

Whatcom County Council Planning and Development Committee

**COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010**



Committee Minutes - Final

Tuesday, January 24, 2023

10:05 AM

Hybrid Meeting

**HYBRID MEETING - ADJOURNS BY 11 P.M.; MAY BEGIN EARLY
(PARTICIPATE IN-PERSON AT 311 GRAND AVENUE SUITE 101, SEE REMOTE
JOIN INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL
360.778.5010)**

COUNCILMEMBERS

Tyler Byrd
Ben Elenbaas
Kaylee Galloway

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

Call To Order

Committee Chair Ben Elenbaas called the meeting to order at 10:05 a.m. in a hybrid meeting.

Roll Call

Present: 3 - Tyler Byrd, Ben Elenbaas, and Kaylee Galloway

Absent: None

Also Present: Barry Buchanan, Todd Donovan, Carol Frazey, and Kathy Kershner

Announcements

Committee Discussion

1. [AB2022-597](#) Discussion of the Buildable Lands Report

Matt Aamot, Planning and Development Services Department, updated the Councilmembers and stated additional findings relating to affordability and Growth Management Act (GMA) requirements for the housing element in the 2025 update have been added in red since their last discussion (on file as “Draft Ordinance (Revised Jan 17, 2023).”

Chris Behee, City of Bellingham, spoke about some of the key findings proposed by Mr. Carmichael in the document “Proposed Draft Ordinance from Bob Carmichael” (on file) that address the City of Bellingham. He spoke about the findings dealing with the market factor and outreach efforts to property owners and whether the input completely captures development constraints within Bellingham, the amount of land available for development in the Whatcom Falls neighborhood, and performance in those same zones. He stated the assumptions in the Buildable Lands analysis do account for a lot of the development challenges that Mr. Carmichael is citing. He spoke about overall housing production and the under-production that Bellingham had during the five-year reporting period and stated they are at about 104 percent of where they would expect to be based on the numbers in the Comprehensive Plan to meet their population goals.

Aamot answered whether councils whose counties have gone through the buildable lands process have had to approve an Ordinance, and how he envisions incorporating small city housing prices into the findings.

Behee answered which finding he was referring to when he was talking about soliciting feedback from community members. It was finding 26 in Carmichael’s redline version.

Aamot answered whether they have a plan to address the proposed findings with the Carmichael group or whether staff has a recommendation for the findings, and stated some of the concern is that some of the proposed findings contradict what is in the actual Buildable Lands Report so they need to ask their legal counsel.

Elenbaas stated in his opinion the Carmichael Ordinance is pretty good even if they delete finding 26. He would be more inclined to accept this version of the Ordinance than any of the other ones he has seen.

Behee stated most of the findings in this version are heavily weighted towards just single-family zoning as opposed to the more compact efficient urban infill form which is what Bellingham's current plan focuses on.

Donovan stated he would rely on the staff's analysis rather than these findings 11-26, and spoke about having a finding that says we need permanently affordable housing and new policies because the market is not producing that. We are trying to get something out of this report that the report is not an appropriate vehicle for. He stated he likes finding 27 in Carmichael's version (maybe worded differently) and that there is frustration that the report is maybe not accounting for all the potential land there, but he would not say that it is significantly overstating the amount of land which is truly suitable for development (except maybe for single family development). He is not thinking this is the vehicle for solving the affordability issue.

Elenbaas stated 85% of people are looking for a single-family residence and that is where we run into problems.

Councilmembers and the speakers discussed what they will do with land in the UGA for which the City of Bellingham is not willing to provide services, how rising housing prices are what made it possible for builders and developers to buy some of this land with huge setbacks and requirements, and how not making it economical or planning for land in the UGAs will set us up for doubling house prices again to meet the population needs.

Behee spoke about annexation the City has done in the last several years. He answered questions about findings 17 and 18, whether it is true that they are counting that vacant land for housing when, in reality, there is so much that has to be done in order to actually build on it, adding findings that

acknowledge that the City is aware of and plans to update their Comprehensive Plan amendment to include these kinds of projects (such as roads), and whether Lopez Avenue and San Juan Boulevard are currently in Bellingham's neighborhood plans.

Elenbaas suggested having Aamot and Carmichael work on the versions of the Ordinance over the next two weeks to come up with something that is amicable to both opinions and Aamot stated they would see if Carmichael is available for a meeting but they need to keep their independence as a department to issue their recommendations to Council.

Elenbaas stated his recommendation would be to include the proposed findings in the Ordinance and hold this for two weeks to see if we can shore up some of these concerns.

Galloway stated she would like to see the findings integrated but she is concerned about finding 77 because she does not want to null and void this entire document. Maybe inserting the word “solely” so it reads “should not be solely relied on...” might give them a little bit of wiggle room.

Elenbaas asked whether they need a motion to make the Carmichael version the working copy going forward.

Galloway moved to recommend to Council the amended version as submitted by Carmichael.

Byrd stated it is not a recommendation to Council at this point.

Byrd moved to have staff replace the current document with the Carmichael document and bring the updated document back to Council with any changes and other changes they have asked for at their next meeting.

Aamot said the Planning Department will come back with their revised recommendations after they can sit down with Mr. Carmichael.

Byrd stated the intention of the Committee is for staff to use the new document and work from that.

Galloway withdrew her motion.

Donovan asked whether the motion is to direct staff to use this (Carmichael's version) as the working document when staff has already said

a lot of it is in direct contradiction with what is in the report.

Elenbaas confirmed it is and stated they are trying to reconcile the new version with staff's comments that it contradicts the report. We are not moving it forward. We are saying we understand and we like some of these recommendations and would like for them to reconcile their differences over the next two weeks.

The motion carried by the following vote:

Aye: 3 - Byrd, Elenbaas, and Galloway

Nay: 0

This agenda item was DISCUSSED AND MOTION(S) APPROVED.

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 11:00 a.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Ben Elenbaas-via email 1/27/2023

Dana Brown-Davis, Council Clerk

Ben Elenbaas, Committee Chair

Kristi Felbinger, Minutes Transcription

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