

1 WHATCOM COUNTY COUNCIL
2 **Planning and Development Committee**

3
4 December 7, 2004

5
6 Committee Chair Seth Fleetwood called the meeting to order at 3:00 p.m. in
7 the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

8
9 Present:

10 Barbara Brenner
11 Laurie Caskey-Schreiber

Absent:

None

12
13 Also Present:

14 Sam Crawford
15 Dan McShane

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17
18 **SPECIAL PRESENTATION**

19
20 **1. WHATCOM COUNTY PLANNING AND DEVELOPMENT DIRECTOR HAL**
21 **HART TO PRESENT "RURAL CHARACTER: PROTECTING AND**
22 **PRESERVING IT IN WHATCOM COUNTY" (AB2004-440)**

23
24 Fleetwood stated there has been a great amount of discussion countywide on
25 growth issues. A Bellingham resident told him that if Bellingham agrees to become
26 denser, he would be angry if the County fails to do its part to reduce density in the
27 county. Therefore, he asked Planning Director Hal Hart to make a presentation that
28 includes the full range of options and tools the County can use to reduce density in
29 the unincorporated areas of the county.

30
31 Brenner stated she also requested this from Mr. Hart. They keep saying they
32 want to reduce density, but haven't come forward with a plan to do it.

33
34 Hal Hart, Planning and Development Services Director, distributed a Power
35 Point presentation (*on file*). Many staff in the department contributed to the
36 presentation. He began to read the presentation.

37
38 Brenner stated it's one thing to build an affordable house, and it's another
39 thing to be able to afford to stay in a house. For instance, utility bills go up and up.
40 She asked if affordability to stay in the house is included. Hart stated regional
41 issues and strategies is the best place to define affordability. He hasn't been very
42 connected to the housing group in the county as much as he'd like. That question
43 needs to be monitored. Look at the costs regionally.

44
45 Brenner stated she'd like to see the costs in the cities and the unincorporated
46 urban growth areas (UGA's).

1 Hart continued to read the presentation on rural areas providing services to
2 the region, the current conditions, and population pressure. There is a connection
3 between what the rural areas can provide to the urban areas. What Skagit County
4 wants to do with its landscape is beginning to impact southern Whatcom County.
5 Protecting natural resources go beyond county borders. The northwest region of
6 the state has been growing more rapidly than most northern tier counties. More of
7 those moving in are moving to the incorporated areas.

8
9 Cities in southern British Columbia have a population growth of 30 to 40
10 percent. There is a lot of Canadian investment in the community. Skilled Canadian
11 workers are also coming into the county to work. The biggest component of
12 population change is in-migration. He continued the presentation on permit activity
13 related to growth.

14
15 Since 2004, the Kendall urban growth area (UGA) has had a lot of upgrades
16 of mobile homes and single-family homes. They are starting to see a lot of build-
17 out in that area. He continued the presentation on the demand for rural Whatcom
18 County, pressure on the natural systems, permit mitigation, and wetland
19 mitigation. They know more now about the impacts of urbanization. Now, they
20 can make better decisions. Each lot can play a small role, but add it all up for a
21 regional role. Now, they're monitoring over 500 wetland mitigation sites. Over
22 several years, they'll be monitoring the restoration done as part of a mitigation
23 plan. That means an owner has to do a wetland plan and a mitigation plan. Within
24 a certain amount of time, the County have to find out if mitigation is still in place
25 and serving its function.

26
27 McShane stated that is a lot of sites to monitor. The cities have to do that
28 monitoring as well. He asked if there has been discussion of joining forces. Hart
29 stated there has been discussion of joining forces. In this critical areas ordinance
30 (CAO) effort, they all need to work together on wetland mitigation planning.

31
32 Brenner stated Mr. Hart keeps mentioning Bellingham. She hopes he's also
33 working with the small cities and other UGA's. She asked for a color copy of all the
34 maps in the presentation.

35
36 Hart stated that with the extremely large increases, the only staff he has
37 working on this is interns from Western Washington University.

38
39 Caskey-Schreiber asked how they reconcile a violation of mitigation. Hart
40 stated they've done a good job evaluating if mitigation plans will work. When new
41 owners take over a property, they may not be aware of the burden of the
42 mitigation plan. The County sends out a letter reminding them to fulfill that
43 obligation. In total, the question is whether it's better to do 500 small wetland
44 mitigations or if it's better to do regional mitigation with one facility or multiple
45 regional mitigation facilities.

46
47 Caskey-Schreiber stated that's a big issue. The question is who is initially
48 responsible for mitigation's success or failure. She's spoken to people who have

1 purchased homes around Lake Whatcom and immediately cut down trees that block
2 their view because no one tells them how important those trees are. Also, they
3 have to support each stage in the salmon's lifecycle. Target mitigation at
4 supporting every step of the salmon life stages. Assuming there will be continuity
5 from the original homeowner to the next homeowner is a big risk.

6
7 Hart continued reading his presentation. Landscape scale tradeoffs will have
8 to happen with growth in the next few years.

9
10 Crawford asked if they can look to public lands as mitigation because they
11 are already wetlands. Hart stated they can look at areas adjacent to the public
12 lands that already exist. They might do a private sector mitigation bank that
13 remains in the hands of the private sector while achieving the same end. They may
14 lose more agricultural land doing that. It could still be a private sector endeavor
15 with public sector monitoring.

16
17 Hart continued the presentation from the rural zones on a landscape scale to
18 the agricultural protection overlay (APO) recommendations to consider in the
19 future.

20
21 *(Clerk's Note: End of tape one, side A.)*

22
23 Hart continued the presentation on purchases and transfers of development
24 rights. In 2003, there were 196 certified and zero transfers of development rights
25 (TDR's). In 2004, 322 are certified with 32 transfers. The program is working. By
26 early 2005, they expect six to ten projects using 20 to 70 additional TDR's. That
27 makes Whatcom County a leader in the state.

28
29 Hart continued the presentation on watershed programs and managing urban
30 growth areas. Infrastructure must be in place. Think about financing infrastructure
31 in areas where they want growth to occur.

32
33 Hart continued the presentation on changing realities, assessing what's been
34 done, what is currently in progress, and what more can be done to address rural
35 character.

36
37 Brenner stated the staff needs to work with the small cities, not just the City
38 of Bellingham, on their infill planning. Hart stated they are working with the small
39 cities. He's using Bellingham just as an example.

40
41 Hart continued the presentation on immediate action items, action items for
42 2005 and 2006, and action items for 2007 and beyond.

43
44 He submitted a planning toolbox handout from Tompkins County in New
45 York. That community created seven principles (*on file*). He read the seven
46 principles from Tompkins County. He'll make sure the Planning Commission gets
47 this same presentation.

1 Lincoln Rutter, Blaine, stated the wildlife habitat in Blaine exists. There is an
2 estuary. It has the highest classification level of protected wetlands. It is an
3 aquifer. People are getting ready to put 600 homes on top of the aquifer and
4 develop ponds. Councilmembers should drive by Wiser Lake. There is an
5 unhealthy concentration of waterfowl there because there are fewer lakes for them
6 to use. Development is occurring around those lakes. Urge the Blaine City Council
7 to support the idea of reducing the size of its urban growth area, which includes
8 pristine habitats that shouldn't be there.
9

10 Dennis Jones, 1487 Sudden Valley, stated Sudden Valley has increased its
11 assessed value from \$230 million to \$330 million in the last two years. That's bad
12 news for buying back land, but good news for the assessment. In 2001, because of
13 Revised Code of Washington (RCW) 36.69, Sudden Valley was able to down-plat
14 1,400 lots. People in Sudden Valley don't have Mr. Hart's vision. Do a Sudden
15 Valley parks and recreation district that can be worth over \$3 million for the
16 watershed. The Point Roberts model is working. Approve a levy for greenways and
17 parks.
18

19 Dan Warner, Pro-Whatcom Chairman, submitted (*on file*) and read his
20 testimony. He is a 30-year resident of Whatcom County. Whatcom County is not
21 very rural anymore. There are three possibilities for the future: sprawl and endless
22 growth, smart growth and endless growth, or significant successful growth controls.
23 Each of those possibilities presents difficulties. It won't get any easier to deal with
24 any option. They need a long-term plan. Know what they want this place to look
25 like in 100 years and identify what they're doing to meet that vision. Establish a
26 legacy plan for their grandchildren.
27

28 In the short-term, do infill. The growth planning forums have been right on.
29 Bellingham and small cities need to accommodate population increases and the
30 rural areas need to be protected. They cannot accommodate growth forever.
31

32 Third, the Growth Management Act shouldn't be used to accommodate bloat,
33 but to work creatively toward a vision. Use the level of service concept to control
34 growth. For instance, if the County decides to buy a bigger ferryboat, Lummi
35 Island will no longer be rural. That is a model of a level of service limit. Another
36 example is the new, bigger jail they want to build. After the new one is built, it
37 would be permissible to not issue any more building permits because there isn't any
38 room in the jail.
39

40 The State says they have to accommodate an ever-increasing number of
41 people. The next estimate will be exponentially larger. Whatcom County can
42 challenge those State population projections. Whatcom County can take actions to
43 reduce the increase of population growth. For example, stop funding entities that
44 encourage people to move here. Stop encouraging businesses to move here, and
45 instead develop the local economy. Stop developing arterials out of town. Stop
46 applying for federal grants for economic growth. Stop any other efforts that
47 encourage bloat. Instead, ask the Planning staff to create ways to curtail growth
48 and bloat. Promote the local economy and increase the per capital income.

1
2 Show those efforts to the State and make the State present lower population
3 projections. Whatcom County can continue the endless smart growth or prevent
4 growth.
5

6 Jack Petrie, 2955 Sunset Drive, Bellingham, stated everyone wants to live in
7 a rural area. That's the cause of the problem. The Growth Management Act (GMA)
8 was passed to do something to reverse that trend. The key to the GMA is that
9 cities must affirmatively accommodate growth. Create cities that attract people to
10 them, not force people to them. Most people won't live in extreme density, so they
11 have to seek ways to help the cities capture growth. Cities have to accommodate
12 growth in ways that people will choose to live in Bellingham. Capturing growth is
13 proactive, not a negative thing.
14

15 Hart stated his presentation can be summarized to five things. The first is to
16 bundle together transfers of development rights (TDR's), purchases of development
17 rights (PDR's), park open space, conservation funds use, and acquisition. Second,
18 look at both the agricultural protection overlay (APO) and agricultural zoning and
19 the use of conservation subdivisions as an opportunity. Third, where they know
20 resources conflict with current zoning, act to address that issue. Fourth, deal with
21 cities and urban growth areas (UGA's). Use the Economic Development Investment
22 (EDI) Board to meet the sustainability principle. Last, think regionally.
23

24 McShane stated Mr. Warner commented that the County needs to think more
25 in terms of not just planning population growth and zoning. There are other things
26 the Council can address that may be more difficult, such as where the EDI money
27 goes. A question is whether the Council directs EDI Board funds to additional
28 growth or sustaining what they have. Those decisions are difficult, but worthwhile
29 to think about. The EDI Board money needs to be thought about and applied
30 carefully. Put it into areas where they know there will be growth, no matter what
31 they do, such as the Kendall area. He asked if the administration might propose a
32 zoning reduction. Hart stated he is not proposing a zoning reduction.
33

34 McShane stated Mr. Hart laid out some interesting points they should think
35 about. Hart stated they should use the critical areas ordinance, water resource
36 inventory area effort, and other efforts to help inform the land use decision-making
37 process. Use that layered information when making decisions and deciding what
38 makes sense in the long run. If there is a disconnect between the rural short-term
39 of 20 years and long-term of the next four or five generations, they need to make
40 some decisions.
41

42 Caskey-Schreiber asked if they are ever going to have a good answer to
43 protecting the natural resource areas when urban areas claim to be full.
44

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

47 Hart stated no one tool can do it. Use many tools to achieve sustainability.
48 Look at the historical natural resources and try to keep them into the future.

1 Hopefully, the Council and Planning Commission will get together on these issues.
2 He would like to have the first ever Planning Commission retreat.

3
4 Fleetwood stated one County policy hopes to direct 85 percent of population
5 growth into the cities, yet another County policy allows everyone to move into the
6 county. He asked if they must close that policy gap. Hart stated there are many
7 policy gaps. They want the Comprehensive Plan to be internally consistent and
8 accurate. The countywide planning policies govern the split of what will be on the
9 land. Everyone gets a share of the growth. They have not addressed that.

10
11 Sylvia Goodwin, Planning Division Manager, stated the countywide planning
12 policies don't set a firm split of how population will be split among cities and the
13 county. If the County adopts population projections that say most growth will be in
14 the cities, the question is how that happens. If they leave the zoning as it is in the
15 rural areas, with a lot of five-acres lots, it becomes a choice of the private citizen.
16 If lots in the city are more expensive or less attractive, people won't choose to live
17 there. Mr. Hart is saying they must make city lots affordable and attractive so
18 people will choose to live there. If they can't do that, a choice before the Council
19 may be to downzone the rural areas.

20
21 Hart stated the countywide planning policies should have said the
22 percentages they are trying to shoot for. Other regions in the state have clearly
23 said what the population split will be in the community.

24
25 Barbara Ryan, Bellingham City Council Member, stated a question is how the
26 County can make sure the small cities take the same density that Bellingham has.

27
28 Caskey-Schreiber stated the County just set those density levels in the
29 Housing Chapter of the Comprehensive Plan. The Council will have a public hearing
30 on it.

31
32 McShane stated the County can encourage densities, but has no authority to
33 force densities in the cities. The presumption is that Bellingham will be the major
34 city in the county, so the nature is for it to have higher densities than the small
35 cities. There is some variability there. If a city doesn't meet its density
36 benchmarks, a future council may be less inclined to expand the city's UGA. The
37 goal should be the same for all. Keep areas outside the city unique.

38
39 He thanked Ms. Ryan for taking a courageous vote on the expansion of a
40 road that was something that would lead to a significant amount of development.

41
42 Fleetwood thanked Mr. Hart and staff for the presentation.

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44
45 **OTHER BUSINESS**

46
47 There was no other business.

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ADJOURN

The meeting adjourned at 4:45 p.m.

Jill Nixon, Minutes Transcription

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Seth Fleetwood, Committee Chair