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MEMORANDUM

TO: Whatcom County Planning Commission

THROUGH: David Stalheim, Director

FROM: Wain Harrison, Long Range Planning Supervisor
Gary Davis, AICP, Senior Planner

DATE: December 4, 2008

SUBJECT: Rural Element Update

This memorandum is a brief update on the status of the Rural Element project. The scope of the project includes amending the portion of the Comprehensive Plan's Land Use chapter that pertains to rural lands (Chapter 2, page 2-62), and changing several zoning classifications in rural areas. This is necessary to comply with the Western Washington Growth Management Hearings Board's decision in the 2005 Futurewise v. Whatcom County appeal, which found that the Comprehensive Plan included land use designations that did not adequately contain non-rural growth in rural areas, and that several zoning classifications in the rural areas allowed densities that are not considered rural.

PDS staff will bring to the Planning Commission and County Council proposed amendments that will specifically address the Hearings Board's compliance order, but will also update overall rural land use policy so that those the amendments reflect the values of the community. The Planning Commission is tentatively scheduled to consider proposed comprehensive plan and zoning amendments in April 2009.

PDS staff and project consultant Makers Architecture are completing the initial phase of public participation, which has consisted of meetings with stakeholder groups, phone interviews with individual stakeholders, and public meetings at three locations throughout the county. The focus of these activities is to inform the public about what the county needs to accomplish to comply with the Hearings Board's decision, and to gain their input on rural issues, which will be used to update overall rural land use policy. In addition, staff has published related information on the PDS web site and has created a questionnaire to gauge public values on a number of rural issues. Staff will present preliminary results of that questionnaire at the December 11, 2008 Planning Commission meeting.

In the coming months, staff and the consultant will prepare draft materials to be reviewed by the public in a second phase of public involvement. These materials will include draft revisions to the Comprehensive Plan and proposed zoning changes. The Comprehensive Plan amendments will include any changes to overall rural land use policy as well as needed changes to specific land use designation descriptors and proposed boundaries for Limited Areas of More Intensive Rural Development (LAMIRDs), which GMA allows in order to contain areas that had been developed in rural areas as of July 1, 1990 with non-rural uses and densities.

Staff estimates that about 20,000 acres in Whatcom County fall within zoning or land use designations found non-compliant by the Hearings Board decision. These areas are shown on the attached map. Land located within the affected zoning classifications will need to be either 1) included within a LAMIRD boundary, where the existing zoning could remain, or 2) have the zoning classification changed to reflect uses and densities that would be considered rural (the Hearings Board had found all rural residential zones with lot sizes smaller than five acres to be non-compliant).

Staff will propose LAMIRD boundaries that conform to GMA's criteria outlined in RCW 36.70A.070(5)(d). The statute requires a "logical outer boundary" based on the following considerations:

- (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.

The boundaries will include parcels that were "more intensively" developed as of 1990, but can also include some parcels that were not – provided they fall within a logical outer boundary based on the above considerations. Attached is a draft set of criteria for determining LAMIRD boundaries in Whatcom County. Staff invites comment from the Planning Commission and the public in setting these criteria.

To determine the extent of development as of 1990, staff will use the best information available, including aerial photographs and Assessor's property records. Staff will also refer to growth management hearings boards' decisions regarding LAMIRDs (see the attached paper for a compilation of those decisions).

Staff anticipates that the second phase of public involvement will take place in February 2009, and the proposed amendments would be considered by the Planning Commission in April. If you have questions on this process please call Gary Davis at 676-6907 or e-mail gdavis@co.whatcom.wa.us.

Attachments:

- Map of Affected Areas
- Proposed LAMIRD Criteria
- LAMIRDs: Statute and Growth Management Hearings Board Decisions