
DRAFT WCC Title 20 Chapters Affected by GMHB Final Decision and Order

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.

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

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

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

(3) All recreational vehicles shall be screened from neighboring properties not using RVs and from public roads. Such screening may consist of landscaped buffer areas, suitable native vegetation or a fence.

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

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

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

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

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20.32.150 Conditional uses.

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

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.155 Reserved.

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20.32.251 Minimum lot size and maximum density.

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

20.32.252 Rural Residential Density Overlay.

In certain areas delineated on the official zoning map in the RR-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.

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

(a) Public water must be available, and

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

District	Gross Density	Minimum Lot Size		Min. Reserve Area (Cluster Subdivisions)
		Conventional	Cluster	
RR-1, RR-2, RR-3, RR-5A: without public water	1 dwelling unit/5 acres	5 acres	N/A	N/A
RR-10A without public water	1 dwelling unit/10 acres	10 acres	N/A	N/A
With public water, and stormwater detention and collection facilities:				

RR-1	1 dwelling unit/1 acre	36,000 sq. ft.	15,000 sq.ft.	30%
RR-2	2 dwelling units/1 acre	18,000 sq. ft.	15,000 sq.ft.	10%
RR-3	3 dwelling units/1 acre	12,000 sq. ft.	8,000 sq.ft.	25%
<u>RR-2A</u>	<u>1 dwelling unit/2 acres</u>	<u>2 acres</u>	<u>15,000 sq.ft.</u>	<u>30%</u>
RR-5A	1 dwelling unit/5 acres	5 acres	<u>15,000 sq.ft.</u> N/A	<u>30%</u> N/A
RR-10A	1 dwelling unit/10 acres	10 acres	<u>15,000 sq.ft.</u> N/A	<u>30%</u> N/A
RR-5A <u>and RR-2A</u> subject to Rural Residential Density Overlay	Maximum: 1 dwelling unit/ <u>2 1</u> acre per 20.32.252(2)	see 20.32.252	<u>15,000 sq.ft.</u>	<u>30%</u>

20.32.254 Minimum lot width and depth.

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

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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~~5,000 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 ~~[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~~ two acres, 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.

20.36.253 Maximum density and minimum lot size.

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

District	Gross Density	Minimum Lot Size		Min. Reserve Area (Cluster Subdivisions Outside of Urban Growth Areas)	Min. Reserve Area (Cluster Subdivisions in Urban Growth Areas)
		Conventional	Cluster		
R-2A without public water	1 dwelling unit/5 acres	5 acres	1 acre	20%	80%
R-2A with public water	1 dwelling unit/2 acres	2 acres	12,500 sq. ft.	65%	80%

R-5A without public water	1 dwelling unit/5 acres	5 acres	1 acre	55%	80%
R-5A subject to Agricultural Protection Overlay (Chapter 20.38 WCC)	1 dwelling unit/5 acres	Not applicable	15,000 sq. ft.	75%	Not applicable
R-5A with public water	1 dwelling unit/5 acres	5 acres	12,500 sq. ft.	75%	80%
R-5A with public water subject to Rural Residential Overlay	Maximum: 1 dwelling unit/2 acres per 20.36.252(2)	see 20.36.252(2)	15,000 sq. ft. Not applicable	75% Not applicable	Not applicable
R-10A without public water	1 dwelling unit/10 acres	10 acres	1 acre	70%	80%
R-10A subject to Agricultural Protection Overlay (Chapter 20.38 WCC)	1 dwelling unit/10 acres	Not applicable	15,000 sq. ft.	75%	Not applicable
R-10A with public water	1 dwelling unit/10 acres	10 acres	12,500 sq. ft.	80%	80%
Public facilities approved under WCC 20.36.151	Not applicable	No minimum	No minimum	Not applicable	Not applicable

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20.36.350 Building setbacks.

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

20.36.400 Height limitations.

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

20.36.450 Lot coverage.

No structure or combination of structures shall occupy or cover more than ~~2,500~~5,000 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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20.37 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).

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20.37.450 Lot coverage.

No structure or combination of structures shall occupy or cover more than ~~2,500~~5,000 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:

~~.051(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.

~~.071(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.

(~~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:

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

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

(~~2b~~) 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 Neighborhood Commercial Center (NC) District

20.60.010 Purpose.

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

~~.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.

20.60.100 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.

(9i) 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:

~~.051(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;
 - | (iib) 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:

~~.201(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.

~~.202(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.

~~.204(3)~~ Grocery stores with more than 10,000 square feet of retail floor area, but less than 35,000 square feet of floor area.

~~.205(4)~~ Animal kennels not associated with a veterinary practice.

~~.207(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.

~~(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:

~~(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;

- (~~ix~~) Playgrounds;
- (~~ix~~) Recreational and community centers;
- (~~x~~) Churches, synagogues, temples or mosques;
- (~~xii~~) Public libraries;
- (~~xxiii~~) Public and private youth camps; and
- (~~xxiv~~) 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 iIn 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).~~

~~.5012 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~~ 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~~ shall 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.

~~.060(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 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:

~~.151(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).~~

~~.4512 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. New

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.

~~.066~~(6) Public markets, subject to the following, only:

(~~1~~a) 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.

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

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

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

(~~5~~e) 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 and 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.

(~~9i~~) 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.

~~.061(3)~~ Hotels or motels and time share condominiums accommodating 16 or less sleeping units.

.054 Residential type uses:

~~.051(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:

| ~~(1a)~~ 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.

| ~~(2b)~~ 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.

.201 Retail and office type uses:

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

(~~1a~~) 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.

~~.164(4)~~ 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.

~~.183(5)~~ State education facilities.

~~.185(6)~~ Type I solid waste handling facilities.

~~.189(7)~~ Boarding homes that are larger than other residential structures permitted in the zoning district.

~~.190(8)~~ Mental health facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

~~.191(9)~~ Substance abuse facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

.206 Other Uses

~~.192(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.

~~.165(2)~~ Any use which seeks a comparative value exchange for the open space requirement outlined in WCC [20.64.502](#) and [20.64.503](#).

20.64.200 Prohibited uses.

.201 All other uses.

.202 Adult businesses.

.203 Mental health facilities that provide crisis care.

.204 Substance abuse facilities that provide crisis care.

.205 Outpatient mental health facilities.

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

.210 Secure community transition facilities for sex offenders.

20.64.250 Minimum lot size.

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

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

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

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

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

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

20.64.256 Minimum lot frontage.

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

20.64.260 Maximum density.

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

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

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

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

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

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

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

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

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

20.64.271 Maximum density and minimum lot size.

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

20.64.300 Lot clustering, and reserve tract.

20.64.305 Lot clustering.

(1) The purpose of lot clustering is to provide an alternative method of creating economical building lots with spatially efficient sizes. Clustering is intended to reduce development cost, increase energy efficiency and reserve areas of land

which are suitable for agriculture, forestry, open space or possible future development.

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

20.64.310 Design standards.

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

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

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

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

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

20.64.320 Reserve tract.

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

(1) After a site is initially subdivided pursuant to this chapter, the "reserve tract" may be retained by the subdivider, conveyed to residents of the subdivision or conveyed to a third party.

(2) The "reserve tract" may be considered as a building lot; provided, that such lot is included in the overall density calculation of the original parcel of record. If the

“reserve tract” is not included in the overall density calculation, it can only be developed with an open space use allowed by WCC [20.22.053](#).

(3) The “reserve tract” may be further subdivided only through the long subdivision process and only under the following circumstances:

(a) The county finds that in developing adjacent tracts it would help to further the objectives listed in WCC [20.20.305](#)(2) above by dividing the reserve tract and increasing the area of reserve proportionately on the adjacent land being subdivided so that there is no net reduction in reserve area; and when the reserve tract is owned by the original developer or a third party, no property owner within the original subdivision will be significantly adversely affected or suffer a substantial decrease of property value as a result of dividing the reserve tract.

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

(4) The purpose of the reserve tract as stated in WCC [20.64.320](#), paragraphs (1), (2) and (3) shall be communicated in writing on the face of the plat or short plat. The number of developable building sites remaining (if any) with the original parcel of record, based on the assigned density, shall also be prominently displayed on the plat or short plat. Whatcom County shall make every effort to assist all agents in communicating clearly such information to all purchasers and prospective purchasers of building lots or “reserve tracts.”

(5) At the time of filing of any final plat or short plat containing a “reserve tract,” the subdivider shall execute a covenant limiting the use of said “reserve tract” consistent with the requirement of paragraphs (2) through (4) above. This covenant shall be enforceable by Whatcom County and be recorded at the time of final plat approval as a covenant running with the land; provided, that it may be later amended by mutual agreement between said parties after review for consistency and compliance with the Official Whatcom County Zoning Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Comprehensive Plan.

20.64.350 Building setbacks.

Building setbacks shall be administered pursuant to WCC [20.64.550](#) and [20.80.200](#) except as provided below.

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

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

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

20.64.400 Height limitations.

.401 Building height shall not exceed 35 feet.

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

20.64.450 Lot coverage.

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

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

20.64.500 Open space.

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

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

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

(a) Utility of land for recreation/open space purposes;

(b) Unique or culturally significant natural habitat;

- (c) Wildlife habitat;
- (d) Views;
- (e) Shoreline access;
- (f) Integration with existing recreation/open space areas;
- (g) High value natural resource areas using the criteria established in the Whatcom County critical areas regulations (Chapter [16.16](#) WCC).

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

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

.503 Criteria for Approval of a Comparative Value Exchange.

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

(6) There shall be a mechanism in place to ensure that a permanent exchange takes place, including such items as maintenance agreements, dedications, easements, conservation easements, or other appropriate tools acceptable to both the applicant and the county which shall be filed with the county auditor's office.

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

20.64.550 Buffer area.

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

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~~Rural community~~Community~~ designation will be consistent with the character of the area in July 1, 1990 in terms of~~with the 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, carton 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:

(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:

(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 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.

.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.

Repealed by Ord. 2011-013.

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 i~~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, carrion 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;
- (~~e3~~) 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;
- (~~m13~~) Public and private youth camps; and
- (~~n14~~) 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.

~~.074(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.

~~.075(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.

~~.072.110~~ 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 20.84.235: 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 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 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;

(~~e3~~) 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.

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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)(i), 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.

Maximum floor area per building, in square feet

(Maximum combined floor area for all buildings, in square feet)

	<u>Retail/ Office/ Restaurant/ Lodging</u>	<u>Storage/ Warehouse</u>	<u>Auto/ Equipment Repair</u>	<u>Public/ Community</u>	<u>Manufacturing/ Fabrication</u>
-					
<u>Acme</u>	<u>2,734</u> <u>(2,734)</u>	-	<u>2,070</u> <u>(2,070)</u>	<u>17,784</u> <u>(21,896)</u>	-
<u>Axton &</u>	<u>4,800</u>	-	<u>2,160</u>	-	-

<u>Guide Meridian</u>	<u>(4,800)</u>		<u>(2,160)</u>		
<u>Birch Bay-Lynden & V.V.</u>	<u>2,784</u> <u>(3,684)</u>	-	-	-	-
<u>Cain Lake</u>	<u>2,060</u> <u>(2,060)</u>	-	-	<u>2,473</u> <u>(4,825)</u>	-
<u>Custer</u>	<u>3,968</u> <u>(3,968)</u>	-	<u>3,300</u> <u>(3,300)</u>	<u>46,451</u> <u>(46,451)</u>	-
<u>Deming</u>	<u>11,790</u> <u>(18,757)</u>	<u>2,400</u> <u>(2,400)</u>	<u>1,392</u> <u>(1,392)</u>	<u>30,099</u> <u>(79,512)</u>	-
<u>Diablo</u>	<u>513</u> <u>(513)</u>	-	-	<u>10,872</u> <u>(10,872)</u>	-
<u>Glacier</u>	<u>1,500</u> <u>(1,500)</u> <u>(7,888)</u>	-	-	<u>3,150</u> <u>(3,150)</u>	-
<u>Hinotes Corner</u>	<u>6,636</u> <u>(9,036)</u>	-	<u>1,500</u> <u>(1,500)</u>	<u>19,856</u> <u>(19,856)</u>	-
<u>Kendall</u>	<u>7,000</u> <u>(7,000)</u>	-	-	<u>3,340</u> <u>(3,340)</u>	-
<u>Laurel</u>	<u>10,700</u> <u>(11,000)</u>	-	<u>10,260</u> <u>(10,260)</u>	<u>21,950</u> <u>(63,360)</u>	<u>14,280</u> <u>17,670</u> <u>(23,590)</u>
<u>Lummi Peninsula</u>	-	<u>7,800</u> <u>(18,540)</u>	-	-	<u>7,280</u> <u>(7,280)</u>
<u>Maple Falls</u>	<u>8,020</u> <u>(8,020)</u>	<u>4,620</u> <u>(4,620)</u>	-	<u>8,822</u> <u>(10,082)</u>	-
<u>Newhalem</u>	<u>3,218</u> <u>(3,218)</u>	-	-	<u>4,810</u> <u>(12,981)</u>	<u>16,284</u> <u>(28,924)</u>
<u>Nugents Corner</u>	<u>18,221</u> <u>(19,499)</u>	-	-	<u>3,240</u> <u>(3,240)</u>	-
<u>Point Roberts</u>	<u>34,704</u> <u>(34,704)</u>	<u>3,286</u> <u>(3,286)</u>	-	<u>11,246</u> <u>(11,246)</u>	-
<u>Pole & Guide Meridian</u>	<u>6,400</u> <u>(6,400)</u>	-	<u>4,548</u> <u>(5,556)</u>	<u>4,000</u> <u>(4,000)</u>	-
<u>Sandy Point</u>	-	-	-	<u>1,428</u> <u>(1,428)</u>	-
<u>Smith & Guide</u>	<u>5,866</u> <u>(7,068)</u>	<u>5,900</u> <u>(5,900)</u>	<u>9,600</u> <u>(17,100)</u>	-	<u>22,042</u> <u>(22,042)</u>

<u>Meridian</u>					
<u>Sudden Valley</u>	<u>6,348</u> <u>(10,320)</u>	-	-	<u>20,260</u> <u>(43,205)</u>	-
<u>Van Wyck</u>	<u>3,480</u> <u>(3,480)</u>	<u>1,904</u> <u>(1,904)</u>	-	-	-
<u>Wiser Lake</u>	<u>24,690</u> <u>(24,690)</u>	<u>11,222</u> <u>(12,374)</u>	-	<u>2,130</u> <u>(2,130)</u>	-

(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/I-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/I-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.

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20.82 Public Utilities

20.82.010 Intent.

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

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). ~~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.~~

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