

## **WHATCOM COUNTY PLANNING COMMISSION**

### **Rural Element – Lot Clustering**

#### **FINDINGS OF FACT AND REASONS FOR ACTION**

- 1) On June 18, 2013 the County Council adopted Ordinance 2013-028 in response to the Growth Management Hearings Board's January 4, 2013 Compliance Order. This ordinance included an amendment to WCC 20.36.310(6) exempting parcels larger than 20 acres from standards requiring a maximum 16 lots in a cluster and minimum 500 foot spacing between clusters.
- 2) The Growth Management Hearings Board's November 21, 2013 Compliance order found Ordinance 2013-028 in compliance with GMA regarding the lot clustering issue, though it was silent on the amendment to WCC 20.36.310(6).
- 3) Petitioner Futurewise requested a reconsideration in December 2013 and the Board issued a revised order on January 23, 2014, finding the added exemption in WCC 20.36.310(6) to be noncompliant with RCW 36.70A.030(15) and 36.70A.070(5)(c).
- 4) Whatcom County proposes amendments to its Zoning Code in response to the Washington State Growth Management Hearings Board's January 23, 2014 Compliance Order (GMHB No. 11-2-0010c).
- 5) The proposed amendment to the Zoning Code restores WCC 20.36.310(6) to its original wording prior to the adoption of Ordinance #2013-028.
- 6) An addendum to the May 1, 2009 determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on April 12, 2013.
- 7) The proposed amendments were posted on the County website on February, 2014.
- 8) Notice that the proposal had been posted on the County website was sent to citizens, citizens groups, cities, service providers, media and other groups on the County's e-mail list on February 11, 2014.
- 9) Notice of the subject amendment was submitted to the Washington State Department of Commerce on February 5, 2014.
- 10) Notice of the Planning Commission hearings for the subject amendment was published in the Bellingham Herald on February 14 2014.

- 11) Notice of the Planning Commission hearing for the subject amendment was posted on the County's website on February 11, 2014.
- 12) The Whatcom County Planning Commission held a public hearing on February 27, 2014. Since publication of the first draft amendments on February 11, 2014, the most current draft amendments have been continuously posted on the County's web site, as have all documents presented to the Planning Commission and all written public comments.

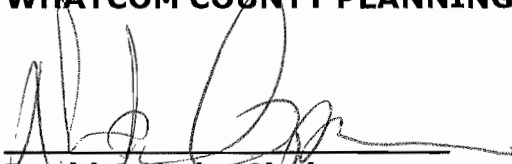
**CONCLUSION**

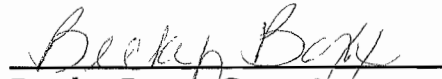
- 1) The proposed amendments are consistent with the goals and requirements of the Washington Growth Management Act (GMA), are in the public interest, and are consistent with the Comprehensive Plan.

**RECOMMENDATION**

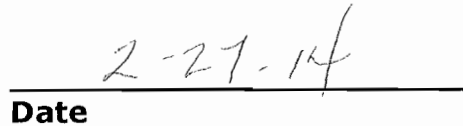
Based upon the above findings and conclusion, the Whatcom County Planning Commission recommends approval of the proposed amendments as shown on Exhibit A.

**WHATCOM COUNTY PLANNING COMMISSION**

  
**David Onkels, Chair**

  
**Becky Boxx, Secretary**

  
**Date**

  
**Date**

Commissioners present at the February 27, 2014 meeting when the vote was taken:  
Ken Bell, Ben Elenbaas, Walter Haugen, Gary Honcoop, David Hunter, Natalie McClendon, David Onkels, Mary Beth Teigrob, and Gerald Vekved.

**Vote: Ayes: 8, Nays: 0, Abstain: 1, Absent: 0. Motion carried to adopt the above amendment.**