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WHATCOM COUNTY COUNCIL
Planning and Development Committee

December 6, 2005

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

Present:

Barbara Brenner
Dan McShane

Absent:

None

Also Present:

L. Ward Nelson
Laurie Caskey-Schreiber

COMMITTEE DISCUSSION

1. UPDATE BY PLANNING SUPERVISOR TROY HOLBROOK ON THE FUTUREWISE DECISION (AB2005-383)

Troy Holbrook, Planning Supervisor, submitted a presentation (*on file*) and stated several areas around the county are affected by the decision. About 19,000 acres countywide are affected. Areas that are rural and under five acres are not compliant. Areas that are under four dwelling units per acre within an urban growth area (UGA) are not compliant.

Brenner asked if the decision about the urban residential, three units per acre (UR-3) zone not being compliant has not been upheld. Holbrook stated there are a couple of good things about this decision. The population allocations were scrutinized. The Growth Management Hearings Board upheld the allocations. Also upheld was the UR-3 zoning in the Lake Whatcom watershed and the airport approach zone. Those are sensitive or hazardous areas.

Brenner asked if UR-3 is only valid in sensitive and hazardous areas. Holbrook stated it is.

Brenner stated the Hearings Board is not policy makers, which is why the UR-3 zone was upheld. Holbrook stated there was a recent court case where the court decided that the Hearings Board was making policy, but wasn't empowered to do that. The four dwelling units density threshold was not explicit in the Growth Management Act (GMA), and was a policy decision the Hearings Board made. The County did not appeal this decision, so it's bound to comply with the Hearings Board decision. There is an intervener in the case, who has appealed this decision.

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1 Brenner asked if it is a valid assumption. She asked if everything is opened
2 up again if the intervener wins. Holbrook stated he'd have to check with legal
3 counsel. The Comprehensive Plan policies call for a density higher than the UR-3
4 zone density. Therefore, the zoning designation is not compliant with the
5 Comprehensive Plan. If they want to leave the zone UR-3, the County would have
6 to update the Comprehensive Plan.

7
8 Brenner asked if all the small cities agree that UR-3 is the least urban of the
9 urban areas. Holbrook stated his presentation will address that question.

10
11 He continued with his presentation on the steps to compliance. The County
12 is starting to see a bit of a land rush in certain areas. That is a concern because
13 someone could say that the County is not doing anything to prevent this and ask
14 the Hearings Board to invalidate the zoning. Now, the geographic information
15 system (GIS) staff is gathering baseline data, going back to 1992, to establish the
16 development patterns, which will help track policies and draw the lines.

17
18 Brenner stated the County already has policies about suburban enclaves.
19 She asked if they can use those policies for limited areas of more intense rural
20 development (LAMIRD's) instead of drafting new policies. Holbrook stated they can
21 use suburban enclave policies if refined to fit the current needs. They still need to
22 go through the process.

23
24 McShane stated there may be no changes or very minor changes to most of
25 these areas, but it will take a lot of work. Holbrook stated that is correct.

26
27 McShane asked if a rural, one unit per five acre (R5A) zone over a suburban
28 enclave would achieve compliance. Holbrook stated most suburban enclaves would
29 fit the LAMIRD criteria.

30
31 McShane asked if they will have to go through the LAMIRD process
32 regardless. Holbrook stated they most likely will have to.

33
34 Holbrook continued the presentation on steps to compliance regarding
35 upzones. Most of the small cities will not want the UGA's upzoned. They are
36 beginning to talk to the cities about this issue.

37
38 Brenner stated a complexity with UGA zones is when the cities annex and
39 change the density. Holbrook stated the County has an interlocal agreement with
40 the City of Bellingham that says city zoning will be applied, but it must be
41 comparable to the County's zoning. Every time there is an annexation, the
42 interlocal agreement is updated. Through the interlocal agreement, the County can
43 enforce the agreed upon zoning and also invoke the Boundary Review Board to
44 make a decision about compliance. He's met with the Boundary Review Board,
45 which first considers what the Comprehensive Plan and Countywide Planning
46 Policies say.

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1 Holbrook continued the presentation on steps to compliance regarding the
2 transportation corridors, which is an overlay zone. There is a hodge podge of
3 development patterns and underlying zones. He's not sure how they will address it.
4 They may have to create new LAMIRD's.
5

6 Brenner asked if they can create new LAMIRD's. Holbrook stated it depends
7 on the criteria. They have to meet the State criteria. That's what the GIS staff is
8 working on now. They're establishing what those development patterns are and the
9 infrastructure in 1990. There may be nodes they can designate as LAMIRD's, or
10 there may be a new innovative zoning designation they can come up with.
11

12 He continued to presentation on steps to compliance regarding Lummi Island,
13 Toad Lake, and other areas.
14

15 McShane asked if there is a time frame for interim measures. Holbrook
16 stated they will probably begin in January.
17

18 Brenner asked if this will put on hold the notion of standards in R5A zoning.
19 Holbrook stated staff has been working on design criteria for cluster subdivisions
20 and other similar programs. They may have to drop some of that and make
21 tradeoffs.
22

23 Hal Hart, Planning and Development Services Department Director, stated
24 work on the interim measures gets staff off the goal of addressing the Futurewise
25 concerns. That is a concern for him. He will bring forward a work program.
26

27 McShane stated he is not interested in sweeping interim measures.
28 Futurewise was well-warned that they are reaping what they sowed. They knew,
29 and they didn't care. They were made very aware that could happen. His only
30 concern is where it really undermines certain policy. He is interested in interim
31 measures that really fit the Comprehensive Plan as a whole.
32

33 Brenner stated that if the intervener's case opens this up, consider fighting it.
34 This will cost the County a fortune and will slow down a lot of the processes. Be
35 careful when they talk about how dense the lowest urban threshold will be for the
36 small cities. Have a certain amount of buy-off from the cities. They have different
37 visions of what a city should be. Don't necessarily say no to the UR-3 zone if they
38 don't have to. Holbrook stated they will work with all the cities. Many of the cities
39 are updating their comprehensive plans right now. The County needs to work with
40 them extensively.
41

42 **2. UPDATE BY PLANNING SUPERVISOR TROY HOLBROOK ON URBAN**
43 **FRINGE SUBAREA PLANNING (AB2005-383)**
44

45 *(Presentation continued from the above item.)*
46

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1 Troy Holbrook, Planning Supervisor, stated the Futurewise decision will affect
2 many of these areas.

3
4 Brenner asked if Marietta would be considered one of the sensitive or
5 hazardous areas. Holbrook stated it is an option they will look at. The geographic
6 information system (GIS) staff is looking at it.

7
8 He continued the presentation by indicating areas on a map. Much of the
9 infrastructure in the urban growth area is already in place. In some areas, utility
10 infrastructure is driving land use decisions. It should be the other way around.

11
12 Nelson stated some of the five year review years have been there for ten or
13 12 areas. He asked how long they will be five year review areas. Holbrook stated
14 they were established in 1997. The City of Bellingham Planning Commission
15 proposal is to all the five-year review areas into the urban growth areas (UGA's)
16 except the Toad Lake area. It will also bring in the King Mountain area at the urban
17 residential mixed use, 14 units per acre (URMX-14) zone. There may be other
18 commercial or industrial areas the City wants to bring in. The land supply analysis
19 shows that they need about 200 acres of industrial and commercial land.

20
21 Fleetwood asked if that is the City Planning staff recommendation to the City
22 Planning Commission. Holbrook stated it is.

23
24 There are several processes happening concurrently. The County is updating
25 the subarea plan. The City is updating its Comprehensive Plan, neighborhood
26 plans, zoning, critical areas, and shorelines. The size of the urban growth area
27 joins those efforts. The City is supposed to have its comprehensive plan update by
28 December 1 of this year. They have an extension. As part of that update, the City
29 must size its UGA and make a proposal to the County. The County is not under any
30 mandated timeline for the subarea plan update. They are mandated to respond to
31 the UGA. The City hopes to have the five-year review area proposal before the City
32 Council by the end of January 2006. The City suggested to the County that it
33 brings forth an interlocal agreement establishing a new timeline. Have the UGA
34 sized and agreed to by both councils by the end of March 2006 and have the
35 subarea plan done by the end of 2007. Staff is working on that interlocal
36 agreement right now.

37
38 The County has proposed an implementation package. The URMX-14 zoning
39 doesn't exist at that time. The County must update it's zoning code.

40
41 He continued the presentation on emerging topics.

42
43 Brenner asked if the Council would have a presentation about John
44 McLaughlin's methodology before making decisions. Holbrook stated they can do
45 that. He has talked to Mr. McLaughlin. One issue is population. The other issue is
46 land use methodology and analysis. The population allocations were established

1 two years ago. If they want to reexamine them, it must be a Comprehensive Plan
2 amendment docket item for 2006.

3
4 Brenner stated that if Mr. McLaughlin's proposal is valid, they may be able to
5 use it on future reviews rather than change it now. Holbrook stated staff can
6 pursue it. If they do, allow Eco-Northwest and the Office of Financial Management
7 to weigh in.

8
9 He continued the presentation on land supply and infill capacity, land supply
10 totals with the UGA adjustment, and policy implications. The major bone of
11 contention is with the safety factor. The City is proposing a 25 percent safety
12 factor. The County and City are negotiating what that safety factor should be. It's
13 hard to move forward with land use and expanding UGA's until they can establish
14 the existing infill capacity. They are doing that now in the UGA's. They are looking
15 at the UGA's and rezoning or proposing rezones. How the City amends its
16 Comprehensive Plan is still in question.

17
18 Nelson asked if the market factor is the percentage of land they have to
19 assume will be held undeveloped or developed at a lower density and if the safety
20 factor is the amount allowed under GMA to accommodate changes in growth
21 patterns. Holbrook stated that is correct. The safety factor also accounts for things
22 like affordable housing. The Hearings Board said anything above the 25 percent
23 will be scrutinized more closely, and the land supply should be closely monitored
24 and UGA's adjusted more frequently.

25
26 Brenner asked for a summery of the City's accessory dwelling unit policy.
27 Holbrook stated he believes there are criteria that have to be met. It is
28 implemented through the neighborhood plans. There may be a limit to the number
29 of accessory dwelling units allowed in each neighborhood. He can provide more
30 specifics.

31
32 McShane stated single family houses are allowed in multi-family zoning. His
33 neighborhood is zoned for multi-family zoning, but it's exclusively single-family
34 housing because the rules on parking availability and lot sizes are so stringent that
35 people could not build multi-family housing there. It is fantasy zoning. The
36 neighborhood plans in Bellingham are extremely inconsistent with what can actually
37 be done. It would be challenging for the County to evaluate actual infill capacity.
38 Holbrook stated it is challenging, but a built-out neighborhood will probably stay
39 that way.

40
41 McShane stated that in some areas, blocks of houses are held and being
42 allowed to deteriorate in hopes of a zoning change.

43
44 Holbrook stated another issue is basing the decisions on existing regulations,
45 and then finding out more infill capacity is available. The City has worked on its
46 Comprehensive Plans

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1 (Clerk's Note: End of tape one, side A.)
2

3 Holbrook continued to state that another policy question that may be brought
4 forward is about annexation policies. They allow utilities to extend beyond the city
5 limits without requiring annexation.
6

7 Brenner asked if most cities already have a policy to not extend services
8 without annexation. Holbrook stated that is mostly true, unless there is a health
9 and safety issue. They may want to establish an annexation program through the
10 interlocal agreement. Now, the County is serving as a surrogate city out there. A
11 lot of staff work goes into subdivision and plats in the Bellingham UGA. If they
12 require annexation, it will help the County staff workload. County zoning may not
13 be appropriate out there. They may need a reserve city zone with a county overlay
14 for large lots, such as ten acre lots or larger. Once the lot is annexed, it could
15 revert to the agreed-upon city zone. A question is why they even need URMX
16 zoning. The County used to have reserved zones. In a way, the UGA is a reserve
17 urban zone. Another idea is a tiered UGA or a 60-year UGA.
18

19 Fleetwood asked the timeline once the City makes it's formal
20 recommendations on the UGA's. Holbrook stated the City and County planning
21 commissions meet and come up with a joint recommendation to the City Council.
22 The City Council forwards its final recommendation to the County Council. If the
23 County Council disagrees, the City and County councils work out the disagreements
24 before it can be approved. There may be proposals from the City Planning
25 Commission, County Planning Commission, and staff recommendations that are all
26 different. He hopes to avoid that from happening.
27

28 Fleetwood asked if the interlocal agreement requires consensus between the
29 two planning commissions. Holbrook stated it doesn't go that far. Last time, there
30 were two slightly different recommendations, one from each planning commission.
31 It depends on zoning, infill capacity, and the land use analysis. They need to work
32 on the interlocal agreement to implement this at the same time.
33

34 Brenner asked if the County has tiered UGA's now. Holbrook stated the
35 County has a short-term UGA and a long-term UGA, but not in the Bellingham UGA.
36 They may develop a similar, but different tier system that extends 60 or 100 years.
37

38 **3. PRESENTATION BY PLANNING AND DEVELOPMENT SERVICES**
39 **MANAGER HAL HART AND PLANNING SUPERVISOR TROY HOLBROOK:**
40 **CONCURRENCY MANAGEMENT IN WHATCOM COUNTY (AB2005-384)**
41

42 Hal Hart, Planning and Development Services Department Director,
43 submitted handouts (*on file*). Concurrency is a tool that Whatcom County has not
44 implemented. Implementation is in the Comprehensive Plan. This will be a long
45 process. Concurrency is a tool the County would use for new subdivisions, certain
46 kinds of commercial developments, large projects with conditional use permits. The

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1 number of new subdivisions is up considerably this year. The total valuation shown
2 in the handout is about 10 to 20 percent below market value.

3
4 Nelson asked the reason the valuation is below market value. Hart stated
5 the County administration hasn't wanted to overcharge the building and
6 development community for the cost.

7
8 Brenner asked the number of permits issued for accessory dwelling units.
9 Hart stated they haven't counted those permits, but he would.

10
11 Concurrency isn't just a transportation issue, although transportation
12 infrastructure is the big dollar value concern, especially in the Birch Bay area. After
13 the Birch Bay Subarea Plan was adopted in 2004, there was an increase in
14 development. At the time, it would have been far sighted if there was a section
15 that planned the financing for capital facilities to accommodate the people in Birch
16 Bay.

17
18 Brenner stated some of them begged for that information to be included in
19 the plan. Hart stated they are closer now to having the capacity to do that. At the
20 time, getting out the plan was only done by him and former Planning Manager
21 Sylvia Goodwin working in the evenings. There wasn't any staff capacity to work
22 on it.

23
24 As they move forward with the urban growth area (UGA), they are going to
25 bring forward a package of recommendations. Concurrency will help in Birch Bay
26 and could help elsewhere. It is not a quick fix. It will take 20 years or more to
27 build their way out of it, just using concurrency, impact fees, and the six-year
28 transportation plan.

29
30 McShane stated they are mostly talking about car transportation. He asked if
31 there is any way to fund non-automobile transportation. Hart stated there is. The
32 State has a study on that issue.

33
34 The Growth Management Act (GMA) applies to all aspects of local
35 government infrastructure. The GMA only requires jurisdictions to adopt ordinances
36 that establish a concurrency management system for transportation. Using
37 concurrency for any other service, such as sheriff and parks, is a policy decision.
38 The question is how to pay for an urban growth area that is trying to be a city.
39 Look at rural growth. If they are infilling at a rural, one unit per five acre (R5A)
40 zone, there are some significant issues with parks and sheriff needs. Track that
41 rural growth number, and make sure they've set a level of service for those areas.

42
43 The first two decisions are to what concurrency will apply and the appropriate
44 level of service for those areas. Those decisions will inform the capital facilities
45 plan process.

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1 Mitigation allows jurisdictions and developers to avoid a level of service
2 failure by implementing a system improvement that eliminates the effects of
3 development on the transportation system. Set a level of service for any facility. If
4 the level of service falls below the established level, the County can not allow the
5 next increment of development to set it below that service.
6

7 Brenner stated there is a problem with calculating level of service. Look at
8 how they are doing it now. It doesn't work now. Hart stated that issue exists.
9 Staff will provide more information and options to the Council.
10

11 Fleetwood asked for an example of a system improvement that eliminates
12 the effects of development. Hart stated there could be a turn lane near a
13 subdivision that falls below the established level of service when the influx of new
14 cars from the development floods the intersection. When that happens, the County
15 is in a position to negotiate.
16

17 Fleetwood asked if the County can deny the subdivision unless it can mitigate
18 the effect within six years. Hart stated that is correct. It doesn't have to be six
19 years. It can be required at any time the policy states.
20

21 Fleetwood asked who decides if the improvement strategy is capable of being
22 implemented within some time frame. Hart stated that is a decision-making
23 process staff will do. They have a transportation planning and transportation
24 engineer. They monitor the system and provide annual reports. It's what they look
25 at during the six-year transportation program and annual transportation program
26 reviews.
27

28 Brenner stated everyone in the county all say that development should pay
29 its own way. Tailor something specifically to Whatcom County. Do an interim
30 concurrency ordinance. Use an existing ordinance for another county on an interim
31 basis to provide a safety margin for development that is going in, until they get a
32 final concurrency ordinance. Hart stated one interim measure is an interim impact
33 fee ordinance. The Engineering Division has done some work on that already.
34 Make sure the Engineering Division has the capacity to implement an impact fee
35 ordinance.
36

37 Brenner stated they have talked about doing impact fees before. She asked
38 why they are not seeing a draft. Hart stated the most recent recommendation was
39 at the Technical Advisory Committee.
40

41 Troy Holbrook, Planning Supervisor, stated the recent batch of
42 Comprehensive Plan amendments the Council just approved includes background
43 information the staff needed to go forward with the impact fee program. It is
44 before the Technical Advisory Committee. There has been a lot of debate of how
45 the models work.
46

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1 Brenner stated other counties have done this. Use what they've done for an
2 interim. Hart stated staff needs to accomplish 14 things, listed on page 12 of the
3 presentation handout. First, measure the system's capacity. They have to undergo
4 that modeling effort. Now, the Council of Governments (COG) has the one model
5 they can use, but it may not be adequate for their needs. They would have to
6 engage a consultant to assess their long term needs for modeling. They may be
7 able to use the COG model for the interim.

8
9 Nelson asked if that is the only approach they can take. A problem in the
10 County is inadequate capacity to handle all the projects they will need to do, due to
11 increased growth in the county. He asked if there are a combination of methods to
12 use to alleviate the pressure, such as working with the developer to do these things
13 before developments are put in. It would be much easier to have the developer
14 construct the infrastructure. Hart stated the Engineering Division would be glad if
15 that happens. They could use the State Environmental Policy Act (SEPA) more
16 aggressively than they have in the past. It's an administrative call.

17
18 Concurrency management must first figure out road capacity to absorb
19 additional growth. In addition, they must think multi-modally. A developer could
20 get credits for finding ways to lower the number of car trips on the road. Other
21 jurisdictions have done that successfully. The County will benefit from things other
22 jurisdictions have done.

23
24 Next, they have to compare the capacity required to serve an applicant's
25 proposed development and develop an application for concurrency. Compare the
26 capacity required. Concurrency calculations and reservation software will be used
27 to keep track. They need a really tight interlocal agreement to look at concurrency
28 regionally. If there is nothing to do to recover costs, they still need to know the
29 capacity of County roads for development, especially in Birch Bay. Now, they are
30 living with the lack of improvements required 20 years ago. There are road
31 improvements they have to finance now, such as Lincoln Road and Birch Bay
32 Lynden Road. New development will carry part of the investment. The County six-
33 year transportation plan will carry the rest of it.

34
35 Brenner stated whatever the small cities do will create impacts to County
36 roads, even if the development is right in the center of the city. Hart stated the
37 role of COG is to look at regional concurrency. The County will look at the County
38 network, including State highways that are not of statewide significance. The
39 smaller State highways that go through urban growth areas can use these
40 management tools by working with the Washington Department of Transportation
41 (DOT).

42
43 McShane asked if they can work with the DOT on concurrency. Hart stated
44 they could.

45
46 McShane stated there are areas around the state that are traffic nightmares
47 because no one probably thought of the amount of commercial development that

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1 could occur. Hart stated they are starting the east county planning process. The
2 DOT and Whatcom Transportation Authority (WTA) are helpful partners in the
3 effort. The DOT is contributing money to the planning process.
4

5 There are 14 items that staff needs to accomplish. They don't have the
6 expertise on staff yet to do them. It would require a Senior Planner with years of
7 specific training on modeling. They will develop the model with a consultant over
8 the next year, query the data, and run the model. Start with the COG model. With
9 the skills in place, they can depart from that model. Staff is considering a
10 partnership approach. Staff recommendations will come forward in the next few
11 weeks.
12

13 Nelson asked why COG wouldn't be more of a lead on gathering that
14 information, from which the County can build its policies. Hart stated staff
15 considered it. there is a large volume of projects. The County continually tries to
16 streamline its operation. In this case, they are not focused on the regional
17 network, on which the COG is focused. He can't ensure the COG model can provide
18 the needed detail cost-effectively. The model may not be calibrated that is
19 sensitive to some of the new ideas they want to explore, such as multi-model
20 concurrency.
21

22 Nelson stated the County is part of the region and gets impacts from the
23 region. COG is a regional planner and for the county more than the region. A
24 question is why they need COG if they need more staff to deal with issues. The
25 work is duplicative. Hart stated COG is not negotiating in 15 different negotiating
26 rooms daily with the private sector. That is the County's role. The closer he is to
27 the public officials, the more sensitive he is to the needs of the community. That is
28 the purpose of local government, 24 hours per day. The COG is one step removed
29 from that. They make broad policy recommendations for the region.
30

31 Nelson stated they are talking about level of service. Hart stated level of
32 service is customer based. They know the transportation expectations ahead of
33 time. The County must track and maintain that level of service for the customer
34 along any County road in the network. That information has to be with the County.
35 It is information sensitive to the land use.
36

37 Nelson stated the staff wants to deal with the impacts of level of service for
38 each development. Hart stated the County sets the level of service. A developer
39 will pay for an analysis that says the amount of capacity that is on a road in front of
40 the development. That analysis triggers the next set of requirements such as road
41 frontage requirements. These are all negotiated between the Engineering Division
42 and Planning Department.
43

44 Brenner stated there is a makeup of COG. There is very little weight for the
45 unincorporated county on the COG membership. The COG deals with general stuff.
46 When it comes to specific stuff, there is only the County representative on COG.

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1 Many people are going to have to pay who don't live in unincorporated Whatcom
2 County. They have their jurisdictions to deal with.

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

5
6 Nelson stated the County doesn't then need to participate with COG.

7
8 Brenner stated they do need to participate in a general way.

9
10 Nelson asked how they integrate them.

11
12 Brenner stated the final, specific items are the County.

13
14 Fleetwood asked if they will see an ordinance in 2006 and if staff has the
15 resources to do this complex work. Hart stated they will see an ordinance in 2006.
16 Part of it depends on what happens with the budget request. The Engineering
17 Division needs the capacity to build those roads. Assuming they have capacity,
18 there are three parts to concurrency management. The first part is the Executive's
19 team that determines what they do and how they fund capital facilities. The second
20 part is the Engineering Division, Parks Department, Sheriff, and emergency
21 management services. The third part is the Planning Department. Transportation
22 is a big part of concurrency, but not the only part. All three of those parts will bring
23 forward recommendations in 2006.

24
25 The general recommendation is to apply it to transportation and parks. The
26 forthcoming Parks Plan will have a recommendation for how to finance parks. One
27 option for funding parks is concurrency. Investigate concurrency. Get a consultant
28 to tell them the revenue they might expect from it and whether it's worth the
29 trouble to go after that revenue. Look at all those policy issues, and make an
30 informed decision.

31
32 The Executive has requested immediate action on this. Staff is geared up.
33 He will bring forward detailed proposals. He will keep talking to consultants across
34 the area and locally to see how they've done it. He will talk to all the stakeholders
35 in the process. Once they have an informed recommendation to the Executive,
36 they will present a recommendation to the County Council in January.

37
38 Brenner asked when they will have something in place. Hart stated the best
39 case scenario is to have something before the Council in August. He has the
40 capacity for this in his office, and the Engineering Division has made their capacity
41 requests known. He's not sure the Finance Division has capacity. This is also a
42 financial program. They need to talk about accounting and impact fees. They need
43 a system that will help fund infrastructure.

44
45 Caskey-Schreiber stated this will make growing areas much healthier in the
46 short-term and long-term. Developers will have some predictability. They won't
47 have to fix something for another area. Everyone will pay their portions. They can

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1 do some big projects. Hart stated it is not a quick fix. It starts to make a
2 difference when looking at the 20-year planning horizon.
3

4 Jon Sitkin, Whatcom County Fire District 13, stated the district passed a
5 concurrency resolution two months ago. It's hired a consultant to do a capital
6 facilities plan. The Council received a letter from the district two months ago
7 outlining the analysis, excluding an anticipated new station and including property
8 tax revenues and the approval of the emergency medical services (EMS) levy.
9 When looking at concurrency, consider the fire districts. They are not a County
10 service, but urban levels of response is an obligation of the district for the non-
11 municipal urban growth areas.
12

13 Brenner asked if the districts and fire department have the ability to create
14 their own impact fees. Sitkin stated they don't. The definition of public facilities
15 speaks to transportation, schools, parks, and fire facilities when not within a fire
16 district. Cities can charge fire impact fees, but a fire district cannot charge fees in
17 urban growth areas.
18

19 McShane stated that's probably an issue regarding EMS. That's why they got
20 to the point to need a significant change to EMS. The ability to provide countywide
21 service began to degrade the situation to the point where they had to request the
22 EMS tax levy. Sitkin stated an implication of the EMS plan is that districts now
23 have to do transport. The districts will talk to the Council about that impact in
24 January.
25

26 Jack Petree, 2955 Sunset, Bellingham, stated the Council ought to put the
27 McLaughlin situation out to someone like Hart Hodges to see if they want to spend
28 the time going into it. He went over Mr. McLaughlin's numbers. In order for his
29 projections to be met, growth would have to slow in Whatcom County over the next
30 seven years by 54 percent to meet McLaughlin's projections. Over half of his ten-
31 year projections have already been done. The only number he offers would be
32 illegal for the Council to adopt because it is well below the minimum set by the
33 Office of Financial Management (OFM).
34

35 Brenner stated she doesn't want to adopt anything different. In the future, it
36 can be used as information for changing population projections in the future.
37 Petree stated someone who wants to bring something forward should bring it
38 forward the same way everyone else does, unless it's something really spectacular.
39

40 Brenner stated Mr. McLaughlin did bring it forward normally. She didn't
41 understand it, so she asked about it.
42

43 Petree stated he wished the Council had been given certain charts regarding
44 the City of Bellingham's urban growth area that excludes about 1,200 acres in the
45 city. The City also has a chart that shows all the zones will have to be almost 40
46 units per acre on every vacant acre if all the proposed growth goes into the urban

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1 growth areas. The downtown will have to have a density of about 70 units per
2 acre, or about 20 units per gross acre. Bellevue has about 5 units per gross acre.
3

4 Regarding concurrency, the County certifies that concurrency is available
5 when it adopts the Comprehensive Plan. The County is not supposed to plan to put
6 units somewhere unless concurrency is available. If concurrency becomes not
7 possible for some reason, they have to plan to put the units elsewhere or fix the
8 concurrency problem.
9

10 McShane asked if there have been any growth management appeals on
11 concurrency. Petree stated there are a number of them.
12

13 McShane stated the County Council is well aware of that issue. Some
14 councilmembers may be frustrated that they have been a little slow taking some of
15 the actions listed in the Comprehensive Plan. He is aware that other counties have
16 been quicker in setting up concurrency. That hasn't worked all that well for them.
17 Petree stated that when anyone cites information to the County Council, it pays to
18 read what is being cited.
19

20 Brenner stated concurrency impact fees don't get counties out of
21 development trouble. Concurrency impact fees only pay for the exact percentage
22 of the problem caused by the developments. They can't fix problems that already
23 exist. Petree stated the Washington Administrative Code (WAC) say concurrency
24 cannot be used to stop growth. Concurrency is supposed to allow the counties to
25 make the things they've planned happen.
26

27 Fleetwood asked why the law says that lack of concurrency requires denial of
28 the permit or mitigation. Petree stated lack of concurrency can happen for a
29 variety of reasons. The choice is to mitigate it or put the growth elsewhere. They
30 have to monitor and adjust in a timely manner. They can't monitor and adjust
31 urban growth boundaries on a one- or two-year basis.
32

33 Caskey-Schreiber stated she never thought of concurrency as a tool to stop
34 or slow growth. It's a tool to make sure they have the infrastructure to support
35 growth. They aren't doing this with the school districts, which leads to big
36 problems. The City of Arlington charges a \$2,700 school impact fee to every new
37 home. If that's the true cost to deliver services, the County needs to make sure it's
38 working with the school districts, developers, and communities. They hear so many
39 outcries against growth because the incremental growth adds up to a lesser quality
40 of life. Concurrency is a tool to make sure they have the appropriate infrastructure
41 to service the growth they allow. Petree stated that is exactly why concurrency is
42 required.
43

44 Dave Pros, 1466 Roy Road, Bellingham, stated the situation of infill numbers
45 becomes murky when they go into it deeply. One expert said there is an excess
46 supply of lots in the city. Most Planning Commissioners want to know the status of
47 the building permit allocation concept, which David Hunter proposed.

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1
2 Fleetwood stated they will close the discussion on concurrency, first.
3

4 Hart stated make sure there is a stakeholder process, especially including the
5 special districts such as fire districts and school districts. In the new world of
6 concurrency management, the districts need a capital facilities plan. They have to
7 show that they need additional assistance.
8

9 Brenner asked if the school districts can enact their own impact fees. Hart
10 stated they can. The County Council should review those capital facilities plan. As
11 the regional government, coordinate the capital infrastructure. The districts would
12 send the information to the County, staff would review the plans, and staff would
13 recommend whether or not the plans are consistent with known potential growth.
14

15 Sitkin stated the schools can have a impact fee, but the County Council must
16 adopt it because it is the implementing entity. Fire District 13's capital facilities
17 plan will go through County Planning Department staff. Once it's approved, the
18 district will propose an interlocal agreement with the County so its plan becomes a
19 part of the County's Comprehensive Plan.
20

21
22 **OTHER BUSINESS**
23

24 Dave Pros, 1466 Roy Road, Bellingham, stated the issue of concurrency
25 brings forward the notion of building permit allocation. If the 20-year projected
26 growth occurs in less time, it changes the way they look at everything. Building
27 permit allocation is a tool that allows more orderly planning. He asked where that
28 is in the Council process.
29

30 McShane stated he hoped to get it in the Planning Committee today, but the
31 committee was full. In terms of process, this is being brought forward by the
32 Planning Commission, which is outside the normal process. He asked if the Council
33 must give an indication that it is interested in having the Planning Commission
34 pursue it.
35

36 Hal Hart, Planning and Development Department Director, stated the
37 administration's position is the same. The administration recommends that staff
38 learn and use concurrency management and other tools in the next year. Give the
39 departments the ability to withstand a surge of development by building additional
40 capacity into the department so the staff can take the extra work for a few years.
41 That's good planning. Things will always go up and down. They don't want to lose
42 the capacity to do a good job with the State Environmental Policy Act (SEPA). They
43 don't want to lose the capacity to do good record-keeping or data management
44 during a surge of development. Build engineering capacity so they can withstand
45 surges and create good infrastructure. Staff will have work through the regional
46 impacts of a permit metering system. The State Department of Community, Trade,
47 and Economic Development said that building permit allocation was possible. Their

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1 recommendation was that the County would have to work with neighboring counties
2 and look at what it does to the housing market. If they go in that direction, they
3 have to look long-range at the economic process.
4

5 Fleetwood asked the process by which the Council can consider building
6 permit allocation and give direction to the Planning Commission to consider it.
7 They will look at that procedure in the next month.
8

9 Brenner stated she wants to hear staff's recommendation about it. She
10 doesn't know anything about it.
11

12 Fleetwood stated that is what he is saying. They're not ready to have that
13 discussion right now.
14

15 Pros stated the Planning Commission, in dealing with the urban growth area
16 (UGA) issue, will know what kind of recommendation to make, knowing they won't
17 fill up those UGA's in a short amount of time. He would appreciate whatever
18 information the Council can provide.
19

20 McShane stated there were a couple of building permit allocation proposals.
21 Give the Planning Commission some guidance. They've recognized this issue as an
22 area of concern. It's the Planning Commission's job to advise the Council. This
23 issue can be addressed in a manner that might be narrow. The Planning
24 Commission has asked to hear an opinion of the Council, and the Council should
25 respond in some manner. Personally, he is not comfortable with permit allocations
26 within the urban growth areas. They can't predict what will happen far into the
27 future. He is concerned about the areas in the Comprehensive Plan that are
28 completely inconsistent with the current zoning in certain parts of the county.
29 Therefore, the population projections in certain areas is very inconsistent with what
30 is actually happening. The allocation issue might give them some time to address
31 that if done carefully. Either narrow the scope or tell the Planning Commission the
32 Council is not interested in building permit allocation. The councilmembers are not
33 ready to give the Planning Commission a response today.
34

35 Brenner stated she doesn't know enough to make an opinion about spending
36 time on this. She's not willing to do permit allocation on already-existing lots of
37 record. She'd have to hear what staff has to say about permit allocation in
38 subdivisions.
39

40 Bob Wiesen, 3314 Douglas Road, stated permit allocation could lead to
41 significant unintended consequences all over. They have an example of what
42 theoretical permit allocation would do. The City of Bellingham does not have the
43 housing they need in this county. That is causing problems in rural areas, which
44 isn't sensible because there are no jobs. Get the City of Bellingham to take on the
45 population it is supposed to take on. The County doesn't have leverage to force the
46 City of Bellingham to do what it should.
47

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1 Brenner stated that is a good argument for permit allocation in the county.
2 If the county only allows a few buildings, people would be forced back to
3 Bellingham or other cities. Wiesen stated they can't be forced into a place they
4 can't afford. Don't forget about the working people in Whatcom County.
5
6

7 **ADJOURN**

8
9 The meeting adjourned at approximately 5:15 p.m.
10
11

12 _____
13 Jill Nixon, Minutes Transcription
14

15
16 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

17
18
19
20
21 _____
22 Dana Brown-Davis, Council Clerk
23

Seth Fleetwood, Committee Chair