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M E M O R A N D U M

TO: Whatcom County Council

THROUGH: David Stalheim, Director *DS*

FROM: Wain Harrison, Long Range Planning Supervisor *W.H.*
Gary Davis, AICP, Senior Planner *GD*

DATE: January 8, 2010

SUBJECT: Rural Element Update

PDS has placed this item on the Planning and Development Committee's January 26, 2010 agenda to give the committee a status report on the Rural Element Update and to discuss possible next steps. The Planning Commission's findings and proposed amendments to the Comprehensive Plan and zoning regulations have been forwarded to Council members in a notebook, along with minutes of the Planning Commission meetings where the Rural Element Update was discussed. Materials related to this process, including all written public comments, are available on the County web site at <http://www.whatcomcounty.us/pds>.

On December 17, 2009, the Washington State Supreme Court issued its decision in Goldstar Resorts vs. Futurewise and Whatcom County. The decision upheld the part of the 2005 Growth Management Hearings Board decision that required Whatcom County to revise its Comprehensive Plan to reflect Growth Management Act requirements for establishing limited areas of more intensive rural development (LAMIRDs), but overturned the part that found some of the county's rural zoning districts noncompliant because they allowed lots smaller than five acres. The Supreme Court decision remands the issue to the Growth Management Hearings Board so that they may reconsider that issue without applying the five-acre "bright line" test. No date has been set for this reconsideration by the Hearings Board. This Supreme Court decision follows a similar decision affecting Thurston County; both decisions have been included in the Council's notebooks, along with the 2005 Futurewise vs. Whatcom County Hearings Board order.

At the January 26 meeting, PDS hopes to receive direction from the Planning and Development Committee on how to structure the County Council consideration. Some possible actions include:

- Hold a public hearing to receive public testimony on the Planning Commission's final recommendations

- Hold work sessions of the Planning and Development Committee to discuss specifics of the Planning Commission recommendations and to propose changes to those recommendations

If you have questions about the Rural Element Update process, please contact Gary Davis at extension 50246.