Today’s presentation

- Issues in Ordinance Introduced June 4, 2013
- Schedule
Issue 1 – Variety of Rural Densities

Compliance Order:

- The Board noted that only 21% of the rural area is zoned R10A, and was concerned that this number could be reduced further because the County did not restrict rezones from R10A to R5A (and therefore could not assure the “variety of rural densities” required by GMA).
Issue 1 – Variety of Rural Densities

Policy 2GG-3 criteria

- 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. Land in the R10A district may be rezoned to a rural zone that allows a higher density only if:
  - A. Residential density (the average size of parcels that contained a residence as of January 1, 2013) within 500 feet of the area to be rezoned is less than 7.5 acres,
  - B. The proposed rezoning area is not in a designated urban growth area reserve.
  - C. The proposed rezoning area is not within an area designated as a rural study area in the 2007 Rural Land Study accepted by the County in Resolution 2009-040.
Other Zones (LAMIRDs) acreage includes R, RR, ROS, and Federal Lands proposed for inclusion within LAMIRD boundaries.
Issue 1 – Variety of Rural Densities

Percentage of R10A in Rural lands:

- Current: 21.8%
- Under Proposed Policy 2GG-3: 20.6% Minimum

Estimated in June 18, 2013 R10A Potential Rezone Study, which reflects Policy 2GG-3 in the introduced ordinance and the addition of manufactured home data submitted (Stalheim 6/17/13)
Issue 2 – Lot Clustering

**Compliance Order:**

- “The County’s reliance on clustering as a measure to protect rural character is misplaced because (a) the clustering provisions lack enforceable criteria and (b) the resulting reserve tracts are not permanently protected.” (p. 39)

- The Board cited the existence of “aspirational” language such as “should be” and “where practical” in the cluster design standards for the Rural district and stated the County’s clustering provisions “fail to protect rural character by vesting too much discretion in the building officials without enforceable criteria.” (p. 37)
Issue 2 – Lot Clustering

- Revisions to Lot Clustering Provisions of Code:
  - Apply the required “Reserve Area” percentage to a reserve area easement on the plat, not to the “reserve tract”
  - Reserve area percentages reduced slightly to account for change in ability to develop within the reserve area.
  - Remove “aspirational” wording
Issue 3 – Lake Whatcom

- Ordinance to amend WCC, including adding Chapter 20.51 Lake Whatcom Watershed Overlay District, on tonight’s agenda (AB 2013-102A, file PLN2011-00015).
Issue 4 – Rural Neighborhoods

- Compliance Order:
  - Found the designation to be in compliance with GMA, but found that three of the newly-designated Rural Neighborhoods -- Fort Bellingham/Marietta, North Bellingham, and Welcome -- have boundaries that include several larger parcels. The Board remanded the ordinance to the County to consider redrawing those boundaries “to be more consistent with the small-lot 2011 development pattern.” (p. 60)
Issue 4 – Rural Neighborhoods

Compliance Order:

“Fort Bellingham/Marietta and, to a lesser extent, North Bellingham, contain a number of large undivided parcels...Including large undivided parcels in the RN designation violates the internal inconsistency requirement of [GMA] because the RN designation is defined by a 2011 small-lot development pattern.” (p. 60)

Subject to invalidity (p. 91)
North Bellingham

File #: PLN2012-00012
Changes to Map 8 Comprehensive Plan Designations

- Proposed Rural Neighborhood Boundary
- Existing Comprehensive Plan Boundary

Proposed CP Designation: RURAL (net in parentheses)
Existing CP Designation: (RURAL NEIGHBORHOOD)
### Issue 4 – Rural Neighborhoods

**Result of Changes to RN Boundaries:**

<table>
<thead>
<tr>
<th></th>
<th>Fort Bellingham</th>
<th>North Bellingham</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2012</td>
<td>2013</td>
</tr>
<tr>
<td>Total Acres</td>
<td>793</td>
<td>495</td>
</tr>
<tr>
<td></td>
<td></td>
<td>38% Reduction</td>
</tr>
<tr>
<td>Parcels &gt; 5 ac</td>
<td>26</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>77% Reduction</td>
</tr>
<tr>
<td>Potential New Lots</td>
<td>52</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td></td>
<td>50% Reduction</td>
</tr>
<tr>
<td>Avg. Dev. Parcel (ac)</td>
<td>1.54</td>
<td>1.26</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Stays under 2.5</td>
</tr>
</tbody>
</table>

Conclusion 5 in ordinance document:

“The County and property owners in affected areas have appealed several issues on which the Board found the County out of compliance in its January 4, 2013 order. With the adoption of this ordinance, the County has opted not to take action on these issues on appeal and, at the present time, does not intend to take action until they are reviewed by the courts.”
Issue 8 – Water Lines

Compliance Order:

- Found the amended code provision “fails to comply with RCW 36.70A.110(4) because ‘transmission lines’ are allowed outright through the rural area without ‘transmission’ being defined as excluding service connection…” (p. 85)

- Also noted that a provision in the County’s Health Code (WCC 24.11.050.3) requires service connections to adjacent transmission lines. (p. 82)
Issue 8 – Water Lines

- 20.82.030(3)(b) permits extension of large water lines for rural uses but prohibits extension of water lines for urban uses, per GMA definitions of rural and urban governmental services.
- 20.97.452 – new definition of “water transmission lines” per WAC definition
- 24.11.050 Health Code - change reference from “transmission lines” to “water lines”
Schedule

- March 14 – PC Work Session
- March 28 – PC Public Hearing, Work Session
- April 11, 25 – PC Work Session
- May 21 – County Council Public Hearing
- June 4, – SCOTW and Ordinance Introduction
- June 18 – County Council Public Hearing
- July 3 – Compliance deadline
- August/October – Compliance Hearing
Information

- Information on Rural Element, including public comments and proposed changes: [http://www.whatcomcounty.us/pds/plan/long/projects/lamird/index.jsp](http://www.whatcomcounty.us/pds/plan/long/projects/lamird/index.jsp)

- Send comments to
  - [pds@co.whatcom.wa.us](mailto:pds@co.whatcom.wa.us)
  - Planning and Development Services, 5280 Northwest Drive, Bellingham, WA 98226
  - 360-676-6907