

Cluster Developments

Grant deliverable. The County wants to update and improve its incentive programs so that they will be actively utilized and highly effective in the preservation of farmland. This grant would contribute to this goal by reimbursing the County for staff time to be spent reviewing and analyzing its cluster development regulations, for the purpose of developing strategies for updating such regulations.

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1. GMA cluster provisions. The Growth Management Act includes the following provisions relating to Agricultural lands:

RCW 36.70A.177, Agricultural lands — Innovative zoning techniques — Accessory uses.

(1) A county or a city may use a variety of innovative zoning techniques in areas designated as agricultural lands of long-term commercial significance under RCW 36.70A.170. The innovative zoning techniques should be designed to conserve agricultural lands and encourage the agricultural economy. Except as provided in subsection (3) of this section, a county or city should encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes.

(2) Innovative zoning techniques a county or city may consider include, but are not limited to:

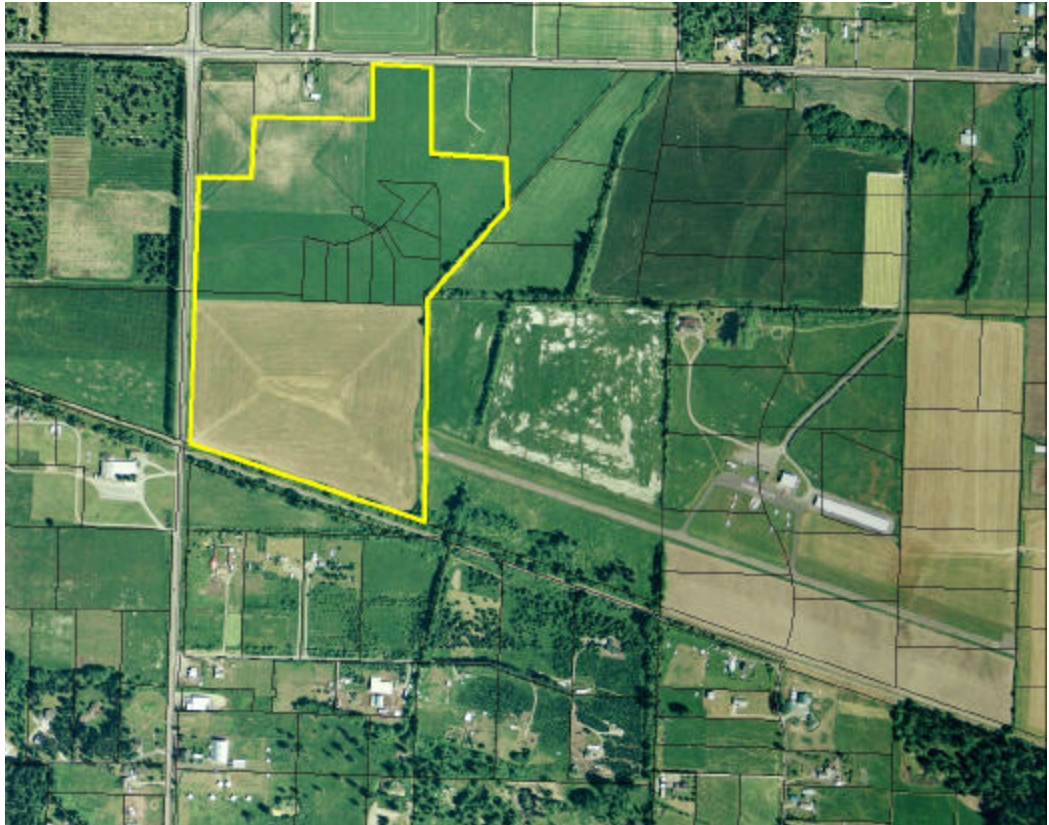
- (a) Agricultural zoning, which limits the density of development and restricts or prohibits nonfarm uses of agricultural land and may allow accessory uses, including nonagricultural accessory uses and activities, that support, promote, or sustain agricultural operations and production, as provided in subsection (3) of this section;
- (b) Cluster zoning, which allows new development on one portion of the land, leaving the remainder in agricultural or open space uses;
- (c) Large lot zoning, which establishes as a minimum lot size the amount of land necessary to achieve a successful farming practice;
- (d) Quarter/quarter zoning, which permits one residential dwelling on a one-acre minimum lot for each one-sixteenth of a section of land; and
- (e) Sliding scale zoning, which allows the number of lots for single-family residential purposes with a minimum lot size of one acre to increase inversely as the size of the total acreage increases.

2. County cluster provisions. The County's Agricultural Retention zone provides for the following land division options:

- A) **Standard option**, which would divide the parent parcel into lots that are each at least 16 acres in size; or
- B) **Cluster option**, which would divide the parcel so that all dwelling units are clustered in the "development section" of the parent parcel, with the rest (at least 75%) of the parent parcel "reserved in perpetuity for agricultural land reservation." The specific incentive offered to the landowner to choose this option depends on whether the parent parcel was already divided into "an existing pattern of five acre lots" as of the adoption of the County's Zoning Code in 1995, or not:
 - a) **If already divided into five acre lots**, then the landowner is entitled to a number of dwelling units equal the number of five acre lots. As an incentive to cluster, the landowner would receive a "density bonus" calculated as the difference between parent parcel size x 0.30 (rounded down to the nearest whole number) less the number of five acre lots. This density bonus can be used on-site by building additional dwelling units in the clustered "development section."
 - b) **If NOT already divided into five acre lots**, then the landowner is entitled to a number of dwelling units calculated at 1 per 16 acres. As an incentive to cluster, the landowner would receive a "density bonus" calculated as the difference between parent parcel size x 0.30 (rounded down to the nearest whole number) less the number calculated at 1 per 16 acres. This density bonus, however, may not be used on site, and can only be transferred for the purpose of increasing the density in certain neighborhoods in the Sequim UGA pursuant to the County's TDR program.

3. Analysis.

- A) **If already divided into five acre lots**, the provision of a density bonus to be used on-site has in fact resulted in at least one landowner taking advantage of this provision. Discovery Farms consisted of a number of contiguous five acre lots of AR zoned lands in different ownerships totaling 65 acres. The owners applied together for a cluster division and received a density bonus to be used on-site. In exchange, 75%, or 49 acres, will “remain in agricultural use in perpetuity.” Below is an aerial photo of the Discovery Farms development, prior to construction of the first home.



- B) **If NOT already divided into five acre lots**, the incentive of an additional density bonus to be sold through the County’s non-functional transfer of development rights program has not enticed any landowner to take advantage of this option. Instead, there have been landowners who have chosen to divide their AR zoned parcels into “standard” lots of 16 acres each, each of which can then be developed with a home site. If an on-site density bonus had been available, perhaps those landowners would have chosen to create a clustered development section, with the remaining acres preserved in an agricultural reserve in perpetuity.
- C) **Recommendation.** Protecting larger tracts of agricultural reserves in perpetuity is preferred to a pattern of 16 acre lots. Offering a density bonus to be used on-site has been shown to encourage cluster development. Offering a density bonus that can be sold under the County’s TDR program has not shown to encourage cluster development. As a result, the Agricultural Reserve zoning district should be revised to offer ALL landowners of AR zoned land, whether or not the parcels are already divided into five acre lots, the incentive of a density bonus to be used on-site, for choosing to cluster.
- D) **One additional item to be considered** when reviewing the AR zone provisions for potential revisions is the formula used to calculate the density bonus. The formula [Gross acres development x 0.30 = total development rights (rounded down to the nearest whole number)] yields a density of one dwelling unit per 3.33 acres. This would be significantly higher than the base density of one dwelling unit per 16 acres. The recommendation would be to reconsider the formula.

4. Conclusion. The Agricultural Reserve zoning district should be revised to offer ALL landowners of AR zoned land, whether or not the parcels are already divided into five acre lots, the cluster incentive of a density bonus (with the specific formula to be reconsidered) to be used on-site, rather than off-site through the County's non-functional TDR program, as is currently the case.