

WHATCOM COUNTY

Parcel Reconfiguration: Supplemental Analysis and Recommendations August 2012

Prepared by: Lisa Grueter, AICP, BERK, Samya Lutz, Project Manager, Whatcom County Planning and Development Services, and Amy Keenan, Senior Planner, Whatcom County Planning and Development Services

INTRODUCTION

Whatcom County is considering improvement of the Whatcom County Code (WCC) to develop additional incentives for farmland owners within the Agriculture (AG) zone. Consistent with the Whatcom County Agricultural Strategic Plan (May 2011), proposed code amendments would allow reconfiguration of parcels (within and across ownership) to place the existing development potential in areas that are the least valuable as farm land, in a manner that benefits the County and the landowner and is consistent with other state and local priorities.

Based on the research and options explored, the code amendment proposals have three purposes:

- To add some flexibility and clarity to farmstead allowances, e.g. to allow a farmstead parcel to be created in advance of a home;
- To add parcel reconfiguration as a tool while retaining other AG 40 zone allowances for standard lots and alternative lots through farmsteading; and
- To create a parcel reconfiguration process that is streamlined and similar to the level and cost of a boundary line adjustment review.

This Supplemental Analysis and Recommendations document provides updated information following the publication of the “Situation Assessment: Incentives for Commercial Agriculture: Parcel Reconfiguration” prepared by BERK, May 31, 2012. This Supplemental Analysis and Recommendations document provides a description of additional public input received from June 1 to August 31, 2012, summarizes the basis for some of the numeric standards in the proposed parcel reconfiguration code, discusses the approach of using deed restrictions rather than covenants, discusses the transfer of land intended for agricultural purposes only, and summarizes flexibility included in the proposed code.

ADDITIONAL PUBLIC INPUT

As noted in the Situation Assessment published May 31, 2012, some follow up public input opportunities were to include a Code Development Workshop, a Parcel Reconfiguration Review Committee meeting, and a Planning Commission study session.

The Code Development Workshop was held on July 16, 2012. Summary notes and materials are included in Appendix A. Key issues raised included:

- Preference for a deed restriction/title notice rather than a conservation easement when identifying the use of the remainder lot for agricultural purposes;
- The need to be clear on which standards apply to properties with existing homes versus vacant home sites;

- How to allow alternative lot sizes for agricultural purposes (e.g. transferring land from one farmer to another for more logical boundaries near ditches, etc.);
- Comments on parcel siting criteria including wellhead protection areas, water rights, and prime soils;
- Whether and how to notify neighbors of clustering proposals;
- How to allow for flexibility in parcel siting criteria, including who reviews that; and
- The need for monitoring of the code to ensure code is working as intended.

The Parcel Reconfiguration Review Committee, made up of AAC members, stakeholders, and County staff representatives, meet on July 26, 2012 to review the results of the Code Development Workshop and offer input on code revisions to bring forward to the Planning Commission. A focus was to ensure the code amendments regarding existing versus new homes was clear. A key proposed change was to remove building siting criteria since: 1) the parcel siting criteria were sufficient and 2) proposed farmstead and reconfigured lot sizes (1-3 acres) were small and would minimize soil disturbance. Another change discussed was how to allow for small lot sizes to transfer ownership of territory for agricultural purposes.

The Planning Commission Study Session was held on August 9, 2012. Consultant and County staff members presented the revised code amendment proposals and described the public review process to date. Planning Commission input included ensuring property rights are a focus, avoiding phrases such as “public benefits” (though the agricultural purposes and lot reconfiguration flexibility were supported), and providing more flexibility on the number of lots in a cluster.

DEED RESTRICTIONS AND COVENANTS

The Situation Assessment (May 31, 2012) indicated that the Growth Management Act (GMA) “provides some flexibility for the County to allow landowners to vary from minimum lot sizes and allow the creation of new lots, in individual cases, as long as:

- The County provides appropriate standards with reasonable limits that protect rural character (such as siting criteria that are consistent with the County’s definition for “rural character”) and that conserve agricultural lands;
- The County does not allow the overall pattern of lot sizes and densities to be materially changed, to the detriment of rural character or agricultural conservation; and
- Where appropriate, the County requires compensating areas to be set aside and permanently dedicated to agricultural or open space uses. ...”

The Situation Assessment noted that “A conservation easement is typically the most effective and flexible tool for imposing such perpetual land use restrictions, primarily because this tool is specifically authorized by state statute.” Based on the public input that a deed restriction was more desirable than a covenant, BERK consulted with Duncan Greene, Associate, Van Ness Feldman GordonDerr, (personal communication, July 19, 2012) who has indicated that a deed restriction is basically the same as a covenant, and that the proposal to limit non-agricultural uses on the remainder lots through a deed restriction comports with the GMA and the Subdivision Act.

PARCEL SITING CRITERIA

The code amendment proposal includes parcel siting criteria for farmstead parcels and parcel reconfigurations. The siting criteria are intended to meet the purpose of the AG 40 zone to “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” and to ensure these

flexible code measures that support farmers and their heirs, also protect rural character and conserve agricultural land consistent with GMA goals. We discuss the basis for several of the key parcel siting criteria below.

Number of Lots and Clusters

In a prior code proposal, the maximum total number of lots proposed was six with no more than three lots per cluster, and no more than two clusters total. Based on Planning Commission input, the code proposes a maximum number of residential parcels at six, with no more than four lots in a single cluster, and a maximum number of clusters at two (also see the “substitute measures” section below). Exhibit 1 and Exhibit 2 respectively show the before and after views of the updated cluster proposal.

The basis for six lots in a cluster is two-fold: 1) it is the maximum number of lots that can be served by Group B water systems by drilling a single exempt well to supply water to six residences, and 2) to reduce the appearance of density to keep a more rural character.

Having no more than four lots in any one cluster is a reference to the maximum number of lots typically allowed in a short plat. While a parcel reconfiguration is not a short plat per se, parcel reconfiguration would allow a property owner to cluster their development rights in a more concentrated manner and could increase the rate of conversion of land to residential purposes. Limiting an individual cluster to four lots would treat the reconfigured lots similar to a short plat that is determined to have more limited impacts to the property and vicinity, and therefore a more streamlined review process (typically exempt from SEPA and requiring a less rigorous plan review).

Parcel Locations

The proposed siting criteria promote reconfigured lots near public roads and in corners of the parent lot. The proposed criteria are intended to reduce the area that is allocated for development, maximize the agricultural remainder lot, reduce the potential for impervious surfaces, and leverage the location of available infrastructure (e.g. water lines).

Water Rights, Critical Areas, and Prime Soils

A series of siting criteria are intended to ensure location of parcels that minimize effects on water rights, critical areas, and prime soils to the extent feasible. These criteria help ensure other Whatcom County Comprehensive Plan and code purposes are met to reduce environmental impacts, ensure water rights are maintained, and that primary uses of the AG 40 zone (i.e. agriculture) are furthered.

Substitute Measures

One of the guiding principles of the parcel reconfiguration effort was to allow for substitution of criteria where a result is equal to or better than the outcome of the regulation as plainly written. Therefore the proposed code includes the ability for the County to substitute a standard provided it equally or better meets the purpose of the AG 40 zone and purposes of parcel reconfiguration. The proposed code has been amended to allow for any of the parcel siting criteria to be modified to respond to Planning Commission comments (the total number of residential lots would remain fixed at four clustered and six total for reasons described above). The County staff and AAC members have discussed having regular monitoring so that the County staff, AAC, and public can determine if the substitute measures have been allowed appropriately and that code purposes are being met.

SMALL LOT SIZES FOR AGRICULTURAL PURPOSES

Based on the Code Development Workshop, a comment was made that it would be desirable to allow for transfers of property for agricultural purposes (e.g. transferring farmable property to a neighbor where there is a barrier such as a ditch between owners). For example, Snohomish County (in one of its agricultural zones) allows a smaller

lot size to be created than the standard minimum lot size if the smaller lot is to be used for agricultural purposes only.

There is a concern by County staff that allowing for lots smaller than the minimum lot size in this case could result inadvertently in creating a “large lot rural residential character” for lots that have homes on them, even though the benefit of transferring agricultural land to a neighboring property owner and having more logical boundaries is compelling. The proposed code is amended to allow for lots down to 10 acres (or 1/64th of a section) to be created when no residential structures exist. If the parent property in part contains a residence, the procedures allowing for parcel reconfiguration or farmstead separation specified elsewhere in the chapter could apply that result in lots that meet the standard lot size or the farmstead or parcel reconfiguration requirements. This new exempt allowance requires that the land being divided or modified needs to be for agricultural or flood control purposes and have a deed restriction to that effect.

SUMMARY OF FLEXIBLE MEASURES

Currently the minimum lot size for a newly divided lot in the AG zone is 40 acres. If a parcel has the ability to be further subdivided because it has sufficient area (e.g. more than 80 acres), there are presently no siting criteria regarding the best placement of the new home to avoid prime soils. There are two ways a lot can be developed if it is less than the minimum 40-acre lot size. It must be either a legal nonconforming lot of record that is buildable or a farmstead lot containing an existing home.

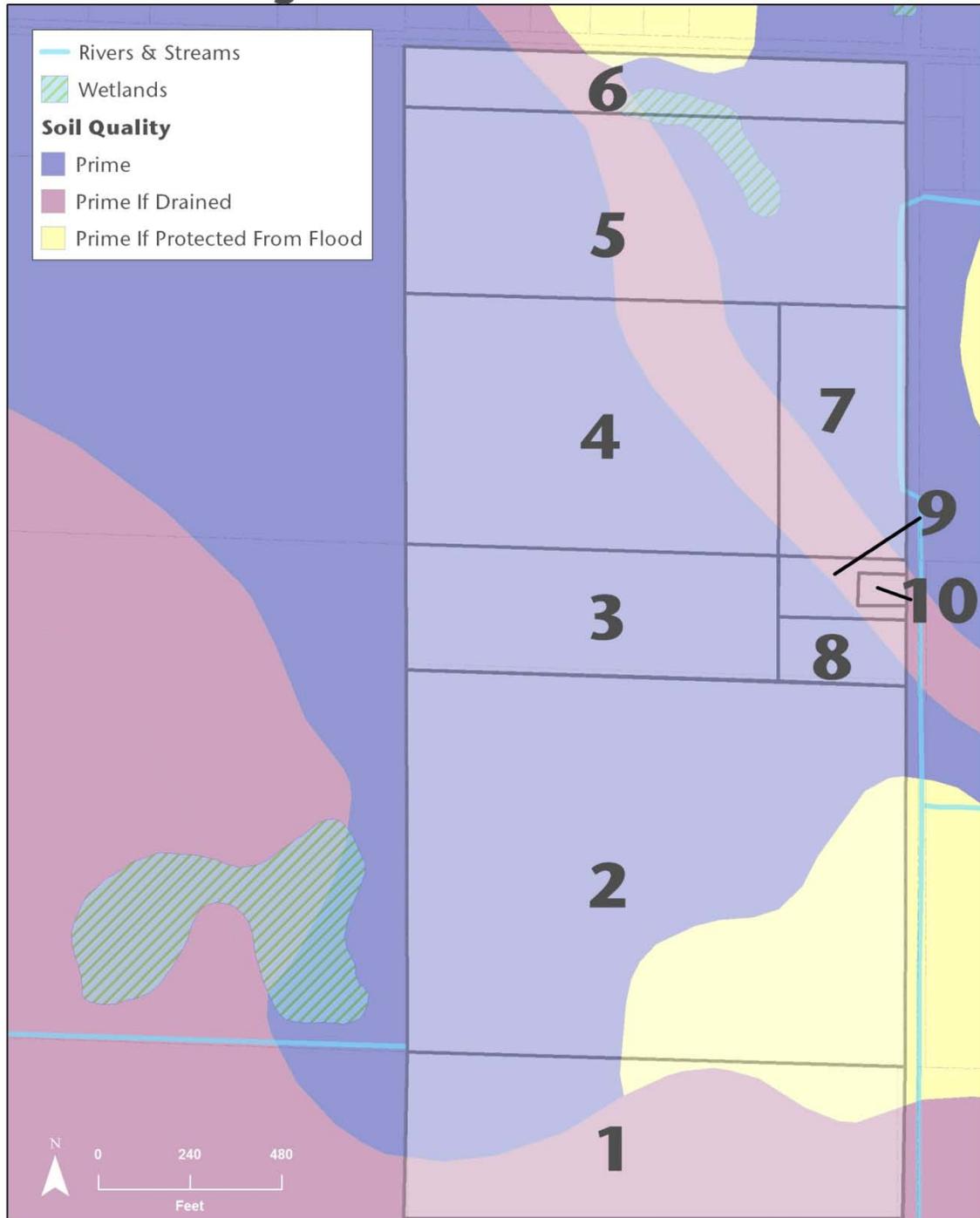
The proposed code amendments add additional flexibility to the AG 40 zone while retaining current land division tools in the AG 40 zone:

- **New Farmstead Parcel in Advance of Home:** Currently, a property owner can only use the farmstead parcel boundary line adjustment or agricultural short plat option if there is an existing home. The proposed parcel reconfiguration code would allow a farmstead parcel to be created in advance of a home.
- **Parcel Reconfiguration:** Currently, a property owner can only do a boundary line adjustment that results in no greater nonconformance for the lots in question (e.g. equal swap of territory), and no smaller lots can be the result. Parcel reconfiguration would allow a property owner to rearrange legal lots of record to have multiple smaller lots configured in a way that make them more salable as well as more protective of the ongoing agriculture on the remaining lot.
- **A Streamlined Process for Parcel Reconfiguration:** Similar to a boundary line adjustment, the parcel reconfiguration process would have enough review to ensure lots are buildable but a less thorough review than a long plat. The parcel reconfiguration fees and review time would reflect this more streamlined review. This more focused and limited review would match the siting criteria that cap the total number of residential parcels at six and any one cluster to four lots – the lesser lots result in lesser impacts and reduce the amount of review otherwise required, as well as help protect rural character and minimize the amount of development in the predominant agricultural zone.

These flexible measures would support farmers to be more successful with financing, recognize legal lots of record, and ensure lots are organized in a way that achieves less impact to agricultural lands. The measures also support farmers’ planning for succession and heirs. At the same time the proposed code would include siting criteria and deed restrictions intended to meet GMA goals by conserving agricultural lands and avoiding material changes to rural character.

Exhibit 1
Before Parcel Reconfiguration: 10 tax lots, 7 lots of record

Parcel Configuration: Scenario #3 - Before



March 2012

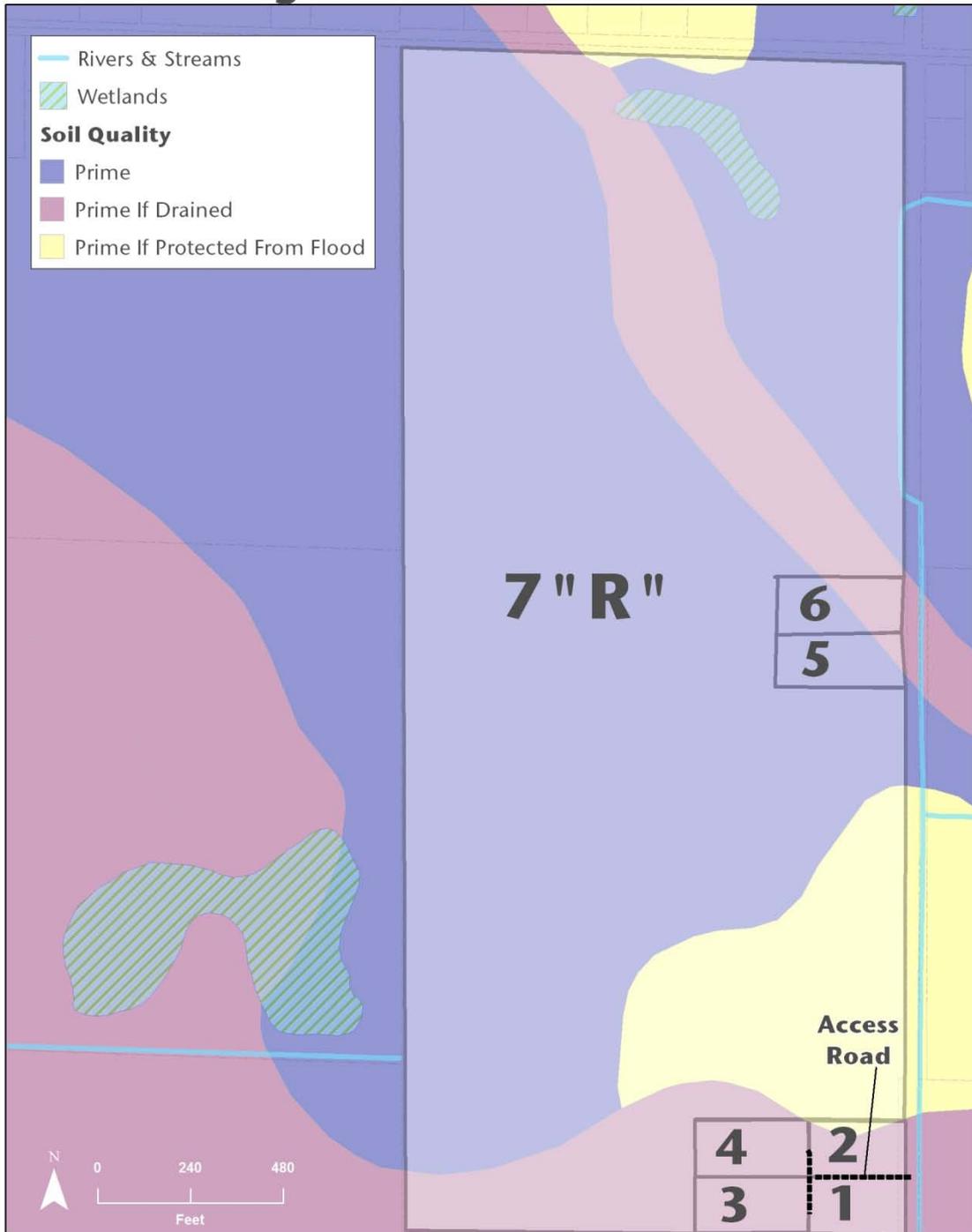


Source: BERK 2012

Exhibit 2

After Parcel Reconfiguration: 7 lots, 6 clustered, Maximum 4 per cluster, Remainder in Agriculture

Parcel Configuration: Scenario #3 - After



August 2012



Source: BERK 2012

APPENDICES

Appendix A – Code Development Workshop Summary

Appendix B – Updated Code Amendment Proposal

AGRICULTURAL PARCEL RECONFIGURATION

Code Development Technical Workshop: Summary Notes

July 16, 2012, 10:30 a.m.

Whatcom County PDS Office, NW Annex Conference Room, 5280 Northwest Drive

MEETING PURPOSE

The meeting purpose was as follows:

- Meet with experts in Whatcom County agricultural land use, development, and financing; as well as interested public citizens
- Review developed code options based on previous focus group, Parcel Reconfiguration Team review, and additional input from the Ag Advisory Committee and public open house. Brainstorm additional changes that meet the overall tool objectives to:
 - Increase the long-term viability of agriculture while recognizing underlying economic realities; and
 - Provide more flexibility/incentives for an agricultural property owner to put homes in a place with the least impact to agricultural operations; and
 - Reduce potential conflicts with neighbors; and
 - Honor and protect property rights and values to help farmers stay in business.

MEETING ADVERTISEMENT AND ATTENDEES

Whatcom County advertised the workshop by posting notices on the County website and providing notification to an interested parties list, County Council members and advisory bodies as well as persons who participated in prior project outreach meetings in March and May 2012. A notice was sent to all county press outlets on July 11, 2012.

Approximately 20 persons participated, including agricultural operation owners, a County Council member, some Planning Commission members, some Parcel Reconfiguration Review Team members, some Agricultural Advisory Committee members, a few Farm Bureau members, legal, planning, and surveying professionals, and landowners. A sign-in sheet is included with these notes as Attachment A.

AGENDA

The agenda included the following topics:

- Meeting Purpose and Introductions
- Presentation of Proposed Code Change Options
- Discussion of Proposed Options
 - Review proposed code amendments
 - Brainstorm new or missing elements
- Wrap Up

MATERIALS

Materials provided to meeting attendees included an Agenda, Summary Matrix, Fact Sheet, and Draft Code Amendments. These materials are provided as Attachment B to this summary.

SUMMARY NOTES

The following notes are presented in order of the discussion.

- Conservation easement paragraph:
 - Revisit
 - Seems heavy-handed
 - Can catch through title notice
- Add definition of parcel in County Code
- Need language consistency – residential parcel versus farmstead parcel
- Clarify home site parcels
- Setbacks on reconfigured lots – also protect adjacent properties
- Notice of clustering on parcels
 - Example of surveyor letter for fence lines
 - Example Accessory Dwelling Unit (ADU) neighbor review if modifying certain standards
 - Email notifications
 - Tie to number of reconfigured lots
 - Avoid hearing, but allow some means of comment
- Why 3 lots per cluster? 2 clusters max? Is effective limit 7 lots?
- All inclusive lot with home, impervious, well, wellhead protection zone (WPZ) – can neighbor allow WPZ to extend across larger remainder parcel?
- Allow alternative lot sizes for agricultural purposes
- Modify siting criteria – proposed “f” water rights – it may be possible to get an easement to a well, as modified by Ecology. “Don’t prohibit access” is the intent.
- Exempt land division code – adequate septic – prove buildable with water and septic.
- Well next to house but on agricultural parcel – convert to class B – can do a shared well.
- Best location for well – revisit – whether can allow “off parcel.”
- Who determines what prime soils are?
- Regarding siting criteria allowing substitution of standards with administrator’s discretion, take advice, e.g. Farm Friends rather than just leaving to the Administrator. Need technical expertise.
- Trigger for Agricultural Advisory Committee (AAC) to review/recommend to help administrator
- 20 acres, 4 lots, concerned about denial (property is in the APO)

- Need performance assessments – getting results – define outcomes and measurements – use GIS
- Phasing of code – discuss priority and secondary amendments
- Lot Certification – don't do with Phase 1 amendments – not an ag-driven issue
- Like flexibility
- Glad for discussion and to have legal input
- More discussion on AAC role. Hearing body?
- Keep property rights (ditch reclassified as creek)
- Like having day-to-day experts
- County “say” on meeting criteria is a concern
- Confirm/refine direction
- AAC should help screen “bogus” applications

TENTATIVE SCHEDULE

- Planning Commission workshop – August 9, 2012
- Planning Commission hearing – September 13, 2012
- Following Planning Commission deliberations there will be County Council Review

ATTACHMENT A – MEETING SIGN-IN SHEET



SIGN-IN SHEET

Parcel Reconfiguration – Code Development Technical Workshop

Monday, July 16, 2012, 10:30 AM

Planning Department, NW Annex Conference Room, 4280 Northwest Drive Bellingham, WA 98226

Vicki Hawley	Vicki Hawley	
Bob van Weerdhuizen	Bob van Weerdhuizen	
DAVE ONKELS	Dave Onkels	
Kate Blystone	Kate Blystone	
Durk DeJager	Durk DeJager	
Henry Bierlink	Henry Bierlink	
Adam Morrow	Adam Morrow	
Roger Almkaar	Roger Almkaar	
Sam Crawford	Sam Crawford	
Gary Honcoop	Gary Honcoop	
Larry Stoner	Larry Stoner	
Lesa Boxx	Lesa Boxx	
Lesa Starkenburg	Lesa Starkenburg	
Debbie VanderVeen	Debbie VanderVeen	
LARRY HELM	Larry Helm	
Casey Lankhaar	Casey Lankhaar	
Skip Richards	Skip Richards	
	STAFF:	
	Samya Lutz	
	Amy Keenan	
	Peter Gill	
	BERK: Lisa Greuter	

ATTACHMENT B – MEETING MATERIALS

The following documents were provided as materials for reference and discussion at the code development technical workshop:

- Meeting Agenda
- Fact Sheet
- Matrix
- Proposed Code Amendments Discussion Guide
- Draft Code Amendments (Appendix E of [Parcel Reconfiguration Situation Assessment](#))

AGENDA

AGRICULTURAL PARCEL RECONFIGURATION

Code Development Technical Workshop

July 16, 2012, 10:30 a.m.

Whatcom County PDS Office, NW Annex Conference Room, 5280 Northwest Drive

MEETING PURPOSE

- Meet with experts in Whatcom County agricultural land use, development, and financing; as well as interested public citizens
- Review developed code options based on previous focus group, Parcel Reconfiguration Team review, and additional input from the Ag Advisory Committee and public open house. Brainstorm additional changes that meet the overall tool objectives to:
 - Increase the long-term viability of agriculture while recognizing underlying economic realities; and
 - Provide more flexibility/incentives for an agricultural property owner to put homes in a place with the least impact to agricultural operations; and
 - Reduce potential conflicts with neighbors; and
 - Honor and protect property rights and values to help farmers stay in business.

10:30 Meeting Purpose and Introductions

10:45 Presentation of Proposed Code Change Options

11:00 Discussion of Proposed Options

- Review proposed code amendments
- Brainstorm new or missing elements

11:45 Wrap Up

12:00 Adjourn

Incentives for Commercial Agriculture: Parcel Reconfiguration – Alternative Options

Prepared by Samya Lutz, Whatcom County; and Lisa Grueter, BERK
In consultation with members of the Whatcom County Agricultural Advisory Committee

Introduction: Opportunities and Challenges

Whatcom County recently adopted a strategic plan to help meet its goal to maintain at least 100,000 acres of agricultural land. The County has designated about 84,000 acres as Agricultural Resource Lands, and identified an additional 22,000 acres of rural lands as agriculturally significant and deserving of heightened protection. Nearly all of these rural lands are affected by an Agricultural Protection Overlay (APO).

On all these agricultural lands, approximately 4,000 dwelling units could be added, which could impact farming by creating conflict with additional residents moving into proximity of commercial farms. On the other hand, added homes could allow agricultural landowners to sell unproductive land to support their farms, provide for their heirs, or support their retirement. Given the potential for residential development on agricultural lands, the challenge is how to better guide development to locations that have less potential impacts to farmers, their neighbors, and the overall viability of agricultural economy. Parcel reconfiguration is one tool to address this challenge, and would create an opportunity to modify how land is divided to meet County and landowner objectives.

What is parcel reconfiguration?

Currently, the option of moving densities from more productive farmland to less productive farmland is allowed only in limited circumstances in the Whatcom County Code. As identified in the Whatcom County Agricultural Strategic Plan (2011), parcel reconfiguration would allow rearrangements of parcels (within and across ownership) to place the existing development potential in areas that are the least valuable as farmland, in a manner that benefits the County and the landowner and is consistent with other state and local priorities. The parcel reconfiguration tool is being considered now to achieve the following objectives:

- Increase the long-term viability of agriculture while recognizing underlying economic realities; and
- Provide more flexibility/incentives for an agricultural property owner to put homes in a place with the least impact to agricultural operations; and
- Reduce potential conflicts with neighbors; and
- Honor and protect property rights and values to help farmers stay in business.

How would parcel reconfiguration change the land division process?

Currently the minimum lot size for a newly divided lot is 40 acres in the Agriculture zoning district; however a farmstead parcel recognizing an existing home may be created of between 1 and 3 acres. If a parcel has the ability to be further subdivided because it has sufficient area (e.g. more than 80 acres), there are presently no siting criteria regarding the best placement of the new home. Also, a lot cannot be divided into parcels less than 40 acres unless a home is built or exists, which creates a multilayered land use permit process and a lack of certainty on future home siting.

What are the advantages of parcel reconfiguration?

Parcel reconfiguration would give more flexibility to agricultural property owners to pre-plan future dwellings with greater consideration for the location of existing dwellings and neighboring properties, and with a more straightforward permit process. Allowing for parcel reconfiguration could result in dwellings being co-located where there is already access to roads and infrastructure, reducing development costs. The remainder agricultural land would be protected for agricultural use, and could be part of a larger “consolidated” farming area (e.g. if units are clustered at corners, the remainder lot could be contiguous to other remainder lots).

What are the disadvantages of parcel reconfiguration?

Pre-planning residential lots could be difficult for the property owner if there are no current plans to develop the dwelling, and yet decisions will need to be made to identify future building pads, septic systems, etc. Siting criteria could focus on avoiding prime soils, which may direct dwellings near other areas protected by state and federal laws, e.g. critical areas such as flood hazards, wetland and streams and their buffers. Future residents in the smaller lots may not realize the ramifications of being in a busy agricultural area. The parcel reconfiguration tool will be designed to reduce the potential disadvantages, and will benefit from stakeholder and public input to ensure the tool is flexible and functional.

Are there other local governments that allow parcel reconfiguration or related tools?

There are local governments that have some elements of parcel reconfiguration – some have clustering allowances, some allow for nonconforming lots to be reconfigured, some have siting criteria, and a few allow density transfers.

Some examples of jurisdictions that allow for clustering on resource lands include Clallam County, Jefferson County, Pierce County, and Walla Walla County, among others. Those with clustering allowances also specify parcel siting criteria. As well, Skagit County addresses agricultural structure siting criteria. Clark County allows parcel reconfiguration for existing lots that are less than the minimum lot size provided the resulting layout improves resource land protection. The reconfiguration is approved through an administrative process.

What changes to local regulations are being considered?

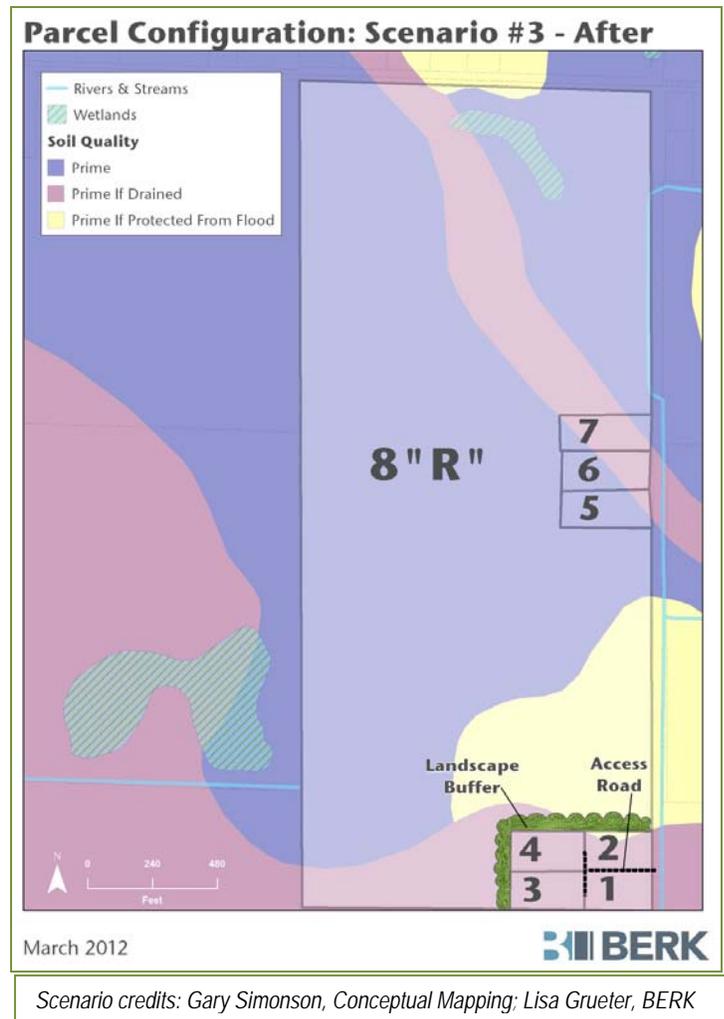
Draft options for changes to the Whatcom County Code are summarized in the table below. These have been developed by BERK based on the work of a Project Review Team (PRT) consisting of County staff, Agricultural Advisory Committee representatives, and a Whatcom Farm Friends representative; as well as input from two outreach events: a focus group of practitioners, and a general public workshop. Input from these and an additional code development technical workshop will be brought to the Planning Commission for their review and recommendations before bringing any changes forward to the County Council.

How can I give Input? How can I get more information?

Whatcom County will be soliciting input about parcel reconfiguration through a public outreach process from March to September 2012 that will include public meetings with the Agricultural Advisory Committee, Planning Commission and County Council. In addition background information is available at the County website:

http://www.co.whatcom.wa.us/pds/planning/agricultural_program.jsp.

For questions or more information, please feel free to contact Samya Lutz, Planner 360-676-6907, slklutz@co.whatcom.wa.us.



Matrix of Recommended Code Changes

Tool Description	County Code Section Targeted for Change	Need that is Met; Concerns & Context
Proposed Phase I Options		
Farmstead		
<p>1. Farmstead Parcel AG (40) zone – strengthen 1 to 3 acres lot size language.</p> <p>– Allow lot to be created <i>in advance of</i> home being developed.</p>	<p>AG Zone, WCC 20.40.250-.253 Minimum lot size and land subdivision.</p> <p>WCC 20.97.132-.133 Farmstead parcel and Farmstead home site definitions.</p>	<p>Supports farmer to be more successful with financing. Further supports planning for succession and heirs. Reduces disturbance of prime soils.</p> <p>Would this tool increase the chance of conversion? Would this shift highest and best use equation?</p> <p>Suggestions: Add conservation easement. Require siting criteria to minimize soil loss.</p>
Cluster Related Tools		
<p>2. Parcel Reconfiguration – Add as a tool in AG (40) zone.</p>	<p>New section in WCC 20.40, under 20.40.252(4)</p>	<p>Currently there are two options for lots in the AG zone – standard 40 acres or farmstead. This would provide an option to recognize legal lots of record and to ensure that they are organized in a way that achieves less impact to agricultural lands. Further supports planning for succession and heirs. Reduces disturbance of prime soils.</p> <p>Does this increase effective density if access is now possible (e.g. moving lots from center to frontage)?</p> <p>Suggestions: Add conservation easement and siting criteria.</p>
Performance Standards		
<p>3. Require siting criteria for <u>non-agricultural structures</u> and uses on an individual lot, e.g. in association with farmstead parcel.</p> <p>Require siting criteria for farmstead, lot configuration.</p> <p>Agricultural use covenant for reserve tract.</p>	<p>WCC 20.40.350 Building setbacks and WCC 20.80.210 & .255 (Setback Requirements).</p> <p>Add Siting Criteria to current Development criteria placeholder 20.40.650.</p> <p>20.40.250 Minimum lot size and land subdivision, section .251(3) and (4)</p>	<p>For development on legal lots of record there does not appear to be guidance on the best long-term placement of non-agricultural structures or limitations on areas of disturbance. Adding siting criteria for individual structures and uses could minimize impacts to prime soils.</p> <p>Best placement of reconfigured lots to minimize disruption of agricultural activities, to minimize future conflicts of new residents and agricultural operator, and to recognize existing adjacent uses to the reconfigured lots.</p> <p>Stronger mechanism to ensure continued agricultural use.</p>
Procedural Improvements		
<p>4. Parcel reconfiguration as a boundary line adjustment process.</p>	<p>WCC Title 21 Land Division Regulations, Chapter 21.03.</p> <p>Consistency requires changes to 20.83.110 and 21.01.100(b)</p>	<p>For lot reconfigurations that do not involve the platting of an additional lot, allow for a more streamlined exempt procedure, with the addition of water and septic review.</p> <p>Suggestion: Consider waiving a portion of the fee if voluntarily consolidating lands not in common ownership.</p>

Tool Description	County Code Section Targeted for Change	Need that is Met; Concerns & Context
Phase II Options (after period of evaluation)		
Farmstead		
5. Farmstead Parcel – Add tool to R5A/10A properties in APO – limit to Rural Study Areas (RSA)s.	APO, 20.38.030 Density and 20.38.050(5) and (6) Applicability; and Rural, 20.36.253 Maximum density and minimum lot size.	<p>Reduces time and expense of cluster subdivision that is otherwise required to attain lot size flexibility. Recognizes farm land owner in areas of interest such as RSAs.</p> <p>Suggestion: APO already has flexibility in clusters. Consider allowing farmstead only where there is an existing single family home.</p> <p>Ag Advisory Committee looking into proposing ‘heightened protection’ for Rural Study Areas. If this is done, adding the tool to Rural may be unnecessary.</p>
Procedural Improvements		
6. Allow a combined legal lot and buildable lot determination.	Create own permit procedure in WCC Title 21 General Provisions - 21.01.180 Lot Certification.	<p>More certainty for landowner and more comprehensive approval process to ensure a legal lot of record is buildable. May facilitate financing for farmland owner.</p> <p>Complex process that requires consideration of renewal period, zoning, density, lot consolidation, lot of record, and cursory critical area review.</p>
Additional Future Options		
Density Tools		
7. Transfer of Development Rights – Limited amendments to allow TDR <i>within</i> resource and rural lands, generally as a private transaction, not involving a net increase in density and subject to a conservation easement.	Chapter 20.89, Density Transfer Procedure, especially 20.89.040 Sending areas and 20.89.050 Receiving areas.	<p>Recognizes density value on sending site to support farmer with income or financing; long-term agricultural protection with a conservation easement. Better placement of transferred lot to a more suitable area.</p> <p>Suggestions: Develop priority areas for receiving area (UGA, LAMIRD, APO, AG), and limit net density of receiving area neighborhood outside of UGAs.</p>

PROPOSED CODE AMENDMENTS: PARCEL RECONFIGURATION

June 12, 2012

PART A. FINAL DRAFT PARCEL RECONFIGURATION AMENDMENTS

Chapter 20.40, Agriculture (AG) District

- **Option 1.** Farmstead Parcel AG (40) zone – strengthen 1 to 3 acres lot size language. Allow lot to be created in advance of home being developed.
- **Option 2.** Parcel Reconfiguration – Add as a tool in AG (40) zone.
- **Option 3.** Require siting criteria for non-agricultural structures and uses on an individual lot, e.g. in association with farmstead parcel. Require siting criteria for farmstead, lot configuration. Agricultural use covenant for reserve tract.

Chapter 20.80 Supplementary Requirements

- Flexibility on front yards and standards for exterior side/rear yard setbacks for parcel reconfigurations – related to **Option 3.**

Chapter 20.83 Nonconforming Uses and Parcels

- Exception from nonconforming uses and parcels performance standard that typically limits County from making a lot more nonconforming in terms of area or width – related to **Option 2.**

Chapter 21.01 General Provisions

- **Option 4.** Parcel reconfiguration as a boundary line adjustment process – added to general provisions.

Chapter 21.03 Exempt Land Divisions, Boundary Line Adjustments, and Agricultural Parcel Reconfigurations

- **Option 4.** Parcel reconfiguration as a boundary line adjustment process – added to exempt land divisions.

Chapter 20.97 Definitions

- Definition amendments regarding farmsteads – related to **Option 1.**

PART B PRELIMINARY DRAFT AMENDMENTS –RELATED TO PARCEL RECONFIGURATION EVALUATION

Chapter 20.38 Agriculture Protection Overlay

- **Option 5.** Farmstead Parcel – Add tool to R5A/10A properties in APO –limit to Rural Study Areas (RSA)s.

Chapter 20.36 Rural (R) District

- Address maximum density and minimum lot size for farmstead parcels –related to **Option 5**.

Chapter 21.01 General Provisions

- **Option 6**. Allow a combined legal lot and buildable lot determination.

FUTURE OPTION – NOT IN PARTS A OR B

- **Option 7**. Transfer of Development Rights – Limited amendments to allow TDR within resource and rural lands, generally as a private transaction, not involving a net increase in density and subject to a conservation easement.

APPENDIX B

PROPOSED CODE AMENDMENTS: PARCEL RECONFIGURATION

October 3, 2012

Chapter 20.40 AGRICULTURE (AG) DISTRICT	3
20.40.010 Purpose.....	3
20.40.250 Minimum lot size and land subdivision.....	3
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Chapter 20.40 AGRICULTURE (AG) DISTRICT

Sections:

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- [20.40.250](#) Minimum lot size and land subdivision.
- [20.40.350](#) Building setbacks.
- [20.40.450](#) Lot coverage.
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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).

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20.40.250 Minimum lot size and land subdivision.

(1) **Minimum Lot Size.** The minimum lot size in the Agriculture District is 40 acres, except as provided for in WCC [20.40.251](#) and [20.40.252](#) and [20.40.253](#).

(a) Standard Lot Width and Depth: The minimum length to width ratio is five to one. The terms “length” and “width” refer to the average length and average width of the parcel.

(b) For lots created or rearranged pursuant to WCC 20.40.251 and 252, 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 residential structure at the time of the application.

(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](#).

(4) Agricultural parcel reconfigurations are allowed to rearrange buildable lots of record established as provided for in WCC 20.40.251 and 252.

.251 Division or Modification of Substandard 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 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) **Allowable Density.** No divisions ~~or~~ boundary line adjustments, or agricultural parcel reconfigurations shall result in an increase in allowable density; and

(2) **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

(3) **Plat Restrictions.** The following plat restriction is required, prior to recording, on the nonresidential lot of all divisions of land provided for in WCC [20.40.252](#):

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 of the Whatcom County zoning administrator.

(4) **Deed Restrictions.** Deed restrictions are required for all boundary line adjustments or agricultural parcel reconfigurations allowed under WCC 20.40.251 and 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.

(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 of the Whatcom County zoning administrator.

.252 Maximum Lot Size Exceptions.

(1) **Exceptions to Lot Size.** The creation of a lot less than the minimum size established in WCC 20.40.250(1) is permitted only when the subject application meets the standards contained in WCC.20.40.252 (2) through (6).

(2) **Farmstead Parcel.** A farmstead parcel as defined in WCC 20.97.132 may be created subject to the following standards:

(a) There is an existing farmstead home site, or a parcel is created for the sole purpose of a farmstead home site, provided that the site and parcel are subject to the standards of this section.

(b) **Maximum Lot Size and Exceptions.** The base maximum for the farmstead parcel shall be no greater than 1.0 acre in size, except as follows:

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

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

(iii) 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 home site. Wells located outside of the farmstead home site area shall be sited to minimize potential impacts on agricultural activities.

(iv) ~~The inclusion of~~There is an 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 and~~ any of the following criteria are met:

(~~a~~A) The separation between the agricultural structure(s) and the primary residential structure is less than 150 feet; or

(~~b~~B) Current use of the agricultural structure(s) is not related to an agricultural activity; or

(~~c~~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~~D) Water is not available for use at the agricultural structure(s).

(~~1~~C) **Separation of the Farmstead Home Site Parcel.** The ~~maximum~~ lot size for the ~~home site farmstead~~ parcel shall be determined by the following criteria for approval:

(i) 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

(~~a~~ii) The farmstead ~~home site~~ parcel shall be ~~less than one acre~~ one acre, ~~unless the existing residential structure(s) and/or well and septic constraints require a larger parcel, but shall not exceed three acres unless the exceptions in (2)(b) apply and the applicant has demonstrated that the minimum parcel area is proposed. The maximum size of a farmstead parcel shall not exceed three acres in total area;~~ and

(iii) The farmstead parcel and farmstead home site meet the siting criteria contained in WCC 20.40.650; and

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

(~~e~~v) The remainder parcel shall have no existing residential development and no development rights, and a condition containing the language as provided in WCC 20.40.251(3) shall be included on the short plat for the remainder parcel prior to final approval; and

(~~dv~~) 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

(~~evii~~) 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

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

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

(23) **Boundary Line Adjustments.** Boundary line adjustments for the purpose of reducing the acreage below the minimum lot size as provided by WCC 20.40.250(3) of an existing farmstead ~~home-site~~ parcel if such boundary line adjustment complies with the following provisions:

(a) The minimum parcel size is the area necessary to accommodate a house site which meets the applicable dimensional requirements of all applicable codes and provides a remainder (appended) parcel equal to or greater than 10 nominal acres; and

(b) The farmstead ~~home-site~~ parcel and boundary line adjustment application shall ~~be less than one acre, unless the site, existing structure and/or well and septic constraints require a larger parcel, but shall not exceed three acres~~ meet the size and performance standards of WCC 20.40.252(2)(a),(b), and (c), and the siting criteria of WCC 20.40.650; ~~and.~~

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

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

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

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

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

(4) Finalization of Divisions and Modifications. 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 lot is established per the standards of WCC 20.40.252(2)(c); and

(iii) The siting criteria of WCC 20.40.650 are met and development standards of WCC 20.40.250 et seq. are met; and

(iv) Reconfigured lots shall result in achieving two (2) or more of the identified agricultural-related purposes/public interest issues 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 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.

~~(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.~~

(45) **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.

(6) **Division or Modification for Agricultural Purposes Only.** Lots smaller than the minimum lot size of WCC [20.40.250](#) may be created through land division or re-arranged through a boundary line adjustment provided the following:

(a)(i) the minimum parcel size of any lot containing a residential dwelling is no less than 10 acres, and The parent parcel does not contain a residence;

(b) The parcel created is greater than 10 acres or is appended to another parcel; and

(c)(ii) there is a properly executed deed restriction which runs with the portion of the land appended on lots which have been created through the division or boundary line adjustment. Such deed restriction shall be substantially similar to that listed under [20.40.251\(4\)](#), approved by the zoning administrator and that is recorded with the County Auditor specifying:

(i) ~~(a) The All~~ land divided or parcels adjusted ~~is~~ ~~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)~~(b) 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.

.253 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 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 20.80.250.20.80.282(3).

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 criteria. New or Modified Parcel Siting Criteria (Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 96-056 Att. A § A1, 1996)

The location of vacant farmstead parcels or parcels arranged through agricultural parcel reconfiguration shall be consistent with the following siting criteria and standards:

(1) **Minimum Lot Size.** Parcels shall be no less than 1 acre and no greater than 3 acres pursuant to WCC 20.40.252(2).

(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 three-four (4)(3) lots each 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 252(4)(b) are met; and

(b) Residential parcels shall be located as close as possible to existing public roads, or if none abut 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 in the corners of the parent properties 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 and access drive 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 avoid critical areas and their buffers consistent with WCC Chapter 16.16; and

(h) The farmstead parcel or reconfigured parcels avoid 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 sized to be as small as feasible pursuant to WCC 20.40.252(2); 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 .6504 (**New or Modified Parcel Siting Criteria — New or Modified Parcels**) 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 **agricultural-related purposes/public benefits** described in WCC 20.40.252(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 ~~two (2) development areas, each with a maximum of three (3) lots~~ be allowed. Such substitution shall be considered at the Administrator's discretion.

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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.

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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 20.40.252 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.</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 20.40.252, 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 20.40.252 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 20.40.252, 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).

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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](#) 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 lots or tracts 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 shall be exempt upon determination by Whatcom County Planning and Development Services that:

- (i) The purpose of the division is related to the full-time business of agriculture, and
- (ii) Each parcel created by the division will facilitate intensive agricultural operations, and
- (iii) No parcel created by the division is less than ten acres or 1/64 of a section, and
- (iv) The division either reduces or has no effect on available residential density and proceeds in accordance with 20.40.252(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 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 [20.40.252\(4\)](#) 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 [20.40.252\(4\)](#) 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 portion of the property 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 parcel used for 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 ~~20.40.252(a) through (d)~~. (Ord. 2005-073 § 1, 2005).