

From: Gary Davis
To: Rural Element
CC: Michelle Stiles
Date: 12/11/2008 10:01 AM
Subject: Whatcom County Rural Element Update - Preliminary Questionnaire Results
Attachments: WhatcomRural_questionnaire_summaryresults.pdf; Mapping_quest_results_group_11x17.jpg; MemoToPC 12-04-08.pdf; LAMIRD Statute GMHB 12-04-08.pdf; LAMIRD Criteria 12-04-08.pdf

Good Morning

Planning and Development Services is wrapping up the initial public participation phase in the updates to the Whatcom County Rural Element. Attached are preliminary results from the questionnaire (including on-line and mail-in responses). To date we have received more than 240 responses, and we expect to receive and tabulate additional mail-in responses. The next phase of public participation is expected to happen in February 2009, when planning staff will present draft Comprehensive Plan policy changes and proposed LAMIRD boundaries reflecting the public input received so far.

Also attached is a summary of the rural planning exercise from the November 12th and 13th public workshops. Participants worked in groups to plan appropriate land uses on a map of a hypothetical region that included a city, a small town, crossroads commercial areas, resource lands, and rural areas. The summary matrix shows which uses the participants found the most appropriate in each of these areas. Though the number of participants was small, the exercise generated thoughtful discussions and yielded many comments.

Planning staff will give the Whatcom County Planning Commission a brief update on the public participation process to in a work session tonight (Thursday December 11) at 6:30 p.m. at the County Annex, 5280 Northwest Dr. The staff memorandum for that update is attached, along with accompanying documents on proposed LAMIRD criteria and related hearings board decisions.

As always, please contact me or Michelle Stiles if you have questions or comments.

Gary Davis, AICP
Senior Planner
Whatcom County
Planning & Development Services
360-676-6707 ext. 50246

Whatcom County 2031: Rural Element Update

Questionnaire Results - December 2008

The County received over 240 responses, which are summarized below:

I. In rural areas of Whatcom County (areas not within urban or agricultural areas), would you say that development in the last 10 years has been (please check one):

6.8% Too little 28% About right 57.7% Too much 7% Don't know/not sure

Comments? protect agricultural land, there is too much residential growth – too many McMansions, should infill in cities, need to protect the environment

II. Rural Values. There are many factors that contribute to the quality of life in rural Whatcom County including some listed below. What factors do you value most?

53% Small-scale agriculture 71% Natural environmental features 26% Affordable land/housing

67% Forested lands 50% Parks, trails, and open space 71% Clean water and air

49% Privacy 11% Large lot development pattern Other: 21.3% quiet, dark nights, small towns, large scale agriculture

III. Threats to rural values. Which of the following do you believe has the potential to threaten quality of life in rural Whatcom County?

65% More residential development 52% More commercial development 57% Heavier traffic

54% Environmental degradation Other: 26% over regulation, pollution, growth, density

IV. Over the next 20 years, identify which rural features are most threatened.

52% Small-scale agriculture 59% Natural environmental features 32% Affordable land/housing

52% Forested lands 23% Parks, trails, and open space 57% Clean water and air

37% Privacy 12% Large lot development pattern Other: 16% wildlife, dark skies, property rights, infrastructure

V. What lot size would you consider to be “rural?”

14% 1 acre or greater 14% 2 acres or greater 38% 5 acres or greater

17% 10 acres or greater 10% 20 acres or greater 7% 40 acres or greater

VI. The Growth Management Act allows for limited areas within rural areas where existing commercial uses or smaller-lot residential development is allowed to remain (but not expand). What should be allowed within those areas?

29% High-medium density housing 71% Public services (libraries, community centers)

28% Retail Centers 18% Industrial (storage, manufacturing)

25% Automotive services 65% Small stores Other: health care, cottage industries, vets, churches, community center

VII. The following is Whatcom County's current vision statement (portions related to rural areas in bold):

*"Whatcom County is a place where urban growth is concentrated in urban areas, where there is a **distinct boundary between urban and rural uses, where agricultural use is encouraged, where resource lands and water resources are protected**, and where land use changes are brought about through incentive programs. **Rural areas are peaceful and quiet with less traffic and congestion than in urban areas.** There is low density development with open spaces allowing for privacy. A sense of community is retained and local control is exercised in land use decisions."*

What do you like most about the vision statement?

Shows what we can wish for, concentrate growth in urban areas, local control, distinct boundary, protect environment, all of it is great, rural areas are peaceful and quiet, don't like anything, doesn't represent reality

What do you like least about the vision statement?

Agriculture should be protected not just encouraged, doesn't represent reality, don't like idea of incentives – they don't work, vision is too general, bias against growth, too wordy, there is nothing about LAMIRDs, low density development leads to sprawl and environmental degradation,

Is there anything that should be added to the vision statement related to rural areas?

"Where ethics in government is primary, and planning decisions are transparent and without bias or agenda", local, county, Washington State and Federal environmental protection minimums must all be met when the attempt for local control is exercised, protect property rights, control traffic, promote economic development, sustainability, protect wildlife habitat, recognize existing conditions, promote cottage industries,

Other comments or concerns about Whatcom County's rural lands?

- 75-90% of the private land base in Whatcom County should be designated for rural, agricultural and forestry use
- Whatcom needs to downzone a good portion of its rural lands to prevent sprawl
- If you want to live in a city and have all the resources that come with a city, then go live in an existing city
- Affordability for diverse economic stratas with a focus on environmental factors
- Protect landowner rights!
- Promote green building and green transport opportunities
- Rural protections need to be long term
- There is a bias against growth in this survey
- Water quality and quantity will be huge factor in future
- Housing footprint should be restricted to prevent McMansions
- We need to make developers pay for infrastructure to support building.
- We don't want Whatcom County to go the way of Snohomish and King counties so it looks like California.
- Protect wetlands, natural resources
- The forestry community has been left out of the discussion.
- County codes need to be enforced in a timely manner

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-676-6907, TTY 800-833-6384
360-738-2525 Fax



David Stalheim
Director

J.E. "Sam" Ryan
Assistant Director

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

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).

Whatcom 2031 - Rural Element Update Mapping Exercise Work Sheet Results—GROUPS

Mark whether each type of land use is appropriate in each area by marking 'Y' for 'Yes it is appropriate' or 'N' for 'No it is not appropriate'

	Urban	Small Town	Highway Interchange	Crossroads	Rural	Resource Lands	Other comments
Commercial							
Service	Y 5 N 0 None 1	Y 6 N 0 None 0	Y 6 N 0 None 0	Y 5 N 1 None 0	Y 1 N 5 None 0	Y 0 N 5 None 1	• Service includes health services, community centers.
Small retail	Y 5 N 0 None 1	Y 6 N 0 None 0	Y 6 N 0 None 0	Y 6 N 0 None 0	Y 0 N 6 None 0	Y 0 N 6 None 0	• Bar or restaurant.
Multiple small retail	Y 5 N 0 None 1	Y 5 N 1 None 0	Y 4 N 1 None 1	Y 2 N 4 None 1	Y 0 N 6 None 0	Y 0 N 5 None 1	
Medium retail	Y 5 N 0 None 1	Y 2 N 3 None 1	Y 2 N 3 None 1	Y 1 N 5 None 0	Y 0 N 6 None 0	Y 0 N 5 None 1	• Private sector should decide.
Large retail	Y 5 N 0 None 1	Y 0 N 6 None 0	Y 1 N 4 None 1	Y 0 N 5 None 1	Y 0 N 6 None 0	Y 0 N 5 None 1	
Regional retail	Y 5 N 0 None 1	Y 0 N 6 None 0	Y 0 N 5 None 1	Y 0 N 5 None 1	Y 0 N 6 None 0	Y 0 N 5 None 1	
Industrial							
Warehouse/ Light Industry	Y 5 N 0 None 1	Y 3 N 2 None 1	Y 2 N 3 None 1	Y 1 N 4 None 1	Y 0 N 5 None 1	Y 0 N 5 None 1	• On edge of city??
Natural Resource Industry	Y 2 N 3 None 1	Y 1 N 3 None 2	Y 1 N 5 None 1	Y 2 N 3 None 1	Y 4 N 2 None 0	Y 4 N 2 None 0	• Depends on the industry.
Resource							
Agriculture, Forestry, Mineral	Y 1 N 4 None 1	Y 1 N 3 None 2	Y 0 N 5 None 1	Y 0 N 5 None 1	Y 6 N 0 None 0	Y 6 N 0 None 0	• In rural, if prime farmland.
Residential							
Low-density	Y 0 N 5 None 1	Y 0 N 4 None 2	Y 0 N 5 None 1	Y 1 N 5 None 0	Y 5 N 0 None 1	Y 1 N 3 None 2	• But 5-acre, 20-unit makes no sense.
Medium-density	Y 3 N 2 None 1	Y 6 N 0 None 0	Y 2 N 3 None 1	Y 2 N 4 None 0	Y 1 N 4 None 1	Y 0 N 4 None 2	• Accessory housing.
High-density	Y 5 N 0 None 1	Y 4 N 1 None 1	Y 0 N 5 None 1	Y 1 N 5 None 0	Y 0 N 5 None 1	Y 0 N 5 None 1	
Cluster subdivision	Y 2 N 2 None 2	Y 1 N 2 None 3	Y 0 N 4 None 2	Y 0 N 4 None 2	Y 3 N 1 None 2	Y 1 N 3 None 2	• Depends on the small town. • We like cluster w/right to farm. • Disagreement over whether they work. Needs restructuring.

General Comments:

- Discussion about cottage industry; concern about number of trips and impacts.
- (Industrial) Cottage industry added as appropriate in Small Town.
- Need to designate and protect mineral resource and associated industry.
- Need to know what transportation would like - want to know what the County is thinking so then can give comments on that
- Rural 'corridors' in foothills is different from open areas in lowlands
- Rural people think more about what happens in city than city people think about county rural areas
- Biggest concerns: water, air, light, noise - all affects wildlife – wildlife is a stakeholder too
- Clusters are not rural character – do not protect resource land
- Need to limit the size of homes – reduce 'footprint'
- Outdoor space is important – green space
- R-5 is a stupid zone – not urban and not rural
- Small-scale farms should be in rural area
- No strip development along the highway
- Expand the UGS as a trade for Ag Land (TDR)
- Plan according to watershed, natural resources