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SEP 08 2009

LONG RANGE
PLANNING DIVISION

September 8, 2009

Whatcom County Planning Commission
5280 Northwest Drive
Bellingham, WA 98226

Re: Hinotes Corner LAMIRD, eastern boundary inconsistencies

Dear Commission Members:

Please accept and consider this letter and attachments in your deliberations regarding the Whatcom County Comprehensive Plan Rural Element Update.

Concern -

The current proposed boundary of the Hinotes Corner LAMIRD appears to be logical along its north, west and south sides, however along its east side there are a number of illogical jogs in the boundary line, which seem inconsistent with the intent of the Comprehensive Plan updates and the Growth Management Act. It also appears that inconsistent application of the Outer Boundary Criteria, contained in the RCW and the Comprehensive Plan, were utilized in creating the Hinotes Corner LAMIRD boundaries.

Area in Question -

In the area identified in yellow on the attached maps, the current proposed boundary jogs significantly in towards Hannegan Road, with several smaller jogs as it parallels Hannegan heading north from Pole Road. The major jog removes an area that is currently R2A. The smaller jogs are very clearly drawn directly around several existing commercial structures. This letter proposes the inclusion of the area identified in yellow (the "subject properties") within the LAMIRD boundary, with a zoning designation of Small Town Commercial (STC).

The subject properties consist of 5 whole parcels of record and the eastern one half of another parcel of record, which is split by the current proposed LAMIRD boundary. 4 of the 5 whole parcels are less than 2 acres in size (the current zoning designation), one is 2.75 acres, and the split parcel is 5 acres in size. 4 of the 5 whole parcels are vacant, one is substantially encumbered with an existing commercial drain field, and the split parcel is encumbered with an existing commercial/industrial structure.

GMA/Comprehensive Plan criteria applied to the subject property –

The Comprehensive Plan, consistent with GMA requirements identified in RCW 36.70A.070(5)(d), proposes that Type I LAMIRDs may be designated in areas that are characterized by existing development more intensive than surrounding rural areas (existing development defined as July 1, 1990). Outer Boundary Criteria are also identified and are intended to be utilized in determining the logical boundaries of a Type I LAMIRD. These criteria are derived directly from RCW 36.70A.070(5)(d)(iv), and are specifically identified in the Comprehensive Plan.

In the instance of Hinotes Corner, staff identified that the general area centered on the intersection of Hannegan and Pole Roads has been characterized by a pattern of more intensive development for many years prior to July 1, 1990. Once this general area was established as an appropriate Type I Rural Center, then the Outer Boundary Criteria should have been applied consistently to determine the logical extent of the LAMIRD.

The Outer Boundary Criteria state the following: “*Parcels that on July 1, 1990 were not intensively developed may be included within Type I LAMIRD boundaries if they meet any of the following conditions...*”.

The subject properties clearly meet conditions C, D, E and F:

- 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;*
- e. Including the parcel does not create a new pattern of low-density sprawl; and*
- f. The parcel is not subject to critical areas constraints that result in substantial development restrictions.*

In all instances, each of the subject properties complies with these conditions:

All of the subject properties are located within an existing public water service area and front on existing water infrastructure.

None of them are impacted by environmental constraints such as wetlands, critical habitat areas or geologically hazardous areas. None of them are currently utilized for agricultural purposes, nor are they of a feasible size for effective agricultural use.

The properties are bound on their east side by existing residential rural development at 2 dwelling units per acre, and as a result will not create a new pattern of low-density sprawl (this is especially true if the request to include these properties within the STC zoning is approved).

Finally, and most importantly, including these properties will eliminate what is an abnormally irregular boundary for this portion of the LAMIRD. The boundary currently splits an existing parcel in two, excludes a parcel substantially burdened by existing

commercial drain field infrastructure, jogs around one existing commercial structure in order to include it in the LAMIRD, but excludes another, and creates a small corridor of commercial land along the east side of Hannegan, when elsewhere in the LAMIRD the commercial designation extends in a logical squared off pattern approximately one quarter section in each direction.

It is this illogical, awkward and abnormal boundary that presents the most reasoned argument for inclusion of these properties within the LAMIRD. As the attached maps and aerial photographs illustrate, the boundary proposed in this letter would create a consistent eastern boundary for the LAMIRD, while also maintaining compliance with the Outer Boundary Criteria for Type I boundary designation.

Consistency of boundary designation –

For the Hinotes Corner LAMIRD area, there are concerns about the consistency of staffs' application of the Outer Boundary Criteria in establishing the logical boundary. It seems that staff has applied a rigid interpretation of the boundary criteria to the subject portion of the boundary (applying the "existing development" standard to each specific parcel), and that other portions have been based on a more flexible interpretation (utilizing the Outer Boundary Criteria in determining the most logical boundary).

A fitting example of this inconsistent interpretation of the boundary criteria is the property located in the exact same position on the west side of the intersection, which is predominantly undeveloped, but has been included within the STC zoning designation within the LAMIRD (orange on maps). More examples of this include the properties on the west boundary of the current proposed LAMIRD, which are undeveloped but have been included within the boundary of the LAMIRD (pink on maps). Designation of the zoning and outer boundaries for these properties clearly was not derived from a strict parcel by parcel application of the "existing development" criteria. This does not appear to be the case with the subject properties.

It is clear that the subject properties are a part of the general area that is characterized by a pattern of more intensive development. The same standards/criteria for analysis of the logical outer boundary of the LAMIRD should be applied to all properties consistently. As a result, if the Outer Boundary Criteria are reviewed and applied to the subject properties, as it appears they have been for other properties in the Hinotes Corner area, then it is clear that a logical boundary would include them within the LAMIRD.

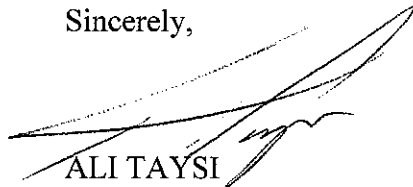
Stepping back and looking at the long term impacts of the Rural Element Update (which is the intended goal of the update in the first place), designating this land STC would provide additional area for expansion of existing commercial services and natural growth of the Rural Center (some growth opportunity is necessary for the survival of this type of commercial area). Under the current proposal the area assigned STC zoning designation is predominantly built out, and there is little room for natural growth (the only undeveloped parcel is identified on the maps in orange, and is suspiciously similar to the subject properties in size and proximity to the intersection of Hannegan and Pole Roads).

It is important to note that the natural core of the Rural Center, and the area of more intensive development in general, is and should be the intersection of Hannegan and Pole Roads. The current proposed boundary creates a lopsided LAMIRD, with little opportunity for development in close proximity to this intersection. Inclusion of the subject properties in the LAMIRD, with a designation of STC would support the development of more intense development around the logical, natural center of the LAMIRD. This seems to be what the intent of this planning process in general is all about. To the contrary the current proposed boundary is illogical and seems to be based on a random and inconsistent application of the Outer Boundary Criteria.

Summary of request –

The subject properties are clearly located in an area that is appropriate for inclusion within the Type I LAMIRD boundary; they meet the intent of the Comprehensive Plan criteria, as well as the RCW criteria, for outer boundary designation. Their inclusion would create a more logical boundary for the LAMIRD in general, and support the economic viability and stability of the Rural Center. Furthermore, consistent application of the boundary criteria is necessary for a fair and reasonable planning process, and it appears that consistency has not been applied in this instance. Please consider this request for inclusion of the subject properties within the Hinotes Corner LAMIRD, with a zoning designation of STC.

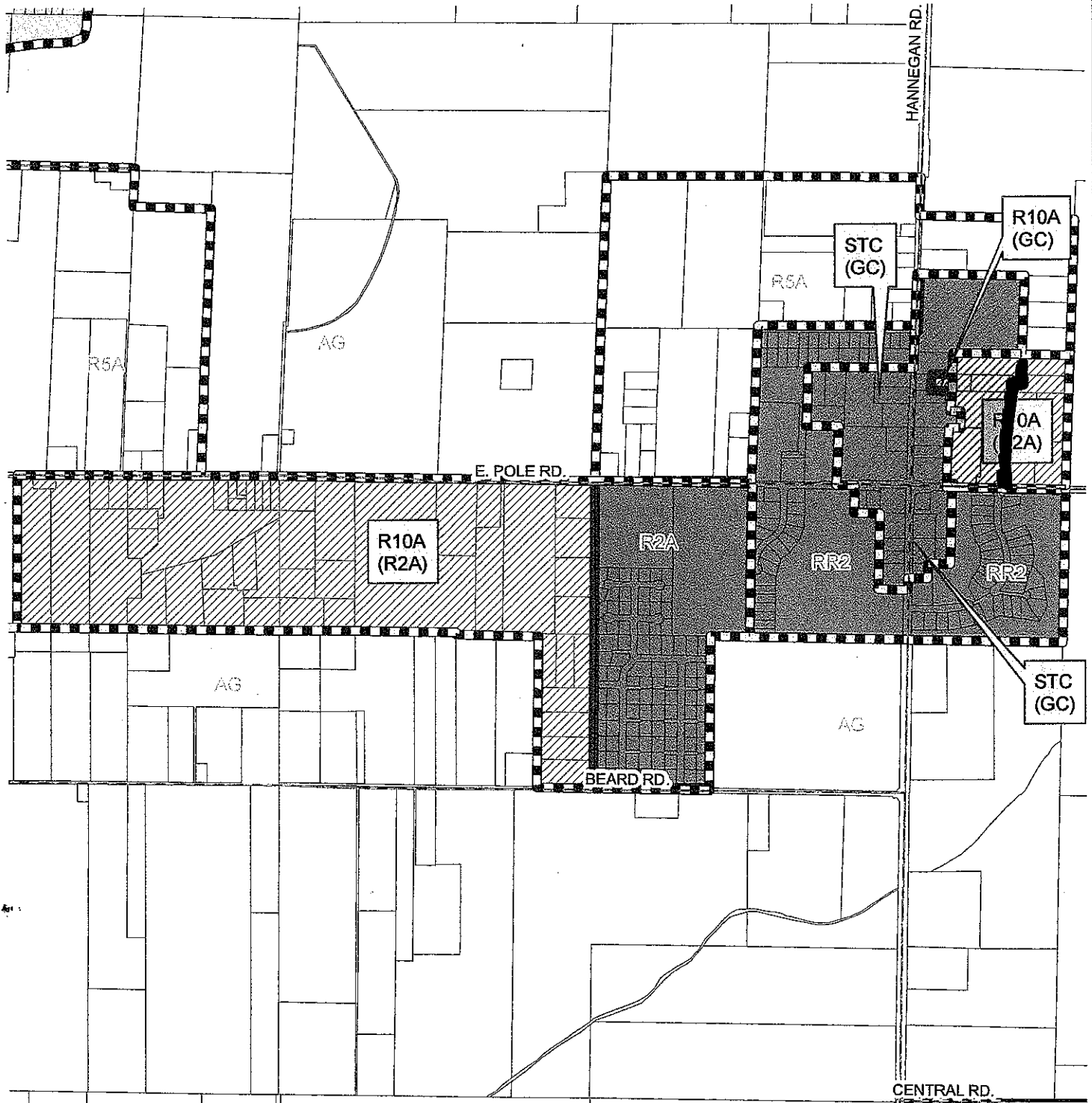
Sincerely,






ALI TAYSI

Cc: Huizenga Brothers Construction
Cc: Planning Commission Members
Cc: County Council Members
Cc: County Executive
Cc: David Stalheim, Planning Director


Hinotes Corner



File #: PLN2009-00011
Proposed Rezoning

-  Existing Zoning Boundary
-  Proposed Type I Rural Center
-  Proposed Rezone Area
- Proposed Zoning - RR10A (not in parentheses)
- Existing Zoning - (GC)

= AREA TO BE INCLUDED

 = NEW BOUNDARY

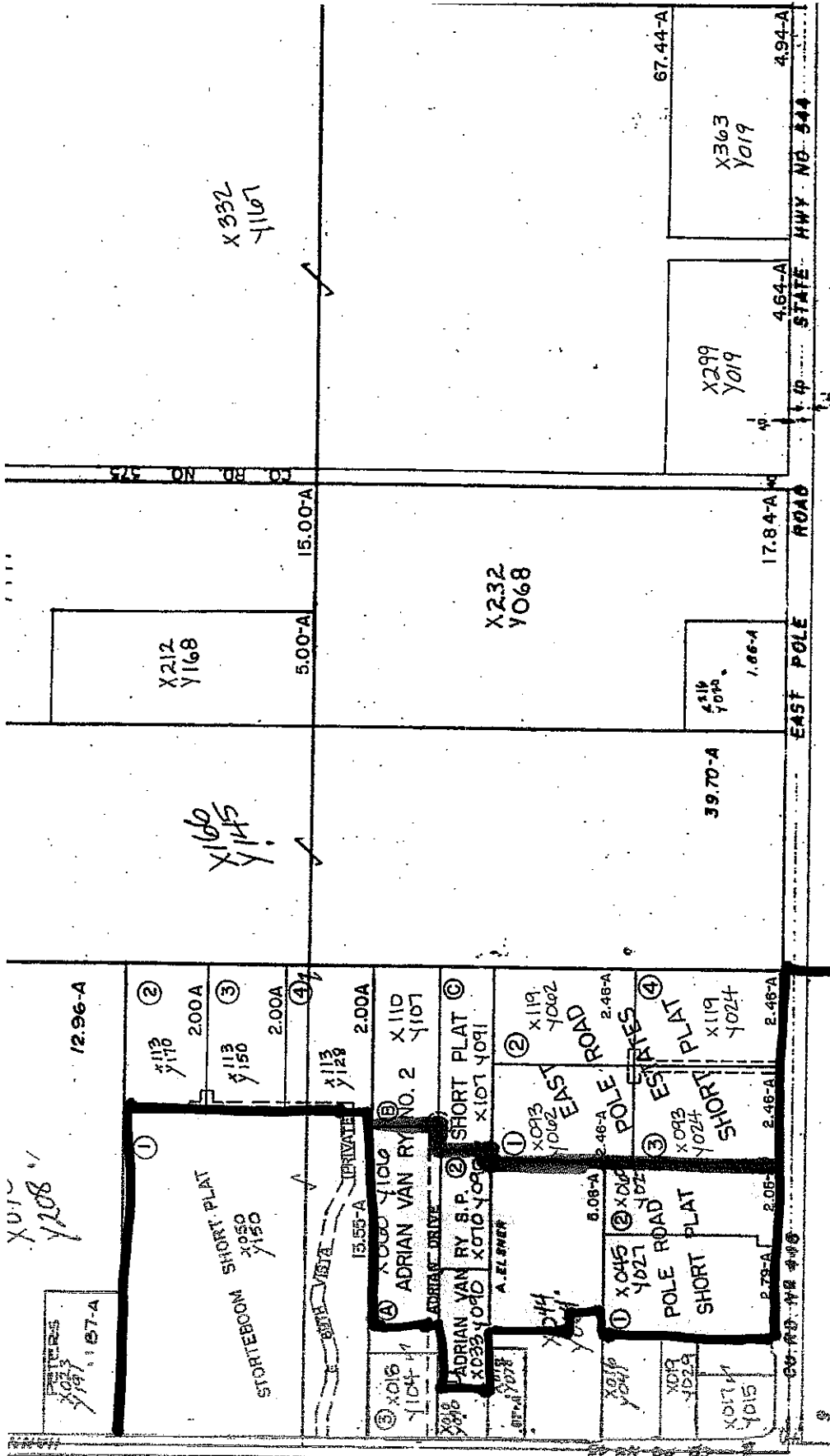
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0 250 500 1,000 1,500 2,000 Feet

August 5, 2009 by map



— CURRENT PROPOSED BOUNDARY



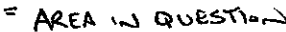
█ = NEW BOUNDARY

= AREA TO BE INCLUDED (SUBJECT PROPERTIES)

Bing Maps

E Pole Rd, Lynden, WA 98264

My Notes

-  = PROPOSED CURRENT BOUNDARY
-  = PROPOSED NEW BOUNDARY
-  = AREA IN QUESTION

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