

PROPOSED WHATCOM COUNTY LAMIRD CRITERIA

December 4, 2008 Draft

GMA Requirements:

RCW 36.70A.070(5)(d)

(iv) A county shall adopt measures to minimize and contain the **existing areas** or uses of **more intensive rural development**, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a **logical boundary delineated predominately by the built environment**, but that **may also include undeveloped lands if limited** as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary the county shall address

(A) the need to **preserve the character of existing natural neighborhoods** and communities,

(B) **physical boundaries** such as bodies of water, streets and highways, and land forms and contours,

(C) the **prevention of abnormally irregular boundaries**, or

(D) the **ability to provide public facilities and public services** in a manner that does not permit low-density sprawl.

(v) For purposes of (d) of this subsection, an **existing area or existing use** is one that was in existence:

(A) On **July 1, 1990**, in a county that was initially required to plan under all of the provisions of this chapter

LAMIRD Criteria for Whatcom County

A. LAMIRDS should generally be located in areas that:

1. Were developed before July 1, 1990 as small towns, crossroads activity centers, or residential/recreational subdivisions,
2. Are not designated by the Comprehensive Plan as Urban Growth Areas (UGAs) or Resource Lands, or Rural, and
3. Are not adjacent to a UGA except where the affected city opposes extending the UGA boundary to include the area¹.

B. LAMIRD boundaries should include:

1. Parcels that were intensively developed (as defined below) on July 1, 1990
2. Parcels that on July 1, 1990 were not intensively developed, but one or more of the following conditions exist:
 - a. Including the parcel helps preserve the character of an existing natural neighborhood,
 - b. Including the parcel allows the logical outer boundary to follow a physical boundary such as bodies of water, streets and highways, and land forms and contours,

¹ Per People for A Liveable Community, Jim Lindsay, et al. v. Jefferson County, WWGMHB Case No. 03-2-0009c Final Decision and Order p. * 11 (August 22, 2003).

- c. Including the parcel (or in limited cases, a portion of the parcel) prevents the logical outer boundary from being abnormally irregular, and
- d. Including the parcel is consistent with efficient provision of public facilities and services.

Definitions:

Built environment: Definitions of built environment are provided in RCW 43.21C.110(1)(f), WAC 197-11-716, and WAC 197-11-444

Intensively developed: Parcels that were, on July 1, 1990, developed with a use or density more intensive than would have been permitted outright in Whatcom County's Rural 5-acre zoning classification. Whatcom County will use the best available information to verify development status, including Assessor's records and aerial photography.

Irregular boundary: A boundary between LAMIRD and non-LAMIRD areas that causes island, peninsula, or checkerboard patterns to be formed. While boundaries should follow parcel lines wherever possible, a boundary may cross a parcel in order to prevent excessive irregularity. Some irregularity is to be expected and boundaries do not have to be squared off².

Natural neighborhood: A contiguous local area characterized by consistent development patterns, including uses, densities, and access.

Physical boundary: A visible physical feature that generally acts as a clear visual or functional separator between local geographic areas. Such features include rivers, lakes, railroad tracks, highways, and steep slopes.

Public facilities and services: Facilities and services provided by public entities such as fire districts, school districts, and water and sewer utilities, and Whatcom County (roads). Efficient provision means the amount of infrastructure needed per dwelling unit is minimized, relative to that needed to serve low-density sprawl development.

² Per Vines v. Jefferson County, WWGMHB Case No. 98-2-0018 Final decision and Order (April 5, 1999).