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WHATCOM COUNTY COUNCIL
Planning and Development Committee

July 8, 2003

The meeting was called to order at 3:00 p.m. by Committee Chair Seth Fleetwood in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Dan McShane
Laurie Caskey-Schreiber

Absent:

None

Also Present:

Sam Crawford
Barbara Brenner
L. Ward Nelson

COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL

1. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING ORDINANCE, TITLE 20, CHAPTER 20.71 – WATER RESOURCE PROTECTION OVERLAY DISTRICT, CHAPTER 20.80 – SUPPLEMENTARY REQUIREMENTS (STORMWATER AND CLEARING), CHAPTER 20.85 – PLANNED UNIT DEVELOPMENTS, AND CHAPTER 20.97 – DEFINITIONS, TO PROVIDE ADDITIONAL REGULATORY PROTECTION FOR SENSITIVE WATERSHEDS (AB2002-222B)

Fleetwood stated that staff is not ready to address the issues the Council brought forward, so this item will be held in committee until its August meeting.

Caskey-Schreiber stated she wanted to address a letter the councilmembers received from Tom Pratum regarding the State Department of Natural Resources (DNR) regulating the non-conversion forest practices.

Fleetwood stated they will wait until the August meeting to make all amendments and discuss the issues.

McShane stated Mr. Pratum said in his letter that the tree retention language would impact existing platted lots as it is written now. Even if there was no intention to build houses on those lots, they are treated automatically as a conversion. He hoped to work out language with staff before the August meeting.

Kurt Baumgarten, Planner I, stated Peter Sim spoke with Jim Cahill at DNR. Mr. Cahill said DNR can issue a Class IV general on platted lands. They would be the State Environmental Policy Act (SEPA) lead agency, provided the County does

1 not issue a permit. They need to make a change to the ordinance that allows that
2 to happen.

3
4 Fleetwood stated they would take that up in August.

5
6 Nelson stated the Forestry Forum has discussed other counties doing this. If
7 DNR takes the lead, there may be legal implications. Baumgarten stated DNR can
8 do that legally. Staff would like to double check that claim and come up with
9 language to address it.

10
11 McShane stated he has a map from the Planning staff that shows the type A
12 and B soils that have at least six feet of clearance from groundwater. The map will
13 show what area that encompasses.

14
15 **2. SUMMARY DISCUSSION OF A PUBLIC FORUM REGARDING WHATCOM**
16 **COUNTY'S TRANSFER OF DEVELOPMENT RIGHTS PROGRAM HELD ON**
17 **JUNE 16, 2003 (AB2003-250)**

18
19 Erika Stroebel, Resources Planner, stated this is related to the Lake
20 Whatcom Joint Management Program. She provided the history and background of
21 the transfer of development rights (TDR) issue.

22
23 Brenner asked how much Rick Pruetz was paid for the TDR Program study.

24
25 Sylvia Goodwin, Planning Division Manager, stated Mr. Pruetz was paid
26 \$5,000 from a grant. She introduced Troy Holbrook, who has been hired to work
27 on all of the open space acquisition programs. His focus so far has been on the
28 TDR program. They are finding that they can't have TDR's without a Bellingham
29 urban fringe plan receiving areas and utilities. They have been working with the
30 City of Bellingham.

31
32 Troy Holbrook, Program Coordinator, stated the PowerPoint presentation is
33 included in the Council packet. He read from his memorandum to the committee
34 dated June 26, 2003 on Council packet pages 192 through 196.

35
36 Brenner stated she is concerned that Mr. Pruetz does a lot of consideration
37 for sending sites, but there is little consideration for receiving neighborhoods.
38 Those are where most of the people already are. Do stuff that is compatible with
39 the area that already exists. Otherwise, they will negatively impact enough
40 people. It's important politically and morally to be sensitive to the receiving areas.
41 She's concerned about the compatibility to the neighborhood, not increasing
42 density. One recommendation was to increase multi-family housing to above 25
43 percent. The Birchwood area used to be beautiful, but it has been trashed by all
44 the multi-family rentals. If they are going to go above 25 percent, only do it for
45 owner-type buildings, not rentals.

1 Caskey-Schreiber stated receiving areas are in the city. The County doesn't
2 have control over that.

3
4 Brenner stated the County could express its opinion. Some of the rights will
5 go to urban growth areas.

6
7 Caskey-Schreiber stated high-density development does work in some
8 areas, such as around the University.

9
10 Brenner stated a lot of it isn't standard, impersonal-looking multi-family
11 housing. A lot of it is converted houses that have some character. Do fast
12 tracking. They should create off-the-shelf architectural designs that they know is
13 visually compatible to certain areas. Don't relax the development standards. She
14 was disappointed in the Pruetz study. It seemed to be done on a machine, and
15 wasn't personalized to Whatcom County. There is a lot of good stuff in there. She
16 liked everything she didn't mention.

17
18 Caskey-Schreiber stated the cities will be addressing their urban growth
19 areas (UGA's). It sounds like the County should have a program in place before
20 they expand the UGA, otherwise the County is giving away the TDR program.
21 Whatcom County has acquired a lot of property in the Lake Whatcom watershed.
22 They could already establish a bank, but it doesn't seem like they have the details
23 worked out enough to start this year. Holbrook stated they are now revising the
24 population projections. That is the driving factor for the shape of the UGA's. They
25 are also working on revising the urban fringe area plan, which is also dependent on
26 the population projections. The hope is to have them adopted by the end of the
27 year. Once they know the density, they can tweak the TDR program to fit it and
28 create a market. He doesn't suggest making changes to the TDR program until
29 they know the densities, where the transportation corridors will be, the capacity of
30 fire and police services, and environmental constraints.

31
32 Caskey-Schreiber asked if they want to work in conjunction with the
33 developer who is ready and willing to pay the TDR prices.

34
35 Fleetwood stated they could condition an upzone.

36
37 Holbrook stated an upzone is one issue. That could be done anywhere in
38 the county. The details of the UGA need to be worked out.

39
40 Goodwin stated the current TDR Program says that they should evaluate the
41 need to purchase development rights when there is an increased density. All of
42 the discussions they've had with Catec is that they are planning on and expecting
43 to buy development rights if that area is added to the UGA. The other biggest area
44 of the UGA expansion is at Slater Road. They can condition any expansion of the
45 UGA on not developing at an increased density until development rights are
46 purchased, or any other criteria.

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1 Holbrook stated they need to work closely with the City of Bellingham to
2 make sure infill and density have the urban amenities that make receiving areas
3 compatible with the urban character of the city. Most receiving areas will be within
4 the UGA.
5

6 Caskey-Schreiber asked the County's role in the TDR program. Caitec may
7 be required to purchase development rights. She asked if the County will be
8 responsible for mitigating the impacts to that area, such as impacts to schools.
9 Holbrook stated the developer is not relieved of any responsibilities to mitigate
10 impacts.
11

12 Goodwin stated she attended most of Caitec's work sessions on the project.
13 They've done an excellent job. They are talking about providing one or two school
14 sites, offsite transportation improvements, extending utilities, and other things
15 needed to offset the impacts of density. Once that area is added to the UGA or
16 becomes rezoned, an environmental impact statement (EIS) will have to look at
17 traffic impacts and improvements to Smith Road. That area will probably be
18 annexed into the city before it is developed. The County must work with the City
19 so they can deal with the issue of offsite traffic improvements.
20

21 Fleetwood asked if they could go into the UGA's for other cities in the
22 county. Goodwin stated the main reason they look at the Bellingham UGA is
23 because it is closest to the Lake Whatcom watershed. It is the drinking water for
24 Bellingham, not Ferndale or Lynden. There is less connection. Also, the other
25 UGA's are big already. There isn't a need to increase those UGA's. It's not an area
26 where they want to encourage additional expansions now. The County could tie
27 any expansion of any UGA to the purchase of development rights (PDR). One
28 example is the Birch Bay Community Plan, which is finally complete. One of their
29 recommendations is to add 100 acres to the Birch Bay urban growth area at ten
30 units per acre. The question is whether the County should require that property
31 owner to purchase a portion of the development rights.
32

33 McShane asked how many transfers of development rights out of the Lake
34 Whatcom watershed they are thinking about. Holbrook stated there are just over
35 100 development rights that are certified. There were 3,000 development rights
36 prior to the downzone. There is about half that now that are out there.
37

38 One question is whether the County wants to keep the development rights if
39 the downzone becomes permanent.
40

41 McShane stated he prefers that the downzone not include a TDR component.
42 If they need to move beyond, they would use the TDR's in the areas, particularly
43 areas that are more urban levels of the County that won't be affected by the
44 proposed zoning change.
45

46 He liked the idea of requiring a purchase of development rights of upzone
47 requests and UGA expansions. He liked the idea of the City of Bellingham

1 requiring purchase of development rights as a condition of utility extensions, with a
2 caveat.

3
4 *(Clerk's Note: End of tape one, side A.)*
5

6 McShane stated there are places where they want high density, and they
7 shouldn't have to make people buy it. Find that balance. They don't want to
8 create disincentives to high density in certain areas. Stroebel stated one issue that
9 has come up in staff meetings is how they create a TDR program as an incentive so
10 they are getting the target densities in these areas where they want to have higher
11 densities. She welcomed any ideas for providing incentives.
12

13 McShane stated they are living with some zoning that was done years ago
14 that allows for a lot of rural, but not agriculturally compatible development. The
15 question is how hard they push for acceptable receiving areas that might speed
16 development that would be detrimental to agriculture in the long run. He
17 encouraged staff to look at agriculture TDR's also. It is equally important to Lake
18 Whatcom. The permitting in the county has exceeded the growth estimates. The
19 agricultural areas are growing faster than thought, primarily because it is cheaper
20 and easier to develop there. There may be opportunities to protect the land that
21 they are missing.
22

23 Regarding rentals, they need to carefully word the issue of the look of multi-
24 family housing.
25

26 Fleetwood stated he agreed with Councilmember McShane about paying for
27 TDR's when they should become denser already. If one of the objects is to hold
28 the geographic line on the cities so they can preserve rural and agricultural land,
29 they have to become denser in the cities. People have a severe reaction to that
30 concept. If they don't become denser, they may create an urban fringe that have
31 high-rise buildings, and the downtown areas are maintained as they are. He hoped
32 that in the long run, they consider increasing density throughout the zones in the
33 entire city. If they have that reality, it takes away from the market of a TDR
34 program. Have a TDR program that works, and also have increased densities
35 throughout the cities.
36

37 Crawford stated it is not realistic that the City and County will work closely
38 together. No one on the City Council could get elected by saying they want to
39 increase density in the city. It's not going to happen. To deal with the issue
40 realistically, he doesn't believe that they will be able to increase density or have a
41 successful TDR Program.
42

43 Fleetwood stated he agreed that it would be difficult politically. However,
44 they don't have an option. If they don't have leaders in the city who will
45 encourage their constituents, then in 100 years they will have suburban
46 developments throughout all of Whatcom County. Once that happens, Whatcom
47 County will have to grow upwards.

1
2 Crawford stated he agreed, but the reality is that no one who wants to
3 increase density in the city will get elected to the City Council.
4

5 Fleetwood stated a person could sell the idea and create a vision for
6 increasing density that is somewhat attractive. It takes a lot of hard work and
7 effort. They have to try because the alternative is sprawl.
8

9 Crawford stated the Caitec concept seems to make sense because it is a
10 planned unit development, the density is predictable, and the political reality of not
11 increasing density makes sense. What that area looks like has not yet been
12 formed in the public's perception. They are going to need to shape it up front.
13 Caitec is pursuing the only route that is politically acceptable to make an area a
14 higher density. That's the road they are going to have to go down. He's
15 concerned that they keep saying they have to work with the City, but nothing
16 happens. They must work with the City on the urban residential, mixed use (UR-
17 MX) zone because it is all in the urban growth area. Working with the City to
18 increase density is not reality.
19

20 Fleetwood stated the City is putting forth significant effort this year over
21 past years. There is hope.
22

23 Caskey-Schreiber stated the Caitec concept is not the way to handle urban
24 density. It is still urban sprawl. They are sprawling up the Guide Meridian. She
25 agrees that agricultural lands be a part of the TDR program. One mitigation option
26 is for Caitec to purchase some of the farmland in that area for conservation.
27

28 If a development is done right, they can have density and make it an
29 attractive area where people will want to live. There are examples of how that has
30 worked. The City truly does want to work with the County on this. She is
31 optimistic that this is the time to make this a viable program.
32

33 Brenner stated they can't increase densities in places that are completely
34 built out unless they want to level the area and start over. They have to have
35 some respect for the people who are there already. A person's home is very
36 important. They have to be very respectful of that. They can't view TDR as the
37 ultimate answer. It is another tool to use. When there are heavily dense areas,
38 include amenities in the area to make it compatible with the neighbors.
39 Redevelopment is a perfect tool for TDR and high density, but going into existing
40 neighborhoods doesn't work.
41

42 Fleetwood stated that if the cities don't institutionalize their geographic
43 boundaries and go up, they will sprawl out. They cannot have it both ways.
44

45 Goodwin stated staff hopes to have a draft of the Bellingham urban fringe
46 area done by early August and schedule a work session and public hearing with the
47 Planning Commission. They are also having a work session with the Planning

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1 Commission on the UR-MX zoning. Both the City and County are talking about
2 having a tour for councilmembers to look at some quality multi-family and higher
3 density developments around the Bellingham and Ferndale areas. The City now
4 has design standards for multi-family housing.
5
6

7 **OTHER BUSINESS**

8
9 Hal Hart, Planning and Development Services Director, submitted the
10 monthly permit chart. One mistake is the number of single-family residents
11 permitted the first six months of this year should be 524, not 624. That was the
12 total for the entire year, not too many years ago. There are updated population
13 numbers. It's very difficult to determine where growth is going on a regional basis.
14 The current mode split that is really happening versus what they want to happen is
15 difficult to control. His office has been very busy.
16

17 Dennis Jones, 1487 Sudden Valley, stated TDR has legal implications. The
18 City of Bellingham and County had an outstanding demonstration on June 16.
19 Austin and Beaver Creeks and Lookout Mountain watershed are areas for everyone
20 to work together. Keep an open mind on the TDR's. It's a good idea.
21
22

23 **ADJOURN**

24
25 The meeting adjourned at 4:34 p.m.
26
27

28
29 _____
30 Jill Nixon, Minutes Transcription
31

32 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

33
34
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36
37 _____
38 Dana Brown-Davis, Council Clerk
39

Seth Fleetwood, Committee Chair