WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

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<th>Originator:</th>
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<td>Gary Davis</td>
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| Division Head: | Initial | Date       |                               |             | SCOTW                        |
| Rosanne Michael |         | 5/22/12    |                               | 6/12/2012   |                              |

| Dept. Head:     | Initial | Date       |                               |             | SCOTW, Introduction          |
| Sam Ryan        |         | 5/22/12    |                               | 6/19/2012   |                              |

| Prosecutor:     | Initial | Date       |                               |             | SCOTW                        |
| Royce Buckingham |         | 5/22/12    |                               | 7/24/2012   |                              |

| Purchasing/Budget: | Initial | Date       |                               |             | SCOTW, Public Hearing        |
| Jack Loews       |         | 5/22/12    |                               | 7/24/2012   |                              |

| Executive:      | Initial | Date       |                               |             | Public Hearing               |
| Jack Loews      |         | 5/22/12    |                               | 8/07/2012   |                              |

TITLE OF DOCUMENT:
Rural Element Update

ATTACHMENTS:
1. Proposed Ordinance, including draft amendments and Findings of Fact and Reasons for Action
2. Staff Memorandum

SEPA review required? (X) Yes ( ) NO
SEPA review completed? (X) Yes ( ) NO

Should Clerk schedule a hearing? (X) Yes ( ) NO
Requested Date

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:
6/5/2012: Committee recommends Council refer this to the Committee of the Whole. Schedule COTW meeting on this issue on June 12 at 1 p.m.
6/12/2012: Amended and held to June 19, 2012 at 1 p.m.
6/19/2012: Discussed and Amended.
7/24/2012: Discussed

COUNCIL ACTION:
6/05/2012: Introduced
6/19/2012: Substitute Introduced 6-0
7/24/2012: Substitute amended and public hearing scheduled for August 7. Public hearing testimony will be limited to the amendments approved on July 24, 2012.
7/24/2012: Introduced
7/24/2012: Council Adopted 4-3, Brenner, Knutzen and Weimer opposed
Ord. 2012-032

Related County Contract #: PLN2012-00012
Related File Numbers: AB2012-72d
Ordinance or Resolution Number: Ord. 2012-032

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.
ORDINANCE AMENDING WHATCOM COUNTY ZONING CODE TITLE 20, THE OFFICIAL WHATCOM COUNTY ZONING MAP, AND THE WHATCOM COUNTY COMPREHENSIVE PLAN AND MAPS, TO IMPLEMENT CHANGES RELATING TO RURAL LAND USE PLANNING

WHEREAS, the Washington State Growth Management Act (GMA) requires Whatcom County to include a rural element in its Comprehensive Plan that governs rural development; and

WHEREAS, time is of the essence to complete the revisions of Whatcom County’s rural element due to an order of the Western Washington Growth Management Hearings Board in *Futurewise v. Whatcom County*, Case No. 11-2-0010c and 05-2-0013; and

WHEREAS, the recommended amendments have been considered by the Whatcom County Planning Commission, the Whatcom County Council Planning and Development Committee and the Whatcom County Council; and

WHEREAS, legal notice requirements have been met; and

WHEREAS, the County Council finds the Comprehensive Plan and zoning amendments in the interest of the public health, safety, and welfare, based on the following findings and conclusions:

**FINDINGS OF FACT:**


2) An addendum to the May 1, 2009 determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on April 27, 2012.

3) The proposed amendments were posted on the County website on July 25, 2012. Previous drafts have been continuously posted on the website since March 6, 2011.

4) Notice that the proposal had been posted on the County website was sent to citizens, citizens groups, cities, service providers, media and other groups on the County’s e-mail list on July 25, 2012.
5) Notice of the subject amendment was submitted to the Washington State Department of Commerce on March 8, 2012.

6) Notices of the Planning Commission hearings for the subject amendment were published in the Bellingham Herald on March 8, and May 14, 2012.

7) Notice of the Planning Commission hearing for the subject amendment was posted on the County’s website on May 11, 2012.


**GMA Requirements**

9) The Washington Growth Management Act (GMA) requires county comprehensive plans to include a rural element that protects the county’s established rural character by containing or otherwise controlling rural development.

10) GMA (RCW 36.70A.070(5)(a)) allows counties to consider local circumstances in its rural element but requires counties to develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of RCW 36.70A. (See Conclusions 2 and 3 below).

11) GMA allows, but does not require, counties to designate “limited areas of more intensive rural development” (LAMIRDs) (RCW 36.70A.070(5)(d)) and describes three types of development patterns that may be considered LAMIRDs:

   a) Type I: “Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development villages, hamlets, rural activity centers, or crossroads developments...Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas.” (RCW 36.70A.070(5)(d)(i)) In RCW 36.70A.070(5)(d)(iv), GMA states, “Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands as provided in this subsection.”

   b) Type II: “The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting but that do not include new residential development...” (RCW 36.70A.070(5)(d)(ii)

   c) Type III: “The intensification of development on lots containing isolated
nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents..." (RCW 36.70A.070(5)(d)(iii)

12) GMA requires that the rural element of a county comprehensive plan provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses, and allows counties to use innovative zoning techniques that will accommodate appropriate rural densities and uses that are consistent with rural character.

13) GMA requires that the rural element of a county comprehensive plan provide measures governing rural development that protect the rural character by:
   a) Containing or otherwise controlling rural development;
   b) Assuring visual compatibility of rural development with the surrounding rural area;
   c) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
   d) Protecting critical areas, as provided in RCW 36.70A.060, and surface and ground water resources; and
   e) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

14) GMA requires local governments that are required or choose to plan under GMA to utilize a process established by the Washington State Attorney General to assure that proposed regulatory or administrative actions do not result in an unconstitutional taking of private property. (RCW 36.70A.370) The Whatcom County Prosecutor’s office informed the Planning Commission and County Council of this requirement and, in accordance with Attorney General’s Advisory Memorandum, advised the Council regarding the proposed amendments with respect to avoiding unconstitutional taking of private property.

15) The legislature finds that to retain and enhance the job base in rural areas, rural counties must have flexibility to create opportunities for business development. Further, the legislature finds that rural counties must have the flexibility to retain existing businesses and allow them to expand. (RCW 36.70A.011)

Growth Management Hearings Board Decisions: Futurewise vs. Whatcom County

16) In Futurewise v. Whatcom County and Gold Star Resorts, Inc. (#05-2-0013 Sept. 20, 2005 Final Decision and Order), the Western Washington Growth Management Hearings Board (WWGMHB) found Whatcom County out of compliance on three issues: The policies pertaining to Small Town, Crossroads Commercial, Resort and Recreational Subdivision, Suburban Enclave, and Transportation Corridor land use designations allow the creation of more intensive areas of rural development that do not comply with RCW
36.70A.070(5)(d); The Rural Residential zones (RR-1, RR-2, RR-3), Eliza Island (EI) zone, Rural two-acre (R-2A), and Rural Residential Island (RRI) zones allow residential densities that are not rural in the rural areas and are not in limited areas of more intensive rural development per RCW 36.70A.070(5)(d); and Urban Residential three-per-acre (UR-3) zoning in urban growth areas (except the UR-3 in Lake Whatcom watershed and the airport hazard area) failed to achieve appropriate urban densities.

17) In June, 2007 Whatcom County rezoned approximately 1,700 acres in the Ferndale and Everson UGAs to UR-4 in 2007 (Ord. 2007-030 and 2007-045) to address the urban density noncompliance issue in the September 20, 2005 Futurewise v. Whatcom County and Gold Star Resorts, Inc. decision.

18) The WWGMBH issued a finding of compliance on the urban density issue on August 30, 2007.

19) The September 20, 2005 Futurewise v. Whatcom County and Gold Star Resorts, Inc. decision relating to the land use designations and rural density issues was reversed in Whatcom County Superior Court in 2006. The Superior Court decision was, in turn, reversed by the Division I Court of Appeals in 2007, which reinstated the 2005 WWGMBH decision and ordered Whatcom County to comply with that decision (140 Wn. App. 378). In December, 2009 the Supreme Court of the State of Washington reversed the Court of Appeals’ holding that the hearings board did not improperly apply a bright line in addressing the challenge to Whatcom County’s rural densities, but affirmed the Court of Appeals’ decision that Whatcom County’s comprehensive plan did not comply with the Growth Management Act’s LAMIRD provisions. The Supreme Court remanded the rural density challenge to the Hearings Board for reconsideration without applying a bright line rule, and ordered Whatcom County to “revise its comprehensive plan to conform to the LAMIRD provision of the Growth Management Act and then apply the statutory criteria to establish appropriate areas of more intensive rural development.” (167 Wn.2d 723, 735, 222 P.3d 791)

20) In August, 2009 Whatcom County amended Whatcom County Code (WCC) Chapter 20.34 Rural Residential – Island District (one of the zones found to be out of GMA compliance in the 2005 Futurewise vs. Whatcom County decision) to change the required minimum lot size from three acres to five acres (Ord. 2009-062).


22) In 2011 the Washington Supreme Court issued a ruling in Kittitas County (172 Wash.2d 144) regarding the GMA requirement that county comprehensive plans must contain measures that protect the rural character.

23) On September 9, 2011, the GMHB Order Following Remand from the Supreme Court regarding the remaining rural density from case #05-2-0013 (remanded by the 2009 Supreme Court decision) found Ordinance 2011-013’s
retention of rural zoning with density of one dwelling per two acres was compliant with the GMA because it was limited to areas in which similar densities had already been established.


25) The January 9, 2012 GMHB Final Decision and Order (FDO) in Futurewise et al v. Whatcom County (#11-2-0010c) found the amendments adopted under Ordinance 2011-013 out of compliance with respect to several issues involving Comprehensive Plan policies, LAMIRD boundaries and development regulations, and found invalidity on some of those issues.

Other Relevant Growth Management Hearings Board Decisions

26) Regarding the term “built environment,” the built environment includes those facilities which are manmade, whether they are above or below ground, and the built environment must predominate within a LAMIRD, though it may include limited undeveloped lands. (Anacortes vs. Skagit County, Case No. 00-2-0049c, Final Decision and Order, February 6, 2001)

27) The WWGMHB found that RCW 36.70A.115 does not impose an obligation on counties to conduct a needs and capacity analysis for areas outside the UGAs and that provision does not require a rural lands analysis but instead merely requires the County to ensure sufficient capacity of land for development to accommodate the growth allocated in the County’s countywide planning policies. (Friends of Skagit County vs. Skagit County, Case No. 07-2-0025c, Final Decision and Order, pp-43-43, May 12, 2008)

28) The WWGMHB found the uses a county allows within LAMIRDS designated per RCW 36.70A.070(5)(d)(i) must be consistent with (though not necessarily the same as) the uses as of July 1, 1990, and allowance of a broader range of uses as conditional uses is not compliant with GMA. (Dry Creek Coalition and Futurewise vs. Clallam County, Case No. 07-2-0018c, Final Decision and Order, April 23, 2008)

29) The WWGMHB found Clallam County’s Rural Neighborhood Conservation (NC) Overlay (Clallam County Code 33-10-015), which permits rural densities outside LAMIRDS greater than one dwelling per five acres based on a calculation of the density of developed lots within 500 feet of a property, to be compliant with the Growth Management Act. The Board stated, “Because infill allowed by the NC overlay is limited to neighborhoods that have already been substantially developed, this will not lead to the “inappropriate conversion of undeveloped lands into sprawling, low-density development...”, a reference to Goal 2 of the GMA. (Dry Creek Coalition and Futurewise v. Clallam County, WWGMHB No. 07-2-0018c, Compliance Order, November 3, 2009, p.10)

30) The WWGMHB has found LAMIRD boundaries that take into account existing water lines (on July 1, 1990) capable of serving more intensive rural uses and densities to be compliant with the Growth Management Act. (1000 Friends of
Washington vs. Thurston County, WWGMHB No. 05-2-0002, Compliance Order, November 30, 2007)

31) The Washington State Supreme Court has held that a growth management hearings board cannot base its evaluation of a county’s permitted rural densities on a “bright line” rural density of one dwelling per five acres. (Thurston County vs. Western Washington Growth Management Hearings Board, 164 Wn.2d 329, 190 P.3d 38, 2008; and Gold Star Resorts vs. Futurewise and Whatcom County, 167 Wn.2d 723, 735, 222 P.3d 791, December 17, 2009)

32) The WWGMHB found Whatcom County used appropriate Type I LAMIRD criteria to revise its comprehensive plan designation boundary in the Lake Samish area. (Leenstra vs. Whatcom County, WWGMHB Case No. 03-2-0011, Final Decision and Order, September 26, 2003)

33) The WWGMHB found Jefferson County was not clearly erroneous when it designated a LAMIRD adjacent to an urban growth area where the City of Port Townsend had decided it was inappropriate to expand its urban growth area. (People for a Liveable Community, Jim Lindsay, et al. vs. Jefferson County, WWGMHB Case No. 03-2-0009c, Final Decision and Order, August 22, 2003)

34) The WWGMHB found that the use of the term “or” rather than “and” in RCW 36.70A.070(d)(i)(C) “appears to indicate a Legislative determination that the factors of building size, scale, use, or intensity are ones that may be considered in determining the character of the existing area, but that development is not required to meet every one of those parameters. If the Legislature had intended to use the word ‘and’ in the statute, they would have done so.” (Dry Creek Coalition vs. Clallam County, WWGMHB Case No. 08-2-0033, Final Decision and Order, June 12, 2009, p.8)

Whatcom County Policy and Requirements

35) WCC 2.160.080 requires that, in order to approve the proposed comprehensive plan amendments the Planning Commission and County Council must find all of the following:

a) The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.

b) Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.

c) The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
i) The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.

ii) The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.

iii) Anticipated impact upon designated agricultural, forest and mineral resource lands.

d) The amendment does not include or facilitate spot zoning.

e) Urban growth area amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated TDR sending area, with certain exceptions.

36) Whatcom County’s County-wide Planning Policies include policies related to rural lands:

a) County-wide Planning Policy B.1 states, “The county shall work with citizens to define a variety of types of rural areas based on the characteristics and needs of different areas.”

b) County-wide Planning Policy B.2 states, “The county shall discourage urban level development outside Urban Growth Areas and outside of areas currently characterized by a development threshold greater than a rural development density.”

c) County-wide Planning Policy B.3 states, “Whatcom County shall promote appropriate land uses and allow for infill within rural settlements characterized by existing commercial industrial, and intensive residential development greater than a rural development density. These areas should be clearly delineated and not expanded beyond logical outer boundaries in accordance with RCW 36.70A.070(5). Impacts on rural character, critical areas and other economic considerations as well as the availability of capital facilities and rural levels of service must be considered before allowing infill in these areas.”

d) County-wide Planning Policies P.1 and P.2 reflect GMA Planning Goal (6) (RCW 36.70A.020(6)), which states private property shall not be taken for public uses without just compensation, and Whatcom County Charter Section 1.11, which states no regulation or ordinance shall be drafted and adopted without consideration of and provisions for compensation to those unduly burdened.

Population Projections

37) Whatcom County Comprehensive Plan Table 4, adopted in 2009 and amended in 2010, adopts population estimates and projections for the Urban Growth Areas and the non-urban areas between 2008 and 2029. The Plan
projects a total net population growth of 56,755 persons in all of Whatcom County during that time, and projects the distribution of that growth “assuming...that the portion of growth to urban areas is approximately 85% of county-wide growth, with the balance to rural areas.” The table estimated the 2008 non-urban population at 59,392 and, adding 8,300 (15% of the projected county net population growth), projected a 2029 non-urban population of 67,692. These estimates and projections were based on 2009 population estimates by the Washington Office of Financial Management (OFM), which estimated the 2008 total county population to be 191,000 based on data from the 2000 census.

38) After the 2010 census was completed, OFM released new estimates revising the 2008 estimated total county population upward from 191,000 to 197,675. The 2010 census estimated the total county population at 201,400 in that year and OFM estimated the total population of the UGAs at 136,359. Subtracting the urban population from the total population leaves a rural population estimate of 65,041 in 2010 – nearly 6,000 higher than Whatcom County’s estimated 2008 rural population of 59,392, which was based on pre-2010-census OFM estimates.

39) Whatcom County PDS has estimated that residential permit activity in the non-urban area in 2008 and 2009 would account for a population growth of only 671 persons and there is no evidence to support a conclusion that the rural population actually grew by 6,000 (from 59,392 to 65,041) in two years.

**Whatcom County Affected Areas and LAMIRD Designations**

40) In determining the areas to be included within Type I LAMIRD designations, PDS consulted the best available information to verify the built environment on July 1, 1990 (the date on which the GMA took effect for Whatcom County - applied to Type I LAMIRD designations), and other documentation provided by property owners and public utility providers. Based on this data PDS prepared analysis maps for each of the affected areas and published them on the county’s internet site.

41) The areas proposed as LAMIRDS described in RCW 36.70A.070(5)(d)(i) (Type I LAMIRDS) each are delineated by a logical outer boundary based on criteria in Policy 2HH-1(C) and RCW 36.70A.070(5)(d)(iv), generally areas characterized by the built environment and development more intensive than surrounding rural areas on July 1, 1990.

42) The areas proposed as LAMIRDS described in RCW 36.70A.070(5)(d)(iii) (Type III LAMIRDS) include lots that meet the criteria of Policy 2HH-3 and RCW 36.70A.070(5)(d)(iii), generally lots or small groups of lots that were characterized by isolated nonresidential development. The county interprets the term “isolated” to apply to small groups of lots containing uses that are isolated from other small groups of lots with similar uses, acknowledging historic development patterns while preventing these uses from expanding beyond the LAMIRD to create new patterns of sprawl development.

43) In the Rural and Rural Residential zones, the current minimum permitted lot
size of five acres where public water is not available (WCC 20.32.253 and 20.36.253) is retained.

44) During the most recent ten-year review of Whatcom County’s urban growth areas, neither the City of Ferndale nor the City of Bellingham wished to include any of the proposed LAMIRD areas adjacent to their urban growth area boundaries (including North Bellingham, Fort Bellingham/Marietta, or Emerald Lake) in their urban growth areas.

Public Participation

45) Whatcom County’s County-wide Planning Policies include policies related to citizen involvement:

a) County-wide Planning Policy A.2 states, "The county and the cities shall provide opportunities for citizens to become involved in the growth management planning process through various mechanisms, such as surveys, public workshops, meetings, hearings, and advisory committees."

b) County-wide Planning Policy A.4 states, "Citizen comments and viewpoints shall be incorporated into the decision-making process in development of draft plans and regulations. Consideration of citizen comments shall be evident in the decision-making process."

46) The Whatcom County Planning Commission held open work sessions on the proposed amendments on February 23, March 8, April 12, April 19, April 26, and May 2, 2012 and held public hearings on March 22 and May 24, 2012. Since publication of the first draft amendments on March 6, 2012, the most current draft amendments have been continuously posted on the County’s web site, as have all documents presented to the Planning Commission and all written public comments.

47) The Whatcom County Council held open work sessions on June 5, 2012 (Planning and Development Committee), June 12, June 19 and July 24, 2012 (Special Committee of the Whole) and a public hearing on July 24, 2012. On July 24, 2012 the County Council introduced an ordinance for consideration at the public hearing; that introduced ordinance was posted on the County’s web site on July 25, 2012.

CONCLUSIONS:

1) The proposed amendments are consistent with the goals and requirements of the Washington Growth Management Act (GMA) and are in the public interest, and the proposed amendments to Whatcom County Code and the Official Zoning Maps are consistent with the Comprehensive Plan.

2) The rural element of the Comprehensive Plan, as amended, harmonizes the GMA planning goals in RCW 36.70A.020.

a) Urban growth. Proposed Comprehensive Plan Policy 2/DD1 encourages development in urban areas by concentrating growth in urban areas per the adopted population projections and monitoring rural growth and taking
actions as necessary to keep rural growth consistent with adopted projections.

b) Reduce sprawl. Proposed Comprehensive Plan Policy 2.DD-8 and policies guiding growth within rural land use designations (under Goals 2GG, 2JJ, 2KK, 2LL) reduce the inappropriate conversion of undeveloped land into sprawling, low density development in the rural area through use of LAMIRDs with clearly defined boundaries and criteria for creating or changing those boundaries consistent with RCW 36.70A.070(5)(d). Policies 2MM-1 and 2 control and contain areas of higher rural densities.

c) Transportation. Comprehensive Plan Policy 2DD-1, which encourages growth in urban areas and keeps rural growth consistent with adopted projections, is consistent with effective planning of efficient countywide multimodal transportation systems. Policies 2FF-1, 2FF-2, 2FF-4 and the text describing rural character and lifestyle support rural employment opportunities, which can reduce vehicle trips from rural to urban areas.

d) Housing. Comprehensive Plan Policy 2GG-2, in conjunction with the development regulations in WCC 20.32 Residential Rural District and 20.36 Rural District, allows for residential development at a variety of densities appropriate to established rural character and development patterns.

e) Economic development. Comprehensive Plan Policies 2DD-8, 2DD-9, 2EE-8, 2FF-1, 2FF-2, 2FF-3, 2FF-4, and 2JJ-5 support retention and expansion of existing businesses in rural areas within the capacity of natural resources and appropriate levels of rural services.

f) Property rights. Neither the rural element nor the process leading to its adoption has taken private property for public use without just compensation or involved arbitrary and discriminatory actions. On April 12, 2012 the Planning Commission was briefed on the Attorney General’s Advisory Memorandum on Avoiding Unconstitutional Takings of Private Property, per RCW 36.70A.370.

g) Permits. Nothing in the rural element prevents permit applications from being processed in a timely and fair manner.


i) Open space and recreation. Policies 2DD-2.A.2, 2DD-2.A.3, 2DD-2.B, 2DD-2.C, which adopt by reference various development regulations, provide measures to assure visual compatibility with surrounding rural areas, reserve open space through lot clustering, and to protect wildlife habitat and water resources.

j) Environment. Policy 2DD-2.C, which adopts by reference various development regulations, provides measures to protect critical areas and surface and ground water resources.

k) Citizen participation and coordination. Throughout the process to develop
and adopt amendments to the rural element, citizens and local jurisdictions have been kept informed and invited to participate through use of e-mail and internet.

i) Public facilities and services. Policy 2DD-2.A.4, which adopts by reference WCC 20.80.212 Concurrency, ensures that no subdivision, commercial development or conditional uses be approved without a written finding that service providers have adequate capacity to serve the development and that no County facilities will be reduced below applicable levels of service as a result of the development

m) Historic preservation. Policy 2DD-7 supports maintaining the historic character and cultural roles of each rural area and community.

3) The rural element of the Comprehensive Plan and the county development regulations, as amended, meet the requirements of the Growth Management Act, RCW 36.70A.

a) The rural element includes measures that protect the rural character per RCW 36.70A.070(5)(c) in Policies 2DD-1, 2DD-2, 2GG-2, and 2MM-1-4.

b) The rural element provides for limited areas of more intensive rural development, limited per the requirements of RCW 36.70A.070(5)(d), in policies 2HH-1 through 3, 2II-1 through 8, 2KK-1 and 2, and 2LL-1-4.

c) The rural element contains a description of rural character and lifestyle that considers local circumstances as permitted in RCW 36.70A.070(5)(a), and contains the GMA definition of rural character per RCW 36.70A.030(15).

d) Policies 2DD-8, 2DD-9, 2EE-8, 2FF-1, 2FF-2, 2FF-4, and 2JJ-5 support retention and expansion of existing businesses in rural areas, as supported by RCW 36.70A.011.

e) Comprehensive Plan policies describing rural land use designations and rural services (under Goals 2EE, 2GG, 2JJ, 2KK, 2LL, and 2MM), and the development regulations that implement those policies, are consistent with RCW 36.70A.070(5)(b), which requires the rural element to provide for a variety of rural densities, uses, essential public facilities and rural governmental services.

f) Policies 2DD-2.A.2, 2DD-2.A.3, 2DD-5, 2DD-6, 2GG-6, and 2MM-2 support innovative techniques, consistent with RCW 36.70A.070(5)(b).

g) The County has evaluated the Comprehensive Plan and development regulation amendments to ensure that they do not result in an unconstitutional taking of private property, per RCW 36.70A.370.

4) The amendments to the rural element of the Comprehensive Plan and the county development regulation meet the requirements of the January 9, 2012 GMHB Final Decision and Order (FDO) in Futurewise et al v. Whatcom County (#11-2-0010c):

a) Policy 2A-11 is amended to eliminate reference to contiguous lands in establishing LAMIRD boundaries. (FDO, p. 53)
b) Policy 2HH-1 is amended to replace the term "parcel" with the word "area" when describing areas that were developed and characterized by the built environment on July 1, 1990. (FDO, p. 56)

c) The reference to past uses in Policy 2HH-2 is removed. (FDO, p. 57)

d) In Policy 2HH-3.B.1, the phrase "should be separated" is replaced with "shall be separated". (FDO, p. 60)

e) In Policy 2JJ-4 restating the requirement of a Rural Community LAMIRD to be consistent with the size, scale, use, or intensity of the development that existed on July 1, 1990 the word "should" is replaced by "shall." (FDO, p. 62)

f) Policy 2B-2 is amended so that it does not exempt established resort areas from the requirements of RCW 36.70A.362. (FDO, p. 63)

g) Comprehensive Plan Policies 2DD-1, 2DD-2, 2DD-8 are amended to provide the necessary measures to contain or otherwise control rural development, to assure visual compatibility of rural development with the surrounding rural area, reduce the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area, to protect the Chuckanut Wildlife Corridor, and to protect Lake Whatcom’s water resources, as required by RCW 36.70A.070(5)(c)(i-iv). (FDO, p. 36-44)

h) Comprehensive Plan Policies 2MM-1 and 2 are added to "contain and control" application of the Residential Rural Density Overlay. (FDO, p. 128)

i) The boundary established for the Birch Bay-Lynden & Valley View LAMIRD complies with the GMA because there is documentation that the third parcel that was characterized by the built environment on July 1, 1990. (FDO p. 100)

j) Comprehensive Plan Map 8 is amended to designate Eliza Island as Rural, and WCC 20.35.250 is amended to establish a minimum lot size of five acres in the Eliza Island (EI) zone. (FDO, p. 101)

k) Comprehensive Plan Map 8 is amended to omit LAMIRDs in the Fort Bellingham/Marietta and North Bellingham areas. (FDO, p. 104)

l) Comprehensive Plan Map 8 is amended to exclude from the Smith & Guide Meridian LAMIRD boundaries areas that were not characterized by the built environment in 1990. (FDO, p. 111)

m) Comprehensive Plan Map 8 is amended to remove from the Van Wyck LAMIRD a parcel that was not characterized by the built environment in 1990. (FDO, p. 113)

n) Comprehensive Plan Map 8 is amended to remove from the Emerald Lake LAMIRD boundary the area south of the lake that was not characterized by the built environment in 1990. (FDO, p. 115)

o) The Official Whatcom County Zoning Map is amended to eliminate the application of the Residential Rural Density Overlay to areas in the Lake Whatcom Watershed. (FDO, p. 155)
p) Whatcom County Code 20.82.030(4), is amended to conditionally allow the expansion of urban governmental services outside LAMIRDs only where necessary to protect public health and safety, per RCW 36.70A.110(4). (FDO, p. 75)

q) The definition of the Rural Business designation in WCC 20.97.356 is amended to be consistent with the County’s treatment of Rural Business in its Comprehensive Plan. (FDO, p. 78)

r) The County’s development regulations for its LAMIRDs (WCC 20.80.100, plus development standards for commercial and industrial districts) are amended to follow the requirements of RCW 36.70A.070(5)(d)(i-iii). (FDO, p. 94)

s) Comprehensive Plan Chapter One and Policy 2DD-1 are amended to plan for rural population growth in a consistent manner, per the requirements of RCW 36.70A.070 (preamble).

5) The subject comprehensive plan amendment complies with the approval criteria of WCC 2.160.080, which requires that the County must find the following criteria, are satisfied in order to approve the proposed comprehensive plan amendment.

a) The amendment conforms to the requirements of Growth Management Act, is internally consistent with the County-Wide Planning Policies and is consistent with any interlocal planning agreements.

i) Growth Management Act

The amendments are consistent with the Growth Management Act as described in Conclusions 3 and 4, above.

ii) County-Wide Planning Policies

County-wide Planning Policy B.1 states, “The county shall work with citizens to define a variety of types of rural areas based on the characteristics and needs of different areas.” Beginning in November of 2008, Whatcom County has engaged the public in the development of the rural element amendments through public meetings, e-mail, and the County’s web site.

County-wide Planning Policy B.2 states, “The county shall discourage urban level development outside Urban Growth Areas and outside of areas currently characterized by a development threshold greater than a rural development density.” Comprehensive Plan Policy 2GG-2 states “The Rural designation includes areas of traditional rural uses and residential densities at or below one unit per five acres. To reduce the inappropriate conversion of undeveloped land into sprawling, low density development in the rural area, more intensive development shall be contained within Rural Community, Rural Tourism, or Rural Business designations, which are limited areas of more intensive rural development (LAMIRDs), and predominantly residential areas with established densities greater than one unit per five acres shall be
contained in Rural Neighborhood designations.”

County-wide Planning Policy B.3 states, “Whatcom County shall promote appropriate land uses and allow for infill within rural settlements characterized by existing commercial industrial, and intensive residential development greater than a rural development density. These areas should be clearly delineated and not expanded beyond logical outer boundaries in accordance with RCW 36.70A.070(5). Impacts on rural character, critical areas and other economic considerations as well as the availability of capital facilities and rural levels of service must be considered before allowing infill in these areas.” Comprehensive Plan policies under Goals 2HH, 2JJ, 2KK, and 2LL provide criteria and policies for limited areas of more intensive rural development. Policy 2DD-2 contains measures that assure visual compatibility with the rural area, critical areas, and water resources.

County-wide Planning Policies P.1 and P.2 reflect GMA Planning Goal (6) (RCW 36.70A.020(6)), which states private property shall not be taken for public uses without just compensation, and Whatcom County Charter Section 1.11, which states no regulation or ordinance shall be drafted and adopted without consideration of and provisions for compensation to those unduly burdened. The Comprehensive Plan amendments do not result in a taking of private property for public use without compensation. On April 12, 2012 the Planning Commission was briefed on the Attorney General’s Advisory Memorandum on Avoiding Unconstitutional Takings of Private Property, per RCW 36.70A.370.

iii) Whatcom County Comprehensive Plan

The Comprehensive Plan amendments address internal inconsistency issues identified by the Growth Management Hearings Board and proposed amendments to the Zoning Code and Zoning Maps are consistent with Comprehensive Plan Policies.

iv) Interlocal Agreements

The interlocal agreements between Whatcom County and the cities require coordination on adopting population projections and reviewing UGAs. The draft amendments to Comprehensive Plan Chapter One and Policy 2DD-1 (Issue 24) do not adopt new population projections without City-County coordination and are consistent with the coordination process described in the agreements.

b) Further studies made or accepted by the department of planning and development services indicate changed conditions that show need for the comprehensive plan amendment.
The need for this Comprehensive Plan amendment and accompanying Zoning Code and Zoning Map amendments is generated by the Growth Management Hearings Board’s January 9, 2012 FDO.

c) The public interest will be served by approving the comprehensive plan amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:

i) The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the Comprehensive Plan.

The proposed amendments either retain existing zoning intensities and densities or reduce them in rural Whatcom County. The amendments establish a strategy for monitoring and, as necessary, limiting rural population growth.

ii) The anticipated effect on the ability of the County and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.

No amendments are proposed that increase densities or intensity of uses or increase the demand for services and facilities beyond levels needed to serve development under existing zoning.

iii) Anticipated impact upon designated agricultural, forest and mineral resource lands.

No amendments are proposed that increase adverse impacts on designated resource lands. Existing measures for minimizing conflict with resource land uses are retained and incorporated by reference into the Comprehensive Plan (Policy 2DD-2).

d) The amendment does not include or facilitate spot zoning.

WCC 20.97.186 defines “illegal spot zoning” as “a zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from, and inconsistent with, the classification of surrounding land and not in accordance with the Comprehensive Plan. Spot zoning is zoning for private gain designed to favor of benefit a particular individual or group and not the welfare of the community as a whole.” Rezonings proposed under these amendments apply to areas, or to lots identified by the Growth Management Hearings Board as not meeting GMA requirements for inclusion in a LAMIRD, and therefore none meet this definition of spot zoning.

e) Urban growth area amendments that propose the expansion of an urban
growth area boundary shall be required to acquire development rights from a designated TDR sending area, unless one of the exceptions set forth in WCC 2.160.080(A)(5) applies to the amendment.

No urban growth area amendments are proposed.

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

Section 1. The Whatcom County Comprehensive Plan is hereby amended as shown on Exhibit A.

Section 2. The Whatcom County Official Zoning Code is hereby amended as shown on Exhibit B.

Section 3. The Whatcom County Official Zoning Map and Comprehensive Plan Map 8 are hereby amended as shown in Exhibit C.

Section 4. 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 the 1st day of August 2012.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Kathy Kershner, Council Chair

Jack Louws, Executive

Approved ( ) Denied

Date: August 6, 2012
EXHIBIT A
Comprehensive Plan Amendments
Population Projections

Projections of future population size are an essential component of land use planning. As required by RCW 36.70A.110, in 2007, the Washington State Office of Financial Management developed a 20-year population projection for Whatcom County. The OFM projections for 2029 are provided in Table 3 below:

**Table 3. OFM Population Projections for Whatcom County**

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>216,300</td>
<td>0.66%</td>
<td>1,265</td>
<td>25,300</td>
</tr>
<tr>
<td>Medium</td>
<td>258,448</td>
<td>1.77%</td>
<td>3,372</td>
<td>67,448</td>
</tr>
<tr>
<td>High</td>
<td>318,832</td>
<td>3.35%</td>
<td>6,392</td>
<td>127,832</td>
</tr>
</tbody>
</table>


Note: The OFM population estimate of 191,000 in 2008 was utilized as a starting point for calculating the average annual growth rates and average annual population growth figures in this table.

The Growth Management Act requires that the County plan for a 20-year population growth that is based upon the growth management population projection by the office of financial management (OFM). The county and each city must include areas and densities sufficient to permit the urban growth that is projected to occur for the succeeding twenty-year period.

The County's 2029 population projection of 247,755 is within OFM's range and therefore requires no further justification. The rationale for using this figure, which is close to OFM's medium projection, include: an overall slowing trend for growth in Washington State and Whatcom County, ensuring an adequate land supply to accommodate growth, the need to plan for growth and the need to protect the quality of life and natural resources in Whatcom County. This population projection is selected for planning purposes only and does not obligate the County to encourage growth. Given past population trends and the requirements of GMA, planning for population growth, whether it occurs or not, is critical for the quality of life, protection of natural resources and economic health of Whatcom County.
Table 4 shows how the total projected 2029 population would be distributed assuming: 1) that all of the UGAs have been annexed into existing cities; 2) that each urban area receives a share of the county’s overall growth; and 3) that the portion of growth to urban areas is approximately 85% of county-wide growth, with the balance to unincorporated rural Whatcom County (areas outside the UGAs, including rural and resource lands). The 2008 population estimates — and, by extension, the 2029 population projections — rely on OFM estimates that were based on 2000 census figures. After the 2010 census data were released, OFM revised its population estimates for the years between 2000 and 2010. As shown in Figure 1, the revised estimate for the total 2008 County population is more than 6,000 persons higher than the one used to develop the Table 4 population projections. OFM did not provide revised estimates for the UGA (or non-UGA) population in the years between 2000 and 2010, but Figure 1 shows an estimate of the non-UGA population assuming the proportion of non-UGA population held constant at about 32% of total County population in those years. The revised OFM estimates are shown in Figure 1 for illustrative purposes only; neither these estimates nor any projections based on them are adopted in this plan. The projections used in Table 4 and elsewhere in this plan will be revised using the most current OFM estimates and projections during the next UGA review, due in 2016.

Outside the UGAs there is a large number of undeveloped tax parcels. While it is not clear exactly how many of these tax parcels are legally buildable lots, the total number of potential new dwelling units could theoretically accommodate population growth in excess of the rural population projection. However, because adequate land capacity is available for growth within urban growth areas, growth is not forced into the rural areas. Through the monitoring process described in Policies 2S-5 and 2DD-1 of this plan, the County will evaluate development activity in comparison with these urban and rural growth projections and take action as necessary to address discrepancies if any are identified.

Table 4. Whatcom County Population Projections and Distribution

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham</td>
<td>89,284</td>
<td>111,761</td>
<td>22,477</td>
</tr>
<tr>
<td>Birch Bay</td>
<td>5,290</td>
<td>9,115</td>
<td>3,825</td>
</tr>
<tr>
<td>Blaine</td>
<td>4,667</td>
<td>8,916</td>
<td>4,249</td>
</tr>
<tr>
<td>Columbia Valley</td>
<td>3,924</td>
<td>5,000</td>
<td>1,076</td>
</tr>
<tr>
<td>Everson</td>
<td>2,395</td>
<td>3,623</td>
<td>1,228</td>
</tr>
<tr>
<td>Ferndale</td>
<td>12,019</td>
<td>20,707</td>
<td>8,688</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<tr>
<td>---------------</td>
<td>----------</td>
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<td>----------</td>
</tr>
<tr>
<td>Lynden</td>
<td>11,613</td>
<td>16,788</td>
<td>5,175</td>
</tr>
<tr>
<td>Nooksack</td>
<td>1,137</td>
<td>2,081</td>
<td>944</td>
</tr>
<tr>
<td>Sumas</td>
<td>1,279</td>
<td>2,072</td>
<td>793</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>131,608</strong></td>
<td><strong>180,063</strong></td>
<td><strong>48,455</strong></td>
</tr>
<tr>
<td>Unincorporated</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Whatcom County</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Whatcom County</strong></td>
<td><strong>191,000</strong></td>
<td><strong>247,755</strong></td>
<td><strong>56,755</strong></td>
</tr>
</tbody>
</table>


**Figure 1. Revised OFM Population Estimates and Adopted Population Estimates**
Chapter Two

LAND USE

OVERALL LAND USE - INTRODUCTION

ISSUES, GOALS, AND POLICIES

Issues for this section were drawn from those identified in the Whatcom County: Next Generations Visioning Process and reinforced during the Whatcom 2031 visioning process. Numerous meetings, surveys/questionnaires and other methods were used to identify what was important to people in Whatcom County.

Accommodating Growth

Community Value Statements encourage concentrating growth into urban areas. This allows for efficient provision of services and preservation of rural areas as quiet, open spaces where development pressures are not such that extraordinary regulations must be imposed. A distinct boundary is needed between rural and urban areas, discouraging sprawl, maintaining desired rural lifestyles, and conserving agricultural land.

GOAL 2A: Ensure provision of sufficient land and densities to accommodate the growth needs of Whatcom County and protect the qualities that make the county a desirable place to live.

Policy 2A-1: Concentrate urban levels of development within designated urban growth areas.

Policy 2A-2: Draw a distinct boundary between urban and rural uses.

Policy 2A-3: Provide a range of land uses which considers locational and market factors as well as required quantities of land.

Policy 2A-4: Designate land uses that reflect the best use of the land.

Policy 2A-5: Provide predictability to property owners in land use designation.

Policy 2A-6: Allow appropriate development in existing small self-contained communities through the use of the "Rural Community" land use designation.
Policy 2A-7: Provide sufficient and appropriately located residential, commercial, and industrial lands.

Policy 2A-8: Include business/industry parks, tourist/resort areas and allowance for existing crossroads commercial areas within urban growth areas or limited areas of more intensive rural development.

Policy 2A-9: Retain existing rural and heavy industrial areas in the northwestern region of the county within urban growth areas or limited areas of more intensive rural development.

Policy 2A-10: Recognize the importance of tourism and its influence on the need for land for various types of development.

Policy 2A-11: Ensure that the development potential of contiguous lands in common ownership is not compromised when urban growth boundaries and/or LAMIRD boundaries (except in cases that create abnormally irregular boundaries) are designated. The term common ownership should include lands owned by the same persons or entities and also by affiliated companies with common ownership. This should be accomplished without expanding UGA and/or LAMIRD boundaries beyond that ownership and without bridging natural divisions of urban/rural land uses such as roads, rivers, and other natural features.

Policy 2A-12: Adoption of residential, industrial and commercial comprehensive plan or zoning designations in rural areas must comply with the criteria for “limited areas of more intensive rural development” in the Growth Management Act (RCW 36.70A.070(5)).

Policy 2A-13: Allow for adequate economic development to provide economic sustainability, adequate employment opportunities, and services in and for the rural areas.

Resort Communities and Master Planned Resorts

The County’s resort areas are important to the economic viability of the County’s tourist industry and provide numerous and varied recreational opportunities for county residents and visitors. Historically important resort areas include Birch Bay, Point Roberts, Semiahmoo, and the Mount Baker winter recreational area. Resort communities provide recreational opportunities for residents of the surrounding areas.

GOAL 2B: Encourage the continued viability of existing resort communities and allow the development of new Master Planned Resorts in the future.

Policy 2B-1: Permit through the planned unit development process master planned resorts in settings of significant natural amenities within urban growth areas.
Policy 2B-2: New large-scale resort development in rural areas outside of UGAs and outside established resort areas should only be permitted as Master Planned Resorts and only when substantially in compliance with these policies and with RCW 36.70A.360.

Policy 2B-3: Work with property owners in the resort communities to develop an understanding of the unique needs of these areas and evaluate land use regulations for their responsiveness to these needs.

Policy 2B-4: New resort development and Master Planned Resorts should be developed consistent with the development regulations established for critical areas.

Policy 2B-5: No new urban land uses should be allowed in the vicinity of Master Planned Resorts, except in areas otherwise designated as urban growth areas under the Comprehensive Plan.

GOAL 2S: Ensure adequate land supply is provided to accommodate twenty years of growth within urban areas.

Policy 2S-5: Annually monitor land capacity by compiling annual reports from the cities on development activity, and comparing that data with adopted growth projections for the urban growth areas. Coordinate with the cities to amend growth projections, or amend urban growth area densities or boundaries if, over several years, the data indicate that growth is occurring at a significantly different rate than adopted projections.

RURAL LANDS – INTRODUCTION

Purpose

The purpose of the Rural Lands section is to provide direction for land use decisions in the rural areas of Whatcom County.

GMA Requirements

The state Growth Management Act (GMA) requires counties to include a Rural element in their comprehensive plan in accordance with RCW 36.70A.070. GMA defines rural lands as those that are located outside urban growth areas and which do not include...
designated agriculture, forestry, or mineral resource lands of long-term commercial significance. Agriculture, forestry and mineral resource lands are addressed separately in Chapter 8: Resource Lands.

GMA requires counties to provide for a variety of rural densities and uses in its rural areas, and to adopt measures to protect the rural character of the area, as established by the county. The GMA (RCW 36.70A.030(15)) defines “rural character” as “patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban government services; and

(g) That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.”

GMA allows counties to designate “limited areas of more intensive rural development” (LAMIRDs) where more intensive uses have been established within their rural areas. Counties making such designations must adopt measures to minimize and contain the existing areas or uses of more intensive rural development. In its findings preceding the GMA, the legislature states that rural counties must have flexibility to create opportunities for business development and must have the flexibility to retain existing businesses and allow them to expand.

Rural Character and Lifestyle

Rural Whatcom County is the portion of the County not planned for either urban or resource use and its character differs from that of the County’s urban and resource areas. While agriculture and forestry are practiced in the rural areas, it is generally on a smaller scale than in the resource areas that are set aside specifically for those purposes. The rural areas provide an important buffer between urban areas and resource lands, and the character of the rural areas is differentiated from the urban areas by less intensive uses and densities, and greater predominance of vegetation, wildlife habitat, and open space.

Small unincorporated communities have existed in the rural areas for many decades but have not become urban centers. Land uses in these communities are more intensive than those in the surrounding rural areas, and provide rural residents places to shop.
eat, play, etc., and access public services such as schools, libraries, and post offices without having to travel to cities. The businesses in these communities are important contributors to the economy of Whatcom County. Even outside these settlements, residents of the rural areas have established home occupations, cottage industries, and small-scale businesses that are an important part of the County's traditional rural economy.

Historically, rural Whatcom County has been a place of great variety. Residential densities vary greatly from homes on 10 or 20 acre lots to lots smaller than one acre in the rural communities and neighborhoods that have been established over the years. The scale and intensity of rural businesses varies from the home occupations, cottage industries, and resource-based industries to the more intensive commercial and manufacturing uses, though the County's largest commercial and industrial uses have been established in the urban areas.

Whatcom County's rural lifestyle is one where residents enjoy views of a green landscape dotted by homes and barns, and have an appreciation for clean water and air. Residents can work and shop in small rural communities, or earn a living on their own rural lands, but these enterprises do not detract from the overall sense of openness and predominance of the landscape in the rural area. Rural Whatcom County has long been a place to raise children with the values of hard work and responsible stewardship of the land, and where residents can grow food and livestock for themselves or for market. While rural property owners do not expect to be provided with urban-level services, they enjoy a quality of life and sense of self-sufficiency not ordinarily found in the urban areas.

In the rural element of this chapter, Whatcom County establishes policy consistent with the findings of the legislature and with the above vision of rural character and lifestyle that will:

- Help preserve rural-based economies and tradition lifestyles.
- Encourage the economic prosperity of rural residents
- Foster opportunities for small-scale, rural-based employment and self employment.
- Permit the operation of rural-based agriculture, commercial, recreational, and tourist businesses that are consistent with existing and planned land use patterns.
- Be compatible with the use of the land by wildlife and for fish and wildlife habitat.
- Foster the private stewardship of the land and preservation of open space, and
- Enhance the rural sense of community and quality of life.

Whatcom County's rural areas are characterized by a mixture of historic rural communities, pasture, agriculture, woodlots, home occupations, cottage industries, and dispersed commercial and industrial activities. The rural areas provide an important buffer between urban areas and resource lands, and the character of the rural areas is differentiated from the urban areas by less intensive uses and densities, and greater predominance of vegetation, wildlife-habitat, and open space.

This plan recognizes that each rural area or community has a unique character in terms of established development patterns. The majority of the rural area is characterized by
the types of visual environment and land uses traditionally considered rural, while a portion has been developed with more intensive uses — either smaller lot residential, light industrial, or business uses. This plan, consistent with GMA requirements, supports limited more intensive rural uses, while preventing them from having a negative impact on the character of the less developed rural areas, or on adjacent resource lands.

GOAL 2DD: Retain the character and lifestyle of rural Whatcom County.

Policy 2DD-1: Concentrate the majority of growth in urban areas per the population projections in Chapter 1 of this plan, and recognize rural lands as an important transition area between urban areas and resource areas. Annually monitor by February 1 of each year the department will publish a report that monitors residential development activity outside the urban growth areas during the previous year and compares that data with the adopted population growth projection for those areas. If it is apparent that growth occurring outside the urban growth areas is inconsistent with adopted projections, the County shall take action to address the discrepancy. Actions may include changing the allocation of the projected population growth during the comprehensive plan update required per RCW 36.70A.130(1), or changing development regulations to limit growth outside the urban growth areas. In addition, as the County and cities review the capacity for growth in the urban growth areas, the county should coordinate with the cities to ensure that policies are in place that are consistent with encouraging growth in the urban areas and reducing demand for development in rural areas.

Policy 2DD-2: Protect the character of the rural area in terms of natural landscape as well as rural lifestyles and economy, per the GMA definition of rural character (RCW 36.70A.030(15)). Protect and value clean water and air, the natural environment, forested lands, agriculture, parks, trails, and open space that provide for a high-quality rural lifestyle.

Policy 2DD-2: Protect the character of the rural area through the County’s development regulations. In addition to the policies of this plan that provide measures governing rural development, the following County’s key development regulations are incorporated into this plan by reference to assure that the plan contains measures to protect rural character:

A. Measures to contain or otherwise control rural development and reduce the inappropriate conversion of undeveloped land into sprawling, low-density development:
1. Limit the expansion of areas of more intensive development and higher rural densities through Policies 2A-8, 2A-9, 2DD-1, 2DD-8, 2GG-2, 2JJ-1 through 8, 2KK 1 and 2, 2LL-1 through 4, and 2MM-1 through 4 of this plan.

2. Provide options to reserve areas of land suitable for agriculture, forestry, or open space through lots clustering in the following Zoning Code provisions, adopted herein by reference:
   a. WCC 20.32.305, .310, and .320, Lot clustering, Residential Rural District;
   b. WCC 20.34.305, .310, and .320, Lot clustering, Rural Residential Island District;
   c. WCC 20.36.305, .310, and .320, Lot clustering, Rural District;

   Maintain and enhance commercial agricultural activity and further protect open space resources by requiring cluster development within rural areas characterized by soils suitable for farming, through WCC 20.38 Agriculture Protection Overlay, adopted herein by reference.

   Assure that no subdivision, commercial development or conditional uses be approved without a written finding that service providers have adequate capacity to serve the development and that no County facilities will be reduced below applicable levels of service as a result of the development through WCC 20.80.212 Concurrence, adopted herein by reference.

3. Prohibit short subdivisions outside of urban growth areas and limited areas of more intensive rural development that would require extension of public sewer except for health or safety reasons through the following Whatcom County Land Division regulations adopted herein by reference:
   a. WCC 21.04.090, Sewage Disposal, Short Subdivisions
   b. WCC 21.05.090 Sewage Disposal, Preliminary Long Subdivisions

B. Measures to assure visual compatibility of rural development with the surrounding rural area:

1. Ensure that the visual landscapes traditionally found in rural areas and communities are preserved through
limitations on structural coverage of lots in the following Zoning Code provisions, adopted herein by reference:

a. WCC 20.32.450 Lot coverage, Residential Rural District;

b. WCC 20.36.450 Lot coverage, Rural District.

2. Require that lots developed under the lot clustering option be designed and located to be compatible with valuable or unique natural features as well as physical constraints of the site through standards provided in the following Zoning Code provisions, adopted herein by reference:

a. WCC 20.32.310 Lot clustering design standards, Residential Rural District;

b. WCC 20.34.310 Lot clustering design standards, Rural Residential-Island District;

c. WCC 20.36.310 Lot clustering design standards, Rural District;


3. Protect the aesthetic assets of the rural areas and soften the impact of structures through landscape buffers and setback requirements provided in the following Zoning Code provisions, adopted herein by reference:

a. WCC 20.80.200 Setback requirements;

b. WCC 20.80.300 Landscaping.

4. In the Point Roberts Rural Community, regulate visual aspects of development through the standards in the following Zoning Code provisions, adopted herein by reference:

a. WCC 20.72.350 Building setbacks/buffer areas, Point Roberts Special District;

b. WCC 20.72.651 Facility design, Point Roberts Special District;

c. WCC 20.72.653 Tree canopy retention, Point Roberts Special District;

d. WCC 20.72.654 Site design/view corridors, Point Roberts Special District.
C. Measures to protect critical areas and surface and groundwater resources:

1. Protect the functions and values of critical areas (geologically hazardous areas, frequently flooded areas, critical aquifer recharge areas, wetlands, and habitat conservation areas) and the ecological processes that sustain them, through WCC 16.16 Critical Areas provisions, adopted herein by reference.

2. Minimize the adverse effects of discharges from on-site sewage systems on ground and surface waters through WCC 24.05, adopted herein by reference.


4. Protect surface and groundwater resources through stormwater management standards established in the County's Development Standards per WCC 20.80.630 and 12.08.035 and referenced in the following Zoning Code provisions, adopted herein by reference:

   a. 20.32.656 Drainage, Residential Rural District;
   b. 20.34.659 Drainage, Rural Residential-Island District;
   c. 20.36.656 Drainage, Rural District;
   d. 20.37.655 Drainage, Point Roberts Transitional District;
   e. 20.44.652 Drainage, Recreation and Open Space District;
   f. 20.59.704 Drainage, Rural General Commercial District;
   g. 20.60.655 Drainage, Neighborhood Commercial District;
   h. 20.61.704 Drainage, Small Town Commercial District;
   i. 20.63.654 Drainage, Tourist Commercial District;
   j. 20.64.655 Drainage, Resort Commercial District;
   k. 20.67.653 Drainage, General Manufacturing District;
   l. 20.69.655 Drainage, Rural Industrial and Manufacturing District.
5. Assure that subdivisions meet requirements for critical areas, shoreline management, and stormwater management through the standards in the following Whatcom County Land Division regulations, adopted herein by reference:
   a. WCC 21.04.034 Application Procedures, Short Subdivisions
   b. WCC 21.05.037 Hearing Examiner Notice Hearing and Decision, Preliminary Long Subdivisions

6. Limit water withdrawals resulting from land division through the standards in the following Whatcom County Land Division regulations, adopted herein by reference:
   a. WCC 21.04.090 Water supply, Short Subdivisions
   b. WCC 21.05.080 Water supply, Preliminary Long Subdivisions

7. Regulate groundwater withdrawals by requiring surveyors of public water systems and private water system applicants to comply with Washington State Department of Ecology groundwater requirements per WCC 20 24.11.050, adopted herein by reference.

8. Limit phosphorus entering Lake Whatcom and Lake Samish due to the application of commercial fertilizers to residential lawns and public properties through WCC 16.32, adopted herein by reference.

9. Protect vital drinking water, sensitive habitats, and recreational resources within the Department of Ecology's designated Western Washington Phase II Municipal Stormwater Permit area and the Lake Whatcom watershed by prohibiting illicit discharges to the county's stormwater collection system through WCC 16.36 Illicit Discharge Detection and Elimination Program, adopted herein by reference.

D. Measures to protect against conflicts with the use of agricultural, forest, and mineral resource lands:

1. Ensure separation of new residences from agricultural and forestry uses through setback requirements in the following Zoning Code provisions, adopted herein by reference:
   a. WCC 20.80.255 Agricultural District, Supplementary Requirements;
b. WCC 20.80.256 Forestry districts, Supplementary Requirements;

c. WCC 20.80.258 All districts, Supplementary Requirements.

2. Ensure separation of businesses from agricultural uses through setback requirements in the following Zoning Code provisions, adopted herein by reference:

a. WCC 20.59.600 Buffer area, Rural General Commercial District;

b. WCC 20.60.550 Buffer area, Neighborhood Commercial District;

c. WCC 20.61.600 Buffer area, Small Town Commercial District;

d. WCC 20.63.600 Buffer area, Tourist Commercial District;

e. WCC 20.64.550 Buffer area, Resort Commercial District;

f. WCC 20.67.550 Buffer area, General Manufacturing District;

g. WCC 20.69.550 Buffer area, Rural Industrial and Manufacturing District.

3. Require that all discretionary project permits within one half mile of areas designated in this plan as Rural, Agriculture, Commercial Forestry, or Rural Forestry, or within 300 feet of areas designated as Mineral Resource Lands, be subject to disclosure practices in the in the following Whatcom County Code provisions, adopted herein by reference:

a. WCC 20.40.662 Use of Natural Resources, Agriculture District;

b. WCC 20.42.652 Use of Natural Resources, Rural Forestry District;

c. WCC 20.43.662 Use of Natural Resources, Commercial Forestry District;

d. WCC 20.14.02 Right to Farm;

e. WCC 20.14.04 Right to Practice Forestry;

Policy 2DD-3: Encourage property owners to conserve forested areas, agricultural land, and open space by utilizing current-use taxation provisions (RCW 84.34).

Policy 2DD-4: Conserve open space, park land, and trails for recreational use, as well as to protect essential habitat such as riparian areas and wetlands.

Policy 2DD-5: Use an "Agriculture Protection Overlay Zone" designation in certain Rural zoned areas as a way to help achieve the goal of conserving and enhancing Whatcom County's agricultural land base.

Policy 2DD-6: In the "Agriculture Protection Overlay Zone" on parcels 20 acres and larger with Rural 5 acre and Rural 10 acre zoning, require non-agriculturally related development to be clustered where it would not create more conflicts with accepted agricultural practices, on a maximum of 25 percent of the available land with the remainder available for open space and agricultural uses. Development standards shall provide flexibility to achieve development potential in cases of natural limitations.

Policy 2DD-7: Maintain the historic character and cultural roles of each rural area and community.

Policy 2DD-8: Allow more intensive uses in limited areas of more intensive rural development designated consistent with RCW 36.70A.070(5)(d), which provide public and commercial services and employment opportunities, while preventing them from spreading in patterns of sprawl development and having an adverse impact on surrounding rural areas and nearby resource lands, and protecting rural character. Reduce the inappropriate conversion of undeveloped land into sprawling, low density development in the rural area by establishing clearly defined boundaries for these areas as well as criteria for creating or changing those boundaries consistent with RCW 36.70A.070(5)(d).

Policy 2DD-9: Assure economic prosperity for rural areas and allow rural property owners reasonable use of their land by continuing to allow legal nonconforming uses.

Policy 2DD-10: Adopt incentive programs, such as purchase of development rights, transfer of development rights, and tax deferrals, to achieve desired land use policies in rural areas and in areas where there are compelling reasons to do so.

Rural Services
Development in rural areas should not receive urban levels of service except where necessary to protect public health, safety, and the environment. Services should be coordinated to ensure that rural areas receive appropriate services including law enforcement protection, fire protection, and emergency services. The Whatcom County Public Works Department maintains county roads. Most of the residential development in rural areas uses individual on-site septic systems. Some drinking water is provided by on-site wells and in other cases it is provided by water districts or water associations.

**GOAL 2EE:** Ensure that rural areas are provided with services consistent with the rural character and that development patterns do not encourage an increased service level or degrade water quality.

**Policy 2EE-1:** Recognize domestic water systems, volunteer fire protection, emergency services, law enforcement protection, transportation, public transit services and public utilities typically associated with rural development as appropriate services in designated rural areas. Rural services do not include storm or sanitary sewers.

**Policy 2EE-2:** Coordinate and plan public facilities, services, roads, and utilities to ensure that rural areas have appropriate and adequate rural levels of service necessary to maintain a rural lifestyle. Coordinate with rural service providers to ensure efficient and effective service to rural areas.

**Policy 2EE-3:** Pursue measures through which new development would help pay for increased demands on critical rural services such as fire and emergency service.

**Policy 2EE-4:** Prohibit extension or expansion of municipal public sewer systems outside urban growth areas or LAMIRDs except where it is necessary to protect public health, safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.

**Policy 2EE-5:** Ensure that adequate on-site wells and on-site sewage and septic systems are properly installed, monitored, and maintained. Provide technical assistance to property owners, and require necessary improvements when needed to protect health, safety and environmental quality.

**Policy 2EE-6:** Promote better land use practices and protect water quality by encouraging landowners and developers to investigate and implement innovative subdivision, septic system designs, and stormwater management.

**Policy 2EE-7:** Ensure county coordination with service providers to determine if new or infill development will have necessary services. Require concurrent review of new development to ensure adequate level...
of service at rural standards are available at the time of development.

Policy 2EE-8: Public services and public facilities necessary for rural commercial and industrial uses shall be provided in a manner that does not permit low-density sprawl. Uses may utilize urban services that previously have been made available to the site.

Rural Employment Opportunities

Many residents in rural Whatcom County depend on cottage industries, home occupations, small businesses, and natural resource-based jobs for their livelihood. These types of businesses support the local economy and are compatible with the rural lifestyle desired by county residents.

Commercial and industrial uses located within Rural Communities, Rural Tourism, and Rural Business areas are also important contributors to the local economy, providing jobs and services to rural residents.

GOAL 2FF: Provide employment opportunities in the rural parts of Whatcom County.

Policy 2FF-1: Support small businesses, cottage industries, home occupations, resource-based, tourist, recreational, and other appropriate industries in the rural areas of Whatcom County. New rural commercial and industrial uses that are more intensive than those permitted within rural zones as home occupations or cottage industries should be located within designated Rural Communities and Rural Business areas.

Policy 2FF-2: Support resource-based industries that require only rural services, conserve the natural resource land base, and help maintain the rural character and lifestyle of the community. Assure adequate facilities, mitigation and buffers through development regulations.

Policy 2FF-3: Ensure that business operations do not adversely impact adjacent residential, agricultural or forest land, or compromise water quality and quantity.

Policy 2FF-4: Allow home-based occupations, cottage industries and small-scale tourist and recreational uses throughout the rural area provided they do not adversely affect the surrounding residential uses, agricultural uses, forestry uses, or rural character.
RURAL LANDS – LAND USE

Rural Designation

Lands designated as Rural outside the County's urban and resource areas include a variety of uses and densities. Traditionally, Whatcom County's rural areas have been characterized by a spectrum of uses ranging from farms and large-lot residential areas to recreational communities and small towns. The more intensive uses in that spectrum (commercial/industrial areas and residential areas with densities greater than one unit per acre) are contained within the boundaries of Rural Community, Rural Tourism, or Rural Business designations (LAMIRDs) and Rural Residential Overlays.

The remainder of the rural areas are designated Rural and contain traditional rural residential and farm uses as well as small home-based and conditionally-permitted businesses. The rural character of the lands designated as Rural should not be compromised by the encroachment of more intensive development. Commercial and industrial uses in the rural areas not contained within a Rural Community designation must meet GMA criteria for small-scale tourism or isolated business uses (RCW 36.70A.070(5)(d)(ii) and (iii).

The GMA does not set a maximum allowed residential density for rural areas. A large majority of the lands designated as Rural are zoned for one residence per five or ten acres, however, a small proportion has been developed under a zoning allowing lots smaller than five acres where public water service is available. These areas have their own unique rural character (as compared with the higher densities contained within LAMIRDs) and they serve to provide a needed variety of rural densities. However, it is important to maintain the character of the more traditional rural areas and prevent expansion of the smaller-lot rural areas beyond their traditional limits.

Goal 2GG:  Designate Rural areas to contain a variety of uses and densities while retaining their traditional rural character.

Policy 2GG-1:  Provide a variety of residential choices at rural densities which are compatible with the character of each of the rural areas.

Policy 2GG-2:  The Rural designation should include areas of traditional rural uses and densities. While the large majority of the Rural designation is characterized by gross residential densities at or below one unit per five acres, the Rural designation may also include rural residential areas where higher densities have been established. To reduce the inappropriate conversion of undeveloped land into sprawling, low density development in the rural area, more intensive development should be contained within Rural Community, Rural Tourism, or Rural Business designations, which are limited areas of more intensive rural development (LAMIRDs), and predominantly residential areas with established densities greater than one unit per five
acres shall be contained in Rural Neighborhood designations, unless justified by the existing rural character of the area.

Policy 2GG-3: In the Whatcom County Code, the Rural and Rural Residential zoning districts should include Rural Residential Density Overlays that may be applied to areas within the Rural designation where smaller-lot rural residential development has already occurred. The overlay should allow for infill development with lot sizes consistent with those of surrounding lots, where public water service is available. The overlay should limit eligibility of lots based on the percentage of surrounding lots that are developed, and should establish a maximum density that may be achieved using the overlay. The Rural Residential-Density Overlays should not be expanded into areas where smaller-lot development has not occurred; such expansion is not consistent with maintaining the traditional character of the surrounding rural areas.

Policy 2GG-43: Uses and densities within the Rural designation should reflect established rural character. Rezones within the Rural designation should be consistent with the established rural character and densities in the general area of the proposed rezone.

Policy 2GG-54: Minimize potential conflicts of rural residential development near designated natural resource lands to prevent adverse impacts on resource land uses.

Policy 2GG-65: Provide landowners with incentives and options to develop their property at densities that may be less than the underlying zone, when necessary to protect critical areas and high-value resource lands.

Policy 2GG-76: Ensure that flexible development patterns such as cluster subdivisions effectively preserve open space and agricultural land and do not create the need for more intensive rural services.

Policy 2GG-87: Development within Rural designations shall be consistent with rural character as described in this chapter.

Limited Areas of More Intensive Rural Development (LAMIRDs)

RCW 36.70A.070(5)(d)(i) through (iii) allows counties to designate limited areas of more intensive development (LAMIRDs) for three types of development patterns in the rural areas:

- Type I: "Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas..." Existing development is defined as that which existed on July 1, 1990.
• Type II: “The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those...uses, that rely on a rural location and setting.”

• Type III: “The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents.”

Areas designated in this plan as Rural Communities are Type I LAMIRDs. Rural Tourism designations are Type II LAMIRDs and Rural Business designations are Type III LAMIRDs.

The purpose of LAMIRDs is to place limits on more intensive development and prevent it from adversely affecting the character of the surrounding rural areas. Rural Communities (Type I LAMIRDs) are areas characterized by more intensive uses at the time Whatcom County began planning under GMA. Rural Tourism designations (Type II LAMIRDS) apply to lots that contain small-scale tourist uses. Rural Business designations apply to lots that contain isolated small-scale business. The criteria listed under Goal 2HH were used to designate Rural Communities and Rural Business areas (the Type I and Type III LAMIRDS) in 2010 and should be used to establish future Rural Tourism and Rural Business designations (Type II and III LAMIRDs) and to evaluate future proposed modifications to Rural Community, Rural Tourism, and Rural Business designations (Type I, II, and III LAMIRDs).

**Goal 2HH:** Establish LAMIRD Designation Criteria

**Policy 2HH-1:** Rural Community (Type I LAMIRD) designation criteria

A. Location Criteria. Rural Communities may be designated in an area that:

1. Was characterized by existing development more intensive than surrounding rural areas (residential or non-residential) as of July 1, 1990, and

2. Is not currently designated by the Comprehensive Plan as Urban Growth Areas (UGAs) or Resource Lands, and

B. Additional Location Criteria. The following may serve as additional criteria for Rural Community designation (relative to the specific circumstances of the area, and in combination with each other):

1. The existing (1990) residential built environment was more intensively developed than surrounding areas;

2. Public services are available to serve potential infill, such as adequate potable water and fire protection,
transportation facilities, sewage disposal and stormwater control; or

3. The area is planned for more intensive development in a post-GMA local subarea plan.

4. Existing zoning prior to designation as a Rural Community, except existing zoning may not be a sole criterion for designation.

C. Outer Boundary Criteria. For land meeting the criteria described in A and B above, Rural Community boundaries must minimize and contain areas of intensive development and be delineated predominately by the built environment, and shall include:

1. Parcels—Areas that were intensively developed and characterized by the built environment (including water lines or other utility lines with capacity to serve areas of more intensive uses) on July 1, 1990.

2. Parcels—Areas that on July 1, 1990 were not intensively developed may be included within Rural Community boundaries if they meet any of the following conditions:

   a. Including the parcel-area helps preserve the character of an existing (built) natural neighborhood;

   b. Including the parcel-area allows the logical outer boundary to follow a physical boundary such as bodies of water, streets and highways, and land forms and contours;

   c. Including the parcel-area (or in limited cases, a portion of the parcel) prevents the logical outer boundary from being abnormally irregular;

   d. Including the parcel-area is consistent with efficient provision of public facilities and services in a manner that does not permit low-density sprawl;

   e. Including the parcel-area does not create a new pattern of low-density sprawl.

Policy 2HH-2: Rural Tourism (Type II LAMIRD) designation criteria

A. Location Criteria. Rural Tourism may be designated on land that:

   1. Consists of one lot, or more than one lot, and

   2. Is not currently designated by the Comprehensive Plan as Urban Growth Areas (UGAs) or Resource Lands, and
3. Is characterized by the intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those uses, that rely on a rural location and setting, but that do not include new residential development, other than a dwelling unit accessory to the business for use by the owner-manager or caretaker.

3.4. Does not exceed 20 acres.

B. Additional Criteria The following serve as additional criteria for Rural Tourism designation:

1. The area may include pre-existing residential development, but not new (except for dwelling units accessory to the business for use by the owner-manager or caretaker), and

2. The area may serve more than the local existing & projected rural population, and

3. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl,

Policy 2HH-3: Rural Business (Type III LAMIRD) designation criteria

A. Location Criteria. Rural Business may be designated on land that:

1. Is not currently designated by the Comprehensive Plan as Urban Growth Areas (UGAs) or Resource Lands, and

2. Consists of a lot or small group of lots that either:

   a. Contains past or current nonresidential uses and was located within a commercial, manufacturing, or industrial zoning district at the time of original county-initiated designation, or

   b. Allow for new development of isolated cottage industries and isolated small scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents.

B. Additional Criteria.

1. A Rural Business designation on a lot or small group of lots containing nonresidential uses shall be separated from other LAMIRD designations, regardless of type, by no less than one-half mile by public road, except where the other LAMIRD is separated by a major physical feature
such as a water body, freeway, major road, or other physical feature.

2. In the event that the listed criteria result in the need to choose one proposed designation over another, preference is given to a proposed use that:

a. Provides the greatest number of job opportunities for rural residents.

b. Is located at a controlled public road intersection.

Rural Communities

Rural Communities are areas that have historically served as centers of activity and services for surrounding rural areas, or have been established as more intensive rural residential development. In many cases, they are served by public services and facilities, including schools, libraries, post offices, and/or public transportation.

These areas are Type I LAMIRDs and include small unincorporated towns and other areas where a concentration of commercial and public uses have been in existence since before the adoption of the GMA in 1990. Typically, these are mixed-use areas containing both residential and nonresidential uses developed at a greater intensity than is generally found in outlying rural areas. This more intensive development is contained within the boundaries of the Rural Community designations, preventing the expansion of more intensive uses and densities into the surrounding rural areas. Because undeveloped lots may be included within Rural Community boundaries, infill development is possible, but at an intensity consistent with the development that existed in 1990.

In keeping with the legislature’s finding that rural counties must have the flexibility to retain existing businesses and allow them to expand, Whatcom County strives to keep Rural Communities vibrant and prevent economic stagnation. On lots where businesses existed in 1990 in Rural Communities, businesses can expand to sizes greater than existed in the area in 1990, provided the expansion is otherwise consistent with the character of the area in 1990 in terms of uses or intensity.

Areas designated as Rural Communities are: Acme, Axton & Guide Meridian, Birch Bay-Lynden & Valley View, Cain Lake, Custer, Deming, Diablo, Eliza Island, Emerald Lake, Fort Bellingham/Marietta, Glacier, Hinotes Corner, Kendall, Lake Samish, Laurel, Lummi Peninsula, Maple Falls, Newhalem, North Bellingham, Nugents Corner, Point Roberts, Pole & Guide Meridian, Sandy Point/Sandy Point Heights, Smith & Guide Meridian, Sudden Valley, Van Wyck, and Wiser Lake.

GOAL 2JJ: Designate areas of more intensive rural development that existed on July 1, 1990 as Rural Communities.

Policy 2JJ-1: Areas designated as Rural Communities shall meet the criteria stated in this chapter and the requirements of RCW 36.70A.070(5)(d)(l), which describes limited areas of more
intensive rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, including necessary public facilities and public services to serve the limited area.

Policy 2JJ-2: Boundaries of Rural Communities shall meet the criteria stated in this chapter, and the requirements of RCW 36.70A.070(5)(d)(iv), which requires limited areas of more intensive rural development to be clearly identifiable and contained within a logical outer boundary delineated predominately by the built environment as it existed on July 1, 1990.

Policy 2JJ-3: Additional Rural Communities shall not be designated, nor shall boundaries of Rural Communities be changed unless the area of the proposed addition meets the criteria stated in this chapter, and requirements of RCW 36.70A.070(5)(d). Designated Resource Lands should not be redesignated as Rural Communities.

Policy 2JJ-4: Within the Rural Communities, encourage adequate economic development to provide current and future residents' employment needs, and provide rural residents places to shop, eat, and access to public services.

Policy 2JJ-45: Development or redevelopment—Within Rural Communities should develop or redevelopment in terms of size, scale, use, or intensity shall be consistent with the character of the existing area and consistent with the size, scale, use, or intensity of the development that existed on July 1, 1990.

Policy 2JJ-56: On lots in a Rural Community where businesses existed on July 1, 1990, businesses may expand beyond the size or scale of businesses of a similar type in the area on that date. The expansion must be consistent with the character of the Rural Community in 1990 in terms of use or intensity. The use being expanded shall be consistent with the general types of uses that existed in the area on July 1, 1990, and the expansion shall not cause a need for additional public facilities in the area.

Policy 2JJ-667: Lands inside Rural Community designation boundaries that are within low-density residential zones (one residence per five acres or less density) or resource zones, or are federally owned, should not be re-zoned to allow more intensive uses and densities.

Policy 2JJ-678: Land uses within Rural Communities, except for industrial uses, should be principally designed to serve the existing and projected rural population.

Policy 2JJ-789: Encourage future public participation activities to develop additional planning goals and policies specific to residents' needs and preferences in individual Rural Communities.
Rural Tourism

Whatcom County’s scenic rural areas are enjoyed by residents and tourist alike. Small scale recreation or tourist uses that rely on a rural setting provide income opportunities for rural residents and contribute to the local economy. GMA allows counties to designate new Type II LAMIRDs for new small-scale recreation and tourist uses. The Rural Tourism designation limits and contains such uses, which can be more intensive than surrounding rural uses.

GOAL 2KK: Provide opportunities for small-scale recreational or tourist uses in rural areas.

Policy 2KK-1: Lands designated for Rural Tourism shall meet the criteria stated in this chapter, and the requirements of RCW 36.70A.070(5)(d)(ii), which describes limited areas of more intensive rural development consisting of the intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those uses, that rely on a rural location and setting, but that do not include new residential development(other than a dwelling unit accessory to the business for use by the owner-manager or caretaker).

Policy 2KK-2: Designated Resource Lands shall not be redesignated as Rural Tourism.

Rural Business

Many businesses have been established in commercial and industrial zones outside of Rural Community areas. These uses, which are more intensive than those found in surrounding rural areas, provide commercial services and job opportunities for rural residents. The Rural Business designation permits uses to continue while preventing the spread of businesses in sprawl development patterns.

GMA allows counties to designate new Type III LAMIRDs for new isolated small-scale businesses. To ensure that these uses remain isolated and do not lead to strip development, criteria for Rural Business designation include spacing requirements from other Rural Business designations as well as Rural Communities.

The areas designated Rural Business under Type III guidelines are: Birch Bay-Lynden & I-5, Blue Canyon, Guide Meridian Border Crossing, North Lake Samish & I-5, Slater & Elder, Van Zandt, and Welcome.

GOAL 2LL: Designate Rural Business areas to limit and contain nonresidential uses.

Policy 2LL-1: All lands designated Rural Business shall meet the Rural Business designation criteria stated in this chapter, and the requirements of RCW 36.70A.070(5)(d)(iii), which describes limited areas of more intensive rural development consisting of the
intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses.

**Policy 2LL-2:** On lots in a Rural Business area where businesses did not exist on July 1, 2012, the new businesses shall be "small-scale" as described in the development regulations. On lots where businesses existed on July 1, 2012, development regulations should not hold the business to a "small-scale" standard.

**Policy 2LL-23:** Uses in the Rural Business designation need not be principally designed to serve the existing and projected rural population and nonresidential uses, but provide job opportunities for rural residents.

**Policy 2LL-34:** Designated Resource Lands shall not be redesignated as Rural Business.

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**Rural Neighborhoods**

The GMA does not set a maximum allowed residential density for rural areas. A large majority of the lands designated as Rural are zoned for one residence per five or ten acres, however, a small proportion has been developed under a zoning allowing that allows lots smaller than five acres where public water service is available. These areas have their own unique rural character (as compared with the higher densities contained within LAMIRDs) and they serve to provide a needed variety of rural densities. However, it is important to maintain the character of the more traditional rural areas and prevent expansion of the smaller-lot rural areas beyond their traditional limits.

This plan recognizes the unique qualities of these established Rural Neighborhoods and contains them within boundaries that reflect the extent of these areas in 2011. Unlike the Rural Communities, these areas are not LAMIRDs.

**GOAL 2MM:** Designate Rural Neighborhoods to recognize and contain rural areas that have been established with predominantly residential uses with higher densities than surrounding rural areas.

**Policy 2MM-1** Areas zoned for densities greater than one dwelling per five acres shall be contained within Rural Neighborhood boundaries. Rural Neighborhood boundaries shall not be expanded beyond those established in 2012, which were drawn to include areas that were developed at higher rural densities in 2011.

**Policy 2MM-2** In the Whatcom County Code, the Rural and Rural Residential zoning districts may include Rural Residential Density Overlays that may be applied to areas within the Rural Neighborhood designation where smaller-lot rural residential development has already occurred. The overlay should allow for infill development...
with lot sizes consistent with those of surrounding lots, where public water service is available. The overlay shall limit eligibility of lots based on the percentage of surrounding lots that were developed in 2011, and shall establish a maximum density that may be achieved using the overlay. The Rural Residential Density Overlays shall not be created or expanded outside of Rural Neighborhoods or into areas where smaller-lot development has not occurred; such expansion is not consistent with maintaining the traditional character of the surrounding rural areas.

<table>
<thead>
<tr>
<th>Policy 2MM-3</th>
<th>Rural Neighborhoods are designated adjacent to Urban Growth Areas only in areas where developed densities exceeded one dwelling per 2.5 acres in 2011, and there is little potential for efficient urban development in the future.</th>
</tr>
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<tbody>
<tr>
<td>Policy 2MM-4</td>
<td>Urban governmental services shall not be extended into a Rural Neighborhood unless such extensions are shown to be necessary to protect basic public health and safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.</td>
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[Re-number Goals and Policies in the remainder of Chapter Two as needed.]

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**COMPREHENSIVE PLAN DESIGNATIONS MAP**

The Comprehensive Plan designations map (Map 8) is intended to provide direction for future land use decisions in Whatcom County. It is officially adopted as part of this document. Because of the scale of the map, specific boundaries are identified on maps in the County Planning and Development Services office.

**Comprehensive Plan Designation Descriptors**

These descriptors are intended to be general in nature. More specific criteria and explanation will be incorporated into subarea plans.

**Title:** Urban Growth Areas

**Purpose:** To denote where future urban growth may occur.

**Definition:** Areas characterized by urban growth that have adequate existing public facility and service capacities; areas characterized by urban
growth that can be served adequately by a combination of both existing public facilities and any additional public facilities and services that are provided by either public or private sources; and lands adjacent to areas characterized by urban growth.

Locational Criteria: First urban growth may be located on lands characterized by urban growth that have adequate existing public facility and service capacities; next urban growth may be located on lands characterized by urban growth that can be served adequately by a combination of both existing public facilities and services and any additional public facilities and services that are provided by either public or private sources; and finally urban growth may be located on lands adjacent to areas characterized by urban growth.

Title: Urban Growth Area Reserve

Purpose: To denote lands which appear to be suitable for future inclusion in an adjacent and contiguous Urban Growth Area when the need arises and adequate public facilities and services can be provided, and other issues identified in the comprehensive plan are addressed.

Definition: Areas that are not yet suited for urban growth but are logical areas in which the urban area would likely grow beyond current growth allocations after being properly designated as an Urban Growth Area.

Locational Criteria: Areas adjacent and contiguous to Urban Growth Areas in which urban development would likely occur beyond current growth allocations.

Title: Major Industrial Area / Port Industrial Urban Growth Areas

Purpose: To reserve appropriate areas to attract heavy industrial manufacturing uses and provide employment opportunities while minimizing land use conflicts and off-site impacts.

Definition: Land area for large-scale heavy industry that has a high impact on the surrounding neighborhood and environment.

Locational Criteria: Industry should be located in areas adequate for its use away from residential centers, but within reasonable commuting distance; near transportation facilities and services.

Title: Master Planned Resort

Purpose: To recognize and contain resort areas that existed on July 1, 1990, or permit new master planned resort areas that depend on a setting of significant natural amenities.
Definition: Historic or new planned unit development that is self-contained and fully integrated, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.

Locational Criteria: Resorts may be located in urban or rural areas within a setting of significant natural amenities.

Title: Rural Community (Type I LAMIRD)

Purpose: To recognize rural development consisting of the infill, development, or redevelopment of commercial, industrial, residential, or mixed uses areas centers of rural-commercial and public services and smaller-lot residential areas that existed on July 1, 1990 and limit and contain more intensive rural land uses within logical outer boundaries.

Policies on the definition and locational criteria for Rural Communities are found under Goals 2HH and 2JJ in this chapter.

Definition: Small towns and other historic centers of rural activity containing residential and nonresidential uses developed at a greater intensity than surrounding rural areas.

Locational Criteria: Portions of rural areas that were characterized by more intensive rural development in 1990.

Title: Rural Tourism (Type II LAMIRD)

Purpose: To recognize small-scale recreational and/or tourist uses tourism businesses in rural areas, and to limit and contain more intensive rural development on those lots.

Policies on the definition and locational criteria for Rural Tourism designations are found under Goals 2HH and 2KK in this chapter.

Definition: Lots containing nonresidential uses developed at a greater intensity than other rural areas.

Locational Criteria: In a rural location and setting upon which the recreational or tourism use relies.

Title: Rural Business (Type III LAMIRD)

Purpose: To recognize isolated businesses in rural areas and development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-
scale businesses, to limit and contain more intensive development on those lots.

Policies on the definition and locational criteria for Rural Business designations are found under Goals 2HH and 2LL in this chapter.

Definition: Isolated lots or isolated small groups of lots containing nonresidential uses developed at a greater intensity than surrounding rural areas.

Locational Criteria: No less than one-half mile from other Rural Business, Rural Community and Rural Tourist designations, unless separated by a major physical feature.

Title: Rural Neighborhood

Purpose: To recognize and contain rural areas that have been established with predominantly residential uses with higher densities than surrounding rural areas.

Policies on the definition and locational criteria for Rural Neighborhood designations are found under Goal 2MM in this chapter.

Title: Rural

Purpose: To provide opportunity for a variety of low-density residential development including cluster development with the flexibility to practice farming or forestry, or operate a home occupation or cottage industry; to retain a sense of community. Also to encourage agriculture and forestry activities through the use of incentives.

Policies on the definition and locational criteria for Rural designations are found under Goal 2GG in this chapter.

Definition: Allows one dwelling unit per five or ten acres (or a higher density where that density has been established) with less traffic noise and congestion than in urban areas; low-density population; open space; privacy; largely forestry and agriculture oriented; rural level of services.

Locational Criteria: Low residential density; areas with physical environmental constraints; areas characterized by full and part-time forestry and agriculture, but not designated as commercial resource lands.
Title: Agriculture - Resource Lands
Purpose: To recognize and promote agriculture in Whatcom County and protect prime agricultural soils and productive agricultural lands from conversion to other uses. To prevent conflicts between residential and agricultural uses.
Definition: Commercial agriculture lands located on parcels 40 acres or larger, with one dwelling unit per 40 acres allowed.
Locational Criteria: Soils identified as prime agricultural soils; large parcels; existing commercial agricultural uses.

Title: Rural Forestry - Resource Lands
Purpose: To provide flexibility in use, enabling the landowner to live on the land and practice forestry and forestry-related industry.
Definition: Lands used primarily for growing trees with some low-density residential development.
Locational Criteria: Lands useful for growing trees for commercial timber production; usually located within public service districts; accessed by private roads built to Whatcom County development standards or public roads; low-density residential development; land parcels generally 20 acres or greater in size; property often in tax deferred status.

Title: Commercial Forestry - Resource Lands
Purpose: To provide land base for commercial forestry activities and provide predictability of future land use to forest land owners.
Definition: Land primarily devoted to commercial timber production.
Locational Criteria: Land primarily devoted to growing trees for long-term commercial timber production; located outside public service districts such as fire and water; accessed by private or state forest roads; parcels generally 40 acres or larger in size; land in tax deferred status.

Title: Mineral Resource Lands - Resource Lands
Purpose: To ensure a long-term supply of mineral resources and provide predictability in land use.
Definition: Lands of long-term commercial significance for the extraction of minerals.
Locational Criteria: Proven mineral resources of long-term commercial significance, low density rural areas, designated Agricultural lands generally with Non-Prime Farmland Soils and when demonstrated to be of higher value as a mineral resource than as an agricultural
resource; and designated Forestry lands of higher value as a mineral resource than as forestry resource.

Title: Public Recreation
Purpose: To provide the public with open space and recreational opportunities; to protect conservation areas.
Definition: Areas with unique scenic or recreational amenities.
Locational Criteria: Parcels owned or managed by public or private agencies for recreational or conservation use.

Title: Special Study Areas
Purpose: To indicate areas where regional planning efforts are a high priority and necessary in order to address important local issues in greater detail.
Definition: Includes the Lake Whatcom Watershed and certain areas within the Lummi Reservation.

[Re-number Goals and Policies in the remainder of Chapter Two as needed.]

Chapter Four
CAPITAL FACILITIES

GOAL 4H: Coordinate with non-county facility providers such as cities and special purpose districts to support the future land use pattern promoted by this plan.

Policy 4H-1: Establish interagency planning mechanisms and—interlocal agreements—to assure coordinated and mutually supportive capital facility plans from special districts, cities, and other major non-county facility providers which are consistent with this and other chapters of the comprehensive plan.

Policy 4H-2: In consultation and coordination with special districts, cities, and other major non-county facility providers, review and update as appropriate capital facility plans supporting UGAs in conjunction with GMA 7-Year Review and 10-Year UGA Review.
Policy 4H-3

The 7-year comprehensive plan review and update process should demonstrate that the urban growth areas are served by urban levels of fire protection facilities and service. If the level of service standard adopted by the County cannot be provided over the 20-year planning period, then re-designation of UGAs to rural designations should be considered.

Policy 4H-4

Urban levels of service for fire protection shall be a response time of 8 minutes 80% of the time when the department covering the urban area has staffed the fire station. When the fire station is not staffed the response time shall be 10 minutes 80% of the time, or a WSRB Rating of 6.

Rural levels of service for fire protection shall be a response time of 12 minutes 80% of the time when the department covering the rural area has staffed the fire station. When the fire station is not staffed the response time shall be 14 minutes 80% of the time, or a WSRB Rating of 8.

Staffed station shall be a fire station that is staffed 24 hours a day 7 days a week 365 days a year. Staff may be paid, volunteer, or combination of the two.
EXHIBIT B
Zoning Code Amendments
20.32 Residential Rural (RR) District

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

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

.051 One single-family dwelling per lot.

.052 (1) In short-term planning areas only, single-family attached dwellings; provided, that not more than two units are attached and the number of dwelling units conforms to the density requirements of this district.

(2) Outside short-term planning areas, single-family dwellings only.

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

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

.055 Private, noncommercial boat docks when located on a manmade canal designed for boat traffic pursuant to the Whatcom County Shoreline Management Program.

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

.057 One one-story detached accessory storage building per lot; provided, that the floor area shall not exceed 200 square feet and shall only be used for personal storage and not for habitation or business; and provided further, that the storage
building shall contain no indoor plumbing but may be served with electrical power for lighting.

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

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

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

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

20.32.100 Accessory uses.

.101 Home occupations pursuant to WCC 20.84.150.

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

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

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

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

.106 Bed and breakfast establishments.

20.32.130 Administrative approval uses.

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

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

(1) All recreational vehicles that remain on the site for more than 14 consecutive days shall be connected to a permitted on-site sewage system or public sewer.

(2) Maximum length of occupation of a recreational vehicle shall not exceed 120 days per calendar year; provided, that no accessory guest recreational vehicle shall stay on the lot for more than 14 consecutive days nor more than 30 days total per calendar year.
(3) All recreational vehicles shall be screened from neighboring properties not using RVs and from public roads. Such screening may consist of landscaped buffer areas, suitable native vegetation or a fence.

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

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

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

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

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20.32.150 Conditional uses.

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

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.155 Reserved.

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20.32.251 Minimum lot size and maximum density.

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

20.32.252 Rural Residential Density Overlay.
In certain areas delineated on the official zoning map in the RR-2A or RR-5A zone, and designated as a Rural Neighborhood in the Comprehensive Plan, a density overlay may be applied in order to permit densities consistent with surrounding development and the established rural character of the area.

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

(a) Public water must be available, and

(b) At least 70% of lots wholly or partially within 500 feet of the subject lot’s outer boundary must have contained a residence and been under five acres in size on [effective date of this ordinance] May 22, 2011.

(2) Calculation. Within this overlay the permitted minimum lot size for a lot is equivalent to the mean lot size of all lots that contained a residence on [effective date of this ordinance] June 1, 2011 and are wholly or partially within 500 feet of the lot’s outer boundaries, or one acre, whichever is greater. This calculation is subject to the following:

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

(b) Lot sizes existing on or before [effective date of the ordinance], 2010 May 22, 2011 shall be used in the mean lot size calculation.

20.32.253 Maximum density and minimum lot size.

The following districts with their associated lot sizes as indicated below, are only allowed within Rural Neighborhoods and Rural Communities, as outlined in the Comprehensive Plan: RR-2A, 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.

<table>
<thead>
<tr>
<th>District</th>
<th>Gross Density</th>
<th>Minimum Lot Size</th>
<th>Min. Reserve Area (Cluster Subdivisions)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Conventional</td>
<td>Cluster</td>
</tr>
<tr>
<td>RR-1, RR-2, RR-3, RR-5A:</td>
<td>1 dwelling unit/5</td>
<td>5 acres</td>
<td>N/A</td>
</tr>
<tr>
<td>without public water</td>
<td>acres</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RR-10A without public</td>
<td>1 dwelling unit/10</td>
<td>10 acres</td>
<td>N/A</td>
</tr>
<tr>
<td>water</td>
<td>acres</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

With public water, and stormwater detention and collection facilities:
20.32.254 Minimum lot width and depth.

<table>
<thead>
<tr>
<th>District</th>
<th>Width at Street Line</th>
<th>Width at Bldg. Line</th>
<th>Minimum Mean Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>RR: without public water</td>
<td>Conventional 300'</td>
<td>N/A</td>
<td>80'</td>
</tr>
<tr>
<td>RR: with public water, and stormwater collection and detention facilities</td>
<td>30'</td>
<td>30'</td>
<td>70'</td>
</tr>
</tbody>
</table>

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 2,500,000 square feet or 35-20 percent, whichever is greater of the total area, not to exceed 25,000 square feet. Buildings used for livestock or agricultural products shall be exempt from this lot coverage requirement.

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20.35 Eliza Island (EI) District

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20.35.250 Minimum lot size and density.
.251 For purposes of creating new building lots within the Eliza Island District, the minimum lot size shall be five acres, one half (1/2) acre. Minimum width at street line shall be 70 feet, at building line 80 feet, and minimum mean depth shall be 100 feet.

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20.36 Rural (R) District

20.36.010 Purpose.
The purpose of the Rural District is to maintain the low density rural residential character of the areas designated as Rural and Rural Neighborhood on the Comprehensive Plan map and implement the appropriate Comprehensive Plan policies that define the rural character in Whatcom County in accordance with RCW 36.70A.070(5). In addition, it is the intent of this district to: 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.

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20.36.252 Rural Residential Density Overlay.

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

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

(a) Public water must be available, and

(b) At least 70% of lots wholly or partially within 500 feet of the subject lot’s outer boundary must have contained a residence and been under five acres in size on the effective date of this ordinance, May 22, 2011.

(2) Calculation. Within this overlay the permitted minimum lot size for a lot is equivalent to the mean lot size of all lots that contained a residence on the effective date of this ordinance, June 1, 2011 and are wholly or partially within 500 feet of the lot’s outer boundaries, or one acre, whichever is greater. This calculation is subject to the following:

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

(b) Lot sizes existing on or before the effective date of the ordinance, May 22, 2011 shall be used in the mean lot size calculation.

20.36.253 Maximum density and minimum lot size.

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

<table>
<thead>
<tr>
<th>District</th>
<th>Gross Density</th>
<th>Minimum Lot Size</th>
<th>Min. Reserve Area</th>
<th>Min. Reserve Area</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Conventional</td>
<td>(Cluster Subdivisions Outside of Urban Growth Areas)</td>
<td>(Cluster Subdivisions In Urban Growth Areas)</td>
</tr>
<tr>
<td>R-2A without public water</td>
<td>1 dwelling unit/5 acres</td>
<td>5 acres, 1 acre</td>
<td>20%</td>
<td>80%</td>
</tr>
<tr>
<td>R-2A with public water</td>
<td>1 dwelling unit/2 acres</td>
<td>2 acres, 12,500 sq. ft.</td>
<td>65%</td>
<td>80%</td>
</tr>
<tr>
<td>Land Use Description</td>
<td>Minimum Lot Size</td>
<td>Minimum Building Size</td>
<td>Minimum Square Footage</td>
<td>Maximum Percentage</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------</td>
<td>----------------------</td>
<td>----------------------------</td>
<td>-------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>R-5A without public water</td>
<td>5 acres</td>
<td>1 acre</td>
<td>55%</td>
<td>80%</td>
</tr>
<tr>
<td>R-5A subject to Agricultural Protection Overlay (Chapter 20.38 WCC)</td>
<td>1 dwelling unit/5 acres</td>
<td>Not applicable</td>
<td>15,000 sq. ft.</td>
<td>75%</td>
</tr>
<tr>
<td>R-5A with public water</td>
<td>5 acres</td>
<td>12,500 sq. ft.</td>
<td>75%</td>
<td>80%</td>
</tr>
<tr>
<td>R-5A with public water subject to Rural Residential Overlay</td>
<td>Maximum: 1 dwelling unit/2 acres per 20.36.252(2)</td>
<td>see 20.36.252(2)</td>
<td>15,000 sq. ft. Not applicable</td>
<td>75%</td>
</tr>
<tr>
<td>R-10A without public water</td>
<td>10 acres</td>
<td>1 acre</td>
<td>70%</td>
<td>80%</td>
</tr>
<tr>
<td>R-10A subject to Agricultural Protection Overlay (Chapter 20.38 WCC)</td>
<td>1 dwelling unit/10 acres</td>
<td>Not applicable</td>
<td>15,000 sq. ft.</td>
<td>75%</td>
</tr>
<tr>
<td>R-10A with public water</td>
<td>10 acres</td>
<td>12,500 sq. ft.</td>
<td>80%</td>
<td>80%</td>
</tr>
<tr>
<td>Public facilities approved under WCC 20.36.151</td>
<td>Not applicable</td>
<td>No minimum</td>
<td>No minimum</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>
20.36.450 Lot coverage.
No structure or combination of structures shall occupy or cover more than 2,500,000 square feet or 35-20 percent, whichever is greater of the total area, not to exceed 25,000 square feet. Buildings used for livestock or agricultural products shall be exempt from this lot coverage requirement.

20.37 Point Roberts Transitional (TZ) District

20.37.010 Purpose.

The purpose of the Transitional Zone District is to maintain the low density residential character of the areas designated as transitional on the official Whatcom County zoning map and to implement the goals and policies of the subarea Comprehensive Plan. In addition, it is the intent of this district to create and protect a permanent network of interconnected open space and to provide the opportunity for development of building sites which maximize the efficient use of both infrastructure and land by allowing an option for clustering residential lots. (Ord. 2003-048 Exh. A, 2003; Ord. 2002-018 § 1, 2002).

20.37.450 Lot coverage.
No structure or combination of structures shall occupy or cover more than 2,500,000 square feet or 35-20 percent, whichever is greater of the total area, not to exceed 25,000 square feet. Buildings used for livestock or agricultural products shall be exempt from this lot coverage requirement.
20.59 Rural General Commercial (RGC) District

20.59.010 Purpose.
The purpose of the Rural General Commercial District is to provide for limited commercial activities which serve the surrounding community and provide job opportunities for residents of the rural area. This district may be located in either a Rural Community or Rural Business area, which are limited areas of more intensive rural development per RCW 36.70A.070(5)(d). The district shall comply with the rural land use policies and criteria set forth in the Comprehensive Plan. New development or redevelopment in an RGC district located in a Rural Community designation is limited to that which is consistent with the character of the area on July 1, 1990 in terms of building size, scale, use, or intensity. New development in a Rural Business designation is limited to isolated small scale businesses. To retain and enhance the job base in rural areas, the county must have the flexibility to retain existing business and allow them to expand, as per RCW 36.70A.011.

20.59.050 Permitted uses.
Unless otherwise provided herein, permitted and conditional uses shall be administered pursuant to the applicable provisions of Chapter 20.80 WCC (Supplementary Requirements) and Chapter 20.84 WCC (Variances, Conditional Uses and Appeals). In a Rural Community designation, nonresidential uses listed below are permitted if a use of the same type existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1). In a Rural Business designation all uses are permitted. Residential type uses listed below are permitted in Rural Community and Rural Business designations.

051 Retail and office type uses:
053(1) Mobile home and recreational vehicle sales.
056(2) Indoor commercial recreation facilities such as bowling alleys, skating rinks, indoor theaters and physical fitness centers.
058(3) 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(4) 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(5) Printing and publishing establishments.
069(6) Mini-day care centers and day care centers.

052 Storage and warehousing type uses:
068(1) Rental storage establishments

053 Restaurant type uses:
:054(1) Eating and drinking establishments.

:054 Automotive and equipment repair type uses:
:054(1) Automobile, motorcycle, marine and farm implement sales, rental agencies, repair and service; provided, that all repair services are conducted within an enclosed building.
:052(2) Automobile service stations, car washes and public garages.
:055 Residential type uses:
:065 One single-family dwelling or duplex per lot of record subject to:
(1) Health department requirements regarding soil type and water supply.
(2) A deed restriction recorded with the Whatcom County auditor is attached to the lot(s) at the time of building permit issuance stating that the dwelling(s) is located in a Rural General Commercial zone and buyers should be aware that commercial uses will be allowed on surrounding parcels and owners have no grounds for protest.
(3) This permitted use is only allowed on lots created as of [effective date of this ordinance] May 22, 2011, or lots created according to 20.59.257.

:056 Public and community type uses:
:061(1) 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(2) Public community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar noncommercial uses.

:057 Intermediate passenger intermodal terminals: Reserved
:070(3) Public parks and recreation facilities included in an adopted city or county Comprehensive Plan or Park Plan.
:074(4) Trails, trailheads, restroom facilities and associated parking areas for no more than 30 vehicles.
:072(5) Activity centers.
:088(6) Adult family homes as defined in Chapter 70.128 RCW.
:089(7) Boarding homes that are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.
:090(8) 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(9) 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(10) Secure community transition facilities for sex offenders.
(a) 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:

(i) Public schools;
(ii) Private schools;
(iii) School bus stops;
(iv) Licensed day care;
(v) Licensed preschool facilities;
(vi) Public parks;
(vii) Publicly dedicated trails;
(viii) Sports fields;
(ix) Playgrounds;
(x) Recreational and community centers;
(xi) Churches, synagogues, temples or mosques;
(xii) Public libraries;
(xiii) Public and private youth camps; and
(xiv) Other uses identified by the State Department of Social and Health Services pursuant to RCW 71.09.020.

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

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

20.59.100 Accessory uses.
.101 One residential unit for owner-manager or caretaker when part of a building in which the primary use is located.
.102 Uses incidental to the primary permitted uses.
.103 On-site treatment and storage facilities for hazardous wastes associated with outright permitted uses or approved conditional uses subject to the most current siting criteria under Chapter 173-303 WAC.
.104 Family day care homes and mini-day care homes; provided, that such uses conform to the definition of home occupation, WCC 20.84.150.
.105 Indoor storage of durable and nondurable goods.
.067.106 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.
20.59.150 Administrative approval uses.
In a Rural Community designation, uses listed below may be administratively permitted if the same use existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1). In a Rural Business designation, all uses may be administratively permitted.
.151 Outdoor storage of durable and nondurable goods; provided neighboring uses are adequately screened.
.152 Assembly and manufacturing of prefabricated wood building and components.

20.59.200 Conditional uses.
In a Rural Community designation, uses listed below may be conditionally permitted if a use of the same type existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1). In a Rural Business designation all uses listed below may be conditionally permitted.
.201 Retail and office type uses:
  .205(1) Animal kennels.

.202 Restaurant/lodging type uses:
  .204(1) Hotels and motels.

.203 Residential type uses:
  .219(1) Boarding homes that are larger than other residential structures permitted in the zoning district.

.204 Automotive and equipment repair type uses:
  .206(1) Commercial truck service facilities including truck fueling, repair and storage operations, overnight accommodations and restaurants.

.205 Recreational type uses:
  .203(1) Amusement parks, outdoor theaters and other outdoor commercial recreation, including golf courses.
  .210(2) Public campgrounds.
  .211(3) Public or private parks that are not included in an adopted city or county Comprehensive Plan or Park Plan.
  .212(4) Athletic fields.

.206 Public and community type uses:
  .202(1) Churches and cemeteries.
  .209(2) Trailheads with parking areas for more than 30 vehicles.
.213(3) State education facilities.
.215(4) Type I solid waste handling facilities.
.216(5) Type II solid waste handling facilities.
.214(6) State and local correction facilities.
.220(7) Mental health facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.
.221(8) Substance abuse facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.
.222(9) Mental health facilities that provide crisis care.
.223(10) Substance abuse facilities that provide crisis care.
.224(11) Outpatient mental health facilities.
.225(12) Outpatient substance abuse treatment facilities, including opiate substitution treatment clinics.

.207 Other Uses
.226(1) Mitigation banks as a form of compensatory mitigation for wetland and habitat conservation area impacts when permitted in accordance with the provisions of Chapter 16.16 WCC; provided, applications for mitigation banks shall be processed as a major development project pursuant to Chapter 20.88 WCC.

20.59.250 Prohibited uses.
.251 All other uses.
.252 Adult businesses.

20.59.255 Minimum lot size.
.256 For commercial purposes, the minimum lot size shall be consistent with the area required to meet the building setback, lot coverage and development standards of this district.
.257 For the purpose of creating new residential lots, the minimum lot size shall be 5 acres.

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

20.59.320 Maximum building size.
.321 Except as otherwise specifically allowed in 20.59.322, in a Rural Community designation, the allowable building floor area shall not exceed 12,000 square feet, or a larger size if consistent with the size, scale, use or intensity of similar uses that existed on July 1, 1990 within the areas currently zoned RGC and designated as a Rural Community, except as otherwise specifically allowed in this chapter.
Determination on consistency with 1990 uses shall be made by the planning and development services department and may be appealed per the process described in Section 20.84.240. In a Rural Community designation, maximum allowable floor area for a building shall not exceed the floor area of the largest building of a use of the same type that existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1) except as provided in WCC 20.80.100(2).

.322 Grocery stores shall not exceed a maximum floor area of 35,000 square feet.
.323.322 In a Rural Business designation, the maximum allowable floor area for a new use is 7,000 square feet except as provided in WCC 20.80.100(3) and (4).

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

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

20.59.500 Lot coverage.
Reserved.
.501 On a lot in a Rural Community designation, the combined floor area of all buildings shall not exceed that of a use of the same type that existed on a lot in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1) except as provided in WCC 20.80.100(2).
.502 In a Rural Business designation building or structural coverage of a lot shall not exceed 50 percent of the total area.

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

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

20.59.650 Sign regulations.
Sign regulations shall be administered pursuant to WCC 20.80.400.

20.59.700 Development criteria.

20.59.702 Landscaping.
Refer to WCC 20.80.300 for landscaping requirements.
20.59.703 Off-street parking and loading.
Off-street parking and loading shall be administered pursuant to WCC 20.80.500.

20.59.704 Drainage.
All development activity within Whatcom County shall be subject to the stormwater management provisions of the Whatcom County Development Standards unless specifically exempted.
No project permit shall be issued prior to meeting submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.

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

20.59.706 Access.
Access shall conform to the provisions of WCC 20.80.565.

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

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

20.59.750 Performance standards.
The following provisions shall apply to all uses within this district:
.751 There shall be no storage or handling of hazardous, explosive, highly flammable materials which would cause fire, explosion or safety hazards, except the storage and dispensing of motor fuels in service stations and truck stops.
.752 There shall be no production of noise at any property line of any use in this district in excess of the average intensity of street and traffic noise found in the district.
.753 There shall be no emission of dust, dirt, odors, smoke, or toxic gases and fumes.
.754 There shall be no production of heat, glare or vibration perceptible from any property line of the premises upon which such heat, glare or vibration is being generated.
20.60.010 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. This district may be located in an Urban Growth Area, a Rural Community, or Rural Business area, as designated in the Comprehensive Plan. New development or redevelopment in an NC district located in a Rural Community designation is limited to that which is consistent with the character of the area on July 1, 1990 in terms of building size, scale, use, or intensity. New development in a Rural Business designation is limited to isolated small scale businesses.

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. In a Rural Community designation, nonresidential uses listed below are permitted if a use of the same type existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1). In a Rural Business designation all uses are permitted. Residential type uses listed below are permitted in Rural Community and Rural Business designations. 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.

.051 Retail and office type uses:
.051(1) Barber and beauty shops.
.052(2) Baker shops.
.053(3) Drug stores.
.054(4) Food markets.
.055(5) Hardware stores.
.056(6) Stationery stores.
.057(7) Other convenience retail shops not greater than 2,500 square feet per shop.

.058(8) Professional offices not greater than 2,500 square feet per business.

.052 Residential type uses:

.089(1) Boarding homes that are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

.053 Public and community type uses:

.059(1) Adult care centers, mini-day care centers, and day care centers.

.060(2) Public and community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar noncommercial uses, excluding correction facilities.

.062(3) Public parks and recreation facilities included in an adopted city or county Comprehensive Plan or Park Plan.

.063(4) Trails, trailheads, restroom facilities and associated parking areas for no more than 30 vehicles.

.088(5) Adult family homes as defined in Chapter 70.128 RCW.

.090(6) Mental health facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

.094(7) 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.
.104 Family day care homes and mini-day care homes; provided, that such uses conform to the definition of home occupation, WCC 20.84.150; and further provided, that the single-family residence is a legally nonconforming use.

.105 Electric vehicle rapid charging stations and battery exchange facilities, accessory to conditionally approved service stations.

.061.106 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.

20.60.150 Conditional uses.

In a Rural Community designation, uses listed below may be conditionally permitted if a use of the same type existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1). In a Rural Business designation all uses listed below may be conditionally permitted. Unless otherwise provided herein, conditional uses shall be administered pursuant to the applicable provisions of Chapter 20.84 WCC (Variances, Conditional Uses and Appeals), the Whatcom County SEPA Ordinance, the Official Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.

.151 Retail and office type uses:

.151 Service stations.

.152 Laundry and dry cleaning establishments.

.152 Restaurant/lodging type uses:

.153 Eating and drinking establishments.

.153 Storage and warehousing type uses:

.154(1) Commercial storage of personal recreational boats and trailers, recreational-type vehicles and accompanying mini-storage; provided, that:

(1A) Security for the site shall be provided by the applicant;

(2B) No engine repairs or oil changes shall be made on the subject site;

(3C) Adequate water supply and wastewater disposal for washdown facilities shall be demonstrated by the applicant.
.154 Recreational type uses:

.156(1) Public or private parks that are not included in an adopted city or county Comprehensive Plan or Park Plan.

.157(2) Trailheads with parking areas for more than 30 vehicles.

.158(3) Athletic fields.

.155 Public and community type uses:

.155(1) Activity centers.

.183(2) State education facilities.

.185(3) Type I solid waste handling facilities.

.156 Other uses:

.186(1) 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.

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 In a Rural Community designation, maximum allowable floor area for a building shall not exceed the floor area of the largest building of a use of the same type that existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1) except as provided in WCC 20.80.100(2). Maximum allowable floor area shall not exceed:

(1) Six thousand square feet per individual use allowed in the district if located within an urban growth area.

(2) Six thousand square feet per public community facility located outside an urban growth area.

(3) Three thousand 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 In a Rural Business designation, the maximum allowable floor area is 7,000 square feet except as provided in WCC 20.80.100(3) and (4). 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.

.451 On a lot in a Rural Community designation, combined floor area of all buildings shall not exceed that of a use of the same type that existed on a lot in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1) except as provided in WCC 20.80.100(2).

.452 In a Rural Business designation building or structural coverage of a lot shall not exceed 30 percent of the total area.

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

.552 When parcels situated within this district are between an interstate highway and a Residential Rural or Rural District, the setback on sides adjoining the Residential Rural or Rural Districts and paralleling the interstate shall be increased to 100 feet. This 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.

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 Neighborhood Commercial Districts located within a rural community designation will be consistent with the size, scale, use, or intensity of existing uses.

20.61 Small Town Commercial (STC) District

20.61.010 Purpose.
The Small Town Commercial Districts are located within Rural Communities and Rural Business areas identified in the Comprehensive Plan. This zoning district provides for an activity center where rural residents and others can gather, work, shop, entertain and reside. This district is to provide for a range of commercial uses and services to meet the everyday needs of rural residents and natural resource industries, to provide employment opportunities for residents of the rural area, and to provide goods, services, and lodging for travelers and tourists to the area. New development or redevelopment in an STC district located in a Rural Community designation is limited to that which is consistent with the character of the area on July 1, 1990 in terms of building size, scale, use, or intensity. New development in a Rural Business designation is limited to isolated small scale businesses. To retain and enhance the job base in rural areas, the county must have the flexibility to retain existing business and allow them to expand, as per RCW 36.70A.011.

20.61.050 Permitted uses.
In a Rural Community designation, nonresidential uses listed below are permitted if a use of the same type existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1). In a Rural Business designation all uses are
permitted. Residential type uses listed below are permitted in Rural Community and Rural Business designations.

.051 Retail and office type uses:

.093(1) Automobile service stations.

.054(2) 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(3) Veterinary practices with accessory indoor kennels.

.056(4) Retail establishments with less than 2,500 square feet of retail floor area per establishment, including but not limited to liquor, drug, sundries, variety, clothing, florist, optical, sporting goods, appliance, craft, music and pet stores.

.057(5) 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.

.058(6) Grocery stores with less than 10,000 square feet of retail floor area.

.092(7) Mini-day care centers and day care centers.

.059(8) Public markets, subject to the following only:

(1a) 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 tiedowns, trash disposal, and restroom facilities.

(2b) The use is seasonal, restricted to a maximum of 150 days per calendar year.

(3c) Provision is made for one parking space per 100 square feet of merchandise display area, sized in accordance with WCC 20.80.500.

(4d) 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.

(5e) Hours are limited to 7:30 a.m. to 9:00 p.m.
| (6f) Accessible parking and restroom requirements of Chapter 51-30 WAC are complied with. |
| (7g) Buffering or screening is provided from residences when a parcel adjoins an Urban Residential, Urban Residential Medium Density, Rural or Rural Residential District. |
| (8h) 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. |
| (9j) The use complies with the performance standards of WCC 20.64.700. |
| (10j) No overnight camping or vehicle parking is allowed on site. |
| (11k) Restrooms are adequately set back and buffered from adjacent properties. |

.052 Storage and warehousing type uses:

.052(1) Mini storages totaling less than 2,500 square feet of floor area.

.053 Restaurant/lodging type uses:

.053(1) 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.

.060(2) Hotels, motels and conference centers.

.055 Automotive and equipment repair type uses:

.055(1) 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:

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

.055 Residential type uses:

.066(1) One single-family dwelling per lot of record, or duplexes subject to:

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

(2b) 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.

(3c) This permitted use is only allowed on lots created as of the effective date of the ordinance codified in this section.

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

.067(2) One residential unit per business establishment in a commercial structure subject to health department requirements regarding sewage disposal and water supply.

.089(3) Boarding homes that are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

.056 Public and community type uses:

.061(1) 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(2) Public schools, and parochial or private schools; provided such schools shall be approved by the State Superintendent of Public Instruction.

.063(3) 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(4) Post offices.

.068(5) Multi-use establishments; provided, that no more than 50 percent of the structure shall be used for residential dwellings.
.069(6) Trails, trailheads, restroom facilities and associated parking areas for no more than 30 vehicles.

.088(7) Adult family homes as defined in Chapter 70.128 RCW.

.090(8) 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(9) 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 20.84.150.

.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 Bed and breakfast establishments and bed and breakfast inns.

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

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

.109 Electric vehicle rapid charging stations and battery exchange facilities, accessory to automobile service stations.

.070.110 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.
20.61.150 Administrative approval uses.
In a Rural Community designation, uses listed below may be administratively permitted if a use of the same type existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1). In a Rural Business designation all uses listed below may be administratively permitted.

151 Retail and office type uses:

151(1) 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 type uses:

152(1) Light fabrication and assembly, provided:

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

2b 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.

3c 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.

4d 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 Residential type uses:

153(1) Accessory apartments or detached accessory dwelling units to single-family dwellings; provided, that all of the following requirements are met:

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

2b 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;

3c 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;
(4d) There shall be only one front entrance to the house visible from the front yard and street for houses with accessory apartments and only one additional entrance visible from the front yard for detached accessory dwelling units;

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

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

(7g) 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:

(ai) 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;

(jj) 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;

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

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

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

(ai) 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

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

20.61.200 Conditional uses.

In a Rural Community designation, uses listed below may be conditionally permitted if a use of the same type existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1). In a Rural Business designation all uses listed below may be conditionally permitted.

.201 Retail and office type uses:
.291(1) 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.

.292(2) 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.

.294(3) Grocery stores with more than 10,000 square feet of retail floor area, but less than 35,000 square feet of floor area.

.295(4) Animal kennels not associated with a veterinary practice.

.297(5) Indoor commercial recreational facilities with less than 5,000 square feet maximum floor area.

.202 Residential type uses:

.239(1) Boarding homes that are larger than other residential structures permitted in the zoning district.

.203 Storage and warehousing type uses:

.203(1) Mini storage with less than 10,000 square feet of floor area.

.204 Restaurant/lodging type Uses:

.206(1) Recreational vehicle parks for transient motor homes and tourist trailers.

.205 Recreational type uses:

.208(1) Outdoor commercial recreation on an area not to exceed three acres in size.

.213(2) Athletic fields.

.211(3) Public campgrounds, not to exceed three acres.

.212(4) Trailheads with parking areas for more than 30 vehicles.

.210(5) Public or private parks that are not included in an adopted city or county Comprehensive Plan or Park Plan.

.206 Public and community type uses:
.209(1) Churches, educational and religious training institutions, summer camps and cemeteries.

.234(2) State and local correction facilities.

.235(3) Type I solid waste handling facilities.

.240(4) Mental health facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

.241(5) Substance abuse facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

.242(6) Mental health facilities that provide crisis care.

.243(7) Substance abuse facilities that provide crisis care.

.244(8) Outpatient mental health facilities.

.245(9) Outpatient substance abuse treatment facilities, including opiate substitution treatment clinics.

.246(10) State education facilities.

.247(11) 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;
(iiix) Playgrounds;

(jjx) Recreational and community centers;

(kxli) Churches, synagogues, temples or mosques;

(xiii) Public libraries;

(mxiii) Public and private youth camps; and

(nxiv) Other uses identified by the State Department of Social and Health Services pursuant to RCW 71.09.020.

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

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

.207 Other uses:

.248(2) 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.

.321 In a Rural Community designation, maximum allowable floor area for a building shall not exceed the floor area of the largest building of a use of the same type that existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1) except as provided in WCC 20.80.100(2). Except as otherwise specifically allowed in WCC 20.61.204, in a rural community designation, the allowable building floor area shall not exceed 12,000 square feet, or a larger size if consistent with the size, scale, use or intensity of similar uses that existed on July 1, 1990, within the areas currently zoned STC and designated as a rural community. Determination on consistency with 1990 uses shall be made by the planning and development services department and may be appealed per the process described in WCC 20.84.240.

.322 In a rural business designation, the maximum allowable floor area is 7,000 square feet except as provided in WCC 20.80.100(3) and (4).

20.61.350 Maximum density.

.351 Hotels and motels shall not exceed a floor area ratio (FAR) of 0.60.

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

20.61.400 Building setbacks.

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

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

20.61.450 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. 
.501 On a lot in a Rural Community designation, combined floor area of all buildings shall not exceed that of a use of the same type that existed on a lot in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1) except as provided in WCC 20.80.100(2).
.5042 In a Rural Business designation building or structural coverage of a lot shall not exceed 70 percent of the total area.

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

20.61.650 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 in Small Town Commercial Districts located within a rural community designation will be consistent with the size, scale, use, or intensity of existing uses.

20.63 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, this district may be located in an Urban Growth area, Rural Community, Rural Tourism or Rural Business area as designated in the Comprehensive Plan. If located in a Rural Tourism 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. New development or redevelopment in a TC district located in a Rural Community designation is limited to that which is consistent with the character of the area on July 1, 1990 in terms of building size, scale, use, or intensity. New development in a Rural Tourism designation must be consistent with the Comprehensive Plan's policies governing uses in Rural Tourism areas. New development in a Rural Business designation is limited to isolated small scale businesses.

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. In a Rural Community designation, nonresidential uses listed below are permitted if a use of the same type existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1). Residential type uses listed below are permitted in Rural Community and Rural Business designations. In a Rural Tourism designation, uses below are permitted provided they are consistent with the Comprehensive Plan's policies governing uses in Rural Tourism areas. In a Rural Business designation all uses are permitted.

.051 Retail and office type uses:

.052(1) Retail shops no greater than 2,500 square feet in size per shop.

.053(2) Tourist information centers.

.054(3) Barber and beauty shops.

.056(4) Professional offices no greater than 2,500 square feet in size per shop.

.057(5) Service stations and towing services when based at a service station.

.058(6) Laundromats.

.059(7) Banks and/or bank machines.

.061(8) Indoor commercial recreation facilities.

.065(9) Mini-day care centers and day care centers.

.053 Restaurant/lodging type uses:
.051(1) Restaurants.

.062(2) Hotels and motels.

.054 Residential type uses:

.089(1) Boarding homes that are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

.055 Public and community type uses:

.055(1) Post offices.

.066(2) Churches.

.066(3) Public parks and recreation facilities included in an adopted city or county Comprehensive Plan or Park Plan.

.067(4) Trails, trailheads, restroom facilities and associated parking areas for no more than 30 vehicles.

.068(5) Activity centers.

.080 Major passenger intermodal terminals.

.088(6) Adult family homes as defined in Chapter 70.128 RCW.

.090(7) 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(8) 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.
.104 Family day care homes and mini-day care homes; provided, that such uses conform to the definition of home occupation, WCC 20.84.150; and further provided, that the single-family residence is a legally nonconforming use.

.105 Electric vehicle rapid charging stations and battery exchange facilities, accessory to service stations.

.063.106 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.

20.63.150 Conditional uses.
In a Rural Community designation, uses listed below may be conditionally permitted if a use of the same type existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1). In a Rural Tourism designation, uses listed below may be conditionally permitted provided they are consistent with the Comprehensive Plan’s policies governing uses in Rural Tourism areas. In a Rural Business designation all uses listed below may be conditionally permitted.

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).

.201 Retail and office type uses:
.152(1) Dry cleaners.

.202 Automotive and equipment repair type uses:
.154(1) Automobile repair garages.

.203 Restaurant/lodging type uses:
.153(1) Campgrounds and recreational vehicle parks.

Recreational Type uses:
.155(1) Outdoor recreation facilities, athletic fields and public or private parks not included in an adopted city or county Comprehensive Plan or Park Plan.

.156(2) Trailheads with parking areas for more than 30 vehicles.
.204 Public and community type uses:

.154(1) 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.

.185(2) Type I solid waste handling facilities.

.205 Other uses

.186(1) 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 and maximum 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.

.253 Uses in the Rural Tourism designation shall be located on lots not larger than 20 acres.

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. 
.451 On a lot in a Rural Community designation, combined floor area of all buildings shall not exceed that of a use of the same type that existed on a lot in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1) except as provided in WCC 20.80.100(2).
.4514 In a Rural Business designation building or structural coverage of a lot shall not exceed 40 percent of the total area.

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

20.63.600 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.

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

20.63.652 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 development or redevelopment in Tourist Commercial Zone Districts located within a rural-Rural community-Community designation will be consistent with the character of the area on July 1, 1990 in terms of building size, scale, use, or intensity of existing uses, per WCC 20.80.100(1), except as provided in WCC 20.80.100(2). In a Rural Tourist designation, development or redevelopment shall be consistent with the Comprehensive Plan policies for that designation. In a Rural Business designation, the maximum allowable floor area is 7,000 square feet except as provided in WCC 20.80.100(3) and (4).

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. This district may be located in an Urban Growth Area, a Rural Community, or Rural Business area, as designated in the Comprehensive Plan.
development or redevelopment in an RC district located in a Rural Community designation is limited to that which is consistent with the character of the area on July 1, 1990 in terms of building size, scale, use, or intensity. New development in a Rural Business designation is limited to isolated small scale businesses.

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. In a Rural Community designation, nonresidential uses listed below are permitted if a use of the same type existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1). In a Rural Business designation all uses are permitted. Residential type uses listed below are permitted in Rural Community and Rural Business designations.

.051 Retail and office type uses:  

.053(1) Retail shops and resort related uses with or without drive through service no greater than 5,000 square feet in area per shop, except as provided by WCC 20.64.193.

.054(2) Barber and beauty shops.

.056(3) Laundromats.

.057(4) Banks no greater than 2,500 square feet in area.

.058(5) Professional offices.

.058(6) Public markets, subject to the following, only:

(1a) 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 tiedowns, trash disposal, and restroom facilities.

(2b) The use is seasonal, restricted to a maximum of 150 consecutive days per calendar year.

(3c) Permanent or portable restroom facilities are made available.

(4d) Provision is made for one parking space per 100 square feet of merchandise display area, sized in accordance with WCC 20.80.500.

(5e) 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.
(6f) Hours are limited to 9:00 a.m. to 9:00 p.m.

(7g) Accessible parking an restroom requirements of Chapter 51-30 WAC are complied with.

(8h) Buffering or screening is provided from residences when a parcel adjoins an Urban Residential, Urban Residential Medium Density, Rural, or Rural Residential district.

(9j) 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.

(10j) The use complies with the performance standards of WCC 20.64.700.

(11j) No overnight camping or vehicle parking is allowed on site.

(12j) Restrooms are adequately set back and buffered from adjacent properties.

.053 Restaurant/lodging type uses:

.055(1) Restaurants or coffee shops with or 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, except as provided by WCC 20.64.193.

.063(2) Taverns; provided further that up to 50 percent of seating may be in an outdoor area screened from adjacent properties and streets.

.064(3) Hotels or motels and time share condominiums accommodating 16 or less sleeping units.

.054 Residential type uses:

.054(1) One single-family dwelling per lot of record.

.052(2) One duplex per lot of record.

.062(3) Rooming houses accommodating eight or less nonfamily members.

.060(4) Multifamily dwellings containing eight or less sleeping units.

.065(5) 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:
(3a) 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.

(3b) 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.

(3c) 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.

(4d) Outside of an approved recreational vehicle park, lots shall not be leased or rented out on a daily or overnight basis for recreational use.

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

(6f) 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.

.089(6) Boarding homes that are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

.055 Public and community type uses:

.059(1) Public parks and recreation facilities included in an adopted city or county Comprehensive Plan or Park Plan.

.064(2) Parking lots or garages.

.069(3) Mini-day care centers and day care centers.

.070(4) Trails, trailheads, restroom facilities and associated parking areas for no more than 30 vehicles.

.088(5) Adult family homes as defined in Chapter 70.128 RCW.

.090(6) 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(7) 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 20.84.150, 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 Bed and breakfast establishments and bed and breakfast inns.

.111 Other accessory uses and buildings, including dedicated employee housing, customarily appurtenant to a principally permitted use.
.112 Electric vehicle rapid charging stations and battery exchange facilities, accessory to conditionally approved service stations.

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

.067.121 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.

20.64.130 Administrative approval uses.
In a Rural Community designation, uses listed below may be administratively permitted if the same use existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1). In a Rural Business designation all uses listed below may be administratively permitted.

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 houses with 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 on a lot of record no less than 4.5 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. In a Rural Community designation, uses listed below may be conditionally permitted if a use of the same type existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1). In a Rural Business designation all uses listed below may be conditionally permitted.

5.201 Retail and office type uses:

- 159(1) Service stations and automobile repair garages; provided, that:

(3a) All storage tanks shall either be aboveground and completely screened from neighboring uses; or

(2b) Shall have a full separate containment structure and shall have monitoring devices that will indicate any leakage; or

(3c) 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;

(4d) 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.

- 193(2) Retail shops, resort related uses and restaurants or coffee shops on Birch Bay Drive with drive through services, with a 5,000-square-foot maximum per shop.
.202 Restaurant/lodging type uses:

.153(1) Hotels and motels totalling more than 16 sleeping units.

.154(2) Time share condominiums totalling more than 16 sleeping units.

.157(3) Campgrounds and recreational vehicle parks.

.203 Residential type uses:

.152(1) Multifamily dwellings including residential condominiums totalling more than eight sleeping units.

.156(2) Mobile home parks.

.155(3) Rooming and boarding houses totalling more than eight sleeping units.

.204 Recreational type uses:

.151(1) Marinas, public or commercial launching ramps, and docks.

.158(2) Commercial amusement and recreation establishments and clubs.

.160(3) Golf courses.

.168(4) Athletic fields.

.166(5) Public or private parks not included in an adopted city or county Comprehensive Plan or Park Plan.

.167(6) Trailheads with parking areas for more than 30 vehicles.

.205 Public and community type uses:

.161(1) 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(2) Public schools; and parochial or private schools; provided such schools shall be approved by the State Superintendent of Public Instruction.

.163(3) Churches, educational and religious training institutions, summer camps, and cemeteries.
Retirement and convalescent homes; social and health rehabilitation centers; and adult care centers in a building not used as a residence; and other health-related services consistent with the purpose of the district.

State education facilities.

Type I solid waste handling facilities.

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

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

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

Other Uses

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.

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

Prohibited uses.

All other uses.

Adult businesses.

Mental health facilities that provide crisis care.

Substance abuse facilities that provide crisis care.

Outpatient mental health facilities.

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

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.

.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.

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

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 though 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.

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 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 development or redevelopment in Resort Commercial Zone Districts located within a Rural Community Community designation will be consistent with the character of the area in July 1, 1990 in terms of building size, scale, use, or intensity of existing uses, per WCC 20.80.100(1) except as provided in WCC 20.80.100(2). 302 in a Rural Business designation, the maximum allowable floor area is 7,000 square feet except as provided in WCC 20.80.100(3) and (4).

20.67 General Manufacturing (GM) District

20.67.010 Purpose.
The purpose of this district is to provide for rural general manufacturing activities which by their nature are less intensive uses than those of heavy industry but of greater intensity than uses associated with the Rural Industrial - Manufacturing district, and to provide employment opportunities for residents of the rural area. General manufacturing uses are primarily related to fabrication, manufacture, storage and distribution of products which have minimal off-site impacts on adjacent nonindustrial zone districts. It is a further purpose of this district to encourage proper design of developments in order to minimize use conflicts within and beyond the district's boundaries as enabled through the district's performance and development standards, as well as buffer and setback requirements. This district shall comply with the rural land use policies and criteria set forth in the Comprehensive Plan. This district may be located in an Urban Growth Area, a Rural Community, or Rural Business area, as designated in the Comprehensive Plan. New development or redevelopment in a GM district located in a Rural Community designation is limited to that which is consistent with the character of the area on July 1, 1990 in terms of building size, scale, use, or intensity. New development in a Rural Business designation is limited to isolated small scale businesses. To retain and enhance the job base in rural areas, the county must have the flexibility to retain existing business and allow them to expand, as per RCW 36.70A.011.

20.67.050 Permitted uses.
Unless otherwise provided herein, permitted, accessory and conditional uses shall be administered pursuant to the applicable provisions of Chapter 20.80 WCC (Supplementary Requirements) and Chapter 20.84 WCC (Variances, Conditional Uses and Appeals), the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program. In a Rural Community designation, nonresidential uses listed below are permitted if a use of the same type existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1). In a Rural Business designation all uses are permitted.
.051 Manufacturing/Fabrication type uses

.051(1) The manufacture and processing of food including meat, dairy, fruit, vegetable, seafood, bakery and beverage products.

.052(2) Fabrication of apparel including clothing, hats, caps, millinery, fur products; and miscellaneous fabricated textile products.

.053(3) Fabrication of furniture and fixtures including household, office and public building furniture; and partitions, shelving and lockers.

.054(4) Fabrication of paper products including paperboard containers, boxes, corrugated boxes and paper containers.

.055(5) Printing and publishing newspapers, periodicals and books; commercial printing; book binding; and manufacture of manifold business forms and greeting cards.

.056(6) 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(7) 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(8) The manufacture of transportation equipment including boat building; and bicycle and motorcycles, and related parts.

.059(9) Processing and packaging of drugs, pharmaceuticals, perfumes, cosmetics, supplements, remedies, or similar types of products.

.060(10) Fabrication of electrical equipment including radio and television sets; communications equipment; electronic components and accessories; and electric lighting equipment and lamps.

.061(11) Fabrication of instruments, photographic goods, optical goods, watches and clocks, and including engineering, scientific, surgical, medical, dental and ophthalmic products.

.062(12) 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.

.064(13) Manufacture of office, computing and accounting machines.
.065(14) Retail automobile wrecking yards where determined by the zoning administrator to be adequately screened from adjacent properties and streets.

.069(15) The fabrication of metal products including metal cans, hardware, hand tools, cutlery, heating apparatus, plumbing fixtures, structural metals, screws and bolts, and stamping.

.070(16) 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(17) The manufacture of electrical machinery including transmission and distribution equipment, and industrial apparatus.

.072(18) 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.

.052 Storage/Warehousing/Transfer type uses

.063(1) Rail, truck and freight terminals, warehousing and storage; parcel delivery service, freight forwarding; inspection and weighing service; and packing and crating.

.053 Construction type uses:

.066(1) Construction contractors including general building, heavy construction and special trade.

.054 Wholesaling type uses:

.067(1) 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.

.055 Public type uses:
.073(1) 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(2) 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.

.077(3) Trails, trailheads, restroom facilities and associated parking areas for no more than 30 vehicles.

.056 Commercial type uses

.075(1) 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:

(1a) Maximum floor area is 2,500 square feet per use;

(2b) No more than two pump islands for each gas station;

(3c) 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.

.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 WCC; provided retail facilities do not exceed 15 percent of the total floor area of all buildings located on site.

.109 Electric vehicle rapid charging stations and battery exchange facilities, accessory to gas stations.

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

20.67.150 Conditional uses.
In a Rural Community designation, uses listed below may be conditionally permitted if a use of the same type existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1). In a Rural Business designation all uses listed below may be conditionally permitted.

.151 Recreational type uses:

.154(1) Public and private parks facilities not included in an adopted city or county Comprehensive Plan or Park Plan.

.155(2) Trailheads with parking areas for more than 30 vehicles.

.156(3) Athletic fields.

.180 Major passenger intermodal terminals.

.152 Public type uses:

.183(1) State education facilities.

.185(2) Type I solid waste handling facilities.

.186(3) Type II solid waste handling facilities.

.187(4) Type III solid waste handling facilities; provided, that:
(4a) 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;

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

(a1) All zoning district boundaries, except Commercial Forestry and Industrial Zones;

(b2) Public parks, public recreation areas, or publicly-owned wildlife areas;

(e3) Archaeological and historical sites that are registered with the State Office of Archaeology and Historic Preservation;

(e4) Shorelines that are within the jurisdiction of the Shoreline Management Program;

(e5) Rivers, streams or creeks that contain documented threatened or endangered fish species;

(f6) 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;

(3c) Inert landfills shall be located at least 500 feet from the following:

(a1) All zoning district boundaries, except Commercial Forestry and Industrial Zones;

(b2) Public parks, public recreation areas, or publicly-owned wildlife areas;

(e3) Archaeological and historical sites that are registered with the State Office of Archaeology and Historic Preservation;

(e4) Shorelines that are within the jurisdiction of the Shoreline Management Program;

(e5) Rivers, streams or creeks that contain documented threatened or endangered fish species;
(f6) 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;

(4d) 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;

(5e) 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;

(6f) 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

(7g) 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:

(a1) 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

(b2) 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;

(8h) 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);

(9j) 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;

(10j) 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;
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.

.153 Other uses

.188(1) 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.

20.67.251 Large commercial retail.


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.

.301 In a rural community designation, the allowable building floor area shall not exceed 20,000 square feet, or a larger size if consistent with the size, scale, use or intensity of similar uses that existed on July 1, 1990, within the areas currently zoned GM and designated as a rural community. Determination on consistency with 1990 uses shall be made by the planning and development services department and may be appealed per the process described in WCC 20.84.240. In a Rural Community designation, maximum allowable floor area for a building shall not exceed the floor area of the largest building of a use of the same type that existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1) except as provided in WCC 20.80.100(2).
.302 In a rural business designation, the maximum allowable floor area is 7,000 square feet except as provided in WCC 20.80.100(3) and (4).

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.

Reserved. .451 On a lot in a Rural Community designation, combined floor area of all buildings shall not exceed that of a use of the same type that existed on a lot in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1) except as provided in WCC 20.80.100(2).

.452 In a Rural Business designation building or structural coverage of a lot shall not exceed 50 percent of the total area.

20.67.500 Open space.

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

20.67.550 Buffer area.

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

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

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 industrial and manufacturing uses that are commonly accepted in the rural area, with preference to those uses which facilitate the production of agricultural, forest, and aquatic products; and to provide employment opportunities for residents of the rural area. This zoning designation allows related processing facilities, limited direct resource sales and limited support services that are not detrimental to the natural resource base in the long term. The district shall comply with the rural land use policies and criteria set forth in the Comprehensive Plan. This district may be located in either a Rural Community or Rural Business area. New development or redevelopment in a RIM district located in a Rural Community designation is limited to that which is consistent with the character of the area on July 1, 1990 in terms of building size, scale, use, or intensity. New development in a Rural Business designation is limited to isolated small scale businesses. To retain and enhance the job base in rural areas, the county must have the flexibility to retain existing business and allow them to expand, as per RCW 36.70A.011.

20.69.050 Permitted uses.
The following permitted uses shall be allowed subject to an evaluation by the zoning administrator pursuant to the provisions of this chapter and Chapter 20.80 WCC. In a Rural Community designation, nonresidential uses listed below are permitted if a use of the same type existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1). In a Rural Business designation all uses are permitted.

.051 Manufacturing/Fabrication type uses

.055(1) Manufacture of miscellaneous textile goods and fabrication of apparel including clothing, hats, caps, millinery fur products; and miscellaneous fabricated textile products.

.056(2) Fabrication of furniture and fixtures including household, office and public building furniture; and partitions, shelving and lockers.

.057(3) Fabrication of paper products including paperboard containers, boxes, carton boxes and paper containers.

.058(4) Printing and publishing newspapers, periodicals and books; commercial printing; book binding; and manufacture of manifold business forms and greeting cards.

.059(5) 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(6) Fabrication of glass products including glass products from prepared materials; stone cutting; and monuments.
.061(7) Processing and packaging of drug, pharmaceuticals, perfumes, cosmetics, supplements and remedies, when associated with derivatives from local agriculture or other local resources.

.062(8) 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(9) Fabrication of instruments, photographic goods, optical goods, watches and clocks, and including engineering, scientific, surgical, medical, dental and ophthalmic products.

.064(10) 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.

.069(11) Manufacture, processing, treatment or fabrication of metal products and machinery; provided, that smelters and remelting mills, and the manufacturing of turbines, oil machinery, mining machinery, industrial process ovens, paper, and textile or rolling mill machinery shall be prohibited.

.070(12) Fabrication of rubber products from finished rubber only and manufacture of miscellaneous plastic products from purchased resins only.

.071(13) Manufacture of glass, glass products, pottery and related products, and cutting and shaping of stone products.

.052 Storage/Warehousing/Transfer type uses

.065(1) Rail, truck and freight terminals; warehousing and storage; parcel delivery service; freight forwarding; inspection weighing services; and packaging and crating.

.076(2) Wholesale trade or storage of durable and nondurable goods; provided trade, storage or processing of sulphur shall be prohibited.

.053 Agriculture type uses:

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

1. Commercial operations, except for commercial mushroom substrate production facilities as provided for in WCC 20.15, that directly provide agricultural goods or services to farmers. Examples of agricultural commercial operations include, but are not limited to: agricultural parts and implement sales, farm management services, livestock auction facilities, hay sales and storage, sawdust sales and storage, and farm chemical applicator establishments. These operations must abide by the limitations of 20.69.108, and otherwise as outlined in this chapter.

2. The processing of agricultural products that originate from the permitted uses in WCC 20.40.050, provided that the facility is not mushroom substrate...
production facility and the facility processes at least 50 percent agricultural goods produced in Whatcom County.
(3) Animal hospital and accessory kennels and stables.
(4) Commercial composting and mulching facilities other than commercial mushroom substrate production facilities as provided for in WCC 20.15.
(5) Fabrication, maintenance, repair, storage, service and accessory sales of agricultural implements and farm equipment.
(6) Metal agricultural implement and farm equipment recovery and recycling.
(7) Confined feeding operations less than 40 acres.
(8) Storage and distribution of animal feeds, fertilizers, pesticides and seed.
(9) Plant nurseries and greenhouses for storage, propagation and culture of plants, including sales as an accessory use.

.052-054 Forestry type uses:
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.

.053-055 Aquatic resources type uses:
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.

056 Construction type uses
(1) .054 Construction contractors’ business offices and storage and equipment yards, including the assembly and manufacturing of prefabricated wood building and components.

057 Commercial type uses
(1) .068 Eating establishments, convenience grocery stores, cafes and gas stations operating primarily for the convenience of employees, clients and customers of the district; providing the following criteria are met:
   (1a) Maximum floor area of building is 3,000 square feet;
   (2b) No more than two pump islands for each gas station;
   (3c) Centrally located within the district to primarily serve the industrial uses of this district and not to primarily serve adjacent nonindustrial uses.

066(2) Communications including telephone exchanges, and radio and television stations. Broadcast towers require a conditional use permit pursuant to WCC 20.82.030(4).

058 Public type uses
.073(1) Secure community transition facilities for sex offenders, when located outside of the Cherry Point Major Port Industrial Urban Growth Area.
   (1a) 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:
      (a1) Public schools;
      (b2) Private schools;
      (c3) School bus stops;
      (d4) Licensed day care;
      (e5) Licensed preschool facilities;
      (f6) Public parks;
      (g7) Publicly dedicated trails;
      (h8) Sports fields;
      (i9) Playgrounds;
      (j10) Recreational and community centers;
      (k11) Churches, synagogues, temples or mosques;
(12) Public libraries;

(13) Public and private youth camps; and

(14) Other uses identified by the State Department of Social and Health Services pursuant to RCW 71.09.020.

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

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

(2) 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.

(3) Public community facilities.

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

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

.107.110 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.

20.69.130 Administrative approval uses.

The following uses are permitted with administrative approval pursuant to WCC 20.64.235. In a Rural Community designation, uses listed below may be administratively permitted if the same use existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1). In a Rural Business designation all uses listed below may be administratively permitted.

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

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

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

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

20.69.150 Conditional uses.

Unless otherwise provided herein, conditional uses shall be administered pursuant to the applicable provisions of Chapter 20.84 WCC (Variances, Conditional Uses and Appeals). In a Rural Community designation, uses listed below may be conditionally permitted if the use of the same type existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1). In a Rural Business designation, all uses may be conditionally permitted.

.151 Manufacturing/Fabrication type uses
.151(1) Manufacture, batching and recycling of hydraulic cement, concrete gypsum and plaster products, abrasive asbestos, sand, and miscellaneous nonmetallic mineral products.
.152(2) Petroleum products and gas storage—bulk.
.153(3) Confined feeding operations greater than 40 acres.

.152 Commercial type uses
.154(1) 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.

.153 Public type uses
155(1) Public and private parks facilities not included in an adopted city or county Comprehensive Plan or Park Plan.

156(2) Trailheads with parking areas for more than 30 vehicles.

157(3) Athletic fields.

158(4) Intermediate passenger intermodal terminals.

159(5) State education facilities.

160(6) Type I solid waste handling facilities.

161(7) Type II solid waste handling facilities.

162(8) Type III solid waste handling facilities; provided, that:

(1a) 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;

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

(a1) All zoning district boundaries, except Commercial Forestry and Industrial Zones;

(b2) Public parks, public recreation areas, or publicly-owned wildlife areas;

(c3) Archaeological and historical sites that are registered with the State Office of Archaeology and Historic Preservation;

(d4) Shorelines that are within the jurisdiction of the Shoreline Management Program;

(e5) Rivers, streams or creeks that contain documented threatened or endangered fish species;

(f6) 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;

(3c) 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;

(4d) 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;

(5e) 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;

(6f) 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

(7g) 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:

   (a1) 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

   (b2) 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;

(8h) 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);

(9i) 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;

(10j) 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;

(11k) 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.

.154 Other uses
.163(1) 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 In a Rural Community designation, maximum allowable floor area of a building shall not exceed the floor area of the largest building of a use of the same type that existed in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1) except as provided in WCC 20.80.100(2). Except as otherwise specifically allowed in this chapter, in a Rural Community designation, the allowable building floor area shall not exceed 22,000 square feet, or a larger size if consistent with the size, scale, use or intensity of similar uses that existed on July 1, 1990 within the areas currently zoned RIM and designated as a Rural Community. Determination on consistency with 1990 uses shall be made by the planning and development services department and may be appealed per the process described in Section 20.84.240.
.302 In a Rural Business designation, the maximum allowable floor area is 7,000 square feet except as provided in WCC 20.80.100(3) and (4).

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

20.69.400 Height limitations.
No maximum structure height is established; however, when building height exceeds 35 feet, the setback requirements of WCC 20.80.200 shall be increased by one foot for each foot of building height in excess of 35 feet, as applicable to all setbacks. Height of structures shall also conform, where applicable, to the general requirements of WCC 20.80.675. Piles of materials, including those stored and/or processed on site, shall not exceed 35 feet.
20.69.450 Lot coverage.
Reserved. .451 On a lot in a Rural Community designation, combined floor area of all buildings shall not exceed that of a use of the same type that existed on a lot in that same Rural Community designation on July 1, 1990, per WCC 20.80.100(1) except as provided in WCC 20.80.100(2).
.452 In a Rural Business designation building or structural coverage of a lot shall not exceed 50 percent of the total area.

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

20.69.550 Buffer area.
.551 When a parcel situated within this district adjoins an Agriculture, Rural or Residential Rural District, or county or state roads designated as or proposed for improvements to principal arterial status, setbacks of adjoining area shall be increased to 25 feet. Unless adjoining an Agriculture zoning district, said area shall be landscaped consistent with the requirements of WCC 20.80.345.
.552 If any part of said buffer area is separated from, or sold to any contiguous or adjacent owner, lessee or user, the parcel so separated or sold shall be used only as a buffer area in accordance with the above requirements.

20.69.600 Sign regulations.
Sign regulations shall be administered pursuant to WCC 20.80.400.

20.69.650 Development criteria.

20.69.651 Facility design.
Rural Industrial and Manufacturing developments within this Zone District should be designed to accommodate additional industrial, manufacture, or commercial development on adjacent RIM or other commercially-zoned property in an integrated manner. Consistent architectural treatment is encouraged. Each development shall screen roof-mounted mechanical equipment so as not to be visible by surrounding uses or roads.
Design of a proposed use in the Rural Industrial and Manufacturing zone district shall be consistent with the Comprehensive Plan rural land use chapter.

20.69.652 Landscaping.
Refer to WCC 20.80.300 for landscaping requirements.

20.69.653 Off-street parking and loading.
Off-street parking and loading provisions shall be administered pursuant to WCC 20.80.500. In addition, loading areas must be located in such a manner that no loading, unloading and/or maneuvering of trucks associated therewith takes place on public rights-of-way.
20.69.655 Drainage.
All development activity within Whatcom County shall be subject to the stormwater management provisions of the Whatcom County Development Standards unless specifically exempted.
No project permit shall be issued prior to meeting submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.

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

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

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

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

20.69.700 Performance standards.

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

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

20.69.703 Ground vibrations.
No ground vibration other than that caused by highway vehicles, trains or construction activity shall be permitted which is discernible, without instruments, at or beyond the property line for the use concerned.
20.69.704 Odor, dust, dirt, and smoke.
No odor, dust, dirt, or smoke shall be emitted that is detectable at or beyond the property line, for the use concerned, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of property beyond the boundaries of the district.

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

20.69.706 Toxic gases and fumes.
There shall be no emission of toxic gases or fumes.

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


20.80 Supplementary Requirements

20.80.100 LAMIRD requirements.
(1) Building size in Rural Communities. Within areas designated in the Comprehensive Plan as Rural Community, which are Limited Areas of More Intensive Development as described in RCW 36.70A.070(5)(d)(l), permitted maximum building sizes shall be in accordance with building sizes that existed in each area on July 1, 1990, as shown in the following table.

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<th>Maximum floor area per building, in square feet</th>
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<td>(Maximum combined floor area for all buildings, in square feet)</td>
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<th>Storage/Warehouse</th>
<th>Auto/Equipment Repair</th>
<th>Public/Community</th>
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<th>Existing Area</th>
<th>Proposed Area</th>
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<tr>
<td>Sudden Valley</td>
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<td>Van Wyck</td>
<td>3,480 (3,480)</td>
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<td>Weser Lake</td>
<td>24,690 (24,690)</td>
<td>11,222 (11,274)</td>
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(2) Modifications to building sizes and uses in Rural Communities

(a) Within a Rural Community designation, the Zoning Administrator may permit a use other than shown in 20.80.100(1) and/or building sizes greater than shown in 20.80.100(1) if there is documentation that a use of the same type existed in 1990, or a larger building size or combined floor area existed for a use of the same similar type in that area in 1990, provided the proposed floor area does not exceed the documented floor area.

(b) Within a Rural Community designation, development or redevelopment with a per-building floor area or combined floor area of all buildings greater than allowed per 20.80.100(1), or development or redevelopment of a use other than shown in 20.80.100(1), may be permitted if approved through an administrative approval process per WCC 20.84.235. The administrative approval is subject to a finding that the development or redevelopment is consistent with the character of the area on July 1, 1990 considering the parameters listed below, though the development or redevelopment need not meet every one of those parameters.

1. Building size, referring to the floor area of the largest building.
2. Scale, referring to the combined floor area of all buildings.
3. Use, referring to whether the proposed use is included in the type of use existing on July 1, 1990 in the area, or
4. Intensity, referring to potential adverse impacts on surrounding properties that did not exist on July 1, 1990.

(3) Within areas designated in the Comprehensive Plan as Rural Business, which are Limited Areas of More Intensive Development as described in RCW 36.70A.070(5)(d)(iii), new nonresidential uses are subject to a maximum building size of 5,000 square feet, except in the Birch Bay-Lynden/1-5 area where new nonresidential uses are subject to a maximum building size of 12,000 square feet, which is considered “small-scale” relative to existing uses in that area. For nonresidential uses that existed on July 1, 2012, building size expansion to no greater than 8,000 square feet is permitted, except in the Birch Bay-Lynden/1-5 area, where building size no greater than 20,000 square feet is permitted.
(4) Within a Rural Business designation, a larger building size for new nonresidential development is permitted if a conditional use permit is granted per WCC 20.84.200. A conditional use permit for a larger building size shall be subject to a finding that:

(a) The larger building size will not cause the need for additional public facilities to be provided in the area.

(b) The proposal is consistent with the Comprehensive Plan policies regarding the Rural Business designation, and

(c) The proposed small-scale business conforms to the rural character of the area.

---

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.

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

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(3) New sewer and/or water lines with an inside diameter greater than eight inches except for new sewer and/or water lines in conformance with a state approved water comprehensive plan and consistent with the Whatcom County Comprehensive Plan, which shall be permitted outright so long as they are water transmission lines or are located and installed by a public utility or municipality within urban growth areas, LAMIRDs, or Rural Neighborhoods, 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. New water lines with an inside diameter greater than eight inches lines shall not be extended into Rural or Rural Neighborhood designations unless such extensions are shown to be necessary to protect basic public health and safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.

(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. Sewer lines shall not be extended to serve lots in rural areas unless such extensions are shown to be necessary to protect basic public health and safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.

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20.97 Definitions

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20.97.356 Rural Business Designation (Type III LAMIRD).
"Rural Business Designation" means an area that has been designated in the Comprehensive plan as a limited area of more intensive rural development (LAMIRD), which allows for the intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses, as defined in WA state law (RCW 36.70A.070(5)(d)(iii)). It 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.
EXHIBIT C
Official Zoning Map and Comprehensive Plan Map 8 Amendments
File #: PLN2009-00011

Proposed Rezoning
- Existing Zoning Boundary
- Proposed Zoning Boundary
- Proposed Rezone Area

Proposed Zoning - RR5A (not in parentheses)
Existing Zoning - (RR2)
File #: PLN2012-00012
Proposed Comprehensive Plan Change

- Proposed Rural Neighborhood
- Existing Comprehensive Plan Boundary

* Rural Residential Density Overlay
Proposed Comprehensive Plan designation - Rural Neighborhood (not in parentheses)
Existing Comprehensive Plan designation - (Rural)
File #: PLN2012-00012
Proposed Rezoning

- Existing Zoning Boundary
- Rezone Area

Proposed Zoning - R5A (not in parentheses)
Existing Zoning - (R2A)
File #: PLN2012-00012
Proposed Comprehensive Plan Change

- Proposed Rural Neighborhood
- Existing CP Designation Boundary

Proposed Comprehensive Plan designation - Rural Neighborhood
Existing Comprehensive Plan designation - (Rural)
File #: PLN2012-00012
Proposed Comprehensive Plan Land Use Changes

- □ Proposed Type I Rural Community
- ■ Existing Comprehensive Plan Boundary

Proposed CP Designation - RURAL BUSINESS (not in parentheses)
Existing CP Designation - (TRANS CORRIDOR)
File #: PLN2012-00012
Proposed Comprehensive Plan Land Use Changes

- Proposed Rural Neighborhood
- Existing Comprehensive Plan Boundary

Proposed CP Designation - RURAL COMMUNITY (not in parentheses)
Existing CP Designation - (SUBURBAN ENCLAVE)
File #: PLN2012-00012
Proposed Zoning Changes

- Existing Zoning Boundary
- Proposed Rezone Area
- Rural Residential Density Overlay
- Proposed Zoning - RSA (not in parentheses)
- Existing Zoning - (RR2)

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February 8, 2012 by gld
File #: PLN2012-00012
Proposed Comprehensive Plan Land Use Changes

- Proposed Rural Neighborhood
- Existing Comprehensive Plan Boundary

Proposed CP Designation - RURAL BUSINESS (not in parentheses)
Existing CP Designation - (TRANS CORRIDOR)

March 2, 2012 by ggd
Lake Samish

File #: PLN2009-00011
Proposed Comprehensive Plan Land Use Changes

- Proposed Rural Community (Type I LAMIRD)
- Existing Comprehensive Plan Boundary

Proposed CP Designation - RURAL BUSINESS (not in parentheses)
Existing CP Designation - (TRANS CORRIDOR)
File #: PLN2012-00012
Proposed Zoning Changes

Existing Zoning Boundary
Proposed Rezone Area

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GIS Services
February 29, 2012 by gbl
North Bellingham

File #: PLN2012-00012
Proposed Comprehensive Plan Land Use Changes

- Proposed Rural Neighborhood
- Existing Comprehensive Plan Boundary

Proposed CP Designation: RURAL BUSINESS (not in parentheses)
Existing CP Designation: (TRANS CORRIDOR)
North Bellingham

File #: PLN2012-00012
Proposed Rezoning

- **Existing Zoning Boundary**
- **Proposed Rezone Area**
- * Rural Residential Density Overlay

Proposed Zoning - RR5A (not in parentheses)
Existing Zoning - (RR2)
File #: PLN2012-00012
Proposed Comprehensive Plan Land Use Changes

Proposed CP Designation: RURAL BUSINESS (not in parentheses)
Existing CP Designation: (TRANS CORRIDOR)
File #: PLN2012-00012
Proposed Comprehensive Plan Change

- Proposed Rural Neighborhood

Proposed Comprehensive Plan designation - Rural Neighborhood (not in parentheses)
Existing Comprehensive Plan designation - (Rural)
File #: PLN2012-00012
Proposed Rezone

- Existing Zoning Boundary
- Proposed Rezone Area

Proposed Zoning - R5A (not in parentheses)
Existing Zoning - (R2A)
File #: PLN2012-00012

Proposed Comprehensive Plan Changes

- Proposed Rural Neighborhood
- Existing Comprehensive Plan Boundary

Proposed Comprehensive Plan designation - Rural Neighborhood (not in parentheses)
Existing Comprehensive Plan designation - (Rural)