

Chapter 20.40
AGRICULTURE (AG) DISTRICT

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20.40.010 Purpose.

The primary purposes of this district are to implement the agricultural designation of the Comprehensive Plan, established pursuant to RCW [36.70A.170](#), preserve, enhance and support the production of food and fiber in Whatcom County, to maintain a sufficiently large agricultural land base to ensure a viable agriculture industry and to maintain the economic feasibility of supporting services. Whatcom County supports agricultural activities as the highest priority use in the Agriculture District, with all other uses being subordinate to agricultural activities. Whatcom County seeks to minimize conflict with surrounding zoning districts, in conjunction with Chapter [14.02](#) WCC, Right to Farm. In order to limit the further fragmentation of the commercial agricultural land base, the Agriculture District includes smaller areas of land with poorer quality soils or nonagricultural uses, which do not meet the definition of agriculture lands of long-term commercial significance.

A secondary purpose of this district is to serve as a holding district when located within the urban growth area Comprehensive Plan designation to allow agricultural uses in the near term while protecting the area from suburban sprawl and preserving the potential for future urban development consistent with the protection of the resource land. (Ord. 2013-040 Exh. 1, 2013; Ord. 2009-071 § 2 (Exh. B), 2009; Ord. 2005-079 § 1, 2005; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001).

20.40.050 Permitted uses.*

Unless otherwise provided herein, permitted, accessory, and conditional uses shall be administered pursuant to the applicable provisions of Chapters [16.08](#) WCC (SEPA), 20.80 WCC (Supplementary Requirements), and 22.05 WCC (Project Permit Procedures), and WCC Titles [21](#) (Land Division Regulations), and [23](#) (Shoreline Management Program). The following are permitted uses:

.051 Dairying, raising of livestock, husbandry of small animals, raising of crops, horticulture, apiculture, and temporary portable equipment used for processing of locally harvested crops.

.052 Small wood-lot management, tree farming, commercial forestry and reforestation, including the temporary use of portable harvesting or processing equipment, excluding chemical processing such as lumber treatment.

.053 One single-family dwelling per legal lot of record.

.054 Gravel bar scalping projects within the jurisdiction of the Shoreline Management Program.

.055 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.

.057 *Repealed by Ord. 2022-012.*

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

.059 *Repealed by Ord. 2022-011.*

.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. (Ord. 2022-012 § 1 (Exh. A), 2022; Ord. 2022-011 § 1 (Exh. A), 2022; Ord. 2017-038 § 1 (Exh. A), 2017; Ord. 2015-006 Exh. A, 2015; Ord. 2005-079 § 1, 2005; Ord. 2004-026 § 1, 2004; Ord. 2004-014 § 2, 2004; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 99-068, 1999; Ord. 99-062, 1999; Ord. 97-069, 1997; Ord. 92-079, 1992; Ord. 88-29, 1988; Ord. 88-13, 1988; Ord. 87-12, 1987; Ord. 87-11, 1987).

*Code reviser's note: The amendments of Ordinance 2005-039 concerning mushroom composting, extending amendments from Ords. 2004-053, 2004-027, 2003-050, 2003-027, 2002-068, 2002-061 and 2002-033, expired October 24, 2005. Refer to Chapter [20.15](#) WCC for current provisions concerning mushroom substrate production facilities.

20.40.100 Accessory uses.*

.101 Any use on the farm which is ancillary to the normal operation of the primary permitted uses.

.102 (1) Wholesale marketing activities provided the activity is accessory to the provisions of WCC [20.40.051](#).

(2) Retail marketing, by the operator, of Whatcom County products which originate from the permitted uses stated in WCC [20.40.050](#) provided:

(a) Only one retail sales facility containing not more than 1,000 square feet of floor area shall be permitted.

(b) Such retail sales facility shall be subject to the setback requirements of WCC [20.80.200](#).

(c) Such retail sales facility shall be provided with a sufficient area to permit at least five automobiles to park safely off the road right-of-way and to re-enter the traffic in a forward direction.

.103 Noncommercial extraction of up to 500 cubic yards per year of sand, gravel or both for farm enhancement purposes; provided all materials extracted remain on land owned or leased by the farmer for agricultural purposes.

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

.105 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.

.106 Utilization of biosolids on land when regulated by a utilization permit issued by the Washington State Department of Ecology in accordance with Chapter [173-308](#) WAC, Management of Biosolids. This would apply to any land owned or leased by the same operator.

.107 On-site 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.

.108 Composting and mulching facilities other than commercial mushroom substrate production facilities, if the use is ancillary to the primary agriculture use, when in compliance with federal and state water quality standards. When the primary purpose of the mushroom composting is to service off-site locations, it shall not be considered a farm operation for the purposes of Chapter [14.02](#) WCC, Right to Farm Ordinance.

.109 On-farm mushroom substrate production (WCC [20.15.020](#)(9)), when substrate is used solely on-site for the growing and harvesting of mushrooms, and in compliance with best management practices and in compliance with Chapter [24.12](#) WCC, Mushroom Substrate Production Facility Rules. Limited off-site shipment may be allowed if:

(1) Sample-sized quantities, in less than one cubic yard quantities, that may be shipped off-site for analytical purposes; and

(2) Equal exchanges of limited quantities of finished substrate, solely between facilities owned by the same operator, for substrate quality testing purposes. Such exchanges will be conducted only following

prior notification of the public by the health department, with prior approval of the director of public health and will be substantiated by proper shipping documentation.

.110 Home occupations pursuant to WCC [20.80.970](#).

.111 The processing of agricultural products that originate from the permitted uses in WCC [20.40.050](#), provided the following criteria are met:

- (1) The facility is not a slaughterhouse or mushroom substrate production facility.
- (2) The facility is supplemental and related to the primary permitted use.
- (3) The facility processes at least 50 percent agricultural goods produced in Whatcom County and that originate from permitted uses.
- (4) The facility employs no more than 20 permanent employees.

.112 Family day care homes.

.113 Bed and breakfast establishments.

.114 Vacation rental units.

.115 *Repealed by Ord. 2022-011.* (Ord. 2023-041 § 1 (Exh. A), 2023; Ord. 2022-011 § 1 (Exh. A), 2022; Ord. 2017-038 § 1 (Exh. A), 2017; Ord. 2016-011 § 1 (Exh. D), 2016; Ord. 2015-006 Exh. A, 2015; Ord. 2014-041 Exh. A, 2014; Ord. 2013-051 Exh. A, 2013; Ord. 2010-030 § 1 (Exh. A), 2010; Ord. 2009-034 § 1 (Att. A), 2009; Ord. 2009-033 § 1 (Att. A), 2009; Ord. 2006-048 § 1 (Exh. A), 2006; Ord. 2006-031 § 1 (Exh. A), 2006; Ord. 2003-029 § 1 (Att. A § 14), 2003; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 2001-012 § 1, 2001; Ord. 98-018 § 1, 1998; Ord. 96-056 Att. A § 11, 1996; Ord. 92-079, 1992; Ord. 89-10, 1989; Ord. 88-93, 1988; Ord. 88-29, 1988; Ord. 88-13, 1988; Ord. 87-23, 1987; Ord. 87-12, 1987; Ord. 87-11, 1987; Ord. 86-42, 1986).

*Code reviser's note: The amendments of Ordinance 2005-039 concerning mushroom composting, extending amendments from Ords. 2004-053, 2004-027, 2003-050, 2003-027, 2002-068, 2002-061 and 2002-033, expired October 24, 2005. Refer to Chapter [20.15](#) WCC for current provisions concerning mushroom substrate production facilities.

20.40.130 Administrative approval uses.

The following uses are permitted subject to administrative approval pursuant to WCC [22.05.028](#):

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

- (1) A temporary dwelling space for family members who, due to professionally documented physical or mental disorders, or risks of such disorders, require supervision and care where such care is provided by members of the family who reside on the property; or
- (2) A temporary dwelling space for a person providing care for the resident owner of the subject property when said owner needs supervision and care as described in (1) above.

Approval Requirements:

Administrative approval for temporary second dwelling units shall be approved if it is determined that the proposal meets the following requirements:

- (1) Temporary second dwelling units shall only be permitted on fully serviced parcels on which the applicant can meet setback, ingress, egress, height restrictions, and lot coverage requirements.
- (2) The size of the temporary dwelling shall be appropriate to the use and size of the parcel and shall be limited so as to comply with the standards set forth in (1) above.
- (3) The temporary home shall be connected to an approved water supply and adequate capacity sewage disposal system approved by the Whatcom County health department.
- (4) When care is no longer necessary, the temporary home shall be removed within 60 days.
- (5) The permit shall be valid for one year. The permit may be extended on a yearly basis; provided, that an affidavit is furnished by the permittee affirming that the circumstances allowing the original permit remain in effect.
- (6) A covenant shall be filed that restricts sale of the property while the temporary dwelling is in place.
- (7) The use will not be hazardous or disturbing to existing or future neighboring uses.
- (8) Evidence of adequate off-street parking space shall be provided.
- (9) There shall be no occupancy of the temporary dwelling outside the conditions under which the temporary dwelling is permitted pursuant to this section.
- (10) All mobile homes must demonstrate compliance with minimum HUD Fire Safety Standards and compliance with current Washington Administrative Code (WAC).

Penalties: False statements on supporting documentation submitted with the application or failure to comply with any of the approval requirements may be cause for revocation of the permit and prosecution.

.132 Temporary single-family detached dwellings not larger than 1,248 square feet in floor area, in the form of manufactured homes, fully serviced travel trailers or mobile homes, shall be permitted as accessory uses provided:

- (1) All dwellings on the property will be occupied by persons and families engaged in the ownership and/or operation of the farm;
- (2) A deed restriction recorded with the Whatcom County auditor is attached to the dwelling at the time of building permit issuance, stating that the dwelling units are temporary and must be removed when no longer required for farm use; except as provided for in WCC [20.40.250](#), or in the event the zone is changed to another zone district that would permit the land division. Placement of temporary dwellings does not constitute in any way a division of land for sale or lease purposes;
- (3) All land not occupied in homesites shall be kept in primary permitted uses;
- (4) The total number of additional temporary detached single-family dwellings on a parcel shall not exceed the number of families who derive at least 50 percent of their annual household income from

ownership and/or operation of the farm. Whatcom County planning and development services will request from the landowner or tenant tax records verifying the proportion of farm income;

(5) All mobile homes must demonstrate compliance with minimum HUD Fire Safety Standards and compliance with current Washington Administrative Code (WAC);

(6) Temporary second dwelling units, as permitted pursuant to this section, shall only be permitted on fully serviced parcels on which the applicant can meet setback, ingress, egress, height restrictions, and lot coverage requirements;

(7) The temporary home shall be connected to an approved water supply and adequate capacity sewage disposal system approved by the Whatcom County health department;

(8) The use will not be hazardous or disturbing to existing neighboring uses;

(9) An affidavit sworn before a notary public is filed with the application for a building permit to verify compliance with all of the above conditions;

(10) There shall be no occupancy of the temporary dwelling outside the conditions under which the temporary dwelling is permitted pursuant to this section; RVs shall be for seasonal use only (not more than 120 days per year);

(11) Temporary second dwelling units are valid for four years and are renewable by application to the planning and development services department;

(12) When the basis for approval of the temporary farmworker dwelling is no longer in evidence the structure shall be removed.

.133 Accessory dwelling units, when consistent with WCC [20.80.910](#).

.134 Retail marketing, by the operator, of Whatcom County products that originate from the permitted uses stated in WCC [20.40.050](#). One retail sales facility greater than 1,000 square feet but less than 4,500 square feet of floor area is allowed; provided, that the proposal can satisfy all applicable regulations.

.135 Cottage industries employing no more than two people on site, other than family members residing on the premises; provided, that in addition to the criteria found in WCC [22.05.026](#) and [20.80.980](#):

(1) The zoning administrator, at his or her discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 2,500 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.

(2) The parcel size shall not be less than one acre.

(3) In the event materials will be stored outdoors, the zoning administrator shall require adequate landscaping, screening, or other devices in order that the material will not be visible by surrounding uses or roads.

(4) One nonilluminated sign, not to exceed 16 square feet in size, mounted on the property, is permitted. A larger sign up to 32 square feet may be approved by the hearing examiner as a conditional use.

(5) Seasonal employees working less than 21 days per year will not be counted as employees if they are engaged in work directly related to agriculture or forestry.

.136 *Repealed by Ord. 2015-016.*

.137 The processing of agricultural products that originate from the permitted uses in WCC [20.40.050](#), provided the following criteria are met:

(1) The facility is not a slaughterhouse or mushroom substrate production facility.

(2) The facility is supplemental and related to the primary permitted use.

(3) The facility processes at least 50 percent agricultural goods produced in Whatcom County and that originate from permitted uses.

(4) The facility employs over 20 permanent employees.

(5) In addition to the criteria listed above, the administrator shall ensure that only the following criteria from Chapter [22.05](#) WCC, Project Permit Procedures, are applied to on-farm processing application reviews:

(a) The proposed location will be serviced adequately by necessary public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

(b) The proposed location will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community; and

(c) The proposal will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets.

.138 Mini-day care homes.

.139 Packinghouses and slaughterhouses, as defined in Chapter [20.97](#) WCC, which shall be located, designed, and operated so as to not interfere with the overall agricultural character of the area, provided the following criteria are met:

(1) "Administrative approval use" approval criteria located in WCC [22.05.028](#) shall be satisfied.

(2) The facility is an accessory use, as identified in Chapter [20.97](#) WCC, "Accessory use."

(3) The total allowable building area is no larger than 2,000 square feet.

(4) Holding pens associated with packinghouses and slaughterhouses shall be limited to those necessary to accommodate animals intended for processing within 24 hours.

(5) The facility shall comply with solid waste handling standards as set forth in Chapter [173-350](#) WAC, as administered by the Whatcom County health department as adopted by reference in Chapter [24.06](#) WCC.

(6) If required by the Washington State Department of Ecology, the following permits shall be obtained:

(a) State waste discharge permit (Chapter [173-216](#) WAC).

(b) Industrial stormwater permit – general permit (Chapter [173-226](#) WAC).

(c) An NPDES permit (Chapter [90.48](#) RCW and Chapter [173-220](#) WAC).

(7) The building shall avoid prime agricultural soils to the extent feasible. Where the site is predominantly in prime soils and avoidance is not feasible, the applicant shall demonstrate that the buildings:

(a) Are sized to be as small as feasible; and

(b) Located to maximize the agricultural use of the remaining area; and

(c) Achieve the most suitable locations in terms of minimizing roads, impervious surfaces, and allowing for water availability and septic suitability.

(8) The packinghouse or slaughterhouse shall emit no noxious emissions that are 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 of adjacent property.

(9) Packinghouses and slaughterhouses, approved under this section, within the Agricultural (AG) District shall not be located in critical aquifer recharge areas of a high susceptibility, as identified by the Critical Areas Ordinance map, or frequently flooded areas, as identified and regulated by Whatcom County public works river and flood division through WCC Title [17](#).

.140 Type 1 cannabis production facilities, subject to WCC [20.80.690](#).

.141 Cannabis processing facilities, subject to WCC [20.80.690](#). (Ord. 2023-042 § 1 (Exh. A), 2023; Ord. 2023-018 § 1 (Exh. A), 2023; Ord. 2022-011 § 1 (Exh. A), 2022; Ord. 2019-013 § 1 (Exh. A), 2019; Ord. 2016-011 § 1 (Exh. D), 2016; Ord. 2015-016 Exh. A, 2015; Ord. 2014-041 Exh. A, 2014; Ord. 2013-057 § 1 (Exh. A), 2013; Ord. 2010-016 § 1 (Exh. A), 2010; Ord. 2009-034 § 1 (Att. A), 2009; Ord. 2006-061 § 1 (Att. A)(7), 2006; Ord. 2006-048 § 1 (Exh. A), 2006; Ord. 2005-079 § 1, 2005; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 2001-012 § 1, 2001; Ord. 99-068, 1999; Ord. 98-018 § 1, 1998; Ord. 97-069, 1997; Ord. 95-031, 1995; Ord. 91-009, 1991).

20.40.150 Conditional uses.*

.151 Public facilities for emergency-related health and safety purposes, such as fire halls and Washington State Department of Transportation satellite road safety facilities.

.152 Duplex and multifamily dwellings or clustered housing or camping facilities to accommodate farm workers provided:

(1) In addition to any other setback requirements contained herein, such duplex and multifamily dwelling facilities shall be located at least 150 feet from any existing dwelling not on the same property and 50 feet from any property line; and

(2) Such facilities shall conform with applicable building and health regulations; and

(3) Such facilities shall be occupied only by agricultural employees and their immediate families; and

(4) Such facilities must be ancillary and/or accessory to an agricultural use.

.153 Aircraft landing areas when solely for personal (aircraft based at those landing areas are owned or controlled by the landowner or tenant and subject to any limitations deemed necessary by the hearing examiner) or agriculture (aerial application of agricultural chemicals) uses; provided the centerline of any such landing area shall not be located within 500 feet of any property line, building, or structure; except that a legal affidavit from adjacent property owner(s) allowing all, or a portion, of that 500 feet as a recorded easement on their property, presented as part of a conditional use permit application, shall be acceptable. The surface of any such landing areas shall be grass or sod and not longer than 2,500 feet. It shall be unlighted and for daytime use only. Handling and storage of fuel and bulk chemicals, associated with agricultural application, on or near the landing area must comply with pertinent state and county codes.

Fuels and lubricants associated with the operation of personal use aircraft will be stored and handled in accordance with pertinent state and county codes. All aircraft and pilots must comply with all current Federal Aviation Regulations for the maintenance and operation of aircraft. Notification of conditional use permit application hearing shall go, by first class mail, to residents within 1,000 feet from any point on a proposed aircraft landing area; the applicant shall pay the cost of such mailings.

.154 Aquaculture.

.155 A cottage industry employing no more than four persons on site, other than family members residing on the premises, and which may be conducted in structures other than the dwelling unit; provided, that in addition to the criteria set forth in WCC [22.05.026](#) and [20.80.980](#), the hearing examiner shall find that the cottage industry satisfies the criteria of WCC [20.36.161](#)(1) through (5).

.156 *Repealed by Ord. 2023-018.*

.157 Rendering plants.

.158 *Deleted by Ord. 2006-048.*

.159 Transitory solid waste facilities for treatment, storage, or collection, including but not limited to: recycle centers and drop boxes for household materials excluding large items such as automobiles or major appliances; noncommercial or commercial composting and mulching facilities; and including but not limited to the types of facilities operated by neighborhood or public service organizations.

.160 Restaurants, when located on the same property and subordinate to a permanent facility for the processing of agricultural products into food or beverage for human consumption; provided, that the size, scale and character of the restaurant facility are compatible with the agricultural/rural character of the surrounding area and are consistent with the general purpose of the zone district.

.161 Surface mining for farm enhancement purposes and accessory sorting; provided, that:

- (1) The activity is not subject to Washington State's Surface Mining Act (Chapter [78.44](#) RCW) and conforms to the following criteria and those of WCC [22.05.026](#).
- (2) The activity will not result in excavation or equipment within 50 feet of county road rights-of-way.
- (3) The activity will not result in excavation or equipment within 50 feet of the exterior property lines of the site, except in the case of two contiguous surface mining operations in which case by mutual consent this setback can be zero.
- (4) The activity will only remove sand or gravel knolls or ridges and will not excavate below the minimum land elevation of the knoll or ridge being removed. In addition, a cumulative maximum of 15 percent of the parcel area, not to exceed six acres in total, may be mined.
- (5) No reclaimed side slopes are steeper than eight percent. An exception to this requirement may be approved under the following circumstances:
 - (a) The knoll or ridge to be removed extends onto an adjacent parcel; and
 - (b) The neighboring property owner is not removing their portion of the knoll or ridge; and
 - (c) A steeper side slope is necessary to enhance farm use adjacent to the slope; and
 - (d) Reclaimed side slopes shall not exceed 33 percent.
- (6) No excavation shall occur within the five-year zone of contribution for designated wellhead protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. Wellhead protection boundaries may be adjusted in accordance with WCC [20.73.153](#)(2).
- (7) Excavations will not occur within five feet of the seasonal high water table level.
- (8) At minimum, the operations shall adhere to the development and performance standards of WCC [20.73.650](#) and [20.73.700](#).
- (9) No soil erosion or sedimentation will occur beyond the exterior property lines of the site.
- (10) Excavation activity will commence and conclude within four years.
- (11) The conditional use permit application includes proposed days-of-the-week operation and hours-of-the-day operations. The hearing examiner may limit any operation as to days and hours of operation.
- (12) Owners shall submit a reclamation plan with their application to the county providing for:
 - (a) Stockpiling all topsoil for subsequent use during reclamation.
 - (b) Topsoil protection by seeding with a cover-crop immediately after it is stockpiled.
 - (c) Time limits on topsoil storage not to exceed four years.
 - (d) Limitations on handling topsoil in wet conditions.
 - (e) Sequential reclamation in less than three-acre increments per parcel.

(f) Measures for restoring soil texture, structure, and organic matter by sub-soiling, fertilization, crop scheduling, and weed control.

(g) Review and approval by the Whatcom County Conservation District.

(h) Protection of ground water during preparation of the soils for post-agricultural use.

(i) Pertinent use of best management practices or guidelines. As a minimum, this should include "Agriculture and the Aggregate Industry," by Mackintosh, E.E. and E.J. Mozuraitus, from the Ontario Ministry of Natural Resources, 1982.

(13) Performance bonds or other monetary security as approved by the prosecuting attorney equal to the costs of completing the proposed reclamation plan, subsection (12) of this section, are submitted to the county, which shall be released within two years after completion of surface mining; provided, that reclamation has been completed according to the reclamation plan.

(14) When mining operations are proposed within or adjacent to the 100-year floodplain, the applicant must also obtain a flood permit from the county.

.162 Commercial operations, except for mushroom composting operations, that directly provide agricultural goods or services to farmers. Examples of primary agricultural commercial operations include, but are not limited to: livestock auction facilities, hay sales and storage, sawdust sales and storage, farm equipment service and repair, and farm chemical applicator establishments and secondary nonagricultural services if they are the same in type and function as the primary business and serve to complement the primary business. The purpose of allowing secondary nonfarm businesses in conjunction with agricultural goods and services businesses is to augment the viability of agricultural goods and services businesses as a means of ensuring that agricultural businesses continue to provide goods and services to farmers.

Applicants must satisfy the following criteria:

(1) Agricultural Goods and Services (Primary) Business.

(a) That locating the prospective commercial operation within the Agriculture District better serves the agricultural operator than if the commercial operation is located in another land use designation;

(b) The site is better used for agricultural services than the permitted uses in WCC [20.40.051](#); and

(c) The prospective commercial operation is limited to directly serving agricultural operators and does not include the manufacture of farm-related implements.

(2) Nonagricultural (Secondary) Business.

(a) Goods and services provided are the same in type and function as those provided to the agricultural sector and serve to complement the primary business;

(b) The secondary business remains subordinate to the primary business in respect to gross sales as evidenced by an affidavit of intent, signed by the owner, to be provided by owner at the time of application. The county reserves the right to require the submission of subsequent affidavits, signed by both the business owner and the owner's certified public accountant, not more than annually thereafter;

(c) The secondary business does not require additional area beyond that necessary for the primary business;

(d) The addition of a secondary business shall be conditionally approved if the hearing examiner determines that the secondary business is consistent with applicable zoning regulations, and complies with WCC [22.05.026](#), providing such change does not require the provision of water and sewer utility services at a level greater than that currently available to the subject property, and that the new use does not result in greater impacts upon surrounding properties than did the original use.

.163 Rock crushing and asphalt and concrete batch plants when within a Mineral Resource Land Special District. No off-site dust shall be generated from the operation.

.164 Packinghouses and slaughterhouses as defined in Chapter [20.97](#) WCC, which shall be located, designed, and operated so as to not interfere with the overall agricultural character of the area, provided the following criteria are met:

(1) "Conditional use" approval criteria located in WCC [22.05.026](#) shall be satisfied.

(2) The total allowable building area is larger than 2,000 square feet and no larger than 7,000 square feet.

(3) The facility is an accessory use, as identified in Chapter [20.97](#) WCC, "Accessory use."

(4) Holding pens associated with packinghouses and slaughterhouses shall be limited to those necessary to accommodate animals intended for processing within 24 hours.

(5) The facility shall comply with solid waste handling standards as set forth in Chapter [173-350](#) WAC, as administered by the Whatcom County health department as adopted by reference in Chapter [24.06](#) WCC.

(6) If required by the Washington State Department of Ecology, the following permits shall be obtained:

(a) State waste discharge permit (Chapter [173-216](#) WAC).

(b) Industrial stormwater permit – general permit (Chapter [173-226](#) WAC).

(c) An NPDES permit (Chapter [90.48](#) RCW and Chapter [173-220](#) WAC).

(7) The building shall avoid prime agricultural soils to the extent feasible. Where the site is predominantly in prime soils and avoidance is not feasible, the applicant shall demonstrate that the buildings:

(a) Are sized to be as small as feasible; and

(b) Located to maximize the agricultural use of the remaining area; and

(c) Achieve the most suitable locations in terms of minimizing roads, impervious surfaces, and allowing for water availability and septic suitability.

(8) The packinghouse or slaughterhouse shall emit no noxious emissions that are 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 of adjacent property.

(9) Packinghouses and slaughterhouses approved under this section within the Agricultural (AG) District shall not be located in critical aquifer recharge areas of a high susceptibility, as identified by the Critical Areas Ordinance map, or frequently flooded areas, as identified and regulated by Whatcom County public works river and flood division through WCC Title [17](#).

.165 Kennels, which shall be located, designed, and operated so as not to interfere with the overall agricultural character of the area, provided the following criteria are met:

(1) The use shall be on a parcel five acres or less in size but not less than one acre in size.

(2) No kennel building or outdoor animal space shall be located within 50 feet of any property line and/or within 300 feet of any existing dwelling other than those on the property. The distance to a dwelling shall be measured as the shortest straight line distance from the closest point of a dwelling to any structure or fence used for a kennel.

(3) All facilities associated with the kennel use, including but not limited to parking and on-site septic systems, shall be contained on the same parcel.

(4) The building(s) and associated facilities shall, to the extent feasible, be located to avoid interference with the agricultural use of the property and surrounding properties.

(5) In addition to the requirements of WCC [22.05.026](#), the hearing examiner shall consider the following when reviewing a conditional use permit application in order to reduce negative impacts to surrounding residents, and set conditions if warranted:

(a) Hours when animals are to be kept indoors;

(b) Sound abating building or screening materials;

(c) Maximum number of animals; and

(d) Visual screening or buffering, including but not limited to landscaping and fencing.

.166 Regional parks that offer interpretive, historical, or educational experiences related to agriculture and subject to the following approval requirements:

To assure maintenance of the agricultural resource and compatibility with agricultural operations, regional parks that offer interpretive, historical, or educational experiences related to agriculture may only be approved if it is determined that the proposal meets the following approval requirements:

(1) The size, scale and character of the facility are compatible with the agricultural/rural character of the surrounding area.

(2) The educational or interpretive component, open space, and trails of a park must comprise at least 70 percent of the physical area of the park.

(3) The applicant shall provide proof that new permanent structures and soil alterations are generally located on predominantly nonagricultural soils or on the least productive portion of the property.

(4) The proposal will not preclude present and future agricultural use of the property nor substantially detract from agricultural production on-site or in the area.

(5) The proposal will not adversely impact or interfere with accepted farm practices on adjacent or nearby agricultural operations, given the type of agriculture that is in the area and its relative susceptibility to nuisance complaints due to accepted farm operations and management practices.

(6) The proposal must comply with the requirements of WCC [20.40.662](#) and WCC Title [14](#), Use of Natural Resources.

(7) Mitigation measures (such as landscape buffers; special setbacks; screening; site design and using physical features such as rock outcrops, ravines, roads, irrigation canals or critical areas) shall be used to effectively reduce the potential for land use conflicts.

(8) Lighting must be shielded and directed away from residential areas.

(9) Adequate provision of refuse collection and disposal.

(10) The following uses are not permitted:

(a) Golf courses or driving ranges.

(b) Campgrounds.

(c) Recreational vehicle parks.

(d) Private concessions.

(e) Sports fields or courts.

(f) Permanently constructed playground equipment, stadiums or bleachers.

.183 State education facilities that are related to agricultural operation training.

.185 Type I solid waste handling facilities.

.190 Mental health facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district; provided, that the primary use of the parcel remains agriculture and the patients are working the land on the operating farm.

.191 Substance abuse facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district; provided, that the primary use of the parcel remains agriculture and the patients are working the land on the operating farm.

.192 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.

.193 Wildlife animal rescue hospitals and/or rehabilitation facilities including accessory enclosures thereto, such as kennels, cages, stables, aviaries, runs, and fenced pastures, to provide for the care of and management of sick, injured, displaced or orphaned wildlife provided:

In order to assure maintenance of the agricultural resource and compatibility with agricultural operations, applications made to operate wildlife rescue rehabilitation facilities in the Agriculture Zoning District may only be approved if it is determined that the proposal meets the following approval requirements:

- (1) Wildlife species that are held, treated or cared for at the facility shall be native to the region.
- (2) Such facilities must at all times be properly authorized and permitted under applicable state and federal law to hold and treat wildlife.
- (3) Pursuant to WAC [232-12-275](#), there shall be at least one person in possession of a valid wildlife rehabilitation permit on the facility staff.
- (4) No building or animal enclosure shall be located closer than 50 feet from the external property lines.
- (5) The applicant shall provide proof that new permanent structures and soil alterations are generally located on predominantly nonagricultural soils or on the least productive portion of the property.
- (6) Such facilities must have a waste disposal program approved by the county health department.
- (7) Such facilities shall be operated at all times in a manner specifically designed to prevent the use of the facilities from becoming a nuisance, either public or private; and the hearing examiner shall require of the applicant a detailed program to minimize potential annoying effects; said program to be recorded as one of the conditions attached to the permit.
- (8) The facility shall not adversely impact or interfere with accepted farm practices on adjacent or nearby agricultural operations, and the provisions of Chapter [14.02](#) WCC, Right to Farm, shall apply.
- (9) The proposal must comply with the requirements of WCC [20.40.662](#) and WCC Title [14](#), Use of Natural Resources.
- (10) Mitigation measures (such as landscape buffers; special setbacks; screening; site design and using physical features such as rock outcrops, ravines, roads, irrigation canals or critical areas) shall be used to effectively reduce the potential for land use conflicts.

.194 Bed and breakfast inns.**

.197 Surface mining subject to Washington State's Surface Mining Act (Chapter [78.44](#) RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter [20.73](#) WCC and all other applicable regulations. Site reclamation must be to agricultural use within any MRLs adopted after May 1, 2001. No off-site dust shall be generated from the operation. (Ord. 2023-042 § 1 (Exh. A), 2023; Ord. 2023-018 § 1 (Exh. A), 2023; Ord. 2022-012 § 1 (Exh. A), 2022; Ord. 2017-030 § 1 (Exh. F), 2017; Ord. 2017-001 § 1 (Exh. A), 2017; Ord. 2016-011 § 1 (Exh. D), 2016; Ord. 2015-016 Exh. A, 2015; amended during 8/14 supplement; Ord. 2014-041 Exh. A, 2014; Ord. 2013-057 § 1 (Exh. A), 2013; Ord. 2013-051 Exh. A, 2013; Ord. 2009-033 § 1 (Att. A), 2009; Ord. 2008-059 § 1, 2008; Ord. 2006-048 § 1 (Exh. A), 2006; Ord. 2005-068 § 2, 2005; Ord. 2004-026 § 1, 2004; Ord. 2004-014 § 2, 2004; Ord. 2003-026 § 1 (Exh. 1), 2003; Ord. 2001-047 § 1, 2001; Ord. 2001-024 § 1, 2001; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 2001-012 § 1, 2001; Ord. 98-018 § 1, 1998; Ord. 97-069, 1997; Ord. 96-056 Att. A § 12, 1996; Ord. 93-076, 1993; Ord. 93-035, 1993; Ord. 92-079, 1992; Ord.

91-013, 1991; Ord. 88-13, 1988; Ord. 87-84, 1987; Ord. 87-12, 1987; Ord. 87-11, 1987; Ord. 86-42, 1986; Ord. 83-32, 1983).

*Code reviser's note: The amendments of Ordinance 2005-039 concerning mushroom composting, extending amendments from Ords. 2004-053, 2004-027, 2003-050, 2003-027, 2002-068, 2002-061 and 2002-033, expired October 24, 2005. Refer to Chapter [20.15](#) WCC for current provisions concerning mushroom substrate production facilities.

**Code reviser's note: Ord. 2009-033 added this subsection as 20.40.161. It has been renumbered to 20.40.194 to prevent duplication of numbering.

20.40.200 Prohibited uses.

All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:

.201 Reserved.

.202 Adult businesses.

.203 Aerial application of chemicals, including but not limited to pesticides and insecticides, previously regulated by the DNR as Class I, II, III or IV-Special forest practices, when located within an urban growth area.

.204 Slash burning, when located within an urban growth area. (Ord. 2022-035 Exh. A, 2022; Ord. 2016-011 § 1 (Exh. L), 2016; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 99-070 § 2, 1999).

20.40.250 Division or modification of parcels.

It is the intent of this section to allow divisions which benefit the long-term viability of agriculture. This section describes the requirements for division or modification of parcels within the agricultural district that either are consistent with the minimum lot size, or would result in substandard parcels or make existing substandard parcels further substandard.

Requests for land division or boundary line adjustment in the Agriculture District shall be made on forms provided by the department and will be reviewed administratively. All divisions must comply with the following provisions:

(1) Agricultural Divisions. All divisions of land in the Agriculture District shall proceed in accordance with the local and state subdivision laws.

(2) Allowable Density. No division or boundary line adjustment shall result in an increase in allowable density.

(3) Additional Acreage. Additional acreage gained through a boundary line adjustment shall not be considered in the total acreage calculations for determining density.

(4) Plat Restrictions. The following plat restriction is required, prior to recording, on the nonresidential lot of all divisions of land provided for in WCC [20.40.254](#)(2):

No further division or residential structure shall be allowed on this parcel unless and until changes in the zoning of this property occur consistent with State and local laws which would result in additional development density, in which case this restriction shall be null and void, and density and uses of the new zone shall apply to the property upon review by the Whatcom County zoning administrator.

(5) Deed Restrictions. Deed restrictions are required for all boundary line adjustments allowed under WCC [20.40.254](#)(3).

(a) The following language must be recorded separately and placed by reference of auditor’s file number on the deed, and placed on the tract map of the nonresidential portion of the adjusted parent parcels prior to recording:

The development density of the original parcel (parent parcel) remains with legal description _____. The _____ (# of acres) appended through boundary line adjustment to legal description _____ (receiving parcel) shall not be included in calculations to determine total development density for the receiving parcel.

(b) The following deed restriction language must be recorded separately and placed by reference of auditor’s file number on the deed, and is required when there is no additional means to further subdivide the property due to the parcel sizes and density standards of this zone:

No further division or residential structure shall be allowed on this parcel unless and until changes in the zoning of this property occur consistent with State and local laws which would result in additional development density, in which case this restriction shall be null and void, and density and uses of the new zone shall apply to the property upon review by the Whatcom County zoning administrator.

.251 Minimum Lot Size. The minimum lot size in the Agriculture District is 40 acres, except as provided for in WCC [20.40.253](#) and [20.40.254](#). The creation of a lot less than the minimum size is permitted only when the subject application meets the standards contained in WCC [20.40.253](#), [20.40.254](#), and [20.40.650](#), as applicable.

Parcel	Minimum Lot Size	Minimum Lot Size Exceptions
Conventional Parcel	40 acres	Reconfiguring existing nonconforming parcels
Farmstead Parcels Created through Agricultural Short Subdivision or Agricultural Boundary Line Adjustment		
Farmstead parcel – Parent parcel with existing farmstead with public water	1 acre	Up to 3 acres pursuant to WCC 20.40.253 (1), (2) and (4)
Farmstead parcel – Parcel with existing farmstead without public water	2 acres	Up to 3 acres pursuant to WCC 20.40.253 (1) through (4)

Parcel	Minimum Lot Size	Minimum Lot Size Exceptions
Farmstead parcel – Parent parcel without existing farmstead with public water	1 acre	Up to 2 acres pursuant to WCC 20.40.253 (1) and (2)
Farmstead parcel – Parcel without existing farmstead without public water	2 acres	Up to 3 acres pursuant to WCC 20.40.253 (1), (2) and (3)
Parcels Created for Agricultural Purposes Only		
Created Parcel with deed restriction for no residential buildings	10 acres	N/A

.252 Minimum Lot Width and Depth.

(1) For parcels created consistent with the minimum lot size: The minimum width to depth ratio is 1/5. The terms “depth” and “width” refer to the average depth and average width of the parcel.

(2) For lots created or rearranged pursuant to WCC [20.40.254](#), the following lot width and depth shall apply:

Minimum Width at Street Line	Minimum Width at Bldg. Line	Minimum Mean Depth
70' [A]	80'	100'

[A] Applies only to land divisions where the parcel(s) does not contain a farmstead home site at the time of the application.

.253 Farmstead Parcel Minimum Lot Size Exceptions. The base maximum for the farmstead parcel shall be consistent with the minimum lot size in WCC [20.40.251](#), except as follows:

(1) A greater area is determined necessary by the health officer pursuant to Chapter [24.05](#) WCC, On-Site Sewage System Regulations;

(2) A greater area is determined necessary by the responsible official to accommodate a driveway or other access necessary for the farmstead parcel;

(3) For farmstead parcels without public water: Unless substantial evidence is provided by the responsible official indicating the location is not feasible, wells and wellhead protection zones shall also be located within the farmstead parcel. Wells located outside of the farmstead parcel area shall be sited to minimize potential impacts on agricultural activities;

(4) For farmstead parcels with existing farmstead home sites: There is an existing agricultural structure(s) within the farmstead parcel and any of the following criteria are met:

(a) The separation between the agricultural structure(s) and the primary residential structure is less than 150 feet; or

- (b) Current use of the agricultural structure(s) is not related to an agricultural activity; or
- (c) There is a low potential for future use of the agricultural structure(s) to be associated with an agricultural activity due to physical condition or compatibility with agricultural practices; or
- (d) Water is not available for use at the agricultural structure(s).

.254 Separation of the Farmstead Parcel Criteria.

(1) The criteria for approval for the farmstead parcel and remainder parcel created through agricultural boundary line adjustment or agricultural short subdivision shall be the following:

(a) The area of the parcel containing the farmstead home site, whether the home exists or is to be added, is limited to the minimum amount required to encapsulate structures, parking areas, driveways, septic systems, wells, and landscaping required setbacks; and

(b) The farmstead parcel size shall be as stated in WCC [20.40.251](#), unless the existing residential structure(s) and/or well and septic constraints require a larger parcel, but shall not exceed the maximum lot size consistent with the exceptions in WCC [20.40.253](#); and

(c) The farmstead parcel and farmstead home site meet the siting criteria contained in WCC [20.40.650](#); and

(d) For agricultural short plats:

(i) A remainder parcel shall be created equal to or greater than 10 nominal acres; and

(ii) The remainder parcel shall have no existing residential development and no development rights, and a condition containing the language as provided in WCC [20.40.250](#)(4) shall be included on the short plat for the remainder parcel prior to final approval; and

(iii) The applicant and his or her heirs provide right of first purchase for a period of not less than 60 days through deed restriction to the original purchaser and subsequent purchasers of the remainder parcel for purchase of the farmstead parcel before they are offered on the open market; and

(e) For boundary line adjustments the language as provided in WCC [20.40.250](#)(5) shall be included on the boundary line adjustment prior to final approval;

(f) A right to farm disclosure statement as provided for in WCC [14.02.040](#)(B) will be signed by the farmstead parcel owner and subsequent purchasers of the farmstead parcel, and recorded as per WCC [14.02.040](#)(A)(1) and [14.02.050](#); and

(g) All land division shall comply with the appropriate map and recording provisions of WCC Title [21](#); and

(h) The overall submittal shall comply with WCC [20.40.250](#) et seq.

(2) Agricultural Short Subdivisions. Agricultural short subdivisions for the purpose of reducing the acreage below the minimum lot size as provided by WCC [20.40.251](#) for a farmstead home site shall comply with the following provisions:

(a) The minimum parcel size is the area necessary to accommodate a house site which meets the applicable dimensional requirements of all applicable code and provides a remainder (appended) parcel equal to or greater than 10 nominal acres; and

(b) The short subdivision application shall meet the size and performance standards of WCC [20.40.650](#).

(3) Boundary Line Adjustments. Boundary line adjustments for the purpose of reducing the acreage below the minimum lot size as provided by WCC [20.40.251](#) of an existing or proposed farmstead parcel if such boundary line adjustment complies with the following provisions:

(a) Boundary line adjustments shall not make a lot substandard or further substandard, except as provided for in WCC [20.40.251](#);

(b) The minimum parcel size is the area necessary to accommodate a house site which meets the applicable dimensional requirements of all applicable codes and provides a remainder (appended) parcel equal to or greater than 10 nominal acres; and

(c) The farmstead parcel and boundary line adjustment application shall meet the size and performance standards of WCC [20.40.250](#) and [20.40.251](#), and the siting criteria of WCC [20.40.650](#).

(4) Public Facility. The division is for the purpose of public facilities for health and safety use or expansion of such uses; provided, that:

(a) The division or boundary line adjustment will not adversely affect the surrounding agricultural activities; and

(b) The applicant has demonstrated to the administrator's satisfaction that the siting of the proposed use cannot be located in an adjacent zoning district or alternative site, if the area is intensively farmed.

(5) Division or Boundary Line Adjustment for Agricultural Purposes Only. Lots smaller than the minimum lot size of WCC [20.40.251](#) may be created through land division or rearranged through a boundary line adjustment provided the following:

(a) The parent parcel does not contain an existing residence, or said existing residence will remain on a parcel 40 acres or larger in size; and

(b) The parcel created is 10 acres or larger or is appended to another parcel; and

(c) There is a properly executed deed restriction which runs with the land on lots which have been created through the division or modified by the boundary line adjustment, except those lots at or over 40 acres in size that maintain an associated development density. Such deed restriction shall be substantially similar to that listed under WCC [20.40.250](#)(5), approved by the zoning administrator and recorded with the county auditor specifying:

(i) All land divided or parcels adjusted are to be used exclusively for agricultural or flood management purposes and specifically not for a dwelling(s), and

(ii) All land divided or parcels adjusted shall have no residential density, and

(iii) For land divisions, the acreage of the newly created parcels shall not be included in calculations to determine total development density in the future, and

(iv) For boundary line adjustments, the acreage of the newly created parcel and appended portion shall not be included in calculations to determine total development density in the future.

.255 Consolidation of Adjacent Tracts. Consolidation of adjacent tracts in the same ownership shall be required in accordance with WCC [20.83.070](#) in approval of any subdivision, short subdivision, or boundary line adjustment in the Agricultural District. The county may waive the permit fee for a boundary line adjustment where adjacent lots of record are not in the same ownership and are consolidated voluntarily for purposes of the boundary line adjustment.

.256 Establishing Intent. The burden of establishing intent in and legal proceeding relating to a transaction accomplished or proposed under the authority of this section shall be upon the land owner or purchaser. (Ord. 2022-012 § 1 (Exh. A), 2022; Ord. 2019-013 § 1 (Exh. A), 2019; Ord. 2017-030 § 1 (Exh. T), 2017; Ord. 2013-040 Exh. 1, 2013; Ord. 2005-073 § 1, 2005; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 98-083 Exh. A § 46, 1998; Ord. 91-013, 1991; Ord. 91-005, 1991; Ord. 87-84, 1987).

20.40.350 Building setbacks.

Building setbacks shall be administered pursuant to WCC [20.80.200](#) (Setback requirements). Building setbacks for parcels of less than five nominal acres shall be administered pursuant to WCC [20.80.250](#). (Ord. 2013-040 Exh. 1, 2013; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 86-42, 1986).

20.40.450 Lot coverage.

No structure or combination of structures, including accessory buildings, shall occupy or cover more than 25 percent of the total area of the subject parcel. Exceptions to the maximum lot coverage may be allowed when any of the following can be demonstrated:

- (1) Proposed structures, in excess of the allowed maximum lot coverage, are located on lesser quality soils.
- (2) Proposed structures in excess of the allowed maximum lot coverage support additional agricultural production on parcels other than the subject parcel.
- (3) Expansion of facilities that were in operation prior to the adoption of the ordinance codified in this section if it can be demonstrated that substantial on-site investment has been made and location of additional structures off site would cause an economic hardship to the farm operation. (Ord. 2013-040 Exh. 1, 2013; Ord. 2006-048 § 1 (Exh. A), 2006).

20.40.550 Maximum density.

The maximum density in the Agricultural District shall be one dwelling unit per 40 acres. (Ord. 2019-013 § 1 (Exh. A), 2019).

20.40.650 New or modified parcel siting criteria.

The location of vacant farmstead parcels shall be consistent with the following siting criteria and standards:

- (1) Minimum Lot Size. Parcels shall be consistent with WCC [20.40.251](#).

(2) Parcel Design. Parcels shall be located and arranged to provide the maximum protection of agricultural land located both on and off site. Parcel design and development shall be as follows:

(a) The residential parcels shall be configured so that property lines are immediately adjacent and physically contiguous to each other; and

(b) Residential parcels shall be located as close as possible to existing public roads, or if none abut the property, then to existing access roads. New road or driveway development shall be avoided to the maximum extent feasible; and

(c) Except for parcels that recognize existing farmsteads, residential parcels shall be located to the extent feasible to maximize the remainder lot configuration and farmable area; and

(d) Except for reconfigured parcels that recognize existing farmsteads, each reconfigured parcel shall be limited to one single-family residence and residential accessory structures; and

(e) Residential building sites shall maintain sufficient separation from on-site and off-site agricultural resources and exterior property lines. The setback, lot coverage, and height standards for reconfigured lots shall be as established in WCC [20.40.350](#) to [20.40.450](#); and

(f) Applicants shall verify that reconfigured parcels or farmstead parcels do not prohibit access to a point of withdrawal for any irrigation water rights certificates, claims, permits, or applications on the affected parcels; and

(g) All development shall be consistent with Chapter [16.16](#) WCC; and

(h) The farmstead parcel avoids prime soils to the extent feasible. Where the site is predominantly in prime soils and such cannot be avoided, the applicant shall demonstrate that:

(i) The parcel is sized to be as small as feasible pursuant to WCC [20.40.251](#); and

(ii) Located to maximize the agricultural use of the remainder lot; and

(iii) Achieve the most suitable locations for parcels in terms of minimizing roads, allowing for water availability, and septic suitability.

(3) Substitute Parcel Design Standards. Applicants proposing a farmstead parcel may propose a substitute performance standard in place of a listed standard in this section (new or modified parcel siting criteria); provided, that the applicant submits a written justification demonstrating the substitute standard better or equally meets the purposes of the zone in WCC [20.40.010](#) and the following agricultural-related purposes:

(a) Expand the amount of commercially viable resource land under contiguous single ownership; and/or

(b) Protect and buffer designated resource lands; and/or

(c) Reduce impervious surfaces, such as by reducing the amount of road and utility construction required to serve the farmstead home site, or by reducing the amount of impervious area for nonagricultural uses that could otherwise occur without the AG division; and/or

(d) Reduce the total number of lots of record through voluntary consolidation; and/or

(e) Produce a farm management plan approved through the Whatcom Conservation District or WA Department of Agriculture that demonstrates increased viability of the agricultural operation through the AG division; and/or

(f) Enable improved floodplain management in cooperation with Whatcom County public works.

Such substitution shall be considered at the administrator's discretion. (Ord. 2013-040 Exh. 1, 2013; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 96-056 Att. A § A1, 1996).

20.40.651 Landscaping.

Refer to WCC [20.80.300](#) for landscaping requirements. (Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 89-117, 1989. Formerly 20.40.652).

20.40.652 Drainage.

All development activities are subject to the stormwater management provisions of WCC [20.80.630](#) through [20.80.635](#). No project permit shall be issued prior to meeting those requirements. (Ord. 2019-013 § 1 (Exh. A), 2019; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 96-056 Att. A § A2, 1996; Ord. 94-022, 1994. Formerly 20.40.653).

20.40.662 Use of natural resources.

All discretionary project permits for land on or within one-half mile of the area designated as agriculture, rural, commercial forestry or rural forestry or within 500 feet of an area designated as mineral resource lands in the Whatcom County Comprehensive Plan, or upon which farm operations are being conducted, shall be subject to the right to farm, right to practice forestry and mineral land disclosure policies contained in WCC Title [14](#), Use of Natural Resources. (Ord. 2022-012 § 1 (Exh. A), 2022; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 98-083 Exh. A § 47, 1998).