

March 13, 2011

Dear Council Members,

Unfortunately, I will not be able to attend the meeting scheduled for 11am, March 14, but I would like to offer my comments and suggested amendments on several areas that are still of concern to me regarding the Rural Element Update. I hope that you are able to get to some of these areas tomorrow.

Regarding the three areas of concern to the Executive, I have this to offer:

- Proposed Type III (Rural Business) on the east side of I-5 at Birch Bay Lynden Road and Valley View Road - I support changing this area to a **Type I (Rural Community)** based on the criteria cited in Swanson's letter dated 2/28/11. This would require a change to the map and a change to the Comprehensive Plan on page 15 to add "**I-5/Birch Bay Lynden Road/Valley View Road**" after "**Deming**" in the paragraph beginning "**Areas designated as Rural Communities are...**"
- Building size – I have a couple of thoughts... **I think we can support a building size of 20,000 sq. feet in our Type I LAMIRD's (Rural Communities)** if we use the research completed by the Planning Department. You will see that I have proposed code changes below that exempt Type II's and III's from building size criteria. If this is the route that the council chooses to go, **I would propose that we add language to either the Administrative Approval or Conditional Use sections that would allow larger building sizes if the applicant can show that the project meets the criteria in the Rural Land Element of the Comprehensive Plan.....**
- Governor's Point – Still working on this one..

The following changes serve to exempt Type III (Rural Business) and Type II (Rural Tourism) LAMIRD's from maximum building size criteria. The phrase "building size, scale, use or intensity" does not apply to Type II' or III's.

- WCC 20.60.301 – Add "**Unless located in a Rural Business or Rural Tourism designation,**" before "**maximum allowable floor area....**"
- WCC 20.59.321 – Add "**Unless located in a Rural Business or Rural Tourism designation, and**" before "**except as otherwise specifically allowed....**"
- WCC 20.61.320 - Add "**Unless located in a Rural Business or Rural Tourism designation, and**" before "**except as otherwise specifically allowed....**"
- WCC 20.67.300 – Add "**Unless located in a Rural Business or Rural Tourism designation,**" before "**maximum allowable floor area....**"

- WCC 20.69.300 – Add “Unless located in a Rural Business or Rural Tourism designation, and” before “except as otherwise specifically allowed....”

The following are additional WCC 20 code changes that I would like to propose:

- WCC 20.84.220(3) – Change to read “If located in a rural area (as designated in the Comprehensive Plan), will be consistent with rural land use policies (as designated in the Rural Lands Element of the Comprehensive Plan.)”
- WCC 20.60.651 – Delete the phrase “consistent with the scale and intensity of the existing uses in the area and”
- WCC 20.60.706 – Change to read “Proposed new uses in Neighborhood Commercial districts located within a Rural Community designation will be consistent with the scale, use, or intensity of existing uses.”
- WCC 20.61.701 – Delete the phrase “consistent with the scale and intensity of the existing uses in the area and”
- WCC 20.61.757 - Change to read “Proposed new uses in Small Town Commercial districts located within a Rural Community designation will be consistent with the scale, use, or intensity of existing uses.”
- WCC 20.63.651 – Change to read “Design of a proposed use in the Tourist Commercial Zone District outside of urban growth areas shall be consistent with the Comprehensive Plan rural land use chapter.
- WCC 20.63.705 – Change to read “Proposed new uses in Tourist Commercial Zone districts located within a Rural Community designation will be consistent with the scale, use, or intensity of existing uses.”
- WCC 20.64.651 - Delete the phrase “consistent with the scale and intensity of the existing uses in the area and”
- WCC 20.64.708 – Change to read “Proposed new uses in Resort Commercial Zone districts located within a Rural Community designation will be consistent with the scale, use, or intensity of existing uses.”
- WCC 20.69.651 - Delete the phrase “consistent with the scale and intensity of the existing uses in the area and”
- WCC 20.67.500 – Change “15 percent” to “10 percent”

- WCC 20.36.310(6) – Change to read “In order to preserve rural character, cluster subdivisions shall be consistent with the Rural Element of the Whatcom County Comprehensive Plan.”
- WCC 20.36.100 – Add new section: “Stormwater treatment and detention facilities and sewage treatment facilities for outright permitted or conditional uses located on-site or on adjacent parcels with the permission of the property owner.”
 - WCC 20.69.59 – Change to read “Unless otherwise provided herein, permitted, accessory and conditional uses shall be administered pursuant to the applicable provisions of Chapter 20.80 WCC (Supplementary Requirements) and Chapter 20.84 WCC (Variances, Conditional Uses and Appeals), the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.”
 - WCC 20.69.154 - Move this section from conditional use to permitted or accessory use: “Repair, service and accessory sales for motor vehicles provided the use or uses are not expected to generate significantly more traffic than that which would ordinarily be expected by an industrial use of comparable intensity.”
- WCC 20.69.50 – Add the following as a permitted use: “Business and Professional Offices.”
- WCC 20.69.50 – Add the following as a permitted use: “Other uses similar in nature to the uses listed above which are consistent with the purpose and intent of this district, and have similar effects on surrounding land uses.”
- WCC 20.69.108 – Delete the following from the end of the section: “; provided retail facilities do not exceed fifteen percent of the total floor area of all buildings located on site.”

Map Changes-

- Laurel/Guide - I’m concerned about the Meridian School property. It appears that we are including AG land in a Rural Community (Type I). We can’t do that according to our own policies in the Comp. Plan. I would support a proposal to rezone the Meridian School property to RGC and include all their property in the Rural Community.
- Smith/Guide - There is a parcel that is split zoned on the south/east side of Smith. I would support including the whole parcel as well as the two parcels to the north that by doing so, would prevent an irregular boundary.

Comp Plan Changes-

- Policy 2JJ-4 – Change to read “Development within Rural Communities should be consistent with the character of the existing area and/or similar to the use, scale, or intensity of the development that existed on July 1, 1990.”
- Policy 2JJ-5 – Delete the following: “within low-density residential (lot size five acres or greater) or”

Thank you for your consideration,

Kathy