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WHATCOM COUNTY COUNCIL
Planning and Development Committee

March 27, 2007

Committee Chair Seth Fleetwood called the meeting to order at 3:12 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Laurie Caskey-Schreiber
Dan McShane

Absent:

None

Also Present:

Barbara Brenner
Carl Weimer

COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL – COMPREHENSIVE PLAN

1. RESOLUTION INITIATING THE 2007 COMPREHENSIVE PLAN AND ZONING AMENDMENTS (AB2007-090)

Docket #2007-A: Bellingham Subarea Plan – continuation of joint City/County review

McShane moved to approve docket items 2007-A and 2007-B.

Motion to recommend docketing of item 2007-A carried unanimously.

Docket #2007-B: 10-year review, Urban Growth Area

Matt Aamot, Planning and Development Services Department, gave a staff report and stated they will address urban growth areas to make sure the densities and area are sufficient to accommodate the 20-year population projection. They will not address Birch Bay, which was done a couple of years ago.

Motion to recommend docketing of item 2007-B carried unanimously.

Docket #2007-P: Cherry Point Pier Policy

Matt Aamot, Planning, gave a staff report and stated Councilmember Weimer proposed deleting Comprehensive Plan policy 2BB-7. He read the policy. Councilmember Weimer is concerned that this policy conflicts with policy 2BB-10. The State will allow only one more pier to be constructed at Cherry Point. Delete this policy, or add an alternative statement that the County would work with agencies and owners to add one additional pier in the area.

Weimer stated the policies should be clear about whether or not they are encouraging more piers. Also, this item is listed as docket item 2007-Q on the agenda, which is incorrect. This item is docket item 2007-P.

McShane moved to recommend docketing this item. There may be additional information. The urban growth area associated with the Custer intermodal facility has since

1 gone away. There have been other changes about wildlife, habitat, and stormwater since
2 1999, when that policy was written.

3
4 ***Motion carried unanimously.***

5
6
7 **COMMITTEE DISCUSSION**

8
9 **1. DISCUSSION REGARDING BELLINGHAM'S URBAN FRINGE SUBAREA PLAN**
10 **(AB2006-309)**

11
12 Troy Holbrook, consultant, stated they have already finished review of maps one
13 through ten. They will begin by reviewing map 11. He submitted a memo to the Council
14 Planning Committee dated March 27, 2007 regarding Bellingham Subarea Plan - Review of
15 Proposed UGA Zoning Recommendations (*on file*). He described recommendations for map
16 11.

17
18 Fleetwood asked about the effects of a downzone. Holbrook stated the City won't
19 extend utility services to that area.

20
21 McShane stated the zoning doesn't reflect what could occur in the Hillsdale area,
22 given the City's policy to not extend utility service. Over development has caused
23 degradation of water quality. There should be an overlay zone that does not allow any
24 more lots to be created in this area. However, keep the area in the urban growth area, so
25 sewer can be provided for those lots as they develop. If they have to, come up with a new
26 Lake Whatcom urban growth area (UGA) zone that doesn't allow any additional lot creation
27 in this area.

28
29 There was discussion about the potential number of lots that could be created now,
30 the City's policy of not extending sewer service to areas in the watershed, and reducing
31 density through the transfer of development rights (TDR) program or specific development
32 regulations.

33
34 Holbrook stated look at the land supply and development patterns in that area. A
35 development regulation, with its own code, will be the best way to get what they want. It
36 would require a vote and would be in writing.

37
38 ***McShane moved*** to approve and amend map 11, so a new Lake Whatcom urban
39 growth area zone is created for the Lake Whatcom watershed portion of the Hillsdale
40 watershed planning area on map 11. The zone would not allow the creation of any
41 additional lots, and allows property owners with development rights to transfer the rights
42 out of the watershed. It would be a mandatory development right transfer. Also, create
43 zoning language specific to this area.

44
45 Fleetwood stated he doesn't know if they can bind the amendment of the land use
46 policy section in this vote. Include the reference to the TDR sending area in the land use
47 policy section. Holbrook stated that is correct.

48
49 Crawford stated he is not sure this is within the scope of approving UGA's. He asked
50 if the second part of the motion is to do a concurrent downzone of those properties. He
51 asked if that would be a zoning text amendment, not a UGA issue.
52

1 McShane stated they are making zoning changes to the existing UGA areas, based on
2 recommendations from the County Planning Commission and proposed by the City of
3 Bellingham. A number of changes have already been proposed. The committee has
4 approved a number of these. This is just one other zoning change. This one change is
5 being proposed by this committee at this time. The change is within the context of what the
6 committee is doing.
7

8 There was discussion of the appropriate process for making these zoning changes;
9 the Hearings Board order to change the urban residential, three units per acre (UR-3) zone,
10 and; the City's willingness to annex certain areas.
11

12 **Motion carried unanimously.**
13

14 Holbrook gave a staff report for map 12.
15

16 **McShane moved** to approve map 12 as recommended by the Planning Commission.
17

18 There was discussion of whether that area is better for sewer or septic; the public
19 comment received on this recommendation; the rationale for the chosen boundaries, and
20 the 25-year restriction of people who did not buy into the district.
21

22 **Motion carried unanimously.**
23

24 There was discussion about applying the same overlay area to this area that the
25 committee voted to apply to map 11 and the number of additional dwelling units that can be
26 created in the UR-3 zone.
27

28 *(Clerk's Note: End of tape one, side A.)*
29

30 **Caskey-Schreiber moved** to amend map 12 to put the same new Lake Whatcom
31 urban growth area overlay zone in the UR-3 section that they did for the Hillsdale area on
32 map 11.
33

34 McShane stated the overlay is a new zone for those areas. Make that area also a
35 TDR area.
36

37 Caskey-Schreiber agreed.
38

39 Fleetwood stated they will address the TDR issue later, when they address the land
40 use policies. Holbrook stated it would also be addressed as a development regulation.
41

42 **Motion carried unanimously.**
43

44 Holbrook gave a staff report on the Yew Street Road area, maps 13 through 16.
45

46 There was discussion on the public input regarding the Yew Street Road area; future
47 greenways areas, and; infrastructure improvements.
48

49 Holbrook gave a staff report specific to map 13.
50

51 Fleetwood asked how slope affects density. The slopes in that area are not that
52 extreme. He thought that the recommended density has little to do with slopes, but with
53 technical differences between the City and County Planning Commission about the density

1 that should be in that area. Holbrook stated the reason for the recommendation had a lot
2 to do with input from the public.

3
4 Crawford stated this recommendation is a substantial change to the face of the
5 community. He asked if the City envisions expanding into this area, including services and
6 transportation. Holbrook stated it does.

7
8 Pat Carmen, City of Bellingham, stated this area has been in Bellingham's urban
9 service area since the mid-1980's. With urban services comes urban development. The
10 vision is more urban. Many residents are opposed, and want to keep their rural character.
11 However, Yew Street Road is beginning to change. The City has purchased 90 acres for a
12 regional facility to serve this area as it becomes urban. It will contain higher densities
13 around a park. The reason for the City's recommended density is to follow the Growth
14 Management Act (GMA) and County Comprehensive Plan. The City plans for the urban
15 residential mixed use (UR-MX) zones to be TDR receiving areas.

16
17 Caskey-Schreiber asked if these areas are enough to service the TDR program.
18 Carmen stated the County's UR-MX zone is the one zone that allows for the transfer of
19 development rights. The City doesn't yet have a TDR program. These areas are
20 appropriate for a TDR program. The City recommends higher densities because the area
21 will ultimately be part of the city.

22
23 McShane stated the County must also deal with the wishes of the neighborhood. The
24 people in the urban growth areas vote in the County, not the City. They may have different
25 political views. He asked about past resistance by the City to higher density development
26 within the portion of this neighborhood that is within the city limits. Carmen stated she
27 can't speak for City elected officials. The City's urban growth areas will ultimately be a part
28 of the city. They must begin with a minimum density of six dwelling units per acre. There
29 isn't an easy answer for protecting the neighborhood character. She explained the
30 annexation program and State requirements. Through City Council policies, the City is
31 trying to encourage people to annex if they want services.

32
33 McShane stated his concern is that they don't backslide on density levels through the
34 interlocal agreement. He is concerned about the City not allowing a developer a higher
35 density in this area.

36
37 Crawford stated the County only enforces minimum densities in the UR-MX zone.
38 Minimum density doesn't allow the developer flexibility and consider market demand. To
39 get the density they need to meet population projections, they will have to really change
40 the urban residential and rural residential zones to require minimum densities. People want
41 a certain type of home, and the developer will respond to that market factor, not what the
42 government wants the developer to do. Be careful about minimum densities. They are not
43 a panacea.

44
45 Fleetwood asked the number of housing units from the City's proposed urban growth
46 areas. Holbrook stated he would have to recalculate that total.

47
48 Dave Pros, 1466 Roy Road, stated he was told that developers had to maximize
49 density to get City utilities, which are required for annexation.

50
51 *(Clerk's Note: End of tape one, side B.)*
52

1 Crawford stated the City will extend utilities to people with will-serve letters,
2 regardless of the density. He understands that now there is no utility extension until
3 annexation. Pros stated they must ask how the TDR program fits into this. The Planning
4 Commission looked at requiring people to have the highest level of density and use TDR's to
5 get utilities and be annexed into the city.
6

7 Residents of the Yew Street area felt that what they were saying was not
8 incorporated into the program. The previous City Planning Director made sure people knew
9 that there was no option. They are looking at higher densities further from town. Within
10 the city limits, the City is approving lower densities than what is being proposed on Yew
11 Street Road. People want lots that are a little bigger. The people who live there don't want
12 this at all. Many residents have told him that they will move if the density changes. The
13 lines on Yew Street Road are arbitrary. They are counting the capacity of the area based on
14 the lower density. In reality, the higher density is what will develop. The land capacity,
15 what the land can accommodate, should be the same as the zoning. They must create
16 neighborhoods that people will want to live in. When they pick a certain population
17 projection, there is an obligation to accommodate that number. The urban residential
18 mixed use zone means commercial. Don't have commercial areas that aren't on arterials.
19 The City should develop a cost analysis when looking at zoning changes.
20

21 Caskey-Schreiber asked the zoning in the city limits, to the northeast of Yew Street
22 Road. Carmen stated the zoning is residential single, 10,000 square feet. That is equal to
23 the County's urban residential, four units per acre (UR-4) zone. These are peripheral areas
24 to the city.
25

26 Hart stated there are ways to preserve community character in areas like Yew Street
27 Road, and still accommodate density. Lay out some measure of protection. Work with the
28 City to keep the area forested through an urban forestry program.
29

30 Jack Petree, 2955 Sunset Drive, Bellingham, stated liberal land use groups point to
31 the importance of taking advantage of people who own large parcels of land and who are
32 more than willing to use those parcels to do smart growth development. It allows for the
33 mix of high density smart growth development in combination with the kinds of single
34 family homes that people want to live in.
35

36 Crawford asked about area two on map 13. He asked how they have a UR zone with
37 mixed densities. Holbrook stated the neighborhood had concerns about higher densities.
38 The area to the north has potential for a small neighborhood center. The County Planning
39 Commission felt that wasn't appropriate for this area, and kept the UR, four to six units per
40 acre, so it can be a TDR receiving area. The zoning code would have to be developed along
41 with this plan.
42

43 Crawford stated there isn't a lot of incentive to buy TDR's to get six units per acre.
44 The market demand is for four units per acre.
45

46 **McShane** stated there are four maps for this area, maps 13 through 16. Amend
47 map 13, area three, from UR-4 to UR-6. He **moved** to adopt the City of Bellingham final
48 UGA zoning recommendation for map 13.
49

50 Caskey-Schreiber stated she would rather it be UR, four to six, to allow flexibility.
51 UR-4 is right city limit. She has a problem with creating higher density in the outer areas,
52 and not in the city limits of Bellingham.
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Fleetwood stated the character of Yew Street is substantially gone from what it once was, as development went up the hill. He asked if it will be fundamentally urban some day, or will remain with a rural character. He believes it will fundamentally be an urban form. The question is how they create the very best urban form they can get for the future. He supports the motion.

McShane stated that a higher density will produce a better community up there than this quarter-acre lot pattern. The rural character is gone with either density. He hoped the density conflict will be resolved in the future.

Motion carried 2-1 with Caskey-Schreiber opposed.

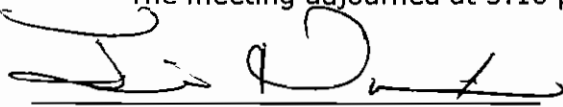
Fleetwood stated the committee will continue this discussion in a work session on April 3.

OTHER BUSINESS

There was no other business.

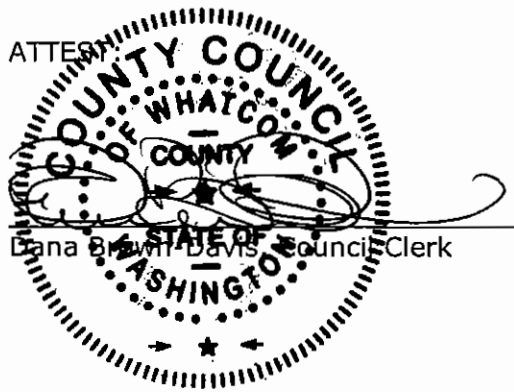
ADJOURN

The meeting adjourned at 5:10 p.m.



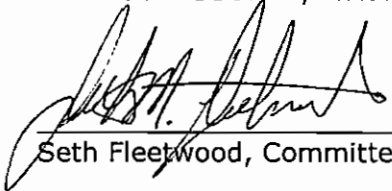
Jill Nixon, Minutes Transcription

ATTEST



Dana Brown-Davis Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Seth Fleetwood, Committee Chair