

DISCLAIMER: This document contains the Whatcom County Council or Committee minutes, as approved. However, unless an attested signature page is attached, they are not the final approved minutes.

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WHATCOM COUNTY COUNCIL
Planning and Development Committee

January 11, 2005

Committee Member Barbara Brenner called the meeting to order at 3:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Seth Fleetwood
Laurie Caskey-Schreiber

Absent:

None

Also Present:

None

COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL

1. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY ZONING MAP ESTABLISHING TRANSFER OF DEVELOPMENT RIGHTS SENDING AREAS AND AMENDING WHATCOM COUNTY ZONING ORDINANCE (TITLE 20) CHAPTER 20.89 DENSITY TRANSFER PROCEDURE (AB2004-453)

Troy Holbrook, Senior Planner, stated this ordinance is to establish transfer of development rights (TDR) sending areas in the Birch Bay subarea. The Birch Bay Community Plan included establishing TDR receiving areas. Staff was directed to come up with appropriate sending areas in Birch Bay. The Planning Commission held a hearing and recommended approval of the map. He described the seven sending areas, including Terrell Creek at Birch Bay State Park, a corridor to Terrell Lake, Terrell Lake, Dakota Creek and California Creek corridors up to where the shoreline designation stops, a shoreline area along Drayton Harbor, and the two downzoned areas at Birch Point and Point Whitehorn.

Caskey-Schreiber asked if there are any instances, such as an industrial upzone outside of an urban growth area (UGA), where they might want TDR's. Holbrook stated there may be. For now, they are focusing on residential areas only.

Holbrook stated he proposes to add language in the zoning text in Whatcom County Code subsections 20.89.052(1) and (2). Lake Whatcom transfers of development rights can be transferred into the Bellingham UGA. The Birch Bay transfers of development rights can be transferred to Birch Bay.

Roy stated she supports the areas selected. They are the critical areas around Birch Bay.

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1 **Caskey-Schreiber moved** to recommend adoption to the full Council.

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3 **Motion carried unanimously.**

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5 **2. DISCUSSION REGARDING AN ALTERNATE EXHIBIT TO THE**
6 **ORDINANCE PROPOSING AMENDMENTS TO THE WHATCOM COUNTY**
7 **COMPREHENSIVE PLAN, CHAPTER 6 AND 7 GOALS AND POLICIES**
8 **RELATED TO THE CUSTER PROVISIONAL GROWTH AREA (AB2004-**
9 **396B)**

10
11 Sylvia Goodwin, Planning Division Manager, stated this is to implement the
12 motion from the County Council on December 7, 2005, where it eliminated the
13 Custer provisional urban growth area (UGA). This language change would amend
14 the County Comprehensive Plan policies to be consistent with that elimination. The
15 motion from the Council is in exhibit A, beginning on Council packet page 543. She
16 proposes an alternate exhibit A beginning on Council packet page 545. She
17 recommends keeping goal 6Q and just striking policies 6Q-1 and 6Q-3. Policies 2,
18 4, and 5 are generic, broad policies. The Council of Governments (COG) and Port
19 of Bellingham didn't want to delete those policies because they encourage public
20 access for airports, ports, international border crossings, and other things. In
21 addition, the County could amend policy 7C-6 to eliminate specific mention of
22 "including stops in Custer, Lynden, and Sumas."

23
24 Caskey-Schreiber stated she really likes the staff's recommendations. If the
25 railroad wants to investigate a corridor, it will. The County doesn't need that in the
26 plan.

27
28 **Brenner moved** to recommend approval of alternate exhibit A (staff
29 recommendation).

30
31 Bob Tull, Stevedoring Services of America attorney, stated his client is the
32 proponent of the Gateway Pacific dock terminal. The County staff is giving good
33 guidance to the Council. This will set the stage for a brief hearing in two weeks. At
34 that time, he will assemble useful information regarding the future possibilities of
35 that east-west rail corridor. His client's focus is not the Custer intermodal facility,
36 but there should be some allowance for an east-west rail corridor. He will provide
37 more information before the public hearing on this item.

38
39 Jean Freestone, Custer rezone area landowner, stated she doesn't object to
40 dropping the language about Custer. That language was a compromise that made
41 everyone confused and frustrated. The language has discouraged any potential
42 users and created confusion among staff as to what is required. She objected to
43 the way it was brought up at the last minute. Some of the councilmembers'
44 comments welcomed them back if they could produce more information, including
45 support from the State and railroad. She talked with other owners and the State
46 Department of Transportation. She will provide that information. There are new

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1 owners in the area. This is a long-term project. Keep the language in that will
2 keep the area's prospects open. It will be a contribution to the county and state.

3
4 ***Motion carried unanimously.***

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7 **OTHER BUSINESS**

8
9 Bob Tull, attorney for Point Roberts residents, stated he wants to find a way
10 to constructively move things along regarding grave community concerns about the
11 manner in which the archeology provisions for Point Roberts were installed. The
12 main problem is the rub between the County ordinance and the State statute. He
13 asked that the committee, at some future meeting, go through the ordinance to see
14 if there is an interest in working on the ordinance. If there is, they might be able to
15 diffuse substantial and sincere angst of the residents.

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18 **ADJOURN**

19 The meeting adjourned at 3:30 p.m.

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24 _____
Jill Nixon, Minutes Transcription

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27 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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32 _____
Dana Brown-Davis, Council Clerk

Seth Fleetwood, Committee Chair