

PROPOSED WHATCOM COUNTY LAMIRD CRITERIA

March 4 and 5, 2009

These criteria were developed in accordance with state law (RCW 36.70A.070(5)(d)) and state Growth Management Hearings Board decisions and are intended to guide the process of original "limited areas of more intensive rural development" (LAMIRD) designations.

I. Rural Center LAMIRD (Type I, RCW 36.70A.070(5)(d)(i)) -- Mixed use areas or small communities intensively developed by 1990, where limited infill development is appropriate.

A. Designation Criteria. LAMIRDs shall be located in areas that:

1. Were characterized by existing more intensive development (residential and non-residential) as of July 1, 1990, and
2. Are not currently designated by the Comprehensive Plan as Urban Growth Areas (UGAs) or Resource Lands, and
3. Are not adjacent to an urban growth area (UGA)¹ or another LAMIRD area, regardless of type.

B. Additional Designation Criteria. For exclusively residential areas, the following may serve as additional criteria for LAMIRD designation (relative to the specific circumstances of the area, and in combination with each other):

1. The area is not subject to substantial critical areas constraints;
2. The existing (1990) residential built environment was more intensively developed than surrounding areas;
3. The area has few environmental constraints on water and sewer/septic (based on availability of utilities, and/or water supply of sufficient quality/quantity and soils appropriate for septic/drainfield systems); or
4. The area is planned for more intensive development in the local subarea plan.

C. Outer Boundary Criteria. For land meeting the criteria described in A and B above, LAMIRD boundaries must be delineated predominately by the built environment, and include:

1. Parcels that were intensively developed on July 1, 1990.
2. Parcels that on July 1, 1990 were not intensively developed may be included within LAMIRD boundaries if they meet any of the following conditions:
 - a. Including the parcel helps preserve the character of an existing (built) 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;
 - c. Including the parcel (or in limited cases, a portion of the parcel) prevents the logical outer boundary from being abnormally irregular;
 - d. Including the parcel is consistent with efficient provision of public facilities and services; and
 - e. Including the parcel would not result in infill development within an area affected by critical area development restrictions.

¹ Per City of Walla Walla, et al v. Walla Walla County, EWGMHB Case No. 02-1-0012c Final Decision and Order (November 26, 2002); and per City of Tacoma, et al., v. Pierce County, CPSGMHB Case No. 99-3-0023c Final Decision and Order (June 26, 2000); and per Better Brinnon Coalition v. Jefferson County, WWGMHB Case No. 03-2-0007 Final Decision and Order (June 23, 2004).

II. Recreation & Tourist LAMIRD (Type II, RCW 36.70A.070(5)(d)(ii)) -- Lots with existing or new small-scale recreational or tourist uses, including limited commercial uses that serve the recreational or tourist uses.

In addition to I.A above, consider the following:

1. The area must rely on the rural location or setting.
2. The area may include existing residential development (1990) but not new.
3. The area may serve more than the local existing & projected rural population.
4. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl.

* Note that the County may designate new recreation & tourist LAMIRD areas (they do not have to have been existing as of 1990), following the guidelines above; with the additional criteria that they must not be located in close proximity to another LAMIRD (as specified through zoning regulations), regardless of type.

* Also note that these Type II LAMIRDs are not subject to the logical outer boundary criteria used for Type I LAMIRDs (RCW 36.70A.070(5)(d)(iv)).

III. Cottage Industry and Small-scale Business LAMIRD (Type III, RCW 36.70A.070(5)(d)(iii)) - - Lots with existing or new small-scale recreational or tourist uses, including limited commercial uses that serve the recreational or tourist uses.

In addition to I.A above, consider the following:

1. The individual cottage industry or small-scale business must be isolated in that it is not in close proximity to similar uses, and does not create pressure for urbanization (single parcel-by parcel designation).
2. The cottage industry or small-scale business does not need to principally serve the existing and projected rural population, but must provide job opportunities for rural residents.
3. The cottage industry or small-scale business was located on a parcel within a commercial zoning district at the time of original designation.
4. The area is not adjacent to or in close proximity to another LAMIRD, regardless of type.

* Note that the County may designate a Type III LAMIRD for new isolated cottage industry and small-scale businesses (they do not have to have been existing as of 1990) provided they conform to the rural character of the area, and conform to the other guidelines above. New designations will have to go through an application process to be determined and implemented by development regulations.

* Also note that these Type III LAMIRDs are not subject to the logical outer boundary criteria used for Type I LAMIRDs (RCW 36.70A.070(5)(d)(iv)).

Definitions:

Built environment: Human-made structures and facilities, whether they are above or below ground such as existing buildings and sewer lines.²

Intensively developed: Parcels that were, on July 1, 1990, developed with a built environment reflecting use or density more intensive than surrounding areas, and 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 off.³

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 City of Anacortes v. Skagit County, WWGMHB Case No. 00-2-0049c Final decision and Order (February 6, 2001); Other definitions of built environment are provided in WAC 197-11-718, RCW 43.21C.110(1)(f), and WAC 197-11-444.

³ Per Vines v. Jefferson County, WWGMHB Case No. 98-2-0018 Final Decision and Order (April 5, 1999).