

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2006-406

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Matt Amot	<i>[Signature]</i>	10/9/06	RECEIVED OCT 17 2006 WHATCOM COUNTY COUNCIL	10/24/06	Introduction
Division Head:	<i>[Signature]</i>	10/09/06		11/08/06	P&D/Council
Dept. Head: Hal Hart	<i>[Signature]</i>	10/9/06		11/21/06	P&D/Council
Prosecutor: Royce Buckingham	<i>[Signature]</i>	10-12-06		12/05/06	Introduction
Purchasing/Budget:	<i>[Signature]</i>			1/16/07	Public Hearing
Executive: Pete Kremen	<i>[Signature]</i>	10-17-06		4/10/2007 8/07/2007	Council Council

TITLE OF DOCUMENT: Ordinance amending the Whatcom County Comprehensive Plan and Urban Residential & Urban Residential Medium Density zoning district requirements relating to lot clustering, reserve tracts, and water & sewage disposal facilities

ATTACHMENTS:

- (1) Proposed ordinance.
- (2) Whatcom County Planning Commission Findings of Fact & Reasons for Action, Conclusions and Recommendation

Notes: Background materials are available for review at the County Council office.

SEPA review required? (x) Yes () NO	Should Clerk schedule a hearing? () Yes (x ¹) NO
SEPA review completed? (x) Yes () NO	Requested Date:
¹ A hearing must be held if the Council changes the Planning Commission recommendation (WCC 20.10.110).	

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Amend the Comprehensive Plan cluster subdivision, reserve tract, and water and sewage disposal provisions for land divisions in Urban Growth Areas. Amend the Urban Residential (UR) and Urban Residential Medium Density (URM) zoning districts to require that, if the site is in a long term planning area or does not have public water & sewer, minimum lot size for clustered lots will be reduced, a maximum size for clustered lots will be imposed, lots will be located in a single cluster, the reserve tract will be unbuildable for residential uses (until rezoned and public water & sewer are available) and, when the reserve tract is developed, wells, sewage disposal systems and associated easements located on the reserve tract will be abandoned and the clustered lots will hook-up to public water and sewer. This proposal would not change the one dwelling/five acre maximum gross density currently allowed in these areas.

<p>COMMITTEE ACTION:</p> <p>11/08/2006: Held in Committee for two weeks</p> <p>11/21/2006: Forwarded to Council for approval of the substitute version (purple cover)</p>	<p>COUNCIL ACTION:</p> <p>10/24/06: Introduced</p> <p>11/08/06: Held in Committee for two weeks</p> <p>12/5/2006: Introduced</p> <p>1/16/2007: Forwarded to Concurrence 7-0</p> <p>4/10/2007: Withdrawn from agenda</p> <p>8/07/2007: Held</p> <p>9/25/2007: Council Adopted 7-0 Ord. 2007-048</p>
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Related County Contract #:	Related File Numbers:	Ordinance or Resolution Number: Ord. 2007-048
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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.

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. AB2006-406 (cont'd)

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
<i>Originator:</i>			<i>Page Two of Agenda bill</i>	9/25/2007	Council
<i>Division Head:</i>					
<i>Dept. Head:</i>					
<i>Prosecutor:</i>					
<i>Purchasing/Budget:</i>					
<i>Executive:</i>					

TITLE OF DOCUMENT: Ordinance amending the Whatcom County Comprehensive Plan and Urban Residential & Urban Residential Medium Density zoning district requirements relating to lot clustering, reserve tracts, and water & sewage disposal facilities

ATTACHMENTS:

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

Amend the Comprehensive Plan cluster subdivision, reserve tract, and water and sewage disposal provisions for land divisions in Urban Growth Areas. Amend the Urban Residential (UR) and Urban Residential Medium Density (URM) zoning districts to require that, if the site is in a long term planning area or does not have public water & sewer, minimum lot size for clustered lots will be reduced, a maximum size for clustered lots will be imposed, lots will be located in a single cluster, the reserve tract will be unbuildable for residential uses (until rezoned and public water & sewer are available) and, when the reserve tract is developed, wells, sewage disposal systems and associated easements located on the reserve tract will be abandoned and the clustered lots will hook-up to public water and sewer. This proposal would not change the one dwelling/five acre maximum gross density currently allowed in these areas.

COMMITTEE ACTION:

COUNCIL ACTION:
 9/25/2007: Council Adopted 7-0
 Ord. 2007-048

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:
 Ord. 2007-048

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: Planning
INTRODUCTION DATE: 12/05/2006

ORDINANCE # 2007-048

**ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN AND
THE UR & URM ZONING DISTRICTS RELATING TO LOT
CLUSTERING, RESERVE TRACTS AND WATER & SEWAGE
DISPOSAL FACILITIES**

WHEREAS, The proposal will facilitate efficient utilization of land in urban growth areas;
and

WHEREAS, Legal notice was published in the Bellingham Herald; and

WHEREAS, The Planning Commission held public hearings on the proposal; and

WHEREAS, The Planning Commission has evaluated the proposed amendments and modified the staff recommendation; and

WHEREAS, The County Council has considered the Planning Commission’s Findings of Fact & Reasons for Action, Conclusions and Recommendations.

The Council makes the following findings of fact and conclusions:

FINDINGS OF FACT

1. The County Council approved resolution No. 2006-029 initiating the original version of the amendment for further review on March 14, 2006.
2. Notice that the County Council initiated the original version of the amendment for further review was e-mailed to city planners on March 21, 2006.
3. Notice that the County initiated the original version of the amendment for further review was published in the Bellingham Herald on March 22, 2006.
4. Notice of the amendment was sent to state agencies, including the Department of Community, Trade and Economic Development (CTED), on April 4, 2006.
5. Notice of the Planning Commission hearings for this legislative action was published in the Bellingham Herald on July 16, 2006 and September 3, 2006.
6. Notice of the Planning Commission hearings for this legislative action was posted on the County’s website on July 11, 2006 and August 31, 2006.

7. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) for the original version of the amendment on May 9, 2006 and for the revised version of the amendment on October 6, 2006.
8. The Planning Commission held public hearings relating to the subject amendment on July 27, 2006 and September 14, 2006.
9. Whatcom County Code (WCC) 20.10.080 contains approval criteria for Comprehensive Plan amendments.
10. WCC 20.10.080(1) states that the amendment must conform to the requirements of GMA, be internally consistent with the Comprehensive Plan, be consistent with the County-Wide Planning Policies and be consistent with any interlocal planning agreements.
11. The Growth Management Act (GMA), at RCW 36.70A.020, includes the following planning goals:
 - Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
 - Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
12. Whatcom County's important interest in facilitating appropriate urban densities is expressed in Whatcom County Comprehensive Plan Goal 2A, which is to "Ensure provision of sufficient land and densities to accommodate the growth needs of Whatcom County and protect the qualities that make the county a desirable place to live."
13. Whatcom County Comprehensive Plan Goal 2R is to "Ensure adequate land supply is provided to accommodate twenty years of growth within urban areas."
14. County-wide planning policy D-3 states: ". . . Short term and long term boundaries may be used to facilitate provision of urban levels of service and to not preclude future urban densities as defined within the Whatcom County Comprehensive Plan."
15. The proposed amendment is intended to reduce suburban sprawl and facilitate land uses in urban growth areas that will that allow urban levels of density to be achieved in the future.
16. Whatcom County's important interest in protecting rural, agricultural and forestry lands (including such lands surrounding urban growth areas) is expressed in the Comprehensive Plan. Specifically, Comprehensive Plan Goal 2DD is to "Retain the rural character and lifestyle of Whatcom County." Policy 2A-9 is to "Retain existing rural and heavy industrial areas in the northwestern region of the county." The Comprehensive Plan states ". . . Maintaining the rural character and lifestyle is very important to Whatcom County residents. . . ." (p. 2-62). Additionally, Comprehensive Plan Goal 8A is to "Conserve and enhance Whatcom County's agricultural land base for the continued production of food and fiber." Finally, Comprehensive Plan GOAL 8F is to "Maintain and enhance Whatcom County's forest land base."

17. A substantial amount of the land surrounding urban growth areas in Whatcom County is designated rural, agriculture or forestry by the Comprehensive Plan. Inefficient large-lot residential land uses in the urban growth areas will place more pressure to convert rural, agricultural, and/or forestry lands to urban growth areas in the future.
18. One strategy for maintaining rural character, agricultural lands, and forest lands is to achieve appropriate urban densities in existing urban growth areas so that urban growth areas do not have to be expanded into rural, agricultural and forestry lands within the planning period.
19. WCC 20.10.080(2) states that further studies made or accepted by the department of planning and development services and planning commission must indicate a need for the amendment or that changed conditions must indicate a need for the amendment.
20. Approximately 57.5% of the acreage in existing long term planning areas can be divided under the current regulations. Additional large-lot land divisions that could occur under the existing regulations in these long term planning areas, as well as in short term planning areas that do not have public water and sewer, would hinder the ability to achieve future urban density developments in these urban growth areas.
21. WCC 20.10.080(3) states that the public interest must be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
 - The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the Comprehensive Plan.
 - The anticipated effect upon the ability of the County and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
 - The suitability of the site to provide on-site wells and/or on-site sewage disposal, if applicable.
 - Anticipated impact upon critical areas.
 - Anticipated impact upon designated agricultural, forest and mineral resource lands.
22. The proposed text amendments would reduce the conversion of developable land within urban growth areas to suburban development patterns. This is intended to provide more effective utilization of urban growth areas so that, over the planning period, they can be developed at appropriate urban densities as envisioned in the Whatcom County Comprehensive Plan. The public policy of Whatcom County, as expressed in the Comprehensive Plan, calls for the retention of rural, agricultural and forestry lands. More efficient use of existing urban growth areas should translate into less need to expand these urban growth areas into rural, agricultural and/or forestry lands. Therefore, the subject amendment will serve the public interest.
23. No adverse impacts to service providers, critical areas or designated resource lands have been identified.

- 24. WCC 20.10.080(4) states that the amendment must not include nor facilitate illegal spot zoning.
- 25. The proposed text amendments are applicable to rather large areas, and these amendments are not intended to facilitate private gain. Rather, they are intended to serve the public interest by ensuring efficient use of existing urban growth areas. Therefore, the proposal does not constitute "spot zoning."

CONCLUSIONS

The subject amendment is consistent with the approval criteria of WCC 20.10.080 and serves the public interest.

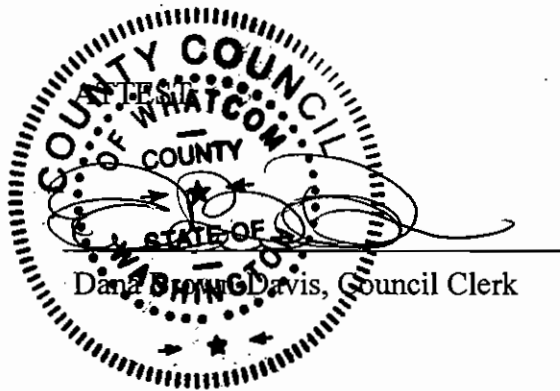
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

Section 1. The Whatcom County Comprehensive Plan is hereby amended as shown on Exhibit A.

Section 2. The Official Whatcom County Zoning Ordinance (Title 20) is hereby amended as shown on Exhibit B.

Section 3. 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 25th day of Sept., 2007



Dana Spring Davis, Council Clerk


WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON




Carl Weimer, Chair

APPROVED as to form:

Approved Denied



Civil Deputy Prosecutor



Pete Kremen, Executive

Date: 9-28-07

Exhibit A

Policy 2S-2: Land within a UGA but outside a Short Term Planning Area shall retain its current zoning until a new joint plan is identified and the Short Term Planning Area is moved, but with the following additional limitations on development which shall be included in the County development regulations:

- No sewer shall be extended outside a Short Term Planning Area. Water lines shall not be extended to serve urban levels of development outside a Short Term Planning Area. Exceptions may be made in cases where human health is threatened as determined by the County Health and Human Services Department (the use of interties for emergency purposes will be allowed to the extent that other needed approvals are given); (2) where vested rights currently exist - the city/district will provide the County detailed maps specifying the location and nature of the vested rights; (3) to help meet regional supply needs, as discussed under the CWSP, so long as the purveyor has sufficient quantities of water to meet needs in its entire UGA as determined by the purveyor and agreed to by the County.
- All development in urban growth areas shall be done in a manner which will not preclude development at urban levels of density when the area is annexed into the city.
- No residential development shall occur at a gross density greater than one dwelling unit per five acres.
- ~~All residential development on parcels greater than 20 acres shall be clustered on no more than 20 percent of the property.~~
- All residential land divisions will be developed as cluster subdivisions. All **buildable clustered** lots will be **grouped together** in one cluster. Clustered lots will be as small as possible in order to maintain a large reserve tract available for future urban development. Wells, sewage disposal systems, and easements associated with these facilities may be placed on the reserve tract only if it is not feasible to place them within the boundaries of the clustered lots.
- When the site is rezoned to short term planning area and public water and sewer serve the site, the reserve tract of a cluster subdivision may be developed with urban densities allowed in the zoning district.
- If the clustered lots are served by wells, sewage disposal facilities and/or associated easements that are located on the reserve tract, then the clustered lots will be required to hook up to public water and sewer when the reserve tract is developed with urban densities. The intent of this provision is to ensure that the reserve tract can be developed to its fullest potential, and such development will not be restricted by the existence of wells, sewage disposal facilities and easements associated with these facilities.

Exhibit B

Amend the Urban Residential (UR) District of the Official Whatcom County Zoning Ordinance as follows:

20.20.251 Minimum lot size within an urban growth area.

For the purpose of creating new building lots within the Urban Residential 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 required by regulation, stormwater collection and detention facilities serve the project site. Where the lot cluster land division method is used the minimum lot size is based on consideration of the zoning district's setback requirements and the Whatcom County health code regulations for sewage systems and drinking water, but shall not be less than that shown below. Where a maximum lot size is imposed, clustered lots shall be as small as allowed by the Health Department.

20.20.252 Maximum density, minimum lot size and maximum lot size within an urban growth area.

<u>District</u>	<u>Maximum Gross Density</u>	<u>Minimum Lot Size</u>		<u>Maximum Lot Size</u>	<u>Min. Reserve Area (Cluster Subdivisions)</u>
		<u>Conventional</u>	<u>Cluster</u>	<u>Cluster Lots</u>	
<u>UR: all densities without public sewer and water **</u>	<u>1 dwelling unit/5 acres</u>	<u>N/A*</u>	<u>12,500 sq. ft.</u>	<u>22,000 sq. ft.</u>	<u>N/A</u>
<u>UR: all densities outside short-term planning areas **</u>	<u>1 dwelling unit/5 acres</u>	<u>N/A*</u>	<u>12,500 sq. ft.</u>	<u>22,000 sq. ft.</u>	<u>N/A</u>
<u>UR: all densities with public sewer or water **</u>	<u>1 dwelling unit/5 acres</u>	<u>N/A*</u>	<u>12,500 sq. ft.</u>	<u>22,000 sq. ft.</u>	<u>N/A</u>
<u>UR-3: in short-term planning areas, with public sewer and water, and stormwater collection and detention facilities</u>	<u>3 dwelling units/1 acre</u>	<u>12,000 sq. ft.</u>	<u>8,000 sq. ft.</u>	<u>N/A</u>	<u>25%</u>
<u>UR-4: in short-term planning areas with public sewer and water, and stormwater collection and detention facilities</u>	<u>4 dwelling units/1 acre</u>	<u>8,000 sq. ft.</u>	<u>6,000 sq. ft.</u>	<u>N/A</u>	<u>20%</u>

* For the purpose of administering the lot consolidation provisions of WCC 20.83.070, the conventional minimum lot size shall be 5 acres.

** Does not apply to the Bellingham urban growth area.

20.20.253 ~~251~~ Minimum lot size outside an urban growth area.

For the purpose of creating new building lots within the Urban Residential 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 required by regulation, identified by the appropriate Comprehensive Plan policies, stormwater collection and detention facilities serve the project site. Where the lot cluster land division method is used the minimum lot size is based on consideration of the zoning district's setback requirements and the Whatcom County health code regulations for sewage systems and drinking water, but shall not be less than that shown below. (Ord. 2005-041 § 1 Exh. A, 2005; Ord. 98-083 Exh. A § 11, 1998; Ord. 87-12, 1987; Ord. 87-11, 1987; Ord. 82-58, 1982).

20.20.254 ~~252~~ Maximum density and minimum lot size outside an urban growth area.

District	Gross Density	Minimum Lot Size		Min. Reserve Area (Cluster Subdivisions)
		Conventional	Cluster	
UR: all densities without public sewer and water	1 dwelling unit/5 acres	5 acres	1 acre	80%
UR: all densities outside short-term planning areas, small towns and resort recreational subdivisions	1 dwelling unit/5 acres	5 acres	1 acre without public water and sewer 12,500 sq. ft. with public water or sewer	80%
UR: all densities with public sewer or water	1 dwelling unit/5 acres	5 acres	12,500 sq. ft.	80%
UR-3: in short-term planning areas, small towns or resort recreational subdivisions with public sewer and water, and stormwater collection and detention facilities	3 dwelling units/1 acre	12,000 sq. ft.	8,000 sq. ft.	25%
UR-4: in short-term planning areas, small towns or resort recreational subdivisions with public sewer and water, and stormwater collection and detention facilities	4 dwelling units/1 acre	8,000 sq. ft.	6,000 sq. ft.	20%

Note: Renumber existing section 20.20.253 to .255

20.20.305 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.

(3) Lot clustering is required for residential land divisions developments on parcels 10 acres or greater when:

(a) The property is located within a short-term planning area and public water and sewer are not available; or

(b) The property is located within a long-term planning area.

(4)

(Ord. 2005-041 § 1 Ex. A, 2005; Ord. 90-45, 1990).

20.20.310 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) Within short-term planning areas where public water and sewer are not available and within long term planning areas, all residential clustered building lots shall be grouped together in a single cluster. In all other cases, 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. (Ord. 90-45, 1990; Ord. 87-12, 1987; Ord. 87-11, 1987).

20.20.320 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 tracts" 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 it is included in the overall density calculation of the original parcel of record.**

Within short-term planning areas where public water and sewer are not available and long term planning areas, the reserve tract may be considered a building lot only under one of the following additional conditions:

- (a) **Residential construction and accessory structures are restricted to a building envelope that is delineated on the final plat or short plat. The building envelope shall:**
- i. **Be contiguous with the outside boundary of the clustered lots; and**
 - ii. **Be entirely located 200' or less from the outside boundary of the clustered lots; and**
 - iii. **Not exceed the maximum lot size for clustered lots in the zone.**
- (b) **Residential construction and accessory structures are restricted to a building envelope that is delineated on the final plat or short plat. The building envelope shall:**
- i. **Be contiguous with an exterior property line of the original parcel of record; and**
 - ii. **Be entirely located 200' or less from an exterior property line of the original parcel of record; and**
 - iii. **Not exceed the maximum lot size for clustered lots in the zone.**
- (c) **An existing residential use and accessory structures may be located anywhere on the reserve tract. Clustered lots shall be located adjacent to such existing residential use, unless the zoning administrator determines that:**
- i. **Because of physical circumstances applicable to the site, clustering adjacent to the existing residential use would hinder access to the reserve tract for future urban development; or**
 - ii. **Protection of environmental features would be negatively impacted; or**
 - iii. **Existing agricultural structures would be negatively impacted.**

~~Within short-term planning areas where public water and sewer are not available and long-term planning areas, the "reserve tract" shall remain unbuildable for residential uses until the reserve tract is further subdivided pursuant to WCC 20.20.320(3)(c), except that a house and accessory structures existing prior to December 31, 2006 shall be allowed on the reserve tract. In all other cases, 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 one of the following circumstances:

(a) The county finds that in developing adjacent tracts it would help to further the objectives listed in WCC 20.20.305(2) 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; or

(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 public process has been gone through, subject to findings that there is no adverse impact to critical 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; or

(c) The site is within a short-term planning area and public water and sewer serve the proposed development on the reserve tract.

(4) For sites located within urban growth areas, wells, sewage disposal systems, and associated easements that serve the clustered lots may be located on the reserve tract only if:

(a) The applicant demonstrates to the Whatcom County Health Department that there is not adequate space on the clustered lots for such facilities and/or easements; and

(b) A note is placed on the face of the plat stating that, prior to filing a final plat with the County Auditor that divides the reserve tract for urban density development:

- i. Owners of clustered lots and the reserve tract shall hook-up to public water and sewer; and
- ii. Easements and restrictive covenants for wells and/or sewage disposal systems on the reserve tract shall be extinguished, with Health Department approval; and
- iii. Wells on the reserve tract shall be decommissioned in accordance with Washington Department of Ecology regulations and sewage disposal systems on the reserve tract shall be abandoned.

The intent of this provision is to ensure that the reserve tract can be developed to its fullest potential, and such development will not be restricted by the existence of wells, sewage disposal facilities and easements associated with these facilities.

(5 ~~4~~) The purpose of the reserve tract as stated in subsections (1), (2), ~~and (3)~~ and (4) of this section 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 tracts."

(6 ~~5~~) That the above stated requirements in subsections (2) to (5) (~~4~~) of this section 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. (Ord. 2005-041 § 1 Exh. A, 2005; Ord. 98-083 Exh. A § 14, 1998; Ord. 90-45, 1990; Ord. 82-58, 1982).

Amend the Urban Residential – Medium Density (URM) District of the Official Whatcom County Zoning Ordinance as follows:

20.22.252 Maximum/minimum density and minimum lot size – General.

(1) District	Gross Density	Minimum Lot Size – Conventional	Minimum Lot Size – Cluster	Maximum Lot Size	Minimum Reserve Area (Cluster Divisions)
				Clustered Lots	
URM: all densities without public sewer and water**	Maximum density: 1 dwelling unit/ 5 acres	N/A* 5 acres	12,500 sq. ft. One acre	22,000 sq. ft.	N/A 80%
URM: all densities outside short-term planning areas**	Maximum density: 1 dwelling unit/ 5 acres	N/A* 5 acres	12,500 sq. ft. One acre without public water and sewer 12,500 sq. ft. with public water or sewer	22,000 sq. ft.	N/A 80%
URM: all densities with public sewer or water**	Maximum density: 1 dwelling unit/ 5 acres	N/A* 5 acres	12,500 sq. ft.	22,000 sq. ft.	N/A 80%
URM-6: with public sewer and water, and stormwater collection and detention facilities	Maximum density: 6 dwelling units/4 acre	7,200 sq. ft.	N/A	N/A	N/A
URM-12: with public sewer and water, and stormwater collection and detention facilities	Maximum density: 12 dwelling units/acre	7,200 sq. ft.	N/A	N/A	N/A
URM-18: with public sewer and water, and stormwater collection and detention facilities	Maximum density: 18 dwelling units/acre	7,200 sq. ft.	N/A	N/A	N/A
URM-24: with public sewer and water, stormwater collection and detention facilities and transferable development rights pursuant to the provisions of Chapter 20.89 WCC and subsection (4) of this section.	Minimum net density: 10 dwelling units/acre. Maximum density: 24 dwelling units/gross acre.	N/A	N/A	N/A	N/A

* For the purpose of administering the lot consolidation provisions of WCC 20.83.070, the conventional minimum lot size shall be 5 acres.

** Does not apply to the Bellingham urban growth area.

(2) Where the lot clustering land division method is used, the minimum lot size is based on consideration of the zoning district's setback requirements and the Whatcom County health code regulations for sewage systems and drinking water, but shall not be less than that shown above. Where a maximum lot size is imposed, clustered lots shall be as small as allowed by the Health Department.

(3) Where the Whatcom County Comprehensive Plan policies call for restricting densities and allow for the transfer of densities and where the provisions of Chapter 20.89 WCC are met, then the maximum allowable density shall be equal to that established by the Comprehensive Plan; provided, that public sewer and water are available.

(4) In the URM-24 zones in the Bellingham Urban Growth Area, minimum density shall be calculated as net density, after deducting the areas restricted from development by critical area regulations and infrastructure requirements.

(5) In the URM-24 zones in the Bellingham Urban Growth Area, transferable development rights (TDRs) from the Lake Whatcom watershed sending area, must be used, pursuant to the provisions of Chapter 20.89 WCC, Density Transfer Procedure, in order to develop at the prescribed densities. Each development right transferred from the Lake Whatcom watershed may be used to develop three dwelling units in the UGA. For the purpose of using TDRs, the base density is considered to be four dwelling units per acre. TDRs must be used to attain any density greater than four per acre as illustrated in the following table:

TDR Base Density	Transfer of Development Rights (1 TDR = 3 dwelling units per acre)	Allowed Density (range from 10 to 24 dwelling units per acre)
4 dwelling units/acre	2 TDRs	10 dwelling units/acre
4 dwelling units/acre	3 TDRs	13 dwelling units/acre
4 dwelling units/acre	4 TDRs	16 dwelling units/acre
4 dwelling units/acre	5 TDRs	19 dwelling units/acre
4 dwelling units/acre	6 TDRs	22 dwelling units/acre

(Ord. 2005-041 § 1 Exh. A, 2005; Ord. 2004-021 § 1, 2004; Ord. 98-083 Exh. A § 20, 1998; Ord. 89-92, 1989; Ord. 84-38, 1984).

20.22.305 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 forestry, open space or future development.

~~(2)~~ Lot clustering is required for residential land divisions ~~developments on parcels 10 acres or greater~~ when:

- (a) The property is located within a short-term planning area and public water and sewer are not available; or
- (b) The property is located within a long-term planning area.

~~(2) Lot clustering shall be subject to the requirements of WCC 20.20.305, 20.20.310, and 20.20.320. (Ord. 2005-041 § 1 Exh. A, 2005).~~

20.22.310 Design standards.

The creation of new building lots, pursuant to this section, shall be governed by the following ~~recommended~~ design standards, except that in the Bellingham Urban Growth Area, the city of Bellingham's design and development standards and guidelines shall be applied:

(1) 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.

(2) Within short-term planning areas where public water and sewer are not available and within long term planning areas, all residential-clustered building lots shall be grouped together in a single cluster. In all other cases, Wwhere practical, the majority of building sites should be arranged in a concentrated pattern to be compatible with physical site features, and have no more than two common encroachments on existing county roads. The arrangement of concentrated building lots is intended to discourage development forms commonly known as linear straight-line or highway strip patterns. (Ord. 2004-021 § 1, 2004).

20.22.320 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 forestry, open space or future development purposes. All "reserve tracts" 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 it is included in the overall density calculation of the original parcel of record.

Within short-term planning areas where public water and sewer are not available and long term planning areas, the reserve tract may be considered a building lot only under one of the following additional conditions:

(a) Residential construction and accessory structures are restricted to a building envelope that is delineated on the final plat or short plat. The building envelope shall:

- i. Be contiguous with the outside boundary of the clustered lots; and
- ii. Be entirely located 200' or less from the outside boundary of the clustered lots; and
- iii. Not exceed the maximum lot size for clustered lots in the zone.

(b) Residential construction and accessory structures are restricted to a building envelope that is delineated on the final plat or short plat. The building envelope shall:

- i. Be contiguous with an exterior property line of the original parcel of record; and**
- ii. Be entirely located 200' or less from an exterior property line of the original parcel of record; and**
- iii. Not exceed the maximum lot size for clustered lots in the zone.**

(c) An existing residential use and accessory structures may be located anywhere on the reserve tract. Clustered lots shall be located adjacent to such existing residential use, unless the zoning administrator determines that:

- i. Because of physical circumstances applicable to the site, clustering adjacent to the existing residential use would hinder access to the reserve tract for future urban development; or**
- ii. Protection of environmental features would be negatively impacted; or**
- iii. Existing agricultural structures would be negatively impacted.**

~~(2) Within short-term planning areas where public water and sewer are not available and long term planning areas, the "reserve tract" shall remain unbuildable for residential uses until the reserve tract is further subdivided pursuant to WCC 20.22.320(3)(c), except that a house and accessory structures existing prior to December 31, 2006 shall be allowed on the reserve tract. In all other cases, 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 one of the following circumstances:

(a) The county finds that in developing adjacent tracts it would help to further the objectives listed in WCC 20.22.305 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; or

(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 public process has been gone through, subject to findings that there is no adverse impact to critical 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; or

(c) The site is within a short-term planning area and public water and sewer serve the proposed development on the reserve tract.

(4) For sites located within urban growth areas, wells, sewage disposal systems, and associated easements that serve the clustered lots may be located on the reserve tract only if:

(a) The applicant demonstrates to the Whatcom County Health Department that there is not adequate space on the clustered lots for such facilities and/or easements; and

(b) A note is placed on the face of the plat stating that, prior to filing a final plat with the County Auditor that divides the reserve tract for urban density development:

i. Owners of clustered lots and the reserve tract shall hook-up to public water and sewer; and

ii. Easements and restrictive covenants for wells and/or sewage disposal systems on the reserve tract shall be extinguished, with Health Department approval; and

iii. Wells on the reserve tract shall be decommissioned in accordance with Washington Department of Ecology regulations and sewage disposal systems on the reserve tract shall be abandoned.

The intent of this provision is to ensure that the reserve tract can be developed to its fullest potential, and such development will not be restricted by the existence of wells, sewage disposal facilities and easements associated with these facilities.

(5) The purpose of the reserve tract as stated in subsections (1), (2), (3) and (4) of this section 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 tracts."

(6) That the above stated requirements in subsections (2) to (5) of this section 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. ~~Repealed by Ord. 2004-021.~~ (Ord. 98-083 Exh. A § 21, 1998; Ord. 90-45, 1990; Ord. 84-38, 1984).

Note: WCC 20.22.253 and .254 are not being altered by this proposal.

WHATCOM COUNTY PLANNING COMMISSION FINDINGS OF FACT & REASONS FOR ACTION, CONCLUSIONS AND RECOMMENDATIONS

Amendments to the Whatcom County Comprehensive Plan and to the Urban Residential and Urban Residential Medium Density Zones relating to Lot Clustering, Reserve Tracts, and Water & Sewage Disposal Facilities

WHEREAS, The proposal will facilitate appropriate urban densities in urban growth areas and preservation of rural and resource lands surrounding urban growth areas; and

WHEREAS, Legal notice was published in the Bellingham Herald; and

WHEREAS, The Planning Commission held public hearings on the proposal; and

WHEREAS, The Planning Commission has evaluated the proposed amendments;

NOW THEREFORE BE IT RESOLVED:

**THE PLANNING COMMISSION ENTERS THE FOLLOWING FINDINGS OF FACT &
REASONS FOR ACTION, CONCLUSIONS AND RECOMMENDATIONS:**

FINDINGS OF FACT AND REASONS FOR ACTION

1. The County Council approved resolution No. 2006-029 initiating the original version of the amendment for further review on March 14, 2006.
2. Notice that the County Council initiated the original version of the amendment for further review was e-mailed to city planners on March 21, 2006.
3. Notice that the County initiated the original version of the amendment for further review was published in the Bellingham Herald on March 22, 2006.
4. Notice of the amendment was sent to state agencies, including the Department of Community, Trade and Economic Development (CTED), on April 4, 2006.
5. Notice of the Planning Commission hearings for this legislative action was published in the Bellingham Herald on July 16, 2006 and September 3, 2006.
6. Notice of the Planning Commission hearings for this legislative action was posted on the County's website on July 11, 2006 and August 31, 2006.
7. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on May 9, 2006.

8. The Planning Commission held public hearings relating to the subject amendment on July 27, 2006 and September 14, 2006.
9. Whatcom County Code (WCC) 20.10.080 contains approval criteria for Comprehensive Plan amendments.
10. WCC 20.10.080(1) states that the amendment must conform to the requirements of GMA, be internally consistent with the Comprehensive Plan, be consistent with the County-Wide Planning Policies and be consistent with any interlocal planning agreements.
11. The Growth Management Act (GMA), at RCW 36.70A.020, includes the following planning goals:
 - Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
 - Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
12. Whatcom County's important interest in facilitating appropriate urban densities is expressed in Whatcom County Comprehensive Plan Goal 2A, which is to "Ensure provision of sufficient land and densities to accommodate the growth needs of Whatcom County and protect the qualities that make the county a desirable place to live."
13. Whatcom County Comprehensive Plan Goal 2R is to "Ensure adequate land supply is provided to accommodate twenty years of growth within urban areas."
14. County-wide planning policy D-3 states: ". . . Short term and long term boundaries may be used to facilitate provision of urban levels of service and to not preclude future urban densities as defined within the Whatcom County Comprehensive Plan."
15. The proposed amendment is intended to reduce suburban sprawl and facilitate land uses in urban growth areas that will that allow urban levels of density to be achieved in the future.
16. Whatcom County's important interest in protecting rural, agricultural and forestry lands (including such lands surrounding urban growth areas) is expressed in the Comprehensive Plan. Specifically, Comprehensive Plan Goal 2DD is to "Retain the rural character and lifestyle of Whatcom County." Policy 2A-9 is to "Retain existing rural and heavy industrial areas in the northwestern region of the county." The Comprehensive Plan states ". . . Maintaining the rural character and lifestyle is very important to Whatcom County residents. . . ." (p. 2-62). Additionally, Comprehensive Plan Goal 8A is to "Conserve and enhance Whatcom County's agricultural land base for the continued production of food and fiber." Finally, Comprehensive Plan GOAL 8F is to "Maintain and enhance Whatcom County's forest land base."

17. A substantial amount of the land surrounding urban growth areas in Whatcom County is designated rural, agriculture or forestry by the Comprehensive Plan. Inefficient large-lot residential land uses in the urban growth areas will place more pressure to convert rural, agricultural, and/or forestry lands to urban growth areas in the future.
18. One strategy for maintaining rural character, agricultural lands, and forest lands is to achieve appropriate urban densities in existing urban growth areas so that urban growth areas do not have to be expanded into rural, agricultural and forestry lands within the planning period.
19. WCC 20.10.080(2) states that further studies made or accepted by the department of planning and development services and planning commission must indicate a need for the amendment or that changed conditions must indicate a need for the amendment.
20. Approximately 57.5% of the acreage in existing long term planning areas can be divided under the current regulations. Additional large-lot land divisions that could occur under the existing regulations in these long term planning areas, as well as in short term planning areas that do not have public water and sewer, would hinder the ability to achieve future urban density developments in these urban growth areas.
21. WCC 20.10.080(3) states that the public interest must be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
 - The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the Comprehensive Plan.
 - The anticipated effect upon the ability of the County and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
 - The suitability of the site to provide on-site wells and/or on-site sewage disposal, if applicable.
 - Anticipated impact upon critical areas.
 - Anticipated impact upon designated agricultural, forest and mineral resource lands.
22. The proposed text amendments would reduce the conversion of developable land within urban growth areas to suburban development patterns. This is intended to provide more effective utilization of urban growth areas so that, over the planning period, they can be developed at appropriate urban densities as envisioned in the Whatcom County Comprehensive Plan. The public policy of Whatcom County, as expressed in the Comprehensive Plan, calls for the retention of rural, agricultural and forestry lands. More efficient use of existing urban growth areas should translate into less need to expand these urban growth areas into rural, agricultural and/or forestry lands. Therefore, the subject amendment will serve the public interest.

- 23. No adverse impacts to service providers, critical areas or designated resource lands have been identified.
- 24. WCC 20.10.080(4) states that the amendment must not include nor facilitate illegal spot zoning.
- 25. The proposed text amendments are applicable to rather large areas, and these amendments are not intended to facilitate private gain. Rather, they are intended to serve the public interest by ensuring efficient use of existing urban growth areas. Therefore, the proposal does not constitute "spot zoning."

CONCLUSIONS

The subject amendment is consistent with the approval criteria of WCC 20.10.080 and serves the public interest.

RECOMMENDATION

Based upon the above findings and conclusions, the Planning Commission recommends approval of the amendments to the Whatcom County Comprehensive Plan shown in Exhibit A and amendments to the Official Whatcom County Zoning Ordinance shown in Exhibit B.

WHATCOM COUNTY PLANNING COMMISSION


 David Hunter, Chairperson


 Hal H. Hart, Secretary

9/28/06
 Date

10/9/06
 Date

Commissioners present at the September 14, 2006 meeting when the vote was taken on the subject amendment: Rabel Burdge, David Hunter, John Lesow, Kenneth Mann, Dave Pros and Ron Roosma.

Vote: Ayes: 5, Nays: 1, Abstain: 0, Absent: 3. Motion carried to adopt the above amendments.

Exhibit A

Policy 2S-2: Land within a UGA but outside a Short Term Planning Area shall retain its current zoning until a new joint plan is identified and the Short Term Planning Area is moved, but with the following additional limitations on development which shall be included in the County development regulations:

- No sewer shall be extended outside a Short Term Planning Area. Water lines shall not be extended to serve urban levels of development outside a Short Term Planning Area. Exceptions may be made in cases where human health is threatened as determined by the County Health and Human Services Department (the use of interties for emergency purposes will be allowed to the extent that other needed approvals are given); (2) where vested rights currently exist - the city/district will provide the County detailed maps specifying the location and nature of the vested rights; (3) to help meet regional supply needs, as discussed under the CWSP, so long as the purveyor has sufficient quantities of water to meet needs in its entire UGA as determined by the purveyor and agreed to by the County.
- All development in urban growth areas shall be done in a manner which will not preclude development at urban levels of density when the area is annexed into the city.
- No residential development shall occur at a gross density greater than one dwelling unit per five acres.
- ~~All residential development on parcels greater than 20 acres shall be clustered on no more than 20 percent of the property.~~
- All residential land divisions will be developed as cluster subdivisions. All buildable lots will be in one cluster. Clustered lots will be as small as possible in order to maintain a large reserve tract available for future urban development. Wells, sewage disposal systems, and easements associated with these facilities may be placed on the reserve tract only if it is not feasible to place them within the boundaries of the clustered lots.
- When the site is rezoned to short term planning area and public water and sewer serve the site, the reserve tract of a cluster subdivision may be developed with urban densities allowed in the zoning district.
- If the clustered lots are served by wells, sewage disposal facilities and/or associated easements that are located on the reserve tract, then the clustered lots will be required to hook up to public water and sewer when the reserve tract is developed with urban densities. The intent of this provision is to ensure that the reserve tract can be developed to its fullest potential, and such development will not be restricted by the existence of wells, sewage disposal facilities and easements associated with these facilities.

Exhibit B

Amend the Urban Residential (UR) District of the Official Whatcom County Zoning Ordinance as follows:

20.20.251 Minimum lot size within an urban growth area.

For the purpose of creating new building lots within the Urban Residential 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 required by regulation, stormwater collection and detention facilities serve the project site. Where the lot cluster land division method is used the minimum lot size is based on consideration of the zoning district's setback requirements and the Whatcom County health code regulations for sewage systems and drinking water, but shall not be less than that shown below. Where a maximum lot size is imposed, clustered lots shall be as small as allowed by the Health Department.

20.20.252 Maximum density, minimum lot size and maximum lot size within an urban growth area.

<u>District</u>	<u>Maximum Gross Density</u>	<u>Minimum Lot Size</u>		<u>Maximum Lot Size</u>	<u>Min. Reserve Area (Cluster Subdivisions)</u>
		<u>Conventional</u>	<u>Cluster</u>	<u>Cluster Lots</u>	
<u>UR: all densities without public sewer and water **</u>	<u>1 dwelling unit/5 acres</u>	<u>N/A*</u>	<u>12,500 sq. ft.</u>	<u>22,000 sq. ft.</u>	<u>N/A</u>
<u>UR: all densities outside short-term planning areas **</u>	<u>1 dwelling unit/5 acres</u>	<u>N/A*</u>	<u>12,500 sq. ft.</u>	<u>22,000 sq. ft.</u>	<u>N/A</u>
<u>UR: all densities with public sewer or water **</u>	<u>1 dwelling unit/5 acres</u>	<u>N/A*</u>	<u>12,500 sq. ft.</u>	<u>22,000 sq. ft.</u>	<u>N/A</u>
<u>UR-3: in short-term planning areas, with public sewer and water, and stormwater collection and detention facilities</u>	<u>3 dwelling units/1 acre</u>	<u>12,000 sq. ft.</u>	<u>8,000 sq. ft.</u>	<u>N/A</u>	<u>25%</u>
<u>UR-4: in short-term planning areas with public sewer and water, and stormwater collection and detention facilities</u>	<u>4 dwelling units/1 acre</u>	<u>8,000 sq. ft.</u>	<u>6,000 sq. ft.</u>	<u>N/A</u>	<u>20%</u>

* For the purpose of administering the lot consolidation provisions of WCC 20.83.070, the conventional minimum lot size shall be 5 acres.

** Does not apply to the Bellingham urban growth area.

20.20.253 254 Minimum lot size outside an urban growth area.

For the purpose of creating new building lots within the Urban Residential 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 required by regulation, ~~identified by the appropriate Comprehensive Plan policies~~, stormwater collection and detention facilities serve the project site. Where the lot cluster land division method is used the minimum lot size is based on consideration of the zoning district's setback requirements and the Whatcom County health code regulations for sewage systems and drinking water, but shall not be less than that shown below. (Ord. 2005-041 § 1 Exh. A, 2005; Ord. 98-083 Exh. A § 11, 1998; Ord. 87-12, 1987; Ord. 87-11, 1987; Ord. 82-58, 1982).

20.20.254 252 Maximum density and minimum lot size outside an urban growth area.

District	Gross Density	Minimum Lot Size		Min. Reserve Area (Cluster Subdivisions)
		Conventional	Cluster	
UR: all densities without public sewer and water	1 dwelling unit/5 acres	5 acres	1 acre	80%
UR: all densities outside short-term planning areas, small towns and resort recreational subdivisions	1 dwelling unit/5 acres	5 acres	1 acre without public water and sewer 12,500 sq. ft. with public water or sewer	80%
UR: all densities with public sewer or water	1 dwelling unit/5 acres	5 acres	12,500 sq. ft.	80%
UR-3: in short-term planning areas, small towns or resort recreational subdivisions with public sewer and water, and stormwater collection and detention facilities	3 dwelling units/1 acre	12,000 sq. ft.	8,000 sq. ft.	25%
UR-4: in short-term planning areas, small towns or resort recreational subdivisions with public sewer and water, and stormwater collection and detention facilities	4 dwelling units/1 acre	8,000 sq. ft.	6,000 sq. ft.	20%

Note: Renumber existing section 20.20.253 to .255

20.20.305 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.

(3) Lot clustering is required for residential land divisions developments ~~on parcels 10 acres or greater~~ when:

(a) The property is located within a short-term planning area and public water and sewer are not available; or

(b) The property is located within a long-term planning area.

(4)

(Ord. 2005-041 § 1 Exh. A, 2005; Ord. 90-45, 1990).

20.20.310 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) Within short-term planning areas where public water and sewer are not available and within long term planning areas, all residential building lots shall be grouped together in a single cluster. ~~In all other cases,~~ ~~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. (Ord. 90-45, 1990; Ord. 87-12, 1987; Ord. 87-11, 1987).

20.20.320 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 tracts" 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) Within short-term planning areas where public water and sewer are not available and long term planning areas, the "reserve tract" shall remain unbuildable for residential uses until the reserve tract is further subdivided pursuant to WCC 20.20.320(3)(c), except that a house and accessory structures existing prior to December 31, 2006 shall be allowed on the reserve tract. In all other cases, 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 one of the following circumstances:

(a) The county finds that in developing adjacent tracts it would help to further the objectives listed in WCC 20.20.305(2) 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; or

(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 public process has been gone through, subject to findings that there is no adverse impact to critical 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; or

(c) The site is within a short-term planning area and public water and sewer serve the proposed development on the reserve tract.

(4) For sites located within urban growth areas, wells, sewage disposal systems, and associated easements that serve the clustered lots may be located on the reserve tract only if:

(a) The applicant demonstrates to the Whatcom County Health Department that there is not adequate space on the clustered lots for such facilities and/or easements; and

(b) A note is placed on the face of the plat stating that, prior to filing a final plat with the County Auditor that divides the reserve tract for urban density development;

i. Owners of clustered lots shall hook-up to public water and sewer; and

ii. Easements and restrictive covenants for wells and/or sewage disposal systems on the reserve tract shall be extinguished, with Health Department approval; and

iii. Wells on the reserve tract shall be decommissioned in accordance with Washington Department of Ecology regulations and sewage disposal systems on the reserve tract shall be abandoned.

The intent of this provision is to ensure that the reserve tract can be developed to its fullest potential, and such development will not be restricted by the existence of wells, sewage disposal facilities and easements associated with these facilities.

(5 4) The purpose of the reserve tract as stated in subsections (1), (2), and (3) and (4) of this section 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 tracts."

(6 5) That the above stated requirements in subsections (2) to (5) (4) of this section 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. (Ord. 2005-041 § 1 Exh. A, 2005; Ord. 98-083 Exh. A § 14, 1998; Ord. 90-45, 1990; Ord. 82-58, 1982).

Amend the Urban Residential – Medium Density (URM) District of the Official Whatcom County Zoning Ordinance as follows:

20.22.252 Maximum/minimum density and minimum lot size – General.

(1) District	Gross Density	Minimum Lot Size – Conventional	Minimum Lot Size – Cluster	Maximum Lot Size	Minimum Reserve Area (Cluster Divisions)
				Clustered Lots	
URM: all densities without public sewer and water**	Maximum density: 1 dwelling unit/ 5 acres	N/A* 5 acres	12,500 sq. ft. One-acre	22,000 sq. ft.	N/A 80%
URM: all densities outside short-term planning areas**	Maximum density: 1 dwelling unit/ 5 acres	N/A* 5 acres	12,500 sq. ft. One-acre without public water and sewer 12,500 sq. ft. with public water or sewer	22,000 sq. ft.	N/A 80%
URM: all densities with public sewer or water**	Maximum density: 1 dwelling unit/ 5 acres	N/A* 5 acres	12,500 sq. ft.	22,000 sq. ft.	N/A 80%
URM-6: with public sewer and water, and stormwater collection and detention facilities	Maximum density: 6 dwelling units/4 acre	7,200 sq. ft.	N/A	N/A	N/A
URM-12: with public sewer and water, and stormwater collection and detention facilities	Maximum density: 12 dwelling units/acre	7,200 sq. ft.	N/A	N/A	N/A
URM-18: with public sewer and water, and stormwater collection and detention facilities	Maximum density: 18 dwelling units/acre	7,200 sq. ft.	N/A	N/A	N/A
URM-24: with public sewer and water, stormwater collection and detention facilities and transferable development rights pursuant to the provisions of Chapter 20.89 WCC and subsection (4) of this section.	Minimum net density: 10 dwelling units/acre. Maximum density: 24 dwelling units/gross acre.	N/A	N/A	N/A	N/A

* For the purpose of administering the lot consolidation provisions of WCC 20.83.070, the conventional minimum lot size shall be 5 acres.

** Does not apply to the Bellingham urban growth area.

(2) Where the lot clustering land division method is used, the minimum lot size is based on consideration of the zoning district's setback requirements and the Whatcom County health code regulations for sewage systems and drinking water, but shall not be less than that shown above. Where a maximum lot size is imposed, clustered lots shall be as small as allowed by the Health Department.

(3) Where the Whatcom County Comprehensive Plan policies call for restricting densities and allow for the transfer of densities and where the provisions of Chapter 20.89 WCC are met, then the maximum allowable density shall be equal to that established by the Comprehensive Plan; provided, that public sewer and water are available.

(4) In the URM-24 zones in the Bellingham Urban Growth Area, minimum density shall be calculated as net density, after deducting the areas restricted from development by critical area regulations and infrastructure requirements.

(5) In the URM-24 zones in the Bellingham Urban Growth Area, transferable development rights (TDRs) from the Lake Whatcom watershed sending area, must be used, pursuant to the provisions of Chapter 20.89 WCC, Density Transfer Procedure, in order to develop at the prescribed densities. Each development right transferred from the Lake Whatcom watershed may be used to develop three dwelling units in the UGA. For the purpose of using TDRs, the base density is considered to be four dwelling units per acre. TDRs must be used to attain any density greater than four per acre as illustrated in the following table:

TDR Base Density	Transfer of Development Rights (1 TDR = 3 dwelling units per acre)	Allowed Density (range from 10 to 24 dwelling units per acre)
4 dwelling units/acre	2 TDRs	10 dwelling units/acre
4 dwelling units/acre	3 TDRs	13 dwelling units/acre
4 dwelling units/acre	4 TDRs	16 dwelling units/acre
4 dwelling units/acre	5 TDRs	19 dwelling units/acre
4 dwelling units/acre	6 TDRs	22 dwelling units/acre

(Ord. 2005-041 § 1 Exh. A, 2005; Ord. 2004-021 § 1, 2004; Ord. 98-083 Exh. A § 20, 1998; Ord. 89-92, 1989; Ord. 84-38, 1984).

20.22.305 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 forestry, open space or future development.

~~(24) Lot clustering is required for residential land divisions developments on parcels 10 acres or greater when:~~

~~(a) The property is located within a short-term planning area and public water and sewer are not available; or~~

~~(b) The property is located within a long-term planning area.~~

~~(2) Lot clustering shall be subject to the requirements of WCC 20.20.305, 20.20.310, and 20.20.320. (Ord. 2005-041 § 1 Ex. A, 2005).~~

20.22.310 Design standards.

The creation of new building lots, pursuant to this section, shall be governed by the following ~~recommended~~ design standards, except that in the Bellingham Urban Growth Area, the city of Bellingham's design and development standards and guidelines shall be applied:

(1) 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.

(2) Within short-term planning areas where public water and sewer are not available and within long term planning areas, all residential building lots shall be grouped together in a single cluster. In all other cases, ~~Where~~ practical, the majority of building sites should be arranged in a concentrated pattern to be compatible with physical site features, and have no more than two common encroachments on existing county roads. The arrangement of concentrated building lots is intended to discourage development forms commonly known as linear straight-line or highway strip patterns. (Ord. 2004-021 § 1, 2004).

20.22.320 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 forestry, open space or future development purposes. All "reserve tracts" 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) Within short-term planning areas where public water and sewer are not available and long term planning areas, the "reserve tract" shall remain unbuildable for residential uses until the reserve tract is further subdivided pursuant to WCC 20.22.320(3)(c), except that a house and accessory structures existing prior to December 31, 2006 shall be allowed on the reserve tract. In all other cases, 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 one of the following circumstances:

(a) The county finds that in developing adjacent tracts it would help to further the objectives listed in WCC 20.22.305 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; or

(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 public process has been gone through, subject to findings that there is no adverse impact to critical 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; or

(c) The site is within a short-term planning area and public water and sewer serve the proposed development on the reserve tract.

(4) For sites located within urban growth areas, wells, sewage disposal systems, and associated easements that serve the clustered lots may be located on the reserve tract only if:

(a) The applicant demonstrates to the Whatcom County Health Department that there is not adequate space on the clustered lots for such facilities and/or easements; and

(b) A note is placed on the face of the plat stating that, prior to filing a final plat with the County Auditor that divides the reserve tract for urban density development:

- i. Owners of clustered lots shall hook-up to public water and sewer; and
- ii. Easements and restrictive covenants for wells and/or sewage disposal systems on the reserve tract shall be extinguished, with Health Department approval; and
- iii. Wells on the reserve tract shall be decommissioned in accordance with Washington Department of Ecology regulations and sewage disposal systems on the reserve tract shall be abandoned.

The intent of this provision is to ensure that the reserve tract can be developed to its fullest potential, and such development will not be restricted by the existence of wells, sewage disposal facilities and easements associated with these facilities.

(5) The purpose of the reserve tract as stated in subsections (1), (2), (3) and (4) of this section 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 tracts."

(6) That the above stated requirements in subsections (2) to (5) of this section 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. ~~Repealed by Ord. 2004-021.~~ (Ord. 98-083 Exh. A § 21, 1998; Ord. 90-45, 1990; Ord. 84-38, 1984).

Note: WCC 20.22.253 and .254 are not being altered by this proposal.