



Agricultural Parcel Reconfiguration Supplemental Information

The purpose of Agricultural Parcel Reconfiguration (APR) is to allow a land owner in the Agricultural zone the ability to reconfigure existing lots of record in such a way to allow one or more (1 to 3 acre) lots to recognize either new or existing single family residences. The following criteria are applicable to Agricultural Parcel Reconfiguration:

- The reconfiguration will not result in the creation of an additional lot.
- The reconfiguration shall result in lots that contain sufficient area and dimensions to meet minimum width and area requirements for a building site (except when recognizing an existing single family residence).
- The 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.
- The reconfiguration shall be consistent with any restrictions or conditions of approval for a recorded plat, short plat, zoning permit, or development permit.
- The 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.
- The 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.
- If there are residential lots with no existing single family residences, the reconfiguration shall demonstrate adequate septic and potable water suitability.

Minimum Lot Size – The lots created through the APR process shall either meet minimum lot size (40 acres) or the base maximum for the farmstead parcel shall be no greater than 1.0 acre in size, however a lot may be greater than one acre (but not more than three (3) acres) if a greater area is needed to accommodate:

- the septic system,
- a driveway,
- wells and well head protection zones, and/or
- existing structures within 150 feet of the residence to be included within the parcel, provided: the structure is not used for agriculture, there is low potential for use of the structure for agricultural purposes, or water is not available to the structure.

Siting Criteria – Vacant parcels created through the reconfiguration process shall be located to provide the maximum protection for agriculture and shall be subject to the following siting criteria. Please see WCC 20.40.650 or contact a Planner for more details regarding these criteria.

- 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 four (4) lots may be allowed. The two development areas shall contain no more than a total of six lots, and 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

- Residential parcels shall be located as close as possible to existing public roads, or if none abut the property then to existing access roads. New road or driveway development shall be avoided to the maximum extent feasible; and
- 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
- Except for reconfigured parcels that recognize existing farmsteads, each reconfigured parcel shall be limited to one single family residence and residential accessory structures; and
- 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
- 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
- All development shall be consistent with WCC Chapter 16.16 (Environment: Critical Areas); and
- 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.

If the applicant is unable to meet the above criteria the applicant may propose a substitute performance standard in place of a listed standard (WCC 20.40.650 New or Modified Parcel Siting Criteria) provided that the applicant submits a written justification demonstrating the substitute standard better or equally meets the purposes of the zone in WCC 20.40.010 and the agricultural-related purposes described in WCC 20.40.252(4)(b)(iv); except under no condition shall more than the maximum of six (6) residential parcels with no more than four (4) lots in one development area be allowed. Such substitution shall be considered at the Administrator's discretion.

Please note a deed restriction will be required for the non-buildable agricultural lot stating that no residential development will be allowed.



Agricultural Parcel Reconfiguration Application

How do I apply for an Agricultural Parcel Reconfiguration?

After you have completed all applicable application materials you may submit the application to the Subdivision Counter Monday through Friday between 8:30 AM and 12 Noon. The applications will be taken in at the front counter and considered vested upon receipt of the applicable fees and when a Determination of Completeness letter has been issued or as provided for in WCC 2.33.050(H).

Agricultural Parcel Reconfiguration Processing Sequence

- 1) Once the application and fees are submitted, staff will review the project and if all items have been submitted a Determination of Completeness letter will be issued to the applicant, or the application will be determined complete as provided for in WCC 2.33.050(H). The project will be routed to the **TECHNICAL REVIEW COMMITTEE** (engineering, critical areas, shorelines, and the Health Department), as applicable.
- 2) When the basic requirements of WCC 21.03.060 appear to be reasonably satisfied, the Technical Review Committee will issue a **NOTICE OF PRELIMINARY APPROVAL** pursuant to WCC 21.03.060(1)(c). This authorizes you to prepare your deed(s) and/or maps.
- 3) If there are still items that need to be addressed by the applicant, the Technical Review Committee will issue a **NOTICE OF ADDITIONAL REQUIREMENTS (NOAR)**. The applicant shall have 180 days from issuance of the NOAR to submit requested items.
- 4) An **Agricultural Parcel Reconfiguration** is not considered approved until certified legal descriptions of the area to be conveyed and a final boundary line map, prepared by a surveyor have been stamped as exempt by Whatcom County PDS **AND** filed for record with the Whatcom County Auditor. The instrument of conveyance or deed and map must be stamped and recorded within **TWELVE MONTHS** of pre-approval by the Whatcom County PDS.
- 5) Failure to record the **Agricultural Parcel Reconfiguration** within twelve months of approval results in an expired application and the application must be resubmitted for review and approval (WCC 21.03.060).



Application for Agricultural Parcel Reconfiguration

File #Exe: _____ Date _____

Applicant

Name _____ Phone _____

Mailing Address _____ City _____

State _____ Zip _____ Email _____

Contact

Name _____ Phone _____

Mailing Address _____ City _____

State _____ Zip _____ Email _____

Parcels Being Adjusted

Parcel (A) Assessor's Parcel Tax Number _____

Current Zoning _____

Size (Prior To Adjustment) _____ (After Adjustment) _____

Site Address _____

Legal Property Owner(s) _____ Phone _____

Mailing Address _____ City _____

State _____ Zip _____ Email _____

Parcel (B) Assessor's Parcel Tax Number _____
Current Zoning _____
Size (Prior To Adjustment) _____ (After Adjustment) _____
Site Address _____
Legal Property Owner(s) _____ Phone _____
Mailing Address _____ City _____
State _____ Zip _____ Email _____

Parcel (C) Assessor's Parcel Tax Number _____
Current Zoning _____
Size (Prior To Adjustment) _____ (After Adjustment) _____
Site Address _____
Legal Property Owner(s) _____ Phone _____
Mailing Address _____ City _____
State _____ Zip _____ Email _____

Please use additional paper if there are more than 3 parcels involved.

Water Source & Sewage Disposal Method for:

Lot 1: _____
Lot 2: _____
Lot 3: _____

Watershed Yes No If so, which watershed _____

Shoreline Yes No Platted Yes No

Will any road be altered, vacated, or dedicated? Yes No

Will any new access (ingress/egress) to a public right-of-way be created?
 Yes No

Are there any structures on any of the properties involved in the reconfiguration?
 Yes No

I/we _____ hereby certify that the above statements and the information contained in any papers or plans submitted herewith are true and accurate to the best of my knowledge.

Signature of Applicant/Owner

Date

Signature of Applicant/Owner

Date

Signature of Applicant/Owner

Date

Signature of Applicant/Owner

Date

PRELIMINARY DRAFT



Materials Required Prior To Submittal

Applicant
 Checklist

PDS
 Checklist

1. Written Data and Fees- **Six (6) sets** of the information (listed below) shall be submitted- **unless otherwise indicated.**

Application which shall contain:

- 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) An [Endangered Species Act \(ESA\) Checklist](#) will be required to be filled out and submitted for any development permit located within the following areas:
 - ◆ The FEMA designated floodplain and/or floodway
 - ◆ The Riparian Buffer Zone (RBZ) as described by the Department of Natural Resources 2007 stream typing system and WDFW's 1997 stream buffer guidelines
 - ◆ Channel Migration Zone (CMZ) plus 50' as identified according to Department of Ecology 2003
(3 Copies)
- e) Assessor's parcel numbers of existing parcels
- f) Fees as specified in the Unified Fee Schedule
- g) 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 or Reconfiguration
- 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) Appropriate 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 and wells
- k) Approximate locations of existing utilities and infrastructure
- l) Approximate locations of any irrigation points of withdrawal
- m) Vicinity map
- n) Common engineering map scale/north arrow/sheet numbers (on each sheet containing a map)
- o) Section, township, range, and municipal and county lines in the vicinity
- p) General boundaries of the site with general dimensions shown
- q) If the proposed Boundary Line Adjustment is located in the Agricultural zone and the proposed farmstead site exceeds 1 acre in size, provide written evidence that the proposal fulfills the requirements of WCC 20.40.252

PRELIMINARY DRAFT