of 22 units per acre.

.263 Mobile home parks shall not exceed a density of seven units per acre.

.264 Recreational vehicle parks shall not exceed a density of 15 units per acre.

.265 Nonresort-oriented hotels and motels shall not exceed a floor area ratio (FAR) of .60.

.266 Resort-oriented hotels and motels including time share condominiums shall not exceed a floor area ratio (FAR) of .56.

.267 Nonhabitation commercial uses shall not exceed a floor area ratio (FAR) of .70.

20.64.270 Density, lot size and lot configuration by method of subdivision.

20.64.271 Maximum density and minimum lot size.

District	Gross Maximum Density	Minimum Lot Size		Min. Reserve Area (Cluster Subdivisions)
		Conventional	Cluster	
RC: without public water	1 dwelling unit/5 acres	5 acres	Not applicable	Not applicable
RC: with public water but without public sewer	2 dwelling units/1 acre	18,000 sq. ft.	15,000 sq. ft.	10%
RC: with both public sewer and water and stormwater collection and detention facilities	7 to 22 dwelling units/acre as given	6,000 sq. ft.	Not applicable	Not applicable

20.64.300 Lot clustering, and reserve tract.

20.64.305 Lot clustering.

(1) The purpose of lot clustering is to provide an alternative method of creating economical building lots with spatially efficient sizes. Clustering is intended to reduce development cost, increase energy efficiency and reserve areas of land which are suitable for agriculture, forestry, open space or possible future development.

(2) The clustering option is also intended to help preserve open space and the character of areas and reduce total impervious surface area thereby reducing runoff while assuring continued viable undeveloped natural vegetated corridors for wildlife habitat, protection of watersheds, preservation of wetlands, preservation of aesthetic values including view corridors, and preservation of potential trail and recreation areas.

20.64.310 Design standards.

The creation of new building lots, pursuant to this section, shall be governed by the following recommended design standards:

- (1) Clustered building lots shall be created only through the subdivision or short subdivision process.
- (2) Building lots should be designed and located to the fullest extent possible to be compatible with valuable or unique natural features, as well as physical constraints of the site.
- (3) Where practical, the majority of building sites should be arranged in a cluster or concentrated pattern to be compatible with physical site features, allow for the efficient conversion of the "reserve tract" to other uses in the

future, and have no more than two common encroachments on existing county roads. The arrangement of clustered building lots is intended to discourage development forms commonly known as linear, straight-line or highway strip patterns.

(4) Common access to clustered building lots should be provided by short length roads or loop roads. In addition, interior streets shall be designed to allow access to the "reserve tract" for the purpose of future approved development.

20.64.320 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. If the "reserve tract" is not included in the overall density calculation, it can only be developed with an open space use allowed by WCC 20.22.053.

(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 20.20.305(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 project) and the public process has been gone through, subject to findings that there is no adverse impact to critical areas 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 20.64.320, 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) At the time of filing of any final plat or short plat containing a "reserve tract," the subdivider shall execute a covenant limiting the use of said "reserve tract" consistent with the requirement of paragraphs (2) through (4) above. This covenant shall be enforceable by Whatcom County and be recorded at the time of final plat approval as a covenant running with the land; provided, that it may be later 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.

20.64.350 Building setbacks.

Building setbacks shall be administered pursuant to WCC 20.64.550 and 20.80.200 except as provided below.

.351 Commercial uses shall be allowed to reduce the front yard setback to 15 feet and the side yard setback to zero feet where the site and landscape plans promote pedestrian access to the building.

.352 Any single-family development, for internal lots, may use a side yard setback of zero feet where the lot line setback on the opposite side yard is 10 feet; however, side yard setbacks adjacent to parcels not being developed under this exception shall be those provided in WCC 20.80.200.

.353 An additional five feet shall be added to each side yard and rear yard for each 10 feet of building height, or fraction thereof, in excess of 15 feet.

20.64.400 Height limitations.

.401 Building height shall not exceed 35 feet.

.402 Under a conditional use permit, building height may reach 75 feet.

20.64.450 Lot coverage.

.451 Buildings or structures for single-family dwellings and duplexes uses shall not occupy more than 35 percent of a parcel.

.452 Buildings or structures for multifamily dwellings including all condominiums except time share condominiums shall not occupy more than 35 percent of a parcel.

20.64.500 Open space.

.501 For uses other than single-family dwellings or duplexes, a minimum of 40 percent of the site shall be reserved as open space, unless otherwise provided in WCC 20.64.502.

.502 The 40 percent requirement in WCC 20.64.501 may be reduced to as little as 10 percent when the applicant agrees to and performs a comparative value exchange in open space or recreational amenities and when the exchange fosters the open space and recreation goals of the Whatcom County Comprehensive Plan, relative subarea plans, the Natural Heritage plan and other related county plans. The exchange can be achieved in two ways:

(1) An exchange of land through acquisition or dedication of a public access easement; provided, the exchange results in land or amenities that equal or exceed the recreational and/or open space value of the replaced on-site open space. The following criteria shall be considered in assessing recreation and open space value:

- (a) Utility of land for recreation/open space purposes;
- (b) Unique or culturally significant natural habitat;
- (c) Wildlife habitat;
- (d) Views;
- (e) Shoreline access;
- (f) Integration with existing recreation/open space areas;
- (g) High value natural resource areas using the criteria established in the Whatcom County critical areas regulations (Chapter 16.16 WCC).

(2) Provision of recreational amenities; provided, the exchange results in land or amenities that equal or exceed the recreational and/or open space value of the replaced on-site open space. Acceptable amenities may include, but not be limited to:

- (a) Public access to shorelines;
- (b) Pedestrian or bicycle paths;
- (c) Bicycle lanes;
- (d) Enhancement of existing park facilities;
- (e) Trails.

.503 Criteria for Approval of a Comparative Value Exchange.

- (1) The exchange will meet applicable conditional use criteria in WCC 20.84.220.
- (2) The exchange will provide open space or recreational amenities within the same subarea in which the proposed project lies.
- (3) In addition to meeting the goals and recreation values set forth in WCC 20.64.502, the economic value of exchanged property or the cost of constructed amenities must exceed 50 percent of the value of the land being exchanged to meet the 40 percent requirement of WCC 20.64.501.
- (4) When an amenity is proposed on-site in exchange for a reduction in open space, the value considered must be above and beyond the minimum requirements contained in subsection (3) of this section.
- (5) The applicant has demonstrated that a neighborhood meeting has been held or other method used to inform affected neighbors prior to the formal notification process.
- (6) There shall be a mechanism in place to ensure that a permanent exchange takes place, including such items as maintenance agreements, dedications, easements, conservation easements, or other appropriate tools acceptable to

both the applicant and the county which shall be filed with the county auditor's office.

(7) In addition to information provided by the applicant, staff and the public, the hearing examiner may also consider a recommendation from the Whatcom County parks commission, when appropriate, or regionally specific recreational organizations when arriving at a design regarding comparative value.

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.

.552 Buffers shall be further increased in the following situations:

(1) When a parcel situated within this district adjoins a Rural comprehensive plan designation (as designated on map 8 or chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining this designation shall be increased to 50 feet.

(2) For a lot of record created as of the effective date of this ordinance, and adjoining an Agriculture, Commercial Forestry, Rural Forestry, or Mineral Resource Area comprehensive plan designation (as designated on map 8 of chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining this designation shall be increased to 50 feet.

(3) For a lot of record created after the effective date of this ordinance, and adjoining an Agriculture, Commercial Forestry, Rural Forestry, or Mineral Resource Area comprehensive plan designation (as designated on map 8 of chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining these designations shall be increased to 100 feet.

(4) Buffer areas required in (1), (2), and (3) may include public rights-of-way or granted vehicular access easements in a subdivision, binding site plan, or short subdivision.

20.64.600 Sign regulations.

Sign regulations shall be administered pursuant to WCC 20.80.400 except that no off-premises advertising signs are allowed other than those specified in WCC 20.80.470.

20.64.650 Development criteria.

The requirements of WCC 20.64.651, 20.64.652, 20.64.653 and 20.64.654 do not apply to single-family or duplex residences.

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 scale and intensity of the existing uses in the area and consistent with the Comprehensive Plan rural land use chapter.

20.64.652 Landscaping.

Refer to WCC 20.80.300 for landscaping requirements.

20.64.653 Off-street parking and loading.

(1) For interior lots, no vehicular parking or driveways shall be allowed between a commercial use and public right-of-way; and for corner lots, no parking or driveway shall be allowed between a commercial use and the right-of-way the use fronts.

(2) A bicycle parking area at a rate of one space per 1,000 square feet of floor area or a minimum of one space, whichever is greater, shall be provided for each use. Each bicycle parking space shall consist of a rack or other structure designed for the lock-up of a bicycle.

(3) If two or more developments adjoin each other or otherwise are designed and developed in a coordinated fashion as determined by the zoning administrator in order to utilize shared parking facilities, the total number of required parking spaces for all the uses involved shall be reduced by 30 percent or no less than five spaces per retail establishment, whichever is greater.

(4) Except as provided in this section, off-street parking and loading shall be administered pursuant to WCC 20.80.500.

20.64.654 Sidewalks.

Sidewalks shall be installed pursuant to the requirements of the county engineer.

20.64.655 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.

20.64.656 Driveways.

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

20.64.657 Access.

Access shall conform to the provisions of WCC 20.80.565.

20.64.658 Lighting.

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

20.64.659 Binding site plan.

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

20.64.660 Site design.

Any two adjacent buildings on the same site shall be separated from each other by a distance not less than one-half the height of the taller building. Building configuration may be staggered as well as angled to follow contours and street alignment. This spacing requirement does not preclude the possibility of ground level connection between neighboring structures.

20.64.700 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 gasoline in service stations.

.702 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.

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

.704 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.

.705 There shall be no storage outdoors.

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

.707 Applicable health department permits must be secured before permit is issued.

.708 Proposed new uses outside of Urban Growth Areas will be consistent with the scale, use, and intensity of existing uses.

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.

- Deleted: implement the
- Deleted: designation of the Comprehensive Plan by providing sufficient, fully serviced urban areas commensurate with demand for industrial
- Deleted: a light industrial park setting

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.

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.

.051 The manufacture and processing of food including meat, dairy, fruit, vegetable, seafood, bakery and beverage products.

.052 Fabrication of apparel including clothing, hats, caps, millinery, fur products; and miscellaneous fabricated textile products.

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

.054 Fabrication of paper products including paperboard containers, boxes, carrion boxes and paper containers.

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

.056 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.

.057 Fabrication of stone, clay and glass products including glassware; glass products from prepared materials; pottery and related products; stone cutting; monuments; and manufacture of fiberglass products.

.058 The manufacture of transportation equipment including boat building; and bicycle and motorcycles, and related parts.

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

Deleted: and

.060 Fabrication of electrical equipment including radio and television sets; communications equipment; electronic components and accessories; and electric lighting equipment and lamps.

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

.062 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.

.063 Rail, truck and freight terminals, warehousing and storage; parcel delivery service, freight forwarding; inspection and weighing service; and packing and crating.

.064 Manufacture of office, computing and accounting machines.

.065 Retail automobile wrecking yards where determined by the zoning administrator to be adequately screened from adjacent properties and streets.

.066 Construction contractors including general building, heavy construction and special trade.

.067 Wholesale trade of durable and nondurable goods including automotive parts and supplies; tire and tubes; furniture and home furnishings; lumber and other construction materials; sporting goods, toys and hobby goods; metal service centers and offices; electrical goods; hardware, plumbing and heating equipment; machinery, equipment and supplies; jewelry, watches and precious stones; other durable goods; paper and paper products; drugs, proprietaries and sundries; apparel, piece goods and notions; groceries and related products; beer, wine and distilled beverages; and miscellaneous nondurable goods; automotive wrecking scraps; bag reclaiming; waste bottles; waste boxes; fur cuttings and scraps; iron and steel scrap; general line of junk scrap; nonferrous metals scrap; rags; and waste paper.

.069 The fabrication of metal products including metal cans, hardware, hand tools, cutlery, heating apparatus, plumbing fixtures, structural metals, screws and bolts, and stamping.

Deleted: .068 Retail sales of lumber and other building materials.¶

.070 The manufacture of machinery including engines; turbines, farm machinery and equipment; construction, mining and materials handling equipment; machine tools and dies; and special and general industrial equipment.

.071 The manufacture of electrical machinery including transmission and distribution equipment, and industrial apparatus.

.072 Manufacture of millwork and structural wood members; wood containers; wood buildings and mobile homes; resawed cants and lumbers; dressed ceiling lumber; lath; snow fence lath; cut stock; dressed lumber flooring and dressed lumber siding; and sawmill activities including sawmills; and independent planing mills.

.073 Public uses and community facilities including police and fire stations, libraries, activity centers, community centers, park and recreation facilities identified in an adopted city or county Comprehensive Plan or Park Plan, and other similar noncommercial uses, excluding state education facilities and correction facilities.

.074 Other uses similar in nature to the uses listed above which are consistent with the purpose and the intent of the district, have similar effects on surrounding land uses, and can meet the performance standards for this district.

.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.

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.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.

Deleted: 120 square feet in floor area

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

.081 Freight railroad switching yards and terminals.

20.67.100 Accessory uses.

.101 Employee recreation facilities and play areas.

.102 Deleted by Ord. 95-009.

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

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

.105 Other accessory uses and buildings, including security services, customarily appurtenant to a principally permitted use.

.106 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.

.107 Mini-day care centers, and day care centers operated by, maintained by or funded by business in the district for the purpose of serving the child care needs of employees whose place of employment lies within this zone district.

.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.

20.67.150 Conditional uses.

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

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

.156 Athletic fields.

- .180 Major passenger intermodal terminals.
- .183 State education facilities.
- .185 Type I solid waste handling facilities.
- .186 Type II solid waste handling facilities.
- .187 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.

.188 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.

20.67.200 Prohibited uses.

.201 All other uses.

.202 Adult businesses.

20.67.250 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.

20.67.255 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.

20.67.300 Maximum Building Size.

Maximum allowable floor area shall not exceed 20,000 square feet.

20.67.350 Building setbacks.

Building setbacks shall be administered pursuant to WCC 20.80.200.

20.67.400 Height limitations.

No maximum 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.

20.67.450 Lot coverage.

The maximum building coverage shall not exceed 35 percent of the lot size.

20.67.500 Open space.

At least 15 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 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. Said area shall be landscaped consistent with the requirements of WCC 20.80.345.

.552 Buffers shall be further increased in the following situations:

(1) When a parcel situated within this district adjoins a Rural comprehensive plan designation (as designated on map 8 or chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining this designation shall be increased to 50 feet.

(2) For a lot of record created as of the effective date of this ordinance, and adjoining an Agriculture, Commercial Forestry, Rural Forestry, or Mineral Resource Area comprehensive plan designation (as designated on map 8 of chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining this designation shall be increased to 50 feet.

Deleted: 20.67.251 Large commercial retail. ¶
Retail establishments with a floor area less than 35,000 square feet are allowed in the General Manufacturing (GM) Zone. Retail establishments within the General Manufacturing Zone of a short-term planning area of an urban growth area are allowed up to 65,000 square feet; provided, that: ¶
(1) The floor area of adjacent stores shall be aggregated in cases where the stores (a) are engaged in selling of similar or related merchandise and operate under common ownership or management; (b) share check stands, a warehouse, or a distribution facility; or (c) otherwise operate as an associated, integrated or cooperative business enterprise. ¶
(2) Two thousand square feet of interior loft floor area for purposes of storage or mechanical equipment is exempt from the 65,000 square feet maximum floor area. ¶
(3) Retail establishments with a floor area exceeding 35,000 square feet require connection to public sanitary sewer and water services at urban levels of service. (Ord. 2008-039 § 1 (Exh. A), 2008). ¶

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(3) For a lot of record created after the effective date of this ordinance, and adjoining an Agriculture, Commercial Forestry, Rural Forestry, or Mineral Resource Area comprehensive plan designation (as designated on map 8 of chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining these designations shall be increased to 100 feet.

(4) Buffer areas required in (1), (2), and (3) may include public rights-of-way or granted vehicular access easements in a subdivision, binding site plan, or short subdivision.

.55~~3~~ 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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20.67.600 Sign regulations.

Sign regulations shall be administered pursuant to WCC 20.80.400.

20.67.650 Development criteria.

20.67.651 Landscaping.

Refer to WCC 20.80.300 for landscaping requirements.

20.67.652 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.

20.67.653 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.

20.67.654 Driveways.

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

20.67.655 Access.

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

20.67.656 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.

20.67.657 Enclosure.

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

20.67.700 Performance standards.

20.67.701 Pollution control and nuisance abatement.

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

20.67.702 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.

20.67.703 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.

20.67.704 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.

20.67.705 Noise.

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

20.67.706 Toxic gases and fumes.

There shall be no emission of toxic gases or fumes.

20.67.707 Liquid pollutants.

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

20.69 Rural Industrial - Manufacturing (RIM) District

20.69.010 Purpose.

The purpose of the Rural Industrial - Manufacturing District is to provide for light impact 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. The appropriate location of the Rural Industrial and Manufacturing District is addressed in the policies of the Comprehensive Plan.

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 mushroom composting operations, 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, carrion 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)..067 Construction contractors' business offices and storage and equipment yards.

.067 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 2,500 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.

.068 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.

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

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

.071 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.

.072 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(11).

"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.

.073 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.

.074 Public community facilities.

.075 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 20.97.180.

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

.131 Public community facilities and expansion of existing public community facilities up to a total building size of 10,000 square feet.

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

.133 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.

.135 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 Public community facilities and expansions of existing public community facilities, 10,000 square feet and greater.

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

.153 Petroleum products and gas storage—bulk.

.154 Confined feeding operations greater than 40 acres.

.155 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.

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

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

.158 Athletic fields.

.159 Intermediate passenger intermodal terminals.

.160 State education facilities.

.161 Type I solid waste handling facilities.

.162 Type II solid waste handling facilities.

.163 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.

.164 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 within this chapter, maximum allowable building floor area shall not exceed 12,000 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.

The maximum building coverage shall not exceed 35 percent of the lot size.

20.69.500 Open space.

At least 15 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 a 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. Said area shall be landscaped consistent with the requirements of WCC 20.80.345.

.552 Buffers shall be further increased in the following situations:

(1) When a parcel situated within this district adjoins a Rural comprehensive plan designation (as designated on map 8 or chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining this designation shall be increased to 50 feet.

(2) For a lot of record created as of the effective date of this ordinance, and adjoining an Agriculture, Commercial Forestry, Rural Forestry, or Mineral Resource Area comprehensive plan designation (as designated on map 8 of chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining this designation shall be increased to 50 feet.

(3) For a lot of record created after the effective date of this ordinance, and adjoining an Agriculture, Commercial Forestry, Rural Forestry, or Mineral Resource Area comprehensive plan designation (as designated on map 8 of chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining these designations shall be increased to 100 feet.

(4) Buffer areas required in (1), (2), and (3) may include public rights-of-way or granted vehicular access easements in a subdivision, binding site plan, or short subdivision.

.553 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 scale and intensity of the existing uses in the area and 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 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.

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.

20.72.020 Application.

20.72.022 Area and applicability.

The Point Roberts Special District is an overlay zone which covers the entire geographic area of Point Roberts. Any regulations contained herein which are more restrictive than those in the underlying zone districts or in the Shoreline Management Program shall apply. Opportunities, or lesser restrictions, shall also override the requirements of the underlying zone. However, if the provisions of this chapter conflict with the provisions of the Shoreline Management Program, then the most restrictive shall apply.

20.72.050 Permitted uses.

All permitted uses in the underlying zone districts are permitted except as expressly prohibited or made conditional, or further conditioned by this chapter. In addition, the following uses are permitted:

.051 In the RC Zone, bed and breakfast lodgings.

20.72.100 Accessory uses.

All accessory uses in the underlying zone districts are permitted as accessory uses.

20.72.130 Administrative approval uses.

All administrative approval uses in the underlying zone districts are permitted except as expressly prohibited or made conditional, or further conditioned by this chapter. In addition, the following uses are permitted subject to administrative approval pursuant to WCC 20.84.235:

.135 One private, noncommercial, recreational vehicle or park model trailer and one accessory guest RV per lot; 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 stay of any recreational vehicle on a lot shall not exceed 120 days per calendar year; provided, that no accessory guest RV shall remain on the subject 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, 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 are limited to one personal storage building no larger than 120 square feet.

(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. Placement of a recreational vehicle on a foundation or removal of the wheels of a recreational vehicle, except for temporary purposes for repair, is prohibited.

20.72.150 Conditional uses.

All conditional uses in the underlying zone districts shall remain conditional uses unless expressly prohibited by this chapter. In addition, the following uses shall only be conditionally permitted:

.151 Hotels, motels and time share condominiums.

.152 Surface and subsurface mining including the extraction of sand and gravel shall be conditionally permitted in the Rural Zone under the provisions set forth in WCC 20.36.150.

.153 In the R5A Zone located west of the Point Roberts Marina and east of Marine Drive, an air park facility/subdivision and commercial activities incidental to aviation facilities may be conditionally permitted; provided, that:

(1) The proposed air park will comply with national, state and local aviation regulations and safety standards; and

(2) Residential development shall be subordinate to the primary airstrip operations; and

(3) An air park shall include a 50-foot vegetated buffer between the proposed facility/subdivision and adjacent parcels; provided, that the required buffer may be reduced or eliminated where such a buffer might otherwise interfere with site access; use of the airstrip and/or taxi way(s); health and safety of air park residents, visitors or operators; and/or FAA regulations. Any open space reserve tract(s) associated with the proposed air park shall be exempt from the buffer requirements of this section; provided, that the open space reserve tract establishes a minimum distance of 50 feet between the air park facility/subdivision and adjacent parcels; and

(4) If a proposed subdivision, binding site plan, or short subdivision is located adjacent to an existing airstrip, the developer and any subsequent purchasers or successors in interest shall agree to refrain from any legal action to restrain or collect damages from the owners or users, or from Whatcom County, arising out of normal operation or use of the airstrip. The agreement shall appear as a covenant or deed restriction upon the plat, tract or instrument of conveyance and shall run with the land.

.154 In the Rural District, private commercial sports facilities and clubs permitted as conditional uses under WCC 20.36.165 shall include horse racing facilities and pari-mutuel wagering as regulated and licensed by the Washington State Horse Racing Commission, together with the usual accessory uses including club house, food and beverage service, restaurant and stables.

.155 In the Resort Commercial District, dry boat storage, including stacked storage, and boat trailer storage associated with a marina.

20.72.200 Prohibited uses.

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

.201 Service stations in all zones, except expansion of existing service stations by adding additional pumps or hose dispensers.

.202 The following uses are prohibited in the Resort Commercial Zone District in the Maple Beach area of Point Roberts:

- (1) Rooming houses.
- (2) Taverns.
- (3) Commercial parking lots or garages.

~~.204 The following uses are prohibited in the Small Town Commercial Zone District along Gulf Road only:~~

- (1) Mini storage facilities.
- (2) Animal kennels not associated with a veterinary practice.
- (3) Motorized vehicles and equipment, motorcycle, marine, farm implement, light and heavy equipment, recreational vehicle service, repair, washing facilities, commercial storage or sale.
- (4) Additional recreational vehicle parks.
- (5) Cemeteries.

Deleted: .203 Neighborhood grocery stores are prohibited in the Rural Zone.¶

20.72.250 Minimum lot size.

.251 Where the cluster subdivision option is used to protect a critical area:

- (1) A parcel size reduction of five percent may be granted where average parcel size (except the reserve tract) is less than 10,000 square feet; or
- (2) A parcel size reduction of 10 percent may be granted where average parcel size (except the reserve tract) is 10,000 square feet; or
- (3) More of a reduction may be granted only if the resultant lots are able to meet the applicable development standards of this title and other county ordinances, including setbacks and minimum reserve tract area.

20.72.260 Maximum density.

.261 Except as modified by this chapter, all residential densities in the General Commercial, Small Town Commercial and Resort Commercial Zones shall not exceed 10 units per acre.

.262 For the purpose of developing an air park facility only, the parcels zoned R5A that are located west of the Point Roberts Marina and east of Marine Drive, including the airstrip property, may be developed as a cluster development at a maximum density of one dwelling unit per acre.

20.72.270 Subdivision requirements.

.271 Lands within the Rural Zone District in Point Roberts shall be exempt from the provisions of the Agriculture Protection Overlay District, Chapter 20.38 WCC.

20.72.350 Building setbacks/buffer areas.

(1) Building setbacks along Tyee Drive and Roosevelt Road are increased to 50 feet and 40 feet respectively. In existing treed areas along Tyee Drive and Roosevelt Road, a 50-foot/40-foot vegetative buffer comprised of existing trees shall be maintained for visual or aesthetic purposes except for necessary ingress and egress points. In open areas a 50-foot/40-foot planted buffer shall be developed as part of the normal landscape requirements for site development.

(2) Within the Small Town Commercial Zone along Gulf Road, commercial, institutional and mixed use building setbacks shall be reduced to 10 feet. Buildings oriented towards the street edge shall be encouraged and the front of buildings shall be designated for landscaping and pedestrian traffic.

(3) The provisions of WCC 20.64.353 shall not apply to single-family residences in the Resort Commercial District at Point Roberts.

20.72.400 Height limitations.

.401 The maximum building height within the Small Town Commercial Zone along Gulf Road shall be 45 feet. Height of structures shall also conform to the view corridor provisions of WCC 20.72.653 and the general requirements of WCC 20.80.675.

.402 The maximum building height in all other zones shall be 25 feet unless further restricted by the Whatcom County Shoreline Management Program or the requirements of the adopted character plan. Height of structures shall also conform to the general requirements of WCC 20.80.675 where applicable.

.403 Through the variance process established in Chapter 20.84 WCC, the maximum building height for any use outside of the Small Town Commercial Zone may be increased to 45 feet under the following conditions:

(1) The resultant higher structure will not unreasonably impede views from other properties any more than would a similar structure of the same mass which conforms to the 25-foot maximum building height.

(2) Building setbacks pursuant to this chapter and WCC 20.80.200 shall be increased by one foot for each foot of building height in excess of 25 feet as applicable to all setbacks.

20.72.650 Development criteria.**20.72.651 Facility design.**

(1) All commercial and institutional use structures and appurtenant signs shall conform to the requirements of the Point Roberts Character Plan.

(2) All commercial and institutional structures shall screen roof-mounted mechanical equipment so as not to be visible by surrounding uses or roads.

20.72.652 Archaeological resources.

(1) Applicability. This section shall apply to regulated development activities within 500 feet of all known archaeological sites, including all recorded sites listed with the Washington State Office of Archaeology and Historic Preservation. The provisions of this section shall also apply to any archaeological resources that are inadvertently discovered in association with regulated development activities pursuant to this title; provided, that the provisions of this section may be waived if the technical administrator determines that the proposed development activities do not include any ground-disturbing activities and will not impact a regulated archaeological resource.

(2) Archaeological Resource Protection.

(a) Upon receipt of application for a development permit on properties within 500 feet of a site known to contain archaeological resources, the department shall require an archaeological resources site assessment. The site assessment shall be conducted by a professional archaeologist at the expense of the applicant or project proponent to determine the presence of significant archaeological resources.

(b) If the archaeological resources site assessment identifies the presence of significant archaeological resources, an Archaeological Resource Management Plan (ARMP) shall be prepared by a professional archaeologist. The professional archaeologist shall solicit comments from the Washington State Office of Archaeology and Historic Preservation, Lummi Nation Historic Preservation Office, and Nooksack Tribe. Comments received shall be incorporated into the conclusions and recommended conditions of the ARMP to the maximum practicable.

(i) An ARMP shall contain the following minimum elements:

(A) The purpose of the project, an examination of project on-site design alternatives, and an explanation of why the proposed activity requires a location on, or access across and/or through, a significant archaeological resource; and

(B) A description of the archaeological resources affected by the proposal; and

(C) An assessment of the archaeological resource and an analysis of the potential adverse impacts as a result of the activity; and

(D) An analysis of how these impacts have been avoided; or

(E) Where avoidance is not possible, how these impacts have been mitigated/minimized; and

(F) A recommendation of appropriate mitigation measures, which may include but are not limited to the following:

1. Recording the site with the State Office of Archaeology and Historic Preservation;

2. Reinterment in the case of grave sites;

3. Covering the site with a nonstructural surface to discourage pilferage (e.g., maintained grass or pavement);

4. Excavation and recovery of resources;
5. Inventorying prior to covering of resources with structures or development; and
6. Monitoring of construction excavation.

(ii) The recommendations and conclusions of the ARMP shall be used to assist the technical administrator in making final administrative decisions concerning the presence and extent of archaeological resources and appropriate mitigating measures. The technical administrator shall consult with the Washington State Office of Archaeology and Historic Preservation, Lummi Nation Historic Preservation Office, and Nooksack Tribe prior to approval of the ARMP.

(iii) The technical administrator may reject or request revision of the conclusions reached in an ARMP when the technical administrator can demonstrate that the assessment is inaccurate or does not fully address the archaeological resource management concerns involved.

(c) Within 15 days of receipt of a complete development permit application in an area of known archaeological resources, the county shall notify and request a recommendation from appropriate agencies such as the Whatcom Museum, Western Washington University Anthropology Department, the Office of Archaeology and Historic Preservation, the Lummi Nation Historic Preservation Office, and Nooksack Tribe. Recommendations of such agencies and other affected persons shall be duly considered and adhered to whenever possible and reasonable. Notification shall include the following information:

(i) The date of application, the date of notice of completion for the application, and the date of the notice of application;

(ii) The date, time, place, and type of the hearing, if applicable, and scheduled at the date of notice of the application;

(iii) A site map including the street address, tax parcel number, township, range, and section of the proposed project area;

(iv) A description of the proposed project action and a list of the project permits included in the application, and, if applicable, a list of any studies requested by the county;

(v) The identification of other permits not included in the application to the extent known by the county;

(vi) The identification of existing environmental documents that evaluate the proposed project and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;

(vii) Any other information determined appropriate by the county;

(viii) A statement indicating those development regulations that will be used for project mitigation or a determination of consistency if they have been identified at the time of notice;

(ix) A statement of the limits of the public comment period, the right of each agency to comment on the application within a 15-day time period, receive

notice of and participate in any hearings, request a copy of the decision once made, and to appeal a decision when allowed by law. In addition, the statement shall indicate that any agency wishing to receive personal notice of any hearings must notify the hearing examiner’s office within 15 days of the date of the notice of application.

(d) In granting development permits, the county may attach reasonable conditions to provide sufficient time and/or conditions for consultation with the Washington State Office of Archaeology and Historic Preservation, Lummi Nation Historic Preservation Office and Nooksack Tribe, and to assure that valuable information and materials are properly protected, or for appropriate agencies to contact property owners regarding purchase or other long-term arrangements. Provision for the protection and preservation of archaeological sites shall be incorporated to the maximum extent possible.

(3) Inadvertent Discovery.

(a) Whenever historic, cultural or archaeological sites or artifacts of potential significance are discovered in the process of development, work on that portion of the development site shall be stopped immediately and the find reported as soon as possible to the county.

(b) The administrator shall then notify the Washington State Office of Archaeology and Historic Preservation, Lummi Nation Historic Preservation Office, Nooksack Tribe and other appropriate agencies and shall request that an immediate site assessment be conducted by a professional archaeologist pursuant to subsection (2)(a) of this section to determine the significance of the discovery. If a positive determination is not received within 14 days of receipt of such request, or if a negative determination is received, such stopped work may resume.

(c) On receipt of a positive determination of the site’s significance, the administrator may invoke the provisions of subsection (2)(b) of this section.

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.

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(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.

(3) The following criteria shall be used to determine which tree canopy areas are to be prioritized for retention:

(a) Stands of mature native trees;

(b) Trees on sensitive slopes, on lands classified as having landslide hazards, or high erosion hazards, as defined under the critical areas ordinance;

(c) Trees within critical areas or their associated setback and/or buffer areas as defined under WCC Title 16 or 23; or

(d) Trees with significant habitat value as identified by a qualified wildlife biologist or by the technical administrator, per WCC Title 16.

(4) A 200-meter protective buffer of existing trees and vegetation shall be maintained around the Heronry.

(5) Buffering which recognizes the need for safety and the unique features of Lily Point shall be required on the Point. No development shall take place in such areas.

(6) The county shall require that tree canopy areas to be retained are identified on a site plan and clearly flagged, or delineated, on the site. A tree canopy area retention plan must accompany a project or clearing permit application and be approved by the technical administrator before clearing activity takes place. The plan shall contain the following components:

(a) A scaled drawing identifying the following:

(i) North arrow;

(ii) Property boundaries;

(iii) Existing structures;

(iv) Site access;

(v) Tree canopy areas to be removed;

(vi) The outer dripline of tree canopy areas to be retained;

(vii) Critical areas including, but not limited to, slopes, wetlands, and habitat conservation areas;

(viii) Protection measures to be utilized for areas that will be undisturbed;
and

- (ix) Areas to be replanted pursuant to subsection (9) of this section;
 - (b) A planting schedule that indicates the time frame for replanting of trees as applicable; and
 - (c) Provisions for maintenance and monitoring.
- (7) Prior to any land clearing activity or development activity, any tree canopy areas designated for retention shall be delineated by temporary fencing, tape, or other indicators around the outer dripline of the trees. Temporary fencing, tape, or other indicators shall be clearly visible and shall be maintained for the duration of the proposed clearing or development activity. Any tree canopy areas designated for retention shall be field verified by the technical administrator before clearing activities begin. Trees within canopy areas designated for retention shall not be damaged by clearing, excavation, ground surface level changes, soil compaction, or any other activities that may cause damage of roots or trunks. Machinery, impervious surfaces, fill and storage of construction materials shall be kept outside of the dripline of tree canopy areas designated for retention.
- (8) Tree canopy areas may be removed when limited to those canopy areas affected under the following circumstances:
- (a) Fire prevention methods when supported by the county fire marshal;
 - (b) Hazard trees, as defined in Chapter 20.97 WCC, are identified (an evaluation and determination by a licensed arborist or forester may be required);
 - (c) Encroachments where the trunk, branches or roots would be, or are, in contact with main or accessory structures; or
 - (d) Where installation and/or maintenance of roads or utilities would unavoidably require removal or cut through the root system.
- (9) In the event that tree canopy areas in excess of the applicable threshold must be removed to facilitate reasonable use of the site, or to eliminate hazard trees, not less than two replacement trees shall be planted for every tree removed. Replacement trees shall:
- (a) Be of the same, or similar, native species as those trees removed from the site;
 - (b) Be planted to re-establish tree clusters where they previously existed, or to enhance protected tree clusters;
 - (c) Be planted in locations appropriate to the species' growth habitat and horticultural requirements; and
 - (d) Be located away from areas where damage is likely.
- (10) If any trees within canopy areas designated for retention are damaged or destroyed through the fault of the applicant, agent or successor, the applicant, their agent or successor shall restore the site pursuant to a restoration plan approved by the county.

(11) The county may require a bond or other security in an amount not to exceed 125 percent of the merchantable timber to guarantee retention of existing trees within designated tree canopy areas during construction. In the event of a dispute between the landowner and the county over the established value, an assessment will be made by a professional forester or arborist whose selection will be made by mutual agreement between the county and the landowner. The fee for the services of the professional forester or arborist shall be paid by the landowner or responsible party. In the event any trees designated to be retained are removed, the county shall require that sufficient trees be replanted to replace those previously in existence. In the event that replanting does not occur, the county may enforce upon any bond posted. Each tree removed or destroyed shall constitute a separate violation.

20.72.654 Site design/view corridors.

All structures or developments other than a single-family home on an individual lot shall conform to the requirements of the adopted Point Roberts Character Plan. Scenic views and open space shall be considered in all developments and the site plan designed to ensure view access is maximized while maintaining reasonable use of the development site.

20.72.655 Public restrooms and trash facilities.

All new and redeveloped commercial establishments on Point Roberts that are open to the public shall make adequate provision for trash disposal and handicapped-accessible public restrooms. Establishments with less than four employees on premises at one time may utilize a unisex facility. Commercial complexes may provide common restrooms and/or trash disposal, or two or more establishments in one commercial area may jointly provide for such facilities, subject to appropriate agreements or covenants to ensure the facilities are available and properly maintained. Dumpsters within commercial areas shall be screened from public view using landscaping or building walls.

20.72.656 Vehicular access.

Driveways and curb cuts shall be minimized along all collector roads. Each existing lot shall be allowed only one driveway or curb cut; adjacent lots are encouraged to share access points. In new developments, lots or leased sites shall be oriented toward internal driveways, parking areas, or roads, with limited access to collector roads. These access points should normally not be closer than 400 feet apart.

20.72.657 Nonvehicular access.

(1) Commercial development or redevelopment of any parcel along Tyee Drive, Gulf Road, Marine Drive and APA Road shall be required to install appropriate street improvements along the road frontage of the parcel which may include curbs, gutters, sidewalks, boardwalks, benches, lighting, and appropriate provisions for bicycle and equestrian facilities in accordance with applicable Comprehensive Plan policies, land use regulations and current road standards. Planting of street trees along the road frontage(s) of the subject parcel shall be required. These requirements may be waived if a local improvement district, road improvement

district, or transportation benefit district is formed for the purpose of providing the aforementioned improvements.

(2) Commercial development of any parcel along a collector street shall require a no-protest agreement to participate in a local improvement district, road improvement district, or transportation benefit district.

20.72.658 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 the stormwater management requirements of this title and the Whatcom County Development Standards.

20.72.659 Parking.

Parking shall conform to the requirements of WCC 20.80.500 unless otherwise specified in this section.

Within the Small Town Commercial Zone:

- (1) Parking lots shall be provided only at the rear or side of buildings.
 - (2) New parking lots shall connect with existing parking facilities and allow for connection to future lots where applicable.
 - (3) Minimum parking standards may be reduced if a shared parking agreement has been filed with the county auditor's office establishing a shared parking lot for land uses with noncompeting hours of operation, or for multitenant retail and commercial facilities; provided, the parking lot is not located further than 700 feet from any of the uses it is intended to serve.
 - (a) The minimum required parking in shared facilities shall be based on the land use with the highest parking demand.
 - (b) Mixed use development with similar operating hours may be required to submit a parking demand study to determine if parking can be combined.
 - (4) Minimum parking standards along Gulf Road may be reduced to the minimum required emergency, ADA, and/or service parking only; provided, that it can be demonstrated that a public benefit parking area or other similar consolidated parking concept will adequately serve the proposed use.
 - (a) A parking demand study shall be submitted which determines whether all land uses intending to utilize the consolidated parking area will be adequately served.
 - (b) Pedestrian walkways connecting the proposed use with a consolidated parking area shall be provided. Refer to the Point Roberts Character Plan for design guidelines.
-

20.80 Supplementary Requirements

20.80.210 Minimum setbacks.

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

(2) Waterfront Lots. Waterfront lots shall comply with the building setback requirements set forth in the Whatcom County Shoreline Management Program. (See WCC 20.80.220(2))

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

(a) A clear vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in subsection (c)(3) of this section (where the lot has rounded corners, the distance shall be measured from the intersection of those lot lines extended), and the third side of which is a line across the corner of the lot joining the nonintersection ends of the other two sides.

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

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

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

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

(iii) Structures including buildings may be constructed within the clear vision area; provided, that any portion of the structure within the clear vision area is more than eight feet above the top of the curb or street center line grade and is supported by not more than two columns each of which is no more than eight inches in diameter.

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

(5) 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.

(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' ¹	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).							
<u>Rural General Commercial (RGC)</u>							
<i>Road Type</i>						<i>Other</i>	

<u>Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials</u>	<u>Collector Arterials or Major Collectors</u>	<u>Minor Collectors</u>	<u>Local Access Streets</u>	<u>Neighborhood Collector</u>	<u>Minor Access Streets</u>	<u>Side Yard</u>	<u>Rear Yard</u>
<u>30'¹</u>	<u>30'</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>20'</u>	<u>0'</u>	<u>10'</u>
<p><u>1. Setbacks for those parcels situated adjacent to Urban Residential, Rural Cluster Development, and Rural Zone Districts, and to Rural and Resource comprehensive plan designations, shall be administered pursuant to WCC 20.59.600 (Buffer area).</u></p> <p><u>2. Side and rear yard setbacks shall be 10 feet from vacant, adjacent, commercially zoned properties.</u></p>							
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' ¹	30'	25'	25'	25'	20'	0'	10'
<i>Water Resource Protection Overlay</i>							
30'	30'	20'	20'	20'	20'	0'	5'
<p>1. Setbacks for those parcels situated adjacent to Urban Residential, Urban Residential Medium Density, Residential Rural and Rural Zone Districts, <u>and to Rural and Resource comprehensive plan designations</u>, shall be administered pursuant to WCC 20.63.550 (Buffer area).</p> <p>2. Setback requirements for recreational vehicle parks shall be 30 feet for side and rear yards.</p> <p>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.</p>							
Small Town Commercial (STC)							
<i>Road Type</i>						<i>Other</i>	
Commercial, Industrial, I-5, State Hwys, Principal & Minor	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard

Arterials							
30' ¹	30'	25'	25'	25'	20'	0'	10'
<p>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.</p> <p><u>2. Side and rear yard setbacks shall be 10 feet from vacant, adjacent, commercially zoned properties.</u></p> <p><u>3. Setbacks for those parcels situated adjacent to Urban Residential, Urban Residential Medium Density, Residential Rural, and Rural Zone Districts, and to Rural and Resource comprehensive plan designations, shall be administered pursuant to WCC 20.61.600 (Buffer area).</u></p>							
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' ²	5' ²
<p>1. Setbacks for those parcels situated adjacent to Urban Residential, Residential Rural and Rural Zone Districts, <u>and to Rural and Resource comprehensive plan designations</u>, shall be administered pursuant to WCC 20.64.550 (Buffer area).</p> <p>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.</p> <p>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.</p> <p>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.</p>							
Neighborhood Commercial (NC)							
<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							
25'	25'	25'	25'	25'	20'	0'	10'
<i>Water Resource Protection Overlay</i>							
30'	30'	20'	20'	20'	20'	0'	10'
<p>1. Neighborhood Commercial District. Setbacks for those parcels situated adjacent to Urban Residential, Residential Rural and Rural Zone Districts, <u>and to Rural and Resource comprehensive plan designations</u>, shall be administered pursuant to WCC 20.60.550 (Buffer area).</p>							

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

² - 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

Heavy Impact Industrial (HII)							
<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
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> <p style="padding-left: 40px;">(i) Screening will be provided to protect adjacent uses from unsightliness or visual distraction;</p>							

- (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.

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.

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.

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.

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 I, 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.

3. Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.67.550 (Buffer Area).

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:

- (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.
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.

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'

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.

Airport Operations (AO)

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

1. Setbacks for parcels adjoining a nonindustrial district shall be administered pursuant to WCC 20.70.550 (Buffer Area).

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:

(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.

Rural Industrial – Manufacturing (RIM)

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

1. Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.67.550 (Buffer Area).

Resource Lands Setbacks

Agriculture (AG)							
<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
50'	50'	50'	50'	50'	50'	20'	20'
<p>1. The 50-foot front yard setback requirement for new buildings or additions may be waived if the zoning administrator finds the new building or addition is located along the same building line(s) of existing structures and will result in no additional encroachment, the public interest, safety and health are protected; provided, that for a new building the applicant shall also demonstrate that the proposed location is necessary for the economic viability and the continued operation of the agricultural use.</p> <p>2. The minimum separation between new residences not located on the same property and farm uses such as barns, pens, milking sheds, or areas used to contain, house or feed animals or store manure or feed, shall be 300 feet. New farm uses such as barns, pens, milking sheds, or areas used to contain, house or feed animals or store manure or feed, shall be situated at least 150 feet from existing residences not located on the same property. Expansion of existing facilities within the 150-foot buffer, providing such expansion is not closer to a neighbor's residence, and pastures are excluded from this section's requirements.</p> <p>3. Parcels of less than five nominal acres shall have the following minimum setbacks: Front Yards: - Primary arterials and secondary arterials: 45 feet. - Collector arterials: 35 feet. - Neighborhood collectors, local access streets: 25 feet. - Minor access streets: 20 feet. Side Yards: Minimum side yard setbacks shall be five feet. Rear Yards: Minimum rear yard setbacks shall be five feet.</p>							
Commercial Forestry (CF)							
<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
45'	35'	25'	25'	25'	20'	100'	100'

Water Resource Protection Overlay							
30'	30'	20'	20'	20'	20'	100'	100'
1. Parcels utilized solely for community centers shall observe the following minimum setback requirements: front yard: 50 feet; side yard: 25 feet; rear yard: 25 feet.							
Rural Forestry (RF)							
Road Type						Other	
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
45'	35'	25'	25'	25'	20'	20'	20'
Water Resource Protection Overlay							
30'	30'	20'	20'	20'	20'	20'	20'
<p>1. Setbacks shall be increased to 100 feet for those parcels in the Rural Forestry zone situated adjacent to the Commercial Forestry zone, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.42.651 shall be subject to the standard setback of the Rural Forestry Zone. Forest industry buildings, stationary equipment or storage areas excluding scaling stations and watchman's stations shall not be located within 100 feet of any other zone district.</p> <p>2. Parcels utilized solely for community centers shall observe the following minimum setback requirements: front yard: 50 feet; side yard: 25 feet; rear yard: 25 feet.</p> <p>3. When a permitted residence (WCC 20.42.056), adjoins an existing parcel of 20 acres or more in size or a parcel that is being cultivated for commercial forestry production, a minimum building setback of 100 feet shall be established from the common property line.</p> <p>4. Lummi Island Scenic estates setbacks shall be administered under the Rural Residential Island setback standards.</p>							

Rural Residential Setbacks

Rural Residential (RR)							
Road Type						Other	
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							
45'	35'	25'	25'	25'	20'	5' ^{1,2}	5' ¹
<i>Water Resource Protection Overlay</i>							
30'	30'	20'	20'	20'	20'	5'	5'
1. Setbacks shall be increased to 100 feet for those parcels situated adjacent to Forestry Zone District, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.32.651 shall be subject to the standard setback in WCC 20.80.210.							
Rural Residential Island (RRI)							
<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'	20'	5'	5'
1. Residential Rural-Island District. Setbacks shall be increased to 100 feet for those parcels situated adjacent to Forestry Zone Districts, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.34.651 shall be subject to the standard setback in WCC 20.80.210.							
Point Roberts Transitional Zone (TZ)							
<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
45'	35'	25'	25'	25'	20'	5' ¹	5' ¹
No additional standards							

¹ – Roof overhangs or other additional 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.

² – Zero lot line side yard setbacks may be approved by the zoning administrator for single-family attached dwelling units along the common property line where the dwellings share a common wall.

Rural Zoning Setbacks

Rural (R)							
Road Type						Other	
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
45'	45'	35'	25'	25'	20'	5' ¹	5' ¹
Water Resource Protection Overlay							
30'	30'	20'	20'	20'	20'	5'	5'
<p>1. Setbacks shall be increased to 100 feet for those parcels situated adjacent to the Commercial Forestry Zone District, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.36.651 shall be subject to the standard setback in WCC 20.80.210.</p> <p>2. For lots created after 2001 through the cluster provisions, or lots created through the APO provisions which will be used for human habitation shall be set back a minimum of 100 feet from the property line of any parcel or portion thereof which is designated or used for agricultural purposes. No structures shall be constructed within 30 feet of exterior, side and rear property lines, and no structure shall be constructed within 30 feet of an agricultural use. Subject to any further requirements within WCC 20.38 Agriculture Protection Overlay.</p>							

¹ – 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.

Urban Residential Setbacks

Urban Residential Mixed Use (URMX)							
Road Type						Other	
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							
45'	35'	25'	10'	10'	10'	5' ¹	5' ¹
<i>Water Resource Protection Overlay</i>							
30'	30'	20'	20'	20'	20'	5'	5'
1. No specific setback requirements shall apply to a planned concept submitted for technical committee review. This provision could be used, for example, to allow zero-lot-line development.							
Urban Residential Medium (URM)							
<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
45'	35'	25'	25'	25'	20'	5' ¹	5' ¹
<i>Water Resource Protection Overlay</i>							
30'	30'	20'	20'	20'	20'	5'	5'
1. Setback requirements for mobile home parks shall be 20 feet from the perimeter of the park for side and rear yards and shall be screened from neighboring uses in accordance with WCC 20.80.345.							
Urban Residential (UR)							
<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
45'	35'	25'	25'	25'	20'	5' ^{1, 2}	5' ¹
<i>Water Resource Protection Overlay</i>							
30'	30'	20'	20'	20'	20'	5'	5'

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

¹ – 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; in no case will the extend more than one-half the depth of the front yard setback.

² – Zero lot line side yard setbacks may be approved by the zoning administrator for single-family attached dwelling units along the common property line where the dwellings share a common wall.

Other Zoning Setbacks

Recreation Open Space (ROS)							
<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
100'	100'	50'	50'	50'	50'	50'	50'
1. Parcels utilized solely for community centers shall observe the following minimum setback requirements: front yard: 50 feet; side yard: 25 feet; rear yard: 25 feet. 2. Shoreline setbacks shall be administered consistent with the Shoreline Management Program of Whatcom County; provided, that a 25-foot setback is maintained from the ordinary high water mark of all water bodies and a 50-foot setback is maintained from the ordinary high water mark of fish spawn streams.							
Water Resource Protection Overlay (WRPO)							
<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'	20'	20'	20'	20'	See underlying Zoning ^{1, 2}	See underlying zoning ^{1, 2}

No additional standards

¹ – 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.

² – Refer to additional provisions of WCC 20.64.250 or 20.65.400.

20.80.220 Use of setback areas.

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

(1) Front Yards.

(a) Uncovered patios, driveways, walkways, vegetation, pools, recreation equipment, and fences and walls up to four feet in height, and propane tanks with fuel capacities up to 500 gallons may be placed in this front yard setback area subject to the limitations of WCC 20.80.210(3) regarding vision clearance; and provided, that the following applies:

(i) The location of propane tanks with fuel capacities up to 500 gallons is restricted to the rear 50 percent of front yard setbacks. All such propane tanks shall be:

(A) Inspected and approved by the Whatcom County fire marshal for compliance with Article 82 of the most currently adopted Uniform Fire Code and, when required by the fire marshal, isolated from other uses by a noncombustible wall or fence; and

(B) Encourage screening by a fence or with shrub vegetation planted to a minimum height of six inches above the top surface of the propane tank; and

(C) Located so as not to interfere or obstruct sight distances for vehicular traffic.

(b) Signs approved for use in a front yard area shall be subject to the limitations of WCC 20.80.410 and/or WCC 20.80.215 as applicable.

(c) Fences, walls or vegetative hedges greater than four feet in height up to a maximum of six feet in height may be located within the front yard setback area subject to the limitations of WCC 20.80.210(3) regarding vision clearance and provided both of the following apply:

(i) The additional height does not obstruct or impair visual corridors of surrounding properties and sight distances of vehicular traffic;

(ii) The additional height is determined by the administrator to be necessary in order to provide security and/or privacy to the particular use activity by reason of one or more of the following:

- (A) The property's immediate location next to public access areas; or
- (B) A determination by the administrator that the property and/or its facilities and amenities are both attractive to the general public, and intended for the exclusive use of its residents and/or patrons; or
- (C) A determination by the administrator that the additional height is needed to protect the public health, safety and general welfare.

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

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

20.80.230 Measurement of setbacks.

(1) Front Yard. The requisite minimum front yard setback line shall be measured from the edge of the abutting road right-of-way (front property line). For corner lots, the appropriate abutting road right-of-way shall be determined as provided in subsection (3) of this section. The property owner shall bear the responsibility for correctly locating the edge of the abutting road right-of-way from which the measurement is to be taken.

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

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

20.80.240 Reserved.

20.80.250 Special setback provisions by district.

20.80.251 Residential districts.

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

(2) Residential Rural District. Setbacks shall be increased to 100 feet for those parcels situated adjacent to Forestry Zone District, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.32.651 shall be subject to the standard setback in WCC 20.80.210.

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

(4) Residential Rural-Island District. Setbacks shall be increased to 100 feet for those parcels situated adjacent to Forestry Zone Districts, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.34.651 shall be subject to the standard setback in WCC 20.80.210.

20.80.252 Rural District.

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

20.80.253 Commercial districts.

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

(2) General Commercial District. 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).

(3) Tourist Commercial District.

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

(b) Setback requirements for recreational vehicle parks shall be 30 feet for side and rear yards.

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

(4) Resort Commercial District.

- (a) Setbacks for those parcels situated adjacent to Urban Residential, Residential Rural and Rural Zone Districts shall be administered pursuant to WCC 20.64.550 (Buffer area).
- (b) Setback requirements for multifamily housing, including all condominiums except time share condominiums and mobile home parks, shall be 20 feet for side and rear yards.
- (c) Setback requirements for recreational vehicle parks, and resort-oriented hotels and motels including time share condominiums shall be 45 feet for front yard, and 20 feet for side and rear yards.
- (d) Setback requirements for nonresort-oriented hotels and motels and nonhabitation commercial development shall be zero feet for side yards and 10 feet for rear yards.

20.80.254 Industrial districts.

- (1) Light Impact Industrial District.
 - (a) All setbacks shall be increased by one foot for each foot of building height which exceeds 35 feet.
 - (b) The building setbacks of WCC 20.80.210 shall not apply to utility or security structures such as poles, meters, fences, guard structures and the like. In addition, the zoning administrator may reduce side and rear yard setbacks for other structures as provided by subsection (1)(d) of this section.
 - (c) Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.66.550 (Buffer Area).
 - (d) 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.

(2) General Manufacturing District.

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

(b) The building setbacks of WCC 20.80.210 shall not apply to utility or security structures such as poles, meters, fences, guard structures and the like.

(c) Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.67.550 (Buffer Area).

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

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

(3) Heavy Impact Industrial District.

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

(b) The building setbacks of WCC 20.80.210 shall not apply to utility or security structures such as poles, meters, fences, guard structures and the like, nor to structures relating to shipment on railroad rights-of-way; provided, that no traffic hazards are created. For nonindustrial buildings, the provisions of subsection (2)(e) of this section shall apply.

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

(d) 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.

(e) The zoning administrator may reduce setbacks for nonindustrial buildings to those of Light Impact Industrial if the reduced setbacks would not interfere with existing sewer, water and other easements. A greater reduction in setback requires approval under subsection (3)(d) of this section.

(4) Airport Operations District.

(a) Setbacks for parcels adjoining a nonindustrial district shall be administered pursuant to WCC 20.70.550 (Buffer Area).

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

20.80.255 Agriculture District.

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

(2) The minimum separation between new residences not located on the same property and farm uses such as barns, pens, milking sheds, or areas used to contain, house or feed animals or store manure or feed, shall be 300 feet. New farm uses such as barns, pens, milking sheds, or areas used to contain, house or feed animals or store manure or feed, shall be situated at least 150 feet from existing residences not located on the same property. Expansion of existing facilities within the 150-foot buffer, providing such expansion is not closer to a neighbor's residence, and pastures are excluded from this section's requirements.

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

Front Yards:

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

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

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

20.80.256 Forestry districts.

(1) Setbacks shall be increased to 100 feet for those parcels in the Rural Forestry zone situated adjacent to the Commercial Forestry zone, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.42.651 shall be subject to the standard setback in WCC 20.80.210. Forest industry buildings, stationary equipment or storage areas excluding scaling stations and watchman's stations shall not be located within 100 feet of any other zone district.

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

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

(4) For parcels of less than five nominal acres, unless the provisions of subsection (2) of this section are applicable, the zoning setback established by the zoning district shall be observed.

20.80.257 Recreation and Open Space District.

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

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

20.80.258 All districts.

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

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

20.80.360 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.

Deleted: 20.80.365 Conformance to Guide Meridian plan.¶ Properties which are generally located on the Guide Meridian between Horton and Kellogg Roads, and specifically identified in the Guide Meridian Improvement Plan, shall be subject to the provisions of said plan. The provisions of said plan shall supersede this chapter where there is inconsistency in minimum building setback and landscape requirements.¶

20.80.734 General review thresholds.

County review and approval shall be required prior to a clearing activity when any of the following land clearing thresholds have been reached. If the clearing activity

does not meet the threshold criteria, county review is not required. However, the owner is still subject to, and must comply with, the minimum requirements established in this chapter and in the Whatcom County Development Standards. Review thresholds and additional requirements for water resource special management areas are located in WCC 20.80.735.

(1) Five Thousand Square Foot Threshold on 30 Percent Slopes. The county shall review all proposed clearing activities when a cumulative area of 5,000 square feet or greater of clearing activity is proposed to take place on slopes 30 percent or greater in gradient.

(2) One Acre Threshold in Urban Residential, Commercial, Rural Residential Zoning Districts, and Rural Zoning Districts within Comprehensive Plan designated Rural Center LAMIRD areas. The county shall review all proposed clearing activities which are one acre or greater when the activities are proposed to take place in these Zoning Districts and the slope is less than 30 percent in gradient.

Deleted: and

Deleted: Urban Residential, Commercial or Rural Residential

(3) Two Acre Threshold in Rural Zoning Districts outside of Comprehensive Plan designated Rural Center LAMIRD areas. The county shall review all proposed clearing activities which are two acres or greater when the activities are proposed to take place in Rural Zoning Districts and the slope is less than 30 percent in gradient.

(4) Any clearing activity within a critical area or critical area buffer, or any clearing activity greater than 500 square feet within 200 feet of a waterbody regulated under WCC Title 23, or within 200 feet of a wetland, habitat conservation area (HCA), frequently flooded area, or geological hazard regulated under WCC Title 16.

(5) Any clearing activity that meets the definition of a conversion from a forest use to another land use pursuant to WCC 20.97.085.

Chapter 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.

20.82.020 Permitted uses.

.021 Except as provided in WCC 20.82.030, the installation and maintenance, including replacement, of all utility lines including pipes, cables and wires; and

associated service equipment together with associated structures such as pump stations and equipment vaults; provided, that above-ground structures shall conform to the size requirements of WCC 20.82.022.

.022 Buildings and structures 100 square feet in floor area or smaller including pump houses, storage buildings, equipment buildings, and similar structures necessary for the operation of the utility.

.023 Water storage tanks owned and operated by a public utility for the sole purpose of providing required fire flow; provided, that the volumes do not exceed 50,000 gallons and height is not in excess of 12 feet above the ground level measured within 20 feet in all directions of the tank. A privately owned water storage tank constructed to provide fire flow for a singular use or property and maintained by the property owner(s) is considered an accessory use to the primary permitted or conditionally permitted use that is to be protected by fire flow supplied from the tank and not subject to regulation as a public utility; provided, the height does not exceed the maximum height allowed in the underlying zone.

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:

(1) Transmission pipelines, or pipelines termed a distribution pipeline but having characteristics that fit the definition of a transmission pipeline, carrying petroleum and petroleum products other than natural gas when such pipelines will be located outside the zoning district classified as Heavy Impact Industrial.

(2) Regional transmission pipelines for the bulk conveyance of natural gas, or pipelines termed a distribution pipeline but having characteristics that fit the definition of a transmission pipeline. Except for the above conditions, natural gas pipelines which are owned and operated by a gas utility company regulated by the State Utilities and Transportation Commission and which are distribution lines owned by the utility that provide natural gas service directly to county citizens and businesses shall not be considered regional transmission lines.

(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

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Deleted: (a) New sewer and/or water lines located and installed by a public utility or municipality in conformance with a state approved sewer and/or water comprehensive plan and consistent with the Whatcom County Comprehensive Plan.¶
(b) New sewer and/or water line(s) whose principal function is to provide service to a new development(s) approved either by Whatcom County or a municipality.¶
(c) New sewer and/or water lines for the purpose of addressing a health emergency documented by the state or county health department.¶

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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.

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

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

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(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:

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(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.

20.82.031 Special conditions applicable on utilities meeting the definition of WCC 20.82.030(1) or (2).

(1) With the proposal of new pipelines, pipeline proponents shall conduct "open house" and "townhall" style public meetings as a requirement of the county land use development permit process and shall provide funds that are sufficient for a third party presentation about right-of-way issues and eminent domain. These presentations will be held when county planning and development deems appropriate, selected by the county, but as early in the permitting process as practical. The county will select a third party to give such presentation, and the third party shall be independent from the pipeline proponent.

(2) Pipeline operators are required to provide accurate "as-built" pipeline maps for approval of any county development permit. Information shall include, but is not limited to, scaled plan maps accurate to the parcel level, pipe size, allowable pressure, fuel type, and average or approximate right-of-way widths.

(3) Required pipeline proponents to notify cities if the proposal is within their urban growth area, all utility providers, and special purpose districts where the siting of new pipelines crosses those service areas.

20.82.040 Other applicable regulations.

(1) Solid waste facilities and large scale electrical generating plants are not conditional uses under the name "public utilities" but are restricted to where they have been named as uses.

(2) The provisions of this chapter shall not apply to wireless communications services and facilities which are regulated under Chapter 20.13 WCC.

20.84 Variances, Conditional Uses, Administrative Approval Uses and Appeals

20.84.100 Variances.

.110 The hearing examiner shall have authority to grant a variance from the provisions of this ordinance and of WCC Title 22, the Guide Meridian Improvement Plan, when, in the opinion of the hearing examiner, the conditions set forth in WCC 20.84.120 herein have been found to exist. In such cases, a variance may be granted which is in harmony with the general purpose and intent of this ordinance so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done; provided, that no variance shall be granted which authorizes a use which is not permitted by the underlying zoning.

.120 Before any variance may be granted, it shall be shown that the following circumstances are found to apply:

- (1) That any variance granted shall not constitute a grant of special privilege, be based upon reasons of hardship caused by previous actions of the property owner, nor be granted for pecuniary reasons alone;
- (2) Because of special circumstances applicable to the subject property, including size, shape, topography, location or surrounding, the strict application of the zoning ordinance is found to cause a hardship and deprive the subject property of a use or improvement otherwise allowed in the identical zone classification. Aesthetic considerations or design preferences without reference to restrictions based upon the physical characteristics of the property do not constitute sufficient hardship under this section;
- (3) The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity and zone in which the subject is situated.

20.84.200 Conditional uses.

20.84.210 Application.

Upon application, the hearing examiner may grant conditional use permits for such uses as set forth in this ordinance. Conditional use permits shall be nontransferable unless said transfer is further approved by the hearing examiner.

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:

- (1) Will be harmonious and in accordance with the general and specific objectives of Whatcom County's Comprehensive Plan and zoning regulations.
- (2) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.
- (3) If located in a rural area (as designated in the Comprehensive Plan), will be consistent with existing use, scale, and intensity, and in conformance with the rural character of the area.
- (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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(3) The use authorized pursuant to the original permit is not changed;

(4) No additional over-water construction will be involved for shoreline conditional use permits;

(5) No substantial increase in adverse environmental impact will be caused by the project revision.

20.84.230 Open record hearing notice.

Notice of application and notice of open record hearing shall take place consistent with WCC 2.33.060 and 2.33.070. If a proposed project is within a city's urban growth area, notice shall also be sent to the applicable city staff and planning commission at least 15 days prior to the hearing.

20.84.235 Administrative approval uses.

(1) The applicant shall submit an administrative approval use application form to the planning and development services department together with all of the following:

- (a) Documentation of compliance with approval requirements;
- (b) The filing fee specified in the Unified Fee Schedule;
- (c)(i) For sites within urban growth areas: Stamped envelopes with typed addresses for each property owner within 300 feet of the external boundaries of the subject property as shown by the records of the county assessor (1,000 feet for adult businesses);
- (ii) For sites outside urban growth areas: Stamped envelopes with typed addresses for each property owner within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.
- (d) Three copies of a site plan at a scale of one inch equals 20 feet for sites that are less than five acres, and one inch equals 40 feet for sites five acres or more (if requested by the applicant, a different scale may be approved by planning and development services). The site plan shall show locations of property boundaries, locations and sizes of structures, vehicular access and parking areas, locations and types of water and sewer services, and locations and types of structures on adjacent properties.

(2) Upon receipt of application materials per subsection (1) of this section, the planning and development services department shall send a notice of the proposal to all owners of property within 300 feet of the external boundaries of the subject property for sites within urban growth areas and 1,000 feet for properties outside

urban growth areas, and to the applicable city staff and planning commission if the property is within a city's urban growth area, at least 15 days prior to the decision date. The applicant shall also post public notices of the proposal on all road frontages of the subject property so as to be visible to adjacent property owners and to passing motorists. Said notices shall be provided to the applicant by the planning and development services department and shall remain in place for at least 15 days prior to the decision. A signed affidavit of posting shall be returned at least one week prior to the decision. Property owners who have been notified of the proposal shall have a period of 15 days from the date printed on the mailed notice or 15 days from the posting of notice on the property, whichever is later, within which to submit to the planning and development services department a written response in support of or in opposition to all or parts of the proposal.

(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.

(4) Decisions on administrative approval use permits for adult businesses shall be issued within 20 days of receiving a complete application. An application for an adult business is complete if it contains all of the information specified in subsection (1) of this section.

(5) If the permit is denied, the applicant shall be notified in writing. The grounds for denial and the applicant's right to appeal shall be set forth in this notification.

(6) Any party of record may appeal the decision. For purposes of administering this section, parties of record shall be defined as the applicant, the owner of the property, and any person who has submitted a written response to the proposal. Each application for appeal of an administrative approval shall be accompanied by a fee as specified in the Unified Fee Schedule.

(7) Criteria for Adult Businesses. Prior to granting administrative approval for an adult business, planning and development services shall find that the proposed use at the proposed location satisfies or will satisfy all the following criteria:

- (a) The adult business will be in accordance with Policies 2AAA-1 through 2AAA-4 of the Whatcom County Comprehensive Plan.
- (b) The adult business will be consistent with WCC 20.66.131.
- (c) The adult business shall be closed from 2:00 a.m. to 10:00 a.m. if it contains:

- (i) An "adult eating or drinking establishment" as defined by WCC 20.97.008(2); or
- (ii) An "adult theater" as defined by WCC 20.97.008(3); or
- (iii) An "other adult commercial establishment" as defined by WCC 20.97.008(4); or
- (iv) One or more viewing booths.

(d) If the adult business includes one or more viewing booths, the interior of the adult business will incorporate all of the following measures:

- (i) Each viewing booth shall have at least a three-foot wide opening where a customer enters and exits the booth that is without doors, physical barriers, or visual barriers; and
- (ii) Each viewing booth shall have at least one 100-watt light bulb that is properly working and turned on when business is open. The light bulb shall not be covered or otherwise shielded except with a commercially available lighting fixture. A minimum of one 12-inch by 12-inch durable metal sign shall be located at the entrance to each viewing booth area stating that lights shall remain on; and
- (iii) Aisles or hallways adjacent to viewing booths shall be a minimum of five feet wide; and
- (iv) There shall be no holes or openings in common walls between viewing booths.

For adult businesses containing one or more viewing booths, a condition of administrative approval shall require an unannounced inspection every six months during business hours by Whatcom County to ensure that measures in subsections (7)(d)(i) through (iv) of this section are being implemented on an ongoing basis.

20.84.240 Appeals.

The hearing examiner shall have the authority to hear and decide, in conformity with this chapter, appeals from any order, requirement, permit decision or determination made by an administrative official in the administration or enforcement of this chapter where more than one interpretation is possible; provided, that such appeal shall be filed in writing within 14 days of the action being appealed. If an appellant prevails in an appeal of an administrative approval decision, the appellant's appeal fees shall be refunded. The appeal fee on a code violation will be refunded if the appellant can prove by clear and convincing evidence that a violation did not occur. Appeals of administrative approval use permit decisions for adult businesses shall be made directly to the county council pursuant to WCC 20.92.825, and shall not be subject to the provisions of WCC 20.84.240.

20.84.250 Fees.

Fees for variances, conditional uses, administrative approval uses and appeals shall be as set forth in the Whatcom County Unified Fee Schedule.

20.84.260 Date of expiration.

Applications for conditional use permits, variances, expansions of nonconforming uses, administrative approvals, and any other permits provided for in this chapter shall expire one year after filing of the application if the applicant does not pursue completion of the appropriate process within that time by failing to take any action on the application.

Such applications that are presently beyond the one-year anniversary of their filing date will be provided official notice by return receipt mail from the county that they have six months from the date of the receipt of said notice to pursue completion of their application. If they do not complete the actions as indicated on the notice within the specified six-month period, the application will expire.

The hearing examiner shall have the authority to fix a date of expiration of any or all approval, or conditions attached thereto, of conditional use permits, variances or expansions of nonconforming uses.

20.97 Definitions

20.97.121.1 Existing uses.

"Existing uses" - when referencing uses within a LAMIRD - means a legally established use that existed on either:

- July 1, 1990 if inside a Rural Center or other type I LAMIRD area; or
- September 20, 2005 if inside a type II or III LAMIRD area.

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.

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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 Centers 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 Center

"Rural Center" 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.

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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.

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