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WHATCOM COUNTY COUNCIL
Planning and Development Committee

July 10, 2007

Committee Chair Seth Fleetwood called the meeting to order at 10:00 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Laurie Caskey-Schreiber
Dan McShane

Absent:

None

Also Present:

Carl Weimer
Sam Crawford
Barbara Brenner

COMMITTEE DISCUSSION

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

Cathy Craver, Planning and Development Services Department, stated they will address Yew Street Road and Hillsdale.

John Everett, Planning and Development Services Department, stated he will discuss the transportation issues with the Yew Street Road area. Staff have met with the County Public Works Department and City of Bellingham staff to discuss issues that may arise if the County removed portions of that area from the urban growth area (UGA).

First, there is a plan for a Yew Street Road project that includes significant State grant funds. The grant application for the project was written as a partnership between the City and County, based on the southern portion of the UGA building out to urban densities. The State awarded the County \$3.5 million, contingent on the County following through with the project. That road project has not happened yet, for various reasons. The project is in the design phase. City and County staff are drafting an interlocal agreement to coordinate the utility extensions in coordination with the road project. If they don't plan to develop at urban levels of density in this area, it will undermine the rationale for the project. They must follow a timeline to expend the State funds. That \$3.5 million may revert back to the State if they don't use the funds, which will leave a black mark on the County's record and hamper the County's ability to get funds in the future.

Another issue is the fact that there have been significant efforts in the past ten years to locate new north-south and east-west arterial connections on Yew Street hill to connect the Yew Street corridor with the Samish Way corridor. This area can use more circulation options. The Governor Road and San Juan Boulevard projects are in the planning stages. As plats come in, the City and County have made right-of-way dedications to help that new arterial develop. If they don't proceed with the urban level of density, those projects will be less worthwhile to proceed.

There are quite a few transportation projects in this area. All were predicated on the entire Yew Street UGA being urbanized.

1
2 McShane stated he appreciates this information. He's hesitated about pushing this
3 proposal until he received this information. He asked if the grant proposals and
4 transportation planning efforts presume that the density will increase to the level proposed
5 by the City. Everett stated they do. The assumptions were on the densities that would
6 exist after annexation, which is higher than the County levels.
7

8 Craver stated the City wanted the higher densities of urban residential, six units per
9 acre (UR-6) to urban residential, 12 units per acre (UR-12) zones to provide these road
10 improvements.
11

12 McShane stated the area to the east of Yew Street Road is mostly divided already.
13 The City assigned a high safety factor to that zone, based on polling data and the lack of
14 utility service now. He asked how important those areas are to the transportation plans.
15 Craver stated she can't quantify that importance. These areas, under a City ordinance,
16 would allow for utility service at some point. Few areas to the east of Yew Street have that
17 option. It is more for areas to the west of Yew Street. The east side is less likely to
18 develop at higher densities.
19

20 McShane stated a large area of forested land is to the north. There are two vested
21 plats in the area. Craver stated there are three vested plats in that area. The Governor
22 Road phase two planned unit development (PUD) density is at least urban residential, four
23 units per acre (UR-4).
24

25 McShane stated it would get density bonuses if it's a PUD. He asked if the two plats
26 to the north are vested plats. Craver stated they are.
27

28 McShane asked the dates on those plats. Craver stated she doesn't have the exact
29 dates. They were done within the last few years. They are expected to get a water and
30 sewer agreement with the City.
31

32 McShane asked if the planned water tower is an issue. Craver stated the City has
33 planned for a water tower to service these areas. The City would have to reconsider the
34 plan if the County removed portions of the UGA.
35

36 McShane asked how the grants and planning tie in with the property to the east of
37 Lake Padden, such as the Templeton property. He asked for a rationale of why that would
38 not be workable. Craver stated there are rough estimates. They would build 15,000 feet of
39 water line from the upper Yew Street reservoir to the northwest corner of the site. That will
40 cost approximately \$3 million. The water pump station, including fire flow, needs to be built
41 at the site to boost to the highest elevation. The pump station will cost around \$800,000.
42 The area is pretty level, and would require significant pumps stations in there. A sewer
43 pump station would need to be upgraded. That would cost \$500,000. About 4,000 feet of
44 sewer line would cost \$800,000. The costs go on and on. The property is adjacent to the
45 city limits, but not an actual urban area.
46

47 Caskey-Schreiber asked if the City would consider that property if the developer is
48 willing to pay for the infrastructure. Craver stated she doesn't know if those discussions
49 happened with the developer. The City Council has reservations about putting development
50 that far away since it will be a big deal to get upgrades over there. They are uncertain
51 about whether the property would actually develop as proposed if it's in the UGA.
52

1 Caskey-Schreiber stated that's ridiculous, since the City is willing to go so far north
2 of the city limits, and this is right next to the city limits.
3

4 Fleetwood asked where Councilmember McShane is going with the **resolution**
5 **docketing a zoning text amendment that would add Lake Padden to Whatcom**
6 **County Code Chapter 20.71, 20.80.635, and 20.80.735, as a Water Resource**
7 **Protection Overlay District, Stormwater Special District and Water Resource**
8 **Special Management Area (AB2007-286).**
9

10 McShane stated that resolution is regardless of this issue. There needs to be better
11 development standards in the Lake Padden watershed, regardless of the zoning. There is
12 an extensive study on soils of this type. The evidence shows that even with five-acre
13 zoning, the lack of tree canopy protection and impervious surface protections will lead to
14 stream degradation. He wants to put in place the protections to this watershed area,
15 regardless of the zoning. It makes it easier if the zoning is less dense, obviously. Zoning
16 can be used as a means of protection. He wanted to get the infrastructure information he
17 received today. His only concern is about the presumption of urbanization. He asked if the
18 County or City presumed that the density would be higher and, if so, at what point should
19 the Public Works staff come to the County Council in matters like this. It should have been
20 something the department checked. Craver stated she agrees. Having come into this
21 process recently, those discussions probably took place earlier. When these
22 recommendations came forward, the information was not as much in the forefront as it
23 should have been.
24

25 **McShane** stated he now wants to leave the zoning as it currently is in the urban
26 growth area. With the PUD's, density bonus options are available to developers. He is not
27 comfortable moving to the really high densities of urban residential, mixed use (UR-MX)
28 zones. It would be difficult to show how they would put in the protections necessary for
29 protecting the watershed. The stormwater manual doesn't contemplate lake pollution well.
30 He **moved** to rescind the committee votes taken at its June 19, 2007 meeting to
31 recommend removing any areas from the Yew Street Road UGA.
32

33 Caskey-Schreiber stated this process is broken to some extent. What they approve
34 today will lead to irreparable harm of Lake Padden. Yet, these decisions were made a long
35 time ago, and the Council seems honor-bound to carry them forward. She is fully aware
36 that if this area develops at that density, Lake Padden will have an accelerated eutrication
37 process and become a swamp. That's a tragedy.
38

39 **Motion carried unanimously.**

40
41 **McShane moved** to recommend approval of the zoning in the Lake Padden
42 watershed area as it is today. The zoning would remain the same.
43

44 Fleetwood asked about the grants and transportation plans, and whether school
45 plans could go forward with the current zoning. Craver stated it would not. It would have a
46 serious impact on those projects. The UR-3 zoning is in there now, and the County will be
47 challenged. The Lake Padden watershed has not been deemed a sensitive watershed. She
48 will talk to legal counsel. Also, the rural residential, two units per acre (RR2) zone is out of
49 compliance for an urban growth area. She would like to talk with legal counsel, the City of
50 Bellingham staff, and County Public Works Department staff about keeping the current
51 zoning.
52

1 McShane stated the City of Edmonds has a density of two houses per acre within the
2 city limits of Edmonds, in a stormwater protection area, for purposes of minimizing the
3 landslide hazard. It's been done elsewhere as well. Lake Padden is listed as a lake of
4 consideration for dissolved oxygen problems. An environmental impact statement (EIS)
5 clearly states there are issues there. A lack of coordination occurred that lead to a
6 presumption that this area would urbanize, without anyone discussing it with the Council.
7 They should have a more robust discussion about it.

8
9 Fleetwood stated he has concerns for Lake Padden. It wasn't fully addressed in this
10 process. It should have been given more consideration. After the committee made
11 recommendations, staff will craft a resolution for the Committee of the Whole to send to the
12 City to begin negotiations. By approving this motion today, it puts the issue on the table for
13 discussion with the City. He asked if time is of the essence for the City and school, if the
14 committee approves this motion today. Craver stated it is. The Hearing Examiner has
15 already reviewed the conditional use permit (CUP) for the school. They are just waiting for
16 the State Environmental Policy Act (SEPA) review process to end before a decision is made.
17 Keeping the current zoning has ramifications similar to removing some areas from the UGA.
18 The numbers for this UGA will inform the land supply, which is a process that will slow down
19 because of this decision. If they are doing this to just have a discussion, she recommends
20 having that discussion before the committee makes a motion. Discuss it now, not later
21 down the line.

22
23 Fleetwood stated begin that discussion with legal counsel.

24
25 **McShane withdrew the motion.**

26
27 Craver stated another topic is the Hillsdale area. The committee recommended
28 removing portions of Hillsdale from the UGA. She indicated the areas on a map. There are
29 scattered areas within that area that are within water and service zones, and are covered by
30 a City ordinance to possibly receive services in the future. The Natural Resource Committee
31 will discuss a Lake Whatcom urban zone that may effectively do what these motions intend.
32 Therefore, staff recommends that it be a topic of discussion during the reconciliation
33 process, and that this area stays in the UGA until they go through the process of the Lake
34 Whatcom urban zone. There may be a conflict if they remove this area from the UGA and
35 go through the process of a Lake Whatcom urban zone that could apply to that area. It
36 would double staff's work, just to remove some development out of the watershed.

37
38 **Fleetwood moved** to rescind to committee vote taken at its June 19, 2007 meeting
39 to recommend removing the u-shaped section indicated from the Hillsdale UGA boundary
40 maps.

41
42 Caskey-Schreiber asked the harm of removing the area from the UGA. The goal is to
43 reduce density wherever possible in this area. Craver stated they would have to go through
44 a lengthy rezone process. The other route may be faster and more all-encompassing. If
45 they are trying to reduce density and pursue the Lake Whatcom urban zone, it may be more
46 appropriate to go through that process.

47
48 Caskey-Schreiber stated she is skeptical about which route would be faster. The
49 known is more predictable.

50
51 McShane stated this is a cleaner approach. They won't have to worry about the UGA
52 issue, but take it up as a zoning amendment. The sooner they do it on an interim level, the

1 sooner the Council's intent will be clearer to the City. Then it isn't split into two decisions.
2 It's one decision for the entire area.
3

4 Crawford stated the map displayed is not up-to-date. The potential for future
5 development is more limited than what this map displays. More lots have construction
6 going on than shown. Craver stated she agrees. This map was part of the rough analysis
7 they did a couple of months back about potentially sub-dividable lots. This is the most
8 recent aerial photo they have.
9

10 **Motion carried 2-1 with Caskey-Schreiber opposed.**

11
12 *(Clerk's Note: The Committee recessed from 10:50 a.m. to 3:10 p.m.)*
13

14 **McShane moved** to keep the zoning in the Yew Street area as it is now within the
15 Lake Padden watershed, at UR-4, UR-3, and RR2.
16

17 Craver stated this committee's recommendation is the same as the City's
18 recommendation for the area north of the Lake Padden watershed boundary. Regarding
19 keeping the current zoning and its impacts to the City of Bellingham's transportation and
20 infrastructure, the City is fine with the current zoning, as it is.
21

22 Everett stated the area must simply be in the UGA to maintain the transportation
23 grant funds.
24

25 *(Clerk's Note: End of tape one, side A.)*
26

27 Karen Frakes, Prosecutor's Office, stated she makes the argument in the County's
28 Futurewise compliance report that a reduced density should be okay because it is in a
29 sensitive watershed. The decision is scheduled for late July or early August, when they will
30 know if the UR-3 zoning is okay. The RR2 zoning is not in the watershed. The County
31 hasn't been challenged on that RR2 zoning. If it's not in the watershed, they could have a
32 real problem with it.
33

34 Caskey-Schreiber asked to see the current zoning for map 16. It seems like a lot of
35 it is UR-MX.
36

37 McShane stated the current zoning on map 16 is either UR-4, UR-3, or RR2 in the
38 watershed.
39

40 Craver stated the differences would be on map 15. The watershed boundary goes
41 through a couple of subdivisions in areas one and two. They would also have to be careful
42 about not splitting parcels. Map 15 shows the watershed boundary. Everything south of
43 that is proposed to be kept in the current zoning.
44

45 **Motion carried unanimously.**
46

47 Fleetwood stated the next item to discuss is regarding the planning horizon for the
48 UGA. This relates to pending litigation. He asked if they need to go into executive session.
49 Frakes stated they don't, unless they ask questions pertaining to potential litigation. It
50 won't affect pending litigation.
51

1 Brenner stated that an attorney for one proponent said that the Council would be
2 violating the GMA if it doesn't approve all the area proposed by Bellingham. That is
3 potential litigation.
4

5 Rebecca Craven, Council Policy Analyst, stated she distributed a memo regarding the
6 planning horizon for the UGA. The State statute and County planning policies requires a 20-
7 year horizon. They've been working on a 2002 to 2022 time period. There is question of
8 whether that meets the 20-year requirement. There are three options. The first option is
9 to continue planning on the 2002 to 2022 planning horizon. The second option is to go to a
10 2005 to a 2025 horizon or a 2007 to 2027 horizon. The benefits and drawbacks of each
11 option are in the memo. She read from the memo regarding benefits and drawbacks (*on*
12 *file*). Neither option is perfect. Because it's been raised during public comment, the Council
13 should probably address the issue. If a change is in the works, they need to address it
14 sooner rather than later, and start work with the City to come up with numbers from which
15 the Council can make a decision.
16

17 Caskey-Schreiber stated stick with the original 2022 projection. It will bring them
18 into compliance with the GMA sooner than the other options. This process has been going
19 on for four years. Changing the horizon will require even more work and a longer amount
20 of time to get done. They would have to start from scratch.
21

22 Frakes stated they are not under any order in the most recent case. At this point,
23 they haven't been ordered by the Board to come into compliance. It may happen
24 eventually, but for now it's in the initial stages.
25

26 **McShane moved** to approve alternative one from the memo.
27

28 Fleetwood asked about the statute that talks about the 20-year period. He asked if
29 it would expose the County to a claim that it is not using the proper planning horizon.
30 Frakes stated they can't discuss this much outside of executive session. There may be
31 support for the motion. There may not be a case that addresses this issue. There are other
32 cases when the Board has tacitly approved shorter planning horizons.
33

34 Craven stated she has not found a case directly related to this 20-year issue.
35

36 Fleetwood stated he also approves of the motion. The other options would require
37 significantly more analysis.
38

39 **Motion carried unanimously.**
40

41 Fleetwood stated they would consider five-year review areas for possible inclusion
42 into the UGA boundary.
43

44 Gary Davis, Planning and Development Services Department, submitted information
45 (*on file*). He read the introduction section and the recommendations section of the handout.
46 Due to the motion to retain the existing zoning in the Yew Street Road area, the estimated
47 population accommodation deficit will include an additional 353 persons within that area.
48 The 1,772 number has increased to 2,100. That is the new goal, given the ten percent
49 scenario. He indicated the five-year review areas on a map and read from the fact sheet for
50 the Bear Creek, Cordata North, Stuart-Smith, and King Mountain five year review areas.
51

52 Crawford asked if they would be a total of 2,125 people short for planning, if they
53 don't add any additional five-year review areas. One direction the Council could go is to mix

1 and match the numbers for the five-year review areas to come up with a total of
2 approximately 2,125 population increase. Davis stated that's correct. The numbers are
3 only a small part of the consideration. This is a guide to make sure they're on track with
4 meeting the population accommodation goals. The decision of which areas are included
5 should not solely be based on the numbers. It should also consider the merits of the areas.
6

7 Brenner asked what the deficit number assumes about the existing City population.
8 Davis stated the deficit number assumes that the City population accommodation will have
9 a ten percent safety factor for most areas within the city, except single ownership
10 properties.
11

12 Caskey-Schreiber asked how close to the 2,125 number the Council should get.
13 Davis stated that all the numbers for the five-year review areas are rough. The densities
14 and areas are still zoned R5A and R10A. They are staff's good faith effort to put together
15 the most meaningful representation of what is possible for each one of these areas. Given
16 that, they don't have to get to exactly 2,125. They can be over a couple hundred, which
17 would be safer than being under.
18

19 Fleetwood stated that the committee will take a brief recess to review this
20 information.
21

22 *(Clerk's Note: The Committee took a recess at 3:55 for 15 minutes. Beginning of*
23 *tape two, side A.)*
24

25 Caskey-Schreiber stated that if she considers King Mountain Alliance, she would take
26 the King Mountain-Others area as well, for quality of life reasons. It would meet their goals.
27

28 Fleetwood stated it is also a staff recommendation.
29

30 McShane stated the Van Wyk Road is the boundary between school districts. One
31 idea is to use that road as the boundary. The Planning Commission recommended adding
32 the Queen Mountain area as well. There is an existing UGA and city limits on three sides.
33

34 **Fleetwood moved** to include Queen Mountain, King Mountain Alliance, and King
35 Mountain-Others five-year review areas to the UGA. That gives them a cushion of several
36 hundred.
37

38 Caskey-Schreiber asked if folks have considered the Templeton project. They are
39 steering a lot of growth to the north. It may be appropriate to steer some growth to the
40 south. The area is close to transportation and right next to the city limits. It would require
41 infrastructure improvements, but all of these areas would require infrastructure
42 improvements. She asked if the areas in the motion plus the Templeton property would be
43 adding too much. Davis stated it would essentially be a higher safety factor, which is an
44 option.
45

46 **McShane suggested a friendly amendment** to exclude the King Mountain-Others
47 property north of Van Wyk Road. North of Van Wyk Road is heavily impacted by wetlands
48 and agricultural overlay soils. It's a good rural buffer to the agricultural zone. He is not
49 comfortable adding an isolated urban growth area to the Meridian School District. It's a
50 small urban growth area into the Meridian district, which may be challenging for the district.
51

1 **Fleetwood accepted the friendly amendment.** This is not a final decision. It
2 just enters the County into negotiations with the City. They would still be well above the
3 population amount they need.

4
5 Crawford asked why they are not including the Cordata and Caitac areas.

6
7 Fleetwood stated the numbers don't require that accommodation.

8
9 Crawford stated those areas may make more sense topographically. He asked how
10 the committee is weighing those factors.

11
12 Caskey-Schreiber stated it's about what is easiest to service in terms of
13 infrastructure. That's driving her decision. The Guide Meridian is a transportation corridor
14 and she doesn't want to add more density out there. That development alone would put
15 them over the population they need to accommodate by 1,500.

16
17 Crawford stated the City has put in water all the way to Smith Road. The
18 infrastructure is always there.

19
20 Caskey-Schreiber stated she was referring to transportation costs.

21
22 Crawford asked if there is an option to portioning the Cordata north area.

23
24 Fleetwood stated the effort to establish growth boundaries should be done to
25 preserve rural character. The Council has a land use ethic, and they want to demonstrate
26 that commitment. They don't need to bring in every five-year review area. The service
27 agreement to Smith Road suggests that the Bellingham boundary may go out that far in the
28 future. They don't want to continuously expand the urban growth boundaries until the
29 entire county is urbanized. They know what incremental expansion does over time. The
30 King Mountain proposal includes a significant park on the top of King Mountain. It could
31 establish a hard boundary for northern Bellingham some day. It accommodates growth
32 well. It is a good design. It is surrounded by urban form. It's obvious for inclusion.

33
34 Brenner stated she met with people in the Spring Creek development. They were
35 very concerned about interconnection. They must ensure that these are dependent on
36 interconnections. There are no bike trails to get out of there. People must be able to get
37 across to Bakerview Road and to the other parts of Bellingham. She's interested in cleaning
38 up boundaries also. Bear Creek is surrounded on three sides by the city and UGA.
39 Including it would clean up the boundary. She would like the committee to consider it.

40
41 Weimer stated he agrees that the purpose of UGA's is to preserve rural character.
42 The charts make assumptions that the committee hasn't questioned. He agrees that they
43 should use a zero percent safety factor with annual monitoring. Many City assumptions are
44 faulty. The City admits that the park numbers can't be achieved. The City used the
45 minimum density for all the UGA, not a medium or maximum density. They don't need to
46 bring in more area. With a zero percent safety factor and annual monitoring, they can keep
47 track of things and bring in areas when they need to. It's unclear whether they need to
48 bring in any of these areas. Kitsap County spends about \$100,000 a year on annual
49 monitoring, which is much less than infrastructure development. He won't vote for
50 including any of these areas into the UGA.

51
52 McShane stated there are a couple of reasons this area, with the Van Wyk boundary,
53 is appealing. The surrounding area is urbanized. One area along the existing urban growth

1 area to the south, along Bakerview, was the first area the County recommended with which
2 the City disagreed. There was a desire to put in an urban village at the James Street area.
3 It is related to how areas are linked. Planning will go better if everything is all tied
4 together. By leaving areas out, it will be harder to urbanize that urban growth area, which
5 is related to minimum densities. The City was concerned about some areas making the
6 density because of the way it is very parcelized.

7
8 He is leaning toward a zero percent safety factor. Monitoring is critical. They
9 haven't seen the City tout that option. He's concerned about forcing monitoring when the
10 City says it won't do it. Therefore, they may need a small safety factor there. However, the
11 parks thing causes him to believe they don't need it. There is a back-and-forth struggle.
12 By not including some of this area to the north, they will make it harder to urbanize the
13 existing UGA to the density they want. The County, outside of this entire UGA issue, has a
14 responsibility to reduce the amount of development in the rural areas. The current land
15 supply in the rural area far exceeds the population projection. They must create incentives
16 to pull development out of the rural areas. That is the separate issue that will become
17 important in the interlocal agreement. They can take advantage of any urban growth area
18 expansion. He's uncomfortable with a really large expansion for that motivation alone. He's
19 afraid they might not get there. Look at this area as a receiving area as part of the
20 interlocal agreement. The R5A parcels are having a significant impact to the infrastructure,
21 especially on the Northwest Road.

22
23 He's nervous about the Bear Creek area because it's in a different watershed. It is
24 significantly impacted by wetlands. It's a good buffer to agricultural land to the north,
25 which is one of their protection target areas. The infrastructure costs in that area are high.

26
27 Davis stated the motion will allow 2,322 additional population.

28
29 Caskey-Schreiber stated Councilmember Weimer brings up several good points. She
30 has questions about the City's minimum density projections and estimated wetlands. The
31 City seems to think they've estimated low. The ten percent safety factor is a gesture
32 toward working with the City, which requested a 25 percent safety factor. She's leery of
33 dictating the zero percent safety factor to the City. It's not out of line for a City the size of
34 Bellingham to request a ten percent buffer. There are many factors that influence how the
35 city in-fills. The City is going in a huge direction with the waterfront redevelopment and
36 Fairhaven. There are many unknowns right now. There are benefits and consequences to a
37 zero percent safety factor. This is why she decided on a ten percent safety factor. It will
38 allow them to move forward and get this done. She supports the motion to amend.

39
40 ***Motion carried unanimously.***

41
42 Caskey-Schreiber asked if they have the flexibility to add another area to consider
43 during negotiations. Davis stated the current level, with the motion, would put them close
44 to or slightly over a safety factor of ten percent.

45
46 Caskey-Schreiber stated she will bring it up at the Committee of the Whole meeting
47 when it comes up.

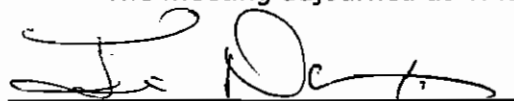
48
49
50 **OTHER BUSINESS**

51
52 There was no other business.

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ADJOURN

The meeting adjourned at 4:43 p.m.




Jill Nixon, Minutes Transcription

ATTEST:



Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Seth Fleetwood, Committee Chair