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WHATCOM COUNTY COUNCIL
Planning and Development Committee

January 27, 2004

Committee Chair Seth Fleetwood called the meeting to order at 3:05 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Barbara Brenner
Laurie Caskey-Schreiber

Absent:

None

Also Present:

Sam Crawford
Dan McShane
Sharon Roy

SPECIAL ORDER OF BUSINESS

1. ELECTION OF COMMITTEE CHAIR (AB2004-023)

Caskey-Schreiber nominated Caskey-Schreiber.

Fleetwood nominated Fleetwood.

Brenner stated both would be good chairs. Councilmember Fleetwood already asked her to support him as chair. No one else said anything to her at the time, so she agreed. She would support Councilmember Fleetwood, but that's no negative reflection on Councilmember Caskey-Schreiber.

Caskey-Schreiber stated meetings were not as efficient in the past year. She'd like the opportunity to try to keep things on track.

Fleetwood moved to appoint Fleetwood.

Motion carried 2-1 with Caskey-Schreiber opposed.

**COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL –
COMPREHENSIVE PLAN**

1. ORDINANCE AMENDING THE LAND USE CHAPTER OF THE WHATCOM COUNTY COMPREHENSIVE PLAN (CHAPTER 2), WHICH INCLUDES RURAL LANDS (AB2003-075E)

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1 **Caskey-Schreiber moved** to add the language of policy 2EE-6 as policy
2 2HH-4 on page 2-74, "2HH-4: Ensure that business operations do not adversely
3 impact neighbors, compromise water quality and quantity, or infringe on
4 productive agricultural and forest land."

5
6 *(Clerk's Note: This motion, on the table from the previous meeting, was not*
7 *discussed or voted on.)*

8
9 Caskey-Schreiber stated that 1,000 Friends mentioned that the limited areas
10 of more intense rural development (LAMIRD's) should not be expanded because it
11 goes against the Growth Management Act (GMA).

12
13 Brenner stated this is the same language that exists in LAMIRD's.

14
15 Caskey-Schreiber stated it is.

16
17 Brenner stated they can do expansion to make the outer boundary more
18 logical.

19
20 Matt Aamot, Senior Planner, stated they had one for the Faber Brothers
21 where the built environment extended outside the existing general commercial
22 zone. That's the type of thing that this would apply to. They could do minor
23 adjustments, but not major expansions of existing development.

24
25 Caskey-Schreiber stated it's been proven in a court case that LAMIRD
26 boundaries were set in 1990. They're supposed to be very tight and to keep the
27 area from expanding. They want growth in the urban growth areas (UGA's), not in
28 these areas that are grandfathered in.

29
30 Aamot stated there may be cases where the boundary wasn't based on the
31 built environment when it was developed. That is the only exception. There might
32 be minor adjustments where the built environment extends beyond the general
33 commercial zone boundary.

34
35 Brenner stated the change may open them up to appeals to the GMA
36 Hearings Board.

37
38 **Caskey-Schreiber moved** to add a new policy, "Policy 2HH-4: Infill should
39 be visually compatible with the surrounding rural area and the conversion of
40 undeveloped land into low-density sprawl developments will be discouraged. The
41 County will also protect against conflicts with the use of agricultural, forest, and
42 mineral resource lands designated under RCW 36.70A.170. The County will
43 support the opportunities for small scale, rural-based employment and self-
44 employment, and permit the operation of rural-based agricultural, commercial,
45 recreational, and tourist businesses that are consistent with the existing and
46 planned land use patterns. Businesses must be compatible with the use of the land
47 by wildlife and for fish and wildlife habitat; foster the private stewardship of the

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1 land and preservation of open space; and enhance the rural sense of the
2 community and quality of life (RCW 36.70A.011).”

3
4 Brenner asked if there is anything wrong with the language. Aamot stated
5 he doesn't see a problem with it.

6
7 Kraig Olason, Senior Planner, asked if this language is quoted directly from
8 the Revised Code of Washington (RCW). This language further emphasizes that
9 rural areas are rural. It respects the factor of quality of life. It's not where they
10 want business centers or industrial areas.

11
12 Caskey-Schreiber stated it is.

13
14 Aamot stated some of those areas have a general commercial zone. It
15 allows a variety of land uses. He asked if they contemplate any zoning changes in
16 association with this policy.

17
18 Caskey-Schreiber stated she doesn't.

19
20 Olason stated they've talked about wanting to allow economic industry in
21 rural areas. Some of those industries may or may not be compatible with small
22 town commercial or crossroads commercial designations. He hesitates getting too
23 prescriptive.

24
25 Caskey-Schreiber stated infill should be visually compatible. Whatever is
26 there sets the character of what's allowed.

27
28 ***Motion carried unanimously.***

29
30 Brenner referenced policy 2HH-3, "Minor Expansion of Crossroads
31 Commercial...." They aren't talking about major expansions.

32
33 Olason stated they don't want to give someone the impression that a major
34 expansion wouldn't have those limitations.

35
36 Caskey-Schreiber stated it might confuse the issue. The Faber Brothers
37 thing was more of a perceived correction versus a sanctioned expansion. The
38 logical outer boundary should not be expanded unnecessarily. In most cases, they
39 must keep a very tight boundary.

40
41 ***Caskey-Schreiber moved*** to amend policy 2HH-3, "Minor Expansion
42 amendments to of Crossroads Commercial designations...."

43
44 ***Motion carried 2-1 with Fleetwood opposed.***

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1 **Brenner moved** to amend policy 2LL-4, "Minor Expansion amendments to
2 of Suburban Enclave designations...."

3
4 **Motion carried 2-1 with Fleetwood opposed.**

5
6 Caskey-Schreiber stated she was pleased with the amendments on chapter
7 page 2-81 about limiting access to the Guide Meridian.

8
9 Brenner referenced policy 2NN-6. It's not written correctly. There needs to
10 be a comma after "Department of Transportation."

11
12 Aamot suggested an amendment at the bottom of chapter page 2-84
13 reflecting the Lake Whatcom rezone the Council recently approved. They need to
14 update the date and numbers, with the new zoning. He suggested language.

15
16 **Fleetwood moved** to delete the last paragraph on chapter page 2-84, and
17 add language Mr. Aamot recommends, "In 2003, there were approximately 2,730
18 existing dwelling units in the Lake Whatcom watershed located outside of the
19 Bellingham UGA. Under the zoning adopted in January 2004, the gross potential
20 build-out in this area is about 6,507 total dwelling units. Therefore, even under the
21 more restrictive zoning adopted in January of 2004, there could be a significant
22 amount of new development in the watershed."

23
24 **Motion carried unanimously.**

25
26
27 Caskey-Schreiber referenced policy 2NN-7. She asked for an explanation.
28 Aamot stated there was a previous policy that said to consider additional industrial
29 development along the Guide Meridian. The intent was to qualify that policy with
30 the areas of more intense development criteria when a person can only do that if
31 there are buildings that existed as of 1990, and other criteria are met.

32
33 **Caskey-Schreiber moved** to amend policy 2NN-7, "Consider additional
34 industrial development if the need dictates, if appropriate infill is occurring and a
35 logical outer boundary can be established...."

36
37 Aamot stated he doesn't object. It is an additional criteria that is in the local
38 code.

39
40 Olason stated the motion removes the requirement to show there is a need
41 to expand. A person has to show there is a need, and the need is the County's
42 need, not a personal need. The term "if need dictates" may be vague.

43
44 **Caskey-Schreiber amended her motion** to amend policy 2NN-7,
45 "Consider additional industrial development if the need dictates if there is a
46 demonstrated need for an increase in industrial lands, if appropriate infill is
47 occurring, and a logical outer boundary can be established...."

1
2 Roy stated neither suggestion satisfies the question of whose need they're
3 talking about, the individual's or community's need.
4

5 **Caskey-Schreiber amended her motion** to amend policy 2NN-7,
6 "Consider additional industrial development if the need dictates **if there is a**
7 **demonstrated community need**, if appropriate infill is occurring, and a logical outer
8 boundary can be established...."
9

10 **Motion carried unanimously.**
11

12 Fleetwood referenced goal 2RR. One of those three entities may not like a
13 particular policy direction, but they're obligated to seek balance. He asked how the
14 Council can make policy it believes in if it is obligated to seek a balance.
15

16 **Brenner moved** to amend goal 2RR "Seek a balance between **resolutions**
17 **that satisfy** the requirements of...."
18

19 **Motion carried unanimously.**
20

21 Brenner referenced policy 2RR-1. She asked about putting that same
22 language in the section for crossroads commercial, suburban enclaves, resort
23 recreational, and other areas that are actual LAMIRD's. Goodwin stated they could.
24 The key is if they meet the criteria of the RCW. If they take a close look at those
25 Lummi Reservation suburban enclaves, they'll find that they probably don't meet
26 these criteria.
27

28 Brenner stated she could decide to look at them in the future.
29

30 Aamot stated the stricken language is contrary to the GMA, so they tried to
31 figure out language that is appropriate. The closest things they represent are these
32 limited areas of more intense rural development.
33

34 Goodwin stated the language is fine. They could take a close look at it next
35 year.
36

37 *(Clerk's Note: End of tape one, side A.)*
38

39 Caskey-Schreiber referenced chapter page 2-93 and stated that ensuring a
40 long-term supply of mineral resources is not sustainable. Also, she asked how they
41 value a mineral resource being more valuable than an agricultural resource. Olason
42 stated that when they start looking at designated resource lands, mineral resources
43 land is the only non-renewable resource lands. An overlay goes over the zones,
44 which becomes the de facto zone during the time the designated area is being
45 mined. Part of the test in practical terms is to look at how much area and volume
46 are outside the other designated resource lands. If there is sufficient amounts at
47 the time someone makes a request, there's a question about perceived need at this

1 period of time. At some point, they've mined everything out. The areas that are
2 not designated mineral resource lands are depleted and not available, then they
3 come back and they have to make trade-offs. That's a failure of GMA. This
4 language parallels the State language in terms of having to designate these lands.
5

6 **Caskey-Schreiber** stated that at some point, they would have to reach the
7 question of whether agricultural land or mineral resource land (MRL) is more
8 vulnerable. If they choose mineral resource land, they will lose agricultural lands
9 and can never get them back. It's easier to import mineral resource land than
10 agricultural land. She **moved** to amend, "To ensure a long-term supply of mineral
11 resources **to suit the needs of the county's residents** and provide predictability in
12 land use."
13

14 Fleetwood stated the issue is with the legislature.
15

16 Caskey-Schreiber stated a lot of gravel is being exported to Canada daily.
17 The question is how they can provide enough land for an industry that exports that
18 much material. Olason stated they don't have the authority to limit exports. That
19 is also a legislative issue. It's market-driven. There's not a good legislative
20 answer, and the County is not in a position to limit exports.
21

22 Fleetwood stated one could argue that this language may benefit people who
23 don't like mineral resource lands. Ensuring a long term supply may be a reason to
24 only permit mineral resource lands expansion to areas sparingly, because they
25 have to ensure there is a long-term supply.
26

27 Olason stated this section of the chapter dictates how they map the
28 designated areas. The motion puts policy into the map descriptor process.
29

30 Aamot stated the mineral chapter will address this in more detail. They will
31 discuss that this year.
32

33 **Caskey-Schreiber withdrew her motion.**
34

35 **Caskey-Schreiber** stated she's concerned about designating agricultural
36 lands as MRL's. She **moved** to amend the locational criteria for mineral resource
37 lands, "...agricultural lands generally with non-prime farmland soils and when
38 demonstrated to be of higher value as a mineral resource than as an agricultural
39 resource; and designated forestry...." She's concerned that agricultural lands will
40 always be valued less when compared to mineral resource lands.
41

42 Olason stated the discussion needs to be through the policy section where
43 they identify how they would have to prove a higher value. Put some additional
44 detail into what the analysis will have to show to get approval. Don't change the
45 mapping criteria. This may not be the place to assert that policy.
46

1 **Caskey-Schreiber stated she would withdraw her motion** only because
2 this deals with how they map the mineral resource lands.
3

4 **Caskey-Schreiber** referenced the Land Use-Action Plan section on chapter
5 page 2-105. She **moved** to amend the first item, "Refer to a technical advisory
6 committee to change **review** the following:" A change might not always be
7 warranted.
8

9 **Motion carried unanimously.**

10
11 **Caskey-Schreiber** asked why they need an overlay. Olason stated that
12 when the original process was underway, there was concern about the east county
13 and rural county having some sort of economic development. There was a proposal
14 in the original plan to have an industrial overlay zone. Staff attempted to tie it
15 back to limited areas of more intense rural development. They wanted to limit it,
16 and not allow it throughout the county without a tie to an existing development
17 pattern.
18

19 Caskey-Schreiber stated she doesn't want it paired with a LAMIRD. They will
20 be bound by whatever logical outer boundary is set. An industrial overlay is not the
21 intent of the LAMIRD. This is akin to a town, which have UGA's. Olason stated the
22 rural backlash of the GMA was that they need to have some development
23 opportunity in the county. The question was where it would go. When the LAMIRD
24 language came in, it pulled that concept into a pre-existing developed area that
25 might be compatible.
26

27 Aamot stated the Council could make a change to direct them to small towns
28 and urban growth areas instead.
29

30 **Caskey-Schreiber moved** to delete the second bullet point in item five on
31 chapter page 2-105.
32

33 **Motion carried unanimously.**

34
35 **Brenner moved** to add a bullet between the last two bullets in item 34 on
36 chapter page 2-109. "**Cities shall show evidence of meeting their infill goals as**
37 **identified in their comprehensive plans.**"
38

39 **Motion carried unanimously.**

40
41 Aamot referenced item 49 on chapter page 2-112. The committee is already
42 established and operating.
43

44 **Fleetwood moved** to delete item 49 on chapter page 2-112.
45

46 **Motion carried unanimously.**
47

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1 Roy stated there was a County ordinance or resolution to allow one more
2 pier only at Cherry Point. Aamot stated there was an ordinance done in 1997 that
3 said if the two existing shoreline permits issued for piers at Cherry Point expired,
4 there could only be one more pier. He doesn't know if those two permits have
5 expired.
6

7 ***Caskey-Schreiber moved*** to delete item 37 on chapter page 2-110.
8

9 Bob Tull, attorney, stated he represented the applicant the Shoreline
10 Hearings Board case that was settled. One of the items in the agreement was that
11 the private entity would support and the County would process amendments to the
12 Comprehensive Plan and shoreline master program that would limit dock
13 development at Cherry Point. Since then, no activity has taken place with the
14 Cherry Point facility. The Pacific International Terminal, also known as the Gateway
15 terminal, has been moving forward to put together preliminary fisheries studies
16 that had to be done several years in advance of construction. Once settled, the
17 State Department of Natural Resources (DNR) process would be completed. They'll
18 be able to issue these conditions subject to completion of the Corps of Engineer's
19 permit process. That project is still alive.
20

21 Fleetwood asked if there is a policy in Whatcom County that there can only
22 be one dock allowed, and, if so, would item 37 be moot. Tull stated this item
23 probably pre-dates the 1997 agreement. It's contradictory to the 1997 settlement.
24

25 ***Motion carried unanimously.***
26

27 ***Fleetwood moved*** to recommend the chapter as amended to the full
28 Council for a public hearing on February 10, 2004.
29

30 ***Motion carried unanimously.***
31

32 *(Clerk's Note: Councilmember Caskey-Schreiber left the meeting at 4:45*
33 *p.m.)*
34

35 **2. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
36 **PLAN, URBAN FRINGE SUBAREA PLAN - GENERAL, URM AND URMX**
37 **POLICIES (AB2003-075G)**
38

39 Troy Holbrook, TDR/PDR Coordinator, read his power point presentation(*on*
40 *file*) into the record.
41

42 *(Clerk's Note: End of tape one, side B.)*
43

44 Holbrook continued to read from his Power Point presentation regarding the
45 urban fringe subarea plan recommendations and urban residential, mixed use (UR-
46 MX) zone policies.
47

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1 Brenner referenced Council packet page 436, policy 1.14 should be amended
2 to specify Bellingham's urban growth area and areas within the city. They're going
3 to do transfers of development rights (TDR's) in areas other than in urban growth
4 areas. People in the urban fringe areas are protesting that all the growth is getting
5 dumped on them. The County needs to let them know that they are talking about
6 doing this in areas in the city, also.

7
8 Sylvia Goodwin, Planning Division Manager, stated they just did some
9 changes to the TDR program that encourages TDR receiving areas within cities. It's
10 in the TDR program policies, which is where it belongs.

11
12 **Brenner moved** to amend page 436, item 1.14, amend, "...within the
13 Bellingham urban growth area and within the city as receiving areas...within the
14 urban growth areas and within the city and decrease densities within the
15 watershed..." The people in the urban fringe will read this and need to understand
16 that they're not the only ones who will get the impacts.

17
18 Fleetwood stated he supports the concept, but won't support the motion.
19 Their ability to do this in the city will not be limited if they don't include the
20 language of this motion.

21
22 Goodwin stated it might constitute a substantial change and require a public
23 hearing.

24
25 Brenner stated that's not the point. Her motion is for people in the urban
26 growth area who read this language.

27
28 Fleetwood stated this section relates specifically to the urban fringe.

29
30 Brenner stated the urban fringe includes people in the Bakerview Road area
31 near James Street Road. Those are the people she's been hearing from.

32
33 Fleetwood asked if the motion would be considered a substantial change.
34 Goodwin stated it probably would not be substantial enough to trigger a public
35 hearing.

36
37 Fleetwood asked if the urban growth area includes the cities. Holbrook
38 stated it does not. It is the unincorporated area outside the cities.

39
40 Fleetwood stated that it seems harmless and is not a substantial change, so
41 he would support the motion.

42
43 **Motion carried 2-0 with Caskey-Schreiber out of the room.**

44
45 Brenner stated the interlocal agreements should require developers to pay
46 for services and be able to collect latecomers' fees, so the services are not provided
47 by utility local improvement districts (ULID's). There are people on Bakerview Road

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1 who are paying the high cost of a road that should have been a regional road.
2 Make sure they don't bankrupt and force people to foreclose. Interlocal
3 agreements should include the concept that developers will pay for the roads and
4 charge latecomers' fees, and not bankrupt anyone. They are asking people in the
5 UR-MX zones to absorb a big impact. Do something to make sure they can stay in
6 their homes. She doesn't know where language like that would go. Holbrook
7 stated that after the adoption of this plan, they will have to re-work those interlocal
8 agreements.

9
10 Fleetwood asked if this concept could be incorporated into the interlocal
11 agreements.

12
13 Brenner stated that's where she wants it.

14
15 Holbrook stated that concept is appropriate for the interlocal agreement. He
16 would work on it.

17
18 ***Fleetwood moved*** to recommend approval to the full Council as amended.

19
20 ***Motion carried unanimously.***

21
22 **COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL**

23
24 **1. ORDINANCE AMENDING THE WHATCOM COUNTY ZONING**
25 **ORDINANCE, CHAPTERS 20.22 (URM) AND 20.24 (URMX) (AB2004-**
26 **060)**

27
28 Troy Holbrook, PDR/TDR Coordinator, stated these amendments would
29 implement the policies they've just reviewed and to facilitate transfer of
30 development rights (TDR) program, making it easier to obtain the minimum density
31 within the zoning districts. He read his Power Point presentation (*on file*) regarding
32 the zoning text amendments to the urban residential and urban residential mixed
33 use zones.

34
35 Fleetwood stated he understood that the minimum density was changing, as
36 proposed by the City, from an urban residential, four units per acre (UR-4) zone to
37 an urban residential, ten units per acre (UR-10) zone. The prospect would be for a
38 minimum of ten units per acre. It sounds like that's not the case. One could get
39 up to that with these TDR allowances, but the whole area can build up to UR-4.
40 Holbrook stated the zone is currently urban residential, mixed use (UR-MX). Right
41 now with a minimum of four units per acre. The proposal is to change the density
42 to a minimum of six units per acre and use TDR's to go up to ten units per acre.
43 The other proposal is to make a new zoning designation of urban residential,
44 medium density (URM), which allows a person to buy to the minimum density of
45 ten units per acre, and then buy up to a maximum of 24 units per acre. After the
46 maximum density of ten units per acre, additional density is acquired through
47 TDR's.

1
2 Brenner asked the developer's incentive to have a higher density. She asked
3 if that's what they really want. Holbrook stated they have to look at the cost of the
4 development, and see if the additional TDR's will be profitable. Right now, it's
5 difficult to reach the minimum density. Combined with the other zoning text
6 amendments, the density is easier to achieve. The incentive is a larger profit. The
7 three-to-one ratio changes the market value.

8
9 Fleetwood stated that's how it works theoretically, however it's like that the
10 area will develop at six units per acre. Some people view that as a density that's
11 not acceptable or appropriate.

12
13 Sylvia Goodwin, Planning Division Manager, stated the possibility is that the
14 zone will stay at UR-MX, with a minimum density of six units per acre. They did
15 make the URM zone minimum density at ten units per acre. It's a provisional
16 rezone if a developer meets the criteria. Once the developer is rezoned to URM,
17 the minimum density is ten units per acre. They have to use TDR's to get there.
18 There is still the possibility that they will stay at six units per acre.

19
20 Fleetwood asked where the URM and UR-MX zones are, and what is allowed
21 for each zone. Holbrook stated that right now, UR-MX exists in the urban growth
22 areas. They propose to raise the minimum density of UR-MX from four units per
23 acre to six units per acre, with a maximum density of ten units per acre if TDR's are
24 used. The URM zone is a brand new zoning designation with a minimum density of
25 ten units per acre and allows a maximum density of 24 units per acre. The
26 underlying, existing zoning is UR-MX with a density of four units per acre. If a
27 developer requests an upzone, the developer will have to pay for two TDR's to get a
28 maximum density of ten units per acre, given the three-to-one ratio. Then the
29 developer can use TDR's to go up to 24 units per acre if the site specific rezone
30 requirements are met.

31
32 Brenner referenced Council packet page 465. She asked why they allow
33 URM-12, and not just use URM-18. Holbrook stated there are no URM-12 or URM-
34 18 zones in the urban growth area. Since they are only working on the urban
35 fringe subarea plan, and trying to implement it through the zoning text
36 amendments, other areas of the County would be affected because it goes beyond
37 the scope of the urban fringe subarea. They'd have to look at the impacts to the
38 entire county.

39
40 Brenner asked why they would want to allow someone a URM-12 zone
41 instead of a URM-18 zone. Holbrook stated these zones exist currently.

42
43 Carl Batchelor, Planning Department, stated the URM zone is an old zoning
44 designation. The URM-12 and URM-18 zones exist on the zoning map today in
45 other parts of the county. They'd have to determine whether a density of URM-18
46 would be appropriate in areas zoned URM-12, on a site-by-site basis.

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1 *(Clerk's Note: Discussion continued below.)*
2
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4 **COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL –**
5 **COMPREHENSIVE PLAN**
6

7 **3. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
8 **PLAN, URBAN FRINGE SUBAREA PLAN, MAP 13 MAP, AND TEXT**
9 **(AB2003-075H)**

10
11 Brenner referenced Whatcom County Code section 20.22.665(2)(b). She
12 asked if they are creating something that only large developers can do. She asked
13 what they are doing to protect the people who are stuck in this zone.
14

15 Troy Holbrook, TDR/PDR Coordinator, stated the language from that section
16 applies only when the zoning is requested. All the property owners within the
17 property area have signed the petition or consented to be in the rezone.
18

19 Brenner referenced Council packet page 483, Whatcom County Code section
20 20.24.161. Amend the language, "...meeting prior to application for the purpose of
21 hearing incorporating neighborhood concerns and suggestions regarding the
22 proposal." Otherwise, all they have to do is have a meeting, without making
23 changes.
24

25 Fleetwood asked if that will obligate the decision-maker to make a change,
26 even if it's not appropriate.
27

28 Brenner stated it helps to have the language in there that says that's what
29 they have to do. Holbrook stated that's why this is being changed from an
30 administratively approved use to a conditional use. There will be a public hearing
31 in front of the Hearing Examiner, who would take the concerns into consideration.
32

33 Brenner referenced section 20.24.161(1)(a). She asked if only two gasoline
34 pump islands per each market or within the entire area is allowed. Holbrook stated
35 this language was in the administrative approval use section of the code. They just
36 moved it over to the conditional use section of the code.
37

38 Chris Comeau, City of Bellingham Planner II, stated the neighborhood
39 centers allowed in this zone have criteria that specifically states they can't be closer
40 than one-half mile apart right now. There won't be one popping up on every
41 corner. There are location criteria. This suggests there will be a neighborhood
42 center that is limited in the size and scope. The entire neighborhood center is
43 limited to only two islands per center.
44

45 Brenner referenced section 20.24.161(3)(f), and asked why they have to
46 have sidewalks that are a minimum of eight-feet wide. Holbrook stated he doesn't

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1 know the history of this requirement. In a neighborhood center, it's to facilitate
2 pedestrian access.

3
4 Comeau stated the reason for the eight-foot provision is to facilitate
5 pedestrian use. The neighborhood centers are supposed to be neighborhood
6 gathering places and focal points where people spend time. Wider sidewalks
7 facilitate that kind of use. They're trying to make a pedestrian-friendly
8 environment. These criteria have been in the County code for six or seven years
9 now.

10 Fleetwood stated that rationale is appropriate.

11
12
13 Brenner asked if there is data that shows wider sidewalks creates more
14 friendliness. Holbrook stated it also provides more separation from the street.
15 There's no room for a business to have a table in front of the store or a newsstand.

16
17 Sylvia Goodwin, Planning Division Manager, stated this sidewalk wouldn't be
18 the entire length of a road. It would just be in the tiny section where the
19 neighborhood grocery store or center is located. There could be room for a bike
20 rack or a bench for people to sit.

21
22 Comeau stated this entire area for the provisional rezone already has water
23 and sewer approved. There was a bit of urgency to do something in this area. The
24 developer is already entitled to develop at four units per acre right now. Even if
25 they go to only six units per acre, it's more density than what they would get.

26
27 *(Clerk's Note: Discussion continued below.)*

28 29 **COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL**

30 31 **1. ORDINANCE AMENDING THE WHATCOM COUNTY ZONING** 32 **ORDINANCE, CHAPTERS 20.22 (URM) AND 20.24 (URMX) (AB2004-** 33 **060)**

34
35 *(Clerk's Note: Discussion continued from above.)*

36
37 ***Fleetwood moved*** to recommend approval to the full Council.

38
39 ***Motion carried 2-0 with Caskey-Schreiber absent.***

40 41 **COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL –** 42 **COMPREHENSIVE PLAN**

43 44 **3. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE** 45 **PLAN, URBAN FRINGE SUBAREA PLAN, MAP 13 MAP, AND TEXT** 46 **(AB2003-075H)**

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1 *(Clerk's Note: Discussion continued from above.)*
2

3 Holbrook continued to read his Power Point presentation (on file) regarding
4 the requirements for a provisional rezone. They're trying to avoid a development
5 that is a series of culs de sac with one feeder road.
6

7 Fleetwood asked if a developer is automatically entitled to a rezone if all the
8 criteria are met. Holbrook stated that's not correct. The provisional rezone to go
9 up to a density of URM-24 must meet the criteria, then apply for a site-specific
10 rezone. To get a site-specific rezone, the developer would have to submit a very
11 detailed site plan, have concurrence with adjacent property owners, and meet other
12 requirements. The application is reviewed by County and City staff, goes to the
13 Hearing Examiner for a hearing, and the County Council makes the final decision.
14 They're trying to ensure that the big picture is looked at.
15

16 The public facilities and utilities include existing public facilities, water, and
17 sewer.
18

19 The environmental features include a lot of steep slopes, wetlands, and
20 streams. That gives them the opportunity to tie in the larger five-acre tracts to
21 ensure they have open space corridors, possibly going up to King Mountain and
22 open stream corridors.
23

24 Brenner referenced the next-to-last sentence of the second paragraph on
25 Council packet page 448. The language should be amended to remove "should."
26

27 Fleetwood asked who would be in charge of enforcing that buffers would be
28 maintained.
29

30 Brenner stated that the County would be in charge if it's in the county, and
31 the City would be in charge if it's in the city.
32

33 Fleetwood stated he preferred the word "shall."
34

35 Holbrook stated that's a minor amendment.
36

37 Brenner referenced the last sentence of the first full paragraph on Council
38 packet page 449. It should also be amended to say that there will be a need for
39 school facilities. Holbrook stated it's up to the school district to determine.
40

41 Comeau stated they work with the school districts, but they have a separate
42 long-range planning procedure to address their needs. It is separate from these
43 planning efforts. The City and County can't dictate if there's a need for a school.
44

45 *(Clerk's Note: End of tape two, side A.)*
46

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1 **Brenner moved** to amend the next-to-last sentence of the second
2 paragraph on Council packet page 448, "Adequate buffer widths from the streams
3 and tributaries ~~should~~ **shall** be maintained or enhanced."
4

5 **Motion carried 2-0 with Caskey-Schreiber absent.**
6

7 **Fleetwood moved** to recommend approval to the full Council as amended.
8

9 McShane asked if the City thinks it can handle the total amount of
10 development in this area, or more. He asked if they are as dense as they could be.
11 Holbrook stated it was discussed at the City and County planning commissions and
12 City Council meetings. Both planning commissions and the City Council
13 recommend approval of the rezone. In the next year, the City is beginning to look
14 at their infill capacity.
15

16 Comeau stated that a subcommittee looked at all the UR-MX areas. The
17 entire urban growth area has been looked at. This is just a small piece of that.
18 There have been recommendations to change the zoning in other portions of the
19 urban growth areas (UGA). The Council will see in the next year the whole urban
20 growth area to come up with a development pattern that makes more sense. They
21 will look at infrastructure capacity and what they think they can get in certain
22 areas.
23

24 **Motion carried 2-0 with Caskey-Schreiber absent.**
25

26
27 **OTHER BUSINESS**
28

29 There was no other business.
30
31

32 **ADJOURN**
33

34 The meeting adjourned at approximately 5:30 p.m.
35
36
37

38 _____
39 Jill Nixon, Minutes Transcription
40

41 ATTEST:

42 WHATCOM COUNTY COUNCIL
43 WHATCOM COUNTY, WASHINGTON
44
45

46 _____
47 Dana Brown-Davis, Council Clerk

46 _____
47 Seth Fleetwood, Committee Chair

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1