

## **RECORD OF PROCEEDING OF CITY COUNCIL**

### **CITY OF BELLINGHAM, WASHINGTON**

Monday, September 30, 2013, 09:00 AM

Book: 67, Page: 1

#### **Committee Meeting**

Council Chambers

#### Called To Order

#### Roll Call

##### *Present:*

Jack Weiss, Council Member, First Ward  
Gene Knutson, Council Member, Second Ward  
Cathy Lehman, Council Member, Third Ward  
Stan Snapp, Council Member, Fourth Ward  
Terry Bornemann, Council Member, Fifth Ward  
Michael Lilliquist, Council Member, Sixth Ward  
Seth Fleetwood, Council Member, At Large

##### *Excused:*

#### **PURPOSE**

#### **DISCUSSION**

##### Waterfront/Downtown Development

Terry Bornemann, Chair

Cathy Lehman; Jack Weiss

AB20063 1. Waterfront District Subarea Plan and related documents

Presented by: Tara Sundin, Economic Development Director

Amy Kraham, Assistant City Attorney

Ted Carlson, Public Works Director

Jeff Thomas, Planning and Community Development Director

James King, Parks and Recreation Director

Greg Aucutt, Assistant Director of Planning and Community Development

##### Waterfront District Subarea Plan

JW/CL MOVED TO RECOMMEND TRANSMITTAL OF THE PROPOSED SUB-AREA PLAN WITH THE CHANGES PREVIOUSLY APPROVED BY THE COUNCIL DOWNTOWN/WATERFRONT COMMITTEE. The motion carried 3-0.

### Waterfront District Development Regulations

JW/CL MOVED TO RECOMMEND TRANSMITTAL OF THE PROPOSED DEVELOPMENT REGULATIONS WITH THE REVISIONS PREVIOUSLY APPROVED BY THE DOWNTOWN/WATERFRONT COMMITTEE, AND WITH THE FOLLOWING ADDITIONAL CHANGES.

a. Committee direction - Clarify in the permitted uses table that a public or private district hearing facility is a permitted use. Add a requirement to the regulations that would require property owners and developers to participate in a district hearing system if one is installed

F. MISCELLANEOUS USES Ind. Mixed Comm. Mixed Institut.  
Mixed

1. Adaptive Uses for Historic Register Buildings  
per BMC 17.90.080 & 20.16.20 P P P
2. Community Gardens N P P
3. Community Public Facilities per BMC 20.16.020 P.4. P P P
4. Parking Facility (nonretail) P P P
5. Parking Facility (Retail) P P P
6. Public Facilities on private property P P P
7. Public Utilities within a public right-of-way or park P P P
8. District Specific Utilities P<sup>(9)</sup> P<sup>(9)</sup> P<sup>(9)</sup>
9. Recreational Vehicle Park N N N
10. Recycling and Refuse Collection Center P P<sup>(3)</sup> P<sup>(3)</sup>
11. Wireless Communications Facility per BMC 20.13 P,C P,C P,C

### Definition - BMC 20.08.020

"District Specific Utilities" means utilities deployed on a district-scale that may include but are not limited to energy sources, district heating and cooling, and non-potable water systems. Installation and administration of these utilities may be undertaken by the City, or when approved by the City, by a site developer, a private utility provider, or public-private partnership.

(Continued next page)

### Sustainability Section - BMC 20.37.440

C. 8. District Specific Utilities – If available and implemented through a Waterfront Utility Master Plan, all new development within the Downtown Waterfront area shall connect to and utilize District Specific Utilities, such as district energy, district heating and non-potable water systems. Uses in other areas may connect to District Specific Utilities as approved by the Public Works Department.

The motion carried 3-0.

## Waterfront District Design Standards

JW/CL MOVED TO RECOMMEND ADOPTION OF THE DESIGN STANDARDS AS PROPOSED. The motion carried 3-0.

## Waterfront District Planned Action Ordinance

JW/CL MOVED TO RECOMMEND TRANSMITTAL OF THE PROPOSED PLANNED ACTION ORDINANCE WITH THE CHANGES PREVIOUSLY APPROVED BY THE DOWNTOWN/WATERFRONT COMMITTEE. The motion carried 3-0.

## Waterfront District Development Agreement

JW/CL MOVED TO RECOMMEND ADOPTION OF THE PROPOSED DEVELOPMENT AGREEMENT WITH THE CHANGES PREVIOUSLY APPROVED BY THE DOWNTOWN/WATERFRONT COMMITTEE. The motion carried 3-0.

AMENDMENTS PROPOSED BY COUNCIL MEMBER WEISS:

JW/ MOVED TO MOVE TO MODIFY SECTION 14 OF THE TERM IN THE DEVELOPMENT AGREEMENT TO READ AS FOLLOWS:

“The term of this Agreement shall commence on the last date of signature below and remained in effect until December 31, 2025. ~~for a period of twenty (20) years following the effective date of this Agreement.~~ The parties agree to review this Agreement every four (4) years to mutually determine whether any adjustments, modifications or amendments are warranted.”

The motion failed 1-2. CL, TB opposed.

JW/ MOVED TO MODIFY SECTION 9 OF THE TRANSPORTATION IMPACT FEE CREDITS AND EXEMPTIONS IN THE DEVELOPMENT AGREEMENT TO READ AS FOLLOWS:

“Section 9.a.1 “The Port Property is granted a TIF credit based upon vehicle trips generated by the former Georgia Pacific mill and other historic industrial uses within the Waterfront District. This credit is retained by the Port and may be applied by the Port to Projects within all areas of the Waterfront District except the Downtown Waterfront and Cornwall Beach Areas. ~~by the Port.~~ The City will calculate remaining credit available by subtracting PM peak hour trips from existing uses as of the date of execution of this Agreement from 1077 historic peak hour trips. Application of such credit will be deemed complete upon the City’s receipt of a letter from the Port stating its intent to utilize the transportation impact fee credit prior to issuance of a building permit by the City. If no building permit is required for the use the traffic impact fee shall be calculated prior to site occupancy.”

The motion failed 1-2. CL, TB opposed.

Finance and Personnel

Michael Lilliquist, Chair  
Gene Knutson; Stan Snapp

AB20127 1. Ordinance to modify the Bellingham Municipal Code establishing the authority and use of accepting donations

Presented by: Brian Henshaw, Finance Director  
Matthew Stamps, Assistant City Attorney

SS/GK MOVED TO RECOMMEND APPROVAL.

ML/GK MOVED TO RECOMMEND CHANGING THE WORD "POLICY" TO "AUTHORITY" IN SECTION 4.90.010. The motion carried 3-0.

The motion to recommend approval as amended carried 3-0.

AB20128 2. Budget Ordinance accepting donation being given to the Bellingham Fire Department

Presented by: Brian Henshaw, Finance Director  
Matthew Stamps, Assistant City Attorney

SS/GK MOVED TO RECOMMEND APPROVAL. ML concurred.

Planning and Community Development

Jack Weiss, Chair  
Michael Lilliquist; Gene Knutson

AB20129 1. Resolution establishing a schedule for joint City/County review of urban growth areas

Presented by: Greg Aucutt, Assistant Director of Planning and Community Development

GK/ML MOVED TO RECOMMEND APPROVAL. JW concurred.

Public Works / Public Safety

Stan Snapp, Chair  
Terry Bornemann; Gene Knutson

AB20130 1. Ordinance amending BMC 15.36.020 allowing limited sewer main extensions in the Lake Whatcom Water and Sewer District service area to protect basic public health and environment

Presented by: Ted Carlson, Public Works Director  
Eric Johnston, Assistant Director, Public Works Operations  
Patrick Sorenson, General Manager, Lake Whatcom Water and Sewer District

GK/TB MOVED TO RECOMMEND APPROVAL. Direction given to staff to revise wording to better reflect the intention of providing the service only to existing development as opposed to any future development. SS concurred

## Committee Of The Whole

Seth Fleetwood, Chair

Jack Weiss, Gene Knutson, Cathy Lehman, Stan Snapp, Michael Lilliquist, Terry Bornemann

### 1. Approval of City Council Committee and/or Special Meeting minutes

The August 12, Committee Meeting Minutes were submitted for approval.

SS/GK MOVED APPROVAL. The motion carried 6-0-1. JW abstained.

The September 9, Waterfront Committee Meeting Minutes were submitted for approval.

SS/GK MOVED APPROVAL. The motion carried 7-0.

The September 23, Special Meeting Minutes were submitted for approval.

SS/GK MOVED APPROVAL. The motion carried 7-0.

### 2. Old/New business

#### Traffic Impact Fee analysis and credits.

Michael Lilliquist expressed surprise to learn city staff is implementing a policy change related to how far back the City looks back to give credits for Traffic Impact Fees.

ML/JW MOVED TO REFER A DISCUSSION OF IMPACT FEE ANALYSIS FOR CREDITS TO THE PUBLIC WORKS COMMITTEE. The motion carried 7-0.

At 1:49 PM, Council President Fleetwood, adjourned the meeting to Executive Session to hear the following:

#### Executive Session

Closed to the public. Report in the Regular Meeting only:

1. Litigation: Laurie Carlson v. City of Bellingham - (Brady – Approx. 5 min.)

Two Executive Session items were added to the agenda:

2. Potential Property Sale - (Marriner - Approx 20 min)

3. Potential Litigation - (Kraham - Approx 10 min)

## **ADJOURNMENT**

At 2:32 PM the meeting was called back to order and adjourned.

**Seth Fleetwood, Council President**

**ATTEST: J. Lynne Walker, Executive Assistant to the Bellingham City Council**

---

This is a digital copy of an original document located at Bellingham's City Hall. The City of Bellingham specifically disclaims any responsibility or liability for the contents of this document. The City of Bellingham does not verify the correctness, accuracy, or validity of the information appearing in this document.