

## Summary of Rural Element GMA Compliance Issues

July 9, 2014

From GMHB 1/4/13 and 6/7/13 decisions

<i>Issue (from 1/4/13 FDO Case No. 11-2-0010c unless otherwise noted)</i>	<i>Status</i>
1 Variety of rural densities -- rural element lacks measures to protect lower rural densities (10A)	COMPLIANT. Ordinance 2013-028 changed Policy 2GG-3 provides criteria for potential R10-to-R5A rezones. Growth Management Hearings Board (GMHB) 11/21/13
2 Lot clustering -- cluster provisions "fail to protect rural character by vesting too much discretion in the building officials without enforceable criteria"	COMPLIANT. Ordinance 2013-028 changed lot clustering provisions of RR, RRI and R zones. GMHB 11/21/13
3 Lake Whatcom -- current regulations do not protect Lake Whatcom water resources	COMPLIANT. The County amended its comprehensive plan and zoning code to protect Lake Whatcom as shown in Exhibits A through D attached to Ordinance 2013-043. GMHB 11/21/13
4 Rural Neighborhood boundaries -- 3 Rural Neighborhood boundaries include large lots and do not conform to small lot development patterns of 2011	COMPLIANT. Ordinance 2013-028 changed Fort Bellingham/Marietta and North Bellingham Rural Neighborhood boundaries and removed the Welcome Rural Neighborhood. GMHB 11/21/13
5 LAMIRD development regulations -- dev. regs do not conform with GMA's "size, scale, use, intensity" and "small-scale" requirements for development in LAMIRDs	<b>NONCOMPLIANT, INVALID. County has appealed the GMHB order to Skagit County Superior Court.</b>
6 Smith/Guide Meridian LAMIRD boundary -- two parcels do not comply with GMA LAMIRD boundary requirements	<b>NONCOMPLIANT, INVALID. Property owner has appealed the 1/4/13 GHMB order to Whatcom County Superior Court. June 2013 ordinance did not remove the parcels.</b>
7 Birch Bay-Lynden/Valley View LAMIRD -- one parcel does not comply with GMA LAMIRD boundary requirements	<b>NONCOMPLIANT, INVALID. Property owner has appealed the 1/4/13 GHMB order to Whatcom County Superior Court. June 2013 ordinance did not remove the parcel.</b>
8 Water lines -- transmission lines are permitted outright in rural areas with no exclusion of new service connections	COMPLIANT. Ordinance 2013-028 changed code provisions for water lines in rural areas. GMHB 11/21/13
9 Population allocation to rural areas	COMPLIANT. GMHB 1/4/13. Hirst appealed to State Court of Appeals, which upheld GMHB decision 6/30/14
10 Water Resources -- Rural Element lacks measures to protect surface and ground water resources (6/7/13 FDO, Case No. 12-2-0013)	<b>NONCOMPLIANT. GMHB 6/7/13. County appeal of GMHB pending in Court of Appeals</b>

