

ORDINANCE NO. 2007-04-031

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON PROHIBITING THE USE OF ONSITE SEPTIC SYSTEMS IN THE LAKE WHATCOM WATERSHED BY AMENDING BELLINGHAM MUNICIPAL CODE SECTIONS 15.12.070, 16.80.080, 18.12.040, AND 20.16.020.

WHEREAS, Lake Whatcom, which receives its water from the Lake Whatcom Watershed, is the reservoir supplying drinking water for over 92,000 people in the City of Bellingham and Whatcom County in 2007; and

WHEREAS, the water quality of Lake Whatcom has been steadily declining. In 1998, the Department of Ecology listed Lake Whatcom as an impaired water body under Section 303(d) of the federal Clean Water Act for low levels of dissolved oxygen. By 2004, the Department of Ecology had also listed it as impaired for total phosphorus, dieldrin, mercury, and total PCBs; and

WHEREAS, the increased phosphorus and decreased dissolved oxygen in the Lake impact the City's ability to meet state and federal drinking water standards. Not only do these conditions increase the City's costs of treating drinking water, the increased organic material from decaying algae caused by the conditions creates treatment byproducts of concern; and

WHEREAS, failing septic systems are one potential source of phosphorus in Lake Whatcom, in addition to exposed soil, commercial fertilizers, animal waste, detergents used for car and boat washing; and

WHEREAS, it is widely recognized that onsite septic systems eventually fail, especially if proper maintenance is not provided; and

WHEREAS, sanitary sewer service is widely regarded to be the best management practice for development in watersheds with documented water quality problems; and

WHEREAS, the City's SEPA Official has reviewed this ordinance and related environmental checklist and has issued a Determination of Nonsignificant (DNS) environmental impact (SEP2007-00007) under the State Environmental Policy Act; and

WHEREAS, Article XI, Section 11 of the State Constitution authorizes the City to exercise its police power to protect the public health and safety by restricting the use of onsite septic systems within the Lake Whatcom Watershed.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: Bellingham Municipal Code Section 15.12.070 is hereby amended as shown below:

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15.12.070 - When Main Extension Required.

A main extension is required whenever property within the city limits is developed and that property does not fully abut a sewer main, or when the existing abutting sewer main does not have adequate capacity. When the property is the last developable lot that can be served, the Public Works Director is authorized to waive this requirement administratively. If an existing lot is more than 200 feet from an existing gravity sewer main, a septic tank may be used in lieu of a sewer main extension if the design is approved by the Whatcom County Health Department. However, all development in the Lake Whatcom Watershed shall be required to connect to sewer regardless of the distance to the nearest main.

Section 2: Bellingham Municipal Code Section 16.80.080 is hereby amended as shown below:

16.80.080 - Development Standards For Residential Single Development

Development standards for residential single development shall be as required under BMC Title 20, except as modified by this regulatory chapter and as stated below.

- A. Front Yard Setback.** The front yard setback of the main structure for residential single development shall be a minimum of 15' from the front property line of any non-arterial street. The front setback for any portion of a garage facing the street shall be the greater of 15' from the property line or 20' from the back (non-street) side of any sidewalk.
- B. Parking.** Tandem parking, one vehicle behind the other, shall be permitted to satisfy the requirement for two on site parking spaces.
- C. Residential Single** development on individual lots shall be required to provide best management practice for stormwater quality treatment in accordance with the Washington State Department of Ecology Stormwater Technical Manual in effect at the time of permitting. Residential Single lots that are part of an approved subdivision that has already met this requirement may be exempt, as determined by the Public Works Director.
- D. Impervious area** limits for residential single development shall be as described in BMC 16.80.090.
- E. Septic Systems** are prohibited in the Lake Whatcom Watershed.

Section 3: Bellingham Municipal Code Section 18.12.040 is hereby amended as shown below:

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18.12.040 - Required Improvements

A. Before final approval may be granted for any short subdivision, the following improvements shall have been made or installed for each parcel created by the division of land:

1. City water.
2. Sanitary sewer. In the event that there is no public benefit by extending sewer facilities to serve property, a septic tank may be used if the design is approved by the Whatcom County Health Department. Septic systems are not permitted in the Lake Whatcom Watershed.
3. – 4. [NO CHANGE].

B. – E. [NO CHANGE].

Section 4: Bellingham Municipal Code Section 20.16.020 is hereby amended as shown below:

20.16.020 - Conditional Uses

A. [NO CHANGE].

B. 1. Bank (Automotive drive-up facilities only)

a. **Purpose** -- to promote a compact commercial core by limiting such uses which utilize large amounts of land and where they are permitted, to facilitate an efficient and safe traffic flow.

b. Conditional in the central commercial core designation.

c. **Special requirements:** Care shall be taken in the design to provide efficient traffic flow pattern whereby no on-street stacking of waiting automobiles occurs.

2. Bed and Breakfast Facilities

a. **Definition** -- A single family residence with not more than two rooms let as transient housing. For the purpose of this Section a transient shall be defined as a person who stays for a period not to exceed two weeks.

b. Conditional in Residential Single and Residential Multi (Duplex and Multi) designations.

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c. **Special Requirements:**

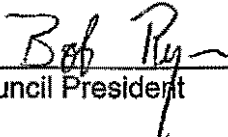
i. The proposed use must be serviced by adequate essential public facilities, such as streets, police and fire protection, refuse disposal, water and sewer. Septic systems and private water systems may be authorized if approved by Whatcom County Health Department. However, septic systems shall not be permitted in the Lake Whatcom Watershed.

ii. – vi. [NO CHANGE].

3. [NO CHANGE].

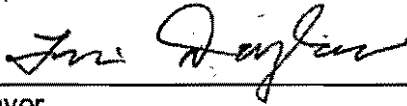
C. – S. [NO CHANGE].

PASSED by the Council this 2nd day of April, 2007.



Council President

APPROVED by me this 4 day of April, 2007.



Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

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