

ORDINANCE NO. 2000-01-002

AN INTERIM ORDINANCE RELATING TO LAND USE CONTROLS WITHIN THE LAKE WHATCOM WATERSHED AND ADOPTING LIMITS ON IMPERVIOUS AREA, PERMITTED USES, EARTHWORK AND DECLARING AN EMERGENCY.

Whereas, Lake Whatcom is the drinking water source for the City of Bellingham and much of the surrounding community; and

Whereas, the City of Bellingham has adopted goals and policies to protect Lake Whatcom as a primary water resource; and

Whereas, water quality impacts from urban development have been detected in streams, storm drains and near shore areas of the Lake; and

Whereas, development impacts may be reduced by limiting impervious area, prohibiting certain non-compatible uses and placing seasonal limits on earthwork;

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1.

A. Bellingham Municipal Code Chapter 20 is hereby amended as follows:

Standard Development Regulations 20.30.040 D. Open Space. A minimum of 30% of the site area shall be reserved as private open space, **except when located within the Silver Beach Neighborhood, the following shall apply:**

The maximum impervious area permitted for an individual lot shall be limited to the greater of 2000 sq. ft. or 15% of the total lot area. Impervious areas shall include all building and foundation footprints, hard surfacing for driveways, parking areas, patios, walk ways, sport courts and masonry landscape features. The use of graveled surfaces where underlain by soil only shall not be counted as impervious area.

B. Bellingham Municipal Code Chapter 20 is further amended as follows:

B.M.C. 20.30.030 - Permitted Uses.

Except those uses shown in bold/underline below shall not be permitted when located within the Silverbeach Neighborhood.

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A. Uses Permitted Outright. No building or land shall be used within an area designated residential single, except as follows:

- (1) Single Family Dwelling Unit with less than 5,500 square feet of total floor area. (See Conditional Uses).
- (2) Publicly Owned Parks and Playgrounds.
- (3) Private Recreation Facilities, **Recreational Vehicle Storage Lots** and/or Common Open Space (when approved by Council as part of a subdivision).
- (4) Mixed Use (where such a use is specifically listed in a neighborhood land use plan which has been designated with a "mixed" use qualifier).
- (5) Public Utilities (when located within a public right of way).
- (6) **Attached Accessory Dwelling Unit (consistent with procedures and requirements outlined in Section 20.10.035.)**
- (7) Detached Accessory Dwelling Units existing prior to January 1, 1995 (consistent with procedures and requirements outlined in Section 20.10.035).
- (8) Confidential Shelters subject to the provisions of Section 20.10.047.
- (9) Wireless Communication Facilities, subject to the provisions of Chapter 20.13.
- (10) **Co-housing developments subject to the requirements of Section 20.10.048.**
- (11) Community Public Facilities, subject to the provisions of Section 20.10.046, with the exception that publicly owned parks, trails and playgrounds are permitted and shall not be subject to the provisions of Section 20.10.046.

B. Conditional Uses. The following uses may be allowed if approval can be obtained based upon standards and requirements for conditional uses as specified in Chapter 20.16.

- (1) School
- (2) Church
- (3) Neighborhood Club/Activity Center
- (4) Nonconforming Use; Signage
- (5) **Golf Course Facility**
- (6) **Riding Academy**
- (7) **Medical Care Facility**
- (8) Public Utilities; other than those described in Subsection .030 A (5) above
- (9) Day Care, not to include babysitting
- (10) Service Care
- (11) Adaptive Uses for Landmark Buildings
- (12) Day Treatment Center
- (13) Agricultural Nursery.
- (14) **Bed and Breakfast Facilities (subject to the standards found in Section 20.34.040 F 3.)**
- (15) **Single Family Residence containing 5,500 square feet or more total floor area (subject to the standards found in Section 20.16.020S.(4)).**
- (16) **Attached Accessory Dwelling Unit which exceeds 40% of the square footage of the existing single family residence, and accessory dwelling units which displace existing covered parking (subject to standards found in Section 10.16.020A(3)).**

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(17) Wireless Communication Facilities, subject to the provisions of Chapter 20.13.

C. Bellingham Municipal Code Chapter 15.42 is amended as follows:

STORMWATER ORDINANCE, B.M.C. 15.42.060 - Approval Standards

(1) Small Parcel Minimum Requirements

The following new development shall be required to control erosion and sediment during construction, to permanently stabilize soil exposed during construction, to comply with Small Parcel Requirements 1 through 5 below, and to prepare a small parcel stormwater site plan:

Special Condition:

No land clearing, grading or earthwork that results in an exposed soil area of more than 500 sq.ft. shall be permitted from October 1st through May 31st within the Silverbeach Neighborhood .

- A. Individual, detached, single family residences and duplexes.
- B. Creation or addition of less than 5,000 square feet of impervious surface area where any other city permit is required.
- C. Land disturbing activities of less than 1 acre.

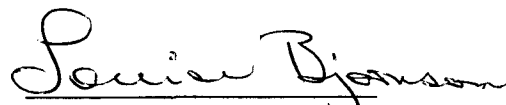
Section 2.

This interim regulation shall expire July 24, 2000, unless it is sooner repealed or replaced by ordinance. The Planning Commission shall consider amendments to the Land Use Chapter 20 relating to development within the City. A public hearing shall be scheduled before the City Council to consider this matter within sixty days of the effective date of this ordinance, whether or not the Planning Commission has made its recommendation.

Section 3.

An emergency exists in that it is necessary to prevent further development of single family lots without impervious surface controls and use limitations, the absence of which may cause further degradation of Lake Whatcom water quality. Based on the findings of a Department of Ecology water quality monitoring report, published September 1999, there is adequate reason to believe that prior land use controls are insufficient to prevent water quality degradation. Certain water quality parameters are subject to state and federal regulatory limits, the violation of which may result in the listing of all or part of Lake Whatcom as an impaired water body under section 303 d. of the Clean Water Act. This ordinance shall be effective immediately upon passage.

Passed by the Council this 24th day of January 2000.


Council President

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Approved by me this 27th day of January 2000.



Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

Published 01/27/00

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