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WHATCOM COUNTY COUNCIL
Planning and Development Committee

December 9, 2008

Committee Chair Seth Fleetwood called the meeting to order at 2:32 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Laurie Caskey-Schreiber
Carl Weimer

Absent:

None

Also Present:

Barbara Brenner
Bob Kelly
Sam Crawford

COMMITTEE DISCUSSION

1. ORDINANCE ADOPTING AMENDMENTS TO THE BIRCH BAY COMMUNITY PLAN RELATED TO TRANSPORTATION FACILITIES (AB2008-448)

David Stalheim, Planning and Development Services Department, gave a staff report. This must go to concurrent review. They plan to have a public hearing at the first meeting in January and approve in February.

Weimer moved to recommend that the Council have a public hearing.

Motion carried unanimously.

COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL

1. ORDINANCE ADOPTING AMENDMENTS TO THE OFFICIAL WHATCOM COUNTY ZONING ORDINANCE, TITLE 20, CHAPTER 20.40.193 TO PROVIDE FOR THE OPERATION OF WILDLIFE RESCUE REHABILITATION FACILITIES IN THE AGRICULTURE ZONING DISTRICT AS A CONDITIONAL USE, AND ALSO AMENDING CHAPTER 20.97, DEFINITIONS, TO INCLUDE "WILDLIFE RESCUE REHABILITATION FACILITIES" (AB2008-397)

Erin Osborn, Planning and Development Services Department, gave a staff report. The Planning Commission recommends that the Council include an additional condition, that such facilities be permitted only on lands owned by a public entity.

Caskey-Schreiber moved to amend to delete section 20.40.193(11) in Attachment A. It's not a serious threat.

Crawford stated he hopes the wildlife center applicant will realize that these areas are Right-to-Farm areas and not complain about any farming activities that may conflict with the rescue operation. He would like language that is stronger than the language in section 20.40.193(8).

1 **Motion to amend carried unanimously.**

2
3 **Caskey-Schreiber moved** to recommend approval as amended.

4
5 **Weimer moved** to amend section 20.40.193(8), "...nearby agricultural operations.
6 The provisions of WCC 14.02 (Right to Farm) shall be in effect."

7
8 **Motion to amend carried unanimously.**

9
10 **Motion to approve as amended carried unanimously.**

11
12 **2. ORDINANCE ADOPTING AMENDMENTS TO THE OFFICIAL WHATCOM COUNTY**
13 **ZONING ORDINANCE, TITLE 20, TO INCLUDE REGULATIONS AND**
14 **INCENTIVES THAT RESULT IN THE CREATION OF PEDESTRIAN ORIENTED**
15 **STREETSCAPES IN URBAN GROWTH AREAS; AND ALSO ADOPTING**
16 **AMENDMENTS TO CHAPTER 20.97 TO ADD DEFINITIONS THAT CLARIFY**
17 **TERMS USED TO DESCRIBE ELEMENTS OF THE STREETSCAPE (AB2008-398)**

18
19 Erin Osborn, Planning and Development Services Department, gave a staff report.

20
21 Brenner stated the idea of low impact development should rule. She's concerned
22 about the County doing it this way rather than through the low-impact development
23 method. A rear-facing garage will increase driveway length and other things that aren't
24 low-impact development. It would be better to focus on that. She is concerned about
25 taking up more space. Osborn stated that was a concern discussed during the Planning
26 Commission. They addressed it by linking low-impact development requirements with
27 density bonuses.

28
29 Weimer asked about Lynden's response. Osborn stated Lynden's unofficial response
30 was simply that services won't be extended.

31
32 Weimer asked how much area is within short-term planning areas where there are
33 already all three services. Osborn stated there isn't much.

34
35 Weimer asked why they would only do these garage setbacks in areas that have
36 those utilities. Osborn stated they would propose new developments that would receive the
37 density to make this feasible.

38
39 Crawford stated density will get eaten up by the dedicated areas for the alleys. He is
40 opposed to this. He may not have a problem if they let the adjoining City have a say in the
41 standards. This is fraught with a lot of problems. Most topography in the Bellingham urban
42 growth area (UGA) is steeper, so it can't accommodate a back alley. He's talking about
43 areas with very tight sight design.

44
45 Caskey-Schreiber stated this isn't mandatory. Stalheim stated it is an optional
46 process. The only thing mandatory is the design of the house. That doesn't force alley
47 construction. Two different things are happening in this ordinance. The first section is
48 mandatory, which is about front-loaded garages and new construction. The conversation
49 about alleys is in the Planned Development chapter, which is optional.

50
51 Crawford stated many of these homes in very tight neighborhoods need to build a
52 second and third story on top of the garage to fit onto the lots. He asked why they are
53 saying the garage can only be 50 percent of the front of the house. He asked why they are

1 saying they must have 20 feet when there is a very tight lot design for the car to park. The
2 adjoining City needs to deal with this, not the County. Their urban design should apply.
3 Osborn stated the 20-foot minimal setback from the abutting sidewalk is typical throughout
4 the county for a front-loaded garage. It's not new. The Commissioners' intent is to provide
5 for a more pedestrian-orientation to the street and to bring emphasis to the front emphasis.
6

7 Crawford asked why this is important to the County. It is important to how the
8 adjoining City wants to develop.
9

10 Caskey-Schreiber stated one reason is Birch Bay. The County is in charge of large
11 urbanized areas.
12

13 Brenner stated she is in favor of this as an incentive. She has a problem with
14 creating more driveway. Focus on low-impact development. Osborn stated they can have
15 secondary access and offset impervious surfaces created by using low-impact development
16 standards.
17

18 Brenner stated they shouldn't develop in the first place. Don't rely on offsets.
19

20 Fleetwood stated garage-dominated streetscapes are regarded as a bad thing for
21 many good reasons. They're simply addressing that here, and creating incentives. A
22 significant majority of the Planning Directors would agree with something like this.
23

24 Caskey-Schreiber stated the best neighborhood in the county is the Broadway Park
25 neighborhood. Given its design, the home values have remained consistent through the
26 decades. It is very pedestrian friendly. Create incentives to get more neighborhoods like
27 that.
28

29 Brenner stated that's all nice, but don't require that they go back 20 feet. Make it an
30 incentive.
31

32 Crawford stated he would support this if they take out 20.80 and leave 20.85.
33

34 Caskey-Schreiber stated she's not in favor of that.
35

36 Weimer asked the current setback requirement from the sidewalk to the front of the
37 garage. Osborn stated the existing setback requirement is 20 feet.
38

39 Weimer stated this language doesn't really change anything.
40

41 *(Clerk's Note: End of tape one, side A.)*
42

43 Crawford stated adding these restrictions will add to the cost of housing. Consider
44 that if they care about affordable housing.
45

46 Osborn stated staff recommends a change to the definition of front-loaded garages.
47 The Planning Commission passed this ordinance, with a friendly amendment to include a
48 definition for front-loaded garages.
49

50 Stalheim stated the Planning Commission recommendation is before the Council. If
51 the Council wants to do something different, it could change that definition.
52

53 **Weimer moved** to recommend adoption to the full Council.

1
2 **Motion carried unanimously.**
3

4 **3. ORDINANCE AMENDING DOCKETING PROCEDURES IN WHATCOM COUNTY**
5 **CODE CHAPTERS 20.10 AND 20.90 (AB2008-399)**
6

7 David Stalheim, Planning and Development Services Director, stated the previous
8 item is a good example of docketing procedures. Staff spent a lot of time going through the
9 process. At the beginning of any process, consider whether they want staff to spend time
10 on the issue.

11
12 Kate Koch, Planning and Development Services Department, gave a staff report and
13 read from the memo on Council packet pages 719 and 720.
14

15 **Caskey-Schreiber moved** to recommend adoption to the full Council.
16

17 Rebecca Craven, Council Policy Analyst, stated that for this one year, during the
18 timeline transition, there would be a much shorter timeline for docketing items. If a
19 member of the public has a burning issue, they could ask the Council to docket the item by
20 resolution.
21

22 Brenner stated amend the ordinance to allow a grace period for the first year.
23 Change the effective date in the ordinance for the zoning text amendments to July 1, 2009.
24 However, any applications won't get looked at for a year anyway, given the workload.
25

26 Crawford stated they only get private-sector zoning text amendments every few
27 years. They're not urgent.
28

29 **Weimer** referenced section 20.90.040(4) and **moved** to amend to add language at
30 the end of the section, "All suggested revisions submitted shall be forwarded to the County
31 Council for review." Koch stated forwarded suggestions will have the same weight as
32 someone who has actually paid for an application. The staff would not have done the same
33 amount of work.
34

35 **Motion to amend carried unanimously.**
36

37 Fleetwood asked if staff believes this is an improvement. Koch stated it is a definite
38 improvement. These changes are the first step toward making things cleaner and more
39 concise.
40

41 **Motion to recommend approval as amended carried unanimously.**
42

43 **4. ORDINANCE AMENDING TITLE 21, LAND DIVISION REGULATIONS (AB2008-**
44 **404)**
45

46 Fleetwood asked if they can take public testimony tonight, and then hold over for
47 further discussion.
48

49 David Stalheim, Planning and Development Services Department Director, stated he
50 agreed, and leave the written record open to end of the month. He gave a staff report.
51 There are active subdivision applications that are still valid and haven't been approved yet,
52 dating back to 1989. There are short-plat applications dating back to 1981. When a
53 property owner decides to activate that application, the staff have to pull out the 1981

1 zoning code and subdivision code. The critical areas ordinance didn't exist at that time. It's
2 inefficient and a problem for public policy. They have problems with vesting issues. They
3 want to define the information the staff really needs to approve an application. A land
4 division application should be straightforward. It's not happening that way. He's trying to
5 get that information up front to make the determination and get the decision out sooner.
6

7 Crawford stated the staff recommends setting up a pre-application process when the
8 staff will tell an applicant what information is necessary. If vesting is a concern, there is a
9 contingency to use the pre-application meeting as the vesting period.

10 He recommends the County subsidize the pre-application fee of \$500. The staff
11 should get good information for the applicant at the pre-application conference, so the
12 applicant turns in good applications. It's more efficient for everyone.
13

14 Currently, Whatcom County has a time limit of five years with a one-year extension
15 and an ability to put a subdivision on hold for two years. That provides an effective
16 timeframe of eight years for someone to go through the subdivision process. The proposal
17 is for two years to submit the final application and then three years to record with no
18 extensions. They looked at the limits in many other jurisdictions.
19

20 Proposed amendments to the boundary line adjustment process came up during
21 many conversations. There is concern that the proposal is too cumbersome. That was true
22 with an earlier version of the ordinance. That isn't the case now. The development
23 community is still concerned about the relationship between the critical areas ordinance and
24 boundary line adjustments. He described the recommendation.
25

26 They have written a provision to allow the Council to authorize the Council Chair to
27 sign the final plat.
28

29 Brenner stated don't leave it up to the Chair without input from the Council.
30 Stalheim stated it's the Council's decision.
31

32 Crawford asked the intent for requiring the legislative authority to sign the final plat.
33 Stalheim stated State platting laws were done in the 1970's, before many jurisdictions had
34 comprehensive plans and development regulations. They regulated development one
35 project at a time.
36

37 Crawford stated that's archaic.
38

39 Fleetwood stated he doesn't have a problem with the recommendation, although he
40 understands Councilmember Brenner's point.
41

42 *(Clerk's Note: End of tape one, side B.)*
43

44 Stalheim stated they can have a public hearing at tonight's meeting, even though it's
45 not required.
46

47 Fleetwood stated they can leave the written record open until Friday, January 2,
48 2009. Stalheim stated staff will sit down with folks for another round of discussions, try to
49 answer questions, and look for areas with difficult language. He shares the same concern
50 about language that isn't clear. It will cause as much trouble for staff as it will citizens.
51 They want to resolve unclear language.
52
53

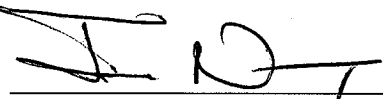
1 Weimer stated it was difficult to review this information because the subdivision
2 sections have been switched, and he couldn't compare the new language with the old
3 language. He asked for a redline version of the changes, if possible. Stalheim stated a
4 redline version isn't available. They started over from the beginning. There are no changes
5 to any development standards. He will put together a list of the sections with changes.
6 There are no changes to any physical standards. This is just a change to procedural
7 applications.
8
9

10 **OTHER BUSINESS**

11
12 There was no other business.
13

14 **ADJOURN**

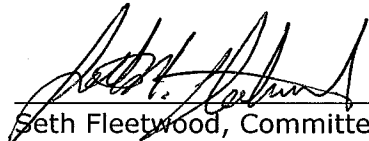
15
16 The meeting adjourned at 4:14 p.m.
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19

20 Jill Nixon, Minutes Transcription
21

22
23 ATTEST
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28
29 Dana Brown Davis, Council Clerk
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WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Seth Fleetwood, Committee Chair