

**WHATCOM COUNTY**  
Planning & Development Services  
5280 Northwest Drive  
Bellingham, WA 98226-9097  
360-778-5900, TTY 800-833-6384  
360-778-5901 Fax



**Mark Personius**  
Director

**Planning and Development Services**  
**Procedure**

Subject/Title: Issuance of Development Permits within Watersheds Subject to the Seasonal Closure on Exposed Soils.

Number: PL-2-86-003

Effective Date: 9/24/2019

Submitted By: Ryan Ericson, PDS Supervisor *RE*  
Michael Kershner, Planner III *MJK*

Approved By: Mark Personius, Director *MP*

---

**Statement:**

Issuance of project permits during the Lake Whatcom and Watershed Protection Overlay seasonal closure between Oct 1 through May 31<sup>st</sup>.

**References**

WCC 20.51.410 – Seasonal clearing activity limitations (Lake Whatcom)  
WCC 20.80.735 – Seasonal clearing activity limitations (Lake Samish and Lake Padden)  
WCC 22.05 – Project Permit Procedures  
WCC 20.94 – Enforcement and Penalties  
Policy PI1-87-001F – Enforcement of Lake Whatcom watershed Seasonal Exposed Soil Limit

**Applicable Code**

WCC 20.51.410(2) and WCC 20.80.735(2)(d) state that, in the Lake Samish, Lake Padden, or Lake Whatcom watersheds, "clearing activity, as defined in WCC 20.97.054, that will result in exposed soils exceeding 500 square feet shall not be permitted from October 1st through May 31<sup>st</sup>".

**Policy**

In accordance with the Hearing Examiners decision in APL2019-00003, the term "shall not be permitted" shall refer to the allowance of greater than 500 sq. ft of clearing activities as opposed to the issuance of permits.

**Procedure:**

Development permits within the Lake Whatcom, Lake Samish, and Lake Padden watersheds,

shall be issued all year round, with the exception of the two weeks prior to October 1 (as required by WCC 20.51.410(3) and 20.80.735(2)(d)(ii)). All permits shall be issued in accordance with the timeframes as outlined in WCC 22.05.

In regards to development permits that are issued from October 1 through May 31, where work commences prior to June 1, the resulting enforcement action shall be considered an emergency and receive a "high" enforcement priority status. Stop Work Orders and penalty assessments shall be issued at the Technical Administrators' discretion while maintaining consistency with WCC 20.94.