

WHATCOM COUNTY RURAL ELEMENT FREQUENTLY ASKED QUESTIONS

What is Whatcom 2031 Rural Element?

“Whatcom 2031” is the County’s effort to plan for the next 20 years of growth by updating the comprehensive plan to be consistent with the requirements of the Growth Management Act (GMA). As a part of this, the County is working to update its policies and regulations for managing growth and development in rural areas. The purpose of this update is to ensure that the Rural Element section of the Whatcom County Comprehensive Plan accurately reflects the values and expectations of county residents and complies with Washington’s Growth Management Act.

Why is the update needed?

An update is needed to bring Whatcom County’s comprehensive plan and zoning regulations into compliance with Washington State’s Growth Management Act (GMA). The GMA requires counties to protect the character of their rural areas and prevent sprawling suburban type development. A 2005 Growth Management Hearings Board decision found Whatcom County’s comprehensive plan to be out of compliance with the GMA. Specifically, the policies and designation descriptors for Small Towns, Crossroads Commercial, Resort and Recreational Subdivisions, Suburban Enclaves, and Gateway Industrial land use designations did not minimize and contain development. In addition, the following rural zoning classifications were found to be too dense for rural lands: RR1, RR2, RR3, EI, R2A, and RRI.

The County can do a number of things to bring its Comprehensive Plan and zoning regulations into compliance with the GMA:

- Revise the rural land use designations;
- Change the non-compliant zones to promote appropriate rural densities and uses;
- Designate LAMIRDs with clear outer boundaries using appropriate criteria to determine these boundaries.

What is a LAMIRD?

The GMA allows counties to designate “limited areas of more intensive rural development” (LAMIRDs) to “minimize and contain” areas where more intensive uses and densities already existed when GMA took effect in 1990. Under the law, most of these areas are described as “rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.” Within LAMIRD boundaries, state law provides for limited infill, development or redevelopment of the existing areas. There is very limited ability to make any changes to the overall character in terms of the general uses and densities. The County, with your help, must define the policies and criteria to decide where these LAMIRDs should be allowed and how their outer boundaries should be determined. Please see the handout entitled “Proposed Whatcom County LAMIRD Criteria” for more details about the LAMIRD designation process.

What is a Rural Center?

Rural Center is the proposed land use designation name for an area that has historically served as a hub of commercial or public services in the rural areas of Whatcom County. These include small towns as well as crossroads commercial areas. Rural Centers could include adjoining residential areas as well. These would be considered LAMIRDs and their boundaries would be drawn based on state and county criteria (please see the “LAMIRD Criteria” handout sheet).

How would zoning within LAMIRD boundaries change?

Proposed county policies call for keeping Rural Residential and Rural zoning designations within LAMIRD boundaries. Any Urban Residential zones may also be changed to a residential designation that is rural in nature. Commercial designations such as Small Town Commercial and Crossroads Commercial, which serve surrounding rural areas, would also likely remain. Commercial zones such as General Commercial, which allow a broader range of uses, will be considered for change to Small Town or Crossroads Commercial.

How would zoning outside of LAMIRD boundaries change?

Outside of LAMIRD boundaries, minimum lot sizes for new subdivisions would be limited to five acres or larger within a Rural or Rural Residential district zoning designation. However, many subdivisions have already taken place and legal lots smaller than five acres exist. These legal lots would retain their rural permitted, conditional, and accessory uses, subject to the existing county development regulations. Two other questions are related to this issue:

What is a Nonconforming Use?

“Nonconforming use” means a building or land occupied by a legally established use that does not conform with the use regulations of the zoning district in which it is located (WCC 20.97.270). When a parcel no longer meets the minimum lot size for a particular Zone, it is a nonconforming lot. A nonconforming lot that is a legally established lot of record can still be developed per the permitted and accessory uses that are permitted for that particular zone. When a commercial use on a lot becomes nonconforming because of a Zone change, that existing and legally established use may be continued consistent with the provisions of Whatcom County Title 20 Zoning Code (WCC 20.83.010-.130). Because each landowner’s situation will be unique, we encourage you to visit the Planning and Development Services front counter and speak to a Current Planner concerning a nonconforming lot or use.

What is Lot Consolidation?

Adjacent lots owned by one owner not meeting standard zoning requirements are required to be consolidated to promote development that is consistent with Rural zones. Lot consolidation is administered under Whatcom County Title 20 Zoning Code (WCC 20.83.070-.073). There are many different factors that may determine whether a lot is exempt from consolidation (the date of the establishment of the plat, for example) or is subject to consolidation (established uses on the lot(s), for example). Because each landowner’s situation will be unique, we encourage you to visit a Zoning Administrator at the Planning and Development Services front counter for assistance in determining whether your lots will be subject to lot consolidation.

What happens next?

The County will study the comments from Phase I & II workshops, meetings, and other public input, and prepare drafts of comprehensive plan amendments and LAMIRD boundaries based on those comments. In 2009 the County will make those drafts available for public review. After public review, the Planning Commission and County Council will consider the proposed changes to the comprehensive plan and zoning classifications. Whatcom County invites citizens to stay informed and participate throughout the process.

How can you get involved?

We want to hear from you! Please don’t hesitate to contact us - we want to answer your questions and hear your ideas. You can contact Planning and Development Services at 360-676-6907 or e-mail pds@co.whatcom.wa.us. If you wish, you can be placed on an e-mail list to receive future updates on the project. Visit our website to learn more about the update: www.whatcomcounty.us/pds.