**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature</td>
<td>John J. Peterson</td>
<td>10/27/05</td>
<td></td>
<td>11/9/05</td>
<td>Introduction</td>
</tr>
<tr>
<td>Division Head:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date:</td>
<td></td>
<td>11/22/05</td>
<td></td>
<td>PAO/Council</td>
<td></td>
</tr>
<tr>
<td>PRESENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Place:</td>
<td>Bellingham</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing/Budget:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executor:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:**


**ATTACHMENTS:**

(1) Proposed Ordinance  
(2) Agency Report and Exhibits  
(3) Staff Report and Appendices  
*Note: Planning Commission Public Hearing Minutes will follow subsequent*  

**SEPA review required?** (X) Yes ( ) No  
**SEPA review completed?** (X) Yes ( ) No  
**Should the Clerk schedule a hearing?** ( ) Yes (X) No  
*The Council must hold a hearing if they want to change the Planning Commission’s recommendation (WCC 20.94.011).*  

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)


**COMMITTEE ACTION:**  
11/22/05: Amended and approved in committee

<table>
<thead>
<tr>
<th>COUNCIL ACTION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/9/2005: Introduced</td>
</tr>
<tr>
<td>11/22/2005: Adopted 7-0, Ord. #2005-085</td>
</tr>
</tbody>
</table>

**Related County Contract #:**  
**Related File Numbers:**  
File #2005-06003  
**Ordinance or Resolution Number:**  
Ord. #2005-085

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
AN ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING ORDINANCE, WCC TITLE 20, CHAPTER 20.71 – WATER RESOURCE PROTECTION OVERLAY DISTRICT AND CHAPTER 20.97 – DEFINITIONS TO PROVIDE ADDITIONAL REGULATORY PROTECTION FOR THE LAKE WHATCOM AND LAKE SAMISH WATER RESOURCE PROTECTION OVERLAY DISTRICTS

WHEREAS, the Whatcom County Council adopted Ordinance 2005-027 on February 8, 2005 imposing an interim moratorium on the acceptance of new applications for subdivisions and new building permits within the Lake Whatcom watershed; and

WHEREAS, Ordinance 2005-027 further stated the Council’s desire to evaluate necessary actions to meet the TMDL goal of reversing the declining oxygen trends in Lake Whatcom, including but not limited to development codes, regulations and standards; and

WHEREAS, the Whatcom County Council reviewed and discussed multiple moratorium response options at Council Water Resources Work Sessions and Council Moratorium Response Committee work sessions on February 15, February 22, March 1, and March 15, 2005; and

WHEREAS, the Whatcom County Council adopted Ordinance 2005-042 on April 6, 2005 extending the interim moratorium on the acceptance of new applications for subdivisions within the Lake Whatcom watershed; and

WHEREAS, the Whatcom County Council held additional work sessions to review and discuss moratorium response options on March 29, April 5, April 19, April 26, May 3, and May 10, 2005; and

WHEREAS, the Whatcom County Council adopted Interim Ordinance 2005-065 on August 9, 2005 implementing interim text amendments to WCC Chapters 20.71 and 20.97 to provide additional guidance, conditions and restrictions related to agriculture, animal hospitals, commercial kennels and stables, commercial and wholesale greenhouse activities, and design and installation of alternative surfaces; and

WHEREAS, Interim Ordinance 2005-065 will expire in March 2006; and

WHEREAS, the Whatcom County SEPA Official issued a Determination of Non-significance (DNS) for the proposed amendments on October 19, 2005; and

WHEREAS, pursuant to RCW 36.70.590, notice was published in the Bellingham Herald on October 16, 2005; and

WHEREAS, the Whatcom County Planning Commission held a public hearing on the
proposed amendments on October 27, 2005, and considered all testimony; and

WHEREAS, the Whatcom County Planning Commission recommended approval of the proposed amendments as amended on October 27, 2005; and

WHEREAS, the Whatcom County Council finds the amendments to be within the interest of the public health, safety and welfare; and

WHEREAS, the Whatcom County Council has adopted the following Findings of Fact and Conclusions:

1. Pursuant to RCW 36.70.580, legal notice was published in the Bellingham Herald on October 16, 2005.

2. A SEPA Determination of Non-Significance (DNS) was issued on August 8, 2005 for the interim text amendments to Chapters 20.71 and 20.97 WCC adopted by Council Ordinance 2005-065. A SEPA DNS was issued for the proposed permanent text amendments on October 19, 2005.

3. A Planning Commission public hearing was held on October 27, 2005 and all testimony was considered.

4. Lake Whatcom is the drinking water source for approximately half the residents of Whatcom County.

5. Lake Samish is the primary source of potable water for approximately 90 percent of the residents in the Lake Samish watershed.

6. The 2005 Whatcom County Comprehensive Plan designates the Lake Whatcom watershed as a Special Study Area.


8. Growth Management Act Planning Goal (10) Environment is to: Protect the environment and enhance the state's high quality of life, including air and water quality and the availability of water.

9. Whatcom County Comprehensive Plan Goal 11G states: Protect water resources and natural drainage systems by controlling the quality and quantity of stormwater runoff.

10. Comprehensive Plan Policy 11F-2 identifies Lake Whatcom and Lake Samish as high priority watersheds that require special protection.

11. Comprehensive Plan Policy 11F-5 states: Pursue the adoption and implementation of ground and/or surface water management plans and integrate the plans into local comprehensive plans. Designate the Lake Whatcom and Lake Samish Watersheds as a high priority in this effort.
12. County-Wide Planning Policy N.2. states that "the Cities and the County in cooperation with other municipal corporations and tribal governments, shall adopt zoning regulations and development standards to protect water resources."

13. Samish Bay Watershed Nonpoint Action Plan and Final Closure and Response Strategy recommendation RC-3 states that Whatcom County should "review and evaluate the effectiveness of existing regulations that protect water quality; code revisions should be made as appropriate."

14. The City of Bellingham, Whatcom County Water District No. 10 and Whatcom County have recognized that water quality issues cross jurisdictional boundaries and have adopted a joint resolution to establish goals for the Lake Whatcom watershed and an interlocal agreement to establish a work program to address water quality issues.

15. In 2001, the City of Bellingham adopted land use controls within the Lake Whatcom watershed (Silver Beach Neighborhood) implementing limits on allowed uses, impervious area, earthwork and related water quality protection measures [Ord. 2001-01-001].

16. The Washington State Department of Ecology (DOE) has listed portions of Lake Whatcom as an "impaired water body" on the 303(d) list under the Clean Water Act of waterbodies not attaining water quality criterion for dissolved oxygen.

17. It has been recommended by the DOE that Lake Whatcom also be placed on the 303(d) list for impairments resulting from the toxic pollutants PCB-1254, PCB-1260 and mercury and that Austen Creek, Park Place Drain, and Cable Street drainage are listed as impaired for not attaining water quality criteria for bacteria.

18. In February 2005, the Whatcom County Council adopted Ordinance 2005-027 imposing a moratorium on the acceptance of new building and subdivision applications within the Lake Whatcom watershed to facilitate further review and evaluation of potential management measures "to meet the TMDL goal of reversing the declining oxygen trends in Lake Whatcom".

19. Ordinance 2005-027 expresses the Council’s desire to evaluate necessary actions to meet the loading goals established in the TMDL process through such measures as development codes and regulations.


21. In August 2005, County Council adopted Ordinance 2005-065 imposing interim text amendments to WCC Chapters 20.71 and 20.97 implementing additional guidance, conditions and restrictions related to agriculture, animal hospitals, commercial kennels and stables, commercial and wholesale greenhouse activities, and design and installation of alternative surfaces.

22. On October 11, 2005, County Council introduced a proposed interim ordinance to extend the subdivision moratorium for another six months. Council is expected to take action on the proposed extension at the October 25, 2005 Council meeting.
23. Erosion, sedimentation, phosphorus and other pollutants associated with increased land clearing and development are of concern for a number of reasons including their impacts on water quality and beneficial uses such as fish, shellfish and drinking water.

24. Existing and potential sources of contamination associated with land use activities and development within the Lake Whatcom and Lake Samish watersheds could impact the availability of safe, adequate supplies of drinking water.

25. Additional guidance and limitations on land use activities are necessary to reduce potential water quality impacts from new development in sensitive drinking water watersheds.


27. The proposed zoning text amendments are consistent with the Growth Management Act planning goals, as well as the goals and policies of the Whatcom County Comprehensive Plan and the County-Wide Planning Policies.

28. The proposed text amendments to Chapters 20.71 and 20.97 WCC, attached hereto as Exhibit 1, are intended to implement permanent guidance, conditions and restrictions related to agriculture, animal hospitals, commercial kennels and stables, commercial and wholesale greenhouse activities, and design and installation of alternative surfaces within the Lake Whatcom and Lake Samish Water Resource Protection Overlay Districts. The proposed amendments are intended to replace the interim zoning text amendments adopted under Ordinance 2005-065.

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

Section 1: Whatcom County Code, Title 20, Chapters 20.71 and 20.97 be amended as shown in Exhibit 1.

Section 2: The Lake Whatcom and Lake Samish watersheds are defined as shown in Exhibits 2 and 3 respectively.

Section 3: Adjudication of invalidity of any of the sections, clauses, or provisions of this Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.
ADOPTED this 22 day of November, 2005.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Laurie Caskey-Schreiber
Laurie Caskey-Schreiber, Council Chair

Approved

Pete Krenn, County Executive

Date: 11/29/05
EXHIBIT 1

The following text amendments to Chapters 20.71 and 20.97 WCC, identified by single underline and single-strike-through text, were adopted by County Council on November 22, 2005.

Chapter 20.71
WATER RESOURCE PROTECTION OVERLAY DISTRICT

Sections:
20.71.010 Purpose.
20.71.020 Application.
20.71.021 Area and applicability.
20.71.050 Permitted uses.
20.71.100 Accessory uses.
20.71.150 Conditional uses.
20.71.200 Prohibited uses.
20.71.300 Open space and impervious surfaces.
20.71.350 Cluster subdivisions.
20.71.351 Cluster design standards.
20.71.352 Open space reserve tract.
20.71.400 Building setback/buffer areas.
20.71.600 Development criteria.
20.71.601 Parking space dimensions.
20.71.602 Parking requirements.
20.71.603 Alternative surfacing methods.
20.71.604 Vehicular access.
20.71.700 Roads, curbs, gutters and sidewalks.

20.71.010 Purpose.
The Water Resource Protection Overlay District is an overlay zone that which is intended to impose additional controls to preserve and protect unique and important water resources within Whatcom County. This district is designed to protect the long-term viability unique character of the Lake Whatcom and Lake Samish watersheds while creating opportunities a regulatory framework to address the needs of these watersheds that are not otherwise provided for available in the underlying zone districts to address the needs of these watersheds.

20.71.020 Application.

20.71.021 Area and applicability.
(1) The Water Resource Protection Overlay District is an overlay zone that which covers the entire geographic area of the Lake Whatcom and Lake Samish watersheds within Whatcom County's jurisdiction. For purposes of this title, the Lake Samish watershed shall consist of that portion of the Finlay Creek sub-basin of the Samish River watershed that lies within Whatcom County.
(2) This district may be expanded to include other areas through the annual zoning text amendment process.
(3) The Lake Whatcom and Lake Samish watersheds are also designated as stormwater special districts pursuant to under the stormwater regulations contained in WCC 20.80.935 and as water resource special management areas pursuant to under the clearing regulations contained in WCC 20.80.735.
(4) If the event that the provisions of this chapter conflict with the provisions of WCC Title 23 - the Shoreline Management Program, the Chapter 16.16 WCC - Critical Areas Ordinance, the Whatcom County Development Standards, or the provisions of the underlying zoning district or other applicable county policies or regulations, then the most restrictive shall apply provided that, with the exception of the minimum setback provisions established in WCC 20.71.403, shall prevail.

20.71.050 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.

.051 Agriculture - including animal husbandry, horticulture - viticulture - floriculture, and the cultivation of crops; provided uses which involve five or more animal units or cultivation of two or more acres shall be subject to completion of a conservation plan in conformance with Appendix A, Conservation Program on Agricultural Lands, of the Whatcom County Critical Areas Ordinance. All new and pre-existing agricultural uses, other than structures, with two to five animal units shall comply with the setbacks established in the Critical Areas Ordinance unless they have completed and implemented a conservation plan which provides for a smaller buffer.

.0512 Private noncommercial greenhouses less than 250 square feet

20.71.100 Accessory uses.
All accessory uses in the underlying zone districts are permitted except as expressly prohibited or made conditional, or further conditioned by this chapter.

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

.151 On-site storage facilities for hazardous wastes associated with outright permitted uses or approved conditional uses, other than cattle industries as defined in WCC 20.71.215, subject to the most current siting criteria under Chapter 173-303 WAC within the Rural, Rural Forestry, Commercial Forestry, Neighborhood Commercial and Resort Commercial Zone Districts only.

.153 Animal hospitals and accessory kennels and stables, or commercial kennels and stables intended for the boarding or training of domestic animals located in the Rural Zone, provided:
(1) No building or animal enclosures other than pasture fencing shall be located closer than 50 feet from the external property line;
(2) Such facilities must provide a waste disposal program that demonstrates that animal waste will not impact surface or ground water;
(3) Such facilities which accommodate five or more animal units shall be subject to completion of a conservation plan in conformance with Appendix A, Conservation Program on Agricultural Lands, of the Whatcom County Critical Areas Ordinance. Pre-existing facilities with more than two, but less than five, animal units shall comply with the setbacks established in the Critical Areas Ordinance unless they have completed and implemented a conservation plan which provides for a smaller buffer; and
(4) 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 any potential water-related impacts or any other potential adverse impacts; said program is to be recorded as one of the conditions attached to the permit.
.1524 Retail or wholesale plant nurseries or greenhouses for storage, propagation and culture of plants, provided:
(1) Greenhouses shall not be larger than 1,000 square feet.
(2) Greenhouses and cultivated ground shall not be located within 250 feet of Lake Whatcom, Lake Samish, or streams subject to the Shoreline Management Program, 200 feet from fish bearing streams, or 150 feet from other streams, and their tributaries, that which flow into Lake Whatcom or Lake Samish.
(3) A monitoring program has been established to ensure that chemical and pesticide quantities in stormwater runoff do not exceed state water quality standards. Complete control of drainage from the operation shall be in effect. Such runoff will be tested for pollutants bimonthly for pollutants and there will be quarterly unannounced spot-checks by a licensed water quality testing agency. All requirements will be met at the owner’s expense.
(4) No person shall apply a commercial fertilizer, either liquid or granular, that is labeled as containing more than 5% phosphorous or other compound containing phosphorous, such as phosphate, provided that such fertilizers may be used for establishment of new vegetation in the first growing season.

.185 Type I solid waste handling facilities, except:
(1) Moderate risk waste facilities; and
(2) Facilities in the Recreation and Open Space District.

.207.1200 Prohibited uses.
In addition to the uses prohibited in the underlying zone districts, the following uses are prohibited, except as per WCC Chapter 20.83:
.201 Dry cleaning establishments.
.202 Gas stations, service stations, combustion engine repair garages and automotive wrecking yards.
.203 Sod farming.
.204 Aquaculture and mariculture projects.
.205 The operation of fur farms.
.206 Confinement feeding operations.
.207 Asphalt and concrete batch plants.
.208 Gravel bar scalping projects within the jurisdiction of the Shoreline Management Program.
.209 Utilization of sewage sludge on land.
.210 On-site treatment facilities for hazardous wastes.
.211 Type I solid waste handling facilities, except those specified in WCC 20.71.185.
.212 Type II and Type III solid waste handling facilities.
.213 Golf courses.
.214 Cemeteries.

.215 Cottage industries that which would require on-site hazardous waste storage facilities.

.216 Surface mining outside of designated Mineral Resource Lands (MRL) Special Districts, provided that surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.08 RCW) is permitted.

.217 Major passenger intermodal terminals.

.218 Freight railroad switching yards and terminals.

.219 Agriculture including animal husbandry, horticulture, viticulture, floriculture, and the cultivation of crops.

.220 Animal hospitals and accessory kennels and stables.

.221 Commercial kennels and stables.

20.71.300 Open space and impervious surfaces.

.301 Open space requirements shall be as follows:

(1) For uses in the TC and NC Zones, at least 25 percent of the parcel shall be reserved as open space.

(2) For uses in the RC Zone, at least 40 percent of the parcel shall be reserved as open space.

(3) Open space areas shall be maintained in natural vegetation or landscaped per WCC 20.80.325.

(4) For properties within the jurisdiction of the Shoreline Management Program (WCC Title 23), submerged lands and/or tidelands within the boundaries of any waterfront parcel that are located waterward of the ordinary high water mark shall not be used in open space calculations.

.302 Impervious surface requirements shall be as follows:

(1) For uses in the UR, URM and RR Zone Districts, at least 80 percent of the lot or parcel shall be kept free of structures and impervious surfaces.

(2) For uses in the R Zone District, at least 90 percent of the lot or parcel shall be kept free of structures and impervious surfaces.

(3) For lots or parcels where the applicable formula in subsections (1) or (2) of this section would allow a 2,500 square feet of total feet-impervious surface area, 2,500 square feet of impervious surface shall be allowed.

(4) Two or more lots of record consolidated pursuant to the provisions of WCC 20.83.070 shall be treated as one undivided parcel for the purpose of calculating total allowable impervious surface. Where two or more lots or parcels are consolidated, are not subject to the provisions of WCC 20.83.070 and are not subject to a permanent restrictive covenant which precludes development of buildings, structures or other improvements not otherwise identified by said covenant, 4,000 square feet of impervious surface shall be allowed.

(54) Pre-existing nonconforming impervious surfaces may be routinely maintained or redeveloped, provided that, however, if 50 percent or greater, of the pre-existing nonconforming impervious area is to be redeveloped, then the applicable impervious surface limitations of shall apply per subsections (1), (2) and (3) shall apply to this section. However, if a legal nonconforming structure is destroyed, the pre-existing nonconforming use may be
reconstructed using the pre-existing footprint. Expansion of nonconforming impervious surfaces shall be prohibited.

(56) A mobile home within an existing mobile home park may be replaced with a larger mobile home (not to exceed a maximum of 1,500 square feet) provided there is not an increase in the overall number of mobile homes in the park or any increase in other impervious surfaces beyond the new subdivision footprint.

(76) For properties within the jurisdiction of the Shoreline Management Program (WCC Title 23), submerged lands and/or tidelands within the boundaries of any waterfront parcel that are located waterward of the ordinary high water mark shall not be used in impervious/impervious surface calculations.

(87) Any portion of a roof overhanging or other overhanging architectural feature which projects further than three feet from the footprint of a structure shall be calculated as impervious surface.

(88) Gravel surfaces shall be given a 50 percent reduction in impervious surface value. Alternative surface methods described in WCC 20.71.033 may be used.

20.71.350 Cluster subdivisions.

The purpose of cluster subdivision is to provide a method of creating building lots with spatially efficient sizes. Clustering is intended to consolidate development and associated infrastructure, reduce development costs, and increase infrastructure efficiency. Clustering is also intended to help preserve open space and the character of areas, reduce total impervious surface area, and minimize development effects on critical areas and associated buffers, as defined in WCC 18.16, and resource lands. Preservation of open space is thereby intended to reduce potential stormwater runoff and associated impacts while ensuring protection of viable, undeveloped, and naturally vegetated corridors for wildlife habitat, protection of watersheds, preservation of critical areas, protection of watersheds, preservation of aesthetic values including view corridors, and preservation of trail and/or recreation areas.

20.71.351 Cluster design standards.

The creation of new building lots within Water Resource Protection Overlay Districts shall be subject to the following design standards:

(1) Cluster subdivisions shall be required for all land divisions resulting in lots less than five acres in size, with the exception of boundary line adjustments.

(2) A cluster subdivision shall include a permanent open space reserve area meeting the criteria established in WCC 20.71.352.

(3) The minimum cluster lot size requirements of the underlying zone district shall apply.

(4) The maximum number of building lots in a lot cluster shall be '0'.

(5) Clusters containing two or more lots of less than one acre within a proposed development shall be separated by at least eighty feet.

(6) Clustered building lots may only be created through the subdivision, short subdivision or binding site plan process pursuant to WCC Title 21.

(7) Building lots shall be designed and located to be compatible with, and avoid disturbance of, critical areas or other valuable or unique natural resource features or known archaeological sites, as well as physical constraints of the site.

(8) Building lots shall be arranged in a cluster/concentrated pattern.

(9) A cluster subdivision shall have no more than two common encroachments on existing county roads unless site constraints require additional road access. The arrangement of clustered building lots shall be designed to avoid development forms commonly known as linear, straight line or highway strip patterns.

(10) As applicable, interior streets shall be designed to allow future vehicular access to any portion of the reserve tract which may be divided into future building lots, provided that the required permanent open space reserve area, pursuant to 20.71.352, shall not be further subdivided.
20.71.352 Open space reserve area.

(1) For purposes of this title, an "open space reserve area" shall be defined as that portion of a subdivision or short subdivision set aside in accordance with this chapter, and permanently dedicated for active or passive recreation, critical area protection, natural resource or archaeological site preservation, wildlife habitat, and/or visual enjoyment, and shall be consistent with the definition of "open space" pursuant to WCC 20.97.275.

(2) The open space reserve area shall be subject to the following provisions:

(a) The minimum open space reserve area shall be determined by the minimum cluster subdivision reserve area requirements of the underlying zone district.

(b) A permanent open space reserve area shall be protected using one of the following mechanisms:

(i) Placement in a separate non-building tract owned in common by all lots within the subdivision;

(ii) Covered by a protective easement or public or private land trust dedication which protects at least the minimum required cluster reserve area specified in the underlying zone district; or

(iii) Preserved through an appropriate permanent protective mechanism that provides the same level of permanent protection as subsection (i) of this section as determined by the County Zoning Administrator or Hearing Examiner which applies to at least the minimum required cluster reserve area specified in the underlying zone district.

(c) The boundaries of the open space portion of the reserve area may be altered only if the county finds that in dedicating adjacent reserve areas it would further the objectives listed in WCC 20.71.350 by altering the reserve area and increasing the area of reserve proportionately on the adjacent and being subdivided so that there is no net reduction in open space reserve area.

(d) The purpose of the open space reserve area as defined in subsection 20.71.352(1) shall be recorded on the face of the final plat or short plat.

(e) The remaining unused development density and/or impervious surface allowances remaining on the parcel containing the open space reserve area, based on the gross density of the parent parcel, may be assigned to that portion of the reserve tract not subject to the minimum area requirements of 20.71.352(2)(b).

(f) The requirements stated in subsections (c) and (d) of this section shall be recorded as a restriction on the face of the final plat or short plat, and shall constitute an agreement between Whatcom County and the current/future owner(s) of record that shall run with the land. Said restriction(s) 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.

(g) For cluster subdivisions approved after December 7, 1996, that portion of the reserve tract which is kept in pervious open space may be counted toward pervious surface area requirements for the building lots in the subdivision on a prorated basis.

20.71.400 Building setback/buffer areas.

A01 Setbacks for all properties within the overlay district shall be as follows: Class I and Class II roads shall have a minimum setback of 30 feet, and Class III, IV, and V roads shall have a minimum setback of 20 feet; provided, that the road right-of-way meets the minimum standard for road rights-of-way pursuant to the Whatcom County Development Standards.
.402 Roof overhangs or other overhanging architectural features shall not project further than 18 inches into the side or rear yard setbacks. Such overhangs may extend three feet into the front yard setback; however, in no case shall they extend more than one-half the depth of the front yard setback.

20.71.600 Development criteria.

20.71.601 Parking space dimensions.

A standard parking space shall have the rectangular dimensions of 10 feet in width and 20 feet in length; provided, however, that, for any parking area of six or more spaces, 90 percent of all spaces may have the rectangular dimensions of eight feet in width and 15 feet in length and further; provided, that these spaces are marked for use by compact automobiles. Except in single-family residential areas, all dimensions shall be exclusive of driveways, aisles and other circulation areas required under WCC 20.80.550 and 20.80.570.

20.71.602 Parking requirements.

Parking shall conform to the requirements of WCC 20.80.500 through 20.80.560 unless otherwise specified in this section. Minimum parking requirements may be reduced through any of the following methods:

1. A shared parking agreement has been filed with the county auditor establishing a shared parking lot for land uses with noncompeting hours of operation, or for multi-tenant 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.

1. Mixed use developments with similar operating hours may be required to submit a parking demand study to determine if parking can be combined.

2. A 20 percent reduction may be approved if an establishment is located within 1,000 feet of any regularly scheduled bus stop.

3. The zoning administrator determines that a reduction will reduce overall impervious surfaces while maintaining consistency with this title.

20.71.603 Alternative surfacing methods.

Alternative surfaces including, but not limited to: paving blocks, bark or wood mulch, washed gravel, Surf-Block surfacing systems, permeable interlocking pavers, pervious concrete, porous asphalt, and other similar approved materials are encouraged. Alternative surfacing methods may be approved for fringes or overflow parking areas, emergency parking areas, private roads, fire lanes, road shoulders, bike paths, walkways, patios, driveways, and easement service roads in residential or commercial zones unless site constraints make use of such materials detrimental to water quality. However, utilization of alternative surfacing methods shall be subject to review and approval by the Whatcom County public works department, fire marshal and/or the county ADA coordinator for compliance with other applicable regulations and development standards. Surfaces that comply with this section shall not be considered impervious surfaces under WCC 20.71.300 unless the following conditions are met:

1. Bark, wood mulch, and washed gravel shall be designed and installed so that all rain water falling upon the alternative surfacing will be infiltrated directly beneath the alternative surface without generating surface runoff based on the one-year, 24-hour storm event.

2. Other alternative surfacing methods shall be designed and installed in accordance with the guidelines in the 2005 Low Impact Development Technical Guidance Manual for Puget Sound or subsequent version, prepared by the Puget Sound Action Team (Publication No. PSAT 05-03), as applicable. No pervious surface credit shall be given for projects utilizing an underdrain system.
20.71.624 Vehicular access.
Driveways and curb cuts shall be minimized along all arterial and 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 arterial or collector roads.

20.71.700 Roads, curbs, gutters and sidewalks.
The intent of this section is to reduce impervious surfaces and stormwater runoff. Innovative street sections, which do not compromise public safety, shall be encouraged in the watershed. Narrow streets and reduced sidewalk standards that satisfy pedestrian and vehicular circulation requirements may be implemented with the approval of the Whatcom County public works department. Unless specifically required, roads shall not be wider than the minimum applicable standard. A rural road standard may be approved by the Whatcom County public works department for urban density residential areas where the developer provides adequate off-street parking and pedestrian walkways.

Chapter 20.97 - DEFINITIONS

20.97.187 Impervious surface.
"Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater. Natural surface waters and open, uncovered detention/retention facilities shall not be calculated when determining total impervious surfaces. Gravel roads shall be considered low-grade pervious and shall be given a 50-percent reduction in impervious surface value. Alternative surface methods as set forth in WCC 20.71.603 shall not be considered impervious surfaces.