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3
4 WHATCOM COUNTY COUNCIL
5 **Planning and Development Committee**
6

7 April 10, 2007
8

9 Committee Chair Seth Fleetwood called the meeting to order at 3:10 p.m. in the
10 Council Chambers, 311 Grand Avenue, Bellingham, Washington.
11

12 Present:
13 Laurie Caskey-Schreiber
14 Dan McShane
15

Absent:
None

16 Also Present:
17 Carl Weimer
18 Sam Crawford
19 Barbara Brenner
20

21
22 **COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL**
23

24 **1. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY**
25 **COMPREHENSIVE PLAN TO THE CITY OF EVERSON'S SOUTHEAST URBAN**
26 **GROWTH AREA, FOR IMPROVED ACCESS TO THE EXISTING URBAN GROWTH**
27 **AREA (AB2007-174)**
28

29 Kraig Olason, Planning and Development Services Department, gave a staff report.
30 He submitted and read from a presentation (*on file*) describing the request and staff
31 recommendation.
32

33 Fleetwood stated much of the city doesn't have a buffer between urban areas and
34 agriculture. Olason stated policies call for a buffer, whether or not one exists. The thought
35 is that the road would create some sort of buffer.
36

37 Fleetwood asked about the economics of the project. Olason stated the County
38 agrees that they need access to develop that area. More area to the south can be
39 developed. This would provide access. They are providing an opportunity for development.
40 Converting agricultural land is a policy issue.
41

42 Roland Harper, City of Everson Planner, stated the City would like to work with the
43 County on this proposal. The proposal is not unreasonable. He disagrees with the staff's
44 analysis. This proposal is about facilitating infill and correcting a prior error in the
45 designation of the urban growth area (UGA) without adequate access. Greens Lane cannot
46 support the infill that will be developed to the south. He submitted information (*on file*).
47

48 The County River and Flood Division have said that the flood plain issue is a non-
49 issue. He objects to County staff pointing to the flood plain as an issue. The land supply
50 analysis reviewed the housing section, not the land supply section, which is wrong. Within
51 three years, the City has had enough of an increase to justify the extra 1.75 acres.
52

1 He submitted a letter to the Planning Commission that was a fair analysis. Shifting
2 land from an agricultural use is a valid issue. The City is willing to trade land to create
3 other agricultural land.
4

5 The City of Everson has a long history of living beside the farming community.
6 Nothing in the record indicates any need for a buffer. This land is being sold by a farmer
7 who will continue farming. He's not asking for a buffer for his farming activities.
8

9 To make this project work, the City will agree to amend the interlocal agreement to
10 prohibit the construction of residential lots on the west side of this new road, which will
11 most likely be used for stormwater.
12

13 The Mayor of Everson explained this request to the County Executive, which resulted
14 in a possible transfer of development rights (TDR) program. They must first iron out the
15 details. The City is willing to discuss it.
16

17 He doesn't agree with some of the findings and conditions in the draft ordinance. It
18 will have to be redone.
19

20 Crawford asked why the City wants 154-foot wide area. Harper stated that is what is
21 necessary to get this solved. The economics of building a 1,300-foot road typically requires
22 that lots on both sides be developed. If they only get an area that is 70-feet wide, the
23 project is marginal. The cost of the road will be difficult to bear. With that additional 84
24 feet, they will shift the stormwater facilities to the west side of the road, and possibly have
25 lots on frontage on the east side of the road. Some of the 84 feet will be used for
26 stormwater. There would be 154 feet for road right-of-way and utilities, stormwater
27 utilities, and possibly some residential lots.
28

29 Crawford asked if the Council could approve the entire 154-foot proposed area, with
30 a limit on residential use. Harper stated they could limit residential on the west side of the
31 road only. Fifty feet would be for a stormwater facility, 70 feet would be for a road, and the
32 rest would be part of residential lots. The residential lots provide funds to do the rest of the
33 road and stormwater project.
34

35 McShane asked how denial would kill public safety. Harper stated denial would kill
36 the deal, which would limit public safety. The City would halt annexation of anything south
37 of Greens Lane.
38

39 McShane stated it sounds like the City would be interested in a transfer of
40 development rights (TDR) in the future. He asked if they won't be able to afford to build the
41 road without a certain number of houses. It sounds like not enough units can go into this
42 spot without the full 154 feet. Harper stated that's correct.
43

44 McShane stated there is no information on the cost estimates. Harper stated the
45 applicant can include cost estimates for the record.
46

47 McShane asked if development rights would be removed from elsewhere in the City
48 urban growth area (UGA). Harper stated someone would take development rights from
49 elsewhere in the county and use them here.
50

51 McShane asked why this is needed in the short-term. Harper stated the City doesn't
52 have many areas in the UGA that actually have property owners who are willing to develop

1 and annex into the city. This is the direction where infill is going. He indicated on a map
2 the UGA areas that have owners unwilling to develop.
3

4 John Matzinger, Consultant, stated adequate access to the property is one of the
5 most crucial issues. It needs to be solved before other planning is done. The current
6 access to UGA areas to the south is too narrow and sub-standard. They need to find an
7 alternate access. This is the most logical location. Utilities exist at the north end and can
8 be extended south.
9

10 He is suspicious of the Federal Emergency Management Agency (FEMA) flood maps.
11 FEMA did the mapping program that outlined flood hazard areas in a hurry. The formula it
12 applied did not work in this area of the country. Ongoing federal updates to the FEMA map
13 indicate that this area isn't in the flood plain.
14

15 An effective stormwater management retention area would have to be wide because
16 the water table is high.
17

18 He submitted information on cost estimates (*on file*). Putting houses on both sides
19 of the street increases the number of paying units. If there are no lots on the west side, the
20 burden on the remaining lots will significantly increase.
21

22 The backyards of the lots will be excellent buffers to abutting agriculture. There will
23 be a need for a fair amount of stormwater detention.
24

25 There was discussion about FEMA flood levels, zoning, and the amount of land
26 available for further build out and for stormwater.
27

28 Joy Monjure, citizen, stated there are few areas in Everson to develop because of the
29 river. The owner is well-qualified for developing.
30

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

33 Monjure continued to state she is in favor of the request.
34

35 Bob Skillman, Applicant, stated Greens Lane can't be widened. The biggest issue is
36 stormwater. They will need a large area for stormwater. Therefore, he needs the 154-foot
37 strip to make the project viable. In addition to using the street as a buffer, there will need
38 to be trees and the retention area.
39

40 McShane asked if the City can increase the density or allow other planning measures,
41 to make this project work out. Harper stated there isn't a way to increase density greatly,
42 just remove inefficiencies. The City has been discussing the option of increasing its use of
43 clustering. The City Council may be open to it.
44

45 **McShane moved** to recommend to the full Council to go forward with the public
46 hearing and approve the County staff recommendation. In the future, he may be interested
47 in conditioning this strip of land as a potential TDR receiving study area. The owner may
48 have other options to make this work. He may be interested in the extra area as a TDR
49 area in the future, but that is not part of his motion.
50

51 **Fleetwood moved** to amend the motion to add the total applicant request for a
52 width of 154 feet. The City is willing to compensate for the lost agricultural land, which is
53 his primary concern.

1
2 Harper stated the City has dozens of acres in its UGA that are targeted to be
3 annexed into the city. The City is willing to amend the interlocal agreement to give back an
4 equal amount of that land when the UGA is considered in a comprehensive way.
5

6 There was discussion about swapping urban growth area lands.
7

8 **Fleetwood amended his motion** to create a condition that the land swap be of
9 lands with comparable soils.
10

11 Olason stated one option is to approve as a provisional UGA with standards the
12 developers would have to meet, and give them a timeline.
13

14 Hal Hart, Planning and Development Services Director, stated he recommends that
15 the road and stormwater facility portion of the property should not be provisional. They are
16 trying to figure out a circular route. Any additional land approved would be based upon
17 work with the TDR or other program within the next two years.
18

19 **Motion failed 1-2 with Fleetwood in favor.**
20

21 There was discussion about what a provisional UGA would look like. There should be
22 a conceptual drawing of the developer's plan with the provisional ordinance, so they all
23 know what they're agreeing to. There should be a rudimentary stormwater plan to show
24 the functional retention.
25

26 **Caskey-Schreiber moved** to hold in committee and ask staff if they would meet
27 with the City to develop details of a provisional UGA.
28

29 There was discussion about the City's and owner's intent for developing the property
30 and whether the Council should consider a provisional UGA for this area.
31

32 **Motion to hold in committee carried 2-1 with McShane opposed.**
33
34

35 **COMMITTEE DISCUSSION**

37 **1. DISCUSSION REGARDING BELLINGHAM'S URBAN FRINGE SUBAREA PLAN** 38 **(AB2006-309)** 39

40 Cathy Craver, Planning and Development Services Department, submitted the land
41 use policies (*on file*). They will discuss sections A through H, and touch on the main points
42 that the County Planning Commission made for each section. The Planning Commission
43 recommends removing the term "five-year review areas" from the subarea plan, because
44 they would like to look at all rural lands around the Bellingham urban growth area (UGA).
45

46 The Planning Commission recommends a zero percent safety factor, which is no
47 expansion of the urban growth area. The Planning Commission recommends infilling in the
48 City first, then the UGA, and then look elsewhere last. The Planning Commission
49 recommends a logical transition from rural to urban services, requiring annexation before or
50 at the same time as the extension of services, preventing leapfrog development, the land
51 supply monitoring component, and policies for a TDR component and working with the City
52 of Bellingham. This document relies heavily on the interlocal agreement. A

1 recommendation is for a timeline of annexation of the urban growth areas that already have
2 services, but are not in the city limits.

3
4 Fleetwood asked how much of this document would have to be changed if the
5 Council changes the safety factor. Craver stated it wouldn't be a major overhaul, but would
6 require some tweaking.

7
8 Crawford asked if this is an update of a previous plan. Craver stated it is a new
9 document. She discussed the history of the urban fringe subarea plan.

10
11 Section A explains the Council's growth options. Section B includes goals for
12 intergovernmental coordination.

13
14 *(Clerk's Note: End of tape one, side B.)*

15
16 Crawford asked if the City has seen this document. Craver stated the City has a
17 copy of these policies. The City will make a statement of their opinion to the County Council
18 at the Council's public hearing.

19
20 Crawford stated he's not sure that these policies and goals can dictate to the City by
21 using terms like "the City shall...." He suggests that the document be amended so it doesn't
22 tell the City that it must do something that the City has not agreed to and which the County
23 has no authority to force. Hart stated the City officials will have to work out the details.
24 Carefully pick their issues.

25
26 Caskey-Schreiber asked about Lake Whatcom watershed build out. They need to
27 figure that out. Hart stated he would have staff answer that question.

28
29 There was discussion about being able to work out issues with the City. Hart stated
30 this document is recommended by the Planning Commission and based on a zero percent
31 safety factor, with which the City does not agree. That is the significant issue.

32
33 Craver stated policy IG-5 specifies issues that will be addressed in the interlocal
34 agreement.

35
36 Brenner stated there should be an exception in bullet two about allowing extension
37 of services for health and safety reasons.

38
39 There was discussion about the reasons for allowing utility extension during or after
40 annexation and the purpose of urban growth areas.

41
42 Craver continued to provide an overview of section B.

43
44 Brenner referenced the second bullet in item 4 in section B. She thought the County
45 can't allow development in the City UGA's that violates City standards. Craver stated she
46 would review the code and interlocal agreement to find an answer.

47
48 McShane stated the committee would finish this review at its special meeting next
49 week.

50
51 **OTHER BUSINESS**

52
53 There was no other business.

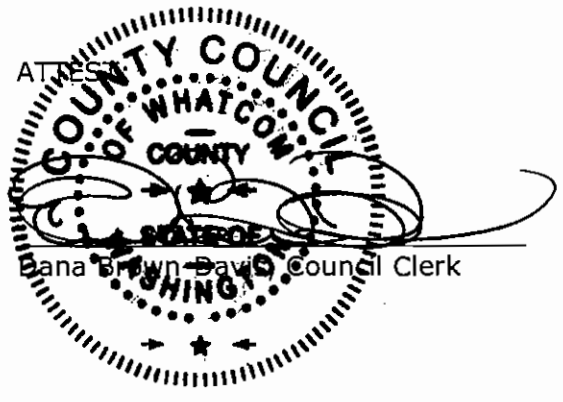
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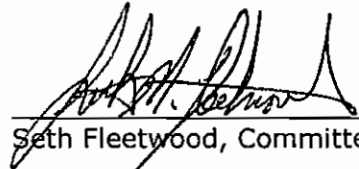
ADJOURN

The meeting adjourned at 5:00 p.m.



Jill Nixon, Minutes Transcription

ATTEST

Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Seth Fleetwood, Committee Chair