

PROPOSED BY: GALLOWAY & DONOVAN
INTRODUCTION DATE: _____

RESOLUTION NO. _____

**AMENDING RESOLUTION 2025-013 TO DOCKET AN ADDITIONAL COMPREHENSIVE
PLAN AND ZONING AMENDMENT RELATED TO COUNTY CODE 20.51 TO
STRENGTHEN PROTECTION OF THE LAKE WHATCOM WATERSHED**

WHEREAS, Lake Whatcom provides drinking water for over 100,000 people, approximately half of Whatcom County residents; and

WHEREAS, in 1998, the Washington Department of Ecology placed Lake Whatcom on a list of polluted water bodies due to low levels of dissolved oxygen largely caused by excess phosphorus carried into the lake by stormwater runoff; and

WHEREAS, in 1998, Whatcom County, the City of Bellingham, and the Lake Whatcom Water and Sewer District established the Lake Whatcom Management Program ([Interlocal Agreement No. 980913](#)) to work towards the shared goal of lake protection; and

WHEREAS, in 2016, the United States Environmental Protection Agency (EPA) approved the Lake Whatcom Total Maximum Daily Load (TMDL); giving Whatcom County and the City of Bellingham 50 years to implement the TMDL and meet water quality standards; and

WHEREAS, in response to Lake Whatcom's low dissolved oxygen levels, Whatcom County and the City of Bellingham have created management programs and approved development code aimed at reducing the amount of phosphorus that enters the lake; and

WHEREAS, at the June 4, 2025 [Lake Whatcom Joint Councils and Commissioners meeting](#), Whatcom County and City of Bellingham staff gave a [presentation](#) on the two jurisdictions' land use codes and identified inconsistencies; and

WHEREAS, in coordination with the Washington State Department of Ecology, Whatcom County and the City of Bellingham require private properties in the watershed to build private stormwater systems that slow and filter stormwater runoff to reduce the pollutants that reach the lake; and

WHEREAS, while inspections of private stormwater systems are required for new developments in the watershed to ensure the initial functionality of the system ([Whatcom County Code 20.51.420\(3\)](#)), the County does not perform regular inspections to confirm these facilities work as intended over time; and

WHEREAS, Policy 10J-4 in the [Whatcom County Comprehensive Plan](#) states, "Work cooperatively with the City of Bellingham, the Lake Whatcom Water and Sewer District, and applicable associations and organizations to identify, review, and, as appropriate, recommend change to existing monitoring programs to better improve lake quality;" and

WHEREAS, Policy 10J-12 in the Comprehensive Plan states, "Review and modify (as needed) the current development review process for projects in the Lake Whatcom Watershed to ensure coordination with other jurisdictions to streamline regulations that improve and protect water quality;" and

WHEREAS, Policy 3.1.1 in the [Lake Whatcom Management Program 2025-2029 Work Plan](#) states, "Coordinate with Lake Whatcom partners when developing or revising development regulations and create consistent development regulations between jurisdictions where feasible;" and

WHEREAS, Policy 2.2.4 in the Lake Whatcom Management Program 2025-2029 Work Plan states, "Provide inspections and/or technical assistance to owners of private stormwater facilities and document performance toward water quality improvements for properly maintained systems;" and

WHEREAS, Policy 2.2.5 in the Lake Whatcom Management Program 2025-2029 Work Plan states, "Provide resources and staff support to educate owners of private stormwater facilities about system needs and maintenance;" and

WHEREAS, the County Council recognizes that implementing expanded private stormwater system inspections and technical assistance, and achieving full regulatory consistency with the City of Bellingham will require additional staff resources, sustainable funding, and time to develop appropriate protocols and procedures; and

WHEREAS, the Washington State Growth Management Act ([RCW 36.70A.470](#)) requires the County to consider the proposed docket of comprehensive plan and development regulation amendments on at least an annual basis; and

WHEREAS, Whatcom County Code [22.10.020](#) requires Comprehensive Plan and development regulation amendments to be docketed for review by approval of a resolution by the County Council; and

WHEREAS, on March 25, 2025 the County Council initiated proposed Comprehensive Plan and zoning amendments under Whatcom County [Resolution 2025-013](#); and

WHEREAS, the Council wishes to amend Resolution 2025-013 to add an item to the docket for further review related to creating consistency between Whatcom County ([WCC 20.51](#)) and City of Bellingham ([BMC 16.80](#) and [15.42](#)) phosphorus neutral development codes and expanding County private stormwater system inspections; and

WHEREAS, any updates to Whatcom County Code should be based on best available science and best management practices.

NOW THEREFORE BE IT RESOLVED that the Whatcom County Council hereby docket for formal review the amendments shown on the attached Exhibit A.

APPROVED this _____ day of _____, 2025.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Cathy Halka, Clerk of the Council

Kaylee Galloway, Council Chair

APPROVED AS TO FORM:

Civil Deputy Prosecutor

Exhibit A — Docket

File #	File Name	Applicant	Description	Location	Fee Waiver Granted?
PLN2025-00001	Birch Bay UGA Expansion (7850 Blaine Road)	Arnie Properties LP	To designate a 4.77-acre parcel as Birch Bay Urban Growth Area. The parcel is currently designated Birch Bay Urban Growth Area-Reserve.	7850 Blaine Road	No
PLN2025-00002	Birch Bay UGA Expansion (Koehn Road Area)	Calluna Properties LLP	To designate six parcels in total 37.66 acre, as Birch Bay Urban Growth Area. The parcels are currently designated R5A.	3951111285570000, 3951111285340000, 3951111285470000, 3951111415220000, 3951111415100000, 3951111455010000	No
PLN2025-00003	Impervious Surface Code Amendments (Bellingham School District Application)	Bellingham School District #501	The Bellingham School District (District) is requesting a Development Regulation Amendment that exempts public schools from the limitation of impervious surfaces in the Water Resource Protection Overlay District.	Countywide	Yes
PLN2025-00004	Whatcom County Code Amendments	Whatcom County	Review and revise the Whatcom County Zoning Code and other sections of the County Code to implement Comprehensive Plan policies and/or address issues identified in the administration of the codes. Revisions needed to achieve consistency with the Growth Management Act may also be considered.	Countywide	N/A
PLN2025-00005	CIP Capital Facilities Planning	Whatcom County	Amend the capital facilities element of the Whatcom County Comprehensive Plan, including the Seven Year Capital Facilities Program Appendix F.	Countywide	N/A
PLN2025-00006	Agriculture Storage	Whatcom County Council	Amend WCC Chapter 20.40 Agriculture (AG) District to include agriculture storage as a primary permitted use.	Agriculture Zone	N/A

<u>PLN2025-00007</u>	<u>Lake Whatcom Watershed Phosphorus Neutral Development Code</u>	<u>Whatcom County Council</u>	<u>Amend WCC Chapter 20.51 Lake Whatcom Watershed Overlay District to require phosphorus neutral development and evaluate the feasibility of expanded homeowner outreach and inspection of private stormwater systems.</u>	<u>Lake Whatcom watershed</u>	<u>N/A</u>
PLN2024-00005	Clean Energy Code Amendments	Whatcom County Council	Amendments to the Whatcom County Code to support solar energy, geothermal energy, and hydrogen energy in accordance with Resolution 2023-044.	Countywide	N/A
PLN2023-00001	2025 Comprehensive Plan, Development Regulation, and UGA Update	Whatcom County	Review and revise the Whatcom County Comprehensive Plan and development regulations to ensure compliance with the requirements of RCW 36.70A. Review urban growth areas and densities permitted within urban growth areas in conjunction with the Cities. If necessary, revise urban growth areas and/or associated development regulations to accommodate the urban growth projected for the succeeding twenty-year period.	Countywide	N/A
PLN2019-00002	MRL Expansion - Breckenridge Rd.	Concrete Nor' West	Amend the comprehensive plan designation from Rural to Mineral Resource Lands (MRL) and amend the zoning map to expand a MRL overlay zone on approximately 22.8 acres off Breckenridge Rd., east of Nooksack. The underlying zoning is Rural one dwelling/five acres (R5A).	Parcel # 400428 165430 and a portion of parcel #400428 254460; Within the NW ¼ and NE ¼ of section 28, T40N, R4E, W.M.	No
PLN2017-00004	MRL County-wide Designation Process	Whatcom County	Through a county-led countywide assessment, seek to identify and designate potential commercially significant mineral resource lands, to meet future demand, compatible with water resources, agricultural lands, forest lands and other GMA goals pursuant to Comprehensive Plan Policy 8R-1.	Countywide	N/A

PLN2015-00003	Code Enforcement Amendments	Whatcom County	Create a new Whatcom County Code (WCC) Chapter 22.15, called "Code Compliance Procedures" to establish an efficient system to address enforcement of building, critical areas and zoning codes. The proposal would consolidate the existing code enforcement provisions from WCC 15, 16.16, and 20 into a new WCC 22.15.	N/A	N/A
PLN2012-00007	Agricultural Strategic Plan Implementation	Whatcom County	Resolution 2018-027 was approved by the County Council on 8/8/2018 declaring support for the updated Whatcom County Agricultural Strategic Plan. Immediate priorities in this plan include reviewing designation of Agricultural Lands of Long-term Commercial Significance and the agricultural zoning code. Reviewing the Rural Study Areas as listed in the 2007 Rural Land Study and making recommendations for possible changes in accordance with Resolution 2009-040 (100,000 acre target), Resolution 2018-027 (Updated Agricultural Strategic Plan) and RCW 36.70A.170 and .177 will be included. Other short-term and medium-term priorities in this plan include development of policies and regulations that provide for protection of the best agricultural areas while supporting development at zoned densities and continued work on development of the Natural Resource Marketplace. These activities may lead to proposed changes to the agricultural portions of the Comprehensive Plan and zoning regulations.	Proposal relates to Agricultural and Rural lands	N/A
PLN2012-00009	MRL Expansion — North Star Rd.	Ferndale Ready Mix & Gravel	Amend the comprehensive plan designation from Rural to Mineral Resource Lands (MRL) and amend the zoning map to expand a MRL overlay zone on approximately 19.7 acres on the west side of North Star Rd., south of Brown Rd. The underlying zoning is Rural one dwelling/five acres (R5A).	Parcel #390110 212100; Within the SW ¼ of section 10, T39N, R1E, W.M.	N/A