

Chapter Two
LAND USE

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OVERALL LAND USE - INTRODUCTION

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ISSUES, GOALS, AND POLICIES

Issues for this section were drawn from those identified in the Whatcom County: Next Generations Visioning Process and reinforced during the *Whatcom 2031* visioning process. Numerous meetings, surveys/questionnaires and other methods were used to identify what was important to people in Whatcom County.

Accommodating Growth

Community Value Statements encourage concentrating growth into urban areas. This allows for efficient provision of services and preservation of rural areas as quiet, open spaces where development pressures are not such that extraordinary regulations must be imposed. A distinct boundary is needed between rural and urban areas, discouraging sprawl, maintaining desired rural lifestyles, and conserving agricultural land.

GOAL 2A: **Ensure provision of sufficient land and densities to accommodate the growth needs of Whatcom County and protect the qualities that make the county a desirable place to live.**

- Policy 2A-1: Concentrate urban levels of development within designated urban growth areas.
- Policy 2A-2: Draw a distinct boundary between urban and rural uses.
- Policy 2A-3: Provide a range of land uses which considers locational and market factors as well as required quantities of land.
- Policy 2A-4: Designate land uses that reflect the best use of the land.
- Policy 2A-5: Provide predictability to property owners in land use designation.
- Policy 2A-6: Allow appropriate development in existing small self-contained communities through the use of the "Rural Community" land use designation.
- Policy 2A-7: Provide sufficient and appropriately located residential, commercial, and industrial lands.

- Policy 2A-8: Include business/industry parks, tourist/resort areas and allowance for existing crossroads commercial areas within urban growth areas or limited areas of more intensive rural development.
- Policy 2A-9: Retain existing rural and heavy industrial areas in the northwestern region of the county within urban growth areas or limited areas of more intensive rural development.
- Policy 2A-10: Recognize the importance of tourism and its influence on the need for land for various types of development.
- Policy 2A-11: Ensure that the development potential of contiguous lands in common ownership is not compromised when urban growth boundaries and/or LAMIRD boundaries (except in cases that create abnormally irregular boundaries) are designated. The term common ownership should include lands owned by the same persons or entities and also by affiliated companies with common ownership. This should be accomplished without expanding UGA and/or LAMIRD boundaries beyond that ownership and without bridging natural divisions of urban/rural land uses such as roads, rivers, and other natural features.
- Policy 2A-12: Adoption of residential, industrial and commercial comprehensive plan or zoning designations in rural areas must comply with the criteria for "limited areas of more intensive rural development" in the Growth Management Act (RCW 36.70A.070(5)).

Resort Communities and Master Planned Resorts

The County's resort areas are important to the economic viability of the County's tourist industry and provide numerous and varied recreational opportunities for county residents and visitors. Historically important resort areas include Birch Bay, Point Roberts, Semiahmoo, and the Mount Baker winter recreational area. Resort communities provide recreational opportunities for residents of the surrounding areas.

GOAL 2B: Encourage the continued viability of existing resort communities and allow the development of new Master Planned Resorts in the future.

- Policy 2B-1: Permit through the planned unit development process master planned resorts in settings of significant natural amenities within urban growth areas .
- Policy 2B-2: New large-scale resort development in rural areas outside of UGAs and outside established resort areas should only be permitted as Master Planned Resorts and only when substantially in compliance with these policies and with RCW 36.70A.360.

Policy 2B-3: Work with property owners in the resort communities to develop an understanding of the unique needs of these areas and evaluate land use regulations for their responsiveness to these needs.

Policy 2B-4: New resort development and Master Planned Resorts should be developed consistent with the development regulations established for critical areas.

Policy 2B-5: No new urban land uses should be allowed in the vicinity of Master Planned Resorts, except in areas otherwise designated as urban growth areas under the Comprehensive Plan.

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Regions of Whatcom County

Whatcom County is a large and diverse county. People living in different parts of the county have different priorities and understanding of what constitutes rural and urban lifestyles. It is important to citizens to emphasize these regional differences.

GOAL 2L: Recognize the important regional differences within Whatcom County.

Policy 2L-1: Use the subarea planning process to identify and support distinctions among different areas of the county.

Policy 2L-2: Retain and periodically update the adopted Subarea Plans (Lummi Island, Cherry Point-Ferndale, Lake Whatcom, Urban Fringe, Lynden-Nooksack Valley, Chuckanut-Lake Samish, Birch Bay-Blaine, Foothills, Point Roberts, South Fork Valley, and Eliza Island). Subarea Plans represent a long history of plan development in Whatcom County and provided the foundation for the county's first Growth Management comprehensive plan adopted in 1997.

a. Utilize a process which ensures consistency between the Whatcom County Comprehensive Plan and subarea plans. The subarea plan update process should include the following steps:

1) Consistency Analysis. The County should review subarea plans based on the priority order in subsection "b" for gaps, overlaps, or inconsistencies. Topics include, but are not limited to, plan boundaries, growth forecasts, land uses, capital facilities and services, horizon year, and other appropriate issues.

2) Regional and Local Government Coordination. The County should consult and coordinate with cities where city-associated UGAs are included in subarea plan boundaries.

3) Public Participation. Each subarea plan update process will be based on a public participation program that addresses citizen input on the key issues associated with the subarea plan update.

4) Subarea Plan Amendment. Only those portions of existing subarea plans in conflict with the Comprehensive Plan are required to be amended. Local issues of concern or changed conditions may be addressed.

5) Comprehensive Plan Revisions. Where the subarea plan process recommends growth levels, growth boundaries, or other essential features, Comprehensive Plan amendments will be considered in conjunction with the subarea plan update process. Land capacity analysis may also be updated if appropriate.

b. Prioritize update of subarea plans. Subarea plans should be updated in the following order.

1) Post-GMA Subarea Plans addressing UGAs. These subarea plans should be amended during Whatcom County's 7-Year Review scheduled for completion in 2011. Subarea plans addressing UGAs associated with a city should be coordinated with the city's comprehensive plan update process.

2) Post-GMA Subarea Plans addressing Rural Areas. These subarea plans should be subject to a consistency review. If significant inconsistencies are found, these should be considered for potential update during Whatcom County's 7-Year Review scheduled for completion in 2011. Minor updates may be considered through the County's docket process in subsequent years.

3) Pre-GMA Subarea Plans. These should be updated in accordance with County department work programs or the docketing process. Priority criteria may be used to determine the order of update. Example criteria include:

a) whether update is needed for health, safety, or welfare concerns;

b) whether there is a city-associated UGA included in the subarea plan boundaries – in which case, the subarea plan update could be timed to be developed in association with or following city comprehensive plan update process;

c) whether the subarea plan would benefit from broader policy concepts to be completed in

advance or in tandem, such as agricultural land protection measures;

d) whether a significant policy objective would be met by amending the plan.

In the event there is an inconsistency between a Subarea Plan and the Whatcom County Comprehensive Plan, the Whatcom County Comprehensive Plan shall prevail.

Policy 2L-3: Emphasize forestry uses with some provision for rural and agricultural uses in the south and southeastern regions of the county.

Policy 2L-4: Support the rural economic base by permitting natural resource-based industries, cottage industries, forestry, fishing, and agriculture in rural areas, as well as commercial and industrial activity contained within designated Rural Communities.

Policy 2L-5: Emphasize agriculture in the north central regions of the county.

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RURAL LANDS – INTRODUCTION

Purpose

The purpose of the Rural Lands section is to provide direction for land use decisions in the rural areas of Whatcom County.

GMA Requirements

The state Growth Management Act (GMA) requires counties to include a Rural element in their comprehensive plan in accordance with RCW 36.70A.070. GMA defines rural lands as those that are located outside urban growth areas and which do not include designated agriculture, forestry, or mineral resource lands of long-term commercial significance. Agriculture, forestry and mineral resource lands are addressed separately in *Chapter 8: Resource Lands*.

GMA requires counties to provide for a variety of rural densities and uses in its rural areas, and to adopt measures to protect the rural character of the area, as established by the county. The GMA (RCW 36.70A.030(15)) defines “rural character” as “patterns of land use and development established by a county in the rural element of its comprehensive plan:

- (a) In which open space, the natural landscape, and vegetation predominate over the built environment;
- (b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

- (c) That provide visual landscapes that are traditionally found in rural areas and communities;
- (d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- (f) That generally do not require the extension of urban government services; and
- (g) That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.”

GMA allows counties to designate “limited areas of more intensive rural development” (LAMIRDs) where more intensive uses have been established within their rural areas. Counties making such designations must adopt measures to minimize and contain the existing areas or uses of more intensive rural development.

Rural Character and Lifestyle

Whatcom County’s rural areas are characterized by a mixture of historic rural communities, pasture, agriculture, woodlots, home occupations, cottage industries, and dispersed commercial and industrial activities. The rural areas provide an important buffer between urban areas and resource lands, and the character of the rural areas is differentiated from the urban areas by less intensive uses and densities, and greater predominance of vegetation, wildlife habitat, and open space.

This plan recognizes that each rural area or community has a unique character in terms of established development patterns. The majority of the rural area is characterized by the types of visual environment and land uses traditionally considered rural, while a portion has been developed with more intensive uses – either smaller-lot residential, light industrial, or business uses. This plan, consistent with GMA requirements, supports limited more intensive rural uses, while preventing them from having a negative impact on the character of the less developed rural areas, or on adjacent resource lands.

GOAL 2DD: Retain the character and lifestyle of rural Whatcom County.

Policy 2DD-1: Concentrate the majority of growth in urban areas and recognize rural lands as an important transition area between urban areas and resource areas..

Policy 2DD-2: Protect the character of the rural area in terms of natural landscape as well as rural lifestyles and economy, per the GMA definition of rural character (RCW 36.70A.030(15)). Protect and value clean water and air, the natural environment, forested lands, agriculture, parks, trails, and open space that provide for a high-quality rural lifestyle.

- Policy 2DD-3: Encourage property owners to conserve forested areas, agricultural land, and open space by utilizing current-use taxation provisions (*RCW 84.34*).
- Policy 2DD-4: Conserve open space, park land, and trails for recreational use, as well as to protect essential habitat such as riparian areas and wetlands.
- Policy 2DD-5: Use an "Agriculture Protection Overlay Zone" designation in certain Rural zoned areas as a way to help achieve the goal of conserving and enhancing Whatcom County's agricultural land base.
- Policy 2DD-6: In the "Agriculture Protection Overlay Zone" on parcels 20 acres and larger with Rural 5 acre and Rural 10 acre zoning, require non-agriculturally related development to be clustered where it would not create more conflicts with accepted agricultural practices, on a maximum of 25 percent of the available land with the remainder available for open space and agricultural uses. Development standards shall provide flexibility to achieve development potential in cases of natural limitations.
- Policy 2DD-7: Maintain the historic character and cultural roles of each rural area and community.
- Policy 2DD-8: Allow more intensive uses in limited areas of more intensive rural development designated consistent with RCW 36.70A.070(5)(d), which provide public and commercial services and employment opportunities, while preventing them from spreading in patterns of sprawl development and having an adverse impact on surrounding rural areas and nearby resource lands, and protecting rural character.
- Policy 2DD-9: Assure economic prosperity for rural areas and allow rural property owners reasonable use of their land by continuing to allow legal nonconforming uses.
- Policy 2DD-10: Adopt incentive programs, such as purchase of development rights, transfer of development rights, and tax deferrals, to achieve desired land use policies in rural areas and in areas where there are compelling reasons to do so.

Rural Services

Development in rural areas should not receive urban levels of service except where necessary to protect public health, safety, and the environment. Services should be coordinated to ensure that rural areas receive appropriate services including law enforcement protection, fire protection, and emergency services. The Whatcom County Public Works Department maintains county roads. Most of the residential development

in rural areas uses individual on-site septic systems. Some drinking water is provided by on-site wells and in other cases it is provided by water districts or water associations.

GOAL 2EE: Ensure that rural areas are provided with services consistent with the rural character and that development patterns do not encourage an increased service level or degrade water quality.

Policy 2EE-1: Recognize domestic water systems, volunteer fire protection, emergency services, law enforcement protection, transportation, public transit services and public utilities typically associated with rural development as appropriate services in designated rural areas. Rural services do not include storm or sanitary sewers.

Policy 2EE-2: Coordinate and plan public facilities, services, roads, and utilities to ensure that rural areas have appropriate and adequate rural levels of service necessary to maintain a rural lifestyle. Coordinate with rural service providers to ensure efficient and effective service to rural areas.

Policy 2EE-3: Pursue measures through which new development would help pay for increased demands on critical rural services such as fire and emergency service.

Policy 2EE-4: Prohibit extension or expansion of municipal public sewer systems outside urban growth areas or LAMIRDs except where it is necessary to protect public health, safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.

Policy 2EE-5: Ensure that adequate on-site wells and on-site sewage and septic systems are properly installed, monitored, and maintained. Provide technical assistance to property owners, and require necessary improvements when needed to protect health, safety and environmental quality.

Policy 2EE-6: Promote better land use practices and protect water quality by encouraging landowners and developers to investigate and implement innovative subdivision, septic system designs, and stormwater management.

Policy 2EE-7: Ensure county coordination with service providers to determine if new or infill development will have necessary services. Require concurrent review of new development to ensure adequate level of service at rural standards are available at the time of development.

Policy 2EE-8: Public services and public facilities necessary for rural commercial and industrial uses shall be provided in a manner that does not

permit low-density sprawl. Uses may utilize urban services that previously have been made available to the site.

Rural Employment Opportunities

Many residents in rural Whatcom County depend on cottage industries, home occupations, small businesses, and natural resource-based jobs for their livelihood. These types of businesses support the local economy and are compatible with the rural lifestyle desired by county residents.

Commercial and industrial uses located within Rural Communities, Rural Tourism, and Rural Business areas are also important contributors to the local economy, providing jobs and services to rural residents.

GOAL 2FF: Provide employment opportunities in the rural parts of Whatcom County.

Policy 2FF-1: Support small businesses, cottage industries, home occupations, resource-based, tourist, recreational, and other appropriate industries in the rural areas of Whatcom County. New rural commercial and industrial uses that are more intensive than those permitted within rural zones as home occupations or cottage industries should be located within designated Rural Communities and Rural Business areas.

Policy 2FF-2: Support resource-based industries that require only rural services, conserve the natural resource land base, and help maintain the rural character and lifestyle of the community. Assure adequate facilities, mitigation and buffers through development regulations.

Policy 2FF-3: Ensure that business operations do not adversely impact adjacent residential, agricultural or forest land, or compromise water quality and quantity.

Policy 2FF-4: Allow home-based occupations, cottage industries and small-scale tourist and recreational uses throughout the rural area provided they do not adversely affect the surrounding residential uses, agricultural uses, forestry uses, or rural character.

RURAL LANDS – LAND USE

Rural Designation

Lands designated as Rural include a variety of uses and densities. Traditionally, Whatcom County's rural areas have been characterized by a spectrum of uses ranging from farms and large-lot residential areas to recreational communities and small towns.

The more intensive uses in that spectrum (commercial/industrial areas and residential areas with densities greater than one unit per acre) are contained within the boundaries of Rural Community, Rural Tourism, or Rural Business designations (LAMIRDs) and Rural Residential Overlays. The remainder of the rural areas are designated Rural and contain traditional rural residential and farm uses as well as small home-based and conditionally-permitted businesses. The rural character of the lands designated as Rural should not be compromised by the encroachment of more intensive development. Commercial and industrial uses in the rural areas not contained within a Rural Community designation must meet GMA criteria for small-scale tourism or isolated business uses (RCW 36.70A.070(5)(d)(ii) and (iii)).

The GMA does not set a maximum allowed residential density for rural areas. A large majority of the lands designated as Rural are zoned for one residence per five or ten acres, however, a small proportion has been developed under a zoning allowing lots smaller than five acres where public water service is available. These areas have their own unique rural character (as compared with the higher densities contained within LAMIRDs) and they serve to provide a needed variety of rural densities. However, it is important to maintain the character of the more traditional rural areas and prevent expansion of the smaller-lot rural areas beyond their traditional limits.

Goal 2GG: Designate Rural areas to contain a variety of uses and densities while retaining their traditional rural character.

Policy 2GG-1: Provide a variety of residential choices at rural densities which are compatible with the character of each of the rural areas.

Policy 2GG-2: The Rural designation should include areas of traditional rural uses and densities. While the large majority of the Rural designation is characterized by densities at or below one unit per five acres, the Rural designation may also include rural residential areas where higher densities have been established. More intensive development should be contained within Rural Community, Rural Tourism, or Rural Business designations, which are limited areas of more intensive rural development (LAMIRDs), unless justified by the existing rural character of the area.

Policy 2GG-3 In the Whatcom County Code, the Rural and Rural Residential zoning districts should include Rural Residential Density Overlays that may be applied to areas within the Rural designation where smaller-lot rural residential development has already occurred. The overlay should allow for infill development with lot sizes consistent with those of surrounding lots, where public water service is available. The overlay should limit eligibility of lots based on the percentage of surrounding lots that are developed, and should establish a maximum density that may be achieved using the overlay. The Rural Residential Density Overlays should not be expanded into areas where smaller-lot development has

not occurred; such expansion is not consistent with maintaining the traditional character of the surrounding rural areas.

- Policy 2GG-4: Uses and densities within the Rural designation should reflect established rural character. Rezones within the Rural designation should be consistent with the established rural character and densities in the general area of the proposed rezone.
- Policy 2GG-5: Minimize potential conflicts of rural residential development near designated natural resource lands to prevent adverse impacts on resource land uses.
- Policy 2GG-6: Provide landowners with incentives and options to develop their property at densities that may be less than the underlying zone, when necessary to protect critical areas and high-value resource lands.
- Policy 2GG-7: Ensure that flexible development patterns such as cluster subdivisions effectively preserve open space and agricultural land and do not create the need for more intensive rural services.
- Policy 2GG-8: Development within Rural designations should be consistent with rural character as described in this chapter.

Limited Areas of More Intensive Rural Development (LAMIRDs)

RCW 36.70A.070(5)(d)(i) through (iii) allows counties to designate limited areas of more intensive development (LAMIRDs) for three types of development patterns in the rural areas:

- Type I: "Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas..." Existing development is defined as that which existed on July 1, 1990.
- Type II: "The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those...uses, that rely on a rural location and setting..."
- Type III: "The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents..."

Areas designated in this plan as Rural Communities are Type I LAMIRDs. Rural Tourism designations are Type II LAMIRDs and Rural Business designations are Type III LAMIRDs.

The purpose of LAMIRDs is to place limits on more intensive development and prevent it from adversely affecting the character of the surrounding rural areas. Rural Communities (Type I LAMIRDs) are areas characterized by more intensive uses at the

time Whatcom County began planning under GMA. Rural Tourism designations (Type II LAMIRDS) apply to lots that contain small-scale tourist uses. Rural Business designations apply to lots that contain isolated small-scale business. The criteria listed under Goal 2HH were used to designate Rural Communities and Rural Business areas (the Type I and Type III LAMIRDS) in 2010 and should be used to establish future Rural Tourism and Rural Business designations (Type II and III LAMIRDS) and to evaluate future proposed modifications to Rural Community, Rural Tourism, and Rural Business designations (Type I, II, and III LAMIRDS).

Goal 2HH: Establish LAMIRD Designation Criteria

Policy 2HH-1: Rural Community (Type I LAMIRD) designation criteria

A. Location Criteria. Rural Communities may be designated in an area that:

1. Was characterized by existing development more intensive than surrounding rural areas (residential or non-residential) as of July 1, 1990, and
2. Is not currently designated by the Comprehensive Plan as Urban Growth Areas (UGAs) or Resource Lands, and

B. Additional Location Criteria. The following may serve as additional criteria for Rural Community designation (relative to the specific circumstances of the area, and in combination with each other):

1. The existing (1990) residential built environment was more intensively developed than surrounding areas;
2. Public services are available to serve potential infill, such as adequate potable water and fire protection, transportation facilities, sewage disposal and stormwater control; or
3. The area is planned for more intensive development in a post-GMA local subarea plan.
4. Existing zoning prior to designation as a Rural Community, except existing zoning may not be a sole criterion for designation.

C. Outer Boundary Criteria. For land meeting the criteria described in A and B above, Rural Community boundaries must minimize and contain areas of intensive development and be delineated predominately by the built environment, and shall include:

1. Parcels that were intensively developed and characterized by the built environment (including water lines or other

utility lines with capacity to serve areas of more intensive uses) on July 1, 1990.

2. Parcels that on July 1, 1990 were not intensively developed may be included within Rural Community 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 in a manner that does not permit low-density sprawl;
 - e. Including the parcel does not create a new pattern of low-density sprawl.

Policy 2HH-2:

Rural Tourism (Type II LAMIRD) designation criteria

A. Location Criteria. Rural Tourism may be designated on land that:

1. Consists of one lot, or more than one lot, and
2. Is not currently designated by the Comprehensive Plan as Urban Growth Areas (UGAs) or Resource Lands, and
3. Is characterized by the intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those uses, that rely on a rural location and setting, but that do not include new residential development, other than a dwelling unit accessory to the business for use by the owner-manager or caretaker.

B. Additional Criteria The following serve as additional criteria for Rural Tourism designation:

1. The area may include pre-existing residential development, but not new (except for dwelling units accessory to the business for use by the owner-manager or caretaker), and
2. The area may serve more than the local existing & projected rural population, and

3. 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,

Policy 2HH-3: Rural Business (Type III LAMIRD) designation criteria

A. Location Criteria. Rural Business may be designated on land that:

1. Is not currently designated by the Comprehensive Plan as Urban Growth Areas (UGAs) or Resource Lands, and
2. Consists of a lot or small group of lots that either:
 - a. Contained past or current nonresidential uses and was located within a commercial, manufacturing, or industrial zoning district at the time of original county-initiated designation, or
 - b. Allow for new development of isolated cottage industries and isolated small scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents.

B. Additional Criteria.

1. A Rural Business designation on a lot or small group of lots containing nonresidential uses should be separated from other LAMIRD designations, regardless of type, by no less than one-half mile by public road, except where the other LAMIRD is separated by a major physical feature such as a water body, freeway, major road, or other physical feature.
2. In the event that the listed criteria result in the need to choose one proposed designation over another, preference is given to a proposed use that:
 - a. Provides the greatest number of job opportunities for rural residents.
 - b. Is located at a controlled public road intersection.

Rural Communities

Rural Communities are areas that have historically served as centers of activity and services for surrounding rural areas, or have been established as more intensive rural residential development. In many cases, they are served by public services and facilities, including schools, libraries, post offices, and/or public transportation.

These areas are Type I LAMIRDs and include small unincorporated towns and other areas where a concentration of commercial and public uses have been in existence since before the adoption of the GMA in 1990. Typically, these are mixed-use areas containing both residential and nonresidential uses developed at a greater intensity than is generally found in outlying rural areas. This more intensive development is contained within the boundaries of the Rural Community designations, preventing the expansion of more intensive uses and densities into the surrounding rural areas. Because undeveloped lots may be included within Rural Community boundaries, infill development is possible, but at an intensity consistent with the development that existed in 1990.

Areas designated as Rural Communities are: Acme, Birch Bay-Lynden & Valley View, Cain Lake, Custer, Deming, Diablo, Eliza Island, Emerald Lake, Fort Bellingham/Marietta, Glacier, Hinotes Corner, Kendall, Lake Samish, Laurel, Lummi Peninsula, Maple Falls, Newhalem, North Bellingham, Nugents Corner, Point Roberts, Pole & Guide Meridian, Sandy Point/Sandy Point Heights, Smith & Guide Meridian, Sudden Valley, Van Wyck, and Wiser Lake.

GOAL 2JJ: Designate areas of more intensive rural development that existed on July 1, 1990 as Rural Communities.

Policy 2JJ-1: Areas designated as Rural Communities shall meet the criteria stated in this chapter and the requirements of RCW 36.70A.070(5)(d)(i), which describes limited areas of more intensive rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, including necessary public facilities and public services to serve the limited area.

Policy 2JJ-2: Boundaries of Rural Communities shall meet the criteria stated in this chapter, and the requirements of RCW 36.70A.070(5)(d)(iv), which requires limited areas of more intensive rural development to be clearly identifiable and contained within a logical outer boundary delineated predominately by the built environment as it existed on July 1, 1990.

Policy 2JJ-3: Additional Rural Communities shall not be designated, nor shall boundaries of Rural Communities be changed unless the area of the proposed addition meets the criteria stated in this chapter, and requirements of RCW 36.70A.070(5)(d) . Designated Resource Lands should not be redesignated as Rural Communities.

Policy 2JJ-4: Development or redevelopment within Rural Communities should be consistent with the character of the existing area and consistent with the size, scale, use, or intensity of the development that existed on July 1, 1990.

Policy 2JJ-5: Lands inside Rural Community designation boundaries that are within low-density residential zones (one residence per five acres

or less density) or resource zones, or are federally owned, should not be re-zoned to allow more intensive uses and densities.

Policy 2JJ-6: Land uses within Rural Communities, except for industrial uses, should be principally designed to serve the existing and projected rural population.

Policy 2JJ-7: Encourage future public participation activities to develop additional planning goals and policies specific to residents' needs and preferences in individual Rural Communities.

Rural Tourism

Whatcom County's scenic rural areas are enjoyed by residents and tourist alike. Small scale recreation or tourist uses that rely on a rural setting provide income opportunities for rural residents and contribute to the local economy. GMA allows counties to designate new Type II LAMIRDs for new small-scale recreation and tourist uses. The Rural Tourism designation limits and contains such uses, which can be more intensive than surrounding rural uses.

GOAL 2KK: Provide opportunities for small-scale recreational or tourist uses in rural areas.

Policy 2KK-1: Lands designated for Rural Tourism shall meet the criteria stated in this chapter, and the requirements of RCW 36.70A.070(5)(d)(ii), which describes limited areas of more intensive rural development consisting of the intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those uses, that rely on a rural location and setting, but that do not include new residential development (other than a dwelling unit accessory to the business for use by the owner-manager or caretaker).

Policy 2KK-2: Designated Resource Lands shall not be redesignated as Rural Tourism.

Rural Business

Many businesses have been established in commercial and industrial zones outside of Rural Community areas. These uses, which are more intensive than those found in surrounding rural areas, provide commercial services and job opportunities for rural residents. The Rural Business designation permits uses to continue while preventing the spread of businesses in sprawl development patterns.

GMA allows counties to designate new Type III LAMIRDs for new isolated small-scale businesses. To ensure that these uses remain isolated and do not lead to strip development, criteria for Rural Business designation include spacing requirements from other Rural Business designations as well as Rural Communities.

The areas designated Rural Business under Type III guidelines are: Birch Bay-Lynden & I-5, Blue Canyon, Guide Meridian Border Crossing, North Lake Samish & I-5, Slater & Elder, Van Zandt, and Welcome.

GOAL 2LL: Designate Rural Business areas to limit and contain nonresidential uses.

Policy 2LL-1: All lands designated Rural Business shall meet the Rural Business designation criteria stated in this chapter, and the requirements of RCW 36.70A.070(5)(d)(iii), which describes limited areas of more intensive rural development consisting of the intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses.

Policy 2LL-2: Uses in the Rural Business designation need not be principally designed to serve the existing and projected rural population and nonresidential uses, but provide job opportunities for rural residents.

Policy 2LL-3: Designated Resource Lands shall not be redesignated as Rural Business.

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Special Study Areas

Lake Whatcom

Lake Whatcom is the drinking water source for approximately half of Whatcom County. Recent studies on Lake Whatcom indicate water quality in the lake has declined. Oxygen levels in Lake Whatcom are declining to lower levels, and are declining faster than in the past. In 1997, the Washington State Department of Ecology listed Lake Whatcom as an impaired water body and place Lake Whatcom on the Federal Clean Water Act 303(d) list because of low oxygen levels. The 303(d) listing requires the establishment of a Total Maximum Daily Load (TMDL) that designates loading capacity of the lake such that there will be no measurable change in oxygen levels from natural lake conditions. The TMDL goals will require a variety of planning, pollution prevention, pollution reduction and technical approaches. Meeting the TMDL goals will be required in order to stabilize water quality in Lake Whatcom.

A significant cause of declining oxygen levels has been from residential development in the watershed. Past development permitted by the City of Bellingham and Whatcom County has led to increased phosphorus loading into the lake, which in turn has led to lower oxygen levels in the lake. Past poorly managed forest practices may have led to significant increases in phosphorus loading to the lake.

In November/December 1992, a joint resolution was passed by the Bellingham City Council, Whatcom County Council, and Water District 10 Commissioners, which

reaffirmed this position with six general goal statements and a set of specific goal statements in various categories. The specific goal statements for urbanization were the following:

- Prevent water quality degradation associated with development within the watershed.
- Review and recommend changes in zoning and development potential that are compatible with a drinking-water reservoir environment.
- In addition to zoning identify and promote other actions to minimize potential for increased development in the watershed (i.e. land trust, development rights, cost incentives, etc.).
- Develop specific standards which reduce the impacts of urbanization, such as minimal lot clearing; clustered development to reduce infrastructure; collection and treatment of stormwater before entering the lake.
- Develop appropriate interlocal agreements with governing agencies to prohibit the potential for additional development once an agreed upon level is set.

The joint resolution included goals for watershed management that extended beyond urbanization. Goals were included for stormwater management, on-site waste systems, conservation, forest management, spill response, hazardous materials transport and handling, data/information management, education/public involvement, and other topics. A joint strategy was agreed to for developing specific plans to meet the adopted goals. Eight high priority goals were selected first and plans have been completed and jointly adopted for each of the goals.

In 1998, the City, County, and District 10 formalized their joint commitment to protect and manage the lake through the joint adoption of an interlocal agreement and allocation of funding toward protection and management efforts in the watershed. A five-year program plan was developed for ten program areas. Specific priority was placed on activities related to watershed ownership, stormwater management, and urbanization/land development.

The watershed contains four developed areas: the City of Bellingham, which straddles the upper portion of the northern-most basin of the lake; Geneva, which is immediately south and east of Bellingham's city limits and is part of the city's urban growth area; Hillsdale, which is immediately north and east of Bellingham's city limits and is also part of the city's urban growth areas; and the Sudden Valley Rural Community. In addition, it includes a variety of other zones, including resource, rural, and residential rural zones. Over 75% of the watershed is in Forestry zoning and more than 73% of the current land use is forestry.

In 2003, there were approximately 2,730 existing dwelling units in the Lake Whatcom watershed located outside of the Bellingham UGA. Under the zoning adopted in January 2004, the gross potential build-out in this area is about 6,507 total dwelling units. Therefore, even under the more restrictive zoning adopted in January of 2004, there could be a significant amount of new development in the watershed.

Water and sewer service are provided by Water District 10. Capacity problems in the district's sewer line, which serves Geneva and Sudden Valley, have caused overflows into the lake in the past. An aggressive program to preclude stormwater infiltration has eliminated the overflow problems to a large extent. In addition, the district has a contractually limited flow capacity to Bellingham. The Lake Louise Road sewage interceptor was constructed in January 2003 to carry waste water from Sudden Valley and Geneva and serves as a complement to the Lake Whatcom Boulevard trunk line. The interceptor was designed to service full build-out of Sudden Valley and Geneva.

There are several pending subdivisions in the area which are being proposed at less than full density but which will increase the overall development level outside of urban areas to a significant degree.

In 2004, the Department of Natural Resources (DNR) Board on Natural Resources adopted the Lake Whatcom Landscape Plan. This plan provides additional protections on state managed lands within the Lake Whatcom watershed. The plan provides additional protections on streams and potentially unstable slopes on normally included in forest practices in Washington State. If the DNR exchanges land from the watershed the protections provided by the plan would not be applicable to the new owner.

In 2006 the Whatcom County Council approved funding to study reconveyance of DNR managed County Forest Board Lands.

Chapter 11: Environment, contains more discussion of Lake Whatcom issues and includes additional goals and policies related to watershed management, stormwater, and water quality.

GOAL 2MM: **Prioritize the Lake Whatcom area as an area to minimize development, repair existing storm water problems, specifically for phosphorus, and ensure forestry practices do not negatively impact water quality. Provide sufficient funding and support to be successful.**

Policy 2MM-1: Work with property owners to find acceptable development solutions at lower overall densities than the present zoning allows.

Policy 2MM-2: Develop a storm drainage utility district or other funding mechanism to deal with the unique problems of development in a drinking water watershed.

Policy 2MM-3: Recognize that all users of Lake Whatcom water have an interest in the resource and should share in the cost of its protection.

Policy 2MM-4: Work cooperatively with the City and Water District 10 to identify, review, and, as appropriate, recommend changes to existing monitoring programs that will address the needs of the various jurisdictions. Place a particular focus on the information needed to evaluate the impacts of additional development in the watershed. Include an analysis of the diversion from the Middle

- Fork of the Nooksack. Coordinate effort with the Lake Whatcom Management Committee process.
- Policy 2MM-5: Evaluate and pursue, as appropriate, the use of incentives to encourage voluntary lot consolidation, transfer or purchase of development rights, current use taxation, and participation in open space conservation programs.
- Policy 2MM-6: Do not allow density bonuses within the Lake Whatcom Watershed.
- Policy 2MM-7: Work cooperatively with the City and Water District 10 to develop benchmarks to determine the effectiveness of management options; when goals have been achieved; or when additional actions are necessary.
- Policy 2MM-8: Continue to develop and refine structural and non-structural best management practices (BMPs), both voluntary and required, to minimize development impacts within the Lake Whatcom watershed.
- Policy 2MM-9: Work to keep Whatcom County Forest Board and Forest Purchase lands within the Lake Whatcom watershed in public ownership, and support managing forestry on said lands in a manner that minimizes sediment and phosphorus yields from streams.
- Policy 2MM-10 Encourage the location of public services such as schools, libraries, and post offices, within Rural Communities that would likely reduce the vehicle miles traveled within the watershed.

Private Parcels Surrounded by National Park or National Forest

There are a number of private parcels in Whatcom County which are completely surrounded by National Forest and National Park land. Some of these have houses built on them, primarily for seasonal use, but most represent mining patents and are used, or have been used, only for mining. The majority of these parcels are located in the Mt. Baker area or the Slate Creek area near the eastern border of the county with their access primarily by Forest Service roads.

When interim zoning was established for Whatcom County in 1972, these parcels along with a majority of the rest of the county were zoned general protection (GP). This zoning allows single-family houses on one acre lots and a multitude of other uses mostly subject to the conditional use process. As final zoning has been established around the county as part of the subarea planning process, only these exclave parcels and the Lummi Reservation remain under interim zoning.

GOAL 2QQ: Continue to recognize private parcels surrounded by National Park or National Forest as part of Whatcom County's jurisdiction.

Policy 2QQ-1: Increase the potential for land exchanges, and other voluntary mechanisms, in order to reduce the checkerboard ownership and jurisdictional patterns within eastern Whatcom County.

Subdivisions on the Lummi Reservation

There are at least 2,086 parcels on the Lummi Reservation, many of which are owned by non-Indians. As Federal policy has changed and tribal lands have been allowed to be removed from trust to fee status, state and county regulations have become applicable. The County has made efforts to work closely with local tribes on land use directions. The requirements of Growth Management cannot be applicable to reservation trust lands, even when a checkerboard pattern has developed. It is the full intent of this County, when possible, to continue working cooperatively with area tribes on land use, watershed planning, utility planning and the coordinated water system plan. Most platted areas have sewer, which is provided by the Lummi Sewer District.

GOAL 2NN: Seek resolutions that satisfy the requirements of Growth Management, the needs of the non-tribal residents and the goals of the Lummi Nation.

Policy 2NN-1: Work with the residents and the Lummi Nation to establish adequate water and sewer for the existing platted lots.

Policy 2NN-2: Whatcom County will administer land use policy on fee lands and prohibit discriminatory land use practices.

COMPREHENSIVE PLAN DESIGNATIONS MAP

The Comprehensive Plan designations map (**Map 8**) is intended to provide direction for future land use decisions in Whatcom County. It is officially adopted as part of this document. Because of the scale of the map, specific boundaries are identified on maps in the County Planning and Development Services office.

Comprehensive Plan Designation Descriptors

These descriptors are intended to be general in nature. More specific criteria and explanation will be incorporated into subarea plans.

Title: **Urban Growth Areas**

Purpose: To denote where future urban growth may occur.

Definition: Areas characterized by urban growth that have adequate existing public facility and service capacities; areas characterized by urban growth that can be served adequately by a combination of both existing public facilities and any additional public facilities and services that are provided by either public or private sources; and lands adjacent to areas characterized by urban growth.

Locational Criteria: First urban growth may be located on lands characterized by urban growth that have adequate existing public facility and service capacities; next urban growth may be located on lands characterized by urban growth that can be served adequately by a combination of both existing public facilities and services and any additional public facilities and services that are provided by either public or private sources; and finally urban growth may be located on lands adjacent to areas characterized by urban growth.

Title: **Urban Growth Area Reserve**

Purpose: To denote lands which appear to be suitable for future inclusion in an adjacent and contiguous Urban Growth Area when the need arises and adequate public facilities and services can be provided, and other issues identified in the comprehensive plan are addressed.

Definition: Areas that are not yet suited for urban growth but are logical areas in which the urban area would likely grow beyond current growth allocations after being properly designated as an Urban Growth Area.

Locational Criteria: Areas adjacent and contiguous to Urban Growth Areas in which urban development would likely occur beyond current growth allocations.

Title: Major Industrial Area / Port Industrial Urban Growth Areas

Purpose: To reserve appropriate areas to attract heavy industrial manufacturing uses and provide employment opportunities while minimizing land use conflicts and off-site impacts.

Definition: Land area for large-scale heavy industry that has a high impact on the surrounding neighborhood and environment.

Locational Criteria: Industry should be located in areas adequate for its use away from residential centers, but within reasonable commuting distance; near transportation facilities and services.

Title: Master Planned Resort

Purpose: To recognize and contain resort areas that existed on July 1, 1990, or permit new master planned resort areas that depend on a setting of significant natural amenities.

Definition: Historic or new planned unit development that is self-contained and fully integrated, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.

Locational Criteria: Resorts may be located in urban or rural areas within a setting of significant natural amenities.

Title: Rural Community

Purpose: To recognize centers of rural commercial and public services and smaller-lot residential areas that existed on July 1, 1990 and limit and contain more intensive rural land uses within logical outer boundaries.

Definition: Small towns and other historic centers of rural activity containing residential and nonresidential uses developed at a greater intensity than surrounding rural areas.

Locational Criteria: Portions of rural areas that were characterized by more intensive rural development in 1990.

Title: Rural Tourism

Purpose: To recognize small-scale recreational and tourism businesses in rural areas, and to limit and contain more intensive rural development on those lots.

Definition: Lots containing nonresidential uses developed at a greater intensity than other rural areas.

Locational Criteria: In a rural location and setting upon which the recreational or tourism use relies.

Title: Rural Business

Purpose: To recognize isolated businesses in rural areas and to limit and contain more intensive development on those lots.

Definition: Isolated lots or isolated small groups of lots containing nonresidential uses developed at a greater intensity than surrounding rural areas.

Locational Criteria: No less than one-half mile from other Rural Business, Rural Community and Rural Tourist designations, unless separated by a major physical feature.

Title: Rural

Purpose: To provide opportunity for a variety of low-density residential development including cluster development with the flexibility to practice farming or forestry, or operate a home occupation or cottage industry; to retain a sense of community. Also to encourage agriculture and forestry activities through the use of incentives.

Definition: Allows one dwelling unit per five or ten acres (or a higher density where that density has been established) with less traffic noise and congestion than in urban areas; low-density population; open space; privacy; largely forestry and agriculture oriented; rural level of services.

Locational Criteria: Low residential density; areas with physical environmental constraints; areas characterized by full and part-time forestry and agriculture, but not designated as commercial resource lands.

Title: Agriculture - Resource Lands

Purpose: To recognize and promote agriculture in Whatcom County and protect prime agricultural soils and productive agricultural lands from conversion to other uses. To prevent conflicts between residential and agricultural uses.

Definition: Commercial agriculture lands located on parcels 40 acres or larger, with one dwelling unit per 40 acres allowed.

Locational Criteria: Soils identified as prime agricultural soils; large parcels; existing commercial agricultural uses.

Title: Rural Forestry - Resource Lands

Purpose: To provide flexibility in use, enabling the landowner to live on the land and practice forestry and forestry-related industry.

Definition: Lands used primarily for growing trees with some low-density residential development.

Locational Criteria: Lands useful for growing trees for commercial timber production; usually located within public service districts; accessed by private roads built to Whatcom County development standards or public roads; low-density residential development; land parcels generally 20 acres or greater in size; property often in tax deferred status.

Title: Commercial Forestry - Resource Lands

Purpose: To provide land base for commercial forestry activities and provide predictability of future land use to forest land owners.

Definition: Land primarily devoted to commercial timber production.

Locational Criteria: Land primarily devoted to growing trees for long-term commercial timber production; located outside public service districts such as fire and water; accessed by private or state forest roads; parcels generally 40 acres or larger in size; land in tax deferred status.

Title: Mineral Resource Lands - Resource Lands

Purpose: To ensure a long-term supply of mineral resources and provide predictability in land use.

Definition: Lands of long-term commercial significance for the extraction of minerals.

Locational Criteria: Proven mineral resources of long-term commercial significance, low density rural areas, designated Agricultural lands generally with Non-Prime Farmland Soils and when demonstrated to be of higher value as a mineral resource than as an agricultural resource; and designated Forestry lands of higher value as a mineral resource than as forestry resource.

Title: Public Recreation

Purpose: To provide the public with open space and recreational opportunities; to protect conservation areas.

Definition: Areas with unique scenic or recreational amenities.
Locational Criteria: Parcels owned or managed by public or private agencies for recreational or conservation use.

Title: Special Study Areas
Purpose: To indicate areas where regional planning efforts are a high priority and necessary in order to address important local issues in greater detail.
Definition: Includes the Lake Whatcom Watershed and certain areas within the Lummi Reservation.

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[Re-number Goals and Policies in the remainder of Chapter Two as needed.]

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Chapter Five UTILITIES

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Policy 5N-3: Transmission pipelines are discouraged in urban growth areas and areas of intense rural development which would render such pipeline siting inappropriate.

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Policy 5P-3: Discourage extension of urban levels of water service to areas not designated as urban growth areas or Rural Communities, except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

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Policy 5T-1: Discourage extension of sewer lines in areas not designated as urban growth areas or Rural Communities, except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

Policy 5T-2: For those areas designated as Rural Communities and wishing to infill, work with the communities to create sewer and water

districts as necessary to manage both utilities. Public water and sewer service shall be limited to areas where existing lot sizes and development patterns make public water and sewer appropriate and shall not be extended outside of the boundaries of the Rural Community.

Policy 5T-3: Assist sewer and water districts in environmental review and mitigation and in preparing grant applications to obtain package sewer services that can be developed in a phased and cost-effective manner to serve designated Rural Communities.

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Chapter Six

TRANSPORTATION

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Policy 6D-4: Direct transportation planners to evaluate positive and negative impacts to the productivity of resource based industries when planning transportation corridors. Transportation improvements in areas designated "Resource Lands" should be constructed to facilitate the operations of those affected areas and industries.

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Policy 6D-6: Encourage new housing developments to be located in urban growth areas to help provide a sense of community and safe, non-motorized transportation to community facilities and public transit nodes.

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Policy 6N-5: Coordinate with Whatcom Transportation Authority to establish rural transit service in unincorporated areas, including Rural Communities, consistent with county land use plans, based on cost effectiveness, location of major trip generators, distance between generators, and the needs of transit-dependent individuals.

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Policy 6P-4: Support commercial and industrial development adjacent to major transportation corridors, including I-5 and rail and air facilities within urban growth areas, as long as such facilities do not reduce safe, efficient movement of vehicles in Whatcom County.

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Chapter Seven
ECONOMICS

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Policy 7K-2: Designate adequate zoning to allow business and industrial development where it is needed and most appropriate.

Policy 7K-3: Locate new commercial or industrial development along Guide Meridian within designated urban growth areas, Rural Community LAMIRDs, and Rural Business LAMIRDs in a manner that does not disrupt the Guide's regional transportation function.

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Chapter Nine
RECREATION

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Specialized Recreation Areas

Specialized areas include nature interpretative centers and small park sites, including those related to Urban Growth Areas, Rural Communities, and neighborhood developments.

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RECREATION - ACTION PLAN

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9. In keeping with policies in other chapters of this plan, develop a mechanism for ensuring the provision of neighborhood parks in accordance with appropriate standards when residential areas are developed outside of incorporated areas. In the residential UGAs not associated with cities, and in Rural Communities, mechanisms are needed for acquisition, development and subsequent maintenance and operations. Community Associations and Park Districts are options to be explored.

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Chapter Ten
DESIGN

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BACKGROUND SUMMARY

Sense of Place

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Among the elements which define a sense of place and which are particularly essential to examine, protect, and enhance are Places, Spaces, Focal Points, Gateways, Corridors, Connections, Edges and Transitions. All of these are perceptual elements common to most every natural or built place. They are among the most important and dynamic elements of an environment which enable us to distinguish, qualify, and identify one place as separate from another yet related to the whole. These elements can be perceived or applied to design of a diversity of land uses typical to Urban Growth Areas or Rural Communities; maintenance of the integrity of our rural setting; sensitive utilization our natural resource lands - aquifer recharge areas, agricultural lands, forest lands, and our waters; and they are among the integral structural components of site-specific environments we design to accommodate our recreational activities, housing, public facilities and transportation facilities.

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GOAL 10B: As Rural Communities evolve, utilize design tools and decisions which are sensitive to and compatible with the positive character of the surrounding natural setting.

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Gateways, Corridors, and Connections

Gateways, corridors, and connections are important as we pass from one identified place to another. The act of entering or leaving is an essential element in establishing the sense of place. Whatcom County is blessed with a number of natural corridors and important gateways such as the I-5 entry from Skagit County through the Chuckanut Mountains or the U.S./Canadian border crossings. Opportunities and problems should be recognized, associated with the following:

- human and natural gateways
- viewpoints and vistas
- river and stream corridors
- wildlife corridors
- utility easements
- traffic noise
- commercial signage
- links between urban growth areas and Rural Communities

