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WHATCOM COUNTY COUNCIL  
**Planning and Development Committee**

February 27, 2007

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

Present:

Laurie Caskey-Schreiber

Dan McShane

Absent:

None

Also Present:

Sam Crawford

Barbara Brenner

Carl Weimer

**COMMITTEE DISCUSSION**

**1. DISCUSSION REGARDING CONCURRENCY MANAGEMENT/SCHOOL IMPACT FEES (AB2007-119)**

Hal Hart, Planning and Development Services Director, stated a question is whether this ordinance goes through the normal process, through the Planning Commission, or is developed as an interim ordinance, with a final ordinance coming forward later. Recent questions have been raised about the legality of a interim impact fee ordinance. If this goes through the normal process, they would only have to deal with it once. They would fully vet the issues at the Planning Commission. It could come back to the Council in May. There is pent up demand for getting a lot of these small, significant steps in the right direction.

Coordination of the capital facilities element is a piece of the school facility impact fees. This year, the staff would work with each school district to adopt their capital facility plans into the County capital facility plan. That wouldn't take effect until December when they do concurrent review. At that point, the impact fee ordinance would kick in.

***Caskey-Schreiber moved*** to request that the Planning staff submit the school impact fee to the Planning Commission. She hopes it doesn't sit there for a year or so. She will look for it in May or June, at the latest. She asked if it would take effect January 1, 2008. Hart stated it would. Hart stated staff will provide updates through the process.

***Motion carried unanimously.***

**2. DISCUSSION REGARDING BELLINGHAM'S URBAN FRINGE SUBAREA PLAN (AB2006-309)**

Troy Holbrook, consultant, stated they are going to work on the zoning recommendations for the existing urban growth areas (UGA)'s. They need direction first on

1 the land supply methodology and zoning designations so they can proceed with their work.  
2 Once he gets that direction, he will bring forward a resolution that starts to build the record  
3 on the land supply methodology and zoning.  
4

5 Weimer asked about the different recommendations from the County Planning  
6 Commission, the City's Planning Commission, and the County staff. It seems like the  
7 County Planning Commission tended to go for less density in most of these areas. Holbrook  
8 stated the County Planning Commission responded quite a bit to public input. They applied  
9 the basic planning policies and tools when looking at neighborhood character, infrastructure,  
10 and other issues. After all that consideration, it came up with its recommendation. A  
11 driving factor was having more density in the city core, with less density farther out from  
12 the city core.  
13

14 Fleetwood asked for clarification on the definitions of safety factor, land availability  
15 factor, and market factor. Holbrook stated the market factor term is used in the Growth  
16 Management Act (GMA). However, the GMA has no definition for it. Therefore, they looked  
17 at the safety factor and land availability factor as it is used in the City of Bellingham, and  
18 tried to define it that way. The safety factor definition is separate and distinct from the land  
19 availability factor definition, as used in this land supply methodology.  
20

21 The City and County staff worked together on the initial recommendations. They had  
22 community meetings before making recommendations to the planning commissions. There  
23 was one joint planning commission hearing that accepted substantial public input. All these  
24 recommendations rely on certain assumptions. First, this is only within the existing UGA  
25 where there are urban services, and where the areas have been in the UGA since at least  
26 1997. These areas tend to be annexed and served by the City of Bellingham since 1997.  
27 They need to defer to some of the City of Bellingham's recommendations because this is the  
28 zoning that they will recommend during annexation. Second, the County Comprehensive  
29 Plan has a land use policy that calls for minimum densities for all cities. The minimum  
30 density for the City of Bellingham is six dwelling units per acre.  
31

32 Fleetwood asked if that minimum density is a change from what is current. Holbrook  
33 stated it is a little different in most areas. Some areas have no proposed changes.  
34

35 The City and County partnered to do a wetland survey that was as extensive as  
36 possible. They have good information on wetlands and those types of critical areas. Much  
37 of the existing UGA is serviced with utilities and other infrastructure. There is a map of  
38 proposed trails and open space, mostly to the north.  
39

40 He gave a staff report on Map 1, the shoreline industrial planning area and Map 2,  
41 the Bennett-Marine Drive residential planning area.  
42

43 McShane stated create a new zone in the airport safety approach zone, with the  
44 expectation that there will be no more subdivisions, very minimal building, and possible  
45 removal of houses in the future. Holbrook stated neither staff nor the Planning Commission  
46 talked about that, but they could consider it. One consideration would be whether they are  
47 making the existing dwelling units nonconforming, so they could not expand or rebuild.  
48

49 McShane stated it's not right to have houses there. He asked why they zoned the  
50 area urban residential, three units per acre (UR-3). It looks like some lots are large enough  
51 to be subdivided in an area where they don't want houses. Holbrook stated some parcels in  
52 that area are large enough to subdivide. He'd have to see if they're owned by the airport.  
53

1 Crawford stated he is familiar with that area. A new sewer line is going in along  
2 Marine Drive. There is potential for subdividing some of these lots, once sewer becomes  
3 available. To change it at that point would be a downzone.  
4

5 McShane stated it is already being proposed for a downzone. The existing zone is  
6 urban residential, mixed use (UR-MX). Holbrook stated they considered light industrial (LI)  
7 zoning in that area, but there was quite a bit of opposition from the community.  
8

9 Brenner asked if anyone ever expressed concerns about noise from the airport. That  
10 was the whole purpose of the buyout and keeping the density low. Holbrook stated noise  
11 considerations were brought up, but they can't zone against it. They can require sound  
12 attenuation standards in the development codes for any new development.  
13

14 McShane asked if there is something they should have in this area that would be  
15 unique to this location to avoid that conflict from getting worse. If they have these overlays  
16 and new zoning area, the City and County could work together to come up with something.  
17

18 Brenner stated they could developing something like the Right to Farm ordinance,  
19 which would be a Right to Fly ordinance. If people are going to buy in that area, they will  
20 have to buy knowing that planes fly overhead. She asked if that would be legal. Holbrook  
21 stated some jurisdictions require a disclosure statement. Other jurisdictions have an  
22 overlay area that require different construction techniques for sound attenuation. They  
23 could create a policy to that effect in the land use policies.  
24

25 Caskey-Schreiber stated she would rather have the zone reflect the character of the  
26 area. If the neighborhood is characterized by loud noise, the zone should be light impact  
27 industrial (LII) or something similar. If they do that, then the citizens who live there won't  
28 be penalized. Their property may be worth more with a LII zone. Since the airport is  
29 federally targeted for growth, they are going to see more conflict between the residents and  
30 the airport. Some citizens have probably lived there for years, when the airport was small.  
31 But now it's changing. It's fair to make sure they don't lose everything.  
32

33 Fleetwood asked if there has been any reaction from citizens about the light  
34 industrial zone.  
35

36 Brenner stated the citizens don't want it.  
37

38 Fleetwood stated they are proposing something that the residents don't want.  
39

40 Caskey-Schreiber stated the residents may not want it, but it will still enhance their  
41 property value. That may make it more palatable.  
42

43 Brenner stated she would like to hear from the residents about that possibility.  
44

45 Hal Hart, Planning and Development Services Director, stated aviation policy for  
46 Washington State is to protect the aviation use out there. Too many airports are no longer  
47 viable in other counties. When staff worked with the neighborhoods, they didn't talk about  
48 changing the zones too much. He likes the idea of creating sound attenuation for any  
49 additional growth. That alone would warn people to expect this background noise.  
50

51 Holbrook stated the land use policies can include information about the land  
52 surrounding airports, in terms of noise, heights, densities, and other issues. It will set the  
53 stage for working on the code.

1  
2 **McShane moved** to create and adopt a new zone that would be an urban  
3 residential, three units per acre (UR-3) airport zone in map areas three and four, in the  
4 airport safety approach zone. Figure out the implementing regulations and other details at  
5 some future date, if accepted by the City and County planning commissions. Apply the new  
6 zone to the airport safety approach zone, where it impacts the UR-3 zones. Holbrook stated  
7 the approach zone is where there is a higher rate of accidents. They want lower density  
8 types of uses. If they are thinking about noise, they need to look at the noise contours.  
9 Those could be different. Staff can research that difference.

10  
11 McShane stated that is more reason to not allow any more houses into the area. The  
12 airport zone should be a density reduction.

13  
14 Fleetwood asked if the object is to reduce the density, so some people wouldn't have  
15 the ability to build. He asked why that is better than having a policy that ensures that  
16 people who intend to build in an area like this are warned. He asked the compelling reason  
17 to not allow people to go into an area like this if they want to, as long as they know what  
18 they're getting into.

19  
20 McShane stated this issue was not as vetted and well-considered as it should have  
21 been. The approach zones are identified areas with a risk of accidents. The Port of  
22 Bellingham has an interest in increasing the amount of air traffic. Therefore, those  
23 properties are at greater risk. Federal money is available for purchasing some lots, but  
24 some people don't want to be bought out. The question is whether they increase the impact  
25 to the airport by allowing development to continue, even at a lesser amount. They need to  
26 work that out. Consider creating a residential airport zone. Look at this differently from a  
27 typical density infill role.

28  
29 Crawford stated he disagrees. There are very desirable residential properties on a  
30 bluff that overlook Puget Sound. He's not as sympathetic to folks as other councilmembers  
31 about airplanes going overhead. It's an existing use. The airport has been there for 80  
32 years. Even though the planes make more noise today, it's part of living there. Move on.  
33 He doesn't know what interest the County has in getting involved in making sure there is  
34 some disclosure to people that jets fly overhead. Some people will be interested in living  
35 there. If they want to complain to the County Council about the noise, he believes in caveat  
36 emptor. If people choose to live near an airport, they will hear airplanes.

37  
38 Weimer asked if there are clear statistics that show people who live along there are  
39 in danger, or if it's just an issue of the noise. In Dewey Valley, they are proposing a density  
40 of several hundred houses on top of pipelines. Statistically, they are in more danger than  
41 these homes by the airport.

42  
43 Caskey-Schreiber stated give this back to staff to come up with a recommendation.  
44 She's leery of leaving the zone UR-3, but she's not comfortable with creating a new zone  
45 until she knows the implications.

46  
47 Brenner stated there are people who love the sounds of planes overhead. They love  
48 living right by airports. Also, there is a beautiful view in that location. Put a statement on  
49 the deed to notify people. Don't prevent people from being there because of the noise.

50  
51 Crawford stated he lived next to a freeway for ten years. The County doesn't have  
52 any interest in ensuring disclosure. He asked if property owners have been specifically  
53 notified that there is a proposed downzone of their property from UR-MX to UR-3. Holbrook

1 stated they notified property owners and had community, neighborhood meetings. Since  
2 then, there has been public notice.

3  
4 Crawford asked if the people in area 3 of Map 2 have been notified that their density  
5 potential is about to be reduced by 66 percent. Holbrook stated they've contacted all these  
6 folks through the public hearing process. They also notified the airport and asked for a  
7 review. The airport concurs with the lower density.

8  
9 Fleetwood asked the impact to staff if the motion were approved. Hart stated staff  
10 would review the State's aviation policy to see how it applies, see how other jurisdictions  
11 deal with noise attenuation and statistical issues. There are statistical analyses about the  
12 dangers near airports, and the likelihood of crashes.

13  
14 Fleetwood asked Councilmember McShane to withdraw his motion until they get this  
15 information from the Planning Staff. If he does, he may consider the motion at a later time.  
16 Now, he's not inclined to support it until he hears from staff.

17  
18 **McShane withdrew the motion** and stated they will have to discuss this again.

19  
20 Holbrook gave a staff report on Map 3, the Airport/Gateway/Curtis Road planning  
21 area.

22  
23 *(Clerk's Note: End of tape one, side A)*

24  
25 Holbrook gave a staff report on Map 4, the Interstate/Northwest Road planning area;  
26 Map 5, the Northwest/Aldrich residential planning area, and; Map 6, the North Meridian  
27 industrial planning area.

28  
29 Crawford stated that areas one through three on Map 5 are very wet. He asked how  
30 the deductions for wetlands and critical areas were calculated, and how realistic is the 120  
31 acre available for development. Holbrook stated that before going through the land supply  
32 analysis, they identified any existing wetlands in the existing UGA. They got good  
33 information for this area. They deducted the areas and associated buffers before calculating  
34 the acreage.

35  
36 Holbrook gave a staff report on Map 7, the King Mountain residential planning area.

37  
38 McShane asked if area two zone is typically being developed as single family housing  
39 or a mix of apartments and single family housing. Holbrook stated it is mostly single family  
40 housing.

41  
42 Crawford stated the UR-MX zone allows single-family residential, multi-family  
43 residential, and light commercial uses. In reality, what people want is single-family  
44 housing. That's what these developers are building for the market demand. UR-MX is  
45 generally being developed as single-family homes.

46  
47 McShane stated he is concerned about big areas of continuous multi-family  
48 development.

49  
50 Hart stated one new development in the area will include three duplexes and either a  
51 16-unit development or a group of cottages, in addition to the single-family residences.

1 Holbrook gave a staff report on May 8, the East Bakerview/James/Telegraph  
2 planning areas.

3  
4 McShane stated the maps before the Committee are the City of Bellingham final UGA  
5 zoning recommendations. He asked if they are to work on the maps proposed by the  
6 County Planning Commission.

7  
8 Caskey-Schreiber stated the County Planning Commission maps are in the Council  
9 packet.

10  
11 **McShane** stated the Committee must work from the maps recommended by the  
12 County Planning Commission. He **moved** to amend the zone in area one of Map 7 from  
13 URM6-10 to UR-18, which was the proposal from the City.

14  
15 Caskey-Schreiber asked if they need to discuss the safety factor before amending  
16 the maps.

17  
18 McShane stated start with going around the existing UGA. The safety factor is a  
19 different argument, based on what is in the UGA and on what is going on within the city  
20 limits.

21  
22 Caskey-Schreiber stated that they would review and discuss the existing UGA  
23 densities first, then consider the safety factor, and then discuss a UGA expansion if needed.

24  
25 Crawford stated it would be nice for staff to calculate densities using different safety  
26 factors, once the Council goes through the zoning maps.

27  
28 Caskey-Schreiber stated she is in favor of the motion. The area already has a higher  
29 density.

30  
31 **Motion carried unanimously.**

32  
33 **McShane moved** to amend the zone in area 2A of Map 7 from UR-4 to UR-6, per  
34 the recommendation of the staff and City.

35  
36 Caskey-Schreiber asked the existing zoning around King Avenue and Gooding  
37 Avenue. Holbrook stated the existing zone is URMX6-10. The existing development was  
38 done quite some time ago, before that zoning designation. Those lots are larger with septic  
39 systems. There is water service to that area, but not sewer service. Sewer service would  
40 have to be installed before going to a higher density. The density of six dwelling units per  
41 acre is consistent with land use policies.

42  
43 Crawford stated those lots were platted in the 1960's, before zoning existed.

44  
45 **Motion carried unanimously.**

46  
47 McShane asked why the City recommended the URM24 zone in area 2A on Map 8.  
48 He is concerned about that much density at that intersection. Hart stated the original intent  
49 was to create walking communities with a neighborhood, four-corner, crossroad  
50 development on that corner. It hasn't played out that way. The residents of the  
51 surrounding subdivisions would walk down to the commercial development at that  
52 intersection to get their latte's and dry cleaning, for example.

1 Holbrook stated commercial is allowed in the UR-MX zone. The original reason for  
2 UR-MX was to create those urban villages. The zoning code includes location criteria and  
3 design criteria for these commercial nodes. The Planning Commission said this area was not  
4 appropriate for a lot of high density along Bakerview Road. Also, there is a view corridor to  
5 the mountains to the east.  
6

7 McShane asked if they know whether or not there will be commercial development in  
8 that area.  
9

10 Caskey-Schreiber stated it's too early to tell.  
11

12 Crawford stated he agrees that it's too early to tell. There is a large creek that  
13 transects the area. He asked the location of the creek. There are big physical restraints on  
14 a lot of this area. The map doesn't include the water reservoir on James Street Road. That  
15 corner may be desirable for commercial. The UR-MX zone allows for small neighborhood  
16 grocery stores and coffee shops. They don't need a 24 unit density buffer when they have  
17 UR-MX to the northeast. Apartments to Bakerview Road is not a good density. He asked  
18 why the City of Bellingham was thinking that.  
19

20 Pat Carmen, City of Bellingham, stated there are two major transportation corridors.  
21 One extends between an industrial area and a regional commercial area. These roads  
22 connect these two dynamic areas. That was one reason why the City Planning Commission  
23 and the City Council felt that both sides of Bakerview Road should have the same zoning.  
24 One side would not be development of a more rural roadway, and the other side would not  
25 be responsible for a more urban roadway. It naturally has to be an urban road in that area.  
26 They wanted consistency on both sides of the road.  
27

28 James Street connects Bellingham with the areas to the north. The City envisions  
29 James Street eventually connecting with Horton Road. They are looking at transportation  
30 corridors that get people through the areas.  
31

32 Fleetwood asked why it's important to have consistency on both sides of the road.  
33 Carmen stated they want an urban environment on both sides of the road, so there isn't  
34 just single family houses on one side of the road and a mixed use on the other side of the  
35 road. The UR-MX10-24, which is the City's recommendation, allows a range of density from  
36 10 units to 24 units per acre. Also, this area is very wet. There are many creeks. They  
37 considered how to incorporate these environmental amenities in the multi-family  
38 development.  
39

40 Fleetwood asked about maintaining the view corridor with the Planning Commission's  
41 recommendation, and whether that view corridor could be maintained with the URM24 zone.  
42 Carmen stated it could be maintained, especially if some of these areas have a commercial  
43 use, with the residential development to the north. A number of people who live in the King  
44 Mountain area to the north didn't want to look down on multi-family units. That was one of  
45 the issues raised to the planning commissions. The City Planning Commission considered  
46 that issue.  
47

48 Crawford stated Bakerview Road will ultimately expand to five lanes. That road  
49 should be able to accommodate driveway accesses for multi-family apartments. Carmen  
50 stated that is correct.  
51

52 Crawford asked if the URM24 zone is for multi-family housing the UR-MX zone has  
53 some flexibility to allow some small commercial operations. He likes vision of creating small

1 commercial uses on the corner. He asked if that is the City's vision. Carmen stated that  
2 was a part of the vision. She asked if the UR-MX10-24 is not yet an adopted zone.

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

5  
6 Crawford continued to state that the UR-MX is a zone. The ten to 24 density might  
7 be a density that is not yet in the density table. They have defined the UR-MX zone, which  
8 allows some small uses. Carmen stated it does. This area is currently going through the  
9 annexation process. They're looking at opportunities for commercial uses and where people  
10 can walk to these places.

11  
12 Caskey-Schreiber stated she's comfortable with the UR-MX density of six to ten  
13 units. This is a busy intersection. It will get worse if James Street goes to Horton Road and  
14 Bakerview Road goes to five lanes. She questions whether high density on that intersection  
15 is smart. She would rather there be a small commercial center to where people uphill can  
16 walk. She will support a zone of six to ten units on that side.

17  
18 McShane stated the committee will leave alone the Planning Commission  
19 recommendation, for the time being.

20  
21 Holbrook stated there were several minor changes to map 9, the Dewey Valley  
22 planning area. He gave a staff report on Map 9.

23  
24 Weimer stated four high transmission pipelines run through this area. The general  
25 rule is to deduct 100 feet total, 50 feet on each side of the pipeline, from this land area. He  
26 asked if they've subtracted that amount of land, so they know how many houses really fit in  
27 the area, rather than calculating the raw amount of land. There is no legality for deducting  
28 that land, but it's a matter of safety.

29  
30 Caskey-Schreiber asked if there is information on the deeds that say a property is  
31 near a pipeline.

32  
33 Weimer stated there may be easements. Olympic Pipeline screwed up all its  
34 easements in that area. They have zero setbacks on their easements.

35  
36 Caskey-Schreiber asked if this is a pipeline corridor.

37  
38 Weimer stated it's not a designated corridor. There is a pipeline right-of-way.

39  
40 McShane stated that is one of the reasons that the area one zone on the map was  
41 changed to light impact industrial (LII). It used to be zoned residential. The County Council  
42 changed it five or six years ago.

43  
44 Weimer stated they may have to work with the developers to keep developments  
45 away from the pipeline. They may need to develop more densely in the areas that are  
46 farther from the pipeline. Leave the right-of-way open, and create a green space along the  
47 right-of-way. He asked if the pipelines were considered in this analysis.

48  
49 Caskey-Schreiber asked if the area can be conditioned. Holbrook stated  
50 infrastructure needs were deducted, but there wasn't an additional allowance for pipeline  
51 setbacks. There may already be requirements for pipeline setbacks.

1 Weimer stated there should be at least some kind of notification when property  
2 changes hands. Holbrook stated they considered the pipelines when looking at land use  
3 designations. That's one of the reasons they didn't zone the area for multi-family or public  
4 uses. He will bring back more information on pipeline setbacks and how they effect the  
5 available density. He will also research any policies that are in place.  
6

7 Weimer stated review the rights-of-way in the area, and do the math. It's best to  
8 keep houses off the rights of ways, which would create a 50-foot swath along that pipeline.  
9 Holbrook stated this entire area is petitioning for annexation.  
10

11 Holbrook continued his staff report for Map 10, the Britton Road residential planning  
12 area and Map 11, the Hillsdale/watershed planning area. For the lots in area two on map 11  
13 to subdivide, they would have to have City sewer and water. The City will extend sewer and  
14 water to this watershed area to existing lots, which they can't subdivide. No subdivision  
15 would be possible under either scenario.  
16

17 McShane asked if the current City policy is to not extend sewer for anyone who  
18 wants to subdivide, but they will extend sewer for someone who wants it. Holbrook stated  
19 there are existing agreements in that area to that effect.  
20

21 McShane asked why they call the zone urban residential, three units per acre (UR-3).  
22 That's a fantasy zone. The protection to the lake is based on a City policy currently in  
23 place. Leave it in the urban growth area to get as much urban service there as possible, to  
24 reduce the harm to the lake. He's not comfortable with the zone being UR-3. The urban  
25 level of development in the city limits City UGA portions of the watershed has harmed the  
26 lake. The City has set a policy to prevent additional harm by not allowing more lots to be  
27 created. In anticipation of that, the County has a subdivision moratorium that is applied to  
28 this area and the Geneva area. Be up front about it, and not allow any more lots to be  
29 created in the urban growth area. That would create a Lake Whatcom urban zone. They  
30 will recognize existing lots, and want to provide an urban level of service, especially sewer.  
31 However, they don't want to create any more lots there. He asked if that would get them in  
32 trouble. There is a record that proves the water quality issue in the north end of the lake.  
33 Holbrook stated staff can look at the alternatives and bring information back to the Council.  
34

35 McShane stated he will be stubborn about this issue. One motivation for keeping it  
36 in the UGA is because they want sewer available in that area. This area looks urban  
37 already. Holbrook stated there are benefits to keeping this area in the UGA. He will bring  
38 forward options. Zoning regulations will make a lot of this area non-conforming. There has  
39 to be balance. They can consider overlays or a new zoning code.  
40

41 McShane stated he's thinking just about prohibiting the creation of new, additional  
42 lots. Make it clear that it ought not to occur any more in this area. It could be a mandatory  
43 transfer of development right (TDR) area to keep people financially whole.  
44

45 Fleetwood stated this item will be held in committee.  
46

47  
48 **OTHER BUSINESS**


49 There was no other business.  
50  
51  
52

1 **ADJOURN**

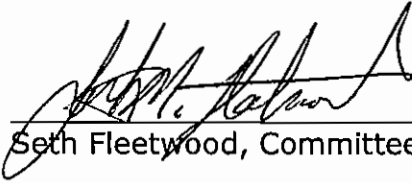
2  
3 The meeting adjourned at approximately 5:15 p.m.

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7 Jill Nixon, Minutes Transcription

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10 ATTEST:

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13  
14  
15  
16 Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Seth Fleetwood, Committee Chair