



## 2016 Stormwater Regulations

On October 11, 2016, the Whatcom County Council adopted new regulations regarding stormwater management in Whatcom County. These regulations are designed to normalize the stormwater requirements, provide compliance with the County's National Pollutant Discharge Elimination System (NPDES) Phase II Permit (Clean Water Act), recognize the impact of tree removal in Lake Whatcom, Lake Samish, and Lake Padden watersheds, and capture stormwater impacts from large projects in the rural areas. These regulations went into effect on October 22, 2016.

A summary of the major changes to the stormwater code is described below. You can access the specific sections of code on our website at <http://www.codepublishing.com/WA/WhatcomCounty/>.

### **Changes in the Lake Whatcom, Lake Samish, and Lake Padden watersheds include:**

- A tree removal permit is required for the removal of any tree(s) (if the removal of the tree(s) is not associated with a development permit). You can get the Tree Removal Permit application at <http://www.whatcomcounty.us/920/Applications-FormsLinks>. If trees are to be removed as part of a development permit, tree removal information will be required with the applicable development permit.
  - o Tree canopy removal (whether it is associated with a development permit or not) may not exceed more than 35% or 5,000 sq. ft. of the tree canopy existing on site as of January 1, 2017 (measured cumulatively).
  - o See WCC 20.51.430 and WCC 20.51.440 for tree removal in the Lake Whatcom watershed and WCC20.71.354 and WCC 20.71.356 for tree removal requirements in the Lake Samish and Lake Padden watersheds.
- In the Lake Padden and Lake Samish watershed, a stormwater site plan and a stormwater design utilizing Downspout Dispersion or Downspout Full Infiltration which is consistent with the 2012/2014 Washington State Department of Ecology Stormwater Management for Western Washington ("2012/2014 DOE Manual") is required for projects which meet the following thresholds:
  - o Any development which adds 500 sq. ft. of new impervious surface, or
  - o Renovation projects where estimated cost of work exceeds 50% of the assessed value
- Treatment of Pollution Generating Impervious Surfaces (PGIS) will also be required to be consistent with the 2012/2014 DOE Manual.
- Stormwater system regulations within the Lake Whatcom watershed have remained unchanged.
- Section 221 of the Whatcom County Development Standards is no longer in effect.
- Annual Monitoring and inspections for all stormwater treatment and flow control facilities (this is mostly associated with large-scale projects that meet Minimum Requirement #'s 6 and 7 in the 2012/2014 DOE Manual).

- See WCC 20.80.630(1)(c) for more specific code language

**Changes in the Birch Bay and Drayton Harbor watersheds (outside of NPDES Phase II areas) include:**

- A stormwater site plan and a stormwater design utilizing Downspout Dispersion or Downspout Full Infiltration which is consistent with the 2012/2014 Washington State Department of Ecology Stormwater Management for Western Washington ("2012/2014 DOE Manual") is required for projects which meet the following thresholds:
  - o Any development which adds 500 sq. ft. of new impervious surface, or
  - o Renovation projects where estimated cost of work exceeds 50% of the assessed value
- Treatment of Pollution Generating Impervious Surfaces (PGIS) will also be required to be consistent with the 2012/2014 DOE Manual.
- Section 221 of the Whatcom County Development Standards is no longer in effect.
- See WCC 20.80.630(1)(c) for more specific code language

**Changes in the NPDES Phase II areas include:**

- The addition of the Birch Bay Urban Growth Area as a Phase II area.
- Annual Monitoring and inspections for all stormwater treatment and flow control facilities (this is mostly associated with large-scale projects that meet Minimum Requirement #'s 6 and 7 in the 2012/2014 DOE Manual).
  - o See WCC 20.80.630(1)(a) for specific code language

**Changes in stormwater regulations for all areas outside of the NPDES Phase II Areas, and Birch Bay, Drayton Harbor, Lake Whatcom, Lake Samish, and Lake Padden watersheds (See WCC 20.80.630(1)(d)):**

Prior to adoption of these stormwater codes, residential, agricultural development (regardless of size), and projects which added less than 5,000 sq. ft. of impervious surface were exempt from any stormwater review in unincorporated Whatcom County. To capture stormwater impacts in the rural areas, all projects within unincorporated Whatcom County which are outside of a NPDES Phase II Area, and Birch Bay, Drayton Harbor, Lake Whatcom, Lake Samish, and Lake Padden watersheds are separated in to three categories; Low, Medium, and High Land Use Intensity (These are different than the land use intensity designations within the Critical Areas Ordinance). Whether a project is considered Low, Medium or High Intensity will determine the level of stormwater management that is required.

The revised stormwater codes are designed to capture stormwater impacts from large projects in the rural areas. It should be noted that Projects that result in new plus replaced hard surface greater than or equal to 10% of the gross parcel size or 20,000 sq. ft., whichever is greater, or converts 1.5 acres of vegetation to lawn or five acres of vegetation to pasture, are considered a High Intensity Land Use and are subject to all thresholds and requirements of the 2012/2014 Washington State Department of Ecology Stormwater Management for Western Washington.

When determining whether your project is considered Low, Medium, or High Intensity, please refer to the following lists and subsequent stormwater requirements:

- The following land uses are considered Low Intensity development for the purposes of stormwater review:

- o Single family residences and accessory buildings on parcels larger than 25,000 sq. ft.,
- o Construction of agricultural buildings on agricultural land,
- o Seasonal roadside stands,
- o Roads (other than those exempt as pavement maintenance)

For all Low Intensity development (as listed above), a stormwater site plan will be required for projects which propose:

- o 7,000 sq. ft. or greater of new or replaced hard surface or,
- o 14,000 sq. ft. or more of land disturbing activity
- o The stormwater site plan will show where stormwater from proposed hard surfaces is being directed.

- The following land uses are considered Medium Intensity development for the purposes of stormwater review :

- o Single family residences and accessory buildings on parcels smaller than 25,000 sq. ft.,
- o Short subdivisions,
- o Minor utility developments,
- o Trails and trailheads:

For all Medium Intensity development (as listed above), a stormwater design which is consistent with all applicable minimum requirements of the 2012/2014 DOE Manual will be required if the project proposes:

- o 4,000 sq. ft. or more of new or replaced hard surface or,
- o 14,000 sq. ft. or more of land disturbing activity,

This may require consultation from a civil engineer

- The following land uses are considered High Intensity development for the purposes of stormwater review:

- o Long subdivisions
- o Uses on parcels bisected by the NPDES Phase II Area Boundary
- o Projects that result in new plus replaced hard surface greater than or equal to 10% of the gross parcel size or 20,000 sq. ft., whichever is greater, or converts 1.5 acres of vegetation to lawn or five acres of vegetation to pasture
- o Other uses, including commercial, industrial, institutional, and urban or multifamily residential uses,

All High Intensity development (as listed above) must provide a stormwater design which is consistent with the 2012/2014 DOE Manual.

Please keep in mind that these are brief descriptions of some of the more substantial changes in the code. There are smaller changes which will not affect a majority of development proposals (such as allowing rain gardens in buffering plantings for commercial development). Please contact Whatcom County staff at 778-5900 for more specific requirements.

