



MEMO TO: Whatcom County Council

FROM: Pete Kremen, County Executive *Pete Kremen*

DATE: March 10, 2011

SUBJECT: GMA Compliance

Whatcom County has been engaged in a lengthy process to bring its rural areas into compliance with the Growth Management Act (GMA). In particular, the Whatcom County Council has conducted more than 20 work sessions to re-designate rural areas and LAMIRDs throughout the county. It is my understanding the County Council intends to finalize and introduce an ordinance on Tuesday, March 15, 2011, after conducting upcoming work sessions on March 14 and March 15.

I, and the Planning and Development Services staff, have reviewed the proposed changes the Council has considered to date. Please be assured I share Council's belief in and support of property rights, however, in our review of the GMA requirements regarding Rural Areas, there are serious concerns that several aspects of the proposed amendments would not be compliant with the GMA.

1. Type III LAMIRD designation for parcels northeast of the I-5/Birch Bay-Lynden Road.

This rural area does not meet the criteria for this designation, and under current regulations must retain its "Rural" zoning status. The GMA restricts Type III LAMIRD designations to "isolated small-scale businesses". The amount of area currently under consideration, along with its location, does not meet the criteria for a Type III LAMIRD.

2. Type I LAMIRD designation for Governor's Point.

A Type I LAMIRD designation must be based on the 1990 "built environment". In 1990, and still today, only a handful of residences exist on this approximately 125 acre peninsula. The area remains essentially undeveloped and does not meet the criteria for "built environment". Under current regulations this area must retain its "Rural" zoning status.

3. Maximum building size in the commercial and industrial zoning designations.

The Council's current proposal includes a maximum building size of 30,000 square feet. Whatcom County planning staff conducted an extensive analysis of building sizes in the affected areas, and does not find sufficient evidence of 1990

building sizes in the range being proposed. The maximum building size in these areas should be scaled back to the sizes proposed by staff and the Planning Commission (10,000 - 20,000 square feet with exceptions for grocery stores).

I firmly believe attainment of GMA compliance is absolutely imperative for Whatcom County. The reality is we ultimately have no choice but to be in compliance. Should any of the referenced currently-proposed LAMIRD designations or building size criteria remain in the final adopted ordinance, I would like to extend the courtesy to Council of giving you notice that I would be compelled to veto. I respectfully request, and am hopeful, that Council will reconsider these items in its work sessions scheduled for March 14 & 15 so that Whatcom County will achieve GMA compliance.

Thank you in advance for your consideration of my request, as well as all for your hard work and deliberations.

PK/al