



**Columbia County Planning Commission**  
114 South 2<sup>nd</sup> Street, Dayton, Washington 99328  
Meeting Agenda  
Monday, March 11<sup>th</sup>, 2019 @ 5:30 PM

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- 1) Call to Order
- 2) Roll Call and Establish Quorum
- 3) Approval of Meeting Minutes
  - a. February 25<sup>th</sup>, 2019
- 4) Public Hearings
  - a. None scheduled
- 5) New Business
  - a. None scheduled
- 6) Old Business
  - a. 2020 Comprehensive Plan Update
    - i. Docket #4: Water Resources/ HIRST Decision
      1. Final review; formal support with FOF
    - ii. Docket #7: PUD/Cluster Regulations
      1. Final review; formal support with FOF
- 7) Commissioner Reports
- 8) Director Report
  - a. General Comprehensive Plan Update; scheduling
  - b.
- 9) Comments from the public and items not present on the agenda
- 10) Adjournment
  - a. Next meeting: Monday, March 25<sup>th</sup>, 2019



**Columbia County Planning Commission**  
114 South 2<sup>nd</sup> Street, Dayton, Washington 99328  
Meeting Minutes  
Monday, February 25<sup>th</sup>, 2019 @ 5:30 PM

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- 1) Call to Order
  - a. Chair Towery called to order the regular meeting of the Columbia County Planning Commission at 5:32 pm.
- 2) Roll Call and Establish Quorum
  - a. Commission members: Jason Towery, Chuck Reeves, Bryan Martin, Jay Ball, and Swan Eaton (phone).  
Staff: Meagan Bailey, Planning Director; Dawn Rodriguez, Clerk  
Public: Jennie Dickinson and Chuck Amerein
- 3) Approval of Meeting Minutes
  - a. February 11<sup>th</sup>, 2019
    - i. *Martin motioned to approve the meeting minutes as presented; Ball second. None opposed, motion carries.*
- 4) Public Hearings
  - a. None scheduled
- 5) New Business
  - a. 2020 Comprehensive Plan Update
    - i. Docket #4: Water Resources/HIRST Decision
      1. Initial review commenced, with no edits being suggested.  
Staff will prepare the FOF's for the next regular meeting for formal support of the amendments.
- 6) Old Business
  - a. 2020 Comprehensive Plan Update
    - i. Docket #7: PUD/Cluster Regulations
      1. Continued review commenced. Various changes were discussed and will be integrated for final review at the next regular meeting of the Planning Commission.

2. Staff will prepare the final document, as well as FOF's, for formal support at the next regular meeting.

7) Commissioner Reports

8) Director Report

a. Staff provided a general update on the Comprehensive Plan schedule, as well as two Short Plats application currently in office.

9) Comments from the public and items not present on the agenda

a. Staff provided a brief introduction to another code revision the Planning Commission will be requested to work on regarding Communication Towers in Columbia County.

10) Adjournment

a. *Reeves motioned to adjourn the regular meeting of the Columbia County Planning Commission at 7:19 pm; Martin seconded. Meeting adjourned.*

Approved March 11<sup>th</sup>, 2019

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Jason Towery, Chair

Date

Attest

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Meagan Bailey, Planning Director

Date



# Columbia County, WA Planning Staff Report Updates to Development Regulations

Adopting Regulations regarding Water Availability for New Buildings  
as part of the 2020 Comprehensive Plan Update

To: Columbia County Planning  
Commission

For: Review, Support of Document through  
Findings of Fact

From: Columbia County Planning  
Director

Date: March 11<sup>th</sup>, 2019

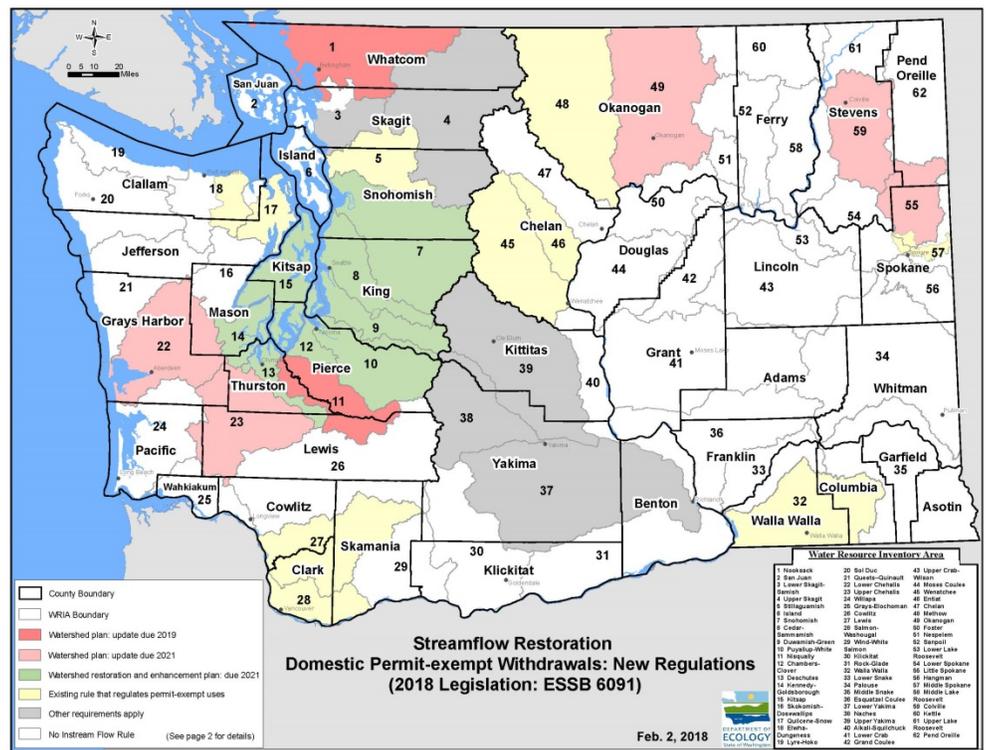
## Proposal:

Being a request to improve upon existing regulations pertaining to water availability for new buildings within Columbia County, Washington.

## Background and Discussion:

In 2016, the Washington Supreme Court made a decision that changed how counties approve or deny building permits that utilize wells as a water source. In the *Whatcom County vs. Hirst, Futurewise, et al.* decision, more commonly known as the *Hirst Decision*, the court ruled that the county had inadvertently failed to comply with the Growth Management Act requirements to protect water resources by relying on the Department of Ecology findings, rather than regulating permitting locally and making independent determinations, on a case-by-case basis.

Through the *Hirst Decision*, and SB 6091, known as the “*Hirst Fix*”, legislation has changed how counties issue permits, depending on the Water Resource Inventory Area (WRIA) the well is to be served by. Columbia County is serviced by three WRIA’s – WRIA 32 (Walla Walla), WRIA 33 (Lower Snake), and WRIA 35 (Middle Snake). WRIA 32 is under no new regulations, where the new water use limits, fee schedules, and basin-planning under the new law do not apply to this watershed. WRIA 33 and WRIA 35 do not have instream flow rules; therefore, permit-exempt wells in these areas are regulated by RCW 90.44.050.



**Findings of Fact:**

1. The amendments to the code were suggested by the Consultant for the Comprehensive Plan update.
2. The Columbia County Planning Commission reviewed and discussed the proposed during regularly scheduled public meetings.
3. The amendments will offer additional permitting guidance to staff in regards to new developments within Columbia County.
4. The proposed amendments aide in addressing new case law and county responsibility.
5. The proposed amendments will assist Columbia County reaching the goals of the Growth Management Act (RCW 36.71A.020).

2020 COMPREHENSIVE PLAN AMENDMENTS - DEVELOPMENT REGULATIONS  
PERTAINING TO WATER AVAILABILITY FOR NEW BUILDINGS IN COLUMBIA  
COUNTY, WASHINGTON  
(AMENDED CODE SECTION)

CHAPTER 15.15 - WATER AVAILABILITY FOR NEW BUILDINGS

SECTIONS:

- 15.15.010 PURPOSE.
- 15.15.020 DEFINITIONS.
- 15.15.030 GENERAL CRITERIA.
- 15.15.040 INDIVIDUAL WATER SUPPLY SYSTEMS.
- 15.15.050 PUBLIC WATER SYSTEMS.

**15.15.010 Purpose.**

The purpose of this chapter is to establish guidelines to assist local governments in implementation of the provisions of RCW 19.27.097.

**15.15.020 Definitions.**

As used in this chapter:

"Approved water purveyor" means a water purveyor whose public water system is in compliance with the state surface and ground water codes (Chapters 90.03 and 90.44 RCW) and is in substantial compliance with the State Board of Health Drinking Water Regulations as determined by either the Department of Health or the local health authority.

"Ecology" means the Washington State Department of Ecology.

"Ground water" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or any other body of surface water within the boundaries of the state, as defined in RCW 90.44.035.

"Ground water under the direct influence of surface water" means ground water which has:

1. Significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as Giardia lamblia; or
2. Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH closely correlating to climatological or surface water conditions;
3. For purposes of determining treatment options, the following shall be treated as "ground water under the direct influence of surface water":
  - a. All water supply wells or sand points where the minimum sealing requirements of the Water Well Construction Standards (Chapter 173-160 WAC) cannot be met.
  - b. All water supply wells or sand points which were constructed prior to the adoption of the Water Well Construction Standards (Chapter 173-160 WAC) and exhibit any or all of the characteristics identified in subsections (1) and (2) of this definition.

"Health official" shall mean the Columbia County environmental health director working as the authorized representative of the health office as defined in RCW 70.05.070.

"Individual water supply system" means any water supply system which is not subject to the State Board of Health Drinking Water Regulations, Chapter 246-290 WAC. An individual water supply system generally provides water to one single-family residence or, in the case of family farms, four or fewer connections on the same farm.

"Potable" means suitable for drinking.

"Public water system" means any system subject to the State Board of Health Drinking Water Regulations, Chapter 246-290 WAC, excluding a system serving only one single-family residence or a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption, including:

1. Any collection, treatment, storage, or distribution facilities which are under the control of the purveyor and used primarily in connection with the system; and
2. Any collection or pretreatment storage facilities which are not under the control of the purveyor but are primarily used in connection with the system.

"Registered water right claim" means a statement of the existence of a water right generally vesting prior to 1917 for surface water and 1945 for ground water. The beneficial use of water must have been initiated prior to 1917 for surface water and 1945 for ground water. Evidence must be shown that there has been no relinquishment (cessation of use for five or more years, per RCW 90.14.140).

"Seasonal use areas" include recreational buildings, generally in less populated areas, that are occupied less than 90 days per year.

"Surface water" means any body of water, whether fresh or marine, flowing or contained in natural or artificial depressions for significant periods of the year, including natural and artificial lakes, ponds, rivers, streams, springs, swamps, marshes and tidal waters.

"Water purveyor" means any agency or subdivision of the state or any municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or any other entity that owns or operates a public water system. It also means the authorized agents of any such entities.

#### **15.15.030 General criteria.**

An applicant for a building permit for any building necessitating potable water must provide evidence of an adequate water supply both physically and legally available, in accordance with RCW 19.27.097, for the intended use of the building. Evidence of an adequate water supply shall be in the form of one of the following:

- A. A water right permit from Ecology. Water right permits are required for all surface water diversions and those ground water withdrawals which are in excess of 5,000 gallons per day or where the area of lawn or noncommercial garden to be irrigated is greater than one-half acre. A water right permit establishes the legal availability and right to use water in terms of quantity and priority.

Users of 5,000 gallons per day or less of ground water are exempted from having to obtain a water right permit by RCW 90.44.050, but are subject to all other pertinent water resources laws and regulations. Gravel aquifers in the Touchet River basin are hydraulically connected to surface waters in the basin; therefore, the gravel aquifers are closed by Ecology except for future permit exempt groundwater withdrawals and for nonconsumptive groundwater use. New permit exempt wells constructed into the gravel aquifer of the Touchet River basin (including tributaries) have maximum daily withdrawals as follows: in-house use is limited to 1,250 gallons per day and stock water use is limited to 700 gallons per day. Any outdoor use of water under the exemption must be mitigated prior to use.

Applicants alleging rights based upon registered water right claims should be directed to the appropriate regional office of Ecology to verify the existence of the claim and its possible validity. An application for a water right permit is not sufficient proof of an adequate legally available water supply.

- B. A letter from an approved water purveyor stating the ability and willingness to provide water. The purveyor providing such a letter must be in compliance with the state drinking water regulations, Chapter 246-290 WAC, as discussed further in this chapter and the state surface and ground water codes, Chapters 90.03 and 90.44 RCW.
- C. A water availability notification verifying that potable water is available in the amount necessary for the purposes of the building. Such a notification must be accompanied by any supporting documentation required by the Columbia County planning department. The basic documentation which is required is described in this chapter set forth herein.
- D. Exceptions.
  - a. Buildings which do not require potable water are not subject to the provisions of RCW 19.27.097 or this chapter.
  - b. Replacement structures or improvements or additions to buildings which will not result in an increase in the water usage of the building generally will not be subject to the provisions of this chapter.
- E. Ecology regional offices will notify Columbia County about areas where water is no longer available for appropriation, such as that previously described for the Touchet River basin, or areas where Ecology is investigating problems concerning water availability. The Columbia County health district and/or Columbia County planning must consider this information before proceeding with issuance of additional building permits within such an area.
- F. Regional drinking water operations offices of Department of Health will notify the Columbia County health district and/or Columbia County planning department about areas where the water supplies are of such poor quality that they should not be used for domestic water supply without treatment. The Columbia County planning department must consider this information before proceeding with issuance of additional building permits within such an area.

**15.15.040 Individual water supply systems.**

- A. A water supply for a building which requires potable water, excluding any outside limited irrigation, may be considered to be adequate if it:
  - a. Is capable of providing water to a residential dwelling in the amount of 400 gallons per day. If additional uses of the same water source are contemplated, the health official shall determine the amount necessary to satisfy those additional uses at the time of evaluating the adequacy of the supply. Consideration should be given to a program

of aggressive water conservation, including effective implementation of the water conservation performance standards.

- i. If a source appears to be only marginally adequate, either in terms of quantity yielded or quality of the water, the health official, in his or her best judgment, may wish to attach a note to the property title advising future owners of that fact.
    - ii. The health official, in his or her best judgment, may require additional testing at the time of resale of the property to verify the continued adequacy of the water supply.
  - b. Meets any and all siting criteria established by state regulations and local ordinances, and is constructed in compliance with state and local building codes.
  - c. Does not cause any detrimental interference with existing water rights and is not detrimental to the public interest. Investigation and identification of well interference problems and impairment to senior rights is the responsibility of Ecology. If the possibility of a problem is suspected, the Columbia County planning department or health district should contact Ecology.
- B. Systems Which Obtain Water from Surface Water Sources.
  - a. The use of surface water sources for individual water supplies is generally discouraged due to their potential for contamination. For purposes of determining treatment options, "surface water" as used in this subsection includes ground water which is under the direct influence of surface water, but does not include springs which have been developed to preclude surface contamination.
  - b. Water from the source should conform to water quality standards contained in the State Board of Health drinking water regulations and, at a minimum, must be tested for bacteriological quality and nitrates.
  - c. An operations and maintenance manual for the treatment system is to be submitted to the health district for review and approval. A copy of the approved manual must be provided to the property owner for the treatment system.
  - d. The water used should be treated using a system designed by a licensed professional, using equipment which meets Department of Health certification for point-of-use/point-of-entry treatment systems and is installed in accordance with the approved design.
  - e. A notice may be attached to the property title by the health official which states the requirement for a treatment system. This notification should include a recommendation that the water system be inspected and resettled any time the property ownership changes. The notice shall include information regarding the potential health risks associated with utilizing surface water as a drinking water source.
- C. Systems Which Obtain Water from Ground Water Sources.
  - a. If the total amount of water to be used from the ground water source is in excess of 5,000 gallons per day, it must be authorized by a water right permit or covered by a valid water right claim.
  - b. If the source is a well which does not require a water right permit, i.e., those under 5,000 gallons per day, or if constructed into the gravel aquifer of the Touchet River basin (including tributaries) under 1,250 gallons per day, the water availability notification should be accompanied by a well driver's log and, at a minimum, the results of a one-hour bailer or air lift test indicating the yield of the well.
    - i. In many cases, the well log plus results of a test verifying well yield will provide all the necessary supporting evidence

- of physical availability of water. However, in areas where other concerns about water availability may exist (e.g., impact on insert flows and senior surface water rights or known well interference), Ecology and/or the local health district may require additional testing to verify the existence of an adequate amount of water.
- ii. The well log and test indicate only the physical availability of water. They do not indicate the legal availability of water. Such wells, while exempt from the water right permitting process, are still regulated by the Department of Ecology.
- c. Additional supporting documents which may be required by the health district include, but are not limited to, the following:
- i. A water quality laboratory analysis report.
  - ii. A copy of recorded notification (if public disclosure of a problem is required).
  - iii. A copy of an operation and maintenance (O&M) manual (if required).
  - iv. Copies of any other documents which may be required by the health district.
- d. The well must be constructed in conformance with the water well construction standards (WAC 173-160-345).
- e. Water from the source should conform to water quality standards contained in the State Board of Health drinking water regulations and, at a minimum, must be tested for bacteriological quality and nitrates.
- i. A lab certified by the Department of Health must perform the analyses.
  - ii. If the health district suspects that a problem may exist in a specific area, the health district may also require testing for trihalomethanes, pesticides, radionuclides, volatile organic chemicals and/or other chemical or physical water quality parameters.
  - iii. If the well is newly constructed, prior to sampling it should be properly developed (e.g., flushed for a minimum of one hour or until such time as the water runs clear, and all chlorine residuals are undetectable).
  - iv. Water samples should be collected by a qualified individual as determined by the health official.
  - v. Follow-up sampling may be required to provide additional data on the level of a specific contaminant in question. If results of several consecutive follow-up samples indicate that the water supply is in compliance with the maximum contaminant levels, treatment and public notification requirements may be waived by the health official.
- f. Continuous effective treatment should be recommended, and may be required, for any water supply which fails to meet bacteriological or primary chemical or physical quality parameters.
- i. Continuous effective treatment may be recommended or required, at the health department's discretion, for any other contaminant found in the water.
  - ii. Treatment should generally be whole house rather than point of use. Water used in any portion of the system, such as the irrigation system, laundry, or other noncontact plumbing fixtures, which is isolated from the drinking water system does not have to be treated.

- iii. All home treatment equipment shall be Department of Health certified and must be installed in accordance with the approved design. Inspection of treatment equipment shall be inspected by the health official of Columbia County.
    - iv. In cases where treatment is recommended, a notice by the health official recommending treatment should be attached to the property title. This notification should recommend that the water system be inspected and retested any time the property ownership changes. The notice should include information regarding the potential health or aesthetic effects associated with exceeding the maximum contaminant level.
- D. Alternative Sources of Supply. Individuals may obtain water from alternative sources of supply under the following conditions:
  - a. Hauling water should be allowed only if the applicant can demonstrate that the proposed system will comply with the water quality criteria specified in this chapter.
  - b. Rooftop collection systems should be allowed only if the applicant can demonstrate that the proposed system will comply with the water quality and quantity criteria specified in this chapter.
- E. To allow property owners wishing to build any buildings in seasonal use areas to be issued building permits without having to demonstrate that an adequate potable water supply is available for the seasonal use recreational building; further, the building permit should be issued conditional to:
  - a. The installation of a permitted and approved sewage disposal system, either:
    - i. A vaulted sealed privy, meeting or exceeding Washington standards; or
    - ii. An on-site sewage disposal system (septic tank and drainfield).
  - b. Recording of covenants which guarantee that:
    - i. When the building is occupied or intended for occupancy for more than 90 days per year, the owner shall notify both the Columbia County health district and the Columbia County planning/building department; and the owner shall immediately install an adequate potable water supply and an on-site sewage disposal system; and
    - ii. When a well is drilled or other adequate potable water supply is installed on the property, the owner will install a permitted and approved on-site sewage disposal system.

**15.15.050 Public water systems.**

If the operators of a public water system desire to provide water to one or more new buildings, they shall ensure that such an expansion of service is:

- A. Consistent with adopted State Board of Health drinking water regulations.
- B. Consistent with adopted Columbia County comprehensive plan, development regulations and zoning ordinances.
- C. Within the scope and conditions of the system's water rights, including authorized place of use, limitations on quantity of water allowed for use, and number of connections authorized to be served.
- D. Consistent with Washington State Department of Health regulations and procedures, including system design standards.

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FOR WATER AVAILABILITY FOR NEW BUILDINGS

**WHEREAS:** The Columbia County Planning Commission having held public meetings on February 25<sup>th</sup>, 201, and March 11<sup>th</sup>, 2019, and having fully considered the entire record and all public testimony, correspondence, Growth Management requirements and all those matters of record presented to the Planning Commission, recommends adoption of these amendments to the Columbia County Code during the 2020 Comprehensive Plan amendment cycle.

**NOW:** The Columbia County Planning Commission recommends to the Board of County Commissioners its approval of the regulations pertaining to Water Availability for New Buildings as supported by the following findings:

1. Discussion regarding these proposed amendments took place during the Columbia County Planning Commission regular meetings on 02/25/2019 and 03/11/2019; and,
2. Notice of the regular meeting schedule for 2019, including location, date, and time was advertised in the paper of record on December 27<sup>th</sup>, 2018; and
3. The Planning Commission feels the policies do comply with the purpose and intent of the Growth Management Act and does bring the County into compliance; and,
4. It is unlikely that adopting the policies will have a disruptive effect on the stability and continuation of land use patterns on land in Columbia County; and,
5. The policies do not unreasonably restrict or prevent use of land within Columbia County; and,
6. The procedures herein offer policy direction for addressing recent case law regarding water availability and development, namely, *Hirst*.
7. The public interest will best be served by the policies.
8. Final adoption of the development procedures provided herein will occur in conjunction with the adoption of Columbia County's 2020 periodic update to the Comprehensive Plan and associated development regulations.

CONCLUSIONS

Based on the above Findings, and following review of the record, and the recommendations of the Planning Director and after consideration of the Columbia County Comprehensive Plan, consideration for the public health, safety and welfare of the citizens of Columbia County, the Planning Commission recommends approval of the regulations pertaining to Water Availability for New Buildings herein to the Board of County Commissioners, to be adopted as part of the 2020 Comprehensive Plan and associated development regulations.

Dated this 11<sup>th</sup> day of March, 2019

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Jason Towery, Chair

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Meagan Bailey, Planning Director



# Columbia County, WA Planning Staff Report Updates to Development Regulations

Adopting Cluster Development Regulations as part of the 2020 Comprehensive Plan Update

To: Columbia County Planning  
Commission

For: Review, Support of Document through  
Findings of Fact

From: Columbia County Planning  
Director

Date: March 11<sup>th</sup>, 2019

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## Proposal:

Being a request to incorporate additional regulations within the Columbia County code that would protect agricultural lands while allowing for additional development opportunities for landowners.

## Background and Discussion:

In 2017, the Planning Commission worked with a previous County Planner to develop amended regulations pertaining to Planned Unit Developments in the agricultural zones of Columbia County. As is required pursuant to RCW 36.70A.106(3)(b), notice was made that amendments were being proposed to the County's development regulations, and expedited review of those proposed changes were requested. Upon the receipt of the request, the Department of Commerce submitted formal written and verbal comment identifying the conflicting nature of the proposed regulations and the GMA requirements regarding rural character, rural densities, and the long-term protection of agricultural lands of commercial significance. At that time, given the disapproval from the State, the item was shelved for later review.

In regards to zoning techniques in resource lands, there are a variety of tools that may be utilized, including cluster development regulations. The intent of cluster developments is to allow for additional opportunity for development in resource lands, while simultaneously protecting and preserving the resource lands from ongoing sprawl, haphazard development, and the platting of small lots – preventing the breakage of the landscape and the reduction of the commercial value of the land. As discussion commenced with the Department of Commerce, there was recommendation to review the Walla Walla County code pertaining to Cluster Developments in Resource Lands. Initially, staff provided the Walla Walla code to the Planning Commission for review. During the February 11<sup>th</sup>, 2019 regular meeting of the Planning Commission, review commenced and revisions were discussed. Additionally, Bryan Martin, local surveyor and Planning Commission Chair at the time, reviewed the draft thoroughly and provided additional recommendations for revision and incorporation into the code. Again, on February 25<sup>th</sup>, 2019, the Planning Commission reviewed and offered additional review and revision. After the final suggestions were made during this meeting, staff indicated the edits would be incorporated and finalized for the next regular meeting, with formal support requested for adoption of the regulations with the adoption of the 2020 Comprehensive Plan Update.

## Findings of Fact:

1. The Washington State Department of Commerce recommended utilizing alternative planning and zoning tools to allow for increased and controlled development within the County's resource lands. Within this recommendation was guidance to review cluster development provisions, and consider incorporation of such into the Columbia County

Code.

2. The Columbia County Planning Commission worked alongside the Planning Director to generate the final draft as proposed herein.
3. The Columbia County Planning Commission reviewed and discussed the proposed during regularly scheduled public meetings.
4. The Columbia County Planning Commission provided additional question and insight into the draft, with staff responding to all comments of concern and/or incorporating proposed changes.
5. The proposed amendments will assist Columbia County reaching the goals of the Growth Management Act (RCW 36.71A.020).

2020 COMPREHENSIVE PLAN AMENDMENTS - DEVELOPMENT REGULATIONS  
PERTAINING TO CLUSTER DEVELOPMENTS ON RESOURCE LANDS IN COLUMBIA  
COUNTY, WASHINGTON  
(NEW CODE SECTION)

CHAPTER 18.145 - CLUSTER DEVELOPMENTS ON RESOURCE LANDS

SECTIONS:

- 18.145.010 PURPOSE AND INTENT.
- 18.145.020 APPLICABILITY.
- 18.145.030 FEES.
- 18.145.040 PROCEDURE REQUIREMENTS.
- 18.145.050 DESIGN REQUIREMENTS.
- 18.145.060 ONE-TIME LAND DIVISIONS.

**18.145.010 Purpose and intent.**

Cluster developments will be strictly managed and designed to conserve and preserve community wide agricultural lands and encourage the agricultural economy through the following objectives:

- A. Preserve land for long-term farming and minimize reductions in farm productivity; and,
- B. Generally site homes to minimize negative impacts to the protection of farmland; and,
- C. Minimize conflicts between working farms and nonfarm dwellings; and,
- D. Buffer the impacts of new lots from farms and farmland; and,
- E. Provide flexibility to land owners when dividing their property and configure new parcels to be less than the minimum normally required by zoning; and,
- F. Prevent the spread of wildfire and damage to property, structures and crops; and,
- G. Prevent the spread of noxious weeds; and,
- H. Create lots with safe access to public roads.

**18.145.020 Applicability.**

A. The county requires compliance with this chapter for lawfully created parcels of record as of the date of approval of the ordinance approving this chapter. Parcel is defined as a lot created by a subdivision, short plat or exempt segregation per RCW 58.17. Assessor's parcels, created for taxation purposes only, are not lawfully created lots of record.

B. Cluster developments are permitted only in the Agricultural 1 (A-1) zone subject to approval of an appropriate land division designed in compliance with the provisions of this chapter.

C. Land divisions on resource lands zoned A-1 or that are included in the areas identified as being either "primary significance" or "unique land," as shown on maps in the county's comprehensive plan shall comply with the provisions of this chapter except as provided below in this section.

D. The creation of parcels that are 40 acres or larger within the A-1 zone are exempt from the requirements of subsection C of this section.

#### **18.145.030 Fees.**

A fee will be established and adopted by resolution by the Columbia County Board of Commissioners and will be maintained with the Planning Department fee schedule.

#### **18.145.040 Procedure requirements.**

Applications for a cluster development are processed in accordance with the following procedures:

- A. For cluster development applications that consist of the creation of 9 or fewer lots, the processing provisions as outlined within CCC 17.10 - Short Subdivision and Platting shall be followed.
- B. For cluster development application that consist of the creation of 10 or more lots, the processing provisions as outlined within CCC 17.05 - Long Subdivision and Platting shall be followed.

#### **18.145.050 Design requirements.**

Cluster developments shall be designed and approved in accordance with the following requirements:

- A. Cluster developments will be allowed only at the density permitted by the assigned zoning.
- B. The minimum land area needed to implement a cluster development is as follows:
  - a. A-1 zone: eighty acres.
- C. Cluster developments do not have to comply with minimum lot size requirements specified by the assigned zoning.
- D. All required infrastructure improvements to serve the development, such as potable water, wastewater disposal, and access to public roads shall occur concurrent with development.
- E. Cluster development lot width shall be a minimum of one hundred fifty feet.
- F. Cluster developments may occur in phases.
- G. New residential parcels in the A-1 zone shall create contiguous lots, whereas new lots will not be created in more than one location within the parent parcel.
- H. At least seventy percent of the overall development site shall be maintained and preserved for agricultural use to preserve long-term commercially significant lands use through a recorded instrument approved by the director.
- I. Within the A-1 zone, the maximum number of parcels smaller than the minimum parcel size is specified by the assigned zoning, and shall comply with the following limits:

- a. Where there are existing domestic and irrigation water rights, no more than twelve smaller parcels shall be created;
- b. Where there are existing irrigation water rights only, no more than eleven smaller parcels shall be created;
- c. Where there are no existing water rights (domestic nor irrigation), no more than four smaller parcels shall be created.

J. Sufficient water to serve both domestic and residential irrigation needs must in fact be present and shall be required. With regard to provision of domestic water and consistent with the requirements regulating the number of smaller parcels allowed on an overall site, the following requirements shall be met:

- a. Where there are sufficient existing domestic and irrigation water rights to serve the development, a community water system shall be implemented for the smaller parcels;
- b. Where there are existing irrigation water rights only, or where there are no existing water rights (domestic nor irrigation), an exempt well(s) may be utilized to serve the smaller parcels with domestic water, provided all applicable regulations governing exempt wells are met, as demonstrated by approval from the Washington State Department of Ecology.

K. Wellhead protection zones shall be overlapped to the extent possible.

L. Cluster developments shall comply with all applicable county and state health requirements for water and sewage disposal.

M. A farm center parcel containing farm-related buildings can be up to ten acres in size, and is not to be included in the average lot size calculation, provided the new property line follows the perimeter of the existing farm center footprint comprised of such structures as a home, outbuildings, equipment storage areas, barns and corrals.

- a. Whereas an application indicates the creation of a farm center parcel that exceeds the ten acre maximum, the provisions within CCC 18.05.050 and CCC 18.05.055 shall be utilized, depending on the variance requested within the application.

N. No parcel in the cluster development, except a farm center parcel with existing building or a resource parcel, shall exceed five acres in area.

O. The buffer space shall be a minimum of fifty feet from the adjacent resource parcel to any dwelling in the cluster development. All required buffers between the resource parcel and the smaller development parcels shall be provided within the new lots, and shall not encumber the resource parcel.

P. Setbacks.

- a. For all nonfarm-related development within agricultural resource areas or on lands adjacent to or abutting agricultural resource lands: all structures shall maintain a minimum setback of fifty feet from land designated for agricultural purposes.

Q. Public access shall be available to the development site, whereas both shall meet the applicable county standards.

R. A right-to-farm statement shall be on the face of the recorded land division plat.

S. Owners of cluster lots created under the provisions of this chapter shall prevent the spread of noxious weeds. All development approvals shall include this requirement. A covenant enforceable by an adjacent property owner shall be on the face of the recorded land division plat. (I have verbiage for this covenant) (see Washington State Noxious Weed List).

T. Prior to issuance of a permit for lots in a cluster development, the property owner(s) shall acknowledge that the site is in or near agricultural lands through a statement on the face of the recorded land division plat that is binding upon future owners, heirs and successors.

U. A land division approved under the authority of this chapter shall include a statement on the face of the recorded land division plat stating that the acreage shall not be used more than once for determining the allowable number of units. The applicant shall state on the face of the recorded land division plat the specific acreage used for determining the proposed new lots.

V. Cluster lot density can be transferred from contiguous parcels in the same ownership where density is transferred between lands in the same zoning district. Two legal parcels separated by roads (all types) and/or railroads are considered to be contiguous.

#### **18.145.060 One-time land divisions.**

Property owners of a parcel, that is larger than 40 acres and smaller than 80 acres, shall be permitted a one-time land division, consistent with all of the following provisions:

A. This land division process is limited to the A-1 zone; and,

B. Lots created via the one-time land division shall be not less than two acres and not more than five acres, unless used to divide off an existing farmstead, in which case the new lot can be up to ten acres, provided the new property line follows the existing farm center footprint comprised of such structures as a home, outbuildings, equipment storage areas, barns and corrals.

a. Whereas an application indicates the creation of a farm center parcel that exceeds the ten acre maximum, the provisions within CCC 18.05.050 and CCC 18.05.055 shall be utilized, depending on the variance requested within the application.

C. Sufficient surface and/or ground water rights shall be available to the new smaller parcels to permit for domestic use, reasonable irrigation, such as yard, garden, and caring for animals, fire suppression, and to avoid a portion of the smaller lots becoming a nuisance with regard to such concerns as dust, and weed control; and

D. A one-time land division counts against the maximum number of dwellings in a future clustering proposal.

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FOR CLUSTER DEVELOPMENTS ON RESOURCE LANDS

**WHEREAS:** The Columbia County Planning Commission having held public meetings on February 11<sup>th</sup>, 2019, February 25<sup>th</sup>, 2019, and March 11<sup>th</sup>, 2019, and having fully considered the entire record and all public testimony, correspondence, Growth Management requirements and all those matters of record presented to the Planning Commission, recommends adoption of these amendments to the Columbia County Code during the 2020 Comprehensive Plan amendment cycle.

**NOW:** The Columbia County Planning Commission recommends to the Board of County Commissioners its approval of the regulations pertaining to Cluster Development on Resource Land as supported by the following findings:

1. Discussion regarding these proposed amendments took place during the Columbia County Planning Commission regular meetings on 02/11/2019, 02/25/2019, and 03/11/2019; and,
2. Notice of the regular meeting schedule for 2019, including location, date, and time was advertised in the paper of record on December 27<sup>th</sup>, 2018; and
3. The Planning Commission feels the policies do comply with the purpose and intent of the Growth Management Act and does bring the County into compliance; and,
4. It is unlikely that adopting the policies will have a disruptive effect on the stability and continuation of land use patterns on land in Columbia County; and,
5. The policies do not unreasonably restrict or prevent use of land within Columbia County; and,
6. The public interest will best be served by the policies.
7. Final adoption of the development procedures provided herein will occur in conjunction with the adoption of Columbia County's 2020 periodic update to the Comprehensive Plan and associated development regulations.

CONCLUSIONS

Based on the above Findings, and following review of the record, and the recommendations of the Planning Director and after consideration of the Columbia County Comprehensive Plan, consideration for the public health, safety and welfare of the citizens of Columbia County, the Planning Commission recommends approval of the regulations pertaining to Cluster Developments on Resource Lands herein to the Board of County Commissioners, to be adopted as part of the 2020 Comprehensive Plan and associated development regulations.

Dated this 11<sup>th</sup> day of March, 2019

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Jason Towery, Chair

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Meagan Bailey, Planning Director