

1 WHATCOM COUNTY COUNCIL
2 **Planning and Development Committee**

3
4 May 7, 2013

5
6 **CALL TO ORDER**

7
8 Committee Member Ken Mann called the meeting to order at 3:08 p.m. in the
9 Council Chambers, 311 Grand Avenue, Bellingham, Washington.

10
11
12 **ROLL CALL**

13
14 (3:08:24 PM)

15
16 **Present:** Ken Mann and Barbara Brenner.

17 **Absent:** Bill Knutzen.

18 **Also Present:** Kathy Kershner, Carl Weimer, and Pete Kremen.
19
20

21 **COMMITTEE DISCUSSION**

22
23 **1. PRESENTATION BY PLANNING AND DEVELOPMENT SERVICES STAFF OF THE**
24 **RECENT LEAN ACADEMY TRAINING ON PROCESS IMPROVEMENTS (AB2013-**
25 **175)**

26
27 Sam Ryan, Planning and Development Services Department Director, gave a staff
28 report and described the Lean Kaizen training staff received for process changes.
29

30 Tyler Schroeder, Planning and Development Services Department, described the flow
31 chart for the current Planning Department processes and a streamlined process developed
32 using the Lean Kaizen training methods.
33

34 Mann asked and there was discussion of knowing at the beginning of the permitting
35 process what information is needed.
36

37 Kremen asked and there was discussion of how long it takes to accomplish the
38 natural resource assessment before the permit application.
39

40 Jack Louws, County Executive, thanked the staff for taking initiative and being
41 creative to improve the process. If they can make improvements in the next 90 days, he
42 would like to implement this effort in other areas of County government.
43

44 **2. DISCUSSION OF AGRICULTURE STRATEGIC PLAN IMPLEMENTATION –**
45 **AGRICULTURE AREA AMENDMENTS (AB2013-128) (3:31:48 PM)**

46
47 Amy Keenan, Planning and Development Services Department, submitted and read
48 from a presentation (*on file*).
49

50 Brenner asked and there was discussion of the reason for having a remainder parcel
51 that must be over ten acres. She asked whether farmland has a setback that allows people
52 to spray, compared to where a well is located.
53

1 (3:46:05 PM)

2
3 Mann asked and there was discussion of how this is related to items in the memo.

4
5 Kremen referenced the siting criteria of a residential parcel, which shall be located
6 close to existing roads. He asked and there was discussion of how they define what is
7 close.

8
9 Kershner asked and there was discussion of whether this is different from what was
10 presented on April 9.

11
12 Samya Lutz, Planning and Development Services Department, answered questions.

13
14 Mann stated he's still making up his mind about agricultural parcel reconfiguration.
15 It was taken out of this item. In two weeks, bring forward a version that allows ag parcel
16 reconfiguration. Lutz asked if they want a second ordinance that runs in parallel.

17
18 Brenner stated Henry Bierlink suggested a phased approach for parcel
19 reconfiguration. Lutz stated there is a fear in the community that ag parcel reconfiguration
20 will accelerate development and discussion about allowing a few of these done per year to
21 see how it goes.

22
23 Mark Personius, Planning and Development Services Department, answered
24 questions. A limit would have to be done via a sunset clause in the ordinance.

25
26 Kremen stated a limit could also be achieved through a pilot program for a limited
27 amount of time.

28
29 Kershner asked and there was discussion of Planning Commission work on this item.

30
31 Linda Twitchell, Building Industry Association of Whatcom County, stated the
32 advantage would be if someone wanted to build or sell the land separately. She asked what
33 is the determining factor for deciding on one to three acres, and if there is any flexibility.
34 Keenan stated they start at one acre and build up the size from that, depending on where
35 things are located, including the well and septic. If there is no development, they will keep
36 the lot as close to one acre as possible.

37
38 Brenner asked and there was discussion of whether the lot can be less than an acre.
39 Keenan stated it would be difficult.

40
41 Kershner asked the process now on a 40-acre agricultural process. Keenan stated
42 they just get a building permit. They can only subdivide the lot after the home is built. The
43 proposal is to allow subdividing the lot before the house is built.

44
45 Michelle Luke stated looking at the density maps will be helpful. The Planning
46 Commission thought some people could take advantage of it, and others would designate
47 the lot to allow borrowing power at the bank.

48
49 Brenner asked if the Planning Commission discussed whether the parent parcel could
50 be smaller. Luke stated they did not.

51

1 Wendy Harris asked the total amount of agricultural acreage that could be lost to
2 residential development. Lutz stated there will be no net loss of agricultural land, since the
3 development potential exists now. They are are not adding any new development rights.

4
5 Brenner stated she likes the idea of a pilot project for a limited time to see what
6 happens. She's nervous about allowing clustering.

7
8 Twitchell stated there is a cluster subdivision rule that the Right-to-Farm be on the
9 deed. That could apply to this.

10
11 Carole Perry stated farming practices change, and they must be flexible to allow
12 market changes. The issue is very confusing.

13
14 Harris stated the proposal still encourages development. It makes it easy for a
15 farmer to subdivide a development lot from the agricultural lot. Don't make zoning laws to
16 accommodate short-term financial situations. Protect ag land. Don't encourage people to
17 develop quicker.

18
19 Kris Halterman stated farmers may need loan money from a development parcel to
20 continue to farm and use their land. They must be flexible.

21
22 Lorraine Newman stated this is a simple item that just fixes zoning to work with new
23 banking requirements. It was removed from the more complicated parcel reconfiguration
24 item.

25
26 Mann stated this is a good idea because it protects farming operations while allowing
27 flexibility for the development, which will happen anyway. He's unsure about
28 reconfiguration. He asked if they want staff to bring forward reconfiguration.

29
30 Kershner asked about development limitations with reconfiguration. Lutz stated six
31 total are allowed. Any additional development rights would be lost. Parcel reconfiguration
32 must be related to an agricultural purpose, such as committing to reduce density.

33
34 Kershner stated reconfiguration could reduce density. Look at ag parcel
35 reconfiguration in addition to today's amendments.

36
37 Brenner stated she is okay with today's amendments, but has mixed feelings about
38 reconfiguration. Deal with them separately.

39
40 Kremen stated he is more inclined to support today's amendments, but is willing to
41 revisit reconfiguration.

42
43 Mann stated he is in favor of today's amendments and is open to discussing parcel
44 reconfiguration. He asked if they can do those separately. Have today's amendments in a
45 public hearing in two weeks. Have the ag parcel reconfiguration with options and potential
46 sunset in committee in the future.

47
48 Kremen stated and there was discussion of scheduling today's amendments and ag
49 parcel reconfiguration all at one public hearing or separately. Take time to add a sunset
50 date or establish a pilot program.

1 Mann stated bring ag parcel reconfiguration back in two weeks. Hold in committee.
2 The three amendments today are good. Talk more about reconfiguration, and the
3 committee may request a sunset.

4
5 ***The Committee concurred.***
6

7
8 **COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL**
9

10 **1. DISCUSSION AND APPROVAL OF THE DRAFT PUBLIC PARTICIPATION PLAN**
11 **FOR WHATCOM COUNTY COMPREHENSIVE PLAN AND DEVELOPMENT**
12 **REGULATION AMENDMENTS (AB2013-177) (4:47:56 PM)**
13

14 Matt Aamot, Planning and Development Services Department, gave a staff report.
15 The proposed changes from last year's plan aren't great, but include amendments the
16 Council docketed in Resolution 2013-007, and deleted the amendments that have gone
17 through the review process.

18
19 Brenner asked and there was discussion of the water resources inventory area
20 (WRIA) 1 Joint Management Team.

21
22 ***Mann moved*** to recommend approval of the plan to the full Council.
23

24 ***Brenner suggested a friendly amendment*** to add the Planning Unit to Table 2.1
25 on Council packet page 173.
26

27 ***Mann accepted*** the friendly amendment.
28

29 Kris Halterman stated the Planning Unit is more public than the WRIA 1 Management
30 Team.
31

32 Wendy Harris stated the rezone for slaughterhouses should be higher than a level
33 one. It needs more public process. Also, it's important to have a County comprehensive
34 conservation plan and a citizen advisory group to work on wildlife management. Identify
35 high conservation areas to not allow fill of high conservation wetlands in order to recreate
36 wetlands elsewhere that has a lower conservation value.
37

38 ***Brenner*** stated and there was discussion of creating a conservation advisory
39 committee and changing the public participation level of the proposed slaughterhouse
40 ordinance. She ***suggested a friendly amendment*** that the slaughterhouse ordinance be
41 a level 2 project.
42

43 ***Mann did not accept*** the friendly amendment. It's already been moved to the
44 Council, and he's not interested in starting over with the Planning Commission.
45

46 The motion carried by the following vote:

47 **Ayes:** Mann and Brenner (2)

48 **Nays:** None (0)

49 **Absent:** Knutzen (1)
50

51 Brenner stated consider creating a County conservation management advisory
52 committee.
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OTHER BUSINESS

There was no other business.

ADJOURN

The meeting adjourned at 5:03 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Please contact the Council Office to obtain an
official, signed copy:
360-676-6690 or council@co.whatcom.wa.us



MEMORANDUM

TO: Honorable Whatcom County Council Members
CC: The Honorable Jack Louws, County Executive
FROM: Samya Lutz, Planner
THROUGH: Mark Personius, Long Range Planning Manager
DATE: April 24, 2013
SUBJECT: Whatcom County Agricultural Strategic Plan Implementation (PLN2012-00007):
Agricultural area amendments

Staff discussed various options with the Council Planning Committee on April 9, 2013, related to the proposed parcel reconfiguration amendments effecting Agricultural areas, and following up on discussion during the March 26 Council Planning Committee meeting. Specific options presented and discussed included the following (taken from March 28 memo):

The Parcel Reconfiguration draft amendments include a variety of changes to the Ag zone. Some proposed changes may not elicit the level of controversy that the specific ag parcel reconfiguration amendments have, such as: 1) the allowance for a 1-3 acre residential lot to be created in advance of a home being built through a boundary line adjustment or ag short plat (farmstead parcel creation); 2) the addition of siting criteria; or 3) the exemption for ag-only divisions (with a deed restriction).

Staff provides the following options, which may be added to those offered by Council members for the discussion on April 9:

- A. Set aside the parcel reconfiguration-specific amendments, but proceed with the other agricultural amendments (*summarized as 1-3, above*) contained in the draft ordinance;
- B. Set aside the full draft amendment package, or condition implementation of the package until a revised TDR program is developed that allows transfers of development rights from the agricultural areas;
- C. Move forward with review of the full draft parcel reconfiguration amendment package (i.e. without TDR or other related proposals), discussing modifications that align with the Council's policy priorities in terms of agricultural preservation, using examples such as those set forth earlier in this memo.

At the April 9th meeting, staff understood that proceeding with Option A is how councilmembers would like to move forward at this time, allowing for possible future reconsideration of both TDR (or some modification thereof) and the parcel reconfiguration-specific amendments. Accordingly, staff has re-drafted the amendments to remove the allowance for parcel reconfiguration, but

maintain related amendments as indicated in Option A above. Staff members are now referring to these proposed changes as "agricultural area amendments" rather than "parcel reconfiguration amendments."

At the May 7 Council Planning Committee meeting, staff will plan to focus on one of the specific amendments contained in the package: the allowance for a 1-3 acre residential lot to be created *in advance* of a home being built through a boundary line adjustment or ag short plat (item 1, above). Staff will discuss how things are done today, in comparison to what these amendments would allow if passed. After discussion, staff would appreciate an informal affirmation of the approach to include this option in the package going forward, or direction to redraft the amendments in some alternative fashion.

Attached please find:

- A 'clean' version of effected portions of WCC 20.40 (Ag zone) and WCC 20.97 (definitions), that shows ONLY tracked changes based on the April 9 discussion; and
- The draft code amendments, showing all changes to the current code related to the version under consideration.

A new ordinance is not included with materials for this meeting. Staff anticipates at least one additional committee discussion session will be desirable prior to re-drafting the ordinance for Council consideration and public hearing. At least one additional discussion session will allow staff to focus on the other two specific amendments contained in the package, or whatever is not covered in enough detail at the May 7 committee meeting. Staff is attempting to give council members enough information to fully understand the repercussions of the draft amendments so they can weigh constituents' concerns and make recommendations for improving the draft amendments.

Please note that related materials are all posted on the Agricultural Program website, located here: <http://www.whatcomcounty.us/pds/plan/lr/projects/agprogram/current-initiatives.jsp>.

Staff members look forward to discussing these amendments with you during the Planning Committee meeting on May 7.

Feel free to contact Amy Keenan (x50264) or me (x51072) with any questions.

**Ag Area Amendments WCC 20.40 “Clean” Re-organization
AGRICULTURE (AG) DISTRICT**

with DEFINITIONS from WCC 20.97.132 and .133

Re-organization of chapter showing clean (non-tracked) code changes through February 28, 2013 and tracked code changes made following the April 9 Council Committee meeting for *selected* chapters that are subject of the proposed changes.

Existing Ag District Sections:

- [20.40.010](#) **Purpose.**
 - [20.40.050](#) Permitted uses.
 - [20.40.100](#) Accessory uses.
 - [20.40.130](#) Administrative approval uses.
 - [20.40.150](#) Conditional uses.
 - [20.40.200](#) Prohibited uses.
 - [20.40.250](#) **Minimum lot size and land subdivision.**
 - [20.40.350](#) **Building setbacks.**
 - [20.40.450](#) **Lot coverage.**
 - [20.40.650](#) **Development criteria.**
 - [20.40.651](#) Landscaping.
 - [20.40.652](#) Drainage.
 - [20.40.662](#) Use of natural resources.
-

Table of Contents:

20.40.010 Purpose.

The primary purposes of this district are to implement the agricultural designation of the Comprehensive Plan, established pursuant to RCW [36.70A.170](#), preserve, enhance and support the production of food and fiber in Whatcom County, to maintain a sufficiently large agricultural land base to ensure a viable agriculture industry and to maintain the economic feasibility of supporting services. Whatcom County supports agricultural activities as the highest priority use in the Agriculture District, with all other uses being subordinate to agricultural activities. Whatcom County seeks to minimize conflict with surrounding zoning districts, in conjunction with Chapter [14.02](#) WCC, Right to Farm. In order to limit the further fragmentation of the commercial agricultural land base, the Agriculture District includes smaller areas of land with poorer quality soils or nonagricultural uses, which do not meet the definition of agriculture lands of long-term commercial significance.

A secondary purpose of this district is to serve as a holding district when located within the urban growth area Comprehensive Plan designation to allow agricultural uses in the near term while protecting the area from suburban sprawl and preserving the potential for future urban development consistent with the protection of the resource land. (Ord. 2009-071 § 2 (Exh. B), 2009; Ord. 2005-079 § 1, 2005; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001).

....

20.40.250 Division or Modification of Parcels

It is the intent of this section to allow divisions which benefit the long-term viability of agriculture. This section describes the requirements for division or modification of parcels within the agricultural district that are either consistent with the minimum lots size or would result in substandard parcels or make existing substandard parcels further substandard.

Requests for land division ~~or~~, boundary line adjustment, ~~or agricultural parcel reconfiguration~~ in the Agriculture District shall be made on forms provided by the department and will be reviewed administratively. All divisions must comply with the following provisions:

(1) **Agricultural Divisions.** All divisions of land in the Agriculture District shall proceed in accordance with the local and state subdivision laws.

(2) **Allowable Density.** No division, ~~or~~ boundary line adjustment, ~~or agricultural parcel reconfiguration~~ shall result in an increase in allowable density.

(3) **Additional Acreage.** Additional acreage gained through a boundary line adjustment ~~or agricultural parcel reconfiguration~~ shall not be considered in the total acreage calculations for determining density.

(4) **Plat Restrictions.** The following plat restriction is required, prior to recording, on the nonresidential lot of all divisions of land provided for in WCC [20.40.254\(2\)](#):

No further division or residential structure shall be allowed on this parcel unless and until changes in the zoning of this property occur consistent with State and local laws which would result in additional development density, in which case this restriction shall be null and void, and density and uses of the new zone shall apply to the property upon review by the Whatcom County zoning administrator.

(5) **Deed Restrictions.** Deed restrictions are required for all boundary line adjustments ~~or agricultural parcel reconfigurations~~ allowed under WCC [20.40.254 \(3\) and \(4\)](#).

(a) The following language must be recorded separately and placed by reference of auditors file number on the deed, and placed on the tract map of the nonresidential portion of the adjusted parent parcels prior to recording:

The development density of the original parcel (parent parcel) remains with legal description _____. The _____ (# of acres) appended through boundary line adjustment ~~[or agricultural parcel reconfiguration]~~ to legal description _____ (receiving parcel) shall not be included in calculations to determine total development density for the receiving parcel.

(b) The following deed restriction language must be recorded separately and placed by reference of auditors file number on the deed, and is required when there is no additional means to further subdivide the property due to the parcel sizes and density standards of this zone:

No further division or residential structure shall be allowed on this parcel unless and until changes in the zoning of this property occur consistent with State and local laws which would result in additional development density, in which case this restriction shall be null and void, and density and uses of the new zone shall apply to the property upon review by the Whatcom County zoning administrator.

20.40.251 Minimum Lot Size.

The minimum lot size in the Agriculture District is 40 acres, except as provided for in WCC 20.40.253 and .254. The creation of a lot less than the minimum size is permitted only when the subject application meets the standards contained in WCC 20.40.253, .254 and .650 as applicable.

Parcel	Minimum Lot Size	Minimum Lot Size Exceptions
Conventional Parcel	40 acres	Reconfiguring existing nonconforming parcels
Farmstead Parcels Created through Agricultural Short Subdivision or Agricultural Boundary Line Adjustment		
Farmstead Parcel – Parent Parcel with Existing Farmstead with public water	1 acres	Up to 3 acres pursuant to WCC 20.40.253 (1),(2) & (4)
Farmstead Parcel – Parcel with Existing Farmstead without public water	2 acres	Up to 3 acres pursuant to WCC 20.40.253 (1)-(4)
Farmstead Parcel – Parent Parcel without Existing Farmstead with public water	1 acre	Up to 2 acres pursuant to WCC 20.40.253 (1) & (2)
Farmstead Parcel – Parcel without Existing Farmstead without public water	2 acres	Up to 3 acres pursuant to WCC 20.40.253 (1),(2) & (3)
Parcels Created Through Agricultural Parcel Reconfiguration		
Reconfigured Parcel—reconfiguration with public water	1 acre	N/A
Reconfigured Parcel—reconfiguration without public water	1 acre	Up to 2 acres pursuant to WCC 20.40.253 (1),(2) & (3)
Parcel Created for Agricultural Purposes Only		
Created Parcel with deed restriction for no residential buildings	10 acres	N/A

20.40.252 Minimum lot width and depth.

(1) For parcels created consistent with the minimum lot size the: The minimum length to width ratio is 1/5. The terms “length” and “width” refer to the average length and average width of the parcel.

(2) For lots created or rearranged pursuant to WCC 20.40.254, the following lot width and depth shall apply:

Minimum Width at Street Line	Minimum Width at Bldg. Line	Minimum Mean Depth
70' [A]	80'	100'

[A] Applies only to land divisions or parcel reconfigurations where the parcel(s) does not contain a farmstead homesite at the time of the application.

20.40.253 Farmstead or Reconfigured Parcel Minimum Lot Size Exceptions

The base maximum for the farmstead parcel shall be consistent with the minimum lots size in 20.40.251, except as follows:

- (1) A greater area is determined necessary by the health officer pursuant to Chapter 24.05 On-Site Sewage System Regulations;
- (2) A greater area is determined necessary by the responsible official to accommodate a driveway or other access necessary for the farmstead parcel;
- (3) For farmstead parcels without public water: Unless substantial evidence is provided by the responsible official indicating the location is not feasible, wells and wellhead protection zones shall also be located within farmstead parcel. Wells located outside of the farmstead parcel area shall be sited to minimize potential impacts on agricultural activities.
- (4) For farmstead parcels with existing farmstead homesites: There is an existing agricultural structure(s) within the farmstead parcel and any of the following criteria are met:
 - (a) The separation between the agricultural structure(s) and the primary residential structure is less than 150 feet; or
 - (b) Current use of the agricultural structure(s) is not related to an agricultural activity; or
 - (c) There is a low potential for future use of the agricultural structure(s) to be associated with an agricultural activity due to physical condition or compatibility with agricultural practices; or
 - (d) Water is not available for use at the agricultural structure(s).

20.40.254 Separation of the Farmstead Parcel Criteria:

- (1) The criteria for approval for the farmstead parcel and remainder parcel created through Agricultural Boundary Line Adjustment, ~~or~~ Agricultural Short Subdivision ~~and Agricultural Parcel Reconfiguration~~ shall be the following:
 - (a) The area of the parcel containing the farmstead home site, whether the home exists or is to be added, is limited to the minimum amount required to encapsulate structures, parking areas, driveways, septic systems, wells, and landscaping required setbacks; and
 - (b) The farmstead parcel size shall be as stated in WCC 20.40.251, unless the existing residential structure(s) and/or well and septic constraints require a larger parcel, but shall not exceed the maximum lot size consistent with the exceptions in WCC 20.40.253; and
 - (c) The farmstead parcel and farmstead home site meet the siting criteria contained in WCC 20.40.650; and

- (d) A remainder parcel shall be created equal to or greater than 10 nominal acres; and
- (e) The remainder parcel shall have no existing residential development and no development rights, and a condition containing the language as provided in WCC 20.40.250(4) or (5) shall be included on the short plat, boundary line adjustment, or agricultural parcel reconfiguration for the remainder parcel prior to final approval; and
- (f) The applicant and his or her heirs provide right of first purchase for a period of not less than 60 days through deed restriction to the original purchaser and subsequent purchasers of the remainder parcel for purchase of the farmstead parcel before they are offered on the open market; and
- (g) A right to farm disclosure statement as provided for in WCC 14.02.040(B) will be signed by the farmstead parcel owner and subsequent purchasers of the farmstead parcel, and recorded as per WCC 14.02.040(A)(1) and 14.02.050; and
- (h) All land division shall comply with the appropriate map and recording provisions of WCC Title 21; and
- (i) The overall submittal shall comply with WCC 20.40.250 et seq.

(2) **Agricultural Short Subdivisions.** Agricultural Short subdivisions for the purpose of reducing the acreage below the minimum lot size as provided by WCC 20.40.251 for a farmstead homesite shall comply with the following provisions:

- (a) The minimum parcel size is the area necessary to accommodate a house site which meets the applicable dimensional requirements of all applicable code and provides a remainder (appended) parcel equal to or greater than 10 nominal acres; and
- (b) The short subdivision application shall meet the size and performance standards of WCC 20.40.650.

(3) **Boundary Line Adjustments.** Boundary line adjustments for the purpose of reducing the acreage below the minimum lot size as provided by WCC 20.40.251 of an existing or proposed farmstead parcel if such boundary line adjustment complies with the following provisions:

- (a) Boundary line adjustments shall not make a lot substandard or further substandard, except as provided for in WCC [20.40.251](#).
- (b) The minimum parcel size is the area necessary to accommodate a house site which meets the applicable dimensional requirements of all applicable codes and provides a remainder (appended) parcel equal to or greater than 10 nominal acres; and
- (c) The farmstead parcel and boundary line adjustment application shall meet the size and performance standards of WCC 20.40.250 and .251, and the siting criteria of WCC 20.40.650.

~~(4) **Agricultural Parcel Reconfiguration:** Parcels are reconfigured and finalized according to the agricultural parcel reconfiguration process established in Chapter 21.03, Exempt Land Divisions, Boundary Line Adjustments, and Agricultural Parcel Reconfigurations, and when meeting the following performance standards:~~

- ~~(a) Existing parcels to be reconfigured are:~~

~~(i) Smaller than the minimum lot size established for new lots in the Agriculture district. Parcels which meet the minimum lot size may be adjusted as a part of this process, provided the reconfiguration meets the provisions of (4)(b) below;~~

~~(ii) Determined to be legally created and buildable pursuant to WCC Title 21.01.180.~~

~~(b) Proposed parcel(s) results in the following:~~

~~(i) No additional parcels; and~~

~~(ii) A remainder parcel shall be created equal to or greater than 10 nominal acres; and~~

~~(iii) The siting criteria of WCC 20.40.650 are met and development standards of WCC 20.40.252 et seq. are met; and~~

~~(iv) The reconfiguration shall result in achieving four (4) or more of the identified agricultural-related purposes as follows:~~

~~(A) Expand the amount of commercially viable resource land under contiguous single ownership; and/or~~

~~(B) Protect and buffer designated resource lands; and/or~~

~~(C) Reduce impervious surfaces, such as by reducing the amount of road and utility construction required to serve reconfigured lots, or by reducing the amount impervious area for nonagricultural uses that could otherwise occur without parcel reconfiguration; and/or~~

~~(D) Reduce the total number of lots of record through voluntary consolidation; and/or~~

~~(E) Produce a farm management plan approved through the Whatcom Conservation District or WA Department of Agriculture that demonstrates increased viability of the agricultural operation through the agricultural parcel reconfiguration; and/or~~

~~(F) Enable improved floodplain management in cooperation with Whatcom County Public Works; and~~

~~(viii) Reconfigured lots shall not be further adjusted by boundary line adjustment without approval under this section.~~

~~(c) The responsible official may impose conditions, consistent with Whatcom County Code, on the agricultural parcel reconfiguration to further the purposes of this section.~~

~~(d) Parcel reconfigurations will be tracked by County Planning and Development Services so the procedure can be adaptively managed by review of all projects passed per this code in year 2017.~~

(5) Public Facility. The division is for the purpose of public facilities for health and safety use or expansion of such uses; provided, that:

(a) The division or boundary line adjustment will not adversely affect the surrounding agricultural activities; and

(b) The applicant has demonstrated to the administrator’s satisfaction that the siting of the proposed use cannot be located in an adjacent zoning district or alternative site, if the area is intensively farmed.

(6) Division or Boundary Line Adjustment for Agricultural Purposes Only. Lots smaller than the minimum lot size of WCC 20.40.251 may be created through land division or re-arranged through a boundary line adjustment provided the following:

- (a) The parent parcel does not contain an existing residence, or said existing residence will remain on a parcel larger than 40 acres in size; and
- (b) The parcel created is greater than 10 acres or is appended to another parcel; and
- (c) There is a properly executed deed restriction which runs with the land on lots which have been created through the division or modified by the boundary line adjustment, except those lots at or over 40 acres in size that maintain an associated development density. Such deed restriction shall be substantially similar to that listed under 20.40.250(5), approved by the zoning administrator and recorded with the County Auditor specifying:
 - (i) All land divided or parcels adjusted are to be used exclusively for agricultural or flood management purposes and specifically not for a dwelling(s), and
 - (ii) All land divided or parcels adjusted shall have no residential density, and
 - (iii) For land divisions, the acreage of the newly created parcels shall not be included in calculations to determine total development density in the future, and
 - (iv) For boundary line adjustments, the acreage of the newly created parcel and appended portion shall not be included in calculations to determine total development density in the future.

20.40.255 Consolidation of Adjacent Tracts.

Consolidation of adjacent tracts in the same ownership shall be required in accordance with 20.83.070 in approval of any subdivision, short subdivision, ~~agricultural parcel reconfiguration~~, or boundary line adjustment in the Agricultural District. The County may waive the permit fee for a boundary line adjustment ~~or agricultural parcel reconfiguration~~ where adjacent lots of record are not in the same ownership and are consolidated voluntarily for purposes of the ~~agricultural parcel reconfiguration, or~~ boundary line adjustment.

20.40.256 Establishing Intent.

The burden of establishing intent in and legal proceeding relating to a transaction accomplished or proposed under the authority of this section shall be upon the land owner or purchaser.

20.40.350 Building setbacks.

Building setbacks shall be administered pursuant to WCC [20.80.200](#) (Setback Requirements). Building setbacks for parcels of less than five nominal acres shall be administered pursuant to WCC 20.80.250.

20.40.450 Lot coverage.

No structure or combination of structures, including accessory buildings, shall occupy or cover more than 25 percent of the total area of the subject parcel. Exceptions to the maximum lot coverage may be allowed when any of the following can be demonstrated:

- (1) Proposed structures, in excess of the allowed maximum lot coverage, are located on lesser quality soils.

(2) Proposed structures in excess of the allowed maximum lot coverage support additional agricultural production on parcels other than the subject parcel.

(3) Expansion of facilities that were in operation prior to the adoption of the ordinance codified in this section if it can be demonstrated that substantial on-site investment has been made and location of additional structures off-site would cause an economic hardship to the farm operation.

20.40.650 New or Modified Parcel Siting Criteria

The location of vacant farmstead parcels ~~or parcels arranged through agricultural parcel reconfiguration (which may or may not be vacant)~~ shall be consistent with the following siting criteria and standards:

(1) **Minimum Lot Size.** Parcels shall be consistent with WCC 20.40.251.

(2) **Parcel Design.** Parcels shall be located and arranged to provide the maximum protection of agricultural land located both on and off-site. Parcel design and development shall be as follows:

- (a) The residential parcels shall be configured so that property lines are immediately adjacent and physically contiguous to each other. ~~A maximum of two development areas containing no more than four (4) lots may be allowed. The two development areas shall contain no more than a total of six lots, and shall be separated by a minimum of 500 feet to minimize the visibility of the future development and reinforce the purposes of the zone; provided that reductions in the separation standard by up to 10% are allowed if an applicant can demonstrate that the future development visibility from the public right of way or from neighboring properties is minimized and the purposes of the parcel reconfiguration in WCC 20.40.254(4)(b)(iv) are met;~~ and
- (b) Residential parcels shall be located as close as possible to existing public roads, or if none about the property then to existing access roads. New road or driveway development shall be avoided to the maximum extent feasible; and
- (c) Except for parcels that recognize existing farmsteads, residential parcels shall be located to the extent feasible to maximize the remainder lot configuration and farmable area; and
- (d) Except for reconfigured parcels that recognize existing farmsteads, each reconfigured parcel shall be limited to one single family residence and residential accessory structures; and
- (e) Residential building sites shall maintain sufficient separation from on-site and off-site agricultural resources and exterior property lines. The setback, lot coverage, and height standards for reconfigured lots shall be as established in WCC 20.40.350 to 450; and
- (f) Applicants shall verify that reconfigured parcels or farmstead parcels do not prohibit access to a point of withdrawal for any irrigation water rights certificates, claims, permits, or applications on the affected parcels; and
- (g) All development shall be consistent with WCC Chapter 16.16; and
- (h) The farmstead parcel ~~or reconfigured parcels~~ avoids prime soils to the extent feasible. Where the site is predominantly in prime soils and such cannot be avoided, the applicant shall demonstrate that:
 - (i) the parcels ~~are~~ is sized to be as small as feasible pursuant to WCC 20.40.251; and
 - (ii) located to maximize the agricultural use of the remainder lot; and

(iii) achieve the most suitable locations for parcels in terms of minimizing roads, allowing for water availability, and septic suitability.

(3) Substitute Parcel Design Standards. Applicants proposing a farmstead parcel ~~or agricultural parcel reconfiguration~~ may propose a substitute performance standard in place of a listed standard in .650 (New or Modified Parcel Siting Criteria) provided that the applicant submits a written justification demonstrating the substitute standard better or equally meets the purposes of the zone in WCC 20.40.010 and the following agricultural-related purposes:

- (A) Expand the amount of commercially viable resource land under contiguous single ownership; and/or
- (B) Protect and buffer designated resource lands; and/or
- (C) Reduce impervious surfaces, such as by reducing the amount of road and utility construction required to serve the farmstead homesite, or by reducing the amount of impervious area for nonagricultural uses that could otherwise occur without the ag division; and/or
- (D) Reduce the total number of lots of record through voluntary consolidation; and/or
- (E) Produce a farm management plan approved through the Whatcom Conservation District or WA Department of Agriculture that demonstrates increased viability of the agricultural operation through the ag division; and/or
- (F) Enable improved floodplain management in cooperation with Whatcom County Public Works

~~described in WCC 20.40.254(4)(b)(iv); except under no condition shall more than the maximum of six (6) residential parcels with no more than four (4) lots in one development area be allowed.~~ Such substitution shall be considered at the Administrator’s discretion.

Chapter 20.97 DEFINITIONS

Zoning Definitions

20.97.132 Farmstead parcel.

The “farmstead parcel” is the legally subdivided portion of the parent parcel containing an existing or planned farmstead home site. (Ord. 2005-073 § 1, 2005; Ord. 2001-020 § 1 (Exh. 1 § 3), 2001).

20.97.133 Farmstead home site.

The “farmstead home site” includes that portion of the parent parcel used for existing or planned residential buildings, uses accessory to residential buildings, drainfields, wells, wellhead protection area(s), established landscaped areas contiguous with the non-agricultural built area, and structures as allowed in WCC 20.40.253. (Ord. 2005-073 § 1, 2005).

PROPOSED CODE AMENDMENTS: AGRICULTURAL AREA

April 24, 2013

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Chapter 20.40 AGRICULTURE (AG) DISTRICT

Sections:

- [20.40.010](#) Purpose.
- [20.40.050](#) Permitted uses.
- [20.40.100](#) Accessory uses.
- [20.40.130](#) Administrative approval uses.
- [20.40.150](#) Conditional uses.
- [20.40.200](#) Prohibited uses.
- [20.40.250](#) ~~Minimum lot size and land subdivision.~~ Division or modification of parcels
- [20.40.350](#) Building setbacks.
- [20.40.450](#) Lot coverage.
- [20.40.650](#) ~~Development~~ New or modified parcel siting criteria.
- [20.40.651](#) Landscaping.
- [20.40.652](#) Drainage.
- [20.40.662](#) Use of natural resources.

20.40.010 Purpose.

The primary purposes of this district are to implement the agricultural designation of the Comprehensive Plan, established pursuant to RCW [36.70A.170](#), preserve, enhance and support the production of food and fiber in Whatcom County, to maintain a sufficiently large agricultural land base to ensure a viable agriculture industry and to maintain the economic feasibility of supporting services. Whatcom County supports agricultural activities as the highest priority use in the Agriculture District, with all other uses being subordinate to agricultural activities. Whatcom County seeks to minimize conflict with surrounding zoning districts, in conjunction with Chapter [14.02](#) WCC, Right to Farm. In order to limit the further fragmentation of the commercial agricultural land base, the Agriculture District includes smaller areas of land with poorer quality soils or nonagricultural uses, which do not meet the definition of agriculture lands of long-term commercial significance.

A secondary purpose of this district is to serve as a holding district when located within the urban growth area Comprehensive Plan designation to allow agricultural uses in the near term while protecting the area from suburban sprawl and preserving the potential for future urban development consistent with the protection of the resource land. (Ord. 2009-071 § 2 (Exh. B), 2009; Ord. 2005-079 § 1, 2005; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001).

....

20.40.250 ~~Minimum lot size [slk1] and land subdivision.~~ Division or Modification of Parcels. [slk2]

~~(1) The minimum lot size in the Agriculture District is 40 acres, except as provided for in WCC [20.40.251](#) and [20.40.252](#). The minimum length to width ration is five to one. [slk3] The terms "length" and "width" refer to the average length and average width of the parcel.~~

~~(2) All divisions of land in the Agriculture District shall proceed in accordance with the local and state subdivision laws.~~

~~(3) Boundary line adjustments shall not make a lot substandard or further substandard, except as provided for in WCC 20.40.251 and 20.40.252.~~

~~251~~ It is the intent of this section to allow divisions which benefit the long-term viability of agriculture. This section describes the requirements for division or modification of parcels within the agricultural district that either are consistent with the minimum lot size, or would result in substandard parcels or make existing substandard parcels further substandard.

Requests for land division or boundary line adjustment, or agricultural parcel reconfiguration in the Agriculture District shall be made on forms provided by the department and will be reviewed administratively. ~~An additional application, deemed sufficient to initiate subdivision or boundary line adjustment review by planning and development services, must be submitted within 24 months of the administrative approval granted pursuant to this section.~~ All divisions must comply with the following provisions:

(1) **Agricultural Divisions.** All divisions of land in the Agriculture District shall proceed in accordance with the local and state subdivision laws.~~[slk14]~~

(2) **Allowable Density.** No divisions or boundary line adjustments, nor agricultural parcel reconfiguration shall result in an increase in allowable density. ~~and~~

(3) **Additional Acreage.** Additional acreage gained through a boundary line adjustment or agricultural parcel reconfiguration shall not be considered in the total acreage calculations for determining density. ~~and~~

(4) **Plat Restrictions.** The following plat restriction is required, prior to recording, on the nonresidential lot of all divisions of land provided for in WCC 20.40.254(2)252:

No further division or residential structure shall be allowed on this parcel ~~until and~~ unless and until changes in the zoning of this property occur consistent with State and local laws which would result in additional development density, in which case this restriction shall be null and void, and density and uses of the new zone shall apply to the property upon review by the Whatcom County zoning administrator.

(5) **Deed Restrictions.** Deed restrictions are required for all boundary line adjustments or agricultural parcel reconfigurations allowed under WCC 20.40.254(3) and (4)20.40.252.

(a) The following language must be recorded separately and placed by reference of auditors file number on the deed, and placed on the tract map of the nonresidential portion of the adjusted parent parcels prior to recording:

The development density of the original parcel (parent parcel) remains with legal description _____. The _____ (# of acres) appended through boundary line adjustment or agricultural parcel reconfiguration to legal description _____ (receiving parcel) shall not be included in calculations to determine total development density for the receiving parcel. ~~252 Maximum Lot Size Exceptions. The inclusion of existing agricultural structure(s) within the farmstead home site parcel shall be allowed if the farmstead home site parcel does not exceed three acres, and if any of the following criteria are met:~~

~~(a)~~(b) The following deed restriction language must be recorded separately and placed by reference of auditors file number on the deed, and is required when there is no additional means to further subdivide the property due to the parcel sizes and density standards of this zone:

No further division or residential structure shall be allowed on this parcel unless and until changes in the zoning of this property occur consistent with State and local laws which would result in additional development density, in which case this restriction shall be null and void, and density and uses of the new zone shall apply to the property upon review by the Whatcom County zoning administrator.

20.40.251 Minimum Lot Size.

The minimum lot size in the Agriculture District is 40 acres, except as provided for in WCC 20.40.253~~1~~ and 20.40.254~~2~~. The creation of a lot less than the minimum size is permitted only when the subject application meets the standards contained in WCC.20.40.253, .254, and .650, as applicable. [slk15]

<u>Parcel</u>	<u>Minimum Lot Size</u>	<u>Minimum Lot Size Exceptions</u>
<u>Conventional Parcel</u>	<u>40 acres</u>	<u>Reconfiguring existing nonconforming parcels</u>
<u>Farmstead Parcels Created through Agricultural Short Subdivision or Agricultural Boundary Line Adjustment</u>		
<u>Farmstead Parcel – Parent Parcel with Existing Farmstead with public water</u>	<u>1 acre</u>	<u>Up to 3 acres pursuant to WCC 20.40.253 (1),(2) & (4)</u>
<u>Farmstead Parcel – Parcel with Existing Farmstead without public water</u>	<u>2 acres</u>	<u>Up to 3 acres pursuant to WCC 20.40.253 (1)-(4)</u>
<u>Farmstead Parcel – Parent Parcel without Existing Farmstead with public water</u>	<u>1 acre</u>	<u>Up to 2 acres pursuant to WCC 20.40.253 (1) & (2)</u>
<u>Farmstead Parcel – Parcel without Existing Farmstead without public water</u>	<u>2 acres</u>	<u>Up to 3 acres pursuant to WCC 20.40.253 (1),(2) & (3)</u>
<u>Parcels Created through Agricultural Parcel Reconfiguration</u>		
<u>Reconfigured Parcel – reconfiguration with public water</u>	<u>1 acre</u>	<u>N/A</u>
<u>Reconfigured Parcel – reconfiguration without public water</u>	<u>1 acre</u>	<u>Up to 2 acres pursuant to WCC 20.40.253 (1),(2) & (3)</u>

<u>Parcels Created for Agricultural Purposes Only</u>		
<u>Created Parcel with deed restriction for no residential buildings</u>	<u>10 acres</u>	<u>N/A</u>

20.40.252 Minimum lot width and depth.

(1) For parcels created consistent with the minimum lot size: The minimum length to width ratio is five to one 1/5[slk6]. The terms “length” and “width” refer to the average length and average width of the parcel.

(2) For lots created or rearranged pursuant to WCC 20.40.254, the following lot width and depth shall apply:

<u>Minimum Width at Street Line</u>	<u>Minimum Width at Bldg. Line</u>	<u>Minimum Mean Depth</u>
<u>70' [A]</u>	<u>80'</u>	<u>100'</u>

[A] Applies only to land divisions or parcel reconfigurations where the parcel(s) does not contain a farmstead homesite at the time of the application.

20.40.253 Farmstead or Reconfigured Parcel Minimum Lot Size Exceptions[slk17]

The base maximum for the farmstead parcel shall be consistent with the minimum lots size in 20.40.251, except as follows:

(1) A greater area is determined necessary by the health officer pursuant to Chapter 24.05 On-Site Sewage System Regulations;

(2) A greater area is determined necessary by the responsible official to accommodate a driveway or other access necessary for the farmstead parcel;

(3) For farmstead parcels without public water: Unless substantial evidence is provided by the responsible official indicating the location is not feasible, wells and wellhead protection zones shall also be located within the farmstead parcel. Wells located outside of the farmstead parcel area shall be sited to minimize potential impacts on agricultural activities.

(4) For farmstead parcels with existing farmstead homesites: There is an existing agricultural structure(s) within the farmstead parcel and any of the following criteria are met:[slk8]

- (a) The separation between the agricultural structure(s) and the primary residential structure is less than 150 feet; or
- (b) Current use of the agricultural structure(s) is not related to an agricultural activity; or
- (c) There is a low potential for future use of the agricultural structure(s) to be associated with an agricultural activity due to physical condition or compatibility with agricultural practices; or
- (d) Water is not available for use at the agricultural structure(s).

~~(1)-20.40.254 Separation of the Farmstead Home Site Parcel- Criteria:~~

(1) The ~~maximum lot size criteria for approval~~ for the ~~home site farmstead~~ parcel ~~and remainder parcel~~ created through Agricultural Boundary Line Adjustment, or Agricultural Short Subdivision ~~and Agricultural Parcel Reconfiguration~~ shall be ~~determined by~~ the following ~~criteria for approval~~:

- (a) The area of the parcel containing the farmstead home site, whether the home exists or is to be added, is limited to the minimum amount required to encapsulate structures, parking areas, driveways, septic systems, wells, and landscaping required setbacks; and
- (b) The farmstead parcel size shall be as stated in WCC 20.40.251 less than one acre, unless the existing residential structure(s) and/or well and septic constraints require a larger parcel, but shall not exceed three acres; the maximum lot size consistent with the exceptions in WCC 20.40.253; and
- (b-c) The farmstead parcel and farmstead home site meet the siting criteria contained in WCC 20.40.650; and
- (d) A remainder parcel shall be created equal to or greater than 10 nominal acres; and
- (ee) The remainder parcel shall have no existing residential development and no development rights, and a condition containing the language as provided in WCC 20.40.250(4) or (5)1(3) shall be included on the short plat, boundary line adjustment, or agricultural parcel reconfiguration for the remainder parcel prior to final approval; and
- (ef) The applicant and his or her heirs provide right of first purchase for a period of not less than 60 days through deed restriction to the original purchaser and subsequent purchasers of the remainder parcel for purchase of the farmstead home site parcel before they are offered on the open market; and
- (eg) A right to farm disclosure statement as provided for in WCC 14.02.040(B) will be signed by the farmstead home site parcel owner and subsequent purchasers of the farmstead home site parcel, and recorded as per WCC 14.02.040(A)(1) and 14.02.050; and
- (fh) All land division shall comply with the appropriate map and recording provisions of WCC Title 21; and
- (gi) The overall submittal shall comply with WCC 20.40.250 et seq.

(2)-(2) Agricultural Short Subdivisions. Agricultural Short subdivisions for the purpose of reducing the acreage below the minimum lot size as provided by WCC 20.40.251 for a farmstead homesite shall comply with the following provisions:

- (a) The minimum parcel size is the area necessary to accommodate a house site which meets the applicable dimensional requirements of all applicable code and provides a remainder (appended) parcel equal to or greater than 10 nominal acres; and [slk19]
- (b) The short subdivision application shall meet the size and performance standards of WCC 20.40.650.

(3) Boundary Line Adjustments. Boundary line adjustments for the purpose of reducing the acreage below the minimum lot size as provided by WCC 20.40.251(3) of an existing or proposed farmstead home site parcel if such boundary line adjustment complies with the following provisions:

- (a) Boundary line adjustments shall not make a lot substandard or further substandard, except as provided for in WCC 20.40.251 and 20.40.252. [slk10]
- (b) The minimum parcel size is the area necessary to accommodate a house site which meets the applicable dimensional requirements of all applicable codes and provides a remainder (appended) parcel equal to or greater than 10 nominal acres; and

(c) The farmstead ~~home site~~ parcel and boundary line adjustment application shall meet the size and performance standards of WCC 20.40.250 and 251, and the siting criteria of WCC 20.40.650.

~~(4) Agricultural Parcel Reconfiguration: Parcels are reconfigured and finalized according to the agricultural parcel reconfiguration process established in Chapter 21.03, Exempt Land Divisions, Boundary Line Adjustments, and Agricultural Parcel Reconfigurations, and when meeting the following performance standards:~~

~~(a) Existing parcels to be less reconfigured are:~~

~~(i) Smaller than one acre, unless the site, existing structure and/or well and septic constraints require a larger parcel, but shall not exceed three acres; and the minimum lot size established for new lots in the Agriculture district. Parcels which meet the minimum lot size may be adjusted as a part of this process, provided the reconfiguration meets the provisions of (4)(b) below;~~

~~(c) The appended parcel shall have no development rights and a condition containing the language as provided in WCC 20.40.251(4) shall be included on the deed for the appended parcel prior to final approval; and~~

~~(d) The applicant and his or her heirs provide right of first purchase for a period of not less than 60 days through deed restriction to the original purchaser and subsequent purchasers of the remainder parcel for purchase of the farmstead home site parcel before they are offered on the open market; and~~

~~(e) A right to farm disclosure statement as provided for in WCC 14.02.040(B) will be signed by the farmstead home site owner and subsequent purchasers of the farmstead home site parcel, and recorded as per WCC 14.02.040(A)(1) and 14.02.050; and~~

~~(f) All land division shall comply with the appropriate map and recording provisions of WCC Title 21; and~~

~~(g) The overall submittal shall comply with WCC 20.40.250 et seq.~~

~~—(3) The division is to allow for the realization of a security interest entered into for the purpose of financing a new house; provided, that the divided parcel shall not be sold separately from the farm except in the event of foreclosure or forfeiture, pursuant to the criteria of subsection (1) of this section.~~

~~(4) (ii) Determined to be legally created and buildable pursuant to WCC Title 21.01.180.~~

~~(b) Proposed parcel(s) results in the following:~~

~~(i) No additional parcels; and~~

~~(ii) A remainder parcel shall be created equal to or greater than 10 nominal acres; and~~

~~(iii) The siting criteria of WCC 20.40.650 are met and development standards of WCC 20.40.252 et seq. are met; and~~

~~(iv) The reconfiguration shall result in achieving four (4) or more of the identified agricultural-related purposes as follows:~~

~~— Expand the amount of commercially viable resource land under contiguous single ownership; and/or~~

~~— Protect and buffer designated resource lands; and/or~~

- ~~— Reduce impervious surfaces, such as by reducing the amount of road and utility construction required to serve reconfigured lots, or by reducing the amount impervious area for nonagricultural uses that could otherwise occur without parcel reconfiguration; and/or~~
- ~~— Reduce the total number of lots of record through voluntary consolidation; and/or~~
- ~~— Produce a farm management plan approved through the Whatcom Conservation District or WA Department of Agriculture that demonstrates increased viability of the agricultural operation through the agricultural parcel reconfiguration; and/or~~
- ~~— Enable improved floodplain management in cooperation with Whatcom County Public Works; and~~

~~(viii) Reconfigured lots shall not be further adjusted by boundary line adjustment without approval under this section.~~

~~(c) The responsible official may impose conditions on the agricultural parcel reconfiguration to further the purposes of this section.~~

~~(d) Parcel reconfigurations will be tracked by County Planning and Development Services so the procedure can be adaptively managed by review of all projects passed per this code in year 2017.~~

~~(5) Public Facility.~~ The division is for the purpose of public facilities for health and safety use or expansion of such uses ~~pursuant to WCC 20.40.251~~; provided, that:

- ~~(a) The division or boundary line adjustment will not adversely affect the surrounding agricultural activities; and~~
- ~~(b) The applicant has demonstrated to the administrator's satisfaction that the siting of the proposed use cannot be located in an adjacent zoning district or alternative site, if the area is intensively farmed.~~

~~253~~ ~~(6) Division or Boundary Line Adjustment for Agricultural Purposes Only.~~ Lots smaller than the minimum lot size of WCC 20.40.251 may be created through land division or re-arranged through a boundary line adjustment provided the following:

- ~~(a) The parent parcel does not contain an existing residence, or said existing residence will remain on a parcel larger than 40 acres in size; and~~
- ~~(b) The parcel created is greater than 10 acres or is appended to another parcel; and~~
- ~~(c) There is a properly executed deed restriction which runs with the land on lots which have been created through the division or modified by the boundary line adjustment, except those lots at or over 40 acres in size that maintain an associated development density. Such deed restriction shall be substantially similar to that listed under 20.40.250(5), approved by the zoning administrator and recorded with the County Auditor specifying:

 - ~~(i) All land divided or parcels adjusted are to be used exclusively for agricultural or flood management purposes and specifically not for a dwelling(s), and~~
 - ~~(ii) All land divided or parcels adjusted shall have no residential density, and~~
 - ~~(iii) For land divisions, the acreage of the newly created parcels shall not be included in calculations to determine total development density in the future, and~~~~

(iv) For boundary line adjustments, the acreage of the newly created parcel and appended portion shall not be included in calculations to determine total development density in the future.

20.40.255 Consolidation of Adjacent Tracts.

Consolidation of adjacent tracts in the same ownership shall be required in accordance with 20.83.070 in approval of any subdivision, short subdivision, ~~agricultural parcel reconfiguration,~~ or boundary line adjustment in the Agricultural District. The County may waive the permit fee for a boundary line adjustment or agricultural parcel reconfiguration where adjacent lots of record are not in the same ownership and are consolidated voluntarily for purposes of the ~~agricultural parcel reconfiguration, or~~ boundary line adjustment.

254-20.40.256 Establishing Intent.

The burden of establishing intent in and legal proceeding relating to a transaction accomplished or proposed under the authority of this section shall be upon the land owner or purchaser.

20.40.350 Building setbacks.

Building setbacks shall be administered pursuant to WCC 20.80.200 (Setback Requirements). Building setbacks for parcels of less than five nominal acres shall be administered pursuant to WCC 20.80.~~282(3)-~~250.

20.40.450 Lot coverage.

No structure or combination of structures, including accessory buildings, shall occupy or cover more than 25 percent of the total area of the subject parcel. Exceptions to the maximum lot coverage may be allowed when any of the following can be demonstrated:

- (1) Proposed structures, in excess of the allowed maximum lot coverage, are located on lesser quality soils.
- (2) Proposed structures in excess of the allowed maximum lot coverage support additional agricultural production on parcels other than the subject parcel.
- (3) Expansion of facilities that were in operation prior to the adoption of the ordinance codified in this section if it can be demonstrated that substantial on-site investment has been made and location of additional structures off-site would cause an economic hardship to the farm operation.

20.40.650 ~~Development~~New or Modified Parcel Siting Criteria

The location of vacant farmstead parcels or parcels arranged through agricultural parcel reconfiguration (which may or may not be vacant) shall be consistent with the following siting criteria, and standards:

- (1) Minimum Lot Size.** Parcels shall be consistent with WCC 20.40.251.
- (2) Parcel Design.** Parcels shall be located and arranged to provide the maximum protection of agricultural land located both on and off-site. Parcel design and development shall be as follows:
 - (a)** The residential parcels shall be configured so that property lines are immediately adjacent and physically contiguous to each other. A maximum of two development areas containing no more than four (4) lots may be allowed. The two development areas shall contain no more than a total of six lots, and shall be separated by a minimum of 500 feet to minimize the visibility of the future development and reinforce the purposes of the zone; provided that reductions in the separation standard by up to 10% are allowed if an applicant can demonstrate that the future

development visibility from the public right of way or from neighboring properties is minimized and the purposes of the parcel reconfiguration in Section 25(4)(b) are met; and

- (b) Residential parcels shall be located as close as possible to existing public roads, or if none about the property then to existing access roads. New road or driveway development shall be avoided to the maximum extent feasible; and
- (c) Except for parcels that recognize existing farmsteads, residential parcels shall be located to the extent feasible to maximize the remainder lot configuration and farmable area; and
- (d) Except for reconfigured parcels that recognize existing farmsteads, each reconfigured parcel shall be limited to one single family residence and residential accessory structures; and
- (e) Residential building sites shall maintain sufficient separation from on-site and off-site agricultural resources and exterior property lines. The setback, lot coverage, and height standards for reconfigured lots shall be as established in WCC 20.40.350 to 450; and
- (f) Applicants shall verify that reconfigured parcels or farmstead parcels do not prohibit access to a point of withdrawal for any irrigation water rights certificates, claims, permits, or applications on the affected parcels; and
- (g) All development shall be consistent with WCC Chapter 16.16; and
- (h) The farmstead parcel ~~or reconfigured parcels~~ avoids prime soils to the extent feasible. Where the site is predominantly in prime soils and such cannot be avoided, the applicant shall demonstrate that:
 - (i) the parcels ~~is are~~ sized to be as small as feasible pursuant to WCC 20.40.251; and
 - (ii) located to maximize the agricultural use of the remainder lot; and
 - (iii) achieve the most suitable locations for parcels in terms of minimizing roads, allowing for water availability, and septic suitability.

(3) Substitute Parcel Design Standards. Applicants proposing a farmstead parcel ~~or agricultural parcel reconfiguration~~ may propose a substitute performance standard in place of a listed standard in .650 (New or Modified Parcel Siting Criteria) provided that the applicant submits a written justification demonstrating the substitute standard better or equally meets the purposes of the zone in WCC 20.40.010 and the following agricultural-related purposes: ~~described in WCC 20.40.254(4)(b)(iv)~~

- (A) Expand the amount of commercially viable resource land under contiguous single ownership; and/or
- (B) Protect and buffer designated resource lands; and/or
- (C) Reduce impervious surfaces, such as by reducing the amount of road and utility construction required to serve the farmstead homesite, or by reducing the amount of impervious area for nonagricultural uses that could otherwise occur without the ag division; and/or
- (D) Reduce the total number of lots of record through voluntary consolidation; and/or
- (E) Produce a farm management plan approved through the Whatcom Conservation District or WA Department of Agriculture that demonstrates increased viability of the agricultural operation through the ag division; and/or
- (F) Enable improved floodplain management in cooperation with Whatcom County Public Works

~~; except under no condition shall more than the maximum of six (6) residential parcels with no more than four (4) lots in one development area be allowed.~~ Such substitution shall be considered at the Administrator's discretion.

**CHAPTER 20.80
SUPPLEMENTARY REQUIREMENTS**

Sections:

- [20.80.210](#) Minimum setbacks.
- [20.80.230](#) Measurement of setbacks.
- [20.80.250](#) Special setbacks provisions by district.
- [20.80.252](#) Rural District.
- [20.80.255](#) Agriculture District.
- [20.80.258](#) All districts.

....

20.80.210 Minimum setbacks.

(5) Setbacks. For the purposes of this chapter, the road classification used to determine setback requirements shall be as set forth in this section. In the event a particular road is not listed in this section, the department of public works shall determine the classification, which classification shall be based on the Whatcom County Development Standards or such other local, state or federal roadway standards as the department of public works deems appropriate.

(a) Setback Requirements of All Districts.

(i) No manure lagoon or other open pit storage shall be located closer than 150 feet from any property line, or in a manner which creates any likelihood of ground water pollution or other health hazard.

(ii) All manure storage shall be protected from a 25-year flood and shall be located 50 feet from irrigation ditches and waterways, 50 feet from the ordinary high water line of any lake or waterway; provided, that best management practices as determined by the Whatcom County Conservation District are in place. If the best management practices are not in place, 300 feet shall be substituted for 50 feet.

(iii) In all districts where a single-family residence is a primary permitted use, a building permit may be issued for the construction of a replacement dwelling on the same lot; provided, that the owner agrees by filing a statement with the building official that the old dwelling will be demolished, removed or converted to another permitted use upon completion of the new dwelling.

(iv) A 10-foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission.

(b) Setbacks Table.

Resource Lands Setbacks							
Agricultural (AG)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
50'	50'	50'	50'	50'	50'	20'	20'
<p>1. The 50-foot front yard setback requirement for new buildings or additions may be waived if the zoning administrator finds the new building or addition is located along the same building line(s) of existing structures and will result in no additional encroachment and the public interest, safety and health are protected; provided, that for a new building the applicant shall also demonstrate that the proposed location is necessary for the economic viability and the continued operation of the agricultural use.</p> <p>2. The minimum separation between new residences not located on the same property and farm uses such as barns, pens, milking sheds, or areas used to contain, house or feed animals or store manure or feed shall be 300 feet. New farm uses such as barns, pens, milking sheds, or areas used to contain, house or feed animals or store manure or feed shall be situated at least 150 feet from existing residences not located on the same property. Expansion of existing facilities within the 150-foot buffer, providing such expansion is not closer to a neighbor’s residence, and pastures are excluded from this section’s requirements.</p> <p>3. Parcels of less than five nominal acres shall have the following minimum setbacks:</p> <p>Front yards:</p> <ul style="list-style-type: none"> – Primary arterials and secondary arterials: 45 feet. – Collector arterials: 35 feet. – Neighborhood collectors, local access streets: 25 feet. – Minor access streets: 20 feet. <p><u>Minimum front yard requirements can be reduced by the zoning administrator for agricultural parcel reconfigurations, boundary line adjustments, or farmstead parcels established through WCC 20.40.253 - .254 if the proposed placement of the structures will result in a better fit with critical areas or prime soils and goes through the approval process in WCC 21.03. In no case shall front yard depth be less than 20 feet.</u></p> <p>Side yards: minimum side yard setbacks shall be five feet. <u>For agricultural parcel reconfigurations, boundary line</u></p>							

adjustments, or farmstead parcels established through WCC 20.40.253 - .254, the exterior side yard and exterior rear yard requirements of habitable structures shall be 30 feet.

Rear yards: minimum rear yard setbacks shall be five feet.

4. A 10-foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission.

20.80.255 Agriculture District.

(1) The 50-foot front yard setback requirement for new buildings or additions may be waived if the zoning administrator finds the new building or addition is located along the same building line(s) of existing structures and will result in no additional encroachment, the public interest, safety and health are protected; provided, that for a new building the applicant shall also demonstrate that the proposed location is necessary for the economic viability and the continued operation of the agricultural use.

(2) The minimum separation between new residences not located on the same property and farm uses such as barns, pens, milking sheds, or areas used to contain, house or feed animals or store manure or feed, shall be 300 feet. New farm uses such as barns, pens, milking sheds, or areas used to contain, house or feed animals or store manure or feed, shall be situated at least 150 feet from existing residences not located on the same property. Expansion of existing facilities within the 150-foot buffer, providing such expansion is not closer to a neighbor's residence, and pastures are excluded from this section's requirements.

(3) Parcels of less than five nominal acres shall have the following minimum setbacks:

Front Yards:

- Primary arterials and secondary arterials: 45 feet.
- Collector arterials: 35 feet.
- Neighborhood collectors, local access streets: 25 feet.
- Minor access streets: 20 feet.

Minimum front yard requirements can be reduced by the zoning administrator for agricultural parcel reconfigurations, boundary line adjustments, or farmstead parcels established through WCC 20.40.253 - .254 if the applicant demonstrates better placement of the structures in relation to critical areas or prime soils and goes through the approval process in WCC 21.03, but in no case shall be less than 20 feet.

Side Yards: Minimum side yard setbacks shall be five feet. For agricultural parcel reconfigurations, boundary line adjustments, or farmstead parcels established through WCC 20.40.253 - .254, the exterior side yard and exterior rear yard requirements of habitable structures shall be 30 feet.

Rear Yards: Minimum rear yard setbacks shall be five feet. (Ord. 2001-020 § 1 (Exh. 1 § 2), 2001; Ord. 99-080, 1999).

....

CHAPTER 20.83
NONCONFORMING USES AND PARCELS

20.83.110 Reduction of area.

The administrator shall not cause or increase the nonconformity of lots that are substandard as to lot area and/or lot width requirements through boundary line adjustments; provided, however, that the administrator or hearing examiner may approve boundary line adjustments required to satisfy an unidentified or disputed property line or to identify the same in accordance with RCW [58.04.007](#). In addition, boundary line adjustments or agricultural parcel reconfigurations in the Agricultural zone in conformance with WCC ~~[20.40.251](#) and [20.40.252](#)~~[20.40.253-.254](#) shall be allowed. (Ord. 2009-031 § 1 (Exh. 1), 2009).

CHAPTER 21.01 GENERAL PROVISIONS

Sections:

- [21.01.010](#) Title.
- [21.01.020](#) Purpose.
- [21.01.030](#) Authority.
- [21.01.040](#) Applicability and exemptions.
- [21.01.050](#) Interpretation, conflict and severability.
- [21.01.060](#) Enforcement and penalties.
- [21.01.070](#) Fees.
- [21.01.080](#) Administrative responsibilities.
- [21.01.090](#) Pre-application meeting.
- [21.01.100](#) Applications required.
- [21.01.105](#) Consolidated application process.
- [21.01.110](#) Complete application.
- [21.01.120](#) Time frames.
- [21.01.130](#) Underground utilities.
- [21.01.140](#) Regulatory authority for development standards.
- [21.01.150](#) *Repealed.*
- [21.01.160](#) City urban growth areas.
- [21.01.170](#) Hearing examiner consultation with technical advisory committee.

21.01.010 Title.

This title shall be known and may be cited as the Whatcom County land division regulations. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.01.020 Purpose.

The purpose of this title is:

- (1) To promote the public health, safety, and general welfare, and to protect the natural resources and the environment.
- (2) To provide for proper application of Chapter [58.17](#) RCW.
- (3) To facilitate efficient and cost-effective land division and to ensure orderly growth and development consistent with the Whatcom County Comprehensive Plan and the Whatcom County Code.
- (4) To establish an orderly transition from existing land uses to urban development patterns in designated urban growth areas. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.01.030 Authority.

This title is authorized pursuant to the authority delegated to Whatcom County under Chapter [58.17](#) RCW, Plats – Subdivisions – Dedications. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.01.040 Applicability and exemptions.

- (1) This title shall apply to property boundary actions as defined in this title.

(2) The subdivision and short subdivision provisions of this title shall not apply to:

....

(f) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site in accordance with the provisions of this title;

....

(l) Divisions of land into parcels of less than forty acres but greater than ten acres within the area zoned and designated as Agriculture in the Comprehensive Plan for Whatcom County proceeding in accordance with 20.40.254(6).

....

21.01.100 Applications required.

(1) The applicant is encouraged to seek assistance from the subdivision administrator as to which approvals are required for a particular proposal. One or more of the following applications may be required for a particular proposal:

- (a) Exempt land division;
- (b) Boundary line (lot line) adjustment or agricultural parcel reconfiguration;
- (c) Short subdivision;
- (d) Preliminary long subdivision;
- (e) Final long subdivision;
- (f) Subdivision vacations and alterations;
- (g) Preliminary binding site plan;
- (h) General binding site plan;
- (i) Specific binding site plan;
- (j) Agricultural short plat. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

CHAPTER 21.03
EXEMPT LAND DIVISIONS AND BOUNDARY LINE ADJUSTMENTS, AND AGRICULTURAL PARCEL RECONFIGURATIONS

Sections:

- [21.03.010](#) Purpose.
- [21.03.020](#) *Repealed.*
- [21.03.030](#) Pre-approval.
- [21.03.040](#) Certificate of exemption.
- [21.03.045](#) Required disclosures.
- [21.03.050](#) Access on state highways.
- [21.03.060](#) Boundary line adjustments ~~and Agricultural Parcel Reconfigurations.~~
- [21.03.070](#) Inactive applications.
- [21.03.080](#) Requirements for a fully completed exempt land division application.
- [21.03.085](#) Requirements for a fully completed boundary line adjustment application.
- [21.03.090](#) *Repealed.*

21.03.010 Purpose.

The purpose of this chapter is to establish or reference the procedure and requirements for the application, review and approval of exempt land divisions, pursuant to WCC [21.01.040](#), and boundary line adjustments, ~~and agricultural parcel reconfigurations~~. The procedure is intended to provide orderly and expeditious processing of such applications. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.03.020 Exemptions.

Repealed by Ord. 2009-007. (Ord. 2004-031 § 1; Ord. 2003-058 Exh. A; Ord. 2003-033 Exh. A; Ord. 2001-027 § 1; Ord. 2000-056 § 1).

21.03.030 Pre-approval.

Applicants may request that their proposed exempt land division be reviewed by the subdivision administrator and pre-approved using forms supplied by the planning and development services department. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.03.040 Certificate of exemption.

(1) A certificate of exempt land division shall be obtained from the planning and development services department for exempt land divisions under WCC [21.01.040](#)(2)(b) and (k). A certificate of exempt land division shall consist of a suitably inscribed stamp on the instrument conveying land title and shall be certified prior to the recording of the instrument with the county auditor. County review and/or a county certificate of exemption stamp shall not be required for WCC [21.01.040](#)(2)(a) and (c) through (j).

(2) A certificate of exempt land division shall be approved, approved with conditions, or denied as follows:

- (a) Applications shall include information required by WCC [21.03.085](#).

(b) The exempt land division results in a lot(s) that qualifies as a valid land use pursuant to the Whatcom County Code, including but not limited to lot area, lot width, building setbacks, critical areas protection or shorelines protection.

(c) The exempt land division will not detrimentally affect access, access design, sight distance, grade, road geometry or other public safety and welfare concerns.

(3) An exempt land division is not considered approved until said instrument has been duly stamped as exempt and is filed for record concurrently with all applicable disclosures of WCC [21.03.045](#) within 12 months of pre-approval. Failure to record within 12 months of pre-approval means the exempt land division application is expired and must be resubmitted for review and approval. The time periods of this section do not include the time during which the exempt land division was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals. (Ord. 2009-007 § 1; Ord. 2004-031 § 1; Ord. 2002-017 § 1; Ord. 2000-056 § 1).

21.03.045 Required disclosures.

The following disclosures, if applicable, shall be recorded in the county auditor's office and shall be filed concurrently with all conveyances of property subject to this title:

- (1) Right to farm, right to practice forestry, or mineral resource disclosures.
- (2) Boundary discrepancies.
- (3) Protective covenants, conditions and restrictions.
- (4) Latecomers' agreements.
- (5) Significant pipeline in vicinity disclosure when the subject property is within 660 feet of a pipeline shown on Map 12, Chapter 5 of the Whatcom County Comprehensive Plan. (Ord. 2009-007 § 1; Ord. 2004-031 § 1; Ord. 2002-017 § 1).

21.03.050 Access on state highways.

For parcels that will access onto a state highway, the applicant shall provide evidence of an approved access from the State Department of Transportation prior to approval of the exempt land division. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.03.060 Boundary line adjustments and Agricultural Parcel Reconfigurations.

The purpose of this section is to provide procedures for the review and approval of adjustments or alterations to boundary lines of existing lots of record which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

- (1) Procedures. Boundary line adjustments and agricultural parcel reconfigurations shall be approved, approved with conditions, or denied as follows:

(a) Applications shall include information required by WCC [21.03.085](#).

(b) Any adjustment of boundary lines must be approved by the subdivision administrator prior to the transfer of property ownership between adjacent lots.

(c) The subdivision administrator shall make a preliminary decision on boundary line ~~or agricultural parcel reconfiguration~~ applications within 45 days following submittal of a complete application or revision, unless the applicant consents to an extension of such time period.

(d) A title insurance certificate updated not more than 60 days prior to application, which includes all parcels within the adjustment, must be submitted to the subdivision administrator with boundary line adjustment ~~or agricultural parcel reconfiguration~~ applications.

(e) All persons having an ownership interest within the boundary line adjustment ~~or agricultural parcel reconfiguration~~ shall sign the final recording document in the presence of a notary public.

(2) Decision Criteria. In reviewing a proposed boundary line adjustment ~~or agricultural parcel reconfiguration~~, the subdivision administrator or hearing examiner shall use the following criteria for approval:

(a) The boundary line adjustment shall not result in the creation of an additional lot.

(b) With the exception of those boundary line adjustments ~~or lots within agricultural parcel reconfigurations that recognize an existing farmstead home site~~ located within the agricultural zone, the boundary line adjustment ~~or agricultural parcel reconfiguration~~ shall result in lots which contain sufficient area and dimensions to meet minimum requirements for width and area for a building site pursuant to this title.

(c) The boundary line adjustment ~~or agricultural parcel reconfiguration~~ shall be consistent with any restrictions, depictions or conditions regarding the overall area in a plat or short plat devoted to open space, environmental mitigation or conservation.

(d) The boundary line adjustment ~~or agricultural parcel reconfiguration~~ shall be consistent with any restrictions or conditions of approval for a recorded plat, short plat, zoning permit, or development permit.

(e) The boundary line adjustment ~~or agricultural parcel reconfiguration~~ shall not cause boundary lines to cross on-site sewage disposal systems or their reserve areas, prevent suitable area for on-site sewage disposal systems, or prevent adequate access to water supplies unless suitable mitigation including, but not limited to, the granting of utility easements is provided to the satisfaction of Whatcom County; provided, however, in the agricultural zone only those lots with existing on-site sewage disposal systems or potable water supplies are subject to this provision.

(f) The boundary line adjustment ~~or agricultural parcel reconfiguration~~ will not create a new access which is unsafe or detrimental to the existing road system because of sight distance, grade, road

geometry or other safety concerns, as specified in adopted Whatcom County road development standards.

(g) The boundary line adjustment or agricultural parcel reconfiguration on lots without an existing farmstead home site shall demonstrate adequate septic and potable water suitability. Applicants shall demonstrate adequate potable water availability per WCC 24.11. Applicants shall demonstrate septic suitability approval pursuant to WCC 24.05.

(3) Final Approval and Recording Required. To finalize an approved boundary line adjustment or agricultural parcel reconfiguration, the applicant must submit to the subdivision administrator within one year of preliminary approval final review documents meeting the requirements of approval.

(a) All persons having an ownership interest within the boundary line adjustment or agricultural parcel reconfiguration shall sign the final recording document in the presence of a notary public.

(b) Certified legal descriptions of the lots after the boundary line adjustment or agricultural parcel reconfiguration, together with conveyance document(s) and language clearly binding the property which is conveyed to the remainder portion of the property, shall be prepared by a title company or licensed surveyor for all lots affected by the boundary line adjustment or agricultural parcel reconfigurations.

(c) A title insurance certificate updated not more than 60 days prior to recording of the adjustment, which includes all parcels within the adjustment, submitted to the subdivision administrator with boundary line adjustment or agricultural parcel reconfiguration final review documents.

(d) A final boundary line or agricultural parcel reconfiguration map, prepared by a licensed surveyor, along with legal descriptions, shall be prepared and submitted for review and approval. Two map copies shall be provided for review demonstrating compliance with the preliminary boundary line adjustment or parcel reconfiguration approval.

(e) A boundary line adjustment or agricultural parcel reconfiguration is not considered approved until the conveyance documents have been duly stamped as exempt and is filed for record concurrently with all applicable disclosures of WCC [21.03.045](#) within 12 months of approval of final documents. Failure to record within 12 months of approval means the boundary line adjustment or agricultural parcel reconfiguration application is expired and must be resubmitted for review and approval. (Ord. 2009-030 § 1 (Exh. 1); Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.03.070 Inactive applications.

An applicant may place an exempt land division or boundary line adjustment or agricultural parcel reconfiguration application, which has not yet received preliminary approval, on hold for a cumulative maximum of 180 days. This 180-day period shall not include time the applicant is performing studies required by the county when the study is provided within the time frame agreed to by the county and the applicant. Applications which fail to meet these time limits will be considered expired and void. The time periods of this

chapter do not include the time during which the exempt land division was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.03.080 Requirements for a fully completed exempt land division application.

The following, and any other information on a form prescribed by the subdivision administrator, is required for a complete application for exempt land divisions under WCC [21.01.040](#)(2)(b) and (k).

(1) Written Data and Fees.

- (a) Name, address and phone number of land owner, applicant, and contact person.
- (b) Intended uses.
- (c) A current title report or update of title report issued no more than 60 calendar days prior to application.
- (d) Assessor's parcel number (of the parent parcel).
- (e) Fees as specified in the Unified Fee Schedule.
- (f) Signature of all owners as shown on title report, and authorization for any agent to act on behalf of owners.

(2) Map Data.

- (a) Name of land owner.
- (b) Name of proposed land division (if an original drawing is prepared).
- (c) General layout of proposed land division.
- (d) Common language description of the general location of the land division.
- (e) Approximate location and names of existing roads identified as either public or private.
- (f) Vicinity map.
- (g) Common engineering map scale/north arrow/sheet numbers (on each sheet containing a map).
- (h) Section, township, range, and municipal and county lines in the vicinity.
- (i) General boundaries of the site with general dimensions shown.
- (j) Legal description of the land. (Ord. 2009-007 § 1; Ord. 2000-056 § 1).

21.03.085 Requirements for a fully completed boundary line adjustment ~~or agricultural parcel reconfiguration~~ application.

The following, and any other information on a form prescribed by the subdivision administrator, is required for a complete application.

(1) Written Data and Fees.

- (a) Name, address and phone number of land owner, applicant, and contact person.
- (b) Intended uses.
- (c) A current title report or update of title report issued no more than 60 calendar days prior to application.

- (d) Assessor's parcel numbers of existing parcels.
- (e) Fees as specified in the Unified Fee Schedule.
- (f) Signature of all owners as shown on title report, and authorization for any agent to act on behalf of owners.

(2) Map Data.

- (a) Names of land owners.
- (b) Name of proposed boundary adjustment.
- (c) Common language description of the general location of the land division.
- (d) Map at a common engineering scale of boundaries of existing parcels that are contributing to or receiving land from the proposed adjustment.
- (e) Approximate location and labeling of any disputed or undetermined property lines proposing to be resolved by the adjustment.
- (f) Clear depiction of property lines proposed for adjustment which identifies existing property lines and proposed property lines.
- (g) Legal description and area of original parcels.
- (h) Legal description and area of proposed adjusted parcels.
- (i) Approximate location and names of existing roads identified as either public or private.
- (j) Approximate location of existing buildings and existing on-site septic systems.
- (k) Approximate locations of existing utilities and infrastructure.
- (l) Vicinity map.
- (m) Common engineering map scale/north arrow/sheet numbers (on each sheet containing a map).
- (n) Section, township, range, and municipal and county lines in the vicinity.
- (o) General boundaries of the site with general dimensions shown. (Ord. 2009-007 § 1).

21.03.090 Original drawing.

Repealed by Ord. 2009-007. (Ord. 2000-056 § 1).

CHAPTER 21.04 SHORT SUBDIVISIONS

Sections:

- [21.04.010](#) Purpose.
- [21.04.031](#) Pre-application meeting.
- [21.04.032](#) Short subdivision application submittal.
- [21.04.033](#) Determination of completeness and vesting.
- [21.04.034](#) Application procedures.
- [21.04.035](#) Final short subdivision review process.
- [21.04.038](#) Applications subject to time limits.
- [21.04.040](#) Restriction of further division.
- [21.04.050](#) Development requirements.
- [21.04.060](#) Roads.
- [21.04.070](#) Public dedications.
- [21.04.080](#) Easements.
- [21.04.090](#) Water supply.
- [21.04.100](#) Sewage disposal.
- [21.04.110](#) Fire protection.
- [21.04.120](#) Short subdivision vacation and alteration.
- [21.04.130](#) Land survey.
- [21.04.140](#) Security.
- [21.04.150](#) Requirements for a fully completed application for short subdivisions.
- [21.04.160](#) Final review and submittal.
- [21.04.170](#) Disclosures and notes.
- [21.04.180](#) Agricultural short plat.

21.04.010 Purpose.

The purpose of this chapter is to establish or reference the procedure and requirements for the application, review and approval of short subdivisions.

....

21.04.180 Agricultural short plat.

The provisions of WCC [20.40.253](#) - ~~.2542(1)~~ provide for the segregation of a farmstead parcel with an existing residence(s) from a remainder parcel used for farming in the Agriculture Zone. The remainder parcel is restricted to agricultural use only. Because no further residential development can occur on the remainder parcel and an existing residential structure is already on the farmstead parcel, many of the standard short plat requirements are unnecessary. Therefore, a shortened review process has been established.

Agricultural short plats that qualify under WCC [20.40.253](#) - ~~.2542(1)~~ shall be subject to the following:

(1) Agricultural short plats that recognize an existing farmstead homesite shall be processed pursuant to all the requirements of this chapter except that the short plat will not be reviewed for compliance with:

- (a) WCC [21.04.060](#) (Roads);
- (b) WCC [21.04.090](#) (Water supply), when the remainder parcel will not require potable water;
- (c) WCC [21.04.100](#) (Sewage disposal);
- (d) WCC [21.04.130](#) (Land survey);
- (e) Chapter [16.16](#) WCC (Critical Areas); and
- (f) Shoreline master program.

(2) Any subsequent development must comply with all applicable codes.

(3) Survey Requirements – Partial. A survey, prepared by a professional land survey in accordance with WCC [21.09.010](#) and [21.09.020](#), which provides the location of at least two corners of the farmstead parcel shall be submitted. A survey is not required for the remainder parcel that cannot have further residential development.

CHAPTER 20.97 DEFINITIONS

Zoning Definitions

20.97.132 Farmstead parcel.

The “farmstead parcel” ~~includes that is the legally subdivided~~ portion of the ~~property-parent parcel~~ containing ~~an existing or planned primary and secondary agricultural structures and the farmstead~~ home site. (Ord. 2005-073 § 1, 2005; Ord. 2001-020 § 1 (Exh. 1 § 3), 2001).

20.97.133 Farmstead home site.

The “farmstead home site” includes that portion of the ~~farmstead-parent~~ parcel used for ~~existing or planned~~ residential buildings, uses accessory to residential buildings, drainfields, wells, wellhead protection area(s), established landscaped areas ~~contiguous with the non-agricultural built area~~, and structures as allowed in WCC ~~20.40.2532(a) through (d)~~. (Ord. 2005-073 § 1, 2005).