

Rural Element Update

March 4, 2011

Today's Presentation

- Purpose of proposed Title 20 changes
- GMA, GMHB on 'size, scale, use or intensity'
- Summary of proposed zoning code amendments
- Next steps

Proposed Zoning Code (WCC Title 20) Text Amendments - Purpose

- Reflect 1990 size, scale, use, intensity per GMA in Type I LAMIRDs (Rural Communities)
- Reflect rural (non-urban) character in Type III LAMIRDs (Rural Business)
- Reduce conflicts with adjacent resource lands (buffers)
- Add density overlay in R and RR
- Update references to land use designations ('Rural Community' replaces 'Small Town')
- Clarifications

Growth Management Act

Findings - Rural Lands

- RCW 36.70A.011

“...rural counties must have the flexibility to retain existing businesses and allow them to expand. The legislature recognizes that not all business developments in rural counties require an urban level of services; and that many businesses in rural areas fit within the definition of rural character identified by the local planning unit.” ...

Growth Management Act

Findings - Rural Lands

■ RCW 36.70A.011

“Finally, the legislature finds that in defining its rural element...a county should foster land use patterns and develop a local vision of rural character that will:

- Help **preserve rural-based economies** and traditional rural lifestyles;
- Encourage the economic prosperity of rural residents;
- Foster **opportunities for small-scale, rural-based employment** and self-employment;
- Permit the **operation of rural-based agricultural, commercial, recreational, and tourist businesses** that are consistent with existing and planned land use patterns;
- Be compatible with the use of the land by wildlife and for fish and wildlife habitat;
- Foster the private stewardship of the land and preservation of open space; and
- Enhance the rural sense of community and quality of life.

Growth Management Act

Rural Element

- RCW 36.70A.070(5)(c)

“The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

- (i) **Containing or otherwise controlling rural development;**
- (ii) Assuring visual compatibility of rural development with the surrounding rural area;
- (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
- (iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and
- (v) **Protecting against conflicts** with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.”

Growth Management Act

Rural Element

- RCW 36.70A.070(5)(c)

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- (i) **Containing or otherwise controlling rural development;**
- (ii) Assuring visual compatibility of rural development with the surrounding rural area;
- (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
- (iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and
- (v) **Protecting against conflicts** with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.”

Growth Management Act

Type I LAMIRDs (Rural Community)

- RCW 36.70A.070(5)(d)(i)(C)

“Any development or redevelopment in terms of **building size, scale, use, or intensity** shall be consistent with the **character of the existing areas**. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5)”

Growth Management Act

Type III LAMIRDs (Rural Business)

- RCW 36.70A.070(5)(d)(iii)

“The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses ... Rural counties may allow the expansion of small-scale businesses as long as those businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(1[5]). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(1[5]). ”

Growth Management Hearings Board

- “Although the Board does not agree that a ‘use’ must be the same, specific use as existed in 1990, the ‘use’ should be of the same general type. ... In this regard, the allowed uses are, on their face, consistent with the LAMIRD’s 1990 character.”

WWGMHs No. 07-2-0018c Order on Motion 6/9/08

Growth Management Hearings Board

- “The Board concurs with DCC in that the GMA requires more; it **requires consistency with the character of the LAMIRD based on consideration of size, scale, use or intensity.** Without regulations that address these components, there are no assurances that these elemental characteristics of the LAMIRD will remain.” ...

WWGMHs No. 07-2-0018c Order on Motion 6/9/08

Growth Management Hearings Board

- “... To permit a structure of 10,000 square feet and 50 feet tall in an area which historically has contained single-story commercial buildings of 1,000 to 2,000 square feet does not result in consistency. Also, a LAMIRD is not supposed to become a mini UGA or an economic development node. Their **purpose is to recognize more intense rural growth and contain it.**”

Growth Management Hearings Board

- “While counties do not need a separate zoning designation for every LAMIRD, the designations and code provisions that they apply need to be consistent with the existing character of the area. Here the [code’s] limitations for existing commercial uses do not require consistency with the character of the existing area and do not comply with RCW 36.70A.070(5)(d)(i)(C) and RCW 36.70A.020(2).”

Growth Management Hearings Board

- Clallam Co policy:

“Infill, development, and redevelopment within LAMIRDs may include commercial, industrial, and urban residential uses where **uses** of such type, scale, size, or intensity already existing prior to or as of July 1, 1990 but shall not extend beyond the LAMIRD’s boundaries.”

Growth Management Hearings Board

- “DCC argues that this policy does not comply with RCW 37.70A.070(5)(d)(C) because it does not require the development and redevelopment within Type I LAMIRDs ... to be ‘consistent with the character of the existing area’ in terms of ‘building size, scale, use, or intensity.’ ... [and] that the County is noncompliant for its failure to explicitly require comparison to building size.”

Growth Management Hearings Board

- “The statute’s use of the term ‘or’ rather than ‘and’ appears to indicate a Legislative determination that the factors of building size, scale, use or intensity are ones that may be considered in determining the character of the existing area, but that development is not required to meet every one of those parameters.”

WWGMHs No. 08-2-0033 FDO 6/12/09

Growth Management Hearings Board

- “This [policy] language indicates an intent to adhere, in application, to the requirements of the GMA ... With regard to the County’s decision to not include ‘building size’ in the this phrase, it is apparent that the term ‘uses of such type, scale, size, or intensity’ includes the parameter of building size.”

Proposed Zoning Code (WCC Title 20) Text Amendments - Summary

- 20.20 Urban Residential (UR) zone:
 - *UR to exist only in UGAs*
- 20.32 Rural Residential (RR) zone:
 - Removes grocery as conditional use
 - Density chart adds 5- and 10-acre densities and limits lot size in LW watershed to min. 5 acres
 - *Rural Residential Density Overlay provisions*
- 20.36 Rural (R) zone:
 - Removes grocery and coin laundry as conditional uses
 - Identifies conditional uses not allowed outside Rural Centers
 - R2A (2 acre min. lot size) allowed only in Rural Centers
 - *Rural Residential Density Overlay provisions*
 - *Add schools as permitted use in LAMIRDs and UGAs*

Proposed Zoning Code (WCC Title 20) Text Amendments - Summary

Generally reflect 1990 size, scale, use, intensity in LAMIRDs:

- Add 20.59 Rural General Commercial (RGC) zone
 - Based on uses from General Commercial (GC) zone
- Add 20.69 Rural Industrial-Manufacturing (RIM) zone
 - Based on uses from Light Impact Industrial (LII) zone
- Amend 20.60 Neighborhood Commercial (NC) zone
- Amend 20.61 Small Town Commercial (STC) zone
- Amend 20.63 Tourist Commercial (TC) zone
- Amend 20.64 Resort Commercial (RC) zone
- Amend 20.67 General Manufacturing (GM) zone
- Amend 20.72 Point Roberts Special District

Proposed Zoning Code (WCC Title 20) Text Amendments - Summary

- Comparison: GC to RGC
 - Adds 5,000 sf limit to indoor recreation permitted use (.056)
 - Deletes 3-18 unit multifamily (duplex ok) as permitted use (.066)
 - Adds hotel/motel as conditional use (.204)
 - Deletes large commercial retail as permitted use (.251)
 - Increases buffers adjoining rural and resource designations (.602)

Proposed Zoning Code (WCC Title 20) Text Amendments

- Comparison: LII to RIM
 - Adds permitted uses related to agriculture, forestry (.051)
 - Adds contractor's office, storage, assembly/ manufacture of prefab wood bldg components as permitted use (.054)
 - Wholesale trade/storage revised as permitted use (.068-.075)
 - Reduces floor area of convenience stores and cafes from 3,000 to 2,500 sf (.067)
 - Some manufacturing deleted as permitted use (.072)
 - Adult businesses deleted from administrative uses (.131)
 - Slaughtering facilities added to administrative uses (.132)
 - Temporary storage of bldgs and mobile homes added to administrative uses (.133)

...

Proposed Zoning Code (WCC Title 20) Text Amendments

- Comparison: LII to RIM (continued)
 - Mental Health/substance abuse facilities deleted from conditional uses (.192-.195)
 - Adds adult businesses to prohibited uses (.202)
 - Deletes large commercial retail from prohibited uses (.251)
 - Adds requirement for 12,000 sf maximum building size (.300)
 - Maximum building coverage reduced from 60% to 30% (.450)
 - Adds requirement for at least 15% free of structures, hard surfacing (.500)
 - Increases buffers adjoining rural and resource designations (.552)
 - Adds requirements for facility design (.651)

Proposed Zoning Code (WCC Title 20) Text Amendments

- Changes to NC (20.60)
 - Reduces maximum building size from 6,000 to 3,000 sf outside UGA's - except public community facility (.301)
 - Increases buffers adjoining rural and resource designations (.553)

Proposed Zoning Code (WCC Title 20) Text Amendments

- Changes to STC (20.61)
 - Adds duplex as permitted use (.066)
 - Adds owner/caretaker unit as administrative use (.107)
 - Adds family day care as administrative use (.108)
 - Adds maximum building size of 10,000 sf (.320)
 - Adds maximum density for duplex of 6 units/ac (.352)
 - Increases buffers adjoining rural and resource designations (.602)

Proposed Zoning Code (WCC Title 20) Text Amendments

- Changes to TC (20.63)
 - Uses should rely on rural location and setting (per Type II LAMIRD criteria) (.010)
 - Increases buffers adjoining rural and resource designations (.552)
- Changes to RC (20.64)
 - Increases buffers adjoining rural and resource designations (.552)

Proposed Zoning Code (WCC Title 20) Text Amendments

- Changes to GM (20.67)
 - Adds retail trade of merchandise manufactured on site – maximum 15% floor area (.108)
 - Adds requirement for at least 15% free of structures, hard surfacing (.500)
 - Increases buffers adjoining rural and resource designations (.552)

Proposed Zoning Code (WCC Title 20) Text Amendments

Buffer areas

- Setbacks 50 feet adjoining Rural designation
- Setbacks 50 feet adjoining agriculture/forestry/mineral designation (lots created before effective date of ordinance)
- Setbacks 100 feet adjoining agriculture/forestry/mineral designation (lots created after effective date of ordinance)
- 20.59 Rural General Commercial (RGC) zone,
- 20.60 Neighborhood Commercial (NC) zone,
- 20.61 Small Town Commercial (STC) zone,
- 20.63 Tourist Commercial (TC) zone,
- 20.64 Resort Commercial (RC) zone,
- 20.67 General Manufacturing (GM) zone,
- 20.69 Rural Industrial-Manufacturing (RIM) zone

Proposed Zoning Code (WCC Title 20) Text Amendments

Definitions changed:

- 20.97.165 Grocery store
- 20.97.357 Rural zoning districts
- 20.97.445 Urban zoning districts

Definitions added:

- 20.97.121.1 Existing uses
- 20.97.194 LAMIRD
- 20.97.282 Outdoor recreation facilities
- 20.97.293.1 Passenger intermodal terminal
- 20.97.323.1 Public community facility
- 20.97.356 Rural Business
- 20.97.356.1 Rural Center

Next steps

- Follow-up meeting on Title 20 if needed
Tuesday, March 8
- Public Hearing Wednesday, March 9, 6:00 pm