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**Chapter 20.43  
COMMERCIAL FORESTRY (CF) DISTRICT**

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**20.43.010 Purpose.**

The purpose of this district is to implement the forestry designation of the Comprehensive Plan, pursuant to RCW 36.70A.170, by providing for and encouraging the long-term productivity, commercial management and sustained use of forest resources. In addition, the district provides for uses that are compatible with forestry activities, while maintaining water quality and soil productivity. (Ord. 2005-079 § 1, 2005; Ord. 98-083 Ex. A § 49, 1998; Ord. 92-094, 1992; Ord. 86-42, 1986).

**20.43.050 Permitted uses.**

Unless otherwise provided herein, permitted, accessory and conditional uses shall be administered pursuant to the applicable provisions of Chapter 20.80 WCC (Supplementary Requirements) and Chapter 20.84 WCC (Variances, Conditional Uses, Administrative Approval Uses and Appeals), the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.

**.051** The cultivation, harvest, and production of forest products or any forest crop, in accordance with the Forest Practice Act of 1974 and any regulations adopted pursuant thereto; and the cultivation, harvest and production of ferns, moss, boughs, bark, berries, nuts, tree fruits, tree seeds, nursery stock, and Christmas trees.

**.052** Operation of sawmills, chippers, shake and shingle mills, scaling stations; log dumps, sorting and storage areas; forest industry equipment maintenance buildings and storage yards, and forest industry residue dumps and other uses involved in the harvesting and primary processing of timber provided:

(1) That the intent of processing is initial reduction in bulk and/or to facilitate transport to secondary processing centers; and

(2) That all uses within 1,000 feet of a park, recreation area or zone district other than Rural, Agriculture or Industrial shall be temporary and of less than 12 months' duration.

**.053** The management and propagation of fish and wildlife.

**.054** Watershed management practices, including erosion control measures, drainage control structures, vegetation management to improve runoff characteristics, weather stations, stream gauging stations, or watershed research facilities.

**.055** Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided, that a conditional use permit is required for accessory rock crushing activities located within 2,000 feet from a rural or residential district.

**.056** Public forest preserves, wildlife reserves, natural systems education, and/or interpretive areas.

**.057** Temporary use of recreational vehicles (less than six months each year) as living quarters for trail crews, fire crews, nursery crews, logging crews, maintenance crews and watchmen.

**.058** Hydroelectric power generation facilities using only diversion structures creating impoundments less than three acres, and co-generation facilities; provided, that the power shall be to serve and will be associated with a permitted or conditional use situated in the Forestry Zone District.

**.059** Storage of explosives operated in compliance with Chapter 70.74 RCW.

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

**.061** Private, noncommercial, recreation occupancy of one recreational vehicle or travel trailer per lot where such use shall be less than 120 days per calendar year, complies with all health regulations and is not permanently installed.

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

**.063** 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. (Ord. 2015-016 Exh. A, 2015; Ord. 2005-079 § 1, 2005; Ord. 2004-026 § 1, 2004; Ord. 2000-006 § 10, 2000; Ord. 99-062, 1999; Ord. 97-069, 1997; Ord. 92-094, 1992; Ord. 92-079, 1992; Ord. 88-29, 1988; Ord. 86-42, 1986).

**20.43.100 Accessory uses.**

**.101** Utilization of sewage sludge on land when regulated by a utilization permit issued by the Whatcom County department of public health in accordance with WAC 173-304-300. This would apply to any land owned or leased by the same operator. Utilization of sewage sludge in the Lake Whatcom watershed is not allowed.

**.102** Uses incidental to the primary permitted uses.

**.103** On-site treatment and 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. On-site treatment and storage facilities for hazardous wastes are not allowed in the Lake Whatcom watershed.

.104 Aircraft landing areas when solely for commercial logging or forest management uses; provided no landing area shall be located within 500 feet of any other zoning district, 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 this area shall be pervious. Handling and storage of fuel and bulk chemicals associated with forest management on or near the landing area must comply with pertinent state and county codes. Emergency operations (i.e., forest fire control) may be conducted from these locations. (Ord. 93-076, 1993; Ord. 92-094, 1992; Ord. 91-023, 1991; Ord. 89-10, 1989; Ord. 88-29, 1988; Ord. 87-84, 1987).

**20.43.130 Administrative approval uses.**

The following uses are permitted subject to administrative approval pursuant to WCC 20.84.235.

.133 *Repealed by Ord. 2015-016.* (Ord. 2015-016 Exh. A, 2015; Ord. 97-069, 1997).

**20.43.150 Conditional uses.**

The conditional uses listed herein shall be administered pursuant to the applicable provisions of Chapter 20.80 WCC (Supplementary Requirements) and Chapter 20.84 WCC (Variances, Conditional Uses and Appeals), the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program. Applicable conditional use permit criteria are established in the provisions of WCC 20.43.900 and will not be subject to the conditional use criteria provided for in WCC 20.84.220.

.151 Construction and operation of water diversion structures, impoundment dams and hydroelectric generating facilities not permitted under WCC 20.43.058.

.152 *Deleted by Ord. 96-056.*

.153 Surface mining, rock crushing, and accessory washing and sorting, subject to conditions in WCC 20.36.159.

.154 Operation of dispersed, primitive recreational facilities including tent campgrounds, game reserves, developed trailheads with parking for more than 30 vehicles, but excluding uses such as community centers, riding academies, off-road vehicle parks, parks, marinas, camping clubs, institutional camps and recreational vehicle and travel trailer parks.

.155 The operation of facilities intended to provide education related to forestry and the purpose of this district, including but not limited to conservation laboratories.

.156 Major utility and communication facilities.

.157 Primary or low intensity, secondary processing facilities of timber not permitted in WCC 20.43.052, excluding pulp, paper or plywood mills.

.158 Permanent living quarters for trail crews, fire crews, nursery crews, logging crews, and maintenance crews where the use of the living quarters is directly connected to the operation of forest management activities on the property. All such living quarters must conform with Whatcom County Development Standards.

**.159** Semipermanent modular or mobile home living quarters, in conformance with Whatcom County Development Standards, for a property watchman, which meets the following conditions:

(1) Limited to one watchman living quarters for each major forest access road which serves large blocks (640 acres or greater) of forest land zoned Commercial Forestry.

(2) All watchman living quarters under this section must be located as close as possible to the paved road and be directly adjacent to the major forest access road.

**.162** Aircraft landing areas within 1,000 feet of any building or structure when solely for commercial logging or forest management uses; provided no landing area shall be located within 500 feet of any other zoning district, 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 this area shall be pervious. Handling and storage of fuel and bulk chemicals, associated with forest management, on or near the landing area must comply with pertinent state and county codes. Emergency operations (i.e., forest fire control) may be conducted from these locations.

**.163** Mineral processing facilities.

**.164** Shooting ranges.

**.185** Type I solid waste handling facilities.

**.186** Type II solid waste handling facilities.

**.187** Type III solid waste handling facilities; provided, that:

(1) The facility or site will not be located within the 100-year floodplain or the Lake Whatcom watershed. The facility or site will not be located within any area identified in an adopted critical areas ordinance unless outside of the floodplain and at least three feet in elevation higher than the floodway elevation;

(2) Solid waste handling facilities shall be located at least 1,500 feet from the following:

(a) All zoning district boundaries, except Commercial Forestry and Industrial Zones;

(b) Public parks, public recreation areas, or publicly-owned wildlife areas;

(c) Archaeological and historical sites that are registered with the State Office of Archaeology and Historic Preservation;

(d) Shorelines that are within the jurisdiction of the Shoreline Management Program;

(e) Rivers, streams or creeks that contain documented threatened or endangered fish species;

(f) This 1,500-foot buffer does not apply to:

(i) Structures used for offices, storage areas for equipment, and weigh scales. These facilities shall be set back from the property line 100 feet or the standard zoning district setback, whichever is greater;

## (ii) Inert landfills;

(3) Inert landfills shall be located at least 500 feet from the following:

- (a) All zoning district boundaries, except Commercial Forestry and Industrial Zones;
- (b) Public parks, public recreation areas, or publicly-owned wildlife areas;
- (c) Archaeological and historical sites that are registered with the State Office of Archaeology and Historic Preservation;
- (d) Shorelines that are within the jurisdiction of the Shoreline Management Program;
- (e) Rivers, streams or creeks that contain documented threatened or endangered fish species;
- (f) This 500-foot buffer does not apply to:

- (i) Structures used for offices, storage areas for equipment, and weigh scales. These facilities shall be set back from the property line 100 feet or the standard zoning district setback, whichever is greater;

(4) The facility or site will not result in filling or excavation, location of structures or buildings, driveways or machinery use except for vegetation maintenance within 100 feet of any property line and except for driveways within 150 feet of any county or state road right-of-way;

(5) The facility or site will have vehicular approaches designed to minimize conflict between automobile and truck traffic, will maintain the carrying capacity of county roads, and will be located on a road classified as all weather, except where use is shown to be intermittent and easily delayed until emergency conditions have passed;

(6) The facility or site has complied with the provisions of WCC 20.84.200 and all other ordinances and laws regulating solid waste facilities and sites, such as but not limited to the Whatcom County SEPA Ordinance, as well as state and federal regulations concerning solid waste facilities and sites;

(7) All landfills have a final closure plan meeting the requirements of WCC Title 24 and of Chapter 173-350 WAC, and the closure plan includes:

- (a) Reclamation in two- to 10-acre increments, as appropriately responsive to the size and intensity of the particular activity, with seeding to be accomplished annually but no later than September 30th;
- (b) Permanent vegetative cover that will maintain in healthy growing condition with the level of maintenance that is covered through the financial assurance for post-closure activities; and
- (c) Final topography that is consistent with the surrounding area;

(8) The buffer areas and visual screening shall include a minimum of 50 feet wide of landscaping meeting the requirements of WCC 20.80.300 (Landscaping);

(9) All lighting shall be designed and installed to prevent the illumination of adjacent properties during nonoperating hours;

(10) Signs shall not exceed one nonilluminated freestanding sign, visible from a road, and not exceeding six feet in height and on additional nonilluminated sign attached to a building, but not extending above the lowest portion of the roof, for a maximum total signage of 16 square feet; however, signs giving unacceptable materials, alternate disposal locations, recycling options, or any other information required by other regulations, shall not be included as part of this 16-square-foot allowance but shall be visible only from areas within the parcel unless required by other regulations to be visible to the street and then shall be designed to be compatible with a residential neighborhood including appropriate landscaping;

(11) Solid waste facilities or sites shall be located outside the 10-year time of travel boundary of a public water system's delineated wellhead protection area;

(12) Solid waste facilities or sites that handle putrescible waste will be located at least 10,000 feet from airports serving turbine-powered aircraft and at least 5,000 feet from airports serving piston-powered aircraft. These buffers shall be measured from the boundary of the Airport Operations Zone or, if the airport is not within an Airport Operations Zone, from the boundary of the airport property;

(13) In addition, the Whatcom County hearing examiner may impose conditions of approval which may be necessary to protect the value and enjoyment of existing adjacent uses.

.188 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.

.189 Surface mining subject to Washington State's Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations. (Ord. 2015-016 Exh. A, 2015; Ord. 2005-068 § 2, 2005; Ord. 2004-041 § 1, 2004; Ord. 2004-026 § 1, 2004; Ord. 2004-014 § 2, 2004; Ord. 97-069, 1997; Ord. 96-056 Att. A § K1, 1996; Ord. 93-076, 1993; Ord. 92-094, 1992; Ord. 92-079, 1992; Ord. 91-023, 1991; Ord. 91-013, 1991; Ord. 88-29, 1988; Ord. 86-42, 1986).

**20.43.200 Prohibited uses.**

.201 All other uses.

.202 Adult businesses. (Ord. 99-070 § 2, 1999; Ord. 92-094, 1992).

**20.43.250 Minimum lot size and width.**

**20.43.251 Minimum lot size.**

For the purpose of creating new lots within the Commercial Forestry District, the minimum lot size shall be 40 nominal acres. (Ord. 92-094, 1992; Ord. 91-023, 1991).

**20.43.450 Lot coverage.**

No more than 25 percent of the lot area shall be permanently altered or removed from production of forest products, excluding natural meadows, bogs, surface water and rock outcrops. (Ord. 92-094, 1992).

**20.43.550 Reforestation.**

Reforestation shall be consistent with the Forest Practice Act of 1974, as amended. (Ord. 92-094, 1992; Ord. 86-42, 1986).

**20.43.650 Development criteria.**

(Ord. 96-056 Att. A § A1, 1996).

**20.43.651 Livestock regulations.**

The keeping of livestock shall be administered pursuant to WCC 20.80.800 (Supplementary Requirements). (Ord. 92-094, 1992).

**20.43.652 Domestic water supplies.**

Domestic water supply sources shall not be located within 100 feet of the property boundary or on an adjacent property without written consent of the adjacent property owner. (Ord. 92-094, 1992; Ord. 86-42, 1986).

**20.43.653 Drainage.**

All development activity within Whatcom County shall be subject to the stormwater management provisions of the Whatcom County Development Standards unless specifically exempted.

No project permit shall be issued prior to meeting submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards. (Ord. 96-056 Att. A § A2, 1996; Ord. 94-022, 1994).

**20.43.662 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 300 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. 98-083 Exh. A § 50, 1998).

**20.43.900 Conditional use permit criteria.**

**.901** The conditional uses listed in WCC 20.43.150 shall be subject to the following forestry conditional use criteria. Said criteria listed in WCC 20.43.902 shall supersede the criteria listed in WCC 20.84.220.

**.902** Before approving an application for a conditional use permit, the hearing examiner shall ensure that any specific standards of the use district defining the conditional use are fulfilled and shall find adequate evidence showing that the proposed conditional use at the proposed location will:

- (1) Be in accordance with all applicable local and state laws, standards and regulations;
- (2) Be reasonably compatible with the surrounding environment and with the policies of the Whatcom County Comprehensive Plan;
- (3) Not generate traffic in excess of capacity of the public road system at reasonable safety and service levels;
- (4) Not create unreasonable demands for public expenditures to provide services, facilities, or utilities beyond that which is normally required for permitted uses in the Forestry District;
- (5) Provide entrances to public roads or private roads open to public use in accordance with applicable county or state standards;

- (6) Provide reasonable sound and sight buffering so as not to detract from normal use of surrounding property, public and private roads, and trails open to public use;
  - (7) Be located a reasonable distance from areas of actual or potential natural hazard;
  - (8) Not unreasonably contribute to actual or potential water quality or quantity problems;
  - (9) Be designed to provide reasonable safety from fire hazard;
  - (10) Not unreasonably interfere with any territorial or otherwise significant view from surrounding property and public roads;
  - (11) Not remove areas of native vegetation which protect shorelines and streambanks from erosion, except as necessary for such uses as culverts, bridges, boat ramps, recreation areas and stream bank stabilization projects; and
  - (12) Include reasonable soil erosion plans necessary to prevent soil, organic debris and other pollutants from entering streams, ponds, or lakes. (Ord. 92-094, 1992).
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