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J.E. "Sam" Ryan Director

## **M E M O R A N D U M**

**TO:** Whatcom County Planning Commission

**THROUGH:** Mark Personius, AICP, Long Range Planning Manager *MP*

**FROM:** Gary Davis, AICP, Senior Planner *GD*

**DATE:** April 5, 2013

**SUBJECT:** Rural Element

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In response to comments from the Planning Commission and the public at the March 28 public hearing, PDS staff has prepared revised drafts of the Comprehensive Plan and Whatcom County Code.

### **Issue 1 – Variety of Rural Densities**

The revised Comprehensive Plan draft replaces Policy 2GG-3's prohibition of rezones from R10A that was proposed in the March 11 draft (referred to as Option 1 in the staff report) with proposed criteria under which an R10A parcel may be rezoned (Option 2), including surrounding residential density, location outside a rural study area, and location outside an urban growth area reserve. Also, the text above Goal 2GG has been revised to more clearly state the intention of retaining 10-acre lot zoning as a way to maintain the established variety of rural densities.

### **Issue 2 – Lot Clustering**

The revised draft Zoning Code omits the lot clustering provisions that had been proposed to be added to WCC Chapter 20.80 in the March 11 draft, and leaves the existing clustering provisions in the individual chapters with changes that address the Hearings Board's conclusions (providing more specific design standards, prohibiting residential development in reserve tracts, and requirements that protection of reserve tracts be in perpetuity while the tracts are in the County's rural lands).

Staff investigated whether the proposal to allow no residential development in cluster tracts would necessitate a change to the minimum reserve tract percentage required in R and RR zones. In other words: if the code amendments require an extra cluster lot to be created to contain a residence that today could be placed in a reserve tract, would the reserve tract necessarily fall below the size required by the code's minimum percentage requirements? Staff will discuss

this analysis at the work session on April 11. In short, it appears the answer is no. The only percentages where this problem occurs are in the "Min. Reserve Area (Cluster Subdivisions in Urban Growth Areas)" column in the Rural zone (WCC 20.36.253), where 80% of the parent parcel is required to be reserve tract. However, because no Rural zoning exists in any UGA, the revised draft proposes deleting that column entirely.

The code changes involving lot clustering would affect Chapter 20.32 (RR zone), Chapter 20.34 (RR-I zone), and Chapter 20.36 (R zone) only; no changes to the cluster provisions in Chapter 20.37 (TZ) or Chapter 20.71 (WRPO) are now proposed. No further changes regarding clustering are included in these draft amendments. Staff recommends that any further amendments to the County's clustering provisions that are not needed to address the Board's order be considered in a separate docketed action, when there would be more time to consider the issue more thoroughly.

### **Issue 8 – Water Lines**

Staff has revised the proposed changes to WCC 20.82.030(3) designed to prohibit extension of urban level water service into rural areas, while still allowing large diameter pipes to serve rural uses and densities. In the revised draft, the definition of "transmission lines" mirrors the WAC 246-290-010(267) definition with no changes.

Also, the proposed amendment to the Health Code, WCC 24.11.050(C)(3), replaces the term "transmission lines" with "water lines" and requires consistency with RCW 36.70A.110(4), which prohibits extensions of urban services into rural areas except for health and safety reasons.

If you have questions on the revised drafts, please contact Gary Davis at 676-6907.

#### **Attachments:**

- Revised draft Comprehensive Plan Amendments
- Revised draft Whatcom County Code