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WHATCOM COUNTY COUNCIL
Planning and Development Committee

May 22, 2007

Committee Chair Seth Fleetwood called the meeting to order at 3:07 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Laurie Caskey-Schreiber
Dan McShane

Absent:

None

Also Present:

Sam Crawford
Carl Welmer
Barbara Brenner

COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL

1. APPROVAL OF GOVERNOR ROAD – PHASE 2 PLAT EXTENSION REQUEST (PUD 99-0004, LSS 99-0007), FILED BY ATTORNEY BRADLEY D. SWANSON (AB2007-232)

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

McShane asked the reason for the additional delay. He's not convinced by the letter. Another issue is the City's capacity to serve water. The Council has been discussing the City infrastructure within this area in light of the urban growth area as a whole. He asked how reliant the City is on additional development to pay for the expansion of service in that area.

Darcy Jones, Jones Engineers, stated they have been working with the City to fund the water tank, which has happened. Ongoing studies are moving forward. A set of plans is pending submission. This property is within the pressure zone of the new water tank. They and the City didn't anticipate it would take this long. The project is well underway. The County provided service letters, and they relied on City water. The question goes to adequate fire flow for the homes. The tank is well into design phase.

Fleetwood asked if they assumed there was adequate service when the last extension was granted, and whether the delay was out of their control. Jones stated there was adequate service at that time, but the fire flow requirements changed.

McShane stated his question is how reliant the City is on for additional development to pay for this project, in light of impacts in the watershed. Development adjacent to this has caused problems in the past.

Motion carried 2-1 with McShane opposed.

COMMITTEE DISCUSSION

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

1 Hal Hart, Planning and Development Services Director, stated a memo on Council
2 packet page 154 summarizes where they are. He read from the memo. He submitted
3 additional information (*on file*) as part of the memo. The Planning Commission must still
4 take a formal vote on its findings document. He summarized those recommendations and
5 the staff's recommendations in his memo. They will discuss the safety factor at the next
6 committee meeting, once they receive the Planning Commission's findings.
7

8 Crawford asked if staff hasn't made a recommendation on, or does not recommend,
9 other requests for inclusion. Hart stated the staff did not consider the other requests.
10

11 There was discussion about procedure and timeline.
12

13 Hart submitted and read from a presentation (*on file*). The County must be
14 cognizant of the impact of City growth on rural County areas. There are transportation
15 impacts that can occur beyond the City of Bellingham. The tools they need must be in the
16 policy, the interlocal agreement, and the developer agreements.
17

18 Crawford asked if they need to have the interlocal agreement in place before
19 adopting urban growth area (UGA) boundaries. Hart stated they should, to understand that
20 the parties are on the same page. The Hearings Board can act as a mediator in these issues
21 if necessary. The two governments should work together collaboratively.
22

23 Caskey-Schreiber asked who works on the interlocal agreement and how extensive it
24 should be. Hart stated let the staff do the proposal. The Planning Commission is not
25 involved. They would amend the current interlocal agreement. Make sure there are
26 reciprocal agreements for both parties. He read through the table of key issues and their
27 analyses and summaries. The City hasn't done everything it may need to encourage more
28 infill so the County doesn't have to deal with the loss of environmental factors and the edge
29 of city growth.
30

31 McShane asked if the County ought to rely on the zoning being what it is regarding
32 the methodology and not guess what the City will do in the future. The City's methodology
33 includes a number assigned to the waterfront, even though the waterfront is zoned
34 industrial now. He asked if the County would be susceptible to being challenged. Hart
35 stated those number are soft and have changed over time. The County has to deal with
36 what the City gives them, and then assess on that and what the City has already adopted.
37

38 McShane stated the safety factor is the more important part of the County's analysis.
39 Hart stated they could account for a larger safety factor if they don't know the density on
40 the waterfront. One question is whether the City will be able to build a single unit within
41 the 20-year time frame, or if it will have to do much remediation in that time.
42

43 McShane stated the City can project zoning changes, but the County is not allowed
44 to do that for the City. Hart stated it would be a big task to second-guess what the City has
45 provided.
46

47 McShane asked if the County is allowed to second guess.
48

49 Troy Holbrook, consultant, stated they are not. They must base their land supply
50 analysis on what is on the books now.
51

52 McShane asked if the City is allowed to project. Holbrook stated that if challenged,
53 the City would have to go back and change its land supply analysis, based on existing
54 development regulations.
55

1 McShane stated the amount of residential development on the waterfront would
2 essentially be zero, based on existing development regulations.
3

4 Brenner asked what prevents Bellingham from not doing anything other than
5 demanding outer land. She asked if there is nothing the County can do about it. Hart
6 stated the premise of Growth Management is to accommodate growth. This is a conundrum
7 in which the County is placed. In this instance, the County should look at existing zoning
8 and their existing Comprehensive Plan.
9

10 Brenner asked if the County can do monitoring once per month rather than making
11 big changes. The County needs some leverage to have reassurance for its constituents.
12 Hart stated land supply monitoring is a tool they are trying to offer to the City. Work jointly
13 on land supply monitoring. Think in terms of UGA phasing and linking each increment of
14 growth to achievements that the City has done to meet their goals and objectives for infill.
15 If the City implements its recommendations, infill can be accommodated much better. They
16 are getting poised for a negotiation session.
17

18 Brenner asked with what the County has to negotiate. Holbrook stated the County
19 can fall back on land use planning policies, which is the basic tool, and conversion of land
20 from long-term and short-term planning areas.
21

22 Caskey-Schreiber stated staff made recommendations on creating incentives for
23 infill. Negotiate a reasonable minimum density goal. She is concerned about the
24 institutional memory the County is losing.
25

26 Hart stated the County's negotiating teeth will be in the policies that staff will bring
27 forward on land use in the future. Those additional policies will say how they are going to
28 set up the negotiations. Staff will provide a set of land use policies to consider. If the
29 Council differs from the Planning Commission recommendations on policy or safety factor,
30 staff will set up another entire set of policies to support that Council direction.
31

32 Holbrook stated he would discuss the land supply analysis. They've gone through
33 the land supply analysis and methodology several times. The Planning Commission agrees
34 with the general methodology except for the safety factor. What they have now is a good
35 methodology. He read through the Planning Commission findings.
36

37 *(Clerk's Note: End of tape one, side A.)*
38

39 Holbrook asked what the committee wants to do with the methodology and safety
40 factor. The land supply methodology numbers for parks have already been challenged. It's
41 past the time for future challenges on other issues. If the County adopts the City's
42 methodology, it can't be challenged. If the County deviates from the City recommendation,
43 it could be challenged. He explained the City's recommended safety factor. Look at the
44 overall safety factor. The City applied different safety factors to different areas, but the
45 overall safety factor is 18 percent.
46

47 There was discussion about what safety factors the City applied to different areas.
48

49 McShane asked if the County can use the land availability number to inform the
50 safety factor. Holbrook stated the safety factor is a totally separate issue. A safety factor is
51 in addition to the regular deductions for things like critical areas and infrastructure. It's a
52 cushion. If they have complete confidence in their land supply analysis, they can have a
53 zero percent safety factor.
54

1 McShane asked if a lack of confidence in the analysis can inform the safety factor.
2 Holbrook stated that is a policy question. Adopting a standardized safety factor may be a
3 countywide planning policy to adopt in the future. It would account for market fluctuations.
4

5 McShane stated it's unlikely the City will be able to provide parks to the level they've
6 claimed. Holbrook stated land supply methodology is based on current zoning. The County
7 can't dictate that to the City. The County can use its land use policies to negotiate with the
8 City.
9

10 McShane asked how to deal with a set level of service that the City can't achieve.
11

12 Caskey-Schreiber stated the County has to take their policies at face value, even
13 though the County knows those levels of service can't be achieved.
14

15 Hart stated that if the City did set policies that it can't achieve, it would be
16 inconsistent with the City's Comprehensive Plan, and someone could go after the City. The
17 Council of Governments is also supposed to watchdog transportation elements and whether
18 or not the plans are consistent.
19

20 Fleetwood stated the City has made its document internally consistent. The issue is
21 that it is unrealistic.
22

23 Holbrook continued to read through the handout on key issues, analyses, and
24 options for the specific five-year review areas.
25

26 Weimer asked if the staff recommendations for Caitac also apply to King Mountain.
27 Holbrook stated that is correct.
28

29 Crawford asked if staff is or is not making an overall recommendation on the urban
30 growth area. Hart stated it's taken them years to get here. If the Council expands a couple
31 of thousand acres and impacts transportation routes, the staff's recommendation comes
32 with many conditions. If Caitac were brought into the UGA, the County staff must have its
33 tools and the interlocal agreement in effect. The City must agree to negotiate and
34 collaborate on reciprocal impact fees before completing the development. They have to
35 have agreement from the City on the tools, or else it's harder for the County to recover the
36 fiscal impact of that growth with the existing tool set they have. They are moving toward a
37 recommendation on the zoning map, safety factors, and some land use policies. That is an
38 initial framework by which they can get the tools.
39

40 There was discussion on the Hearings Board deadline, timelines, and the County staff
41 who will continue to work on these issues.
42

43 John Everett, Planning and Development Services Department, continued to read
44 through the memo handout on key issues, analyses, and options for transportation and land
45 use integration issues. It's important to have timing and financing tools as part of any
46 Council approval to expand the areas. Otherwise, the impacts on County roads could be
47 severe.
48

49 Brenner asked if concurrency is meant to apply at the time of occupancy. Everett
50 stated that depends on how the County shapes its concurrency requirements. Through the
51 concurrency process, the Council will discuss the acceptable level of congestion and when it
52 has to be ensured.
53

54 Brenner stated there is no definition of what is considered unacceptable. She asked
55 if they will have a discussion on the six-years. Everett stated they will have that discussion

1 through the completion of the concurrency program. The six-year requirement is the State
2 mandated minimum. The County will do all it can through the course of development
3 approval. There are other considerations besides project approvals. It depends on how
4 they define the concurrency program. Those sorts of questions would come up in the
5 negotiation with the City.
6

7 Hart stated there are significant changed conditions since the July 2004 final
8 environmental impact statement (FEIS). Construction costs are rapidly increasing. They
9 may end up telling developers that they have to pay 100 percent.
10

11 Crawford asked if that can be done with a latecomer agreement.
12

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

15 Everett stated concurrency does not require that someone spend any money.
16 Concurrency is only about the County committing to not allowing more traffic volume on a
17 road that is already beyond capacity, as the County defines it. Developers have a choice to
18 either wait for the jurisdiction to construct the necessary infrastructure or provide the
19 necessary infrastructures themselves. It's similar to a sewer line, with a latecomer
20 agreement so others who benefit from the improvement will help to pay back the initial
21 developer.
22

23 Crawford stated roads are quite a bit different than sewer. The reason they have
24 shared cost is because a road services more than just those people along that road. There
25 is a community benefit to the road. Therefore, it's generally accepted that there is a shared
26 cost. In urban growth areas with high density and high value, developers are probably
27 willing to pay 100 percent of the cost up front. He asked if there can be mechanisms by
28 which the developer gets reimbursement. Everett stated it depends on how the
29 concurrency system is set up. King County's system is set up that way. The first thing one
30 has to do is show they have concurrency approval. They don't do much to help out in the
31 rural areas. That's how they control sprawl. They use concurrency as a big hammer. The
32 other end of the spectrum is to commit to projects ahead of schedule because they have
33 been planned. The current concurrency ordinance is in between the two extremes. Staff
34 will be sensitive to the issue as they move forward.
35

36 Brenner stated State law only allows recouping of latecomers fees for 15 years. She
37 asked if the County can pay a certain percentage of what isn't collected after the 15 years.
38 Everett stated he can look into that scenario. That range of options will be discussed over
39 the next four to six months as they develop the ordinance.
40

41 Hart stated he asks the Council if they have additional concerns or questions to
42 which staff should prepare responses. One option was left off the Bear Creek issue, on page
43 five of the handout. Staff proposes another important strategy to focus on the open spaces
44 and how the City and County private sector can focus on and protect the Bear Creek
45 watershed. One changed condition is that people have begun logging and clearing that
46 area. Other development has occurred in that watershed. Staff has worked on an urban
47 separator strategy. As they look at that northwest quadrant, think about whether they can
48 have an urban separator. Take stock of water quality, wetland, and habitat issues. As they
49 connect the transportation system to that area, there will be opportunities to mitigate for
50 the loss of those wetlands. It's important to determine how that whole system will work.
51 Add to the urban separator to the options column for Bear Creek.
52

53 McShane asked if this memo is directed only to the five-year review areas. Hart
54 stated it doesn't have to be specific to the five-year review areas.
55

1 McShane stated this committee has taken votes on making changes within the
2 existing urban growth areas. He asked how that plays out. It would have an impact on the
3 safety factor and methodology. Hart stated this is an iterative process. The Council may go
4 in a different direction, then ask for a response to the policy question, which becomes the
5 staff's recommendation for the record. If that happens between the City and County in the
6 next several weeks, this memo is the starting point from which they should track
7 recommendations. If the Council considers any safety factor recommendation other than
8 the zero percent the Planning Commission recommended, the staff would add a column to
9 the memo regarding staff's recommendation for a set of tools to go with that Council
10 recommendation.

11
12 McShane asked how the Committee's decisions to tweak the numbers for Lake
13 Padden and Lake Whatcom would influence the need to expand or not expand the UGA. In
14 addition to those decisions, the safety factor decision would also influence the amount of
15 expansion. Hart stated staff would then re-run the numbers and discuss again the
16 distribution. They'll go through that process.

17
18 Brenner asked about the urban separator strategy. She asked if it includes things
19 like the halo effect. Hart stated it will, in some sense. They will talk more in-depth as the
20 Council gets closer to making a series of recommendations. If those recommendations
21 include five-year review areas, they will get closer to defining how to protect farmlands at
22 the edge and other similar issues. That's where they get the halo effect.

23
24 Fleetwood stated this will come back to the Committee at the meeting on June 19.
25 The Committee may make a recommendation on that day on the safety factor.

26
27
28 **OTHER BUSINESS**

29
30 There was no other business.

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33 **ADJOURN**

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35 The meeting adjourned at 4:50 p.m.

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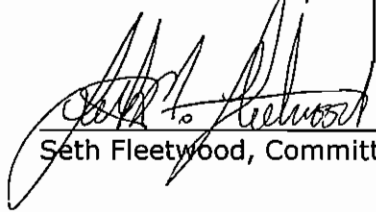
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40 Jill Nixon, Minutes Transcription

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43 ATTEST



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48 Dana Brown-Davis, Council Clerk

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WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Seth Fleetwood, Committee Chair