



M E M O R A N D U M

TO: David Stalheim, Director

THROUGH: Oliver Grah, Natural Resources Division Manager

FROM: Cathy Craver, Planner II

DATE: September 3, 2009

SUBJECT: Comparison of Lake Whatcom Watershed Regulations

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

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

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

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

The City limits:

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

General Overview of the Regulations:

Stormwater Management:

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

Lot Clearing and Grading:

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

Vegetation Retention:

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

Impervious Surfaces:

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

Temporary Erosion and Sediment Control:

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