

1 WHATCOM COUNTY COUNCIL
2 **Planning and Development Committee**

3
4 April 13, 2010

5
6 **CALL TO ORDER**

7
8 Committee Chair Bill Knutzen called the meeting to order at 3:00 p.m. in the Council
9 Chambers, 311 Grand Avenue, Bellingham, Washington.

10
11
12 **ROLL CALL**

13
14 **Present:** Ken Mann, Bill Knutzen and Barbara Brenner
15 **Absent:** None
16 **Also Present:** Kathy Kershner and Sam Crawford
17

18
19 **COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL**

20
21 **1. ORDINANCE AMENDING WHATCOM COUNTY CODE 20.80.210, MINIMUM
22 SETBACKS, TO IMPLEMENT A TEN FOOT SETBACK FOR PROPERTIES ALONG
23 THE US-CANADA BORDER (AB2010-166)**

24
25 Alex Cleanthus, Planning and Development Services Department, gave a staff report.

26
27 Discussion included allowing access to berry farmers to have room to turn around
28 their pickers and allowing access to farmers for maintenance.

29
30 ***Mann moved*** to recommend approval to the full Council.

31
32 The motion carried by the following vote:

33 **Ayes:** Mann, Knutzen and Brenner (3)

34 **Nays:** None (0)
35
36

37 **COMMITTEE DISCUSSION**

38
39 **1. RURAL ELEMENT UPDATE - DISCUSSION OF GROWTH MANAGEMENT ACT
40 REQUIREMENTS AND THE PLANNING COMMISSION RECOMMENDATIONS
41 (AB2010-072) (3:05:22 PM)**

42
43 Gary Davis, Planning and Development Services Department, submitted and read
44 from a presentation (*on file*) on examples of type I, II, and III limited areas of more intense
45 rural development (LAMIRD), rural areas not proposed for a LAMIRD, and proposed
46 Comprehensive Plan text amendments and zoning code text amendments.
47

48 Discussion during the presentation included whether they can use the same names
49 they used to use, such as suburban enclave, and better-define outer boundaries; whether
50 LAMIRDS are legally allowed near cities; whether they can use existing water lines as a sole
51 criteria, regardless of where they go (3:55:24 PM); pursuing the water line issue and getting
52 clarity; whether the manufacture of fiberglass pipes will be an acceptable use for the rural
53 industrial-manufacturing (RIM) zone designation; not allowing businesses on the Guide to

1 expand in certain zones; limiting existing uses in the LAMIRDs; the Planning Commission
2 recommendation of 2005; whether there are logical boundaries for Type III LAMIRDs;
3 LAMIRDs as tools to recognize existing, sprawl development, not as tools for future growth,
4 which are urban growth areas (UGA's); having tools available to take advantage of
5 economic development opportunities in Washington counties that have interstate highways;
6 the status of the Goldstar property that was developed in 1990, but no longer is; promoting
7 and protecting the agricultural industry in Whatcom County; the reason for choosing the
8 2005 date, which was when the Hearings Board first found Whatcom County out of
9 compliance; whether they can vest or grandfather properties into a LAMIRD that were
10 developed after 2005; the character of the North Bellingham community; the reason why
11 the North Bellingham area isn't a LAMIRD when the Guide development is; the zoning on
12 Eliza Island, and; setbacks on rural business properties and abutting resource lands.

13
14 *(4:50:11 PM)*

15
16 Davis asked the committee's preferred next steps.

17
18 Knutzen stated they are not ready for a public hearing. He would like more feedback
19 from the councilmembers and a recommendation from the Committee of the Whole.

20
21 Brenner stated have a Committee of the Whole work session for proposed changes.

22
23 Knutzen stated hold this item until after they've dealt with UGA settlement.

24
25 Stalheim asked if the committee wants to develop an alternative proposal on which
26 they would eventually have a public hearing.

27
28 Kershner stated there will be an alternative proposal. Don't have a public hearing
29 until they develop a likely alternative proposal. It will take a lot of time to look at each
30 area. Stalheim stated staff can develop more detail on certain issues such as water lines
31 and residential-only LAMIRD's. That will take the staff at least a month to bring forward.

32
33 Brenner stated she likes the idea of creating LAMIRDs where it matters on the lot to
34 be conforming or nonconforming. She likes a combination of things, including overlays on
35 certain areas. There is a big problem with the Guide Meridian area as it is proposed. She
36 doesn't support any of the buffers. If they make it impossible, they won't have any rural
37 community businesses. Don't do that. Other difficult areas are the downzones to ten acres
38 if things will be nonconforming anyway. It seems disingenuous to downzone something that
39 is already developed to ten acres.

40
41 Kershner stated do work on the water lines, and how that impacts some of these
42 areas.

43
44 Knutzen stated he isn't ready to recommend staff time on that yet. He would like to
45 get feedback from the Committee of the Whole on how to proceed with LAMIRDs, and if and
46 how they want to develop an alternative proposal.

47
48 Crawford asked if the next step is to do more study and other options, and if that
49 would include each area. Davis stated the question is the point when an alternative
50 proposal is drafted.

51
52 Knutzen stated an option is to go through area-by-area, one area each meeting.
53

1 Brenner stated let councilmembers know about this presentation, ask them to put
2 their ideas on paper, and start working on those ideas.

3
4 Crawford stated he prefers to have a work session and talk through the issues. A
5 logical next step is to address the issue of underground utilities. If there is time, put aside
6 an hour or hour and a half during the upcoming Planning and Development Committee
7 meetings to work on these areas and develop answers on which of the 45 areas can be used
8 as water lines. They could have a discussion in Committee of the Whole about where
9 everyone is at right now. Now, he wants to protect the opportunities for the property
10 owners that have had some zoning assurance. Protect those folks and preserve their
11 zoning. He will look for opportunities to do that, even if that means looking at graduated
12 densities and underground utilities. Review policies in the Comprehensive Plan and
13 Countywide Planning Policies that have tied their hands to some degree. Make sure the
14 Countywide Planning Policies are set as the foundation, and then the Comprehensive Plan
15 and the zoning decisions are consistent, so the rural element will make sense. It will be a
16 lengthy policy discussion. He asked how much committee time needs to be taken up with
17 other issues. Develop a schedule to work through all this through the Spring.

18
19 Knutzen stated he is concerned about staff time dealing with the UGA settlement.

20
21 Brenner stated there are plenty of Planning issues that come forward. An hour isn't
22 enough time. Have special committee meetings on off-Tuesdays.

23
24 Kershner stated she may be in favor of off-Tuesday meetings if they can schedule
25 the entire day and be assured of making significant progress. She prefers taking time out
26 of each Planning Committee meeting.

27
28 Knutzen stated that is an option. They can get a lot done in a special meeting.

29
30 Stalheim stated quite a few things are coming through the Planning Commission to
31 the Committee. Over the next couple of months, they will have to allocate time to answer
32 specific questions. He's not worried about the staff time in his department. There isn't a
33 staff time competition between LAMIRDs and the UGA issue. He's more worried about other
34 things, such as docket items that will begin to come to the Committee. He likes the idea of
35 getting an indication of where the Committee is going with the options presented. Staff can
36 come back with options and maps on issues, rather than looking at the old map. Focus on
37 themes so staff can develop options. At some point, the Committee should also hear from
38 the public, and not so much from staff.

39
40 Brenner stated they do a great job in the Planning Committee. The wording is
41 important. The hearing on home occupations tonight isn't what the Committee
42 recommended. These are the kinds of things that slow things up. Things take time.

43
44 Crawford asked if it's possible, if the Planning Committee made a recommendation,
45 for staff to bring forward a proposal with virtually no density reductions from today's current
46 zoning, in all areas, and support that proposal with an analysis of what it would take to
47 develop that proposal in terms of Comprehensive Plan consistency and Countywide Planning
48 Policy consistency. He suspects most of the councilmembers want to do this the least
49 painful way possible, to not deprive anyone of any current density or current use. He asked
50 if they can start with a new majority view of how to approach this in a way that does the
51 least, given the Hearings Board's direction on the LAMIRDs and rural element, the recent
52 court decisions, and any inconsistencies in the Comprehensive Plan. He asked if there is
53 any merit in the Planning and Development Committee proposing that to Planning

1 Department staff. Stalheim stated that given the existing Comprehensive Plan and
2 development regulations, that direction will not be justifiable or pass the Growth
3 Management Hearings Board. However, they've laid out options that will pass muster and
4 be less painful for the property owners.
5

6 Knutzen stated he is in favor of that, if there is staff time available. Stalheim stated
7 staff can develop those options and proposal. It will be about water lines, residential-only
8 LAMIRDs, and similar subjects. He can lay out an option for the Goldstar property, if the
9 Committee wants. He won't make a recommendation that says what exists will meet the
10 test.

11 Crawford asked about making revisions so the Countywide Planning Policies,
12 Comprehensive Plan, and zoning are consistent. Stalheim stated the hierarchy begins with
13 the Growth Management Act, then Countywide Planning Policies, then Comprehensive Plan,
14 then development regulations, which all must be consistent. The Countywide Planning
15 Policies requires a discussion with and ratification by the cities. That is a sore point with the
16 cities. In the past, the County made amendments without City input. He won't recommend
17 subverting the cities' processes. He explained the ratification process.
18

19 Crawford stated it would behoove the Council to review and build support for the
20 Countywide Planning Policies. He doesn't know how else to do that if they are going to
21 ensure consistency.
22

23 Brenner stated they will never reach agreement amongst all groups and avoid
24 lawsuits and appeals. Focus on this and get it done. It would be great to do a philosophical
25 review, but it would take a very long time. She prefers to work more specifically.
26

27 Knutzen stated many options are available, particularly for areas that are outside the
28 LAMIRDs. Staff can bring forward options that don't affect the property owners as much as
29 this proposal.
30

31 Brenner asked if the setbacks in rural areas are in or out of LAMIRDs. Stalheim
32 stated they are where the LAMIRDs abut resource lands. Staff can come back with optional
33 maps for the water line issue, for example.
34

35 Crawford stated the committee should try setting aside one hour each meeting to
36 discuss the rural element, for the next couple of meetings. If they are not getting enough
37 done, then revisit the idea of a work session.
38

39 Brenner stated schedule it at the end of the meeting, not the beginning of the
40 meeting.
41

42 Knutzen stated staff can begin with the water lines.
43

44 Crawford stated staff can also begin with a proposal that is the least painful to
45 density issues and property devaluation issues.
46

47 Knutzen stated they can also begin to deal with the buffer issue. He asked staff to
48 present options for water lines.
49
50

51 **OTHER BUSINESS**

52
53 There was no other business.

1
2
3
4
5
6
7
8

ADJOURN

The meeting adjourned at 5:20 p.m.

Please contact the Council Office to obtain an
official, signed copy:
360-676-6690 or council@co.whatcom.wa.us

17
18 Dana Brown-Davis, Council Clerk
19

Bill Knutzen, Committee Chair