

1 WHATCOM COUNTY COUNCIL
2 **Planning and Development Committee**
3

4 April 11, 2006
5

6 Committee Chair Seth Fleetwood called the meeting to order at 3:06 p.m. in the
7 Council Chambers, 311 Grand Avenue, Bellingham, Washington.
8

9 Present:

10 Barbara Brenner

Absent:

Dan McShane

11
12 Also Present:

13 None
14
15

16 **OTHER BUSINESS**
17

18 Mary Heinrich, Ag Prospects, 717-16th Street, Bellingham, stated the
19 councilmembers are invited to attend a regional agricultural summit on Friday, April 28,
20 2006 at the Best Western Cottontree Inn in Mt. Vernon. She would also like to do telephone
21 interviews with the councilmembers to get consensus on issues.
22

23 Brenner stated she hopes this is something really productive. She's been to past
24 regional functions that didn't result in anything. She would like to hear specifics. Heinrich
25 stated she is interviewing everyone. The meeting will be just for elected officials and key
26 staff. It's not open to the public. The meeting is to see what they can do for the next step.
27

28 Brenner stated that if a majority of councilmembers attend, it will have to be open to
29 the public.
30

31 Fleetwood asked Ms. Heinrich's background. Heinrich stated she is self-employed.
32 She has a contract with Snohomish County to facilitate this effort. She also has a contract
33 with Skagit County to do a feasibility study for transfers of development rights. She is a
34 consultant and mediator. She was the keynote speaker at the statewide agricultural
35 conference two years ago. Previously, she lived in Virginia, New York, and Colorado. She
36 has been working for 20 years on agricultural issues. In the last seven years, she got
37 legislation through on major funding packages for purchases of development rights and
38 other agricultural programs. Depending on the county, transfers of development rights may
39 or may not be a good tool. She is doing a feasibility study for Skagit County on whether it
40 will help or hurt their market. She's found that some of the most successful programs
41 ended up in 25-acre hobby farms, not commercial agriculture.
42

43 Brenner stated she is in favor of small acreage farming. Heinrich stated the success
44 depends on the community. Skagit County is looking specifically at commercial-scale
45 agriculture. This is not all about commercial agriculture. It may work in some areas that
46 have a higher rate of growth. It depends on the market.
47

48 Kraig Olason, Senior Planner, asked if the meeting is closed to the public, or just that
49 the public is not open to comment.
50

51 Heinrich stated the meeting is by invitation only.
52

1 Fleetwood stated they will consult with the Clerk of the Council to make sure the
2 councilmembers can attend.

3
4 Olason stated this is a broad discussion about agriculture regionally.
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6

7 **COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL**
8

9 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO**
10 **AMENDMENT #6 TO THE INTERLOCAL AGREEMENT BETWEEN WHATCOM**
11 **COUNTY AND THE CITY OF LYNDEN, ALLOWING THE ANNEXATION OF**
12 **APPROXIMATELY 104 ACRES ON WEST MAIN STREET AND BERTHUSEN**
13 **ROAD WITHIN THE CITY OF LYNDEN'S URBAN GROWTH AREA (AB2006-178)**
14

15 Elizabeth Olsen, Planner II, stated this is straightforward annexation. She presented
16 a map.
17

18 Brenner asked if it's their right to annex if in the short-term planning area, and if this
19 is more of a courtesy. Olsen stated this is more of a courtesy. The only question she has is
20 due to the fact that the City of Lynden has land designated as open space agriculture within
21 the city limits that is also zoned light industrial. The people who own the land are not
22 willing to give it up. In this case, it makes a very useful addition to the city of Lynden.
23 Some of the land will be used as a recreational trail because it goes to the Bertheson Park.
24 The amendment is just to update the interlocal agreement.
25

26 Kraig Olason, Senior Planner, stated one question on these types of items is
27 timeliness. Even if in a short-term planning area, the County will consider whether the
28 annexation is timely. Regarding interlocal agreements, although it's not the case with this
29 case, this is the time to have a conversation with the City. If the City and County can't
30 come to an agreement, the County could have a hearing. In this case, with light impact
31 industrial, it's hard to say the annexation is premature. In the future, they will look at more
32 upfront notice. This case is a done deal.
33

34 Brenner asked if the County doesn't have the right to stop the City from annexing
35 anything in the short-term urban growth area (UGA). Olason stated it's still County
36 property. Until annexed, it's still the County's right to enforce conditions and ask for a
37 hearing if something in the interlocal agreement isn't being followed. If a city is using up all
38 its short-term planning area, the County has rights.
39

40 Brenner stated she's not sure the County has that discretion, unless there is
41 something in the interlocal agreement that a city isn't following. Olason stated the County
42 is always a party to the discussion of timeliness. Comprehensive Plan policies say that up to
43 90 percent of the UGA boundaries should be in short-term planning areas. If a city is doing
44 lower density than established in the Comprehensive Plan, the County can ask whether the
45 city is performing to expectations when the density was divided up.
46

47 Brenner stated the interlocal agreement says a city must be in compliance with the
48 Comprehensive Plan. Olason stated they are tied together. There is an issue if the
49 agreement isn't followed.
50

51 Brenner stated a city may decide when to develop the property. The County has a
52 say in how property is developed, but not when.
53

1 Fleetwood stated the question is if the City of Lynden has an unequivocal right to
2 proceed with annexation if in a short-term planning area. Olason stated the City has a right
3 to proceed. However, it doesn't preclude the County from requesting a hearing on an
4 unresolved issue.

5
6 Fleetwood asked if what is gleaned from the hearing may or may not result in them
7 not being able to go forward. Olason stated it also may result in conditions.

8
9 Brenner stated the County has some discretion if a city doesn't adhere to the
10 interlocal agreement. If a city is doing its densities, nothing in the interlocal agreement
11 restricts the rate of development. The County should be extremely careful and only say
12 something when a city doesn't adhere to the interlocal agreement.

13
14 Olason stated staff has been trying to have more upfront conversations with the
15 cities before they bring annexations forward. Also, if the time period isn't met, they can
16 invoke a hearing and revoke the request if the issue is resolved ahead of the hearing date.
17 The County is not contesting this annexation.

18
19 Fleetwood stated the Council doesn't see these cases very much. He asked the role
20 of the Boundary Review Board. Olsen stated the owners looked for industrial land for their
21 project. There wasn't any land available. Therefore, the owners got some land in the
22 short-term planning area. The owners then approached the City of Lynden Planning
23 Department. The City Planning Commission held a hearing and made a recommendation to
24 the Lynden City Council. The case then went to the Boundary Review Board, which
25 distributes the issue to the County and various other agencies. In that time, there is a 45-
26 day review. The County received notice late, but there isn't anything of concern. If
27 everything is fine, an amendment to the interlocal agreement is put forward to the County
28 Council.

29
30 Olason stated the Boundary Review Board reviews for logical boundaries and other
31 issues. Recently, there were questions about whether the Board must evaluate whether an
32 annexation is compliant with the Growth Management Act (GMA). Now, they consider the
33 GMA. As cities start to do more annexations, the County will have to interact with the cities
34 about how the areas are developed. The County may be in front of the Board at some point
35 to discuss some of the policy issues if it can't resolve the issues with a cities ahead of time.

36
37 ***Brenner moved*** to recommend approval to the full Council.

38
39 ***Motion carried unanimously.***

40
41
42 **OTHER BUSINESS**

43
44 Hal Hart, Planning and Development Services Director, stated he dropped off a
45 portion of the annual report to the Council on growth last week. It included a map of all
46 new housing projects in the county. It also included the old subarea categories. He hopes
47 to break down the information into the urban growth areas next. He is trying to provide
48 that information in anticipation of the urban growth area discussion.

49
50 Also, the Council has not scheduled a work session of the agricultural issues.

1 Kraig Olason, Senior Planner, stated the Council decided not to schedule a follow up
2 discussion since Councilmember McShane is gone. He believed they would talk about it
3 next week.

4
5 Hart stated they talked about scheduling a special meeting on an off-Tuesday. Staff
6 is trying to coordinate with the Council.

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8 Olason stated they talked about bringing in other folks. Councilmember Crawford
9 talked about getting a facilitator. They were going to talk about the structure of the work
10 session at the next meeting.

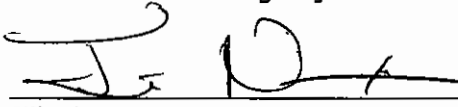
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12 Hart stated that if the staff needs additional money for the work session, the
13 Executive's Office will need to be brought in. The issue of agricultural protection ties into
14 many other programs. As they move forward, make sure the focus is on agriculture, but
15 understand the other programs and issues.

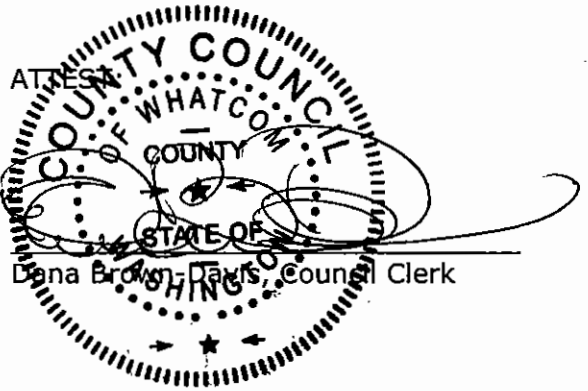
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17 Brenner stated the Council received a letter from the City of Blaine. She asked how
18 long the Council has to wait until docketing. Hart stated the process is that the Council
19 would say there is an additional item to docket. He has to talk to legal counsel about
20 docketing something outside the docket process. The issue will become important in terms
21 of coordinating with the City and staff. It makes a lot of sense to do it this year.

22
23 Fleetwood asked if a councilmember will initiate the docket item through a
24 resolution. Hart stated one would. He wants to talk to legal counsel first, then the Council
25 can approve a resolution tonight or in two weeks.

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27
28 **ADJOURN**

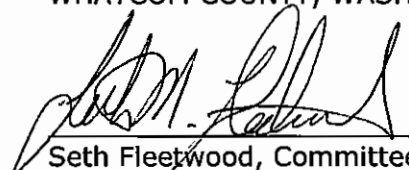
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30 The meeting adjourned at 3:39 p.m.

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33 _____
34 Jill Nixon, Minutes Transcription



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43 Dana Brown-Davis, Council Clerk

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WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Seth Fleetwood, Committee Chair