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WHATCOM COUNTY COUNCIL
Planning and Development Committee

October 20, 2009

Committee Chair Laurie Caskey-Schreiber called the meeting to order at 1:34 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present: Laurie Caskey-Schreiber, Bob Kelly and Carl Weimer.
Absent: None.
Also Present: Seth Fleetwood and Barbara Brenner

COMMITTEE DISCUSSION

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

Birch Bay

Kate Blystone, Planning and Development Services Department, submitted maps (*on file*) and gave a staff report. She described the Planning Commission process deliberation and their preliminary recommendation. According to the land capacity analysis, the urban growth area (UGA) is oversized by 16 acres, with a population surplus of 125 acres. The employment supply is 69 acres oversized, with a surplus of 950 jobs. They are only allocated 489 jobs. It's okay that they have a little bit of a job surplus.

Brenner asked about permits that have been approved or are almost approved. If they aren't left in the UGA, the Birch Bay Water and Sewer District won't provide service. After all the money they've spent, they won't be developed. Blystone stated she would talk about those properties.

There are two issues. First, there are many requests for inclusion in the UGA. She described those requests.

Caskey-Schreiber asked if vested lots and applications will be nonconforming.

David Stalheim, Planning and Development Services Department Director, stated it depends on the request. They are in different stages of application. From the County's perspective, they are vested plats that allow sewer extension. However, it's up to the service provider. The existing lots to the northeast of the Garrett property would be nonconforming.

Brenner asked if the Maritime request is vested. Stalheim stated the application for a preliminary plat is vested. However, they had to go through a legislative process to change from a long-term to short-term planning area, which involved a site specific rezone. That never went forward. The vesting status is not the same as a regular vested application.

Brenner asked about vesting on the Whisper Lake Development. Stalheim stated they went through a pre-application conference. He doesn't know if they have yet submitted an application. If submitted this week, the application will be vested. Until the application is preliminarily approved, the application is vested, not the plat.

1
2 Blystone stated the second issue is the Blaine Road and Alderson Road intersection.
3 The Planning Commission recommends removing the provision. It would make the
4 intersection general commercial and urban residential mixed use, 24 units per acre (URM-
5 24). She described three options for the area. She described the provisions for this zone.
6 Public comment indicated that the provisions make it impossible to develop, that property
7 owners want to develop low income housing, and the requirement to buy transferrable
8 development rights is cost prohibitive.

9
10 Brenner stated she thought that low income developments didn't have to buy
11 development rights.

12
13 Caskey-Schreiber stated option three would allow them to create provisions to get at
14 Councilmember Brenner's concerns. She asked what the zone will be if the provisional
15 rezone is removed. Blystone stated the zone goes to (URM-24).

16
17 Brenner stated increased density is either appropriate or not. She asked why
18 anyone would purchase development rights if they don't want a higher density. Blystone
19 stated the Birch Bay Community Plan identifies multifamily housing at this intersection, at
20 no less than ten dwelling units per acre. It is a challenge to get developers to buy higher
21 density unless there is a reason to do so.

22
23 Caskey-Schreiber stated it's a condo community. She doesn't agree with gifting
24 higher density and general commercial zoning. Staff could craft language for a provisional
25 rezone that would be palatable and not have to link partners with everyone in the
26 agreement.

27
28 Weimer asked if they could go with option three and require some transfer of
29 development right (TDR) no matter what happened with the upzone. Blystone stated they
30 could.

31
32 Blystone referenced a memo from David Stalheim to the Planning Commission dated
33 October 9, 2009 regarding the Birch Bay Urban Growth Area Sizing and Zoning (*on file*) as it
34 addresses the Birch Bay Watershed Characterization Study.

35
36 Caskey-Schreiber asked what happens if the Garrett Area were added back to the
37 UGA. Stalheim stated they would have more land capacity than the allocation. They are
38 starting for a lower base line here than in other UGA's. They are using the lowest
39 population allocation of the environmental impact statement (EIS). A surplus here is in a
40 different context than in other UGA's. They can justify that if they want. Having a small
41 surplus is okay.

42
43 The following people spoke:

- 44 • Kathy Berg, Birch Bay Steering Committee Chair, submitted a handout (*on*
45 *file*).
- 46 • Peter Gill, Planning and Development Services Department

47
48 Discussion included whether the community talked about the results of the
49 watershed characterization, and how they will merge the watershed characterization and the
50 community plans; what would prevent the intersection from being developed in the next
51 two years, if included in the UGA, while the community thinks about the watershed
52 characterization plan; the protection zones in the watershed characterization study, and;
53 whether areas were characterized by existing land use.

