

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2005-360

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	KO	7/15/05	RECEIVED SEP 6 - 2005 WHATCOM COUNTY COUNCIL	9/13/2005	Intro
Division Head:				9/27/2005	P&D/Council
Dept. Head:	HHH	7-15-05			
Prosecutor:	KAF	7/15/05			
Purchasing/Budget:					
Executive:	PK	7-19-05			

TITLE OF DOCUMENT: Zon2004-00017, Amendment to the official Whatcom County Zoning Code
CHAPTER 20.97 – DEFINITIONS AND 20.40.250 – MINIMUM LOT SIZE AND LAND SUBDIVISION

ATTACHMENTS: Proposed Ordinance, Planning Commission Motion, Staff Report and Planning Commission Minutes. Additional background material is available at PDS Office, 5280 NW Drive, Suite A.

SEPA review required? (X) Yes () NO Should Clerk schedule a hearing? () Yes (X) NO
 SEPA review completed? (X) Yes () NO Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

The proposed ordinance amends the official Whatcom County Zoning text by clarifying the definition of "farmstead" and providing additional guidance for determining when to include buildings other than those accessory to the residence when segregating residential structures from the farmland.

COMMITTEE ACTION:

9/27/05 Approved

COUNCIL ACTION:

9/13/2005: Introduced

9/27/05: Adopted 7-0 Ordinance 2005-073

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number: Ord. 2005-73

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

SPONSORED BY: Consent
PROPOSED BY: Consent
INTRODUCTION DATE: 9/13/2005

ORDINANCE # 2005-073

**AMENDING A PORTION OF THE OFFICIAL WHATCOM COUNTY ZONING
ORDINANCE, CHAPTER 20.97 – DEFINITIONS AND 20.40.250 –
MINIMUM LOT SIZE AND LAND SUBDIVISION**

WHEREAS, Notice of the Planning Commission hearing for the subject amendment was published in the Bellingham Herald on April 29, 2005.

WHEREAS, Notice of the subject amendment was sent to state agencies, including the Department of Community, Trade and Economic Development (CTED), on May 4, 2005.

WHEREAS, The SEPA Official has made a Determination of Non-significance on May 9, 2005.

WHEREAS, The Planning Commission held a public hearing relating to the subject amendment on May 12, 2005.

WHEREAS, the Planning Commission received testimony and deliberated the merits of the proposal and provided their findings and recommendations for Council review and consideration.

WHEREAS, the County Council reviewed the proposal as forwarded to them by the Planning Commission at their regularly scheduled public meeting on September 13, 2005.

The Council makes the following findings of fact and conclusions:

FINDINGS OF FACT

1. Notice of the Planning Commission hearing for the subject amendment was published in the Bellingham Herald on April 29, 2005.
2. Notice of the subject amendment was sent to state agencies, including

the Department of Community, Trade and Economic Development (CTED), on May 4, 2005.

3. The SEPA Official has made a Determination of Non-significance on May 9, 2005.
4. The Planning Commission held a public hearing relating to the subject amendment on May 12, 2005.
5. The Planning Commission received testimony and deliberated the merits of the proposal and provided their findings and recommendations for Council review and consideration.
6. There is no substantive policy issue involved. Minor changes in the text such as substitution, addition or deletion of certain words clarify the meaning of WCC Title 20.
7. The proposed text amendments support the agricultural industry by discouraging conversion of productive agricultural land to non-agricultural uses.
8. The proposed Title 20 text amendments, as shown in Exhibit A, impact land use regulations, will protect public health, safety and welfare in the fact that the amendments clarify the regulatory effects of WCC Title 20.

CONCLUSIONS

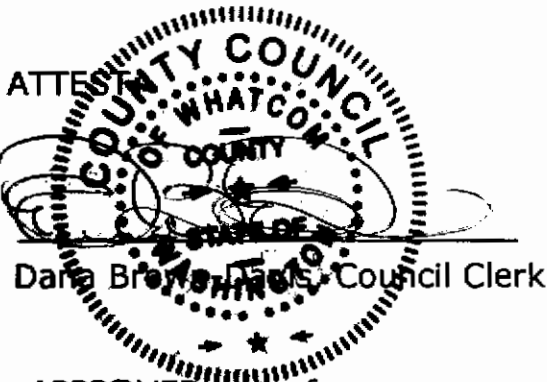
1. The proposal complies with the Goals and Policies of the County Comprehensive Plan.

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

Section 1. The Official Whatcom County Zoning Ordinance, Title 20, is hereby amended as shown in 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.

ADOPTED this 27th day of September, 2005.



Dana Brown, Council Clerk

APPROVED as to form:

A handwritten signature in black ink, appearing to be "Kevin E. ...", written over a horizontal line.

Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

A handwritten signature in black ink, appearing to be "L. Caskey-Schreiber", written over a horizontal line.

Chairperson, Laurie Caskey-Schreiber

Approved () Denied ()

A handwritten signature in black ink, appearing to be "Pete Kremen", written over a horizontal line.

Pete Kremen, Executive

Date: 10-4-05

Exhibit A

20.97.132 Farmstead cluster parcel.

The "farmstead cluster parcel" includes that portion of the property containing primary and secondary agricultural structures ~~consists of and the primary residence home site its accessory structures, drainfields, wells, wellhead protection area(s), and established landscaped areas.~~ Farmstead clusters do not automatically include all other farm buildings. (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, and structures as allowed in WCC 20.40.252 (a-d).

20.97.134 Farm enhancement.

"Farm enhancement" means promoting proposed agricultural production by application of structural, cultural and management practices, including eliminating safety hazards such as excessive grades. (Ord. 93-038, 1993).

20.40.250 Minimum lot size and land subdivision.

.252 Maximum Lot Size Exceptions. The inclusion of 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 any of the following criteria are met:

- (a) The separation between the agricultural structure(s) and the primary residential structure is less than 150'; or
- (b) Current use of the agricultural structure(s) is not related to an agricultural activity; or
- (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
- (d) Water is not available for use at the agricultural structure(s).

(1) Separation of the Farmstead home site parcel. The maximum lot size for the home site parcel shall be determined by the following criteria ~~must be satisfied for~~ approval:

- (a) The farmstead home site parcel shall ~~not~~ be less ~~more~~ than one acre, unless the ~~site~~, existing residential structure(s) and/or well and septic constraints require a ~~smaller~~ ~~or~~ larger parcel, but shall not exceed three acres; and
- (b) The remainder parcel shall be equal to or greater than 10 nominal acres; and
- (c) The remainder parcel shall have 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
- (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.

(2) 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 shall be less than ~~not exceed~~ one acre, unless the site, existing structure and/or well and septic constraints require a ~~smaller~~ ~~or~~ larger parcel, but shall not exceed three acres; 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.

(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.

(4) 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.