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WHATCOM COUNTY COUNCIL  
**Planning and Development Committee**

February 11, 2003

The meeting was called to order at 3:05 p.m. by Committee Chair Seth Fleetwood in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

<u>Present:</u>	<u>Absent:</u>
Dan McShane	None
Laurie Caskey-Schreiber	

Also Present:  
L. Ward Nelson  
Sam Crawford  
Barbara Brenner

*(Clerk's Note: Due to an audiotape malfunction, this meeting was not recorded. The minutes are taken from the clerk's notes.)*

**COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL**

**2. RESOLUTION APPROVING RECOMMENDATIONS FOR OPEN SPACE/OPEN SPACE AND OPEN SPACE TIMBER APPLICATIONS (AB2003-086)**

Elizabeth Olson, Planner I, stated there are six open space applications.

The first is the Nolte application. It received a high rating. The property has access to the river. Nothing else can be done to the land. It is a high priority area for wildlife and fish.

**McShane moved** to recommend approval of the Nolte application for Open Space/Open Space.

**Motion carried unanimously.**

Olson stated the next application is the Estate of Mayfair Clauson application.

**A motion** to recommend approval was made.

**Motion carried unanimously.**

Olson stated the next two are the Scott Walker and Janice Walker applications in the Lake Whatcom watershed. The timber management plan is accurate.

1  
2 **Caskey-Schreiber moved** to recommend approval.

3  
4 **Motion carried unanimously.**

5  
6 Olson stated the next application is the James application. She visited the  
7 property and noted what had been replanted. The timber management plan is  
8 accurate.

9  
10 **McShane moved** to recommend approval.

11  
12 **Motion carried unanimously.**

13  
14 Olson stated the last is the Lummi Island Heritage Trust application. It is a  
15 new timber management plan. The trust bought the land that was in Open  
16 Space/Timber previously, but it did not have a timber management plan. She  
17 requested a timber management plan to bring the file up to date. The timber  
18 management plan is accurate.

19  
20 **Caskey-Schreiber moved** to recommend approval.

21  
22 **Motion carried unanimously.**

23  
24 **3. RESOLUTION INITIATING COMPREHENSIVE PLAN AND ZONING**  
25 **AMENDMENTS FOR 2003 (AB2003-075)**

26  
27 **Docket #2003-A: PDS, Review and Update**

28  
29 Sylvia Goodwin, Planning Division Manager, stated this is part of the Growth  
30 Management Act (GMA) requirement to review and update the Comprehensive Plan  
31 as needed. The original deadline was 2002, but it has been extended to the end of  
32 2004. Five chapters are done. This year, they will do the Bellingham urban  
33 growth area (UGA), rural lands, housing, forestry, and environment. The  
34 Bellingham UGA review is one of the five-year review areas. Mr. Templeton has a  
35 property at the south end of Lake Whatcom. Last year, the Council gave direction  
36 to include that area in the five-year review area. She would like clarification on  
37 that direction.

38  
39 **Caskey-Schreiber moved** to recommend approval.

40  
41 **Motion carried unanimously.**

42  
43 **Docket #2003-B: PDS, Essential Public Facilities**

44  
45 Goodwin stated those essential public facilities include things such as  
46 airport, state education, transportation, correction, solid waste, water, and other  
47 similar facilities. They are things the GMA requires the County to look at for

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1 essential public facilities. They have had work sessions with the Planning  
2 Commission to work through that document. This item would allow amendments  
3 to the Comprehensive Plan and development regulations to address those issues.  
4 This is required as part of the Comprehensive Plan review.  
5

6 Nelson asked who is involved in the capital facilities planning. Goodwin  
7 stated a committee was appointed by the Executive and confirmed by the Council  
8 last year. The document they created was completed in December 2002. It has  
9 not been sent to the Council yet because it will go through Planning Commission.  
10 It is a good report.

11  
12 ***Caskey-Schreiber moved*** to recommend approval.  
13

14 Crawford stated they need to get staff in touch with the Substance Abuse  
15 Advisory Board on the methadone treatment law. Siting of treatment centers will  
16 become similar to the way the Energy Facility Site Evaluation Council (EFSEC) sites  
17 power plants. It will not be up to them locally. The planning effort will have to be  
18 clear about who has jurisdiction for siting of the facilities.  
19

20 ***Motion carried unanimously.***  
21

22 Caskey-Schreiber asked that staff think about getting a cell phone tower in  
23 the Mount Baker area when discussing the Utility Chapter.  
24

25 **Docket #2003-C: Bellingham UGA, Smith and Guide Meridian**  
26

27 Goodwin stated this is a proposal by Caitec. It is to amend the County  
28 Comprehensive Plan rural and transition corridor to the UGA for over 700 acres.  
29 It's part of one of the five-year review areas. The proposed zoning would be urban  
30 residential, mixed use (UR-MX) development and general commercial (GC). More  
31 information is in the February 6, 2003 memo. The Council is supposed to look at  
32 the net amount of acres to be added or subtracted from the UGA equaling 700  
33 acres. This application does not affect forestry, agricultural, or mineral lands. It is  
34 currently rolling hills and a golf course.  
35

36 Caskey-Schreiber asked if it is premature to expand the Bellingham UGA  
37 when County will study the issue this year with City. Goodwin stated that is part of  
38 the process. They will look at population projections, infill, and whether there is a  
39 land supply deficit. One of the areas they will look at will be this area. It needs to  
40 be a concurrent process with the City. They are proposing a joint process,  
41 including joint Planning Commission meetings and joint Council meetings. The City  
42 is ready to have work sessions on all the five-year review areas.  
43

44 McShane asked why they are separating this area when it will already be  
45 considered in the five-year review. Goodwin stated that if this is initiated  
46 separately, they could collect fees from the applicant for the environmental impact

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1 statement (EIS). They already know they are going to look outside the UGA's.  
2 According to the Comprehensive Plan, have to look at these five-year review areas.

3  
4 Fleetwood stated they are going to consider this area either way. They  
5 might as well docket it.

6  
7 Brenner stated she is concerned about this property. There would be a huge  
8 impact on the Guide. They need to look at this right now. It seems like a bad idea  
9 to create development appendages outside of the city boundaries. They have an  
10 obligation to have a more regular UGA boundary.

11  
12 Crawford asked about the preliminary estimates on population growth  
13 projections. He asked if they are taking into the existing urban growth areas.  
14 Goodwin stated there are several different ways to calculate it. The State Office of  
15 Financial Management (OFM) gives high, medium, and low projections for 20  
16 years. The County worked with City, Port of Bellingham, and small cities to do an  
17 independent appraisal. Their median is slightly lower than OFM median. They are  
18 talking about 288,000 as the high projection. The low projection is a population of  
19 approximately 210,000. The medium is approximately 236,000. Another  
20 independent study also looked at population projections and came up with very  
21 similar estimates. Pat Jones has also done an independent population projection,  
22 and those numbers are also similar.

23  
24 Crawford asked if there is a number attached to the existing urban growth  
25 areas, as to how much of that additional population will fit into the UGA's.  
26 Goodwin stated that there is. They are now projecting that number to be higher  
27 based on new information. The Council hasn't decided yet whether to go with the  
28 low, medium, or high population growth projections. That has to be worked  
29 through the process. Ultimately, the capital facilities plans have to match the  
30 population projections.

31  
32 Crawford asked if there is any opposition to the fact that the UGA has to  
33 grow. Goodwin stated there is not. The City is undecided about its target  
34 population. They also haven't decided how much infill they can get in the city  
35 limits. They may be able to accommodate a portion of the population by infill.

36  
37 Caskey-Schreiber stated the State Department of Ecology (DOE) has new  
38 standards to mitigate stormwater east of Ferndale because that population is  
39 bigger than in the city. Goodwin stated expanding to south of Bellingham is  
40 constrained by Chuckanut Road and mountains. Expanding east is constrained by  
41 the mountain. About their only options are to the north, into the farmland, or  
42 toward Lake Whatcom.

43  
44 Brenner asked why they are not making a regular boundary instead of  
45 having an appendage extend out of the boundary. She is talking about the area  
46 east of the Guide. Goodwin stated the Dewey Valley has a considerable number of  
47 residents in opposition to expanding. It is also farmland.

1  
2 Brenner stated she is talking about the King Mountain/Spring Creek map.  
3 Goodwin stated these are the areas that were approved by the Council. The  
4 Comprehensive Plan stated that they have to look at the five-year review areas  
5 and can also consider additional areas.  
6

7 McShane stated they should keep in mind that it is a collaborative effort  
8 between the County and City. Hopefully they will be cooperative. Those issues are  
9 what the City will have to deal with. The City and County will have to be sensitive  
10 to each other's concerns.  
11

12 Nelson asked what the City's ability is to provide water and sewer in the  
13 UGA area. It's important to know that information when considering this issue.  
14 Goodwin stated they would look at that when they update the urban fringe plan by  
15 adding potential chapters for the five-year review areas. They will look at all  
16 services. The City Planning Commission wants to get down to the detail of  
17 designing infrastructure to see if the City can service them.  
18

19 Pat Jones, Jones Engineering, stated he represents Caitec. He submitted a  
20 letter (*on file*). He is comfortable with having a separate inclusion on the docket  
21 and paying the fees, or looking at the north study area as one item for efficiencies  
22 sake.  
23

24 He conducted an extensive analysis of the land supply in the City of  
25 Bellingham and Bellingham UGA. They looked at each parcel individually so they  
26 can truly assess the supply and capacity of undeveloped land. He concluded it  
27 about a year ago, and gave it to Planning staffs at the County and City. The City  
28 independently conducted a similar analysis. He was told by Patricia Decker that  
29 the results were within a couple of hundred. What's being suggested as the  
30 available supply in Bellingham under current zoning is the numbers that Ms.  
31 Goodwin gave. He did an independent population forecast. He looked at 30 years  
32 of actual growth in Whatcom County. He also looked at 40 years of history. He  
33 came up with the average of those growth rates. He came up with a number of  
34 the average growth rate that is a bit higher than the consultant's results. The  
35 results were very close. The numbers before the Council are solid. From two  
36 different organizations using different methodology, they have come to the same  
37 conclusion.  
38

39 There was more discussion.  
40

41 Jones continued to state that he prepared preliminary studies for the  
42 extension of sanitary sewer and water in connection with the Caitec projects, in  
43 coordination with Highway Department and the City of Bellingham.  
44

45 Fleetwood asked if there is any difference to docketing this request  
46 separately. Jones stated he wanted to save some work and paperwork on behalf  
47 of staff. It would save the project some fees.

1  
2 Brenner asked what happens if the Council decided to only include part of  
3 the Caitec property. Jones stated the Council can do what it chooses, but it is  
4 illogical. The area is in one ownership. If they left part of the northern area zoned  
5 rural, one unit per five acres (R5A) next door to commercial and UR-MX, it is  
6 almost like spot zoning.  
7

8 Goodwin stated the County could do that. It doesn't make sense to have  
9 the city limits split along one property.  
10

11 Bob Tull, attorney, representing Caitec, stated a question was to the  
12 procedure. He referenced a letter from Bellingham Planning Department Director  
13 Patricia Decker. The reality is that the specific application is superfluous when  
14 doing the five-year review. Caitec will participate in a number of studies now and  
15 in the future. When and how the densities are developed is a part of this. The  
16 solutions have to pass the scrutiny of the Hearings Board. Infill is a difficult  
17 process. He's not sure if any of the City of Bellingham neighborhood plans include  
18 full density.  
19

20 There was more discussion.  
21

22 Fleetwood asked if they could accommodate additional growth in the city  
23 boundaries if the UGA increases density. Tull stated it is a combination of market  
24 and politics. The common view is that a short supply results in a higher price.  
25 That causes more people to commute from outlying towns, which has impacts on  
26 transportation. Intensifying density in Bellingham and every other community is  
27 difficult to achieve politically, especially in areas already developed.  
28

29 McShane stated his neighborhood is zoned multi-family, but is  
30 predominantly developed single-family. It is cost prohibitive to develop multi-  
31 family housing because of parking restrictions. Tull stated the fact is that people  
32 hate two things: sprawl and density.  
33

34 Caskey-Schreiber asked if they are at a point where they can assess impact  
35 fees for a development of this size. Goodwin stated the Council has the means to  
36 do impact fees. The question has been whether there is the political will. It will be  
37 addressed in the future. In the EIS process, they have to look at traffic and school  
38 impacts. There is potential to look for infrastructure development at that area.  
39

40 ***McShane moved*** to recommend approval.  
41

42 Brenner asked about taking traffic off the Guide and onto the Smith Road.  
43 Goodwin stated these are things that they need to look at.  
44

45 Bob Wiesen, 3314 Douglas Road, stated it is better to plan for more people  
46 than fewer people. They are not planning.  
47

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1 Donna Macomber, citizen, stated that property was being used for  
2 agriculture. Last year, the owners killed all vegetation on the property. They were  
3 not issued permits because it is allowed in the agricultural zone.  
4

5 She stated she attended the City Planning Commission work session. It had  
6 a very aggressive work plan for the year. They won't get it done. The City and  
7 County should not consider population and land supply data provided by the land  
8 development industry. Take into consideration the community that would be  
9 destroyed by this development. She and her neighbors do not want to be  
10 included.

11  
12 Jones stated the vast majority of the neighbors asked to be included.  
13

14 Fleetwood stated he is in favor of going forward with this project to trigger  
15 further review.  
16

17 ***Motion carried 2-1 with Caskey-Schreiber opposed.***  
18

19 **Docket #2003-F: Rural to Commercial, Hannegan Road**  
20

21 Goodwin stated the proposal is to amend the Comprehensive Plan map from  
22 rural to crossroads commercial and the zoning map from rural, one unit per two  
23 acres (R2A) to general commercial for three acres. The property is at the  
24 northwest intersection of Hannegan Road and East Pole Road. The area would not  
25 affect a UGA, agriculture, forestry, or mineral lands. It is not currently zoned for  
26 agriculture, although it was historically an agriculture use. At one point the  
27 building was a chicken coop. The Comprehensive Plan designation is crossroads  
28 commercial for rural areas that have established commercial uses at an arterial  
29 crossroads. The County zoning is general commercial or tourist commercial. She  
30 doesn't know if it meets the County crossroads commercial designation  
31 requirements because it has not been used for commercial in the past. It has  
32 agricultural soils.  
33

34 Nelson asked if this was before the Council last year. Goodwin stated it was  
35 as a larger area. It is different than the last application.  
36

37 Lesa Starkenburg-Kroontje, attorney, representing the Faber Brothers,  
38 stated last year they presented a change in the Comprehensive Plan zoning  
39 designation to include property that went to Pole Road. At that point, it was not  
40 docketed. The discussion centered around whether or not the additional area to  
41 the south was necessary. The applicant amended the application to include only  
42 their property. There is one legal lot that is split by a zoning boundary between  
43 R2A and general commercial. The result is that one-quarter of a building is in an  
44 R2A zone and three-quarters of the building is in the general commercial zone.  
45 The applicant has exhausted his possibilities with Planning and Development  
46 Services Department to create a functional use for that site, given the different  
47 zoning requirements. The building is 24 feet by 160 feet. The building has a full

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1 basement. In the upper area, the roof peaks at 12 feet. The issue with the  
2 building is that there is not a way in which it can be expanded. The applicant  
3 would have to tear down the building if they wanted to split the property into two  
4 pieces to match the zoning. The site is functional as one site. The class B water  
5 system that services the Grange to the north and the general commercial portion  
6 of this property sits on the R2A portion of the property.  
7

8 All the neighbors have been contacted and have provided letters indicating  
9 support of the request. Docketing this triggers review and a healthy debate. That  
10 is what they are seeking. The applicant has enough information to show that a  
11 mistake was made in setting the zoning boundary through the property. There is  
12 only one access to the two areas, through the general commercial portion of the  
13 property.  
14

15 Caskey-Schreiber stated the owners are now running an illegal business.  
16 There is an enormous Quonset hut that should not be there. It is a violation of the  
17 GMA. They should look at the Guide Meridian and zone light industrial. She read  
18 the definition of crossroads commercial in rural. A construction company whose  
19 forte is enormous steel structures doesn't fit this definition. Not only are they  
20 operating illegally, they are horrible neighbors. They burn trash illegally right next  
21 to the neighbors.  
22

23 Starkenburg-Kroontje stated this is beyond the discussion for docketing. A  
24 councilmember is giving testimony to the merits of the proposal. A temporary  
25 structure is all the Planning Department would allow. Until this boundary is  
26 remedied, this structure must stay there. Both homes that were built nearby were  
27 built since the Faber Brothers occupied the property. The neighbors support the  
28 proposal. Whether or not they are operating legally or illegally is for the Planning  
29 Department to address. Faber Brothers has been to the Planning Department a  
30 number of times on this issue.  
31

32 Caskey-Schreiber stated the focus is on the chicken coop. At the time the  
33 zone cut the building in half, it was a chicken coop. It should not be allowed.  
34

35 There was more discussion.  
36

37 Bob Wiesen, 3314 Douglas Road, stated this is key to the issue of economic  
38 development. It is a long-term, stable company that has been led along. It wants  
39 to restore a building. Businesses need affordable locations. If it was zoned  
40 incorrectly in the first place, correct it.  
41

42 There was more discussion.  
43

44 **McShane moved** to recommend approval.  
45

46 There was more discussion.  
47

