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WHATCOM COUNTY COUNCIL  
**Planning and Development Committee**

April 28, 2009

Committee Chair Laurie Caskey-Schreiber called the meeting to order at 2:30 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Bob Kelly  
Carl Weimer

Absent:

None

Also Present:

Barbara Brenner  
Sam Crawford  
Seth Fleetwood

**COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL**

1. **ORDINANCE AMENDING WHATCOM COUNTY CODE TITLE 21, LAND DIVISION REGULATIONS, REGARDING GENERAL PROVISIONS, EXEMPT LAND DIVISIONS AND BOUNDARY LINE ADJUSTMENTS, SHORT SUBDIVISIONS, PRELIMINARY LONG SUBDIVISIONS, FINAL LONG SUBDIVISIONS, SURVEYS AND DEDICATIONS, AND DEFINITIONS (AB2009-177)**

David Stalheim, Planning and Development Services Department Director, stated there is a revised, substitute ordinance. Introduce the substitute ordinances for this and the next agenda item tonight, and have a public hearing on May 12. Don't hold in committee. He gave a staff report.

Discussion included boundary line adjustments if lots are non-conforming.

2. **ORDINANCE AMENDING WHATCOM COUNTY CODE 20.83.110 TO INCLUDE LANGUAGE REGARDING "REDUCTION OF AREA" IN THE NON-CONFORMING USE CHAPTER (AB2009-179)**

See agenda item one for discussion of this item.

3. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF BELLINGHAM FOR THE PURPOSE OF ANNEXATION OF APPROXIMATELY 20 ACRES – THE CORDATA PARK ANNEXATION (AB2009-203)**

Kate Koch, Planning and Development Services Department, gave a staff report.

Discussion included 60 percent versus 75 percent votes on the annexation petition.

*Weimer moved* to recommend approval to the full Council.

*Motion carried 3-0.*

4. **ORDINANCE AMENDING WHATCOM COUNTY CODE, TITLE 20, TO AMEND THE BELLINGHAM URBAN FRINGE SUBAREA PLAN (AB2009-206)**

1 Alex Cleanthus, Planning and Development Services Department, gave a staff report  
2 and stated there is a substitute for the first page of the ordinance.  
3

4 The following people spoke:

- 5 • Jack Petree, 2955 Sunset, Bellingham, stated the material before the Council  
6 wasn't on the County website before the Planning Commission hearing. The  
7 Planning Commission was confused that night because it got testimony based on  
8 the material that was on the website, which was the wrong information. If he  
9 had seen the paperwork, he would have made extra comments to the Planning  
10 Commission. He is busy and didn't have time to get to it before today.
- 11 • Dominique Zervas, attorney, stated she submitted information to the Planning  
12 Commission on policies and code text, but not Exhibit A, which wasn't on the  
13 County website. The Planning Commissioners were the only ones with the  
14 materials. There was confusion about what Exhibit A actually is.
- 15 • Perry Eskridge, Whatcom County Association of Realtors, stated the information  
16 on the website still isn't updated. Planning staff directed people to the website  
17 for their information, and didn't want to send it out.  
18

19 Discussion included a desire in the development community for clarity; a deadline for  
20 the County to be done by May 12; whether people would use this as cause to go to the  
21 Hearings Board and say the County didn't act within the timeframe, and; whether staff  
22 provided hard copies of the ordinance upon request.  
23

24 **Weimer moved** to recommend approval to the full Council.  
25

26 **Motion carried 3-0.**  
27

28 **5. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO AN**  
29 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF**  
30 **BELLINGHAM FOR THE PURPOSE OF ANNEXATION AND DEVELOPMENT WITH**  
31 **THE CITY OF BELLINGHAM UGA FOR APPROXIMATELY 233 ACRES IN THE**  
32 **VICINITY OF VAN WYCK AND JAMES STREET (AB2009-223)**  
33

34 Kate Koch, Planning and Development Services Department, gave a staff report.  
35

36 The following person spoke:

- 37 • David Stalheim, Planning and Development Services Department Director,  
38 answered questions.  
39

40 Discussion included referencing the transfer of development rights (TDR) program in  
41 the interlocal agreement and City Council action on this item.  
42

43 **Kelly moved** to recommend approval to the full Council.  
44

45 **Motion carried 3-0.**  
46

47 **6. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO AN**  
48 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF**  
49 **BELLINGHAM FOR THE PURPOSE OF ANNEXATION AND DEVELOPMENT WITH**  
50 **THE CITY OF BELLINGHAM UGA FOR APPROXIMATELY 38 ACRES - QUEEN**  
51 **MOUNTAIN (AB2009-224)**  
52

53 Kate Koch, Planning and Development Services Department, gave a staff report.  
54

1 Discussion included referencing the transfer of development rights (TDR) program in  
2 the interlocal agreement.

3  
4 **Kelly moved** to recommend approval to the full Council.

5  
6 **Motion carried 3-0.**

7  
8 **7. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO AN**  
9 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF**  
10 **SUMAS FOR THE PURPOSE OF ANNEXATION AND DEVELOPMENT WITHIN THE**  
11 **CITY OF SUMAS UGA FOR APPROXIMATELY 11 ACRES IN THE VICINITY OF**  
12 **HIGHWAY 9/EASTERBROOK ROAD, SOUTH AND WEST OF THE CITY LIMITS -**  
13 **SKILLMAN ANNEXATION, BRB 2009-04 (AB2009-225)**

14  
15 Kate Koch, Planning and Development Services Department, gave a staff report.

16  
17 Discussion included referencing the transfer of development rights (TDR) program in  
18 the interlocal agreement and how long this has been a short-term planning area; flooding and  
19 how wet this area gets; having different agreements with the small cities than with the City of  
20 Bellingham, and; renegotiating with the City of Sumas.

21  
22 David Stalheim, Planning and Development Services Department Director, answered  
23 questions. He stated they can send a letter to the City about including TDR's in future  
24 annexations, but leave it out of this one.

25  
26 **Weimer moved** to recommend approval to the full Council and to send a letter to the  
27 City of Sumas about TDR discussions for future annexations.

28  
29 **Motion carried 3-0.**

30  
31  
32 **COMMITTEE DISCUSSION**

33  
34 **1. DISCUSSION OF RURAL ELEMENT UPDATE PROCESS AND POLICY ISSUES**  
35 **RELATING TO AMENDMENTS TO THE COMPREHENSIVE PLAN, ZONING MAPS**  
36 **AND ZONING CODE IN RESPONSE TO ORDER IN FUTUREWISE VS. WHATCOM**  
37 **COUNTY (WWGMHB 05-2-0013) (AB2009-222)**

38  
39 Gary Davis, Planning and Development Services Department, read from a presentation  
40 (*on file*) regarding limited areas of more intense rural development (LAMIRD's) and gave a  
41 staff report.

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

44  
45 Davis continued to read from his presentation and give a staff report.

46  
47 Discussion during the presentation included the level of community input regarding the  
48 different options for issue two; the amount of acres in suburban enclave areas; specific  
49 examples and options for Hinotes Corner and other area; the difference between the options in  
50 issue two; the original purpose of LAMIRDs; the LAMIRD status for the Toad Lake area and  
51 Marietta; the rationale for not making those areas LAMIRDs; commercial developments added  
52 to 1990 regarding issue six, and; examples of how the County should address commercial and  
53 industrial zones outside type one LAMIRDs, and individual properties that don't meet those  
54 criteria.

1 Crawford stated that at some point in the future, he would like a refresher on the  
2 purpose of the Guide Meridian Corridor designation and how it interplays with this issue.  
3

4 The following people spoke:

- 5 • David Stalheim, Planning and Development Services Department Director,  
6 described the timeline for working through this issue. This presentation today is  
7 for information only.  
8

9 Discussion included the Planning Commission discussing items the Council is clearly not  
10 interested in for various reasons; a requirement for strong justification for a LAMIRD  
11 designation adjacent to urban growth areas, and; a private challenge to this LAMIRD decision.  
12

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

15 Discussion continued and included court decisions on this issue; connecting this issue  
16 with the issue of setting population projections and urban growth area decisions by the Growth  
17 Management Coordinating Council (GMCC); the original intent of the LAMIRD designation; the  
18 effect of creating many nonconforming lots that currently have zoning such as rural residential,  
19 two units per acre (R2A); keeping the existing zones and changing the lot sizes so not all the  
20 uses are nonconforming; designating former LAMIRD areas rural, with a minimum lot size of  
21 five or ten acres; how they designate the Northwest Drive Corridor/North Bellingham area;  
22 whether the County should make any decisions before the Supreme Court decides this issue;  
23 nonconforming zoning versus nonconforming uses; future Planning Commission work on these  
24 issues; a calendar for UGA and LAMIRD review, and; having clear objectives for joint Planning  
25 Commission and Council meetings.  
26

27 Stalheim submitted a proposed calendar for UGA and LAMIRD review.  
28

29 **The Committee concurred** with having joint meetings with the Planning Commission.  
30

31 Caskey-Schreiber stated the Council could have a joint meeting with the Planning  
32 Commission before the Planning Commission makes any recommendations.  
33

34  
35 **OTHER BUSINESS**

36  
37 There was no other business.  
38

39  
40 **ADJOURN**

41  
42 The meeting adjourned at 4:40 p.m.  
43

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46 Jill Nixon, Minutes Transcription  
47

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49 ATTEST:



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Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
Laurie Caskey-Schreiber, Committee Chair