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WHATCOM COUNTY COUNCIL
Planning and Development Committee

April 12, 2005

Committee Chair Seth Fleetwood called the meeting to order at 3:17 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Barbara Brenner
Dan McShane

Absent:

None

Also Present:

None

COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL

1. ORDINANCE TO AMEND A PORTION OF THE OFFICIAL WHATCOM COUNTY ZONING MAP UGA-7, SUMAS URBAN GROWTH AREA, FROM LONG-TERM PLANNING AREA TO SHORT-TERM PLANNING AREA (AB2005-169)

Kraig Olason, Senior Planner, stated the ordinance is for a zoning change from a long-term planning area to a short-term planning area. The issue is whether the change is timely. The Council already put the area into the urban growth area (UGA). Look at whether or not this area is needed in the short-term planning area and then decide on supporting the application. Originally, the request was for 76 acres. Based on discussion with the Planning Commission, one area intended for a truck stop was recommended for removal from the application. That area is not likely to get road access. The Planning Commission decided to delay that request until the road access is worked out with the Department of Transportation.

The purpose of the ordinance is to address a park the City of Sumas is working on to enlarge the current park, in part because of realignment of Highway 9, which will remove access to Highway 9 all along the park. The access point for the park will be taken up by the road. In addition, the City is working on some grants for the park. The application rating for funding from the State has been quite high.

There aren't many people in this UGA. The parcels are large. Sometimes the people don't want to develop. Therefore, the parcels aren't available until the owners want them to be available, so there is a minimal number of opportunities for development. There is a little bit of a request for residential land in this application, but it's not the primary purpose.

1
2 Brenner asked if this request was from property owners. Olason stated the
3 request is from the City.
4

5 The map had some errors. A portion of the UGA area is already in the city
6 limits, at the northwest portion of the site. They also took the right-of-way for the
7 railroad track and Highway 9 out of the UGA. All it does is add acreage that is
8 unusable. The city does not maintain Highway 9.
9

10 The City is trying to get the short-term planning area enlarged to annex the
11 property that it will purchase.
12

13 David Davidson, City of Sumas, submitted a Power Point presentation (*on*
14 *file*). The City initiated the amendment because of a project that has been in the
15 works for years. All property owners support the map amendment. They're talking
16 about changing an area already designated in the UGA. The issue is park
17 expansion. The City is trying to expand the civic park. He indicated the location on
18 an aerial photo. The City is trying to purchase two lots to expand the park. One lot
19 is in the UGA long-term planning area and cannot be annexed as it is.
20

21 He showed diagrams of different park designs. The City wants to develop
22 softball fields, soccer fields, and a parking area. The whole area outlined on the
23 design is the service area for folks who don't have park facilities. The last ball field
24 built was in 1986. In that time, the population of that area grew 62 percent.
25

26 The real issue is the State right-of-way for the Highway realignment, which is
27 scheduled for next summer. Now, people park along Easterbrook Road because
28 there is no parking area. Now, people park on the State right-of-way. All of that
29 right-of-way where people park will go away next summer. Last summer, 450 cars
30 parked there at the last rodeo.
31

32 Near the park, within the city, are currently or soon will be developed
33 already. The only area available for the park is the parcels in the application.
34

35 The phase one plan is before the State legislature and has ranked highly on
36 its project list. They will get \$500,000 to work on this plan.
37

38 Fleetwood asked if acquiring the property is an issue. Davidson stated there
39 are two property owners. The City negotiated with each, who are willing to
40 negotiate, for now. They want to work with the City.
41

42 Fleetwood asked the criteria for switching from a long-term planning area to
43 a short-term planning area. Olason stated the Council is looking for whether the
44 request is timely based on the use of the available land already within the short-
45 term planning area and incorporated city limits. There is a series of criteria for
46 determining whether there is an excess of short-term planning area. In this case,
47 the City has no short-term planning area. The Comprehensive Plan says that 95

1 percent of the UGA should be in the short-term planning area. That is not the case
2 for Sumas. The issue is whether the request is timely in terms of need. The City
3 has done a good job of demonstrating the need, particularly regarding the park
4 issue. It may or may not be timely regarding the residential issue. In a small city
5 like this, there are limited opportunities for development if certain key parcel
6 holders aren't interested in selling. The Planning staff decided the request is timely
7 and meets the requirements.

8
9 **Brenner** stated she likes that this project will benefit all of the East County
10 area. She **moved** to recommend approval to the full Council.

11
12 Davidson stated the timing issue is important. When the grant is awarded,
13 the funds will be available July 1. The City must close on the property purchase 90
14 days after that, to get the grant. By October 1, that area has to be annexed, short-
15 platted, and be a separate, saleable property that the City can purchase. The City
16 started this last June, and here it is mid-April and the first step is not yet done.

17
18 **Motion carried unanimously.**

19
20 **2. ORDINANCE AMENDING THE LOT CLUSTERING PROVISIONS OF THE**
21 **URBAN RESIDENTIAL, URBAN RESIDENTIAL MEDIUM DENSITY, AND**
22 **RURAL ZONING DISTRICTS IN THE OFFICIAL WHATCOM COUNTY**
23 **ZONING ORDINANCE (TITLE 20) (AB2005-170)**

24
25 Matt Aamot, Senior Planner, stated there are four items in the proposal:
26 mandatory lot clustering in the urban growth area (UGA), minimum reserve tract
27 size, re-division of reserve tracts, and minimum lot size for clustered lots.

28
29 Whatcom County designated short- and long-term planning areas in some of
30 the urban growth areas. Comprehensive Plan policy 2S-2, requires clustering on no
31 more than 20 percent of the parcel for lots over 20 acres. This policy recognizes
32 that chopping up the outer portion of the UGA into five-acre parcels may make it
33 more difficult to develop for urban density in the future. The zoning ordinance does
34 not require clustering in the long-term planning areas. It should be amended so
35 it's consistent with the Comprehensive Plan.

36
37 The Planning Commission recommended making clustering mandatory also in
38 the short-term planning area when water and sewer is not available and parcels are
39 ten acres or greater in size.

40
41 The reserve tracts is the second issue. The cluster has to be on no more
42 than 20 percent of the parcel. The reserve tract would be on 80 percent of parcel.
43 That will facilitate redevelopment of land when utilities become available.
44 Currently, urban residential, urban residential medium density, and rural zoning
45 districts do not require this policy in the long-term planning areas. It makes sense
46 to require a large reserve tract in the short-term planning areas when utilities
47 aren't available.

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2 The third issue is re-division of reserve tracts. Currently, zoning code only
3 allows re-division of reserve tracts under very limited circumstances. However, the
4 purpose of this is to allow re-division of certain reserve tracts when water and
5 sewer become available. They propose an provision to allow reserve tracts to be
6 redeveloped if in a short-term planning area and when utilities become available.
7

8 The fourth issue is minimum lot sizes. Under the proposal, the minimum lot
9 size will be one acre in the cluster if the site has a well and a septic system. That is
10 the minimum allowed for in the on-site septic system requirements. If the
11 development has public water or sewer, the minimum lot size is 12,500 square
12 feet. This is the minimum in the sewage disposal system regulations.
13

14 Brenner asked if the cluster would kick in if the parcel were five acres or
15 more. Aamot stated the subdivision rules were amended in 2000 to require a
16 public water source for dividing land. There is an exemption that, if a parcel plats
17 at greater than five acres, the development can use private waters supply under
18 limited circumstances. If one doesn't have public water, the density is rural, one
19 unit per five acres (R5A). If someone wants to put in a group B, public well, the
20 zone can go down to rural, one unit per two acres (R2A). That makes zoning
21 consistent with the subdivision rules.
22

23 McShane referenced Council packet page 76 and the minimum lot size
24 requirement. He asked the reason for deciding on 12,500 square feet for the
25 minimum lot size. Aamot stated current health code 24.05.220 has a 12,500
26 minimum lot size with public water and onsite septic system.
27

28 McShane stated 80 percent is left in open space. Aamot stated a 20-acre
29 parcel would have to have 16 acres in the reserve tract, and develop four acres.
30 That may not be ideal, but the idea is that someone could come back and redevelop
31 the reserve tract to a higher density. There could have several suburban-sized lots.
32 That's better than the whole thing being in five-acre lots.
33

34 Brenner asked what happens if a developer voluntarily wants to cluster
35 smaller parcels, and if this applies to rural density. Aamot stated there are some
36 rural zoning districts in the UGA. This ordinance is for mandatory clustering and
37 only applies in the UGA's.
38

39 Fleetwood asked where this idea came from. Aamot stated the theory is that
40 cluster developing and preserving a reserve tract would allow higher density on the
41 reserve tract than if single-family residences are placed in the middle of five-acre
42 tracts. There was a Comprehensive Plan policy that says the County should do this
43 in long-term planning areas. It's been on the books for some time, but was not
44 incorporated in the zoning code or implemented.
45

46 Brenner stated this doesn't solve the problem. If annexed, the sizes of those
47 cluster lots aren't going to work. She understands the reason for it, but it doesn't

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1 solve the problem. Instead, don't do clusters on bigger acreages. A cluster won't
2 make an area urban. Urban development can still be built around five-acre parcels.
3

4 Aamot stated the fundamental problem is that it's difficult to preserve land
5 that has a density of five acres for future urban development. There could be a
6 requirement for public water or that density is changed to one dwelling per ten
7 acres.
8

9 Brenner stated that would eliminate the ability of someone to build. They
10 can't require public water. Aamot stated a group B system could be allowed.
11

12 Brenner stated she's not sure that any kind of cluster, without public
13 services, is necessarily going to solve the problem. It would work if there is public
14 services.
15

16 **McShane moved** to recommend approval to the full Council. He asked
17 about the Planning Commission change in section 20.36.251 about whether public
18 water were available. It's only in the rural district. He asked the reason for the
19 Planning Commission change. Aamot stated that change was in the ordinance the
20 Council approved at the last meeting. If private water were available in the R2A
21 zone, the density was one dwelling per five acres.
22

23 ***Motion carried unanimously.***
24
25

26 **OTHER BUSINESS**

27

28 Fleetwood stated Planning Commissioner John Lesow contacted him on the
29 **transitional zoning in Point Roberts, (AB2005-149)**, section 20.37.251, and
30 asked the reason for deleting language about the septic tank effluent pump (STEP)
31 or community wastewater facility. This is tied to an issue in Point Roberts. Some
32 people want a public wastewater facility and, thus, development. Others don't.
33 Deleting this provision, may increase the possibility of more development.
34

35 Amy Pederson, Planner II, stated the original proposal was to strike the
36 language because there was conflict between the County zoning code and the
37 County health code. In order to get a density of one house per acre, one must
38 luster, have a permanent open space reserve area, have public water, and have a
39 public sewer, STEP, or community wastewater facility. However, there is no public
40 sewer in Point Roberts. The Health Department doesn't approve STEP because it
41 doesn't agree with the definition of STEP. Also, the Health Department has limited
42 criteria by which it approves a community wastewater facility. Essentially, the
43 Health Department only prefers to approve a community wastewater facility if the
44 individual onsite septic is not a viable option.
45

46 Fleetwood asked about Planning Commission adding the language back in.
47 Pederson stated the Planning Commission did add it back to the regulation, but it

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1 added reference to onsite septic, which opened the door to everything. Essentially,
2 one could never do a conventional subdivision, only a cluster. It was an
3 inadvertent change.
4

5 Pederson stated staff will propose amendments to page 260, section
6 20.37.322(2)(d).
7

8 Jeff Chalfant, Senior Planner, stated a main concern is subsection (d), which
9 talks about requiring access to be granted to any proposal to the shoreline. It is
10 more appropriate to have that review in the context of the shoreline master
11 program.
12

13 Karen Frakes, Senior Civil Deputy Prosecutor, stated there are also legal
14 issues. Arguably, this amends the shoreline master program.
15

16 Pederson stated staff will bring forward those proposed amendments at the
17 evening meeting.
18

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

21 McShane referenced the **resolution initiating Comprehensive Plan and**
22 **zoning amendments for 2005 (AB2005-084)**, the DeBoer rezone from an urban
23 growth area (UGA) to agriculture. A question is whether the County would require
24 them to pay for that comprehensive plan amendment. The Planning Committee
25 indicated that it does not want to require the applicant to pay for the amendment.
26 The Council should vote on it at the evening meeting.
27

28
29 **ADJOURN**
30

31 The meeting adjourned at 4:05 p.m.
32
33
34

35 _____
36 Jill Nixon, Minutes Transcription
37

38 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

39
40
41
42
43 _____
44 Dana Brown-Davis, Council Clerk
45

Seth Fleetwood, Committee Chair