



WHATCOM COUNTY PLANNING COMMISSION

5280 Northwest Drive
Bellingham WA 98226

AGENDA May 11, 2023

The Whatcom County Planning Commission will hold a hybrid meeting at 6:30 p.m., with the option to attend remotely or in person at 5280 Northwest Drive, Bellingham.

- Call to Order
- Roll Call
- Flag Salute
- Department Update
- Open Session for Public Comment
- Commissioner Comments
- Approval of Minutes of: April 13, 2023
- Proposed Amendments to the Six-Year Capital Improvement Program for Whatcom County Facilities 2023-2028 (PLN2023-00006)
 - *Public Hearing and Work Session*
- Proposed Zoning Code Amendments to the text of the Urban Residential District (WCC 20.20), Urban Residential Medium Density District (WCC 20.22), Urban Residential Mixed District (WCC 20.24), General Commercial District (WCC 20.62), Resort Commercial District (WCC 20.64), Supplementary Requirements (WCC 20.80), and Definitions (PLN2023-00002)
 - *Public Hearing and Work Session*
- Unfinished Business
- Adjournment

NOTE: For information on how to watch and participate in the meeting in real time, please visit the following web page: [Participate in Virtual Planning Commission Meeting](#)

Individuals who require special assistance to participate in the meetings are asked to contact "PDS_Planning_Commission@co.whatcom.wa.us" at least 96 hours in advance.

Upcoming Meeting Topics:

Home Based Business Industry

Pending Items Commissioners would like to address:

Code related implications of climate modeling

There are nine members on the Whatcom County Planning Commission. If you will be giving written information to the Commissioners, please give a copy to the Coordinator for our office files.

*For more information please contact Tammy Axlund at (360)778-5935 or PDS_Planning_Commission@co.whatcom.wa.us
5280 Northwest Drive, Bellingham, WA 98226*



**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
April 13, 2023**

Public Hearing and Work Session

1

1 **Call to Order**

2 The meeting was called to order by Whatcom County Planning Commission Chair,
3 Kelvin Barton at 6:36 p.m.

4 **Roll Call**

5 **Present:** Kelvin Barton, Atul Deshmane, Jim Hansen, Stephen Jackson, Julie Jefferson,
6 Dominic Mocerì

7 **Absent:** Daniel Dahlquist, Kimberley Lund, Scott Van Dalen

8 **Staff Present:** Matt Aamot, Steve Roberge, and Tammy Axlund

9 **Department Update**

10 Steve Roberge, Assistant Director of Planning and Development Services (PDS),
11 thanked attendees for coming and explained that the Ranch Quarry mine application
12 would not come before the Planning Commission. Mr. Roberge informed the
13 Commissioners that PDS is in various stages of filling eight open positions - six where
14 staff have moved on or advanced, and two new positions which were approved in the
15 most recent budget. He noted that the Commission would not meet on April 27th, but
16 Home Based Businesses and events will be on the agenda in May.

17 **Open Session Public Comment**

18 The following individuals provided public comment: Andrew Clark, John Biddulph, Mark
19 Hall, Jim Cline, Marjolein Schermerhorn, and Bo Bouford

20 **Commissioner Comments**

21 Commissioner Mocerì disclosed that upon invitation, he walked a couple of neighboring
22 properties to the proposed quarry.

23 Commissioner Deshmane disclosed he had phone calls with a resident adjacent to the
24 proposed quarry.

25 **Approval of Meeting Minutes**

26 **Timestamp: 32:21**

27 **Commissioner Deshmane moved** to approve the meeting minutes from March 23,
28 2023.

29 **Commissioner Jackson seconded.**

30 **Roll Call Vote: Ayes-Barton, Deshmane, Hansen, Jackson, Mocerì; Abstain:**
31 **Jefferson; (Ayes-5; Nays-0; Abstain-1). The motion carried.**

32 **Proposed Public Participation Plan for Whatcom County Comprehensive Plan**
33 **and Development Regulation Amendments**

34 **Timestamp: 33:26**

35 Matt Aamot, PDS Senior Planner, provided a presentation on the proposed Public
36 Participation Plan - Whatcom County Comprehensive Plan and Development Regulation
37 Amendments, then responded to Commissioner's questions and comments.



**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
April 13, 2023**

Public Hearing and Work Session

2

1 Commissioner Hansen asked if staff had created a response to his emailed request for
2 the public participation process be expanded to better educate the public on how the
3 process works and how to most effectively be involved. Upon receipt, this request was
4 sent to Commissioners and added to the agenda packet and posted on the County
5 website for public review.

6 **a) Public Hearing and Regarding Proposed Public Participation Plan (PPP)**

7 **Timestamp: 43:28**

8 No one provided public comment.

9 **Proposed Public Participation Plan Work Session**

10 Commissioner Deshmane requested staff come back to the Commission with ideas on
11 how to improve public engagement and outreach. Staff responded that a PPP will be
12 developed specifically for the 2025 Comp Plan Update. This would be a good place to
13 start some new processes to enhance what we are doing now.

14 Commissioners continued discussion.

15 **Timestamp: 1:01:16**

16 **Commissioner Deshmane moved** to approve the proposed Public Participation Plan
17 as stated.

18 **Commissioner Jackson seconded.**

19 **Timestamp: 1:02:32**

20 **Commissioner Hansen moved** to amend section 4.2 to move D-12 Vacation Rentals
21 and D-16 Mineral Resource Lands (MRL) from level 1 to section 4.3 Level 2

22 **Commissioner Deshmane seconded.**

23 Mr. Aamot provided an explanation regarding D-12 Vacation Rentals and noted that
24 staff has no issues with moving D-16 MRL. He pointed out that there is another MRL
25 item listed at D-8.

26 Commissioners discussed the motion to amend.

27 **Timestamp: 1:06:09**

28 **Commissioner Hansen changed his amendment** to withdraw the request to move
29 D-12 Vacation Rentals and to add a request to move D-8 MRL.

30 **As the second, Commissioner Deshmane agreed to these changes.**

31 **The amended motion** is to move D-8 and D-16 Mineral Resource Lands in Section 4
32 from Level 1 to Level 2

33 **Roll Call Vote: Ayes-Barton, Deshmane, Hansen, Jackson, Jefferson, Moceri;**
34 **(Ayes-6; Nays-0; Abstain-0). The motion carried.**

35 **The main motion was voted on with the amendment:** to approve the proposed
36 Public Participation Plan as amended.

37 **Roll Call Vote: Ayes-Barton, Deshmane, Hansen, Jackson, Jefferson, Moceri;**
38 **(Ayes-6; Nays-0; Abstain-0). The motion carried.**



**RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
April 13, 2023**

Public Hearing and Work Session

3

1 **Next steps in the Comprehensive Plan Process**

2 **Timestamp 1:10:04**

3 Matt Aamot, PDS Senior Planner, provided an overview of the draft 5-year work
4 program for the Comprehensive Plan.

5 Commissioner Mocerri requested the Draft 5-Year Work Program Chart be sent to
6 Commissioners. Matt agreed and noted that, since it is a work in progress and
7 continually being updated, Tammy will date stamp it and ensure that is clearly shows it
8 is a draft.

9 **Adjournment**

10 The meeting was adjourned at 8:05 p.m.

11 Minutes prepared by Tammy Axlund.

12 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

13

14 _____
Kelvin Barton, Chair

Tammy Axlund, Secretary

DRAFT

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-778-5900, TTY 800-833-6384
360-778-5901 Fax



Mark Personius
Director

Memorandum

May 1, 2023

To: The Whatcom County Planning Commission
From: Matt Aamot, Senior Planner
Through: Steve Roberge, Assistant Director
RE: Six-Year CIP Amendments (PLN2023-00006)

The Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities addresses County parks, trails, activity centers, maintenance & operations, general government buildings and sites, Sheriff's Office, emergency management, adult corrections, juvenile detention, transportation, and stormwater facilities.

The Whatcom County Comprehensive Plan indicates that the Six-Year CIP should be updated every two years. The last CIP update was approved by the County Council in 2022. The next comprehensive update, scheduled for 2024, will cover the time period from 2025-2030. However, the County has identified park and government facility projects it wants to start and/or complete in 2023-2024. In order to use real estate excise tax (REET) dollars, these projects must be in the Six-Year CIP.

Therefore, the subject proposal is to amend the following chapters of the Six-Year CIP for Whatcom County Facilities 2023-2028 (Appendix F of the Whatcom County Comprehensive Plan):

- Parks, Trails, and Activity Centers;
- General Government Buildings and Sites; and
- Total Costs.

Planning & Development Services is requesting Planning Commission hold a public hearing, consider the proposed CIP amendments and issue a recommendation to the County Council on May 11, 2023.

Thank you for your review and consideration of this matter. We look forward to discussing it with you.

**WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES**

**Comprehensive Plan
Capital Facility (Six-Year CIP) Amendments**

PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION

Background Information

1. The proposal is to amend the following chapters of the Six-Year Capital Improvement Program (CIP) for Whatcom County Facilities 2023-2028 (Appendix F of the Whatcom County Comprehensive Plan):
 - a. Parks, Trails, and Activity Centers;
 - b. General Government Buildings and Sites; and
 - c. Total Costs.
2. Notice of the subject amendments was submitted to the Washington State Department of Commerce on April 20, 2023.
3. The SEPA Official determined on April 21, 2023 that the determination of non-significance (DNS) issued in 2022 for the Six-Year CIP update is sufficient for the subject amendments.
4. Notice of the Planning Commission hearing was posted on the County website on April 26, 2023.
5. Notice of the Planning Commission hearing was published in the Bellingham Herald on April 28, 2023.
6. Notice of the Planning Commission hearing was sent to the County's email list on April 28, 2023.
7. The Planning Commission held a public hearing on the subject amendments on May 11, 2023.

8. Pursuant to WCC 22.10.060(1), in order to approve the proposed comprehensive plan amendments the County must find all of the following:
 - a. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.
 - b. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.
 - c. The public interest will 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:
 - i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.
 - ii. The anticipated effect on 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.
 - iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.
 - d. The amendment does not include or facilitate spot zoning.

Growth Management Act

9. The Growth Management Act (GMA) establishes planning goals in RCW 36.70A.020 to guide adoption of comprehensive plan amendments.
10. GMA planning goal # 12 is to "Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards" (RCW 36.70A.020(12)).

11. The GMA, at RCW 36.70A.070(3), requires that a comprehensive plan must include a capital facilities plan element consisting of:
 - a. An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities.
 - b. A forecast of the future needs for such capital facilities.
 - c. The proposed locations and capacities of expanded or new capital facilities.
 - d. At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.
 - e. A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.
12. The existing Whatcom County Comprehensive Plan, which includes the Six-Year CIP for Whatcom County Facilities 2023-2028, addresses the above GMA requirements.
13. The subject amendments consist of updating the Six-Year CIP by adding County park and facilities projects. Updating the CIP is one step in the process of planning capital facilities to serve the people of Whatcom County.
14. The GMA normally requires concurrent review of all comprehensive plan amendments once a year. However, there are exceptions including capital facilities plan amendments that occur along with the adoption or amendment of a county budget (RCW 36.70A.130(2)(a)(iv)). The subject Six-Year CIP amendments will be accompanied by a County budget amendment and, therefore, are not subject to the concurrent review provisions of the GMA.

County-Wide Planning Policies

15. County-Wide Planning Policy K-1 indicates that, as part of the comprehensive planning process, the County must identify appropriate land for public facilities that meets the needs of the community including recreation, transportation and human service facilities.
16. The Six-Year CIP identifies such improvements as contemplated by the County Wide Planning Policies.

Interlocal Agreements

17. Existing interlocal agreements between Whatcom County and the cities address joint planning for parks.
18. The County Parks' staff maintains a working relationship with appropriate staff from cities on joint park projects and planning. Therefore, the type of cooperation envisioned by the interlocal agreements is occurring.

Further Studies/Changed Conditions

19. An updated Six-Year CIP was adopted for County owned or operated facilities in 2022. The subject proposal amends the CIP to address needs identified by the Whatcom County Parks & Recreation Department and Facilities Management.

Public Interest

20. The goal of the Six-Year CIP is to plan for County owned or operated facilities. The proposed projects are in the public interest.

Spot Zoning

21. The subject proposal does not involve rezoning property.

PROPOSED CONCLUSION

The subject Whatcom County Comprehensive Plan amendments are consistent with the approval criteria in WCC 22.10.060.

RECOMMENDATION

Based upon the above findings and conclusions, Planning and Development Services recommends approval of Exhibit A, amending the Six-Year Capital Improvement Program for Whatcom County Facilities 2023-2028 (Appendix F of the Whatcom County Comprehensive Plan).

Chapter 2 – Parks, Trails, and Activity Centers

Parks

The 2022 inventory of County parks and open space areas is over 16,200 acres. This inventory is shown in Table 1 below.

Table 1. Existing Parks

Site No.	Park Name and Location	Acres
1	Alderwood Park, 3479 Willowwood Rd.	1.9
2	Bay Horizon Park, 7467 Gemini St.	68.2
3	Birch Bay Beach Park, 7930 Birch Bay Dr.	13.7
4	Birch Bay Conservancy Area, 7000 Point Whitehorn Rd.	45.0
5	Birch Bay Tidelands	151.0
6	Boulevard Park, 471 Bayview Dr.	1.4
7	Broadway Beach Access, 7497 Birch Bay Dr.	0.1
8	Cagey Road, 3130 Haxton Way	20.0
9	Camp 2 RR ROW, 3775 Camp 2 Rd.	2.3
10	Canyon Lake Community Forest, 8300 Mt. Baker Hwy.	2,266.0
11	Chuckanut Mountain Park, 745 Old Samish Rd.	987.9
12	Cottonwood Beach Access, 8191 Birch Bay Dr.	5.1
13	Deming Eagle Homestead Park, 5615 Truck Rd.	33.0
14	Dittrich Park, 319 E Lake Samish Dr.	25.2
15	Drayton Harbor Tidelands	0.3
16	Euclid Park, 1570 Euclid Ave.	2.2
17	Galbraith Mountain Access, 800 Birch Falls Dr.	20.0
18	Glacier Cemetery	0.5
19	Halverson Park, 5075 Anderson Rd.	5.6
20	Haynie Road, 2876 Haynie Rd.	1.9
21	Hegg, 3845 Blue Canyon Rd.	3.5
22	Hovander Homestead Park and Tennant Lake, 5299 Nielsen Rd.	333.4
23	Jackson Rd. Beach Access, 7465 Birch Bay Dr.	0.2
24	Jensen Family Forest Park, 8051 Stein Rd.	21.5
25	Josh VanderYacht Park, 4106 Valley Highway	2.0
26	Kickerville Road, 4110 Bay Rd.	2.6
27	Lake Whatcom Park, 3220 North Shore Rd.	4,853.0
28	Lighthouse Marine Park, 811 Marine Dr. in Point Roberts	20.5
29	Lily Point Marine Park, 2315 APA Rd. in Point Roberts	262.1
30	Little Squaticum Park, 640 Marine Dr.	12.7
31	Lookout Mountain Forest Preserve, 2537 Lake Louise Rd.	4,682.8
32	Lummi Island Beach Access, 2198 N. Nugent Rd.	0.2
33	Maple Beach Tidelands	100.9
34	Maple Creek Park, 7842 Silver Lake Rd.	73.1
35	Maple Falls Community Park, 7470 Second St.	4.2
36	Monument Park, 25 Marine Dr. in Point Roberts	6.9
37	Nugent's Corner River Access, 3685 Mt. Baker Highway	14.2
38	Ostrom Conservation Site, 4304 South Pass Rd.	38.6
39	Phillips 66 Soccer Park, 5238 Northwest Dr.	36.6
40	Point Whitehorn Marine Reserve, 6770 Koehn Rd.	54.1
41	Redwood Park, 3310 Redwood Ave.	0.3
42	Samish Park, 673 N. Lake Samish Dr.	30.6
43	Samish Way, 5170 Samish Way	1.4
44	Semiahmoo Park, 9261 Semiahmoo Parkway	291.9
45	Silver Lake Park, 9006 Silver Lake Rd.	413.4
46	South Fork Park, 1530 Mosquito Lake Rd.	603.0
47	South Lake Whatcom Park, 4144 S Bay Dr.	79.5
48	South Pass East, 4900 South Pass Rd.	0.5
49	South Pass West, 4190 South Pass Rd.	0.4
50	Squires Lake Park, 2510 Nulle Rd.	90.1
51	Stimpson Family Nature Reserve, 2076 Lake Louise Rd.	400.4
52	Sunnyside Landing, 2870 Northshore Rd.	6.3
53	Sunset Beach, 2580 West Shore Dr. on Lummi Island	7.0
54	Sunset Farm Park, 7977 Blaine Rd.	69.5
55	Ted Edwards Park, 4150 Oriental Ave.	3.5
56	Teddy Bear Cove Park, 1467 Chuckanut Dr.	11.2
57	Terrell Creek Access, 7417 Jackson Rd.	0.5
58	Terrell Creek Heron Rookery, 7065 Jackson Rd.	15.0
59	Terrell Creek Point, 7685 Birch Bay Dr.	6.7
60	Turner-Jaeger, 1975 Lake Louise Rd.	3.8
61	Welcome Bridge River Access, 5585 Mosquito Lake Rd.	0.6
TOTAL		16,210.0

Pursuant to RCW 36.87.130, there are also public access properties on right-of-way ends that intersect shorelines. Whatcom County also holds public access easements for recreational purposes on certain lands owned by the City of Lynden, Whatcom Land Trust and the Lummi Island Heritage Trust.

Future Needs

A level of service of 9.6 acres of developed parkland for every 1,000 people in the County was adopted in the Whatcom County Comprehensive Plan. The County's existing parks will meet the adopted level of service over the six-year planning period. However, the County is proposing park improvement planning and projects to increase quality of existing park facilities. and This includes developing the Birch Bay Community Park to meet the longer term needs of a growing population. It also includes a robust update to the County's Comprehensive Parks, Recreation, and Open Space plan to reflect current community needs and development of key park-specific plans to guide coordinated development of future park infrastructure and amenities.

Proposed Improvement Projects

Park improvement projects, totaling approximately \$~~1916.8~~ million, are proposed over the six-year planning period (see Table 4). Prioritize funding for restroom facilities at the Birch Bay Beach Park.

Trails

Whatcom County currently has over 75 miles of trails in various locations throughout the County. This inventory is shown in Table 2 below.

Table 2. Existing Trails

Site No.	Trail Name and Location	Miles
1	Bay Horizon/Bay Crest Trail	0.75
2	Bay to Baker Maple Falls-Glacier	4.00
3	Birch Bay Drive and Pedestrian Facility	1.58
4	Canyon Lake Community Forest	7.01
5	Chuckanut Mountain / Pine & Cedar Lakes	16.60
6	Deming Homestead Eagle Park, Truck Rd.	0.30
7	Hovander Homestead Park	3.20
8	Interurban, Chuckanut area	3.15
9	Jensen Family Forest Park, Stein Rd. and Birch Bay Lynden Rd.	0.67
10	Lake Whatcom Park	8.50
11	Lily Point, Point Roberts	2.00
12	Lookout Mountain Forest Preserve	6.80
13	Maple Creek Park, 7842 Silver Lake Rd., Maple Falls	1.28
14	Monument Park, 25 Marine Dr. in Point Roberts	0.35
15	Phillips 66 Soccer Park Trail (Used to be Northwest Soccer Park), Smith	0.38
16	Ostrom Conservation Site, 4304 South Pass Rd.	0.56
17	Point Whitehorn Marine Reserve, 6770 Koehn Rd, Birch Bay	0.81
18	Samish Park, 673 N. Lake Samish	1.38
19	Semiahmoo Park	0.63
20	Silver Lake Park, 9006 Silver Lake Rd.	5.28
21	South Fork Park	2.30
22	Squires Lake, 2510 Nulle Rd.	2.88
23	Stimpson Family Nature Reserve, 2076 Lake Louise Rd.	4.02
24	Sunset Farm, 7977 Blaine Rd.	0.56
25	Teddy Bear Cove	0.33
TOTAL		75.32

Future Needs

A level of service of 0.60 miles of trails for every 1,000 people in the County was adopted in the Whatcom County Comprehensive Plan. With projected population growth in Whatcom County over the next six years, about 74 additional miles of trails would be needed by the year 2028 to serve the people of Whatcom County.

Proposed Improvement Projects

Trail improvement projects and associated facilities, totaling approximately \$7.4 million dollars, are proposed over the six-year planning period (see Table 4). These projects would add up to 25.6 trail miles (the South Fork Park trails project would add 5.5 miles, the Lake Whatcom trails project would add up to 20 miles, and a Silver Lake project would add 0.15 miles).

While there is a shortfall in trail miles provided by the County, there are other trails that are owned/maintained by a variety of agencies or jurisdictions that provide recreational opportunities for Whatcom County residents and visitors.

Activity Centers

There are currently 13 activity centers that provide a variety of year-round programs for various age groups. The activity center inventory is shown in Table 3 below.

Table 3. Existing Activity Centers

Site No.	Activity Center Name and Location
1	Bay Horizon, 7511 Gemini Street
2	Bellingham Senior Activity Center, 315 Halleck Street
3	Blaine Community Senior Center, 763 G Street
4	East Whatcom Regional Resource Center, 8251 Kendall Rd.
5	Everson Senior Center, 111 W. Main Street
6	Ferndale Senior Center, 1999 Cherry Street
7	Lynden Senior Center, 401 Grover Street
8	Plantation Rifle Range, 5102 Samish Way
9	Point Roberts Senior Center, 1487 Gulf Road
10	Roeder Home, 2600 Sunset Dr.
11	Sumas Senior Center, 461 2nd Street
12	Van Zandt Community Hall, 4106 Valley Highway
13	Welcome Senior Center, 5103 Mosquito Lake Rd.

Note: The Blaine, Everson, Lynden and Sumas Centers are owned by these respective cities. The Point Roberts Center is owned by the Point Roberts Park District. Whatcom County provides and/or contracts for senior activities and recreational programming at these centers.

Future Needs

The Whatcom County Comprehensive Plan does not contain a level of service standard for activity centers. Rather, Comprehensive Plan Policy 4F-5 states:

Continue to provide and support activity centers, including senior centers, to serve the growing population of Whatcom County by the following methods, as needed, which are listed in priority order: (1) implementing programming changes, (2) adding space to existing centers, and/or (3) establishing new centers.

Proposed Improvement Projects

~~Four~~ Seven activity center projects are proposed. These projects will cost about ~~\$3.62~~ \$3 million within the six-year planning period (see Table 4).

Six-Year Capital Improvement Program

The park, trail, and activity center projects planned over the next six years are shown below.

Exhibit A
Six-Year CIP

Draft May 1, 2023

Table 4. Park, Trail, and Activity Center Projects

Project # and Name	Funding Source	2023	2024	2025	2026	2027	2028	Totals
1 Plantation Range Lead Reclamation & Stormwater	1, 7	700,000	655,500					1,355,500
		655,000						655,000
2 Silver Lake Shower & Restroom Buildings	1	1,850,000	200,000	1,000,000	1,150,000			4,200,000
3 Silver Lake Park - Lodge Roof Replacement	1	231,000						231,000
4 Hovander Barn Paintworks	1	147,400						147,400
5 Lookout Mountain - Road System Storm Damage Repairs	1, 2, 3, 4	100,016	560,000					660,016
		560,000						560,000
6 Silver Lake Residence Demolition	1	61,800						61,800
7 Hovander Residence Demolition	1	55,500						55,500
8 Bellingham Senior Center HVAC Replace & Upgrade	1, 5	94,000	772,000					866,000
9 Aiston Preserve Access Improvements	1	50,000						50,000
10 Lookout Mtn Forest Preserve Parking Improvements	1	124,100						124,100
11 Bay Horizon Hostel Demolition	1	493,000						493,000
12 Silver Lake Cabin & Lodge Renovations	1	121,242	62,458					183,700
13 Hovander Picnic Shelters	1			66,700	374,050			440,750
				66,700	374,050			
14 Parks Headquarters Parking & Pedestrian Improvements	1	77,300	295,100					372,400
15 Hovander - Flood Repair & Mitigation Improvements	1		80,000	182,000				262,000
				80,000	182,000			
16 Tennant Lk Interpretive Ctr Remodel & Flood Mitigation	1, 2			67,000	437,500			504,500
				67,000	437,500			
17 South Fork Park Bridges & Connector Trail	1			132,500	149,200	306,800	273,800	862,300
18 Lily Point Marine Park Parking Improvements	1			254,900				254,900
19 Lake Whatcom Trail Development	1			392,150	264,500	241,500	189,750	1,087,900
20 Lake Whatcom Park Trailhead	1			500,000	3,339,000			3,839,000
21 Nessel Farm Improvements	5			152,500	845,000			997,500
22 Hovander Park Access Improvements	1			250,000	225,000	1,925,000		2,400,000
23 Hertz Trail Capital Maintenance	1				353,500			353,500
24 Ferndale Senior Center HVAC Replace & Upgrade	1				335,000			335,000
25 Maple Falls Park Trailhead	1					200,000	825,000	1,025,000
26 Samish Park Parking/Vehicular Circulation Improvements	1					75,000	250,000	325,000
27 South Fork Park Loop Trail Improvements	1						276,600	276,600
28 Birch Bay Beach Park Development	1, 3, 5, 6, 7			260,000	5,105,000			5,365,000
29 Parks Construction Supervisor	1	50,000	50,000	50,000	50,000	50,000	50,000	300,000
30 Bellingham Senior Center - Sewer Line Replacement	1	50,000						50,000
31 Semiahmoo Park Sewage Pump Replacement	1	50,000						50,000
32 Hovander Rental Property Conversion to Maintenance Shop	1	65,000	65,000					130,000
33 Forest Management Plan	3	25,000	75,000					100,000
34 Comprehensive Parks, Recreation, Open Space Plan Update	1		50,000	50,000				100,000
35 Van Zandt Community Hall Renovation	1, 7		100,000	452,000				552,000
36 Plantation Indoor Range Targeting System Replacement	7	100,000	360,000					460,000
37 Canyon Lake Community Forest Access-related Improvements	1	100,000	50,000					150,000
38 Miscellaneous Parks Capital Improvements	1	100,000	100,000	100,000	100,000	100,000	100,000	600,000
39 Sumas Senior Center - Roof Replacement	1	25,000						25,000
40 Stimpson Family Nature Reserve Parking Lot Improvements	1	92,086						92,086
41 Lighthouse Marine Park Siding and Roofing	1	168,350						168,350
42 Hovander Park Master Plan	1		275,000					275,000
43 Parks Admin Office HVAC Replacement & Upgrade	1	93,623						93,623
Parks Totals		<u>4,158,775</u>	<u>4,178,142</u>	<u>4,165,308</u>	<u>12,909,750</u>	<u>2,898,300</u>	<u>1,965,150</u>	<u>30,275,425</u>
		3,704,700	2,101,342	4,343,158	11,816,200	2,798,300	1,865,150	26,628,850

Chapter 4 – General Government Buildings and Sites

Existing Office Space

The 2022 inventory of County government office space is 301,375 square feet at nine locations. This inventory is shown below.

Table 7. Existing County Government Office Space

Site No.	Facility Name	Square feet
1	Civic Center Annex (322 North Commercial)	30,000
2	Central Plaza Building (215 N. Commercial)	10,307
3	County Courthouse (311 Grand Avenue)	178,476
4	Lottie St. Annex (316 Lottie St.)	2,533
5	509 Girard St.	13,189
6	3373 Mt. Baker Highway	2,110
7	1500 N. State St.	20,045
8	Northwest Annex (5280 Northwest Dr.)	20,265
9	Crisis Stabilization Center (2026 Division St.)	<u>24,450</u>
TOTAL		301,375

Note: The County also rents 4,820 of building space at 600 Dupont St.

Future Needs

The Whatcom County Comprehensive Plan does not contain a level of service standard for general government buildings. The County will budget for improvements to such facilities as needed.

Proposed Improvement Projects

Improvement and maintenance projects on existing buildings and sites over the six-year planning period total approximately \$69~~over \$67 million~~ as shown below.

Table 8. Government Building and Site Projects

Project # and Name	Funding							Totals
	Source	2023	2024	2025	2026	2027	2028	
1 Misc. Courthouse Maintenance Projects	1,2	450,000						450,000
2 Elevator Replacements (multiple locations)	4, 5, 7	410,000	460,000	510,000	560,000			1,940,000
3 NW Annex Campus	3, 5, 8	26,950,000	550,000					27,500,000
4 Courthouse Exterior Project	1, 2	4,077,100	3,238,000	4,536,000	2,463,000			14,314,100
5 Prox Lock Control Panel Replacement (multiple locations)	5	178,000						178,000
6 Way Station Improvements - State Street	5, 6, 9	9,281,000						9,281,000
7 Girard Street Improvements	1, 2				100,000	1,000,000	9,000,000	10,100,000
8 Interior Painting, Carpets, Asphalt Repairs, ADA (multiple locations)	1	205,000	205,000	205,000	205,000	205,000	205,000	1,230,000
9 County Building Maintenance	1, 2	100,000	100,000	100,000	100,000	100,000	100,000	600,000
10 Alternative Response Treatment Facility	6, 10	926,000	700,000					1,626,000
11 Construction Coordinator Wages/Benefits	1	10,000	10,000	10,000	10,000	10,000	10,000	60,000
12 Americans with Disabilities Act Courtroom Improvements (311 Grand Ave)	1	250,000	250,000					500,000
13 Electric Vehicle Charging Stations (multiple locations)	1, 2, 6		50,000	250,000	250,000			550,000
14 Public Defender 1st Floor Improvements (215 N. Commercial)	1, 2	20,000	300,000					320,000
15 Assessor Office Tenant Improvements (311 Grand Ave)	1, 2	20,000	300,000					320,000
Totals		42,877,100	6,163,000	5,611,000	3,688,000	1,315,000	9,315,000	68,969,100

Funding Sources

1. Real Estate Excise Tax (REET)
2. Economic Development Investment (EDI) Fund
3. Debt
4. Road Fund
5. Project Based Budget
6. Grants
7. General Fund
8. Reserve Funds
9. Donations
10. Behavioral Health Programs Fund

Chapter 11 – Total Costs

Total Costs for the six-year planning period are shown below.

Table 17. Total Costs for the Six-Year Planning Period

	Total Costs 2023-2028	Percent of Total Costs
Parks, Trails, and Activity Centers	<u>30,275,425</u>	<u>7.50%</u>
	26,628,850	6.69%
Maintenance and Operations	2,621,509	<u>0.65%</u>
		0.66
General Government Buildings and Sites	<u>68,969,100</u>	<u>17.10%</u>
	67,279,100	16.90%
Sheriff's Office	22,042,808	5.46%
		5.54%
Emergency Management	0	0.00%
Adult Corrections	151,200,000	37.48%
		37.98%
Juvenile Detention	0	0.00%
Transportation	113,592,000	<u>28.16%</u>
		28.53%
Stormwater Facilities	<u>14,733,250</u>	<u>3.65%</u>
		3.70%
TOTAL	<u>403,434,092</u>	100.00%
	398,097,517	

The County plans to undertake capital improvement projects costing approximately over \$403,398 million between 2023 and 2028, which will be financed with a combination of local, state, federal, and other funding sources.



Memorandum

May 1, 2023

To: The Whatcom County Planning Commission
From: Matt Aamot, Senior Planner
Through: Steve Roberge, Assistant Director
RE: Density, Lot Size, and Setback Zoning Amendments (PLN2023-00002)

Whatcom County and the cities issued a revised *Buildable Lands Report 2022 – Whatcom County Review and Evaluation Program* on February 27, 2023. This Report shows that reasonable measures are needed for the Birch Bay Urban Growth Area (UGA). Pursuant to RCW 36.70A.215, the “Review and Evaluation Program” requirements of the Growth Management Act (GMA):

. . . Reasonable measures are those actions necessary to reduce the differences between growth and development assumptions and targets contained in the countywide planning policies and the county and city comprehensive plans with actual development patterns. . .

Specifically, the *Buildable Lands Report 2022 – Whatcom County Review and Evaluation Program* states:

. . . Residential development in the Birch Bay UGA between 2016 and 2021 has occurred at an overall net density less than anticipated in the *Whatcom County Comprehensive Plan*. Additionally, there is not enough capacity in the Birch Bay UGA, with current density assumptions, to accommodate the projected residential growth in the remaining portion of the planning period (between 2021 and 2036). The single family unit capacity in the Birch Bay UGA is insufficient to accommodate the estimated dwelling units needed between 2021 and 2036. Therefore, reasonable measures are appropriate. . . (p. 52).

The *Buildable Lands Report 2022 – Whatcom County Review and Evaluation Program* also indicates:

. . . potential reasonable measures the County may consider for the Birch Bay UGA include:

- Increasing the minimum net residential density and/or adopting maximum lot size in the UR4 zone (WCC 20.20);

- Adopting minimum net residential density requirements and/or maximum lot size in the URM6 zone (WCC 20.22);
- Adopting minimum net residential density requirements and/or maximum lot size in the GC zone (WCC 20.62); and/or
- Adopting minimum net residential density requirements and/or maximum lot size in the RC zone (WCC 20.64). . . (pp. 53 and 54).

The proposed zoning text amendments include allowing smaller minimum lot sizes, requiring minimum net densities, reducing setbacks, and defining minimum net density. The zoning amendments constitute "reasonable measures" for the Birch Bay UGA, but also apply to other areas of the County (as described in the Exhibits).

Thank you for your review and consideration of this matter. We look forward to discussing it with you.

**WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES**

**Density, Lot Size, Setback
Zoning Text Amendments**

PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION

Background Information

1. The subject proposal includes the following amendments to the Official Whatcom County Zoning Ordinance (Title 20):
 - a. Deleting a statement defining “minimum density” and making other amendments to the Urban Residential District (WCC 20.20);
 - b. Amending the density, minimum lot size, and other provisions in the Urban Residential – Medium Density District (WCC 20.22);
 - c. Deleting a statement defining “minimum density” and making other amendments to the Urban Residential Mixed District (WCC 20.24);
 - d. Amending the density, public water and sewer, and other provisions in the General Commercial District (WCC 20.62);
 - e. Amending the density, minimum lot size, public water and sewer, and other provisions in the Resort Commercial District (WCC 20.64);
 - f. Amending the setback requirements for the Resort Commercial District in the Supplementary Requirements (WCC 20.80); and
 - g. Adding a definition of “Minimum net density” (WCC 20.97).
2. A Determination of Non-Significance was issued by the SEPA Responsible Official on April 11, 2023 (File # SEPA2023-00027).
3. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on April 28, 2023.
4. Notice of the Planning Commission hearing for the subject amendments was posted on the County website on April 26, 2023.
5. Notice of the Planning Commission hearing was sent to the County's e-mail list on April 28, 2023.

6. The Planning Commission held a public hearing on the subject amendments on May 11, 2023.
7. In order to approve an amendment to the development regulations, the County must find that the amendment is consistent with the comprehensive plan (WCC 22.10.060(2)).

Whatcom County Comprehensive Plan

8. Whatcom County Comprehensive Plan policies relating to urban growth include:
 - Policy 2A-1: Concentrate urban levels of development within designated urban growth areas.
 - Policy 3C-6: In UGAs, consider easing lot consolidation criteria, increasing density, and decreasing minimum lot sizes, in the interest of serving housing affordability.
 - Policy 3G-4: Allow development of smaller lots and creative options.
9. The State Department of Commerce *Housing Memorandum: Issues Affecting Housing Availability and Affordability* (June 2019) identifies "Reasonable Measures as Tools for Increasing Housing Availability and Affordability" including:
 - Allow or require small lots (5,000 square feet or less) for single-family neighborhoods within UGAs. Small lots limit sprawl, contribute to the more efficient use of land, and promote densities that can support transit. Small lots also provide expanded housing ownership opportunities to broader income ranges and provide additional variety to available housing types (p. 116).
10. Whatcom County Comprehensive Plan Goal 2P states:
 - . . . The County should approve new residential developments at overall average net densities as shown below, while respecting unique characteristics of each community:
 - Birch Bay – five to ten units per net acre . . .

11. The Birch Bay Urban Growth Area (UGA) includes land zoned Urban Residential Medium Density (URM). The URM-6 zone does not require a minimum net density for residential development. Therefore, development can occur below the Comprehensive Plan goal of 5 to 10 units/acre. For example, between 2016 and 2021, the achieved net density for the URM-6 zone in the Birch Bay UGA was 3.3 units/acre for single family development (*Buildable Lands Report 2022 Whatcom County Review and Evaluation Program*, Revised February 27, 2023, p. 49). Requiring residential units to be developed at a minimum densities in the URM-6 zone is consistent with and will implement *Whatcom County Comprehensive Plan Goal 2P*.
12. The Birch Bay UGA includes land zoned General Commercial (GC). The GC zone does not require a minimum net density for residential development. Therefore, development can occur below the Comprehensive Plan goal of 5 to 10 units/acre. Requiring residential units to be developed at a minimum densities in the GC zone is consistent with and will implement *Whatcom County Comprehensive Plan Goal 2P*.
13. The Birch Bay UGA includes land zoned Resort Commercial (RC). The RC zone does not require a minimum net density for residential development. Therefore, development can occur below the Comprehensive Plan goal of 5 to 10 units/acre. Requiring residential units to be developed at a minimum densities in the RC zone is consistent with and will implement *Whatcom County Comprehensive Plan Goal 2P*.
14. A definition of "Minimum net density" will be inserted in WCC 20.97. That definition will calculate minimum number of dwelling units per net acre after deducting areas within the 100-year floodplain, areas restricted from development by critical area buffers or shoreline setbacks, and areas used for common facilities such as road rights of way or easements, utility easements, stormwater facilities, parks, and common open space and land devoted to commercial uses in a mixed use development.
15. The "Setback Table" in the Zoning Code requires a 5' side and rear yard setback in the Resort Commercial District (WCC 20.80.210(5)(b)). However, there are special provisions in the Zoning Code that modify these setbacks under certain circumstances, including WCC 20.80.253(4)(b) that requires "Side and rear yard setbacks for multifamily housing, recreational vehicle parks, and mobile home parks shall be 20 feet."
16. There are a variety of uses in the Resort Commercial District that are not subject to the 20' side yard setback including but not limited to: Retail and office uses, restaurants, hotels, motels, single family homes, fire stations, community centers, schools, and retirement homes. It's unclear why multifamily housing, RV parks, and mobile home parks were singled out for a larger setback under WCC 20.80.253(b). Given that other uses that could have greater height are not included and that uses with lesser height (RV

and mobile home parks) are included, it does not appear that this provision was intended to address view protection.

17. The subject amendments delete WCC 20.80.253(b) that require "Side and rear yard setbacks for multifamily housing, recreational vehicle parks, and mobile home parks shall be 20 feet." WCC 20.80.950 (Mobile home park standards) and WCC 20.80.955 (RV Park Standards) also require a 20' setback for these uses. Therefore, the effect of would be to eliminate the 20' setback for multifamily housing.
18. The subject amendments apply to the Birch Bay UGA and other areas of the County. These amendments further the *Whatcom County Comprehensive Plan* goals and policies by concentrating urban levels of growth in UGAs, allowing increased density, and allowing smaller lots in UGAs.

Buildable Lands Report

19. Whatcom County and the cities revised the *Buildable Lands Report 2022 – Whatcom County Review and Evaluation Program* on February 27, 2023. This Report was issued pursuant to RCW 36.70A.215, the "Review and Evaluation Program" requirements of the Growth Management Act (GMA).
20. The *Buildable Lands Report 2022 – Whatcom County Review and Evaluation Program* shows that reasonable measures are needed for the Birch Bay UGA.
21. Specifically, the *Buildable Lands Report 2022 – Whatcom County Review and Evaluation Program* states:

. . . Residential development in the Birch Bay UGA between 2016 and 2021 has occurred at an overall net density less than anticipated in the *Whatcom County Comprehensive Plan*. Additionally, there is not enough capacity in the Birch Bay UGA, with current density assumptions, to accommodate the projected residential growth in the remaining portion of the planning period (between 2021 and 2036). The single family unit capacity in the Birch Bay UGA is insufficient to accommodate the estimated dwelling units needed between 2021 and 2036. Therefore, reasonable measures are appropriate. . . (p. 52).
22. The GMA, at RCW 36.70A.215(1)(b) states:

. . . Reasonable measures are those actions necessary to reduce the differences between growth and development assumptions and targets contained in the countywide planning policies and the county and city comprehensive plans with actual development patterns. . .

23. The *Buildable Lands Report 2022 – Whatcom County Review and Evaluation Program* states that:

. . . potential reasonable measures the County may consider for the Birch Bay UGA include:

- Increasing the minimum net residential density and/or adopting maximum lot size in the UR4 zone (WCC 20.20);
- Adopting minimum net residential density requirements and/or maximum lot size in the URM6 zone (WCC 20.22);
- Adopting minimum net residential density requirements and/or maximum lot size in the GC zone (WCC 20.62); and/or
- Adopting minimum net residential density requirements and/or maximum lot size in the RC zone (WCC 20.64). . . (pp. 53 and 54).

24. The subject amendments constitute “reasonable measures” for the Birch Bay UGA under RCW 36.70A.215.

PROPOSED CONCLUSION

The subject Whatcom County Zoning Code text amendments are consistent with the approval criteria of WCC 22.10.060(2).

RECOMMENDATION

Based upon the above findings and conclusions, staff recommends approval of the following amendments to the Whatcom County Zoning Code:

Exhibit A, Urban Residential District (WCC 20.20).

Exhibit B, Urban Residential – Medium Density District (WCC 20.22).

Exhibit C, Urban Residential Mixed District (WCC 20.24).

Exhibit D, General Commercial District (WCC 20.62).

Exhibit E, Resort Commercial District (WCC 20.64).

Exhibit F, Supplementary Requirements (WCC 20.80).

Exhibit G, Definitions (WCC 20.97).

Exhibit A Whatcom County Zoning Code Amendments

Urban Residential (UR) District

Amend the Urban Residential District text (WCC 20.20) as follows:

20.20.252 ~~Maximum-d~~ Density requirements, minimum lot size and maximum lot size.

District	Maximum Gross Density Requirements	Minimum Lot Size		Maximum Lot Size	Min. Reserve Area (Cluster Subdivisions)
		Conventional	Cluster	Cluster Lots	
UR: all densities without public sewer and water	Maximum gross density: 1 dwelling unit/10 acres	N/A*	8,000 sq. ft.	22,000 sq. ft.	80%
UR: in Lake Whatcom Watershed with public sewer and water, and stormwater management facilities	Maximum density: 1 dwelling unit/5 acres	5 acres	N/A	N/A	N/A
UR-3: with public sewer and water, and stormwater management facilities	Maximum gross density: 3 dwelling units/1 acre	12,000 sq. ft.	8,000 sq. ft.	N/A	25%
UR-4: with public sewer and water, and stormwater management facilities	Maximum gross density: 4 dwelling units/1 acre Minimum net density: 4 dwelling units/1 acre**	5,000 sq. ft.	4,000 sq. ft.	N/A	20%
UR-4: in the Birch Bay Urban Growth Area with public sewer and water, and stormwater management facilities, when density credits	Maximum gross density: 5 dwelling units/1 acre	4,500 sq. ft.	3,500 sq. ft.	N/A	20%

District	Maximum Gross Density Requirements	Minimum Lot Size		Maximum Lot Size	Min. Reserve Area (Cluster Subdivisions)
		Conventional	Cluster	Cluster Lots	
are purchased pursuant to WCC 20.91.020 (2)	Minimum net density: 5 dwelling units/1 acre**				
UR-6: with public sewer and water, and stormwater management facilities	Maximum gross density: 6 dwelling units/1 acre Minimum net density: 6 dwelling units/1 acre**	4,000 sq. ft.	3,000 sq. ft.	N/A	20%

* For the purpose of administering the lot consolidation provisions of WCC [20.83.070](#), the conventional minimum lot size shall be 10 acres.

~~** Minimum density shall be calculated as net density, after deducting the areas restricted from development by critical area regulations and infrastructure requirements.~~

(Ord. 2021-059 § 2 (Exh. B); Ord. 2016-011 § 1 (Exh. Q), 2016; Ord. 2011-013 § 2 Exh. B, 2011; Ord. 2009-071 § 2 (Exh. B), 2009; Ord. 2009-024 § 1 (Exh. A), 2009; Ord. 2008-036 Exh. A, 2008; Ord. 2007-050 § 1 Exh. A, 2007; Ord. 2007-048 § 2 Exh. B, 2007).

Rationale: The UR zone applies in the Bellingham, Birch Bay, Blaine, Columbia Valley, Everson, Ferndale, and Lynden UGAs.

- Density Requirements – Changing the terms “maximum density” and “maximum gross density” to “density requirements” in the headings for WCC 20.20.252 recognizes that the table addresses minimum net density in addition to maximum gross density requirements.
- Minimum Net Density – A definition of “minimum net density” is being added to the Definitions section of the Code (WCC 20.97). Therefore, the statement describing how minimum net density is calculated is no longer necessary.

Exhibit B Whatcom County Zoning Code Amendments

Urban Residential - Medium Density (URM) District

Amend the Urban Residential - Medium Density District text (WCC 20.22) as follows:

20.22.251 Minimum lot size.

For the purpose of creating new building lots within the Urban Residential Medium Density District, several land use densities are herein provided. The minimum lot size requirements for new construction vary according to whether or not public sewer and water serve the project site and whether or not transferable development rights are used. The minimum lot size shall be 10 acres or, if public sewer and water are provided, the minimum lot size shall be consistent with WCC 20.22.252 7,200 square feet. (Ord. 2009-071 § 2 (Exh. B), 2009; Ord. 2004-021 § 1, 2004; Ord. 87-12, 1987; Ord. 87-11, 1987).

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

(1)

District	Gross <u>Density Requirements</u>	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/10 acres	N/A*	7,200 sq. ft.	22,000 sq. ft.	80%
URM: all densities with public sewer or water	Maximum density: 1 dwelling unit/10 acres	N/A*	7,200 sq. ft.	22,000 sq. ft.	80%
URM-6: with public sewer and water, and stormwater collection and detention facilities	<u>Minimum net density: 6 dwelling units/acre</u> Maximum <u>gross</u> density: 6 dwelling units/acre	3,500 7,200 sq. ft.	<u>2,500 sq. ft.</u> N/A	N/A	<u>20%</u> N/A

District	<u>Gross Density Requirements</u>	Minimum Lot Size – Conventional	Minimum Lot Size – Cluster	Maximum Lot Size	Minimum Reserve Area (Cluster Divisions)
				Clustered Lots	
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	<u>Minimum net density: 8 dwelling units/acre</u> Maximum density: 18 dwelling units/acre	2,000 7,200 sq. ft.	N/A	N/A	N/A
URM-24: with public sewer and water, stormwater collection and detention facilities and, to obtain a net density greater than 10 dwelling units per acre, 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 10 acres.

Rationale:

- Density Requirements – Changing the term “gross density” to “density requirements” in the heading for WCC 20.22.252 recognizes that the table addresses minimum net density in addition to maximum gross density requirements.
- URM: all densities with public sewer or water – The density and minimum lot size requirements when either public sewer or water are available are the same as when neither public water nor public sewer are available. Therefore, text relating to “URM: all densities with public sewer or water” can be deleted.
- URM6 Zone – The URM6 zoning only applies in the Birch Bay and Lynden UGAs. The *Buildable Lands Report 2022 Whatcom County Review and Evaluation Program* (pages 46-48 and 50) indicates that “Reasonable Measures” are needed in the Birch Bay UGA to address:
 - ✦ Achieved densities that occurred between 2016 and 2021 that were below the planned densities in Whatcom County Comprehensive Plan Chapter 2 (Goal 2P);
 - ✦ Land capacity to accommodate the population projection adopted in Whatcom County Comprehensive Plan Chapter 1; and
 - ✦ Land capacity to accommodate the single family housing need as set forth in Whatcom County Comprehensive Plan Chapter 3.

The Buildable Lands Report 2022 states that Reasonable Measures may include adopting minimum net residential density requirements and/or maximum lot size (p. 52). *Whatcom County Comprehensive Plan* Goal 2P states:

. . . The County should approve new residential developments at overall average net densities as shown below, while respecting unique characteristics of each community:

- Birch Bay – five to ten units per net acre. . .

The URM 6 zone currently has a maximum density but not a minimum density. Therefore, land in the UGA could be developed at densities lower than specified in Whatcom County Comprehensive Plan Goal 2P. Requiring a minimum net density, when public water and sewer are available, will ensure development in the Birch Bay UGA is consistent with the Comprehensive Plan.

- URM-12 Zone – There is no longer any URM-12 zoning in Whatcom County. Therefore, this category can be deleted from the Zoning Code.
- URM-18 Zone – There is only one URM-18 zone in the County, located in the Bellingham UGA. The URM-18 zone currently has a maximum density but not a minimum density for residential development when public water and sewer is available. Therefore, land could be developed at low densities. Requiring a minimum net density is consistent with the URM zone’s purpose to accommodate medium and higher density residential development (WCC 20.22.010).

(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.~~

Rationale: The Zoning Code, rather than the Comp Plan, establishes maximum allowable density when transfer of development rights (TDRs) are used. The Comprehensive Plan does not establish these densities.

~~(4) In the URM-24 Zones, minimum density shall be calculated as net density, after deducting the areas restricted from development by critical area regulations and infrastructure requirements.~~

Rationale: A definition of “minimum net density” is being added to the Definitions section of the Code (WCC 20.97). Therefore, the statement describing how minimum net density is calculated is no longer necessary.

~~(35)~~ In the URM-24 Zones, transferable development rights (TDRs) must be used to achieve net densities higher than 10 dwelling units/acre, pursuant to the provisions of Chapter [20.89](#) WCC, Density Transfer Procedure. Each development right transferred may be used to develop three dwelling units in the URM-24 zone. (Ord. 2016-011 § 1 (Exh. Q), 2016; Ord. 2009-071 § 2 (Exh. B), 2009; Ord. 2009-024 § 1 (Exh. A), 2009; Ord. 2008-036 Exh. A, 2008; Ord. 2007-048 § 2 Exh. B, 2007; 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).

20.22.253 Maximum density and minimum lot size – Specific uses.

(1) Multifamily ~~development residential uses~~ as provided in WCC [20.22.050](#) shall have a minimum parcel size equal to the gross density of the zone; provided, that under no circumstance shall the minimum parcel size be less than ~~7,0008,000~~ square feet.

Rationale: The Zoning Code defines “Multifamily development” as two or more dwelling units on one lot (WCC 20.97.263). The Zoning Code does not define “Multifamily residential uses.” Allowing smaller lot sizes can provide for more efficient higher density development and more affordable housing.

(2) Mobile home parks shall have a density consistent with WCC 20.22.252(1)~~equal to that established by the zone district with a maximum density of seven units per acre~~ and a minimum net parcel size of two acres. (Ord. 2004-021 § 1, 2004; Ord. 88-29, 1988).

Rationale: The Whatcom County Zoning Ordinance defines “mobile home park” as “. . . any parcel or adjacent parcels of land in the same ownership that is used for occupancy by more than two mobile homes. . .” The existing Code language is confusing because none of the URM zones have a density of 7 units per acre (and some allow densities higher than this). Mobile homes can provide affordable housing and should be allowed at the same density as site-built homes.

Exhibit C Whatcom County Zoning Code Amendments

Urban Residential Mixed (UR-MX) District

Amend the Urban Residential Mixed District text (WCC 20.24) as follows:

20.24.252 Density requirements and minimum lot size.

District	Gross-Density Requirements	Minimum Lot Size (sq. ft.)		Maximum Lot Size (sq. ft.)	Minimum Reserve Area (Cluster Divisions)
		Conventional	Cluster	Clustered Lots	
URMX: all densities without public sewer and water	Maximum density: 1 dwelling unit/10 acres	N/A*	4,000	22,000	80%
URMX: all densities with public sewer or water	Maximum density: 1 dwelling unit/10 acres	N/A*	4,000	22,000	80%
URMX: with public sewer and water, and stormwater collection and detention facilities	Maximum gross density: 10 dwelling units/1 acre Minimum net density: 6 dwelling units/1 acre	4,000	N/A	N/A	N/A
URMX (6 – 10): with public sewer and water, and stormwater collection and detention facilities	Maximum gross density: 10 dwelling units/1 acre Minimum net density: 6 units/1 acre	4,000	N/A	N/A	N/A
URMX (6 – 12): with public sewer and water, and stormwater collection and detention facilities	Maximum gross density: 12 dwelling units/1 acre	N/A	N/A	N/A	N/A

District	Gross-Density Requirements	Minimum Lot Size (sq. ft.)		Maximum Lot Size (sq. ft.)	Minimum Reserve Area (Cluster Divisions)
		Conventional	Cluster	Clustered Lots	
	Minimum net density: 6 units/1 acre				
URMX (10 – 24): with public sewer and water, and stormwater collection and detention facilities	Maximum gross density: 24 dwelling units/1 acre Minimum net density: 10 units/1 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 10 acres.

~~(1) Minimum density shall be calculated as net density, after deducting the areas restricted from development by critical areas regulations and infrastructure requirements.~~

~~(12)~~ For development with densities over a zone’s minimum net density, 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. Each development right transferred from the Lake Whatcom watershed may be used to develop three dwelling units in the UGA. TDRs must be used to attain any density greater than the minimum net density of a zone. (Ord. 2020-045 § 1 Exh. A, 2020; Ord. 2016-011 § 1 (Exh. Q), 2016; Ord. 2009-071 § 2 (Exh. B), 2009; Ord. 2009-024 § 1 (Exh. A), 2009; Ord. 2004-021 § 1, 2004; Ord. 2001-023 § 1, 2001; Ord. 99-087 § 1, 1999; Ord. 97-046 § 2, 1997).

Rationale: The UR-MX zoning only applies in the Bellingham UGA.

- Density Requirements – Changing the term “gross density” to “density requirements” in the heading for WCC 20.24.252 recognizes that the table addresses minimum net density in addition to maximum gross density requirements.
- Minimum Net Density – A definition of “minimum net density” is being added to the Definitions section of the Code (WCC 20.97). Therefore, the statement describing how minimum net density is calculated is no longer necessary.

Exhibit D Whatcom County Zoning Code Amendments

General Commercial (GC) District

Amend the General Commercial District text (WCC 20.62) as follows:

.065 One single-family dwelling per lot of record subject to:

- (1) Health department requirements regarding sewage disposal~~soil type~~ and water supply.
- (2) Height regulations, lot coverage, open space, development standards and performance standards shall be in accordance with the provisions of Chapter 20.20 WCC; except that side and rear yard setbacks shall be 10 feet from vacant, adjacent, commercially zoned properties.
- (3) A deed restriction recorded with the Whatcom County auditor is attached to the lot(s) at the time of building permit issuance stating that the dwelling(s) is located in a General Commercial Zone and buyers should be aware that commercial uses will be allowed on surrounding parcels and owners have no grounds for protest.
- (4) Such use requires a conditional use permit if located within airport overlay zone 2 or 3 as shown in Whatcom County Comprehensive Plan Appendix H.
- (5) Within the Columbia Valley Urban Growth Area, single-family dwellings are not permitted in the General Commercial Zone.

(6) For the purpose of creating new building lots in the Birch Bay UGA, single family dwellings shall have a minimum net density of seven units per acre and be served by public water and sewer.

.066 Duplexes and multifamily dwellings not to exceed 18 units per gross acre subject to all of the following requirements:

(1) Availability of adequate public sewer, ~~or public~~ water, and appropriate storm water management facilities~~drainage~~;

~~(2) The maximum number of units shall be determined by the health department based on soil type and water supply;~~

(2) In the Birch Bay UGA, the minimum net density on the portion of the parcel being developed with residential uses shall be eight dwelling units per acre.

(3) Provision of adequate right-of-way and street improvements to bring adjacent roadways up to necessary standards.;

(4) Height regulations, lot coverage, open space, development standards and performance standards shall be in accordance with the provisions of Chapter [20.22 WCC](#).

(5) Site plan review shall be done by the technical review committee to ensure compliance with the intent of the general development standards in WCC [20.62.650](#). Four or less units per acre are exempt from this requirement.

(6) A deed restriction recorded with the Whatcom County auditor is attached to the lot(s) at the time of building permit issuance stating that the dwelling(s) is located in a General Commercial Zone and buyers should be aware that commercial uses will be allowed on surrounding parcels and owners have no grounds for protest.

(7) Duplexes and multifamily dwellings shall not be located within airport overlay zone 2 or 3 as shown in Whatcom County Comprehensive Plan Appendix H.

(8) Within the Columbia Valley Urban Growth Area, duplex and multifamily development shall not occupy more than 25 percent of the total land area in the General Commercial Zone. This restriction does not apply to dwellings located above ground-floor commercial development.

Rationale: The GC zoning only applies in the Birch Bay, Bellingham, and Columbia Valley UGAs. *Whatcom County Comprehensive Plan* Goal 2P states:

. . . The County should approve new residential developments at overall average net densities as shown below, while respecting unique characteristics of each community:

- Birch Bay – five to ten units per net acre. . .

The *Buildable Lands Report 2022 Whatcom County Review and Evaluation Program* indicates that “Reasonable Measures” are needed in the Birch Bay UGA to address:

- ✚ Achieved densities that occurred between 2016 and 2021 that were below the planned densities in Whatcom County Comprehensive Plan Chapter 2 (Goal 2P);
- ✚ Land capacity to accommodate the population projection adopted in Whatcom County Comprehensive Plan Chapter 1; and
- ✚ Land capacity to accommodate the single family housing need as set forth in Whatcom County Comprehensive Plan Chapter 3.

The *Buildable Lands Report 2022* states that Reasonable Measures may include adopting minimum net residential density requirements and/or maximum lot size (p. 52). Requiring a minimum net density for residential development in the Birch Bay General Commercial zone will ensure development is consistent with the Comprehensive Plan.

All General Commercial zones in the County are in UGAs. Medium to high density residential development should be served by public water and sewer.

Exhibit E Whatcom County Zoning Code Amendments

Resort Commercial (RC) District

Amend the Resort Commercial District text (WCC 20.64) as follows:

20.64.050 Permitted uses.

...

.054 Residential type uses.

- (1) One single-family dwelling per lot of record.
- (2) One duplex per lot of record.
- (3) Rooming houses accommodating eight or less nonfamily members.
- (4) Multifamily dwellings containing eight or less sleeping units. In the Birch Bay UGA, public water and sewer must serve the dwellings.

Rationale: Resort Commercial zoning exists in the Birch Bay UGA, Point Roberts LAMIRD, and the Glacier LAMIRD. The Birch Bay UGA is served by public water and sewer, which is appropriate for medium to high density development in an urban growth area.

(5) One private, noncommercial, recreational vehicle and one accessory guest RV per lot; provided, that the following minimum requirements and standards are met and/or followed:

- (a) All recreational vehicles that remain on the site for more than 14 consecutive days shall be connected to a permitted on-site sewage system or public sewer.
- (b) Maximum length of stay of a recreational vehicle on a lot located outside of a recreational vehicle park shall not exceed 120 days per calendar year; provided, that no accessory guest recreational vehicle shall stay on the lot for more than 14 consecutive days nor more than 30 days total per calendar year.
- (c) All recreational vehicles shall be screened from neighboring properties not using RVs and from public roads. Such screening may consist of landscaped buffer areas, suitable native vegetation or a fence.

(d) Outside of an approved recreational vehicle park, lots shall not be leased or rented out on a daily or overnight basis for recreational use.

(e) The locations of parked RVs on vacant lots shall observe normal building setback standards for a single-family residence.

(f) All recreational vehicles shall be supported by their own wheels or camper jacks, and not be fastened to accessory structures. Placement of a recreational vehicle on a foundation or removal of the wheels of a recreational vehicle, except for temporary purposes for repair, is prohibited.

(6) Boarding homes that are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

20.64.150 Conditional uses.

...

.153 Residential type uses.

(1) Multifamily dwellings including residential condominiums totalling more than eight sleeping units. [In the Birch Bay UGA, public water and sewer must serve the dwellings.](#)

Rationale: Resort Commercial zoning exists in the Birch Bay UGA, Point Roberts LAMIRD, and the Glacier LAMIRD. The Birch Bay UGA is served by public water and sewer, which is appropriate for medium to high density development in an urban growth area.

(2) Mobile home parks. See WCC [20.80.950](#) for mobile home and recreational vehicle park standards.

(3) Rooming and boarding houses totalling more than eight sleeping units.

20.64.250 Minimum lot size.

Minimum lot size varies according to the availability of public water and/or public sewer. Where public water service is not provided, the minimum parcel size shall be five acres. Where public water service is provided but public sewer is not provided, the minimum parcel size shall be 18,000 square feet when the conventional method is utilized and 15,000 square feet when the cluster method is utilized but may be greater if the Whatcom County health department finds that conditions require the larger size. The following lot sizes apply only where both public sewer and public water serve the project:

.251 Single-family dwellings shall have a minimum lot size of 3,000 square feet and duplexes shall have a minimum ~~lot size~~~~net parcel size~~ of 6,000 square feet ~~per dwelling~~.

.252 Multifamily dwellings including all condominiums except time share condominiums shall have a minimum ~~lot~~~~net parcel~~ size of 8,000 square feet and shall have a site of at least 2,000 square feet for each dwelling unit.

.253 Mobile home and recreational vehicle parks shall have a minimum ~~net parcel~~ size of at least 3,000~~8,000~~ square feet for each space.

.254 Hotels and motels and time share condominiums shall have a minimum ~~lot~~~~net parcel~~ size of 8,000 square feet and shall have a site of at least 1,600 square feet for each sleeping unit.

.255 Nonhabitation commercial uses shall have a minimum lot size consistent with the area required to meet the building setback, lot coverage and development standards of this district. (Ord. 2012-032 § 2 Exh. B, 2012; Ord. 2011-013 § 2 Exh. B, 2011; Ord. 2005-037 § 1 Exh. A, 2005; Ord. 2001-024 § 1, 2001; Ord. 88-93, 1988).

Rationale:

Allowing smaller lot sizes for single family dwellings, duplexes, and mobile homes can provide for more efficient higher density development and more affordable housing. “Minimum net parcel size” is not defined by the County Zoning Code, but “minimum lot size” is defined in WCC 20.97.240. Therefore, “minimum lot size” is being substituted for “minimum net parcel size” above.

20.64.260 ~~Maximum gross d~~Density requirements.

Maximum gross density varies according to the availability of public water and/or public sewer. Where public water service is not provided, the maximum density for dwelling units, or dwelling unit equivalent as determined by the Whatcom County health department, shall be one dwelling/five acres. Where public water service is provided but public sewer is not provided, the maximum density for dwelling units, or dwelling unit equivalent as determined by the Whatcom County health department, shall be two per acre unless the health department finds that conditions require a lower density. The following densities apply only where both public sewer and public water serve the project:

.261 Single-family dwellings and duplexes shall not exceed a maximum gross density of seven units per acre. Single-family dwellings and duplexes shall have a minimum net density of seven units per acre in the Birch Bay UGA.

.262 Multifamily dwellings including all condominiums except time share condominiums shall not exceed a maximum gross density of 22 units per acre. Multifamily dwellings including all condominiums (except time share condominiums) that are not in a mixed-use development shall have a minimum net density of 10 dwellings per acre in the Birch Bay UGA.

.263 Mobile home parks shall not exceed a maximum gross density of seven units per acre. Mobile home parks shall have a minimum net density of seven units per acre the Birch Bay UGA.

.264 Recreational vehicle parks shall not exceed a density of 15 units per acre.

.265 Nonresort-oriented hotels and motels shall not exceed a floor area ratio (FAR) of .60.

.266 Resort-oriented hotels and motels including time share condominiums shall not exceed a floor area ratio (FAR) of .56.

.267 Nonhabitation commercial uses shall not exceed a floor area ratio (FAR) of .70. (Ord. 2017-062 § 1 Exh. A; Ord. 2012-032 § 2 Exh. B, 2012; Ord. 2005-037 § 1 Exh. A, 2005; Ord. 2001-024 § 1, 2001; Ord. 88-93, 1988).

The *Buildable Lands Report 2022 Whatcom County Review and Evaluation Program* indicates that “Reasonable Measures” are needed in the Birch Bay UGA to address:

- ✦ Achieved densities that occurred between 2016 and 2021 that were below the planned densities in Whatcom County Comprehensive Plan Chapter 2 (Goal 2P);
- ✦ Land capacity to accommodate the population projection adopted in Whatcom County Comprehensive Plan Chapter 1; and
- ✦ Land capacity to accommodate the single family housing need as set forth in Whatcom County Comprehensive Plan Chapter 3.

The *Buildable Lands Report 2022* states that Reasonable Measures may include adopting minimum net residential density requirements and/or maximum lot size (p. 52).

Whatcom County Comprehensive Plan Goal 2P states:

. . . The County should approve new residential developments at overall average net densities as shown below, while respecting unique characteristics of each community:

- Birch Bay – five to ten units per net acre. . .

The Resort Commercial zone currently has maximum densities but not minimum densities. Therefore, land in the Birch Bay UGA could be developed at densities lower than specified in *Whatcom County Comprehensive Plan* Goal 2P. Requiring a minimum net density will ensure development is consistent with Comprehensive Plan Goal 2P.

20.64.270 Density, lot size and lot configuration by method of subdivision.

(Ord. 2012-032 § 2 Exh. B, 2012; Ord. 2005-037 § 1 Exh. A, 2005).

20.64.271 ~~Maximum-d~~Density requirements and minimum lot size.

District	Gross Maximum Density Requirements	Minimum Lot Size		Min. Reserve Area (Cluster Subdivisions)
		Conventional	Cluster	
RC: without public water	<u>Maximum gross density: 1 dwelling unit/5 acres</u>	5 acres	Not applicable	Not applicable
RC: with public water but without public sewer	<u>Maximum gross density: 2 dwelling units/1 acre</u>	18,000 sq. ft.	15,000 sq. ft.	10%
RC: with both public sewer and water and stormwater management collection and detention facilities	<u>Maximum gross density: 7 to 22 dwelling units/acre</u> <u>Minimum net density: 7 to 10 dwelling units/acre</u> <u>(WCC 20.64.260)</u> <u>as given</u>	6,000-3,000 to <u>8,000</u> sq. ft. <u>(WCC 20.64.250)</u>	Not applicable	Not applicable

(Ord. 2012-032 § 2 Exh. B, 2012; Ord. 2005-037 § 1 Exh. A, 2005; Ord. 98-083 Exh. A § 53, 1998; Ord. 88-93, 1988).

Rationale:

- Density Requirements – Minimum net density is added to the chart. Changing the term “gross maximum density” to “density requirements” in the heading for WCC 20.64.271 recognizes that the table addresses minimum net density in addition to maximum gross density requirements.
- Minimum Lot Size - Minimum lot sizes in the Resort Commercial zone would range from 3,000 to 8,000 square feet under the proposal (WCC 20.64.250).

Exhibit F Whatcom County Zoning Code Amendments

Supplementary Requirements

Amend the Supplementary Requirements text (WCC 20.80) as follows:

20.80.253 Commercial districts.

- (1) Neighborhood Commercial District. Setbacks for those parcels situated adjacent to Urban Residential, Residential Rural and Rural Zone Districts shall be administered pursuant to WCC 20.60.550 (Buffer area).
- (2) General Commercial District. Setbacks for those parcels situated adjacent to Urban Residential, Rural Cluster Development and Rural Zone Districts shall be administered pursuant to WCC 20.62.550 (Buffer area).
- (3) Tourist Commercial District.
 - (a) Setbacks for those parcels situated adjacent to Urban Residential, Urban Residential Medium Density, Residential Rural and Rural Zone Districts shall be administered pursuant to WCC 20.63.550 (Buffer area).
 - (b) Setback requirements for recreational vehicle parks shall be 30 feet for side and rear yards.
 - (c) Front yard setback requirements for service islands of service stations shall be 25 feet to the center line of the driveway of the closest service island.
- (4) Resort Commercial District.
 - (a) Except for single-family residences, when a parcel situated within this district adjoins an Urban Residential, Urban Residential Medium Density, Residential Rural, or Rural district, the project shall also meet the requirements of WCC 20.64.550 (Buffer area).

~~(b) Side and rear yard setbacks for multifamily housing, recreational vehicle parks, and mobile home parks shall be 20 feet.~~

Rationale: There are a variety of uses allowed in the Resort Commercial District that are not subject to the 20' side yard setback including but not limited to: Retail and office uses, restaurants, hotels, motels, single family homes, fire stations, community centers, schools, and retirement homes. It's unclear why multifamily housing, RV parks, and mobile home parks were singled out for a larger setback. Given that other uses that could have greater height are not included, it does not appear that this provision was intended to address view protection. It should be noted that WCC 20.80.950 (Mobile home park standards) and WCC 20.80.955 (RV Park Standards) also require a 20' setback for these uses. Therefore, the effect of would be to eliminate the 20' setback for multifamily housing.

(~~b~~e) For recreational vehicle parks and resort-oriented hotels and motels, front yard setbacks shall be 45 feet.

(~~c~~e) For non-resort oriented hotels and motels and nonhabitation commercial development, side yard setbacks shall be zero feet and rear yard setbacks shall be 10 feet.

(~~d~~e) Commercial uses shall be allowed to reduce the front yard setback to 15 feet and the side yard setback to zero feet where the site and landscape plans promote pedestrian access to the building.

(~~e~~f) For internal lots in a single-family development, the side yard setback may be reduced to zero feet when the lot line setback on the opposite side yard is 10 feet; however, side yard setbacks adjacent to parcels not being developed under this exception shall be those provided in WCC 20.80.200 (Setback requirements).

(~~f~~g) An additional five feet shall be added to each side and rear yard for each 10 feet of building height, or fraction thereof, in excess of 15 feet. (Ord. 2020-045 § 1 Exh. A, 2020; Ord. 99-080, 1999).

Exhibit G Whatcom County Zoning Code Amendments

Definitions

Amend the Definitions text (WCC 20.97) as follows:

20.97.240.1 Minimum net density.

“Minimum net density” means the fewest number of residential units per acre that must be constructed or lots per acre that must be created in a short plat, subdivision or phased subdivision on the buildable area of a parent parcel within a land division. Minimum net density is calculated as the number of dwelling units per net acre after deducting land within the 100-year floodplain, land restricted from development by critical area regulations (including buffers), shoreline regulations (including setbacks), land used for common facilities in the land division such as road rights of way or easements, utility easements, stormwater tracts, parks, open space tracts, and land devoted to non-residential land uses in a mixed use development (e.g. commercial uses).

Rationale:

The Zoning Code establishes “minimum net densities” for land divisions in some zoning districts. While there are currently statements in the Code about how minimum net density is calculated, there is no definition.

In Urban Growth Areas, the Zoning Code would typically have a minimum net density and maximum gross density. An example follows for a single family residential subdivision a 10 acre parcel in the URM-6 zone (that would require a minimum net density of 6 dwellings/acre and impose a maximum gross density of 6 dwelling units/acre).

Minimum Net Density: Minimum density is based upon the buildable portion of the parcel after deductions (critical areas, road right of ways, stormwater tracts, etc.). On a 10 acre parcel in the URM6 zone with 6 acres of deductions and 4 acres of buildable land, the developer would be required to develop a minimum of 24 lots (4 net buildable acres x 6 lots/net acre = 24 lots).

Maximum Gross Density: The existing code imposes maximum gross density limits. Gross density is based on the entire area of the parcel, regardless of critical areas and other site constraints. On this same 10 acre parcel, the developer could develop as many as 60 lots, if feasible given the various critical areas and other constraints (10 gross acres x 6 lots/gross acre = 60 lots).

Therefore, in the example above, the developer would be required to plat at least 24 lots but no more than 60 lots on the 10 acre parcel.