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4 WHATCOM COUNTY COUNCIL
5 **Special Planning and Development Committee**
6

7 October 6, 2009
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9 Committee Chair Laurie Caskey-Schreiber called the meeting to order at 9:30 a.m. in
10 the Council Chambers, 311 Grand Avenue, Bellingham, Washington.
11

12
13 **Present:** Laurie Caskey-Schreiber, Bob Kelly and Carl Weimer.
14 **Absent:** None.
15 **Also Present:** L. Ward Nelson and Barbara Brenner
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20 **COMMITTEE DISCUSSION**
21

22 **1. DISCUSSION AND WORK SESSION ON 10 YEAR UGA REVIEW (AB2009-**
23 **052F)**
24

25 Lynden
26

27 Dean Martin, Planning and Development Services Department, gave a staff report on
28 the current status of Lynden and the Executive's recommendation. The City proposes 11.8
29 percent of growth in the future, with 10 percent employment growth in the future.
30

31 There are three major issues with Lynden and its urban growth area (UGA). The first
32 issue is agriculture. Lynden is surrounded by it and can't expand. The second issue is
33 water. Water and sewer plans have been recently approved, but there are differences of
34 opinion about the number of water rights Lynden has.
35

36 Caskey-Schreiber asked about the ramifications. She asked how to reconcile the
37 plan and the questionable water rights. Martin stated the attorneys will reconcile that.
38

39 Rebecca Craven, County Policy Analyst, stated the State Department of Ecology
40 (DOE) and City have memorandum of agreement from a few years ago. The DOE was
41 precluded from not approving the City's water plan on the water rights agreements. DOE
42 said that it would approve the plan, but doesn't believe there is sufficient water.
43

44 Weimer stated that's a key consideration. He asked the timeline for resolution.
45 Craven stated there is no timeline.
46

47 Fleetwood asked if setting of in-stream flows is at all pursuant to the water resource
48 inventory area (WRIA) and Lynden's water situation. Craven stated it is relevant. Because
49 of tribal claims in the basin, flows need to be set cognizant of those claims. Either set flows
50 subject to resolution or not set the flows until those claims are resolved. Neither of those
51 have happened. There are partial closures in parts of the basin. Significant issues are tied
52 up in ongoing negotiations.
53

1 Brenner stated she was concerned about a letter from someone who said he
2 represented Ecology, but she wasn't sure he actually was. She asked for a letter from
3 Ecology. Change those two ditches on north side back to original creek. There are two
4 issues. She's not sure if that is a water issue. Restoring a salmon creek is a high goal. Get
5 something from DOE. Give special attention to that restoration project, which can't proceed
6 unless that area is in the UGA. Craven stated the City will facilitate the project if that area
7 is in the UGA. Others suggest it's not necessary for that area to be in the UGA, but it would
8 facilitate project permitting. She is not clear if that is necessary.
9

10 Brenner asked why a letter supposedly from DOE was written on a private computer.
11 She would like to know the reason.
12

13 Martin stated a third issue is flooding. Flooding has occurred in that area and
14 surrounding areas. Lynden would like to include Double Ditch Road as part of a proposal to
15 improve drainage and re-create a creek. However, DOE indicates that no particular solution
16 has been determined for that issue. Lynden wants to be actively involved in the restoration
17 project, and can be more involved if that area is in the UGA. Flooding is a challenge for
18 current residents. It's not in the Federal Emergency Management Agency (FEMA) flood
19 plain, but it does flood frequently. He described the City proposal.
20

21 Caskey-Schreiber stated the Planning Commission is recommending not including the
22 Executive's recommended included area and eliminating other areas. Martin stated the
23 Planning Commission proposal is basically to leave the area as it is now. The Planning
24 Commission rationale is due to the three major issues.
25

26 Fleetwood stated the overarching rationale should be whether the land capacity
27 warrants inclusion. He asked if that area is needed. Martin stated the Planning Commission
28 is looking at all UGA's, and then will redo the land capacity analysis. The Planning
29 Commission will have to put people in other places, opposed to Lynden. They haven't
30 discussed it. There are a number of different options for removing UGA's and hitting the
31 population target.
32

33 Stalheim referenced Table 8 in the land capacity analysis section of the Executive's
34 recommendation. It's based on boundaries proposed. The historical perspective is that it
35 barely meets the historic growth of Lynden. It doesn't have any additional growth as
36 allocated to other urban areas. The Planning Commission reduces the allocation by 1,000
37 per the handout (*on file*). The market factor can be lower, or they can raise the occupancy
38 size. If they make those two adjustments, they can accommodate almost 7,000 people
39 with the Executive's proposal. Planning Commission numbers don't mesh with historical
40 accommodations. The Executive feels strongly that these are reasonable requests for
41 accommodations.
42

43 Brenner asked if the flooding would be significantly reduced if those two ditches were
44 restored. Martin stated that's what the City indicates.
45

46 Weimer asked for information on property at the south for stormwater storage.
47 Martin stated that was from a 2006 or 2007 Comprehensive Plan amendment. The Planning
48 and Development Services Department made it part of overall UGA evaluations. They
49 intend to use the area for stormwater issues and park activities, not for housing. He doesn't
50 know if it is being used for agriculture. It is not cropland.
51

52 Weimer asked how many acres are involved in the creek restoration project.
53 Stalheim stated it is in the critical areas deductions, and is about 16 acres total.

1
2 Robert Carmichael, City of Lynden attorney, stated there is more information that
3 the Planning Committee should be aware of, and he would like to present that information.
4

5 Blaine
6

7 Kate Blystone, Planning and Development Services Department, described the
8 current status of Blaine and the Executive's recommendation. Blaine's UGA is vastly
9 oversized for the expected population in the next ten years. It is undersized for
10 employment growth. Plans in this UGA are for manufacturing and industrial sectors in the
11 Executive's proposed included area. The Executive's recommendation includes 1,903
12 planned jobs and 2,839 acres removed from the UGA. The Planning Commission selected
13 this option.
14

15 She described the City's proposal. The purpose is to provide sewer service to folks,
16 and for the future of the Semiahmoo development beyond the city limits. The area
17 removed from the UGA is 2,143 gross acres.
18

19 The Blaine issues first include a question of whether the West Blaine UGA should be
20 retained or removed. There are two sides to the discussion. A second issue is the provision
21 for an urban level of fire service. Fire District 21 indicates it can't provide an urban level of
22 fire service in the Blaine UGA without additional equipment, personnel, and funding.
23 However, their adopted capital facilities plan shows response times to all UGA's. The
24 current response time is 11 minutes, but they want a response time of 8 minutes to 90
25 percent of calls. In absence of specific data, they assume these response times must be
26 applied in Blaine as well as the UGA.
27

28 Caskey-Schreiber asked if they can change the level of service (LOS) to different
29 standards.
30

31 Matt Aamot, Planning and Development Services Department, stated the County will
32 work with the fire districts in the next two years, and the County will establish LOS,
33 including a test against response times.
34

35 Caskey-Schreiber asked if shrinking the UGA will help or hinder service issues.
36 Blystone stated they are taking non-capital steps now to increase their response times,
37 possibly making it to serve the area now. They define urban by density, not what the
38 County designates as urban.
39

40 Fleetwood asked if the Growth Management Act (GMA) says that cities and UGA's
41 have to be contiguous. Stalheim stated the question of contiguousness has to do with
42 annexation. The Semiahmoo area was annexed many years ago, and is considered
43 contiguous via the bay. The GMA doesn't address the issue of UGA's being contiguous.
44

45 Caskey-Schreiber asked if the Planning Commission vetted the fire district issue.
46 Blystone stated it did.
47

48 Blystone stated the third issue with Blaine is a compensatory mechanism if the aim is
49 to preserve open spaces between and within UGA's. Something has to keep those areas
50 open spaces, such as a transfer of development right (TDR) program. Ordinance 2005-002
51 establishes TDR sending areas in the Birch Bay and Blaine subareas. Staff is reviewing the
52 ordinance. The Planning Commission gave direction to draft a policy to establish a TDR

1 sending area for purposes of transferring development rights out of the Drayton Harbor
2 watershed.

3
4 Martin stated there have been a few cases when people come in on older projects
5 that require the use of TDR's. They have 300 or more certified development rights. He
6 explained the TDR program.

7
8 *(Clerk's Note: Due to recording system malfunction, the following portion of the*
9 *meeting was not audiotaped. Minutes are taken from the Clerk's notes.)*

10
11 Caskey-Schreiber stated King County has a successful program, and King County
12 serves as the bank. Define the role the County wants to play.

13
14 Brenner asked why they are treating this downzone different. Blystone stated the
15 Planning Commission decided to limit it to Drayton Harbor, which is a sensitive watershed.

16
17 Stalheim stated there are plenty of sending areas, but no receiving areas. The
18 Planning Commission wanted to focus on the policy issue in the watershed.

19
20 Caskey-Schreiber stated invite King County to a meeting for a policy discussion.

21
22 Blystone described three properties requesting inclusion. The Planning Commission
23 recommends they execute proposal and direction to staff to write a TDR program in the
24 Drayton Harbor watershed.

25
26 Weimer stated the Executive allows some expansion for job creation. He asked if
27 Blaine can't rezone part of their own city limits for commercial development. He asked if
28 that would make more sense. Blystone stated that is a question for the City of Blaine. That
29 is a position the Council could take.

30
31 Caskey-Schreiber stated it looks like the area north of the proposed industrial UGA
32 area has residential. Blystone stated it does. They are on septic, which is another reason
33 to include the area in the UGA. Also, because it is a natural direction to grow, away from
34 water.

35
36 Weimer asked if the City can retract its city limits. Stalheim stated it would have to
37 be an action of the City to de-annex an area. That is not practical. There are several
38 projects in various stages of application with the city.

39
40 Stalheim introduced Michael Jones, the new City of Blaine planning director.

41 42 Birch Bay

43
44 Blystone described the current status of the Birch Bay UGA, the Executive
45 recommendation, and the Planning Commission discussion. The Planning Commission has
46 not decided on the Birch Bay UGA. The Planning Commission directed staff to bring forward
47 more options to reduce the UGA based on the land capacity analysis. Now, the UGA is
48 oversized by 90 net acres, not including the urban reserve areas. The Planning Commission
49 decided to not consider the urban reserve idea.

50
51 The Planning Commission gave staff criteria for reductions. Staff will produce study
52 areas and analysis based on those criteria, which include traffic patterns, critical areas,
53 community plans, and other things.

1
2 There are key Birch Bay UGA issues the community expressed. First, do not
3 disregard community planning efforts. A second issue is the provisional rezone area around
4 Blaine Road and Alderson Road. The Executive altered his proposal and requested that the
5 Planning Commission recommend removal of this provisional rezone area.
6

7 Caskey-Schreiber asked a question regarding the provisional rezone area. Blystone
8 stated the Executive added the area back into the UGA upon request of the community.
9

10 Caskey-Schreiber stated that's a problem area. The rules recognize that. She asked
11 if they will be back in the UGA, and automatically be zoned general commercial. She asked
12 if this would be a sending or receiving area. Stalheim stated it could be a receiving area,
13 but without certain requirements.
14

15 Caskey-Schreiber stated that's the problem. If allowed outright, it is not a successful
16 TDR program. She asked how to get around that. Stalheim answered questions.
17

18 Nelson asked if the Code would allow a density higher within the TDR program. It
19 would incentivize developers. Stalheim stated (*inaudible*). They can look at changes to
20 allow more density than 24 units per acre. There is a proposal to repeal the ordinance that
21 allows that density.
22

23 Weimer asked if they can restructure that to remove the challenge to make everyone
24 cooperate, but still require TDR's. Stalheim stated that's an option.
25

26 Caskey-Schreiber stated explore that option. Otherwise, the TDR program won't
27 work.
28

29 Weimer stated there is a mixed message from the community. They passed the plan
30 and want to stick with it, but they also like the watershed characterization. Those are
31 counter to each other. Much of the area around Alderson, Arne, and Blaine Roads shouldn't
32 have high density development according to the watershed characterization. He asked if
33 there is discussion with the community to reconsider the plan based on the characterization.
34 He asked how they are trying to work the watershed characterization into the plan.
35 Stalheim stated that is upcoming in the next phase. The watershed characterization is a
36 general indication of UGA boundaries. They will talk about how to put those two things
37 together in the next two years.
38

39 Weimer asked how they can go forward with this commercial node, and then back
40 away in two years. Stalheim stated large areas removed from the UGA are the most
41 sensitive areas of the watershed. That doesn't mean development in the next two years
42 doesn't have to comply with environmental regulations. No matter what project comes
43 forward, it will still be reviewed in the context of County planning regulations. They can
44 meet the same objectives without selling the farm.
45

46 Blystone stated another issue is capital facilities, specifically fire service. The issue is
47 the same as with Blaine. There are also traffic problems. She referenced the memo to the
48 Planning Commission dated September 29, 2009 (*on file*). For instance, Blaine Road is a
49 State highway, and the State decides when to upgrade that road to urban levels of service.
50 Lincoln Road doesn't go all the way through. They need to study the traffic issues. The
51 Planning Commission will talk about that. It's being study as part of the environmental
52 impact statement (EIS) process.
53

1 The last issue is (*inaudible*). Maritime Manor from Pacific Surveying & Engineering is
2 a vested application with 52 lots. The application is vested, but not yet approved. Paul
3 Garrett's Birch Bay Meadows is vested with preliminary approval from the Hearing
4 Examiner. It has 97 lots. Robert Larson wants his property to be in the urban reserve
5 category. He is not vested. The Whisper Lake Development property is not vested. There
6 is a proposal. A meeting is scheduled to talk about the application. The Carney/Collins
7 property wants to be in the Birch Bay UGA instead of the Blaine UGA. This property scored
8 last among the areas considered. Now, they are in the Blaine long-time planning area. The
9 Planning Commission hasn't made any decisions or recommendations yet.

10
11 Weimer asked for information on a standalone UGA becoming a City. He asked if
12 Birch Bay will become a city in 20 years. Blystone stated there is no timeframe. There is
13 some will of the community to incorporate.

14
15 Weimer asked if there is a legal timeframe for UGA's to be in the city. Stalheim
16 stated there is not. It's about the delivery of services, not governance.

17
18 Fleetwood stated (*inaudible*). Stalheim responded. The GMA doesn't require
19 incorporation within a period of time. Without being in a UGA, an area can't incorporate.

20
21 (*Clerk's Note: Audio recording of the meeting resumed at this time.*)
22

23 Caskey-Schreiber referenced the provisional area and asked what has changed to
24 make them want to give up, other than it's difficult to do with the various property owners.
25 She asked if there can be a policy to keep an area provisional, but take away stakeholder
26 involvement. Stalheim stated the Birch Bay Community Plan was done, and showed this as
27 a commercial and multifamily node. The community plan identified it without conditions. At
28 the end of the process, the County Council established conditions for this area. A stumbling
29 block has to do with property owners working together. They also want to do affordable
30 housing in this area, but a requirement to buy transferred development rights will increase
31 the costs. That was the reason for the interest in removing the provision.
32

33 Brenner stated a decade of work went into the Birch Bay Community Plan. She
34 asked how broad is the County authority before the Hearings Board. They are considering
35 significant changes. Stalheim stated the Council mission is review and revise UGA's for the
36 next 20 years. The Council has the ability to review and revise these decisions in two years.
37

38 Nelson asked if there was a boundary review to make sure they are not dividing
39 parcels and lands. Stalheim stated they try not to split parcels. There may be
40 circumstances where that may have occurred through some processes. They have not
41 reviewed specific parcel boundaries.
42

43 Columbia Valley 44

45 Aamot described the current status of Columbia Valley and the Executive's UGA
46 recommendation. In eight years, there has been growth of 1,400 people. There has been a
47 transition from seasonal dwellings to fulltime units. The Executive reduces the UGA 370
48 acres, which is approximately 25 percent. The Council approved a projection of 5,000 for
49 the ten-year review. The Foothills Subarea Advisory Committee recommended removing
50 the area to the south of the UGA. The Executive agreed. He described the areas the
51 Executive removes and adds to the UGA.
52

1 The Planning Commission made two changes to the Executive's recommendation.
2 He described the Planning Commission recommendation.
3

4 Caskey-Schreiber asked if the alluvial fan and steep slope issues to the west can be
5 addressed to foster growth. Aamot stated they could move the density to another part of
6 the parcel through the permit process. It's possible.
7

8 Caskey-Schreiber asked why the Planning Commission added the acreage back in.
9 Aamot stated there is a development proposal for that area for homes. Part of that
10 residential development is planned over the planned town center.
11

12 Caskey-Schreiber asked if this is a tradeoff. Aamot stated the Planning Commission
13 thought the town center would be more viable if the 80 acres is added.
14

15 Fleetwood asked if they deeded the land to the County for the East County Regional
16 Resource Center. Aamot stated they did.
17

18 Fleetwood asked if that was gifted on a certain assumption. Aamot stated it was not.
19 He described the Foothills Subarea Plan Advisory Committee proposal.
20

21 The public raised issues. The first issue is fire protection. Fire District 14 does not
22 have and cannot provide an urban level of service in the future. The Executive maintains
23 the UGA in the Columbia Valley. It's important to provide fire service. They will have to
24 meet with Fire District 14.
25

26 Brenner stated the people are there already. The density is high, whether or not the
27 Fire District can meet the standard.
28

29 Caskey-Schreiber stated that if the LOS for fire is determined by density, they are
30 mandated to provide that LOS to that density. She heard the Fire Department is agreeing
31 to serve Sumas. She asked how they can do that. Aamot stated they have a fire station in
32 Sumas. They have the response times broken out by station, not by city or UGA. They will
33 provide the response time to the Columbia Valley UGA.
34

35 Caskey-Schreiber asked where that leaves the UGA if the Fire Department can't
36 serve the area. Aamot stated development must have a concurrency letter to develop. The
37 UGA process has to identify the standard. It's like a capital facilities issue they have to
38 address. Many Fire Departments don't have capital facilities plans.
39

40 Brenner stated she is concerned that the Fire Department said it can't serve in the
41 future. It sounds political rather than practical. Aamot stated that once they develop a
42 standard, they will see if the Fire District can meet the standard
43

44 The second issue is capital facilities planning for other services, such as water and
45 sewer. Because of concerns, policy 2AA-6, designate the area as rural if capital facilities
46 plans aren't done by 2011.
47

48 The third issue is removal of 80 acres on the west side of the UGA.
49

50 Caskey-Schreiber stated half of that 80 acres is in the alluvial fan. Instead, just
51 include the 40 acres not in the alluvial fan. Aamot stated they could do that. They would
52 be splitting a parcel.
53

1 Nelson stated the alluvial fan would be like any other critical area, and developed
2 around with restrictions like any other developed area. Aamot stated that's correct. There
3 are development regulations for alluvial fans.

4
5 Nelson asked if the Executive removed the area because of the alluvial fan. Aamot
6 stated he did.

7
8 Nelson stated that's the reason for critical area development regulations. The area is
9 already protected and regulated. He asked why the Executive would do that. Aamot stated
10 the rules allow some development on portions of the fan. In general, an alluvial fan may
11 not be a good place for growth. It's a matter of the degree of risk they want to accept.

12
13 Caskey-Schreiber stated the UGA is oversized anyway.

14
15 Brenner asked if there are certain classifications of alluvial fans. Aamot stated there
16 is a more hazardous part of a fan. It is called the alluvial fan hazard area.

17
18 Aamot described the Executive's recommendation for the 80 acres.

19
20 The next issue is 40 acres on the eastern side of UGA. Now, it has rural forestry
21 zoning, but it is not a resource land. The Foothills Committee and Planning Commission
22 recommend adding it to the UGA.

23
24 The last issue is the lack of commercial area to serve the UGA. The Foothills
25 Advisory Committee recommends the planned town center area.

26
27 The options for Columbia Valley are to adopt the recommendation from the
28 Executive, Planning Commission, Foothills Advisory Committee, or develop an amended
29 option.

30
31 Kelly asked if the growth trends have slowed in the Columbia Valley UGA. Aamot
32 stated he's not sure. He would have to review building permits. Historically, it was a
33 seasonal development. However, people moved into the houses full-time because the area
34 is much less expensive than other areas.

35
36 Weimer asked if the area west of the town center changes the potential for how
37 many units can go in. Aamot state it does. Density is determined on gross parcel acreage.

38
39 Craven stated the next meeting on this issue is the Planning Commission meeting
40 this Thursday, to discuss Bellingham and Ferndale. The next Planning Committee is next
41 week to discuss Bellingham and Ferndale. She described the upcoming schedule on this
42 item.

43
44
45 **OTHER BUSINESS**

46
47 There was no other business.

1 **ADJOURN**

2

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The meeting adjourned at 11:45 a.m.

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Please contact the Council Office to obtain an
official, signed copy:

360-676-6690 or council@co.whatcom.wa.us

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Dana Brown-Davis, Council Clerk

Laurie Caskey-Schreiber, Committee Chair