

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

M E M O R A N D U M

TO: Whatcom County Planning Commission

THROUGH: David Stalheim, Director

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

DATE: August 6, 2009

SUBJECT: Proposed Revisions to Draft Rural Element Amendments

On June 23, 2009 PDS staff published proposed draft amendments to the Whatcom County Comprehensive Plan and zoning code. On July 23, the Planning Commission's work session focused on major themes of written and oral public comment on the draft. The Planning Commission gave staff general direction on several issues. This memo outlines potential changes to the draft amendments, based on the Planning Commission's direction. The Planning Commission's August 13 work session is devoted to discussion of these proposed changes. Based on that discussion, staff will complete a new draft of the Rural Element amendments to be published for public review in September and considered by the Planning Commission in late October.

Commercial zoning within LAMIRDs.

On July 23, the Planning Commission asked staff to explore ways to have zoning regulations reflect the commercial and industrial uses established as of 1990. Discussion centered on two basic options: 1) Retaining existing zoning, with uses narrowed to reflect the size, scale, use, and intensity of 1990 development, as required by GMA in Type I LAMIRDs, and 2) Adopting new zoning, but with uses expanded to reflect 1990 size, scale, use, and intensity.

Staff proposes a combination of both options. The new Rural Industrial - Manufacturing (RIM) zone's permitted uses would be changed to reflect uses that existed in the rural LII zones in 1990, and a new Rural General Commercial (RGC) zone would be created based on the existing General Commercial (GC) zone, reflecting the uses that existed in the rural Guide Meridian GC zones in 1990. Staff recommends this option over modifying the LII and GC zones because both of these zones also exist in urban growth areas, which would require a separate set of development standards for rural areas, increasing the complexity of those code chapters. Generally, where GC exists outside those corridors (Hinotes Corner and Nugents Corner) staff proposes rezoning to Small Town Commercial (STC), and proposes changes to the STC zone that would expand the scale and intensity of uses to reflect 1990 development. Revised maps of the proposed zoning in those areas are

attached. The small area of GC in Point Roberts is proposed to be changed to RGC, and the GC in Van Zandt is still proposed to be changed to Neighborhood Commercial (NC).

Because the General Manufacturing (GM) zone exists only in the Laurel area, staff proposes modifying the development standards of that zone to reflect 1990 uses rather than rezone to RIM.

To define size, scale and intensity of uses within the RIM, RGC, STC, and GM zoning districts, staff analyzed 1990 Assessor's land use codes for properties within the districts and estimated square footage of existing buildings shown on 1991 aerial photos. A revised version of the Title 20 amendments is attached.

Size and spacing of Rural Business LAMIRDs

The Planning Commission did not ask that the spacing requirements be revisited. However, the Planning Commission noted the historic development patterns in the currently-designated Transportation Corridors along Guide Meridian and Portal Way and discussed the possibility of better reflecting those existing patterns with LAMIRD designations.

In response, staff proposes keeping the proposed spacing requirements between LAMIRD designations, but allowing exceptions within the Guide Meridian corridor. While the required one-mile spacing between new Type III LAMIRDs would remain, the half-mile spacing between existing Type III LAMIRD designations could be waived in the Guide Meridian corridor. The required spacing between Type I LAMIRDs could also be waived in that corridor. The intent is to ensure that new Type III LAMIRDs remain "isolated" as required by GMA (and that Type I LAMIRDs remain distinct areas without running together), but to relax the spacing in the Guide Meridian corridor to reflect existing development patterns. Staff also proposes designating the group of lots along the Portal Way corridor from Birch Bay-Lynden Road to the Loomis Trail intersection as one Rural Business Type III LAMIRD (with the expanded RIM zoning throughout except for the expanded STC at the Birch Bay Square area). These changes would allow more businesses in those corridors to be contained within either Type I or Type III LAMIRD boundaries, allowing them to retain their more intensive zoning classifications as discussed above.

Water service as criteria for determining Type I LAMIRD boundaries

The Planning Commission did not request changes to LAMIRD criteria related to public water service, but directed PDS staff to review its proposed LAMIRD boundaries where the existence of public water lines in 1990 may be one of the determining criteria. Staff proposes revising Type I LAMIRD boundaries in Glacier, Hinotes Corner, Pole & Guide Meridian, and Wisner Lake, with 1990 water lines as one of the determining factors.

Rural residential density outside LAMIRDs

The Planning Commission did not request a change to the proposed density of one dwelling per ten acres in the affected areas outside LAMIRDs. Proposed rezoning maps continue to show new R-10A or RR-10A zoning in affected areas outside LAMIRD boundaries.

Residential LAMIRDs

The Planning Commission asked PDS staff to report on the effects of including more residential areas in LAMIRDs. In general, the areas affected by the GHMB decision (zoned for lot sizes smaller than five acres) have largely been subdivided into smaller lots already; relatively few lots larger than five or ten acres still exist. As discussed on July 23, the smaller lots would have nonconforming lot sizes if rezoned to R-10A or RR-10A, but the same residential uses would be permitted and would not fall under nonconforming status. A new house on a vacant lot, an addition or remodel to an existing house, would be permitted.

The change in density would require any newly created lots to conform to the new minimum lot size. It could also affect whether an accessory dwelling unit can be permitted. WCC 20.32.132(10) (RR zone) and WCC 20.36.132(10) (R zone) require that, “Outside of an urban growth area, the minimum lot size for detached accessory units shall be five acres unless the parcel is large enough to accommodate two dwelling units consistent with the underlying zoning density.”

Staff proposes expanding the LAMIRD boundaries in Hinotes Corner, Pole & Guide Meridian, and Sudden Valley, Wisner Lake to include additional platted residential subdivisions as part of Rural Center designations. The effect would be to permit limited infill in those areas as part of the historic Rural Center areas where continued infill is more appropriate than in other rural areas (except Sudden Valley which would be affected by proposed policy 2NN-10, prohibiting new lots smaller than five acres in Rural Centers within the Lake Whatcom watershed). Staff does not propose designating LAMIRDs where the Rural Center criteria cannot be met.

Process

The attached WCCP Chapter 2 and WCC Title 20 draft text is highlighted to show changes made to the draft discussed at the July meetings. On August 13 staff will give the Planning Commission a presentation on these and other proposed revisions. Because of the extent of the revisions, staff suggests the Planning Commission hold an additional public hearing to allow public review and comment. Because of the volume of other work to be done by the Planning Commission in the coming months, meeting opportunities are limited. Staff has reserved a hearing date of Tuesday, September 8 at the Council Chambers. This would allow the Planning Commission to deliberate and make its recommendation to County Council in a work session on September 10.

If you have questions regarding these materials, please call Gary Davis at 676-6707 ext. 50246.

Attachments:

- Revised LAMIRD maps
- Revised draft WCCP Chapter Two - Land Use
- Revised draft WCC Title 20 - Zoning
- Public Comment Index (June 23 - July 23)