

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-676-6907, TTY 800-833-6384
360-738-2525 Fax



J.E. "Sam" Ryan
Director

Memorandum

TO: Whatcom County Planning Commission

FROM: Samya Lutz, Planner

THROUGH: J.E. "Sam" Ryan, Director

DATE: July 31, 2012

SUBJECT: Whatcom County Agricultural Strategic Plan Implementation
(PLN2012-00007): Agricultural Parcel Reconfiguration

At the Planning Commission July 12, 2012 work session, members of the county Agricultural Advisory Committee (AAC), staff, Planning Commission members, and members of the public discussed the county's agricultural program and specifically the Agricultural Strategic Plan (ASP), as endorsed by the County Council through RES2011-023.

Of the approximately one dozen tasks put forward for implementation in the ASP within the broader context laid out therein, the Agricultural Parcel Reconfiguration is the first to come forward for consideration by the Planning Commission. County staff and members of the AAC have been working with BERK consulting since early this year to frame this task, consider the legal and technical context, and engage the public. Lisa Grueter from BERK will attend the August 9 work session, after which our contract with BERK will conclude. A public hearing is anticipated for the first Planning Commission meeting in September.

Included with this memo is a preliminary draft staff report with the proposed code changes in Exhibit 1. A final staff report will be available prior to the public hearing on this subject scheduled for September 13. Please contact me with any questions at 676-6907 x51072.

Whatcom County Draft Parcel Reconfiguration Options

Planning Commission Workshop

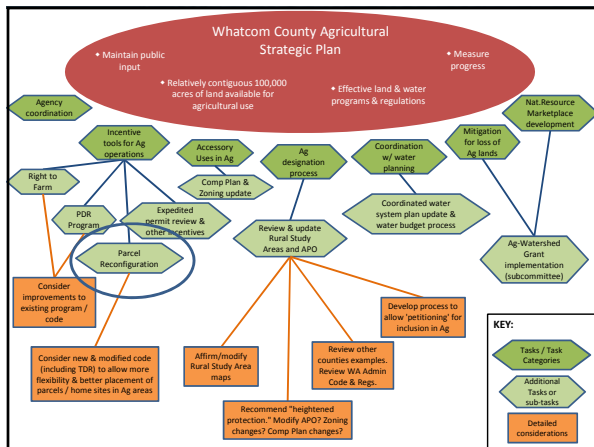
August 9, 2012

Whatcom County Agricultural Planning

Goal—Maintain 100,000 acres of agricultural land

How—Agricultural Strategic Plan

One Tool—Parcel Reconfiguration



Process to Date - 2012

- Research and Analysis
 - Research and Review: February-May
 - Situation Assessment: May
- Project Review Team
 - February, April, and July
- Focus Group: March
- Public Open House: May
- Code Workshop: July
- Planning Commission Workshop: August
- Website updates & materials posted:
http://www.whatcomcounty.us/pds/planning/agricultural_program.jsp

Principles/Objectives

- **Increase the long-term viability** of agriculture while recognizing underlying economic realities
- **Provide more flexibility/incentives** for homes, placed with the least impact to agricultural operations
- **Reduce potential conflicts** with neighbors
- Ensure parcel reconfiguration tools are **“density neutral”**
 - [and consider how to reduce future units with incentives]
- **Overarching principles** should drive the regulations (e.g. equal to or better than...)
- **Honor and protect property rights and values** to help farmers stay in business

Current Parcel Division Options

- Boundary Line Adjustment
 - Must meet 40 acre minimum lot size for all adjusted parcels or;
 - Not cause a further reduction of parcel size for a nonconforming lot (equal land swap).
- Subdivision
 - Must meet 40 acre minimum lot size for all parcels created

Current Parcel Division Options

- Agricultural Short Subdivision
 - One existing lot of record
 - Create a 1-3 acre parcel to segregate existing farmstead homesite
 - Remainder parcel restricted to agricultural use only
- Agricultural Boundary Line Adjustment
 - Two existing lots of record
 - Create 1-3 acre parcel to segregate existing farmstead homesite
 - Remainder parcel restricted to agricultural use only

Agricultural Short Plat Example

Current Range of Fees

Permit Type	Current Likely Cost (2012) – County fees
Lot of Record (LOR)	\$400.00 for four lots
Boundary Line Adjustment (BLA)	\$1,125.00 (health, fire, LOR, planning and engineering fees)
AG Short Plat	\$5,675.00 (health, engineering, planning, LOR and pre-application)
Two (2) lot Short Plat	\$6,430.00 (fire, health, planning, natural resources, stormwater, traffic, engineering and LOR)

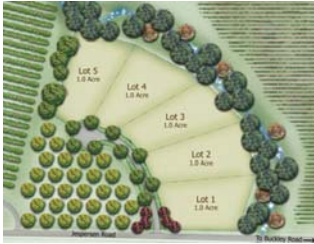
Ag Parcel Reconfiguration Tool

- Origins: Agriculture Strategic Plan – 2011




What is parcel reconfiguration?

- Parcel reconfiguration allows rearrangements of parcels
 - within and across ownership
 - to place the existing development potential in areas that are the least valuable as farmland
 - in a manner that benefits the County and the landowner and is consistent with other state and local priorities

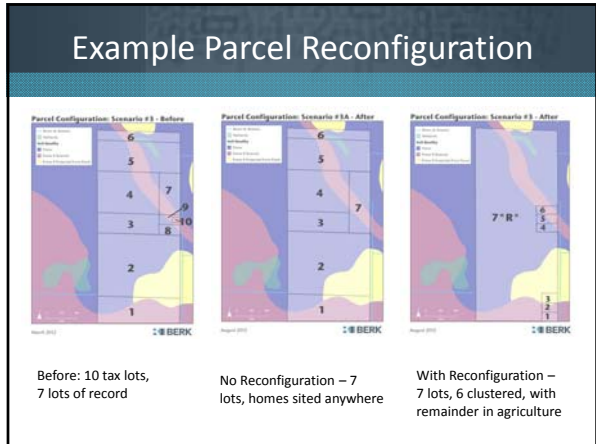


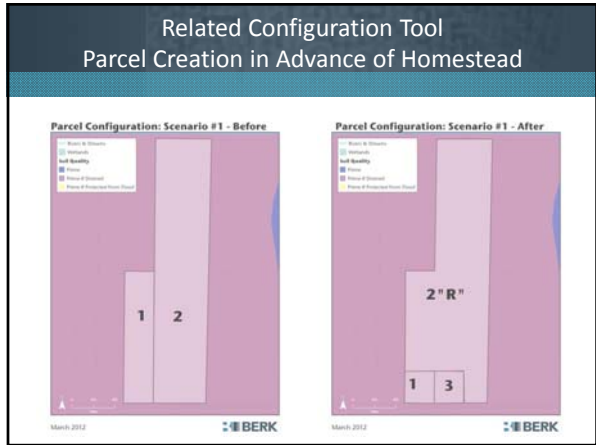
Parcel Configuration - Locator Map



March 2012

BERK





Tool Review

Summary of Proposed Code Edits – See Matrix

1. Farmstead Parcel AG (40) zone – strengthen 1 to 3 acres lot size language. Allow lot to be created in advance of home being developed.
2. Parcel Reconfiguration – Add as a tool in AG (40) zone.
3. Require siting criteria for lot configuration.
4. Allow parcel reconfiguration as a boundary line adjustment process.

Other Future Elements

KEEP IT SIMPLE – separated these options for future consideration:

Proposed Phase II Options (after period of evaluation)

- 5. Farmstead Parcel – Add tool to R5A/10A properties in APO but limit to Rural Study Areas (RSA)s.
- 6. Allow a combined legal lot and buildable lot determination.

Additional Future Options

- 7. Transfer of Development Rights – Limited amendments to allow TDR within resource and rural lands, generally as a private transaction, not involving a net increase in density and subject to a conservation easement.

Additional Changes to Consider

Additional Changes to Current Proposal:

- Additional consistency needed in WCC 21.03 & 21.04 (Subdivision Code)
- Possible reorganization of proposed code
- Desire for monitoring & evaluation

Changes – WCC 21.03.060(2)(b)

- (2) Decision Criteria. In reviewing a proposed boundary line adjustment, the subdivision administrator or hearing examiner shall use the following criteria for approval:
- (a) The boundary line adjustment shall not result in the creation of an additional lot.
- (b) With the exception of those boundary line adjustments and **lots within** agricultural parcel reconfigurations **that recognize an existing farmstead homesite** located within the agricultural zone, the boundary line adjustment **or reconfiguration** shall result in lots which contain sufficient area and dimensions to meet minimum requirements for width and area for a building site pursuant to this title.

Discussion of Proposed Code

- Review proposed code amendments
- Discuss proposed elements
- Comments & Questions

Next Steps

- Planning Commission
 - Hearing
 - Deliberation
- County Council
 - Briefing
 - Hearing
 - Deliberation

EXHIBIT 1

PROPOSED CODE AMENDMENTS: PARCEL RECONFIGURATION

July 31, 2012

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Chapter 20.40 AGRICULTURE (AG) DISTRICT

Sections:

- [20.40.010](#) Purpose.
- [20.40.050](#) Permitted uses.
- [20.40.100](#) Accessory uses.
- [20.40.130](#) Administrative approval uses.
- [20.40.150](#) Conditional uses.
- [20.40.200](#) Prohibited uses.
- [20.40.250](#) Minimum lot size and land subdivision.
- [20.40.350](#) Building setbacks.
- [20.40.450](#) Lot coverage.
- [20.40.650](#) ~~Development Siting~~ criteria.
- [20.40.651](#) Landscaping.
- [20.40.652](#) Drainage.
- [20.40.662](#) Use of natural resources.

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. 2009-071 § 2 (Exh. B), 2009; Ord. 2005-079 § 1, 2005; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001).

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20.40.250 Minimum lot size and land subdivision.

(1) The minimum lot size in the Agriculture District is 40 acres, except as provided for in WCC [20.40.251](#) and [20.40.252](#) and [20.40.253](#).

(a) Standard Lot Width and Depth: The minimum length to width ratio is five to one. The terms “length” and “width” refer to the average length and average width of the parcel.

(b) For lots created or rearranged pursuant to WCC 20.40.251 and 252, the following lot width and depth shall apply:

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

[A] Applies only to land divisions or parcel reconfigurations where the parcel(s) does not contain a residential structure at the time of the application.

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

(3) Boundary line adjustments shall not make a lot substandard or further substandard, except as provided for in WCC [20.40.251](#) and [20.40.252](#).

(4) Agricultural parcel reconfigurations are allowed to rearrange buildable lots of record established as provided for in WCC 20.40.251 and 252.

.251 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 would result in substandard parcels or make existing substandard parcels further substandard.

Requests for land division ~~or~~ boundary line adjustment, or agricultural parcel reconfiguration in the Agriculture District shall be made on forms provided by the department and will be reviewed administratively. ~~An additional application, deemed sufficient to initiate subdivision or boundary line adjustment review by planning and development services, must be submitted within 24 months of the administrative approval granted pursuant to this section.~~ All divisions must comply with the following provisions:

(1) No divisions ~~or~~ boundary line adjustments, or agricultural parcel reconfigurations shall result in an increase in allowable density; and

(2) Additional acreage gained through a boundary line adjustment or agricultural parcel reconfiguration shall not be considered in the total acreage calculations for determining density; and

(3) The following plat restriction is required, prior to recording, on the nonresidential lot of all divisions of land provided for in WCC [20.40.252](#):

No further division or residential structure shall be allowed on this parcel ~~until and 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.

(4) Deed restrictions are required for all boundary line adjustments or agricultural parcel reconfigurations allowed under WCC 20.40.251 and 20.40.252.

(a) The following language must be placed on the deed and 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 [or agricultural parcel reconfiguration] 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 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.

.252 ~~Maximum~~ Lot Size Exceptions.

(1) Exceptions to Lot Size. The creation of a lot less than the minimum size established in WCC 20.40.250(1) is permitted only when the subject application meets the standards contained in WCC.20.40.252 (2) through (6).

(2) A farmstead parcel as defined in WCC 20.97.132 may be created subject to the following standards:

(a) There is an existing farmstead home site, or a parcel is created for the sole purpose of a farmstead home site, provided that the site and parcel are subject to the standards of this section.

(b) The base maximum for the farmstead parcel shall be no greater than 1.0 acre in size, except as follows:

(i) A greater area is determined necessary by the health officer pursuant to Chapter 24.05 On-Site Sewage System Regulations;

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

(iii) 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 farmstead home site. Wells located outside of the farmstead home site area shall be sited to minimize potential impacts on agricultural activities.

~~(iv) The inclusion of~~ There is an existing agricultural structure(s) within the farmstead ~~home site~~ parcel ~~shall be allowed if the farmstead home site parcel does not exceed three acres, and if and~~ any of the following criteria are met:

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

~~(bB)~~ (B) Current use of the agricultural structure(s) is not related to an agricultural activity; or

~~(cC)~~ (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

~~(dD)~~ (D) Water is not available for use at the agricultural structure(s).

~~(1c)~~ Separation of the Farmstead ~~Home Site~~ Parcel. The ~~maximum~~ lot size for the ~~home site farmstead~~ parcel shall be determined by the following criteria for approval:

(i) 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

(ii) The farmstead ~~home site~~ parcel shall be ~~less than one acre one acre~~, unless the existing residential structure(s) and/or well and septic constraints require a larger parcel, but shall not exceed three acres unless the exceptions in (2)(b) apply and the applicant has demonstrated that the minimum parcel area is proposed. The maximum size of a farmstead parcel shall not exceed three acres in total area; and

(iii) The farmstead parcel and farmstead home site meet the siting criteria contained in WCC 20.40.650; and

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

~~(ev)~~ The remainder parcel shall have no existing residential development and no development rights, and a condition containing the language as provided in WCC 20.40.251(3) shall be included on the short plat for the remainder parcel prior to final approval; and

~~(dvi)~~ 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 ~~home site~~ parcel before they are offered on the open market; and

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

(~~fviii~~) All land division shall comply with the appropriate map and recording provisions of WCC Title 21; and

(~~gix~~) The overall submittal shall comply with WCC 20.40.250 et seq.

(~~23~~) Boundary line adjustments for the purpose of reducing the acreage below the minimum lot size as provided by WCC 20.40.250(3) of an existing farmstead ~~home site~~ parcel if such boundary line adjustment complies 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 codes and provides a remainder (appended) parcel equal to or greater than 10 nominal acres; and

(b) The farmstead ~~home site~~ parcel and boundary line adjustment application shall be less than one acre, unless the site, existing structure and/or well and septic constraints require a larger parcel, but shall not exceed three acres meet the size and performance standards of WCC 20.40.252(2)(a),(b), and (c), and the siting criteria of WCC 20.40.650; and

(c) ~~The appended parcel shall have no development rights and a condition containing the language as provided in WCC 20.40.251(4) shall be included on the deed for the appended parcel prior to final approval; and~~

(d) ~~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 home site parcel before they are offered on the open market; and~~

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

(f) ~~All land division shall comply with the appropriate map and recording provisions of WCC Title 21; and~~

(g) ~~The overall submittal shall comply with WCC 20.40.250 et seq.~~

(4) Parcels are reconfigured and finalized according to the agricultural parcel reconfiguration process established in Chapter 21.03, Exempt Land Divisions, Boundary Line Adjustments, and Agricultural Parcel Reconfigurations, and when meeting the following performance standards:

(a) Existing parcels to be reconfigured are:

(i) Smaller than the minimum lot size established for new lots in the Agriculture district. Parcels which meet the minimum lot size may be adjusted as a part of this process, provided the reconfiguration meets the provisions of (4)(b) below;

(ii) Determined to be legally created and buildable pursuant to WCC Title 21.01.180.

(b) Proposed parcel(s) results in the following:

(i) No additional parcels; and

(ii) A remainder lot is established per the standards of WCC 20.40.252(2)(c); and

(iii) The siting criteria of WCC 20.40.650 are met and development standards of WCC 20.40.250 et seq. are met; and

(iv) Reconfigured lots shall result in achieving two (2) or more of the identified public interest issues as follows:

(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 reconfigured lots, or by reducing the amount impervious area for nonagricultural uses that could otherwise occur without parcel reconfiguration; 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 agricultural parcel reconfiguration; and/or

(F) Enable improved floodplain management in cooperation with Whatcom County Public Works; and

(viii) Reconfigured lots shall not be further adjusted by boundary line adjustment without approval under this section.

(c) The responsible official may impose conditions on the agricultural parcel reconfiguration to further the purposes of this section.

~~-(3) The division is to allow for the realization of a security interest entered into for the purpose of financing a new house; provided, that the divided parcel shall not be sold separately from the farm except in the event of foreclosure or forfeiture, pursuant to the criteria of subsection (1) of this section.~~

~~(45) The division is for the purpose of public facilities for health and safety use or expansion of such uses pursuant to WCC [20.40.251](#); 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.

(6) Lots smaller than the minimum lot size of WCC 20.40.250 may be created through land division or re-arranged through a boundary line adjustment provided (i) the minimum parcel size of any lot containing a residential dwelling is no less than 10 acres, and (ii) there is a properly executed deed restriction which runs with the portion of the land appended through the division or boundary line adjustment. Such deed restriction shall be substantially similar to that listed under 20.40.251(4) that is recorded with the County Auditor specifying:

(a) The land divided or parcel adjustment is to be used exclusively for agricultural or flood management purposes and specifically not for a dwelling(s), and

(b) The acreage of the newly created parcels shall not be included in calculations to determine total development density in the future.

.253 Consolidation of adjacent tracts in the same ownership shall be required in accordance with 20.83.070 in approval of any subdivision, short subdivision, agricultural parcel reconfiguration, or boundary line adjustment in the Agricultural District. The County may waive the permit fee for a boundary line adjustment or agricultural parcel reconfiguration where adjacent lots of record are not in the same ownership and are consolidated voluntarily for purposes of the agricultural parcel reconfiguration, or boundary line adjustment.

.254 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.

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 20.80.250.20-80-282(3).

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.

20.40.650 Development criteria, Siting Criteria

(Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 96-056 Att. A § A1, 1996)

New or Modified Parcels. The location of vacant farmstead parcels or parcels arranged through agricultural parcel reconfiguration shall be consistent with the following siting criteria and standards:

(1) Parcels shall be no less than 1 acre and no greater than 3 acres pursuant to WCC 20.40.252(2).

(2). 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. A maximum of two development areas containing no more than three (3) lots each may be allowed. The two development areas shall be separated by a minimum of 500 feet to minimize the visibility of the future development and reinforce the purposes of the zone; provided that reductions in the separation standard by up to 10% are allowed if an applicant can demonstrate that the future development visibility from the public right of way or from neighboring properties is minimized and the purposes of the parcel reconfiguration in Section 252(4)(b) are met; and

(b) Residential parcels shall be located as close as possible to existing public roads, or if none about 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 in the corners of the parent properties 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 and access drive 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 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 avoid critical areas and their buffers consistent with WCC Chapter 16.16; and

(h) The farmstead parcel or reconfigured parcels avoid 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 parcels are sized to be as small as feasible pursuant to WCC 20.40.252(2); 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) Applicants proposing a farmstead parcel or agricultural parcel reconfiguration may propose a substitute performance standard in place of a listed standard in .651 (Siting Criteria – New or Modified Parcels) 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 public benefits described in WCC 20.40.252(4)(b)(iv); except under no condition shall more than the maximum of two (2) development areas, each with a maximum of three (3) lots be allowed. Such substitution shall be considered at the Administrator’s discretion.

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Chapter 20.80 SUPPLEMENTARY REQUIREMENTS

Sections:

- [20.80.210](#) Minimum setbacks.
- [20.80.230](#) Measurement of setbacks.
- [20.80.250](#) Special setbacks provisions by district.
- [20.80.252](#) Rural District.
- [20.80.255](#) Agriculture District.
- [20.80.258](#) All districts.

....

20.80.210 Minimum setbacks.

(5) Setbacks. For the purposes of this chapter, the road classification used to determine setback requirements shall be as set forth in this section. In the event a particular road is not listed in this section, the department of public works shall determine the classification, which classification shall be based on the Whatcom County Development Standards or such other local, state or federal roadway standards as the department of public works deems appropriate.

(a) Setback Requirements of All Districts.

(i) No manure lagoon or other open pit storage shall be located closer than 150 feet from any property line, or in a manner which creates any likelihood of ground water pollution or other health hazard.

(ii) All manure storage shall be protected from a 25-year flood and shall be located 50 feet from irrigation ditches and waterways, 50 feet from the ordinary high water line of any lake or waterway; provided, that best management practices as determined by the Whatcom County Conservation District are in place. If the best management practices are not in place, 300 feet shall be substituted for 50 feet.

(iii) In all districts where a single-family residence is a primary permitted use, a building permit may be issued for the construction of a replacement dwelling on the same lot; provided, that the owner agrees by filing a statement with the building official that the old dwelling will be demolished, removed or converted to another permitted use upon completion of the new dwelling.

(iv) A 10-foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission.

(b) Setbacks Table.

Resource Lands Setbacks							
Agricultural (AG)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
50'	50'	50'	50'	50'	50'	20'	20'
<p>1. The 50-foot front yard setback requirement for new buildings or additions may be waived if the zoning administrator finds the new building or addition is located along the same building line(s) of existing structures and will result in no additional encroachment and the public interest, safety and health are protected; provided, that for a new building the applicant shall also demonstrate that the proposed location is necessary for the economic viability and the continued operation of the agricultural use.</p> <p>2. The minimum separation between new residences not located on the same property and farm uses such as barns, pens, milking sheds, or areas used to contain, house or feed animals or store manure or feed shall be 300 feet. New farm uses such as barns, pens, milking sheds, or areas used to contain, house or feed animals or store manure or feed shall be situated at least 150 feet from existing residences not located on the same property. Expansion of existing facilities within the 150-foot buffer, providing such expansion is not closer to a neighbor's residence, and pastures are excluded from this section's requirements.</p> <p>3. Parcels of less than five nominal acres shall have the following minimum setbacks:</p> <p>Front yards:</p> <ul style="list-style-type: none"> – Primary arterials and secondary arterials: 45 feet. – Collector arterials: 35 feet. – Neighborhood collectors, local access streets: 25 feet. – Minor access streets: 20 feet. <p><u>Minimum front yard requirements can be reduced by the zoning administrator for agricultural parcel reconfigurations, boundary line adjustments, or farmstead parcels established through WCC 20.40.252. if the applicant demonstrates better placement of the structures in relation to critical areas or prime soils and goes through the approval process in WCC 21.03, but in no case shall be less than 20 feet.</u></p> <p>Side yards: minimum side yard setbacks shall be five feet. <u>For agricultural parcel reconfigurations, boundary line</u></p>							

adjustments, or farmstead parcels established through WCC 20.40.252, the exterior side yard and exterior rear yard requirements of habitable structures shall be 30 feet.

Rear yards: minimum rear yard setbacks shall be five feet.

4. A 10-foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission.

20.80.255 Agriculture District.

(1) The 50-foot front yard setback requirement for new buildings or additions may be waived if the zoning administrator finds the new building or addition is located along the same building line(s) of existing structures and will result in no additional encroachment, the public interest, safety and health are protected; provided, that for a new building the applicant shall also demonstrate that the proposed location is necessary for the economic viability and the continued operation of the agricultural use.

(2) The minimum separation between new residences not located on the same property and farm uses such as barns, pens, milking sheds, or areas used to contain, house or feed animals or store manure or feed, shall be 300 feet. New farm uses such as barns, pens, milking sheds, or areas used to contain, house or feed animals or store manure or feed, shall be situated at least 150 feet from existing residences not located on the same property. Expansion of existing facilities within the 150-foot buffer, providing such expansion is not closer to a neighbor's residence, and pastures are excluded from this section's requirements.

(3) Parcels of less than five nominal acres shall have the following minimum setbacks:

Front Yards:

- Primary arterials and secondary arterials: 45 feet.
- Collector arterials: 35 feet.
- Neighborhood collectors, local access streets: 25 feet.
- Minor access streets: 20 feet.

Minimum front yard requirements can be reduced by the zoning administrator for agricultural parcel reconfigurations, boundary line adjustments, or farmstead parcels established through WCC 20.40.252. if the applicant demonstrates better placement of the structures in relation to critical areas or prime soils and goes through the approval process in WCC 21.03, but in no case shall be less than 20 feet.

Side Yards: Minimum side yard setbacks shall be five feet. For agricultural parcel reconfigurations, boundary line adjustments, or farmstead parcels established through WCC 20.40.252, the exterior side yard and exterior rear yard requirements of habitable structures shall be 30 feet.

Rear Yards: Minimum rear yard setbacks shall be five feet. (Ord. 2001-020 § 1 (Exh. 1 § 2), 2001; Ord. 99-080, 1999).

....

Chapter 20.83
NONCONFORMING USES AND PARCELS

20.83.110 Reduction of area.

The administrator shall not cause or increase the nonconformity of lots that are substandard as to lot area and/or lot width requirements through boundary line adjustments; provided, however, that the administrator or hearing examiner may approve boundary line adjustments required to satisfy an unidentified or disputed property line or to identify the same in accordance with RCW [58.04.007](#). In addition, boundary line adjustments [or agricultural parcel reconfigurations](#) in the Agricultural zone in conformance with WCC [20.40.251](#) and [20.40.252](#) shall be allowed. (Ord. 2009-031 § 1 (Exh. 1), 2009).

DRAFT

Chapter 21.01 GENERAL PROVISIONS

Sections:

- [21.01.010](#) Title.
- [21.01.020](#) Purpose.
- [21.01.030](#) Authority.
- [21.01.040](#) Applicability and exemptions.
- [21.01.050](#) Interpretation, conflict and severability.
- [21.01.060](#) Enforcement and penalties.
- [21.01.070](#) Fees.
- [21.01.080](#) Administrative responsibilities.
- [21.01.090](#) Pre-application meeting.
- [21.01.100](#) Applications required.
- [21.01.105](#) Consolidated application process.
- [21.01.110](#) Complete application.
- [21.01.120](#) Time frames.
- [21.01.130](#) Underground utilities.
- [21.01.140](#) Regulatory authority for development standards.
- [21.01.150](#) *Repealed.*
- [21.01.160](#) City urban growth areas.
- [21.01.170](#) Hearing examiner consultation with technical advisory committee.

21.01.010 Title.

This title shall be known and may be cited as the Whatcom County land division regulations. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.01.020 Purpose.

The purpose of this title is:

- (1) To promote the public health, safety, and general welfare, and to protect the natural resources and the environment.
- (2) To provide for proper application of Chapter [58.17](#) RCW.
- (3) To facilitate efficient and cost-effective land division and to ensure orderly growth and development consistent with the Whatcom County Comprehensive Plan and the Whatcom County Code.
- (4) To establish an orderly transition from existing land uses to urban development patterns in designated urban growth areas. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.01.030 Authority.

This title is authorized pursuant to the authority delegated to Whatcom County under Chapter [58.17](#) RCW, Plats – Subdivisions – Dedications. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.01.040 Applicability and exemptions.

(1) This title shall apply to property boundary actions as defined in this title.

(2) The subdivision and short subdivision provisions of this title shall not apply to:

....

(f) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site in accordance with the provisions of this title;

....

21.01.100 Applications required.

(1) The applicant is encouraged to seek assistance from the subdivision administrator as to which approvals are required for a particular proposal. One or more of the following applications may be required for a particular proposal:

- (a) Exempt land division;
- (b) Boundary line (lot line) adjustment or agricultural parcel reconfiguration;
- (c) Short subdivision;
- (d) Preliminary long subdivision;
- (e) Final long subdivision;
- (f) Subdivision vacations and alterations;
- (g) Preliminary binding site plan;
- (h) General binding site plan;
- (i) Specific binding site plan;
- (j) Agricultural short plat. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

Chapter 21.03
EXEMPT LAND DIVISIONS ~~AND~~, BOUNDARY LINE ADJUSTMENTS, AND AGRICULTURAL PARCEL RECONFIGURATIONS

Sections:

- [21.03.010](#) Purpose.
- [21.03.020](#) *Repealed.*
- [21.03.030](#) Pre-approval.
- [21.03.040](#) Certificate of exemption.
- [21.03.045](#) Required disclosures.
- [21.03.050](#) Access on state highways.
- [21.03.060](#) Boundary line adjustments and Agricultural Parcel Reconfigurations.
- [21.03.070](#) Inactive applications.
- [21.03.080](#) Requirements for a fully completed exempt land division application.
- [21.03.085](#) Requirements for a fully completed boundary line adjustment application.
- [21.03.090](#) *Repealed.*

21.03.010 Purpose.

The purpose of this chapter is to establish or reference the procedure and requirements for the application, review and approval of exempt land divisions, pursuant to WCC [21.01.040](#), ~~and~~ boundary line adjustments, and agricultural parcel reconfigurations. The procedure is intended to provide orderly and expeditious processing of such applications. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.03.020 Exemptions.

Repealed by Ord. 2009-007. (Ord. 2004-031 § 1; Ord. 2003-058 Exh. A; Ord. 2003-033 Exh. A; Ord. 2001-027 § 1; Ord. 2000-056 § 1).

21.03.030 Pre-approval.

Applicants may request that their proposed exempt land division be reviewed by the subdivision administrator and pre-approved using forms supplied by the planning and development services department. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.03.040 Certificate of exemption.

(1) A certificate of exempt land division shall be obtained from the planning and development services department for exempt land divisions under WCC [21.01.040](#)(2)(b) and (k). A certificate of exempt land division shall consist of a suitably inscribed stamp on the instrument conveying land title and shall be certified prior to the recording of the instrument with the county auditor. County review and/or a county certificate of exemption stamp shall not be required for WCC [21.01.040](#)(2)(a) and (c) through (j).

(2) A certificate of exempt land division shall be approved, approved with conditions, or denied as follows:

- (a) Applications shall include information required by WCC [21.03.085](#).

(b) The exempt land division results in a lot(s) that qualifies as a valid land use pursuant to the Whatcom County Code, including but not limited to lot area, lot width, building setbacks, critical areas protection or shorelines protection.

(c) The exempt land division will not detrimentally affect access, access design, sight distance, grade, road geometry or other public safety and welfare concerns.

(3) An exempt land division is not considered approved until said instrument has been duly stamped as exempt and is filed for record concurrently with all applicable disclosures of WCC [21.03.045](#) within 12 months of pre-approval. Failure to record within 12 months of pre-approval means the exempt land division application is expired and must be resubmitted for review and approval. The time periods of this section do not include the time during which the exempt land division was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals. (Ord. 2009-007 § 1; Ord. 2004-031 § 1; Ord. 2002-017 § 1; Ord. 2000-056 § 1).

21.03.045 Required disclosures.

The following disclosures, if applicable, shall be recorded in the county auditor's office and shall be filed concurrently with all conveyances of property subject to this title:

- (1) Right to farm, right to practice forestry, or mineral resource disclosures.
- (2) Boundary discrepancies.
- (3) Protective covenants, conditions and restrictions.
- (4) Latecomers' agreements.
- (5) Significant pipeline in vicinity disclosure when the subject property is within 660 feet of a pipeline shown on Map 12, Chapter 5 of the Whatcom County Comprehensive Plan. (Ord. 2009-007 § 1; Ord. 2004-031 § 1; Ord. 2002-017 § 1).

21.03.050 Access on state highways.

For parcels that will access onto a state highway, the applicant shall provide evidence of an approved access from the State Department of Transportation prior to approval of the exempt land division. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.03.060 Boundary line adjustments [and Agricultural Parcel Reconfigurations.](#)

The purpose of this section is to provide procedures for the review and approval of adjustments or alterations to boundary lines of existing lots of record which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

(1) Procedures. Boundary line adjustments [and agricultural parcel reconfigurations](#) shall be approved, approved with conditions, or denied as follows:

- (a) Applications shall include information required by WCC [21.03.085](#).

(b) Any adjustment of boundary lines must be approved by the subdivision administrator prior to the transfer of property ownership between adjacent lots.

(c) The subdivision administrator shall make a preliminary decision on boundary line or agricultural parcel reconfiguration applications within 45 days following submittal of a complete application or revision, unless the applicant consents to an extension of such time period.

(d) A title insurance certificate updated not more than 60 days prior to application, which includes all parcels within the adjustment, must be submitted to the subdivision administrator with boundary line adjustment or agricultural parcel reconfiguration applications.

(e) All persons having an ownership interest within the boundary line adjustment or agricultural parcel reconfiguration shall sign the final recording document in the presence of a notary public.

(2) Decision Criteria. In reviewing a proposed boundary line adjustment or agricultural parcel reconfiguration, the subdivision administrator or hearing examiner shall use the following criteria for approval:

(a) The boundary line adjustment shall not result in the creation of an additional lot.

(b) With the exception of those boundary line adjustments or agricultural parcel reconfigurations located within the agricultural zone, the boundary line adjustment shall result in lots which contain sufficient area and dimensions to meet minimum requirements for width and area for a building site pursuant to this title.

(c) The boundary line adjustment or agricultural parcel reconfiguration shall be consistent with any restrictions, depictions or conditions regarding the overall area in a plat or short plat devoted to open space, environmental mitigation or conservation.

(d) The boundary line adjustment or agricultural parcel reconfiguration shall be consistent with any restrictions or conditions of approval for a recorded plat, short plat, zoning permit, or development permit.

(e) The boundary line adjustment or agricultural parcel reconfiguration shall not cause boundary lines to cross on-site sewage disposal systems or their reserve areas, prevent suitable area for on-site sewage disposal systems, or prevent adequate access to water supplies unless suitable mitigation including, but not limited to, the granting of utility easements is provided to the satisfaction of Whatcom County; provided, however, in the agricultural zone only those lots with existing on-site sewage disposal systems or potable water supplies are subject to this provision.

(f) The boundary line adjustment or agricultural parcel reconfiguration will not create a new access which is unsafe or detrimental to the existing road system because of sight distance, grade, road geometry or other safety concerns, as specified in adopted Whatcom County road development standards.

(g) The agricultural parcel reconfiguration shall demonstrate adequate septic and potable water suitability. Applicants shall demonstrate adequate potable water availability per WCC 24.11. Applicants shall demonstrate septic suitability approval pursuant to WCC 24.05.

(3) Final Approval and Recording Required. To finalize an approved boundary line adjustment or agricultural parcel reconfiguration, the applicant must submit to the subdivision administrator within one year of preliminary approval final review documents meeting the requirements of approval.

(a) All persons having an ownership interest within the boundary line adjustment or agricultural parcel reconfiguration shall sign the final recording document in the presence of a notary public.

(b) Certified legal descriptions of the lots after the boundary line adjustment or agricultural parcel reconfiguration, together with conveyance document(s) and language clearly binding the property which is conveyed to the remainder portion of the property, shall be prepared by a title company or licensed surveyor for all lots affected by the boundary line adjustment or agricultural parcel reconfigurations.

(c) A title insurance certificate updated not more than 60 days prior to recording of the adjustment, which includes all parcels within the adjustment, submitted to the subdivision administrator with boundary line adjustment or agricultural parcel reconfiguration final review documents.

(d) A final boundary line or agricultural parcel reconfiguration map, prepared by a licensed surveyor, along with legal descriptions, shall be prepared and submitted for review and approval. Two map copies shall be provided for review demonstrating compliance with the preliminary boundary line adjustment or parcel reconfiguration approval.

(e) A boundary line adjustment or agricultural parcel reconfiguration is not considered approved until the conveyance documents have been duly stamped as exempt and is filed for record concurrently with all applicable disclosures of WCC [21.03.045](#) within 12 months of approval of final documents. Failure to record within 12 months of approval means the boundary line adjustment or agricultural parcel reconfiguration application is expired and must be resubmitted for review and approval. (Ord. 2009-030 § 1 (Exh. 1); Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.03.070 Inactive applications.

An applicant may place an exempt land division ~~or~~ boundary line adjustment, or agricultural parcel reconfiguration application, which has not yet received preliminary approval, on hold for a cumulative maximum of 180 days. This 180-day period shall not include time the applicant is performing studies required by the county when the study is provided within the time frame agreed to by the county and the applicant. Applications which fail to meet these time limits will be considered expired and void. The time periods of this chapter do not include the time during which the exempt land division was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.03.080 Requirements for a fully completed exempt land division application.

The following, and any other information on a form prescribed by the subdivision administrator, is required for a complete application for exempt land divisions under WCC [21.01.040](#)(2)(b) and (k).

(1) Written Data and Fees.

- (a) Name, address and phone number of land owner, applicant, and contact person.
- (b) Intended uses.
- (c) A current title report or update of title report issued no more than 60 calendar days prior to application.
- (d) Assessor's parcel number (of the parent parcel).
- (e) Fees as specified in the Unified Fee Schedule.
- (f) Signature of all owners as shown on title report, and authorization for any agent to act on behalf of owners.

(2) Map Data.

- (a) Name of land owner.
- (b) Name of proposed land division (if an original drawing is prepared).
- (c) General layout of proposed land division.
- (d) Common language description of the general location of the land division.
- (e) Approximate location and names of existing roads identified as either public or private.
- (f) Vicinity map.
- (g) Common engineering map scale/north arrow/sheet numbers (on each sheet containing a map).
- (h) Section, township, range, and municipal and county lines in the vicinity.
- (i) General boundaries of the site with general dimensions shown.
- (j) Legal description of the land. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.03.085 Requirements for a fully completed boundary line adjustment or agricultural parcel reconfiguration application.

The following, and any other information on a form prescribed by the subdivision administrator, is required for a complete application.

(1) Written Data and Fees.

- (a) Name, address and phone number of land owner, applicant, and contact person.
- (b) Intended uses.
- (c) A current title report or update of title report issued no more than 60 calendar days prior to application.
- (d) Assessor's parcel numbers of existing parcels.
- (e) Fees as specified in the Unified Fee Schedule.
- (f) Signature of all owners as shown on title report, and authorization for any agent to act on behalf of owners.

(2) Map Data.

- (a) Names of land owners.
- (b) Name of proposed boundary adjustment.
- (c) Common language description of the general location of the land division.
- (d) Map at a common engineering scale of boundaries of existing parcels that are contributing to or receiving land from the proposed adjustment.

- (e) Approximate location and labeling of any disputed or undetermined property lines proposing to be resolved by the adjustment.
- (f) Clear depiction of property lines proposed for adjustment which identifies existing property lines and proposed property lines.
- (g) Legal description and area of original parcels.
- (h) Legal description and area of proposed adjusted parcels.
- (i) Approximate location and names of existing roads identified as either public or private.
- (j) Approximate location of existing buildings and existing on-site septic systems.
- (k) Approximate locations of existing utilities and infrastructure.
- (l) Vicinity map.
- (m) Common engineering map scale/north arrow/sheet numbers (on each sheet containing a map).
- (n) Section, township, range, and municipal and county lines in the vicinity.
- (o) General boundaries of the site with general dimensions shown. (Ord. 2009-007 § 1).

21.03.090 Original drawing.

Repealed by Ord. 2009-007. (Ord. 2000-056 § 1).

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Chapter 20.97 DEFINITIONS

Zoning Definitions

20.97.132 Farmstead parcel.

The “farmstead parcel” includes that portion of the property containing ~~an existing or planned primary and secondary agricultural structures and the farmstead~~ home site. (Ord. 2005-073 § 1, 2005; Ord. 2001-020 § 1 (Exh. 1 § 3), 2001).

20.97.133 Farmstead home site.

The “farmstead home site” includes that portion of the farmstead parcel used for residential buildings, uses accessory to residential buildings, drainfields, wells, wellhead protection area(s), established landscaped areas ~~contiguous with the non-agricultural built area~~, and structures as allowed in WCC ~~20.40.252(a) through (d)~~. (Ord. 2005-073 § 1, 2005).

DRAFT

RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION

1

August 9, 2012

Regular Meeting

1 **Call To Order:** The meeting was called to order, by Whatcom County Planning
2 Commission Chair, Michelle Luke, in the Northwest Annex Conference Room at 6:30 p.m.

3
4 **Roll Call**

5 Present: Michelle Luke, Ben Elenbaas, John Lesow, Rod Erickson, Gary Honcoop, David
6 Onkels, Mary Beth Teigrob
7 Absent: Ken Bell, Jeff Rainey

8
9 **Staff Present:** Tyler Schroeder, Samya Lutz, Amy Keenan, Becky Boxx

10 **Others Present:** Lisa Grueter of BERK & Associates-Consultant

11

12 **Department Update**

13

14 There was no department update

15

16 **Open Session for Public Comment**

17

18 Joan Dow, Whatcom County: Commented on how difficult it must be for business owners
19 to understand government regulations.

20

21 **Commissioner Comments**

22

23 Commissioner Onkels stated he went to Commissioner Rainey's dairy farm. He toured the
24 new milking parlor which has some of the newest technology.

25

26 Commissioner Lesow wagered \$50.00 stating the Growth Management Hearings Board will
27 remand the Rural Element which was recently passed by the County Council.

28

29 **Approval of Minutes**

30

31 May 10, 2012: Teigrob moved to approve as written. Onkels seconded. The motion
32 carried.

33

34 June 28, 2012: Honcoop moved to approve as written. Erickson seconded. The motion
35 carried.

36

37 July 12, 2012: Onkels made the following change to page 1, line 34 to read: Onkels
38 commented on comments he made on the ~~Bellingham Herald~~ *Get Whatcom Planning*
39 politics blog. Teigrob moved to approve as changed. Onkels seconded. The motion carried.

40

41 July 26, 2012: Luke made the following change to page 2, line 1 to read: The Commission
42 stated there are numerous public accesses and tax issues being offered. Lesow moved to
43 approve as changed. Elenbaas seconded. The motion carried.

44

45 File #PLN2012-00007: Agricultural Parcel Reconfiguration. Proposed amendments to
46 portions of the Official Whatcom County Zoning (Title 20) and Subdivision (Title 21)
47 Ordinances are four categorical changes related to the Parcel Reconfiguration task as
48 recommended in the Ag Strategic Plan.

RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION

August 9, 2012

Regular Meeting

1 Samya Lutz, Amy Keenan and Lisa Grueter gave an overview of the issues.

- 2
- 3 • The purposes of the amendments are to attempt to provide more options for
- 4 farmers to keep their agricultural land in farming.
- 5 • Make the regulations as easy and cost efficient as possible.
- 6 • The proposed tools will add options to what is currently available, not replace them.
- 7 • The regulations would allow for rearrangement of parcels, within or across
- 8 ownership, to create the best possible area for development on agricultural land
- 9 while maintaining the best areas for agricultural use.
- 10 • New development would ideally be placed close to roads, which results in less
- 11 infrastructure, etc. and be close to one acre in size.
- 12 • Existing homes would allow up to three acres for development.
- 13 • The review committee looked at ways to simplify the reconfiguration process. One
- 14 suggestion is to combine the legal lot determination and the buildable lot
- 15 determination. (This suggestion is included as a future option).
- 16 • Regarding the Transfer of Development Rights, currently there is no way to transfer
- 17 rights from agricultural lands. The County would like to do more review of this to
- 18 make it possible.
- 19 • Review of the program could include:
- 20 ▪ Add language to the code to state that by 2017 the County will conduct a
- 21 review of the code and permits issued under parcel reconfiguration.
- 22 ▪ Refer back to the Agricultural Strategic Plan, which calls for biennial status
- 23 reports.
- 24 • Changes to the zoning code would include:
- 25 ▪ In 20.40 amend the farmstead parcel creation language to allow new lots to
- 26 be established before homes are built.
- 27 ▪ Have guidelines for where structures would be placed on parcels created.
- 28 ▪ Larger setbacks so there is less potential for conflicting uses.
- 29 ▪ Language exempting parcel reconfiguration from creating parcels less non-
- 30 conforming.
- 31 ▪ Adding language for parcel reconfiguration.
- 32 ▪ Add language to the definitions.

33 The Commission had the following questions and comments:

- 34 • Why would a farmer want to separate a farmstead area from the rest of the parcel?
- 35 Bank funding may be one of the reasons.
- 36 • Why would a farmer want to create a farmstead base before building? People
- 37 already do this, the County just wants to make it easier.
- 38 • Why the proposed 500 feet of separation between farmstead parcels? This is to
- 39 maintain visual compatibility with surrounding agricultural uses.
- 40 • Some members of the Commission stated the rules are too restrictive regarding
- 41 siting of development.
- 42 • What is better, having the development grouped together or spread out? Henry
- 43 Bierlink, of Whatcom Farm Friends, stated it is better to have it grouped together,
- 44 within limits.
- 45 • Will these provisions accelerate development? Henry Bierlink's response was it may.
- 46 • Some stated the focus is on public benefit and not protecting property rights.
- 47

RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION

3

August 9, 2012

Regular Meeting

1 File #PLN2012-00008: Small Scale Slaughterhouses: The proposal is to amend the
2 Agriculture (AG) District portion of the Zoning Code (WCC 20.40) to allow for agricultural
3 slaughtering facilities.

4

5 Tyler Schroeder provided the Commission with an update and comparisons to other
6 counties as they had requested.

7

8 **Lesow moved to approve the original staff recommendation presented on June**
9 **14, 2012, and to not include any changes made at subsequent meetings. Luke**
10 **seconded. Roll Call Vote: Ayes – Lesow; Nays – Elenbaas, Erickson, Honcoop,**
11 **Luke, Onkels, Teigrob; Absent – Bell, Rainey; Abstain – 0. The motion failed.**

12

13 The Commission made the following comments and suggestions:

- 14 • There needs to be more regulation than what is proposed.
- 15 • The County needs to have regulations to keep it economically viable for businesses
16 to locate here.

17

18 **Onkels moved to change 20.97.010.2 Agricultural slaughtering facility to read:**
19 **“Agricultural slaughtering facility” means a facility that engages in slaughtering,**
20 **on or off site, and the processing of agricultural slaughter products in**
21 **accordance with local, state, and federal health and agricultural regulations.**
22 **Agricultural slaughter facilities ~~do not~~ include rendering facilities. The motion**
23 **failed**

24

25 **Honcoop moved to add: The facility cannot employ more than 20 full time**
26 **employees or it becomes subject to a conditional use permit. Teigrob seconded.**
27 **The motion failed.**

28

29 **Teigrob moved to change 20.80.255 (2) Agriculture District to read:**
30 **The minimum separation between new residences not located on the same**
31 **property and farm uses such as barns, pens, milking sheds, or areas used to**
32 **contain, house or feed animals or store manure or feed, shall be 300 feet. New**
33 **farm uses such as barns, pens, milking sheds, agricultural slaughtering facilities,**
34 **... Onkels seconded.**

35

36 **Honcoop made a friendly amendment to add to the motion: The minimum**
37 **separation between new residences not located on the same property and farm**
38 **uses such as barns, pens, milking sheds, agricultural slaughtering facilities, or**
39 **areas used to contain, house or feed animals or store manure or feed, shall be**
40 **300 feet. Teigrob seconded. The motion carried.**

41

42 **The vote on the main motion carried.**

43

44 **Elenbaas moved to recommend approval of the staff report with the changes**
45 **made to date. Onkels seconded. Roll Call Vote: Ayes – Elenbaas, Onkels; Nays –**

RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
August 9, 2012

Regular Meeting

1 **Erickson, Honcoop, Lesow, Luke, Teigrob; Absent – Bell, Rainey; Abstain – 0. The**
2 **motion failed.**

3
4 **Teigrob moved to add: The facility cannot employ more than 20 full time**
5 **employees or it becomes subject to a conditional use permit. Honcoop seconded.**
6 **The motion carried.**

7
8 **Teigrob moved to recommend approval of the staff report with the changes**
9 **made to date. Erickson seconded. Roll Call Vote: Ayes – Elenbaas, Erickson,**
10 **Honcoop, Luke, Teigrob; Nays – Lesow, Onkels; Absent – Bell, Rainey; Abstain –**
11 **0. The motion carried.**

12
13 The meeting was adjourned at 10:30 p.m.

14
15 Minutes prepared by B. Boxx.

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18 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

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23 _____
24 Michelle Luke, Chair

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29 _____
J.E. "Sam" Ryan, Secretary