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WHATCOM COUNTY COUNCIL
Planning and Development Committee

April 24, 2007

Committee Chair Seth Fleetwood called the meeting to order at 2:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Laurie Caskey-Schreiber
Dan McShane

Absent:

None

Also Present:

Barbara Brenner
Sam Crawford

COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL

1. APPROVAL OF A PRELIMINARY LONG PLAT EXTENSION REQUEST FILED BY LOIS MEYERS (AB2007-194)

McShane moved to recommend approval to the full Council.

Motion carried unanimously.

2. RESOLUTION ADOPTING RECOMMENDATIONS FOR OPEN SPACE/TIMBER APPLICATIONS (AB2007-192)

Elizabeth Olsen, Planning and Development Services Department, gave a staff report.

Caskey-Schreiber moved to recommend approval of the resolution to the full Council.

Motion carried unanimously.

COMMITTEE DISCUSSION

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

Fleetwood stated applicants have an opportunity to give presentations on their proposals.

Heather Wolf, attorney, stated she represents Eric and Robin Hitz, the sole owners of the Queen Mountain five-year review area. She submitted a presentation (*on file*). This five-year review area can help the County achieve the County's and City's Comprehensive Plan goals. She indicated the location on a map. The Bellingham Planning Commission and City Council, and Whatcom County Planning Commission all recommend inclusion of the Queen Mountain five-year review area in the urban growth area (UGA). She read from her presentation. The actual development will be determined after a public process and after

1 consultation with the City and County. They will achieve goals to density and provide all
2 types of housing. They will promote a sense of community. This property will be annexed
3 after inclusion into the urban growth area (UGA).
4

5 John Templeton, 3011 Hayward Court, Bellingham, stated he proposes the Lake
6 Padden urban village project. The City of Bellingham did not included this area in the
7 recommended UGA. However, the City said it should be a priority area and reviewed as a
8 seven-year review area. He discussed his history with this property and project.
9

10 Bellingham and Whatcom County are growing, but no land is available to purchase in
11 Bellingham. The area will continue to grow as Whatcom County continues to be listed as a
12 best place to live and retire. People will continue to discover Whatcom County as a result of
13 the 2010 Olympics. There will be an influx of people by 2012. People with moderate
14 incomes are being forced to buy in outlying towns and areas, and then have to commute to
15 Bellingham, which ties up roads and services. In Bellingham, people only can afford
16 condominiums. Bellingham and Whatcom County will not remain the same as it has in the
17 past.
18

19 He submitted and read from a presentation (*on file*). He described the location to
20 the nearby arterial roads and freeway. He is the sole property owner now, and plans to
21 annex into the City as soon as the property is included in the urban growth area. This
22 development would not be of just expensive homes. There would be smaller homes. He
23 will develop wider streets that lend themselves to walking. Within this urban developent, he
24 will have some subsidized housing for people in critical job areas like nursing, police, and
25 fire fighters. These people are important, but they don't make higher salaries. He will
26 develop housing acceptable to them. Within the community, include specific occupations.
27

28 The current City plan depends on infill, which neighborhoods will fight. His project is
29 a practical solution with little negative impact. There are many benefits to the area and the
30 project.
31

32 McShane stated this area does not drain to Lake Samish. It drains into Chuckanut
33 Creek.
34

35 Steven Meas, 10646 Sand Point Way NE, Seattle, submitted and read through his
36 information (*on file*). Include his property in the UGA. It will support Bellingham population
37 growth.
38

39 Fleetwood asked how Mr. Meas made a formal application to Whatcom County. Meas
40 stated he wrote a letter to the County Planning Department in 1993. Two years ago, he
41 spoke with Troy Holbrook about his application, which is how he got here.
42

43 Crawford asked if this area is in the five-year review area.
44

45 Hal Hart, Planning and Development Services Director, stated it is not currently in
46 the five-year review area, but the City included it in the process.
47

48 Crawford asked the status of the Ralph Black King Mountain area. Hart stated it is
49 not in the five-year review area.
50

51 JoAnne Roe, 5041 Guide Meridian, Bellingham, stated nothing is going to take place
52 between the existing UGA and Smith Road without her property. The front yards of her and
53 her neighbors will be taken away due to the Guide Meridian expansion. Many of them have

1 property that joins Cordata. Nothing can be done with it. They would like to be included in
2 the UGA.

3
4 Crawford asked if she would like to be included in the UGA, even if the Caitac
5 property is not. Roe stated that is correct. Her neighbors also want to be included. The
6 area is no longer a viable neighborhood.

7
8 *(Clerk's Note: End of tape one, side A.)*
9

10 Roe submitted and read from her presentation *(on file)*. This has been zoned
11 agricultural land for many years, but there is no agricultural land there. Including this land
12 in the UGA and developing it would not destroy something that already exists. It's a logical
13 place to grow. The center of the county is right there at the intersection of Smith Road and
14 the Guide Meridian.

15
16 George Leonard, 247 Van Wyk Road, submitted a letter from his neighborhood *(on*
17 *file)*. A large group of his neighbors would like to be included in the urban growth area.
18 They have wanted this for a long time.

19
20 Saran Meas, 10646 Sand Point Way NE, Seattle, asked the County to include their
21 property in the urban growth area. There is a lot more growth here. It's going to continue.
22 Their land can support a lot of residential units, including affordable housing. There are
23 plans for a road extension that can help with traffic flow. The demand for these homes
24 exists. Seattle didn't plan well for its growth. They've worked with City and County officials
25 and hope to provide productive and efficient growth.

26
27 Hart stated they are looking at potential five-year review areas. Ralph Black is in a
28 five-year review area. This is a process of discovery. This process will help determine how
29 many units they might get out of one of these areas. If the Council wants to go forward
30 with one of these areas, the staff will bring forward information on the specifics of that area.
31 One of the Council's role is to shape the rate of growth and the overall future city.

32
33 Questions include the amount of density that can be achieved on these properties,
34 whether jobs can be created within this area, what other developments that are being
35 proposed adjacent to these areas, sewer and water availability, and preserving natural
36 features. They must figure out the associated real costs for things such as transportation.
37 Staff will put together information on existing and planned transit routes.

38
39 Caskey-Schreiber asked the criteria previously used to identify the five-year review
40 areas. Hart stated he would look for that information and bring it forward.

41
42 Caskey-Schreiber asked how the Growth Management Act handles the five-year
43 review areas and if the County has some flexibility. Hart stated they are a process specific
44 to Whatcom County. The County has flexibility.

45
46 Brenner stated she would like staff to do a more in-depth analysis of some of these
47 areas.

48
49 Fleetwood stated the committee will discuss the timeline of the rest of this process at
50 the end of the meeting. He asked staff to describe what a Lake Padden overlay zone may
51 look like.

1 Cathy Craver, Planning and Development Services Department, submitted updated
2 aerial photos (*on file*). At Hillsdale, about 80 extra lots can be divided, creating 160 to 200
3 lots. She did a very basic analysis, with no detail. Because of the City's sewer extension
4 policy, those lots may not be created.

5
6 Fleetwood asked what an overlay zone would be for these lots.

7
8 Amy Pederson, Planning and Development Services Department, stated there is an
9 existing watershed protection zone for Lake Whatcom. The overlay district addresses types
10 of uses and surfacing options. In terms of zoning density, they are looking at the
11 underlying zone, which would be urban residential, three units per acre (UR-3). A density
12 of UR-4 is generally the minimum urban standard. Because they have a UR-3 zone in those
13 two sections of the watershed UGA, there are questions of whether it is acceptable.
14 Because the area is in a sensitive watershed, the Hearing's Board accepted the lower, UR-3,
15 density. If they go below that, there is some question as to whether it would pass muster.
16 An alternative would be to look at areas to zone rural, one unit per five acres (RSA) and
17 remove from the UGA.

18
19 Fleetwood asked how they would formally do the downzone to those sensitive areas.
20 Pederson stated that if they reevaluate the zoning, they need to concurrently consider the
21 Comprehensive Plan or urban growth area designation. That would all be done as a part of
22 this process.

23
24 Caskey-Schreiber asked the likelihood this area would ever been annexed.

25
26 Pat Carmen, City of Bellingham Planning Department, stated annexation is a State
27 requirement. The City has used the petition method for annexations. The landowners must
28 submit a petition for annexation. The City has not received a petition for annexation from
29 the Hillsdale area.

30
31 Fleetwood asked if the petition method is the only means of annexation. Carmen
32 stated it is not. There are about seven different methods for annexation.

33
34 Brenner asked for information on those annexation options. She asked for more
35 information on the City's annexation process.

36
37 Caskey-Schreiber stated that if this remains in the UGA, the density can't go lower
38 than UR-3. The question is whether they revoke the UGA designation. People in that area
39 have no interest in annexing. She asked if they can zone at a density lower than UR-3.
40 Pederson stated it would be difficult to zone at a density lower than UR-3. It would have to
41 be tested at the Hearing's Board level.

42
43 McShane stated all options seem to have GMA implications. One option may be to
44 lower the density, using the argument that it's a drinking water resource protection zone.
45 Similar things have been done by the City of Edmonds. It's a legitimate argument. That
46 makes the most sense for a variety of reasons.

47
48 There are alternative approaches, including removing the area from the UGA or
49 leaving it as a UGA. He asked if the City would run a risk of being challenged by agreeing to
50 the overlay zone, since they won't extend services to the area. Pederson stated they'd have
51 to ask the City that question. There are some larger parcels in the Hillsdale area that could
52 be considered. They could remove the southeast area of the Hillsdale area.

1 Hart stated they are talking about two things to protect the drinking water. One is to
2 reduce the density in the urban growth area. Another is reducing the ability to further
3 subdivide those zones. From a planning standpoint, they need to do two things. Reduce
4 the UGA, which would be a significant downzone. They would have to discuss that with the
5 City.
6

7 **McShane moved** to remove the east-southeast portion of the Hillsdale UGA and
8 create a Lake Whatcom watershed zone for the remaining area, which would preclude
9 additional lots from being created in the UGA. This is not inconsistent with the City's policy
10 on water and sewer extension. This is a clearer way of achieving the goal. It is a better
11 long-term approach for protection versus a policy that the City could quickly change, which
12 could have implications for the County in terms of having to complete stormwater fixes
13 around the lake. He doesn't want to have to create any more of those.
14

15 Caskey-Schreiber stated she is nervous about the overlay. It sounds like it's really
16 not a designation that is usually associated with zoning. Remove the southeast area from
17 the UGA, and see if the Bellingham City Council will concur.
18

19 *(Clerk's Note: End of tape one, side B.)*
20

21 Caskey-Schreiber stated those development rights could be included in a transfer of
22 development rights (TDR) bank.
23

24 **McShane restated his motion** to remove from the UGA the u-shaped area at the
25 southeast corner of the Hillsdale area that includes larger lots.
26

27 Crawford asked if they can preserve some value in not developing by changing the
28 zone.
29

30 McShane stated it would be a mandatory TDR.
31

32 Crawford stated that removing the land from the UGA gives a mandatory density of
33 one unit per five acres.
34

35 Fleetwood asked if these people would still be entitled to a TDR.
36

37 Hart stated they would have to reopen the TDR program itself first, and make an
38 amendment to the program to allow TDR's to be recorded from these properties.
39

40 There was discussion on how to preserve the development rights on properties that
41 they downzone by removing areas from the UGA.
42

43 Crawford stated he recommends that the committee vote against this motion. First,
44 this will make an incongruous UGA boundary. He's concerned about property owners in the
45 area. Don't punish people for waiting to develop.
46

47 Caskey-Schreiber stated the City has offered these property owners sewer and water
48 if they agree to not subdivide. Ms. Carmen will bring that agreement and those results to
49 the next Planning Committee meeting.
50

51 Hart stated the Planning Commission has asked that the very southeast corner be
52 removed from the UGA.
53

1 Caskey-Schreiber stated that if enough property owners participate, it won't be
2 necessary to create a mass of TDR's.
3

4 McShane stated that ultimately what's important is that they don't create any more
5 lots out there. That's his goal, however they get there. He will not withdraw his motion.
6

7 ***Fleetwood moved*** to hold this motion in committee for two weeks.
8

9 ***Motion carried unanimously.***
10

11 Crawford asked if these property owners would be notified. Hart stated staff would
12 provide notice of a potential downzone to property owners. Staff will look at their zoning
13 tools, the City service agreement with landowners, and the overlay zone process to clarify
14 how to achieve the goal of not creating additional lots out there.
15

16 Fleetwood stated determine whether its necessary to do any adjustments at all on
17 the Hillsdale map.
18

19 McShane stated he doesn't have confidence that the City policy to withhold services
20 outside the city limits will last in the long run. That's a big deal in the County's perspective.
21 Because of those incremental decisions, the County ends up responsible for creating
22 stormwater protections and fixing a broken stormwater system in that zone.
23

24 Crawford stated the only new hookups being allowed are for a limited number of
25 folks who already had a promise from the City in writing. In addition, there must be
26 completion in one year.
27

28 Craver stated decisions on the Geneva area could be postponed until they hear from
29 the City on the agreements mentioned in the Hillsdale discussion. About 150 lots could be
30 created. Regarding the Padden map, a maximum of about 600 lots could be created. The
31 Padden/South Samish map would allow a maximum of about 1,100 lots. Given the
32 comments of Ms. Pederson, it's difficult to define any kind of overlay. Pederson stated the
33 Padden watershed hasn't been mentioned before in terms of sensitive watersheds. At this
34 point, analysis of the issues hasn't been done. She's not sure if it's appropriate to do that
35 evaluation in this process.
36

37 McShane stated an environmental impact statement (EIS) talks about harm to Lake
38 Padden. The language is specific. Concerns raised by its authors were not taken into
39 account in any of the proposals the County has received. There is some analysis
40 information they can consider.
41

42 Fleetwood asked staff to look at the process by which they can achieve what they're
43 trying to do, and determine the most appropriate means to get there if they want those
44 protections in place.
45

46 Caskey-Schreiber stated the question is whether this area is appropriate for a UGA.
47 If they can't do an overlay zone and want to reduce density, consider the options, including
48 shrinking the UGA.
49

50 McShane stated they should pull areas out of the UGA. The City provided some
51 maps of existing service areas. That should partially inform this process. Although he
52 wants to be aggressive about protecting this area, it is the City's lake. The City ought to
53 consider the consequences of that. Other areas are served and not totally developed. He

1 would be less inclined to drop out areas that already have service. Where development has
2 already occurred, leave those areas in the UGA. However, many areas are not yet served.
3

4 There was discussion on the remaining schedule for getting through the Bellingham
5 urban growth area issue.
6

7 *(Clerk's Note: End of tape two, side A.)*
8

9 They continued discussion on the remaining schedule for this item.
10

11
12 **OTHER BUSINESS**
13


14 There was no other business.
15

16
17 **ADJOURN**
18

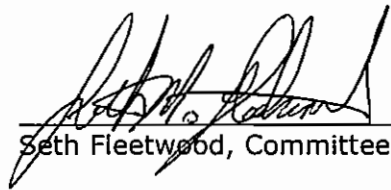
19 The meeting adjourned at 4:30 p.m.
20

21 
22 _____
23 Jill Nixon, Minutes Transcription
24

25
26 ATTEST

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31
32 Dana Brown, Council Clerk
33

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Seth Fleetwood, Committee Chair