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**Date:** 2/3/2009 10:37 PM  
**Subject:** Excellent Opportunity-New Approach - Foothills Subarea Plan

Last week, on Thursday January 29th, I attended the Planning Commission's Foothills Subarea Plan work session. The Commission reviewed the facts painstakingly, and reached the decision that continuing the Columbia Valley's UGA classification was not best for the Foothills or the County. PDS provided a LAMIRD option that offered a better fit.

I think the Planning Commission was right.

While the Planning Commission's decision has most likely resulted in quite a furor, County Council now has an excellent opportunity to ensure that a positive and practical approach - a fresh approach - is taken to a very difficult problem.

With the proper LAMIRD classification, infrastructure and services can be scaled appropriately, avoiding the immense challenges and costs related to the attempt to create a large "city" in the Foothills. Well drawn boundaries and constructive zoning can help the community achieve its goals of developing a commercial zone and seeking business or industries that will provide job opportunities for the rural population.

Many needs may be met far more quickly as a LAMIRD than they might have been otherwise, as an UGA under the strain of continuous, elaborate, and open-ended scenarios burdened by delays. Surely the record of numerous capacity problems confirmed that, historically, the area has only ever existed as a residential community despite its two long held urban designations: "urban reserve" from 1988-1999, and "UGA" since 1999. I have read that:

A Type 3 LAMIRD can include the intensification of development on lots containing residential uses or the new development of isolated cottage industries and isolated small-scale businesses. These businesses do not need to be designed to serve the rural population; however, they must provide job opportunities for rural residents. Common examples of Type 3 LAMIRDs include small scale neighborhood shopping centers, small industrial parks, and crossroads developments such as gas stations and mini-markets.

There is language in some Growth Board decisions indicating that not all Type 3 LAMIRDs are required to be located on sites that had existing development in 1990 or the date the county was required or chose to plan under the GMA. (There are more details about all three types below.)

I understand that regulations provide significant tools and latitude to LAMIRD classification. I have attached some background information (see below) on LAMIRD's that may be extremely interesting and useful to you all.

Respectfully,

Deborah Ellen Baker

Glacier

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#### LAMIRD CLASSIFICATIONS AND USES

"There are three types of LAMIRDs, each authorizing a different category of rural development. The types refer to the subparts in RCW 36.70A.070(5)(d) that authorizes them. A Type 1 LAMIRD, authorized by RCW 36.70A.070(5)(d)(i), designates existing areas of commercial, industrial, residential or mixed-use development. A Type 2 LAMIRD, authorized by RCW 36.70A.070(5)(d)(ii), allows small recreational and tourist businesses to develop and grow. Finally, a Type 3 LAMIRD, authorized by RCW 36.70A.070(5)(d)(iii), allows for the growth and new development of isolated cottage industries and small-scale business. Public services, such as water lines, necessary to serve the LAMIRD may be provided in a manner that does not permit low-density sprawl.

A Type 1 LAMIRD can include infill, development, or redevelopment of existing commercial, industrial, residential or mixed-use areas, such as shoreline developments, villages, hamlets, rural activity centers, or crossroads development. The types of allowable future uses depend on the pattern of development that existed on July 1, 1990 or the date when the county was first required or chose to fully plan under the GMA. [6] <> Unlike other forms of rural development, a Type 1 LAMIRD is not required to be visually compatible with the surrounding rural area. In order to preserve the character of the natural neighborhoods and communities, however, the county must limit the intensive development to areas where it already occurs. Industrial uses are not required to be principally designed to serve the rural population[7]. All other (d)(i) LAMIRD uses (commercial, residential, or mixed-use) must be principally designed to serve the "existing and projected rural population." [8]

In determining the location of a Type 1 LAMIRD, the county must clearly identify the logical outer boundary (LOB) of the area. The LOB is delineated predominately by the built environment that existed on July 1, 1990, or the date when the county was first required or chose to fully plan under the GMA.[9] The built environment includes man-made structures located above and below the ground, such as existing buildings and sewer lines.[10] In addition to the man-made environment, county must address the following factors in establishing the logical outer boundary: "(A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl." [11] Vested developments not built in 1990 or the date the county was required or chose to fully plan under the GMA cannot be used to determine the built environment.[12] Additionally, current zoning regulations cannot be the sole criteria for determining the location of a LAMIRD.[13] In order to minimize and contain the existing development, the county must draw the boundary very tightly around the built environment and be able to clearly justify its choices.[14] The county must avoid abnormally irregular boundaries, but this does not require that the boundary be drawn in a concentric circle or a squared-off block.[15]. The boundaries of a Type 1 LAMIRD are permanent; the boundary cannot be expanded because this would be inconsistent with the goal of infilling existing areas of development.[16]

A Type 2 LAMIRD may include new, intensified, and expanded development of small-scale recreational or tourist uses that rely on a rural location and setting.[17] The development may also include commercial facilities that serve the recreational or tourist uses, but new residential developments are specifically excluded in this type of LAMIRD. Unlike other LAMIRDS, small-scale recreational or tourist uses are not required to primarily serve or provide job opportunities for the local residents.[18]

A Type 2 LAMIRD is meant to be a single lot or a combination of lots, not a wide area, and must be delineated by a logical outer boundary that incorporates the entire lot or lots that constituted the built environment. A Type 2 LAMIRD can be located inside a Type 1 LAMIRD. Type 2 LAMIRDS are required to be visually compatible with the surrounding rural area and to limit the conversion of undeveloped land into low-density sprawl developments.

A Type 3 LAMIRD can include the intensification of development on lots containing residential uses or the new development of isolated cottage industries and isolated small-scale businesses. These businesses do not need to be designed to serve the rural population; however, they must provide job opportunities for rural residents. Common examples of Type 3 LAMIRDS include small scale neighborhood shopping centers, small industrial parks, and crossroads developments such as gas stations and mini-markets.

There is language in some Growth Board decisions indicating that not all Type 3 LAMIRDS are required to be located on sites that had existing development in 1990 or the date the county was required or chose to plan under the GMA. However, that language is dicta, which means it was not a part of the resolution of the appeal. In binding parts of their opinions, both the Central Board and the Western Board have required that Type 3 LAMIRDS be on sites that meet the requirements for a logical outer boundary.[19] "

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[6] Hensley v. Snohomish County, 8/12/2002, Central Board)

[7] Panesko, et al. v. Lewis County, et al., WWGMHB Case No. 98-2-0011c Final Decision and Order & Compliance Order, 2001 WL 246707 p. \*15 (March 5, 2001).

[8] Panesko, et al. v. Lewis County, et al., WWGMHB Case No. 98-2-0011c Final Decision and Order & Compliance Order, 2001 WL 246707 p. \*14 (March 5, 2001).

[9] RCW 36.70A.070(5)(d)(iv).

[6] Hensley v. Snohomish County, 8/12/2002, Central Board)

[7] Panesko, et al. v. Lewis County, et al., WWGMHB Case No. 98-2-0011c Final Decision and Order & Compliance Order, 2001 WL 246707 p. \*15 (March 5, 2001).

[8] Panesko, et al. v. Lewis County, et al., WWGMHB Case No. 98-2-0011c Final Decision and Order & Compliance Order, 2001 WL 246707 p. \*14 (March 5, 2001).

[9] RCW 36.70A.070(5)(d)(iv).

[10] Panesko, et al. v. Lewis County, et al., WWGMHB Case No. 98-2-0011c Final Decision and Order & Compliance Order, 2001 WL 246707 p. \*15 (March 5, 2001).

[11] RCW 36.70A.070(5)(d)(iv).

[12] Anacortes v. Skagit County, 2/6/2001, Western Board.

[13] Wells v. Whatcom County, 1/16/98, Western Board.

[14] Citizens for Good Governance, et al. v. Walla Walla County, 5/1/2002, Eastern Board.

[15] Vines v. Jefferson County, 4/5/1999, Western Board.

[16] OEC v. Jefferson, 11/22/2000, Western Board.

[17] RCW 36.70A.070(5)(d)(ii).

[18] Anacortes v. Skagit County, 2/1/2001, Western Board.

[19] Sky Valley, et al. v. Snohomish County, et al., CPSGMHB Consolidated Case No. 95-3-0068c Second Order on Compliance pp. \*7 - \*8 (September 8, 1998) & Panesko, et al. v. Lewis County, et al., WWGMHB Case No. 98-2-0011c Final Decision and Order & Compliance Order, 2001 WL 246707 p. \*15 (March 5, 2001).