



P.O. Box 1517
Bellingham, WA 98227

March 31st, 2009

Whatcom County Council
311 Grand Avenue, Suite 105
Bellingham, WA 98225

Dear Whatcom County Council,

**Subject: Zoning Text Amendment to Whatcom County Comprehensive Plan; Docket # 2009-H:
Lot Consolidation (County-wide)**

Futurewise Whatcom is the local chapter of statewide land-use advocacy organization, Futurewise, whose mission is to promote healthy communities and cities while protecting farmland, forests and shorelines today and for future generations. As advocates for wise land use planning that preserves rural areas from urban-style development, we are extremely supportive of the lot certification and aggregation zoning text amendment that would establish performance criteria to be based on the character of each lot rather than ownership.

Whatcom County is losing working and agricultural lands at an alarming rate, primarily due to conversion to residential uses. One factor in this conversion is the fragmentation of agricultural and rural lands into lots¹ that are smaller than required by zoning, and that are too small to support many typical agricultural operations.

To support appropriate land use and a viable rural economic sector, Whatcom County's zoning regulations call for limited residential development in rural and agricultural areas. For instance, in land zoned Agricultural, the density allowed is one house for every forty (40) acres. Such density limits are the legislative recognition of the fact that residential development displaces and can be incompatible with *other* uses, particularly with agrarian uses. Unfortunately, due to past subdivisions, variances, and other anomalies, in Whatcom County the average lot size in the 40-acre agriculturally zoned lands is now only 17 acres. In other words, Whatcom County is at odds with its own zoning, the Growth Management Act, and the directives laid forth in the Comprehensive Plan. The Growth Management Act strongly encourages that substandard lots be consolidated to achieve the minimum density required by zoning code. To date, Whatcom County has failed to achieve these consolidations, despite the lot consolidation rules currently in the Code.

Lot aggregation, also known as lot consolidation, requires that lots that do not meet minimum density requirements within a zoning designation be combined in order to reach an adequate size to be granted a development right. Lot aggregation, as proposed here to amend Whatcom County Code Section 20.83.070-073, would address fragmentation related to substandard lots in rural and agricultural lands without imposing an unfair "one size fits all" approach. In amending Whatcom County's current "lot consolidation"

¹ A substandard or undersized lot is smaller than the zoning calls for. For example, a 20 acre lot would be substandard in 40-acre zoning, but not substandard in 5-acre zoning.

Protecting Rural Land • Promoting Compact, Livable Cities • Preventing Sprawl

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code language, a clear and consistent approach is proposed by establishing and applying “performance” criteria to a lot prior to any aggregation. This would help the County and its citizens by avoiding punishing landowners with a blanket lot consolidation rule that is imposed based solely on ownership patterns.

The proposed lot aggregation amendment would establish a process of lot certification to determine first the legal existence of the lots, and second, whether or not aggregation must occur in order to perfect residential development rights prior to any requirement to aggregate. This system would offer not only a clear, consistent rule on lot aggregation, but would also provide certainty to landowners and the development community. The aggregation method proposed is a tool that has been successfully applied in neighboring Skagit County, and has been upheld by the Growth Management Hearings Board. Thus, a fair lot aggregation rule is possible, permissible, and proven.

Please docket the zoning text amendment # 2009-H: Lot Consolidation and bring compliance, consistency and fairness back to land use in Whatcom County.

For further information please feel free to contact me, or see the attached paper, “Lot Certification and Aggregation in Rural Lands as a Growth Management Tool in Whatcom County,” prepared this month by our Rural Land Committee.

Sincerely,

Cathy Lehman
Chapter Director
Futurewise Whatcom