

PEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Carl Batchelor	CB	7/18/97	RECEIVED JUL 23 1997 WHATCOM COUNTY COUNCIL	July/29/97	Introduction
Division Head: Sylvia Goodwin	SG	7/18/97		8/12/97	Public Hearing
Dept. Head: Michael Knapp	MK	7/18/97			
Prosecutor:	KAF	7/18/97			
Purchasing/Budget:					
Executive:	PR	7-22-97			

SUBJECT: Adoption of a new zone district, Urban Residential - Mixed, as part of the implementation of the Urban Fringe Subarea Plan being recommended by the Bellingham City Council (see separate agenda bill).

ATTACHMENTS: Proposed Urban Residential - Mixed zone text; draft ordinance; draft June 26, 1997 Planning Commission minutes.

SUMMARY STATEMENT: *Please complete sections of box as appropriate & explain the item below.*

Related County contract #: n/a	Should Clerk schedule a hearing? NO / / YES / X / Requested date: August 12, 1997
Amount budgeted for this item/project: \$ n/a	Is it (or will it be) within budget? YES / X / NO / / (Please explain below) n/a
Budget line item number(s): n/a	

As part of the Urban Fringe Subarea update, the Bellingham and Whatcom County Planning Commissions proposed a Urban Residential - Mixed zone district. The proposal was forwarded to the City and County Councils and after a joint City/County Council hearing on March 15, 1995, the Whatcom County Council recommended that the Bellingham City Council work independently to finalize their recommendations for the Subarea. After numerous work sessions and hearings, the City Council forwarded their recommendations to Whatcom County on April 1, 1997. On June 26, 1997 the Whatcom County Planning Commission reviewed Bellingham's recommendations and voted to move them on to Council without a hearing. The proposed new zone is primarily a single-family urban residential zone that allows residential densities from four to ten dwellings per acre using density bonuses and transferable development rights. The new zone emphasizes creation of pedestrian oriented new neighborhoods in certain parts of Bellingham's urban growth; provides for limited multi-family and limited convenience retail development subject to certain specific criteria; and establishes a receiving area for transferable development rights. A SEPA Determination of Nonsignificance was issued by the Whatcom County Deputy SEPA Official on January 18, 1995.

ORIGINATOR'S RECOMMENDED ACTION: The Director of Planning and Development Services recommends Council conduct a public hearing and, after deliberation, approve an ordinance adopting the proposed Urban Residential - Mixed zone with appropriate revisions.

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

- 1997 - 269 7/29/97: Introduction
- 8/12/97: Public Hearing. Written record open until 8/26/87.
- Held in Committee until 9/9/97.
- 9/9/97: Amended & Adopted 7 - 0. Ord. #97-046

Ordinance or Resolution Number (this item only):

Ord. # 97-046

SPONSORED BY: Consent

PROPOSED BY: Council

INTRODUCTION DATE: 7/29/97

ORDINANCE NO. 97-046

AN ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING ORDINANCE, TITLE 20, BY CREATING A NEW ZONE DISTRICT, URBAN RESIDENTIAL - MIXED (UR-MX)

WHEREAS, as part of the Urban Fringe Subarea planning process, the Bellingham and Whatcom County Planning Commissions; the Whatcom County Council and the Bellingham City Council have been working since 1994 on a proposed Urban Residential Mixed (UR-MX) zone to implement the subarea plan; and

WHEREAS, SEPA review of the proposed UR-MX zone was incorporated into the overall SEPA analysis for the subarea plan; and

WHEREAS, public involvement for the proposed UR-MX zone was accomplished through the lengthy public process for the subarea plan; and

WHEREAS, the proposed UR-MX zone is intended to encourages a range of densities and dwelling unit types and pedestrian access to convenience shopping and jobs while maintaining an overall single family character; and serves as a zoning overlay for the purpose of designating a recipient zone for transfer of development rights credits pursuant to WCC 20.89.024 and WCC 20.89.031; and

WHEREAS, Whatcom County adopted a comprehensive plan on May 20, 1997, and

WHEREAS, the goals, policies and action plan items of the adopted comprehensive plan provide numerous references to establishing a system for transferring development rights.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:


Section 1. WCC Title 20 is hereby amended by adding new language to Section 20.04.060 as presented in Section (1) of Exhibit A and by adding a new zone, UR-MX, (WCC 20.24) as presented in Section (2) of Exhibit A

Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

ADOPTED this 9 day of September, 1997.

ATTEST:



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Ward Nelson, Chairperson

APPROVED as to form:



Karen Frakes, Civil Deputy Prosecutor

Approved Denied



Pete Kremen, Executive

Date: 9-14-97

EXHIBIT A
SEPTEMBER 9, 1997
PROPOSED REVISIONS TO TITLE 20 OF THE WHATCOM COUNTY CODE: NEW
URBAN RESIDENTIAL - MIXED ZONE DISTRICT

(1) Section 20.04.060 of the Whatcom County Code is hereby amended as follows:

20.04.060 Establishment of districts.

For the purpose of furthering the goals and policies of the comprehensive plan and to carry out the provision of this title, Whatcom County is hereby divided into the following districts:

Chapter	Abbreviation	District
20.20	UR	Urban Residential
20.22	URM	Urban Residential Medium Density District
20.24	URMX	Urban Residential - Mixed
20.32	RR	Residential Rural
20.34	RR-I	Rural Residential-Island
20.36	R	Rural
20.38	APO	Agrilcultural Protection Overlay
20.40	AG	Agricultural
20.42	RF	Rural Forestry
20.43	CF	Commercial Forestry
20.44	ROS	Recreation and Open Space
20.60	NC	Neighborhood Commercial
20.62	GC	General Commercial
20.63	TC	Tourist Commercial
20.64	RC	Resort Commercial
20.65	GI	Gateway Industrial
20.66	LII	Light Impact Industrial
20.67	GM	General Manufacturing
20.68	HII	Heavy Impact Industrial
20.70	AO	Airport Operations
20.71	RAO	Resort Area Overlay
20.73	MRL	Mineral Resource Lands Special District
20.74	CP	Cherry Point Industrial District

(2) A new Chapter 20.24, Urban Residential - Mixed, is hereby added to the Whatcom County Code as follows:

Chapter 20.24

URBAN RESIDENTIAL - MIXED (UR-MX) DISTRICT

Sections:

- 20.24.010 Purpose.
- 20.24.012 Density Transfer.
- 20.24.015 Applicability.
- 20.24.050 Permitted uses.
- 20.24.100 Accessory uses.
- 20.24.130 Administrative approval uses.
- 20.24.150 Conditional uses.
- 20.24.200 Prohibited uses.
- 20.24.250 Maximum/minimum density, minimum lot size.
- 20.24.251 Minimum lot size.
- 20.24.252 Density and minimum lot size.
- 20.24.255 Density bonuses
- 20.24.300 Lot clustering and reserve tract.
- 20.24.305 Lot clustering.
- 20.24.310 Design standards.
- 20.24.320 Reserve tract.
- 20.24.350 Building setbacks.
- 20.24.400 Height regulations.
- 20.24.450 Lot coverage.
- 20.24.650 Development criteria .
- 20.24.651 Plat language for proposed subdivisions.
- 20.24.652 Right to farm.
- 20.24.653 Landscaping.
- 20.24.654 Parking requirements.
- 20.24.655 Livestock Regulations.
- 20.24.656 Drainage.
- 20.24.668 Concurrency.
- 20.24.700 Transfer of residential development rights.
- 20.24.750 Bonuses.

20.24.010 PURPOSE

It is the purpose of this zone district to provide an orderly transition from rural to urban development by limiting densities and uses until services are available and then to provide for mixed uses in a manner that encourages a range of densities and dwelling unit types and pedestrian access to convenience shopping and jobs while maintaining

an overall single family character and property values for the neighborhoods created within this district. This district is intended to implement the comprehensive plan policies for portions of the Bellingham Urban Growth Area and other areas of the county suitable for mixed use development. The district is intended to provide for affordable housing types such as apartments, townhouses, and condominiums. Residential development should be located within walking distance of transit stations, designated commercial centers, parks and recreational areas and other employment centers where appropriate.

20.24.012 DENSITY TRANSFER

This district serves as a zoning overlay for the purpose of designating a recipient zone for transfer of development rights credits pursuant to WCC 20.89.024 and WCC 20.89.031.

20.24.015 APPLICABILITY

- (a) In Short Term Planning Areas, this chapter shall be fully applicable.
- (b) Outside Short Term Planning Areas, outside Urban Growth Areas, and outside Small Towns and Crossroads Commercial areas designated on the Comprehensive Plan map, this section shall be limited as noted below.

20.24.050 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 One single-family dwelling per lot.
- .052 In Short Term Planning Areas only, single-family attached dwellings provided that public sewer, water and, where identified by the appropriate comprehensive plan policies, stormwater collection and detention facilities serve the site, not more than four units are attached, and the number of dwelling units conforms to the density requirements of the District.
- .053 Noncommercial neighborhood parks and public recreation facilities.
- .054 Private, non-commercial boat docks when located on a man-made canal designed for boat traffic pursuant to the Whatcom County Shoreline Management Program.

20.24.100 Accessory uses

- .101 Home occupations pursuant to WCC 20.97.180.
- .102 Private noncommercial boat docks, launches, ramps, floats, moorages and boathouses pursuant to the Whatcom County Shoreline Management Program.
- .103 Other accessory uses incidental to the primary permitted uses.
- .104 Temporary dwelling units which have full living accommodations including sleeping, self-contained cooking, bathing, and toilet facilities where the plumbing is connected to permanent site sewage and water systems, including those travel trailers and recreational vehicles that meet the above description, for use by owners during the period of construction of a permanent dwelling while building permit is valid, not to exceed two years.

20.24.130 Administrative approval uses

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

- .131 A temporary second dwelling unit of no more than 1,248 square feet in area, in the form of a manufactured home, a fully serviced travel trailer or motor home, to provide:
 - (1) A temporary dwelling space for family members who, due to professionally documented physical or mental disorders, or risks of such disorders, require daily supervision and care where such care is provided by members of the family who reside on the property; or,
 - (2) A temporary dwelling space for a person providing care for the resident owner of the subject property when said owner needs daily supervision and care as described in (1) above.

Approval Requirements:

Administrative approval for temporary second dwelling units shall be approved if it is determined that the proposal meets the following requirements:

- (1) Temporary second dwelling units shall only be permitted on fully serviced parcels on which the applicant can meet setback, ingress, egress, height restrictions, and lot coverage requirements.
- (2) The size of the temporary dwelling shall be appropriate to the use and size of the parcel and shall be limited so as to comply with the standards

set forth in (1) above.

- (3) The temporary home shall be connected to an approved water supply and adequate capacity sewage disposal system approved by the Whatcom County Health Department.
- (4) When daily care is no longer necessary, the temporary home shall be removed.
- (5) The permit shall be valid for one year. The permit may be extended on a yearly basis; provided that an affidavit is furnished by the permittee affirming that the circumstances allowing the original permit remain in effect.
- (6) A covenant shall be filed that restricts sale of the property while the temporary dwelling is in place.
- (7) The use will not be hazardous or disturbing to existing or future neighboring uses.
- (8) Evidence of adequate off street parking space shall be provided.
- (9) There shall be no occupancy of the temporary dwelling outside the conditions under which the temporary dwelling is permitted pursuant to this section.

PENALTIES: False statements or supporting documentation submitted with the application or failure to comply with any of the approval requirements may be cause for revocation of the permit and prosecution.

- .132 The following uses where the locational criteria (WCC 20.24.132(6)) and site criteria (WCC 20.24.132(7)) are met; the floor area per non-residential use does not exceed 2,500 square feet; and the developer has conducted at least one neighborhood meeting prior to application for the purpose of hearing neighborhood concerns and suggestions regarding the proposal. Where being developed in an existing neighborhood characterized by residential development at densities of one dwelling per acre or greater, the uses listed in 20.24.132 shall be administered as Conditional Uses rather than Administrative Approval Uses; and are subject to the same criteria, requirements, bonuses and restrictions as if they were Administrative Approval Uses:

(1) Uses

- (a) Commercial uses with a neighborhood or specialty nature including but not limited to: barber and beauty shops, bakeries, drugstores, provided that food markets may have no more than two gasoline pump islands, hardware stores, restaurants and coffee shops without drive-up service, stationery stores, laundromats, video rental, bookstores, frame shops and other small convenience retail, rental, or repair shops.
- (b) Professional offices.
- (c) Adult or child care centers.
- (d) Residential units located on the upper floor(s) of buildings containing the uses listed above. Such units will be counted toward minimum densities and maximum percentage of multi-family units; but shall not be counted toward maximum densities.

(2) Locational Criteria:

Uses must be clustered in a single center which is no larger than two acres, excluding areas used for multi-family:

- (a) fronts on an arterial or collector street; or
- (b) is located adjacent to a public square or neighborhood park; and
- (c) is no closer than one-half mile from an existing or approved commercial center or other commercial use or zone.
- (d) Community Centers shall not be developed in areas characterized by residential development at less than one dwelling unit per acre except as part of a mixed residential development.

(Sketch will go here or in margin.)

(3) Site Criteria:

- (a) Parking shall be located at the rear of the buildings with access from alleys or side streets. On street parking may be counted toward the parking requirements in Chapter 20.80 WCC.
- (b) Buildings are located adjacent to the right of way or sidewalk.

- (c) Commercial development shall occur in nodes; linear strips will be discouraged.
- (d) Centers should be visible and accessible to pedestrians from the streets and clearly defined through lighting, landscape, landmarks, and/or open space.
- (e) In the Urban Fringe Subarea, specific wetland systems and sensitive environmental areas shall be preserved and incorporated into the development site design plan consistent with Bellingham city ordinances.

(Sketch will go here or in margin)

- (f) Sidewalks are a minimum of 8 feet wide.
- (g) Street trees are located on the curb side of the sidewalk in accordance with City of Bellingham street tree standards.
- (h) Individual businesses or establishments must be joined by common walls unless the applicant can demonstrate to the satisfaction of the Administrator that unique site circumstances dictate some other form.
- (i) Storage areas shall be located entirely within the structure and outside trash receptacles shall be enclosed and screened from public view.
- (j) All lighting shall be designed and installed to prevent the illumination of adjacent properties during business hours; however, security lighting may be permitted during nonbusiness hours if it is designed to prevent the illumination of adjacent properties.
- (k) Not more than two identification signs, with a maximum of thirty-two square feet total area for each store front shall be permitted; provided that said sign(s) shall not project above any part of the roof line. Signs may extend twenty-four (24) inches from the wall or to the edge of a permanent canopy or awning of the building to which it is attached. At least one of the signs for an individual business must be readable to pedestrians on the adjacent sidewalk. Said sign(s) shall be harmonious and compatible in appearance with the character of the surrounding area. Signs may only be illuminated by an indirect external source.

(Sign sketches will go here or in margin to show that signs can be flush with building, mounted perpendicular to building, or flush with face of a canopy or awning)

- (l) Use of shared parking areas is encouraged. The minimum parking requirement shall be fifty percent of the parking requirements in WCC

20.80.580, but shall in no case exceed two-thirds of the requirements in WCC 20.80.580.

.133 Multi-family dwellings subject to the following limitations and the developer has conducted at least one neighborhood meeting prior to application for the purpose of hearing neighborhood concerns and suggestions regarding the proposal Where being developed in an existing neighborhood characterized by residential development at densities of one dwelling per acre or greater, the uses listed in 20.24.133 shall be administered as Conditional Uses rather than Administrative Approval Uses; and are subject to the same criteria, requirements, bonuses and restrictions as if they were Administrative Approval Uses:

- (1) Multi-family dwellings may only be permitted on sites with a minimum area of two acres.
- (2) Multi-family units do not comprise more than 25% of the total dwelling units allowed for the entire site.
- (5) Multi-family units are constructed at the same time as, or after, at least 50% of the single family units in an approved development.

20.24.150 Conditional uses

- .151 Public and community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar non-commercial uses outside of centers as provided in WCC 20.24.132(6).
- .152 Public schools; and parochial or private schools, provided such schools shall be approved by the State Superintendent of Public Instruction.
- .153 Churches, educational and religious training institutions, summer camps, and cemeteries.
- .154 Retirement, boarding and convalescent homes; social and health rehabilitation centers; children and adult care centers in a building not used as a residence; and other health related services consistent with the purpose of the district.
- .155 Mobile home parks.
- .156 Accessory apartments or detached accessory dwelling units to single-family dwellings, except in the Lake Whatcom Watershed, provided that all of the following approval requirements are met:
- (1) In addition to an existing or permitted dwelling, there shall be no more

than one per lot of the following: temporary second dwelling, accessory apartment, or detached accessory dwelling unit per lot.

- (2) The owner(s) of the single-family lot upon which the accessory apartment or detached accessory dwelling unit is located shall occupy as their primary domicile at least one of the dwelling units on that lot.
- (3) Proof that adequate provisions have been made for potable water, sewage disposal, waste disposal, and stormwater runoff for the additional dwelling unit must be obtained prior to application for a building permit.
- (4) There shall be only one front entrance to the house visible from the front yard and street for accessory apartments and only one additional entrance visible from the front yard for detached accessory dwelling units.
- (5) An accessory apartment shall be clearly a subordinate part of an existing residence;
- (6) In no case shall an accessory apartment be larger than 1,000 square feet.
- (7) Detached accessory dwellings shall not exceed 1,000 square feet.
- (8) Accessory dwellings are not permitted on lots created using transferable development rights or density bonuses and may not in any case be used to exceed the density allowed by this chapter.
- (9) Long plats and short plats which are granted after adoption of this amendment shall be marked, specifically designating lots allowed to be developed with accessory apartments or detached accessory dwelling units at the option of the developer for future individual owners. Accessory apartments and detached dwelling units shall be prohibited on:
 - (a) All lots in long plats which received preliminary plat approval after the adoption of this amendment, unless those lots have been specifically marked on the plat for such use through the long plat process.
 - (b) All lots within short plats which received preliminary plat approval after the adoption of this amendment, unless those lots have been specifically marked on the plat for such use through the short plat process.
 - (c) All reserve tracts within long plats and short plats created by the

cluster subdivision method.

- (10) A common driveway serving both the existing unit and any accessory unit shall be used to the greatest extent possible.
- (11) A deed restriction is recorded with the Whatcom County Auditor prior to building permit issuance, stating.
 - (a) Detached accessory dwelling units and associated land cannot be sold separately from the original dwelling; except in the event the zoning permits such a land division; and
 - (b) One of the dwellings must be the primary domicile of the owner.

.159 Bed and breakfast lodgings.

.160 Private, non-commercial boat docks, launches, ramps, floats, moorages and boat houses pursuant to the Whatcom County Shoreline Management Program for owners of legal lots of record abutting the shoreline. The conditional use permit shall be approved if the Hearing Examiner finds that the proposal will not be hazardous or disturbing to neighbors and all applicable zoning requirements are satisfied. The criteria of WCC 20.84.220 shall not apply.

.161 Where being developed in an existing neighborhood characterized by residential development at densities of one dwelling per acre or greater, the uses listed in 20.24.132 and 20.24.133 shall be administered as Conditional Uses rather than Administrative Approval Uses; and are subject to the same criteria, requirements, bonuses and restrictions as if they were Administrative Approval Uses.

20.24.200 Prohibited uses

All other uses.

20.24.250 Maximum/minimum density, minimum lot size

20.24.251 Minimum lot size

For the purpose of creating new building lots within the Urban Residential Mixed District, several land use densities are herein provided. The minimum lot size requirements for new construction vary according to the method of subdivision, as well as whether or not public sewer, water, and, where identified by the appropriate comprehensive plan policies, stormwater collection and detention facilities serve the

project site. Where the conventional method is used to create new building lots, the minimum lot size shall be five (5) acres or, if public sewer and water, and, where specified by the comprehensive plan, stormwater drainage facilities are provided, the minimum lot size shall be as presented in Table .252. There is no specified minimum lot size for multi-family development except as specified in Section .133(1) of this Chapter and other development regulations (eg: parking, open space, and height requirements).

20.24.252 Density and Minimum Lot Size

MAXIMUM/MINIMUM DENSITY	MINIMUM LOT SIZE CONVENTIONAL CLUSTER	MIN. RESERVE AREA (CLUSTER)
Minimum: 4 dwelling units per acre		
Maximum:		
(1) 4 dwelling units per acre	8,000 sq. ft. 4,000 sq. ft.	20%
(2) 10 dwelling units per acre using density bonus provisions listed in Section 20.24.255 below or transfer of development rights credits pursuant to the provisions of Chapter 20.89 WCC	4,000 sq. ft. (single family)	N/A

20.24.255 Density bonuses

Residential density may be increased up to 10 dwelling units per acre using one or more of the options listed below. Bonuses may be granted based on the quality of the features offered, the extent to which the development exceeds the minimum level which qualifies for a bonus and extent to which the public will benefit from the offered option. Conditions may be imposed to ensure a public benefit of approved bonuses. The minimum lot size requirement may be waived if any of the following are achieved:

- (1) Up to a 50% bonus using transferable development rights.
- (2) Up to a 50% bonus if at least one half of the total unit count of the project is affordable housing, as defined in the Housing Chapter of the Whatcom County Comprehensive Plan, inclusive of a provision to maintain said housing as such for a reasonable duration.

- (3) Up to a 25% bonus for the development of a neighborhood park and related improvements that satisfies the needs of the immediate neighborhood.
- (4) Up to a 15% bonus for providing at least 15% additional open space that is not otherwise restricted from development by other regulations.
- (5) Up to a 15% bonus for restoring a degraded natural area which would provide significant public enjoyment if enhance.
- (6) Up to a 10% bonus for providing enhanced perimeter buffering of adjacent, less compatible uses that would make the subdivision a more compatible neighbor.

20.24.300 Lot clustering and reserve tract

20.24.305 Lot Clustering

(1) The purpose of lot clustering is to provide an alternative method of creating economical building lots with spatially efficient sizes. Clustering is intended to reduce development cost, increase energy efficiency and reserve areas of land which are suitable for agriculture, forestry, open space or possible future development.

(2) The clustering option is also intended to help preserve open space and the character of areas and reduce total impervious surface area thereby reducing runoff while assuring continued viable undeveloped natural vegetated corridors for wildlife habitat, protection of watersheds, preservation of wetlands, preservation of aesthetic values including view corridors, and preservation of potential trail and recreation areas.

20.24.310 Design Standards

The creation of new building lots, pursuant to this section, shall be governed by the following recommended design standards:

- (1) Clustered building lots may be created only through the subdivision or short subdivision process.
- (2) Building lots should be designed and located to the fullest extent possible to be compatible with valuable or unique natural features, as well as physical constraints of the site.
- (3) Where practical, the majority of building sites should be arranged in a cluster or concentrated pattern to be compatible with physical site features, allow for the efficient conversion of the "reserve tract" to other uses in the future, and have no more than two common encroachments on existing county roads. The arrangement of clustered building lots is intended to discourage development forms commonly known as linear, straight-line or highway strip patterns.

(4) Common access to clustered building lots should be provided by short length roads or loop roads. In addition, interior streets shall be designed to allow access to the "reserve tract" for the purpose of future approved development.

20.24.320 Reserve Tract

For the purposes of this Section, "reserve tract" is defined as that portion of a proposed subdivision or short subdivision which is intended for agricultural, forestry, open space or future development purposes. All "reserve tract" created through the subdivision process shall be subject to the following provisions:

(1) After a site is initially subdivided pursuant to this Chapter, the "reserve tract" may be retained by the subdivider, conveyed to residents of the subdivision or conveyed to a third party.

(2) The "reserve tract" may be considered as a building lot, provided that such lot is included in the overall density calculation of the original parcel of record.

(3) The "reserve tract" may be further subdivided only through the long subdivision process and only under the following circumstances:

(a) The County finds that in developing adjacent tracts it would help to further the objectives listed in Section 20.20.305(2) above by dividing the reserve tract and increasing the area of reserve proportionately on the adjacent land being subdivided so that there is no net reduction in reserve area; and when the reserve tract is owned by the original developer or a third party, no property owner within the original subdivision will be significantly adversely affected or suffer a substantial decrease of property value as a result of dividing the reserve tract.

(b) When the comprehensive plan and zoning have been updated as part of the normal process (other than a revision initiated by the private sector or done for a specific area) and the full community involvement process has been gone through; subject to findings that there is no adverse impact on environmentally sensitive areas and when the reserve tract is owned by the original developer or a third party, no property owner within the original subdivision will be significantly adversely affected or suffer a substantial decrease of property value as a result of dividing the reserve tract.

(4) The purpose of the reserve tract as stated in Section WCC 20.34.320, Paragraph 1, 2 and 3 shall be communicated in writing on the face of the plat or short plat. The number of developable building sites remaining (if any) with the original parcel of record, based on the assigned density, shall also be prominently displayed on the plat or short plat. Whatcom County shall make

every effort to assist all agents in communicating clearly such information to all purchasers and prospective purchasers of building lots or "reserve lots."

- (5) That the above stated requirements (2) to (4) shall be recorded as a deed restriction at the time of filing of the final plat or short plat, and shall constitute an agreement between Whatcom County and the owner of record. Said deed restriction may be amended by mutual agreement between said parties after review for consistency and compliance with the Official Whatcom County Zoning Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Comprehensive Plan.

20.24.350 Building setbacks

Building setbacks shall be administered pursuant to WCC 20.80.200 (Setback Requirements) except as otherwise indicated in this chapter.

20.24.400 Height regulations

Maximum height shall be limited to thirty-five (35) feet. Height of structures shall also conform, where applicable, to the general requirements of WCC 20.80.675.

20.24.450 Lot coverage

No structure or combination of structures, including accessory buildings, shall occupy or cover more than 2,500 square feet or forty percent (40%) whichever is greater of the total area except as otherwise permitted in this chapter.

20.24.650 Development criteria

20.24.651 Plat Language for Proposed Subdivisions

When a proposed subdivision, binding site plan or short subdivision will be located adjacent to or across a right-of-way from an existing Forestry District, the developer and any subsequent purchasers or successors in interest shall agree to refrain from any legal action to restrain or collect damages from the owners of such adjacent properties, or from Whatcom County, arising out of any reasonable and lawful activity on said forestry lands which occurs in the normal course of their established use. The agreement shall appear as a covenant or deed restriction upon the plat and each lot thereof, and shall run with the land. Said covenant or deed restriction may be removed by submission to and approval by the Whatcom County Hearing Examiner, of a petition representing a majority of the land owned by property owners within three hundred (300) feet of the plat boundary. However, the Hearing Examiner shall remove the restriction only upon finding that the risk of liability to Whatcom County or the previously existing forestry uses will not be increased thereby.

20.24.652 Right to farm

All discretionary project permits for land on or within one-half mile of the area designated as AGRICULTURE in the Whatcom County Comprehensive Plan or upon which farm operations are being conducted shall contain the following agreement: The developer and any subsequent purchaser or successors in interest will refrain from any legal action to restrain or collect damages from owners or operators of such agricultural land, or from Whatcom County, arising out of any reasonable and lawful farm operations on said agricultural lands which occurs in the normal course of their established use.

The agreement shall appear as a covenant or deed restriction upon the subject property, or the plat and each lot thereof, and shall run with the land. Said covenant or deed restriction may be removed by submission to and approval by the Whatcom County hearing examiner, of a petition representing a majority of the land owned by property owners within on-half mile of the plat boundary. However, the hearing examiner shall remove the restriction only upon finding that the risk of liability to Whatcom County or the previously existing farm operations will not be increased thereby.

20.24.653 Landscaping

Refer to WCC 20.80.300 for landscaping requirements.

20.24.654 Parking Requirements

Parking shall conform to the requirements of WCC 20.80.500 except as otherwise provided for in this chapter. However, recreation vehicles, and boat parking and storage shall be limited to side and rear yard areas.

20.24.655 Livestock Regulations

The keeping of livestock shall be administered pursuant to WCC 20.80.800 (Supplementary Requirements).

20.24.655 Drainage

20.24.700 Transfer of residential development rights

.710 Areas designated in the comprehensive plan and assigned a UR-MX zone district are considered recipient zones for transfer of development rights from any sending area or base zone which has been established as linked to these areas. Base zones are intended to primarily be rural, resource, and environmentally constrained areas and may include areas within city limits and urban growth areas because of unique circumstances.

(3) Section 20.80.210 of the Whatcom County Code is hereby amended as follows:

SUPPLEMENTARY REQUIREMENTS

20.80.210 MINIMUM BUILDING SETBACKS

Properties which are generally located on the Guide Meridian between Horton and Kellogg roads, and specifically identified in the Guide Meridian Improvement Plan, shall be subject to the provisions of said plan. The provisions of said plan shall supersede this chapter where there is inconsistency. [Adopted per WCC 20.04.080(1)(p)]

ROAD TYPE	<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	<u>V</u>			
ZONE	Interst-5 State Hwys Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collector	General or Local Access Street	** Minor Access Street	Side Yard	Rear Yard	Additional Provisions May be Applicable
UR	45'	35'	25'	25'	20'	5'*	5'*	yes +
UR-MX	45'	35'	25'	10'	10'	5'*	5'*	yes +
URM	45'	35'	25'	25'	20'	5'*	5'*	yes +
RR	45'	35'	25'	25'	20'	5'*	5'*	yes +
RR-I			25'	25'	20'	5'*	5'*	yes +
R	45'	45'	35'	25'	20'	5'*	5'*	yes +
AG	50'	50'	50'	50'	50'	20'	20'	yes +
F	45'	35'	25'	25'	20'	100'	100'	yes +
ROS	100'	100'	50'	50'	50'	50'	50'	yes +
NC	25'	25'	25'	25'	20'	0'	10'	yes +
GC	30' + +	30'	25'	25'	20'	0'	10'	yes +
TC	30' + +	30'	25'	25'	20'	0'	5'*	yes +
RC	30'	30'	25'	25'	20'	5'*	5'*	yes + #
LII	30'	30'	30'	30'	20'	10'	10'	yes + o
GM	30'	30'	30'	30'	20'	10'	10'	yes + o
HII	100'	100'	100'	100'	30'	30'	30'	yes +
GI	25'	25'	25'	25'	25'	10'	10'	yes + #
AO	30'	30'	30'	30'	20'	10'	10'	yes + o

* Roof overhangs or other architectural features shall not project further than 18 inches into the side or rear yards. Such overhangs may extend six feet into the front yard; however, in no case will they extend more than one half the depth of the front yard setback. [Amended per

20.04.080(1)(a4)]

- + Refer to the additional provisions of WCC 20.80.250, 20.80.260, 20.80.270 20.80.280, 20.80.290 and 20.80.700 and buffer requirements for individual zones. [Amended per WCC 20.04.080(1)(ff)&(a4)]
- o Or as modified pursuant to Section 20.80.286(2).
- ** Minor access streets are those that are deadends or that are constrained from ever developing further. [Adopted per WCC 20.04.080(1)(ff)]
- # Refer to additional provisions of WCC 20.64.350 or WCC 20.65.400.
- + When located adjacent to I-5 these setbacks may be reduced to 25' subject to the screening requirements under 20.62.651 (2). [Adopted per WCC 20.04.080(1)(ff)]
- ◆ No specific setback requirements shall apply to a planned concept submitted for technical committee review. This provision could be used, for example, to allow zero-lot-line development.