



**M E M O R A N D U M**

**TO:** Whatcom County Council

**THROUGH:** Mark Personius, AICP, Long Range Planning Manager *MP*

**FROM:** Gary Davis, AICP, Senior Planner *GD*

**DATE:** January 6, 2014

**SUBJECT:** Rural Element Water Resources

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PDS is forwarding to the County Council the Planning Commission's recommendations and findings on Comprehensive Plan amendments related to water resources in rural areas. The amendments are scheduled for introduction on January 14, and for Planning and Development Committee and, if needed, a public hearing on January 28.

In 2011 and 2012 Whatcom County adopted changes to its Comprehensive Plan, Zoning Code, and zoning maps in response to the Growth Management Hearings Board's orders that found the County out of compliance with GMA's rural element requirements (Case No. 11-2-0010c). Two of the petitioners in that case filed a separate appeal (Case No. 12-2-0013) of the County's 2012 ordinance (No. 2012-032), focusing on whether that ordinance complies with RCW 36.70A.070(5)(c)(iv), which requires measures protecting surface and ground water resources. In its June 7, 2013 decision, the hearings board concluded the County's rural element, as amended by Ordinance 2012-032, does not contain such measures. The County has appealed that decision, and that appeal is ongoing. In the meantime, the County has been working to respond to that decision by proposing Comprehensive Plan amendments that adopt by reference existing code provisions. This would make the measures part of the Plan's rural element which must contain measures to protect water resources, per RCW 36.70A.070(5)(c)(iv). No changes to existing regulations are being proposed.

The agenda bill packet for this item contains the draft ordinance as well as the original September 30, 2013 staff report and the December 3, 2013 addendum to that staff report, which discusses the most recent proposed Comprehensive Plan amendments.

Also included in the packet are memoranda from the Whatcom County Public Works and Health outlining other current County practices protecting water resources. These memoranda are intended to give the Council additional background information on what is currently being done to protect water resources in Whatcom County. If you have questions, please contact me at extension 50246.