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WHATCOM COUNTY COUNCIL
Special County Council

November 14, 2006

Council Chair Laurie Caskey-Schreiber called the meeting to order at 2:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Barbara Brenner
Dan McShane
Sam Crawford
Seth Fleetwood
Carl Weimer
L. Ward Nelson

Absent:

None

1. DISCUSSION REGARDING URBAN GROWTH AREAS (AB2006-309)

Hal Hart, Planning and Development Services Department Director, stated the staff and Planning Commission are working on the Whatcom County urban fringe plan. He indicated locations on the urban fringe map. They will discuss what the urban fringe map and interlocal agreements should look like. He hopes to have this done by April, to be compliant with the Growth Management Act (GMA).

He submitted a handout of target dates for consideration for completion of the Urban Fringe Subarea Plan (*on file*). The transportation consultant will work with Planner John Everett on the transportation element of this urban fringe plan. The transportation issues will be carried over to the interlocal agreement. The list on the target dates is of items that need to be discussed.

Kathy Craver, Planning and Development Services Department, stated they anticipated that the Planning Commission will take a final look at the urban growth area (UGA) zoning recommendations on November 30. The land use policies final vote was last week. They and the land supply analysis will come to the Council soon.

Hart stated staff will bring forward these chapters to the Planning Commission. Once the Planning Commission makes its final votes on the land supply analysis and zoning maps, he will introduce these chapters in the list to the Planning Commission. Decisions on the land supply analysis, the land use policy, and mapping will dictate how they design the rest of these chapters.

Craver stated the earliest time for a work session will be January.

Hart stated they anticipate that the first set of policies would come through the Planning Commission late January or February. They need enough time to coordinate with the City of Bellingham. Staff will work with the Planning Commission and then bring the chapters to the Council. They will coordinate with the City through the County Council.

1 Brenner stated the County wasn't involved in the City's process. She asked
2 why the City is involved in the County process. Hart stated the UGA neighborhood
3 chapter is being written by the City at this time. They will decide how they want
4 the densities in the urban growth area to be brought into the city. They need to be
5 consistent.

6
7 He submitted a handout of the interlocal agreement and amendment #4 to
8 the agreement (*on file*). There have been a lot of amendments to that interlocal
9 agreement. Each time there is an annexation, there is an amendment that talks
10 about revenue sharing and important issues such as funding road projects. He
11 summarized the existing sections in the existing agreement. There will be changes
12 to section two of the agreement to reflect the new urban fringe plan. Section three
13 has gotten more complex due to things like natural resource and habitat protection.
14 Section four will be updated. Section five won't change significantly. Staff needs to
15 work with the City to see if they want to change section six. The goal is not for the
16 County to be an urban services provider. Encourage the City to do annexations
17 appropriately. Make sure things the County has already laid out or permitted will
18 continue. Section seven will be a big issue. Most of Bellingham drains into the bay,
19 but there can be drainage into a county area. A lot of policy will be embedded in
20 this plan. The agreement will be the operating tool the Council and Executive will
21 use. There will be significant changes to watershed planning in section seven. That
22 will come through when they work through the environmental chapter. They will
23 work through policies and develop the interlocal agreement simultaneously. As
24 they move forward, the City will work with the County on the interlocal agreement.
25 A defining issue this time will be natural resource management, which is broadly
26 the role of the County, and how it works with a city that is urbanizing. He will
27 propose adding the salmon recovery plan. The City of Bellingham signed onto it.
28 Make sure appropriate standards will be applied in the urban growth areas.

29
30 Brenner asked where the place will be for retrofitting what's already existing.
31 Hart stated that discussion needs to occur in the environmental or public facilities
32 chapter.

33
34 Nelson asked if it would be in the housing chapter. Hart stated they want to
35 be consistent with the existing Comprehensive Plan and the City's plan. Those
36 kinds of standards will be very important.

37
38 In section seven, item C., long-term maintenance of stormwater facilities is
39 key to their function. Be clear about who is responsible.

40
41 The Growth Management Act (GMA) said that they can define the edge of a
42 city before it runs into another city. Section eight is where they would talk about
43 what that would be. They need to get connected with the group that is already
44 working on parks and open space planning. Make sure that what the City is
45 planning matches the goals and objectives of growth management, salmon
46 recovery, watershed management, stormwater management, and the future
47 projected needs for parks and open space. That section needs to be beefed up.

48
49 There may not be significant changes to section nine. A tier policy for the
50 UGA's might come up. They want to have good geographic information system

1 (GIS) data to decide at what point they will expand. If they use a data-driven
2 approach that they agree on, they could process the next five-year review areas.

3
4 They must continue to work with the City on the transfers of densities and
5 transfers of development rights (TDR). Look at TDR's going into the city itself.

6
7 The interlocal agreement is not something the Planning Commission is
8 involved in. It's a Council issue.

9
10 Nelson asked if the City Council and County Council would sit down and work
11 on the interlocal agreement together. Hart stated it depends on how far apart the
12 City and County are on policy. First they have to get the plan laid out.

13
14 Brenner stated revenue sharing talks about base revenue amounts of
15 .80/.50/.20. The County will have increased costs for criminal justice and health,
16 with the higher density. She asked how they get to that place. Hart stated
17 revenue sharing will mainly focus on those facilities that are built in the UGA. They
18 may be talking about green infrastructure. Outside of that, there's a bunch of other
19 interlocal agreements they have to be aware of. Think about how growth impacts
20 all the other agreements. A fiscal analysis may be needed on the programmatic
21 impact to the County. They can talk about Public Works Department issues and
22 other services. He will ask staff to identify all the other interlocal agreements. To
23 answer some of those questions, he will bring in the Executive and finance team.

24
25 Brenner asked if the buffers on streams in the City are different from buffers
26 in the County. They have to make sure they get the same kind of benefit for
27 salmon recovery. Hart stated a key thing is maintaining water quality. He's
28 concerned about urbanization of streams that go to the Nooksack River. If they are
29 going to grow, they need to mimic natural functions and make sure these streams
30 are functioning to help recover salmon. That will be included.

31
32 Craver stated the City buffer is about 100 feet, depending on the size and
33 class of the stream.

34
35 Brenner stated the buffers are probably different in the City. Hart stated a
36 staff report will outline the current differences between the City and County critical
37 area ordinances. He would like the staff report to identify the locations where
38 they've done mitigation, where there are obligations, and where land has been set
39 aside. Those records need to be clear and transferred to the City. The County
40 must track the critical areas ordinances for all the cities.

41
42 Brenner stated she is concerned about the idea that the City buffer and
43 County buffers are different, but serve the same purpose. Make sure they do the
44 same thing. Craver stated that issue may come before the Council in February or
45 March.

46
47 Craver stated the City has chosen to incorporate a 25 percent safety factor
48 into the land supply analysis. The Planning staff recommends a factor of 18
49 percent. The Planning Commission recommends a zero percent safety factor. A 25
50 percent safety factor means the City will include all five-year review areas, except

1 for Toad Lake, to accommodate the remaining 20-year population forecast. With
2 the zero percent safety factor, there would be no expansion of the urban growth
3 area.

4
5 Caskey-Schreiber asked what can be considered as a safety factor. Craver
6 stated the City looked at historic build out and current regulations. There are
7 factors like real estate that they can't plan for. This is an extra cushion so there
8 isn't a strain on the land supply, which would raise the price of land. It's a cushion
9 for factors they can't plan.

10
11 Brenner asked what the Central Hearings Board decided. Craver stated
12 anything above a 25 percent safety factor would be looked at more closely.

13
14 Brenner asked if critical areas are a safety factor. Craver stated the safety
15 factor is about market conditions. Critical areas are already calculated in the
16 analysis.

17
18 *(Clerk's Note: End of tape one, side A.)*

19
20 Crawford asked if they traditionally underestimated the land supply versus
21 demand. Hart stated they've gone through in-migration swings. Look at the long-
22 term. They may not have had enough land in the short-term. If there is a short-
23 term shortage, they can make sure there is adequate land and housing. Vacant
24 and underused lands is a policy issue. The County doesn't have much impact on
25 that issue, so it is forced to look at land supply the way it does. A policy question is
26 how to make the existing urban growth areas attractive for development and infill.

27
28 Nelson asked how the staff came up with a safety factor of 18 percent.
29 Craver stated staff looked at other jurisdictions throughout the state, and decided
30 18 percent was a compromise.

31
32 Nelson asked if there was analysis about pricing and affordability to
33 determine the safety factor. See which percentages create a greater problem on
34 affordability. Craver stated staff didn't do that level of analysis. City staff built a
35 database and collected information it shared with the County staff. The quality of
36 data is very complex. They don't have a detailed system or staff time to do that
37 sort of analysis. They will propose a land supply monitoring program to do that
38 level of analysis.

39
40 Brenner stated someone on the East Coast is working on figuring out the
41 population that can be adequately contained in a region without drastically
42 impacting natural resources. At some point, natural resources are finite. Work on
43 when that happens. Hart stated many people are working on small portions of the
44 bigger issue. Portions may include green infrastructure and improving how
45 incremental growth affects the entire region.

46
47 Brenner stated there will always be a halo of impacts around a city. Address
48 that halo effect.

1 Crawford stated population projections weren't arbitrary. A 25 percent safety
2 factor isn't conservative. The County Council decided on low population
3 projections. He's still mystified on how they decided on that low number, after a
4 very expensive study was done.

5
6 Caskey-Schreiber stated they picked a medium number for the City, which is
7 occurring.

8
9 Crawford stated the average population growth throughout the County is
10 closer to the high side. There are scientific methods to calculate the numbers.

11
12 He asked if the City's recommendation regarding UGA expansion includes
13 substantial density in the existing city in certain areas to reflect development
14 patterns they have yet to see. It's an ambitious plan. He's not seeing much
15 movement toward densification. He asked if there are some big assumptions in
16 Bellingham's numbers to begin with. Hart stated there are. The waterfront is the
17 most significant moving target for infill. It's a terrific idea and consistent with
18 sustainability. However, it's a lot more expensive, and a lot of density will be
19 required to pay for the redevelopment, especially if residences are included. A key
20 issue with densification is minimum density requirements within the city.

21
22 Craver stated there is a historic 15 percent under-building without minimum
23 density requirements and single family homes are allowed in multi-family zones.
24 That isn't efficient.

25
26 Crawford stated the formula is suspect. If the concept behind the GMA is
27 that they should plan for the future and look at growth realistically. He has
28 concerns that they won't adequately address it when there is a minimal amount of
29 growth, they remove safety factors, and it is based on highly speculative
30 densification of areas. He urges a level of caution and concern.

31
32 Caskey-Schreiber asked if minimum densities would be used with a tiered
33 UGA. She's concerned about tiered UGA's. There isn't a lot of respect for the
34 conversion of long-term to short-term UGA's. She asked if that could be tied to
35 minimum densities. Craver stated she would have to discuss the question with
36 staff.

37
38 Fleetwood asked for an overview of the tiered concept. Hart stated they
39 would collect data. The data would tell them that the City could serve the area, a
40 master plan process is in place, there the minimum baseline condition for certain
41 resource management things will be met in the future, and there is an agreement.
42 There could be a minimum. The Affordable Housing Task Force is rushing to get
43 their recommendations forward. They need to tie in the land supply issue. Get the
44 non-profits to make a significant dent in housing affordability. That needs to be
45 timed with this UGA discussion and the housing element. Ensure that they are
46 going to have a higher development standards than they've seen in the last ten
47 years. They want to have a seat at the table during the design process. Have a
48 stronger voice at the table when they negotiate these things into the future. New
49 development changes how UGA's will be used. It impacts the next request for
50 additional land.

1
2 Caskey-Schreiber stated there is a flaw in the GMA with tying affordability
3 exclusively with land supply. There are other ways to deal with affordable housing
4 besides always supplying more land. Adding more land never brings down housing
5 prices. Hart stated it comes down to how they can encourage the City to capture
6 the biggest part of the market. Fifty-one percent of the new housing should come
7 out of this major market, according to current County policy.

8
9 Caskey-Schreiber stated they may want to consider whether they want to go
10 with a minimum density policy countywide, in the Comprehensive Plan, before they
11 go to expansion of the UGA's. They have to be fair. Hart stated they are getting
12 four units to an acre in the Birch Bay area. When they start allowing for critical
13 areas, they mass densities and get apartment complexes, condos, and single family
14 residences.

15
16 Brenner stated the market could do all kinds of things long-term. The
17 County doesn't have control over it and can't predict it. Base it on resources rather
18 than the market. Hart stated they must balance 14 goals according to the GMA.
19 For housing affordability, they do the best they can in trying to predict the region's
20 housing needs. For resources, they have much better information today than ten
21 years ago. Ask the changed conditions in terms of the data. The natural resource
22 management data is a lot better than it used to be. More people are on their way.
23 Issues must be balanced. He will bring forward the best he can, a balanced
24 approach that is defensible.

25
26 Nelson stated affordability has never been clearly defined. Regulatory
27 practices, types of housing mixes, and other factors besides land supply create
28 affordability. Land supply isn't the final answer. It's about how the land is used.
29 To be successful, they must have good land use mixes. Affordability may require
30 smaller footprints in an environment that is enticing to people. Affordability isn't
31 about how the land is zoned, but how it's developed. Have some policy direction on
32 the vision. He asked what the City envisions. They designate land as urban
33 residential, mixed use (UR-MX), but nothing goes up but apartments. Hart stated a
34 lot of learning is happening. As the staff brings forward the chapters, a lot more
35 policy discussions will occur. There are recommendations for the interlocal
36 agreement. There is good information now.

37
38 Regarding the design issue, urban villages need to be a place where people
39 live, work, and play. Find ways to reduce trips. The County should be at the table
40 for that design. Look at how different urban villages will relate to each other across
41 the region. The County is going to start having chapters for the City to react to.
42 That's when the dialog needs to happen.

43
44 Crawford stated the only stipulation the County should make when the City
45 asks for a UGA area is an annexation timetable. The County only controls the
46 unincorporated areas of the county. The City has stopped agreeing to extend water
47 and sewer until annexation.

48
49 Brenner stated the County hasn't represented the people in the urban growth
50 areas well. They have damaged people's lives, displaced people, and made them

1 wait. She doesn't agree that the County's only purpose for UGA's is to find out the
2 time for annexation.

3
4 There are ways to develop small houses and neighborhoods that are
5 pleasing. She asked why they don't see that in Whatcom County. They should
6 take a tour of a development she visited in Sedro-Woolley.

7
8 Caskey-Schreiber stated she is not inclined to rubber stamp anyone's request
9 to expand their UGA's, just because they ask. The precedent with Bellingham will
10 affect all the cities. They must carefully figure out if this is the right move. The
11 County must keep these UGA's from bumping into each other.

12
13 Crawford stated they already have tiers, in the form of the cities, the urban
14 growth areas, and the county. He's not crazy about tiers. He wouldn't mind taking
15 on the GMA, and saying there's no such thing as a UGA. People are either in the
16 city or out of the city. Every five years the County would sit down with the City and
17 review it.

18
19 Hart stated a County concern in this process is how to get the City of
20 Bellingham to take in those areas that aren't very enticing. See if they can get the
21 City to take on more of the responsibilities in the urban growth areas. A question
22 for the area around the airport is what they envision. The community doesn't want
23 a lot more density. The County must serve that area. That area diverts a lot of
24 resources to serve that area from the rest of the county.

25
26 Nelson stated identify resource needs during the interlocal agreement
27 process, particularly for the Geneva area. Talk about future transportation needs in
28 the airport area. People can be bankrupted from being annexed, due to the local
29 improvement districts created for infrastructure. A question is how to balance that
30 difficulty.

31
32 *(Clerk's Note: End of tape one, side B)*

33
34 Nelson stated people are scared to be annexed. Find a way to get people to
35 *(inaudible)* and work from there. A part of the transfer of development rights could
36 transfer the value of what they currently have when they come into the UGA. The
37 design will be important to get that value.

38
39 Brenner stated she doesn't want to see what happened to Bakerview. People
40 were forced into local improvement districts (LID's) and forced to pay monies that
41 they didn't have for local roads. Protect people in urban growth areas. If they are
42 put into LID's, it shouldn't have to be collected until they can get out, rather than
43 being forced out.

44
45 Craver stated land use policies will come to the Council soon. A suggestion
46 was a timetable for annexation, taking all these factors into consideration.

47
48 Hart stated the final environmental impact statement has been out for a year
49 or two. The Council should read it. The question is whether they need to amend it
50 if they come up with a scenario that isn't covered in the final environmental impact

1 statement (FEIS). The City and County worked together on it. Also read the
2 current interlocal agreement.

3
4 McShane asked who approved the FEIS. Craver stated it is a City document,
5 done through the SEPA process.

6
7 McShane stated that if they approve a UGA expansion, the Council must buy-
8 off on the FEIS. If it's two years old, there may need to be an update. He has a
9 concern about the watershed issues, including Lake Padden, Squalicum Creek,
10 Silver Creek, and other watersheds into which the UGA may expand. He asked if
11 they have to take a look at it, and what they do if they decide they don't like it.
12 Hart stated the City is not inclined to reopen the review. The problem is that the
13 process could be endless. At some point, they have to move forward with the
14 information they have. A number of tools will be in place to capture those
15 concerns. If the anyone comes up with additional information that is inconsistent
16 with policy, that is the time to bring it up and discuss it with the City. Staff will
17 bring up concerns if they need to. They need new information to bring up a new
18 review.

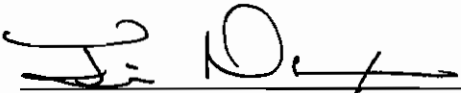
19
20 Hart stated that the councilmembers must read: the FEIS, interlocal
21 agreement, Urban Fringe Plan, and County chapters, land supply analysis staff
22 report, and land use policies staff report.

23
24
25 **OTHER BUSINESS**

26 There was no other business.

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30 **ADJOURN**

31 The meeting adjourned at 3:53 p.m.

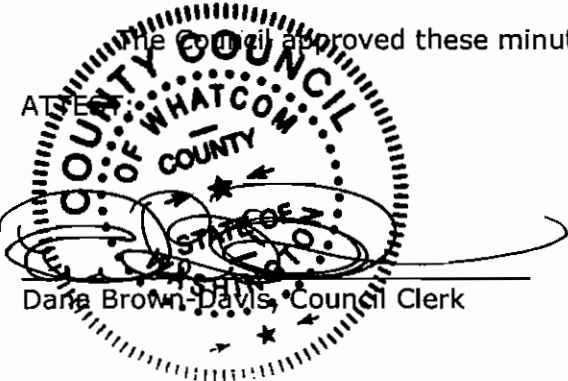
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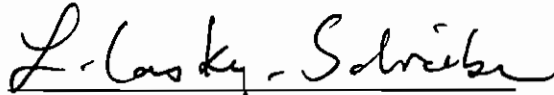
37
38 The Council approved these minutes on February 13, 2007.

39
40 ATTEST:

41 WHATCOM COUNTY COUNCIL
42 WHATCOM COUNTY, WASHINGTON



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44
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46 Dana Brown-Davis, Council Clerk

47
48 
49 Laurie Caskey-Schreiber, Council Chair