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WHATCOM COUNTY COUNCIL
Planning and Development Committee

September 23, 2003

The meeting was called to order at 3:08 p.m. by Committee Chair Seth Fleetwood in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Laurie Caskey-Schreiber
Dan McShane

Absent:

None

Also Present:

Barbara Brenner
Sam Crawford
L. Ward Nelson

COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL

1. ORDINANCE ADOPTING AMENDMENTS TO THE INTRODUCTION CHAPTER OF THE WHATCOM COUNTY COMPREHENSIVE PLAN (AB2003-075A)

Fleetwood stated the committee would not take a vote on this today. It would be held in committee for two more weeks. He will take testimony from the public today.

Dan Warner, 3854 Squalicum Lake Road, stated the population of Whatcom County has grown 30 percent in ten years. That is a 2.8 percent population increase. At that rate, the population will double every 23 years. Whatcom County is facing an enormous population increase. The county is changing into something that people don't want it to become. The difference between Whatcom County and Los Angeles County is population. Sunset Drive is an example of what happens. There are a couple of things that are useful to keep in mind when they talk about the government and the support for population increase and growth. Growth is good for awhile, then it's not good anymore. At some juncture, the growth will stop. The question is when the growth will stop. If there are enough people who want the growth to stop, it will. First, growth is not inevitable. The county residents have the power to address this issue. Second, there is no particular relationship between growth and economic prosperity. If there is an increase in population, there will be an increase in the number of people employed. There will not be a decrease in the unemployment rate. All they are doing is paving the property, increasing the traffic congestion, destroy what is nice about living here, and do nothing to address the problem of unemployment.

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1 It's been said that any attempt to control the population increase will raise
2 the price of housing. The fact is that growth controls have a small effect on the
3 price of housing, between 12 and 20 percent. The largest factor affecting housing
4 affordability is good schools. Couples with children will bid up the price of real
5 estate in communities that have good schools, according to research done by
6 Harvard University. That is the single most important factor, by far. There are
7 many other factors affecting housing prices. Growth control is a small piece of it.
8 There is some price to be paid. The benefit is the maintenance of the community.
9

10 Third, the most obvious manifestation of the problems in Whatcom County is
11 the traffic situation. Traffic is terrible. The solution is not improving the roads.
12 Research shows that improving the roads makes the traffic problems worse. There
13 is a small window of time when there is a perceived improvement, but the
14 additional easy access just encourages people more to use their cars.
15

16 One of the reasons for the traffic problem is bad planning. The traditional
17 cul de sac housing development has no place for people to walk. All the
18 developments feed onto the Mt. Baker Highway, for example. Anyone who wants
19 to buy a loaf of bread must get in the car and drive out of the cul de sac to get to
20 the grocery store. That's bad planning. They should be building traditional city
21 developments with alleys, so the front yards of the houses do not feature garages
22 and paved aprons.
23

24 It is possible to do something about this issue. Increase in population and
25 the traditional concept of growth does nothing to address economic welfare in the
26 community. Improving roadways does nothing to address the traffic problem.
27

28 If development in a community causes traffic to be more than an allotted
29 amount on a certain road, don't issue permits for any more buildings. They have
30 reached the point where growth is no longer good for the community. He hoped
31 the County Council has the political courage to adopt the low population projection.
32 That is the first tool they need. If they pick a high figure and plan for it, that's
33 what they'll get.
34

35 Pat Jones, Jones Engineers, stated his firm has conducted population
36 projections for the Bellingham urban growth area (UGA) using conventional
37 methods. His firm has conducted such projections for numerous counties, utility
38 districts, and cities in terms of infrastructure planning for 35 years. His
39 methodology used is completely different from the methodology used by the
40 consultant. However, the result of his analysis agrees almost exactly with the
41 consultant's conclusion.
42

43 Projecting growth has nothing to do with what they wish the growth would
44 be. The desired projection has little to do with what will occur. Growth cannot be
45 controlled in the United States. A person's free movement is guaranteed in the
46 Constitution. They cannot pass laws that prohibit people from traveling freely in

1 the United States. Two-thirds of growth is from in-migration. The appropriate
2 population projection is what science and experience tells them it will be.
3

4 The consequences of picking the wrong number are significant. If they
5 underestimate the population growth, they will set the wheels in motion for
6 infrastructure planning that is inadequate. If they don't plan for that reality, they
7 will have the consequences, which will be undersized facilities that have to be
8 upgraded at enormous cost. Infrastructure sizes are based on Comprehensive Plan
9 numbers. Underestimating the population projection has enormous negative
10 consequences in terms of capital costs down the road and spurs urban sprawl.
11 Whatcom County has thousands of large lots outside the urban centers. If they
12 don't plan for it in the cities, it goes into the counties. Urban sprawl is one of the
13 worst things to do and makes transportation more painful.
14

15 Fleetwood stated the claim is frequently made that if they don't plan well,
16 infrastructure won't exist and they'll have enormous problems. He asked if
17 infrastructure is established consistent with the planned developments. Jones
18 stated that is correct for infrastructure inside of subdivisions, which is planned for
19 and constructed by the developer at the time of construction. The infrastructure
20 he's talking about includes schools, arterial streets, water storage tanks, sewage
21 treatment plants, and parks facilities. Those things are developed in response to a
22 long-term plan for a certain population demand. They are called general facilities.
23

24 Fleetwood asked if it's true that local government creates policy that
25 influences the number of people who come to the area, to a certain extent. They
26 have some control over the number of people who come here. Jones stated that is
27 true. They can create an environment that is so onerous that there would be an
28 out-migration. Government can do that. However, short of draconian measures,
29 it's not something they do in the United States.
30

31 Fleetwood asked if limiting the number of permits issued is draconian to the
32 person being denied a building permit for a house. Some people would argue that
33 limit permits is in the public interest to the vast majority. Jones stated there are
34 circumstances under which permits should be limited. They are crisis situations.
35 They are often the result of inadequate planning. That's not the way Americans like
36 to live.
37

38 Brenner stated she doesn't understand how any population projection would
39 interfere with the free movement of people. People can come and go wherever
40 they want. If the Council sizes growth to a certain level and sticks to that level
41 with zoning measures, they won't be undersized. They will only be undersized if
42 premise of a certain level, create infrastructure at that level, and then change plans
43 to allow more than what they decided. There has to be an end to growth. They
44 have a finite amount of land. Jones stated that if they plan for no population
45 growth or an out-migration population level, it means they don't need anymore
46 schools or parks. Those actions are not going to stop certain people who want to
47 live in Whatcom County. If the facilities aren't available in an urban area, the

1 people will go to the countryside. To affect growth over 100 years or longer, they
2 have to ask how they maintain a population within the current urban area. One
3 way is to establish greenbelts around urban areas using zoning and other effective
4 measures. Another option is to start an entirely new urban area away from the
5 current urban areas.
6

7 Brenner stated that at some point, no matter what they do, they will run out
8 of land. She asked if the reason growth will stop is because they run out of land in
9 the county. Jones stated that would be true in the abstract. There are other
10 phenomenon that will occur, such as the economics of the area. People will find
11 other solutions. There is some point where that isn't economically viable.
12

13 Crawford stated many economists project zero population growth for the
14 United States between 2050 and 2060. There would have to be serious economic
15 shifts or changes to create areas that would grow indefinitely.
16

17 Jones stated they are talking about two percent growth. That's very low.
18 That's lower than what they've seen in the last ten or twenty years.
19

20 Crawford stated people can choose to move for economic and lifestyle
21 reasons, such as those who chose to move out of California.
22

23 Brenner stated those people will move only if they can afford to move. The
24 prices here will go up and up until the prices here becomes just as expensive as it
25 is in places where people are leaving.
26

27 Crawford stated that is the economics of it. The economics don't allow them
28 to pave over Whatcom County because of endless numbers of people.
29

30 Brenner stated those places such as California did get paved over, which is
31 why people are leaving. Los Angeles has many ruined areas.
32

33 Crawford stated the growth is still occurring there.
34

35 Jones stated he agrees with the recommendation of the Planning staff.
36

37 Jack Petree, Bellingham, stated they all have a stake in choosing the right
38 population projection. Everyone agrees that, when planning for a certain end
39 result, they need to know what will happen during the time they are planning for.
40 In Whatcom County, there is enough land supply outside of the cities to allow all of
41 the population that might come here for the next 30 or 40 years to live outside the
42 urban growth areas. No matter where a person stands on how to grow and plan,
43 no one wants all the people moving into the county. They are to try to keep people
44 in and near the cities. Size urban growth areas at a level in which they are
45 attractive for people to live. If they are unattractive, there are other options
46 elsewhere in Whatcom County. There is a lot of parcelization in the county. They
47 need people to be attracted to the cities so they don't want to live in the county.

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1 Also, the Council should hold people to task for the studies they cite. They need to
2 look at the full spectrum of impacts when reviewing the cost of growth. According
3 to an Oregon study, a new home in Oregon generates 150 percent more property
4 tax than an old house. That extra 50 percent is part of the benefit of the growth.
5 Look rationally at what will happen and make rational decisions. If they plan for
6 too little growth, they have too much sprawl. If they plan for too much growth,
7 they produce a little bit of sprawl. If they plan for the right amount, they will
8 produce as little amount of sprawl as possible.
9

10 Brenner asked if the Oregon study says that the new houses pay for the
11 effects of the development. Petree stated it ends up with a \$4,500 shortage, but
12 also with a one-time tax income from the building and a permanent tax income that
13 is about 150 percent higher than an existing house.
14

15 Dave Pros, Lake Samish resident, stated it's hard to get a good handle on
16 what population numbers actually mean. Think about what will happen if they
17 choose the high number or choose the low number.
18

19 The process of determining population projections is disconnected from
20 reality. The population projection for Whatcom County has nothing to do with the
21 actual growth. However, when they choose a population projection number, it
22 becomes a hammer that different interest groups will use to go to court to make
23 infrastructure and other things become a reality. A land use attorney said they are
24 under no obligation to take anything more than the lowest number the State
25 provides. Anything more than that is purely a political decision.
26

27 The next disconnect is to the actual process that they are supposed to go by.
28 He questioned the legitimizing factor in any kind of planning. He'd like to see the
29 big picture of what they are supposed to do. It comes down to the Comprehensive
30 Plan visioning process.
31

32 *(Clerk's Note: End of tape one, side A.)*
33

34 Pros continued to state that growth management dictates that 75 to 90
35 percent of the private land base in Whatcom County should be designated for rural,
36 agricultural, and forestry use 50 years hence. Urban sprawl should be discouraged.
37 The population projection is disconnected from that mandate.
38

39 The third disconnect is from the claim that people will move out to the
40 county if they don't put people in the urban growth areas. He's heard land use
41 professionals who are asked the number of lots they need to generate to encourage
42 people to move into the urban growth areas or the city instead of the county. No
43 one has been able to come up with an answer. There is not a number that makes it
44 economically desirable to move into the urban growth area. It's cheaper to move
45 into the rural area. Until they find a way to make it less expensive or more
46 desirable to move into the urban areas, people are going to move into the rural
47 areas.

1
2 The fourth disconnect is from the proper order for planning, which begins
3 with what the whole county wants, not what an individual wants. If the visioning
4 process is fatally flawed, then do another one. Plan for what they must protect.
5 Plan for what the citizens want to protect. Determine locations where additional
6 population will enhance the quality of life. The city is a good place for most of the
7 population to go. They have to decide whether the government should lock out a
8 certain amount of population in those areas that don't enhance their quality of life.
9 If they are going to allow upzoning in areas, it should be done by a transfer of
10 development rights (TDR) or purchase of development rights (PDR) process. Don't
11 burden the taxpayers with the government trying to buy out all the development
12 rights. Always choosing the high or medium, anything more than they have to, will
13 lead them to a place they don't want to be.
14

15 Caskey-Schreiber stated the councilmembers received information from staff
16 about the staff's recommendation. She asked about the Planning Commission
17 process. Pros stated the Planning Commission heard a lot of testimony. He does
18 not speak on behalf of the Commission because his recommendation is different.
19 The councilmembers should look into the Commission's testimony. It would be nice
20 for the councilmembers to receive more information about why Planning
21 Commission decisions are made the way they are. The medium number was
22 determined to be the most accurate number. Anything more than the State's low
23 projection is purely a political choice.
24

25 Caskey-Schreiber asked if the minutes covered the spirit of the meeting.
26 Pros stated the minutes are a synopsis of what had occurred. Some Planning
27 Commissioners want to revisit the population projection. The amount of people in
28 the low projection could all fit into the city urban growth area, and there would still
29 be 300 lots left over. They don't have to expand and densify the urban growth
30 areas. If they pick the high numbers, they do have to expand and densify the
31 urban growth areas. The higher the number they pick, the fewer the options they
32 have.
33

34 Brenner asked about who should get the TDR's. Pros stated any upzoning
35 should be done by TDR. If a person wants to take an area zoned one house per
36 five acres and put ten units on it, that person should buy nine development rights.
37

38 Brenner asked about the people who are next to the developer who don't get
39 any benefit from the development, only the impacts. Pros stated that is a worry.
40 In the reports about population projections, there is no evaluation of the economic
41 or emotional impacts. He would like to ask the residents in each urban growth if
42 they want to change the zoning so it's denser.
43

44 Bob Tull, attorney, stated he's afraid that the forecast issue has become
45 distorted in terms of its relevance and sequence. Neighborhoods don't want the
46 impacts of change. Bellingham is divided into a lot of neighborhoods that have
47 clear distinctions from other neighborhoods. Those neighborhoods stated they

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1 don't want to densify, and they can't densify without going through a process of
2 destabilization and rebuilding. A few neighborhoods can take some additional
3 units. Whatcom County has been the shock absorber for the varying successes on
4 growth matters over the last 30 years, especially by the City of Bellingham. The
5 ability of Bellingham to respond to market demand for more lots has been
6 depressed. Bellingham's pipeline for lot construction has been constricted. They
7 are not getting the yields that zoning calls for due to site constraints and for
8 political reasons. The County is under increasing pressure to supply building
9 permits to people who want to build in the county. A lot of people want to live
10 closer in the city. In Seattle, the areas closer in demand tremendous premiums.
11 Only the well-to-do can pay tremendous premiums. Working people rarely can.
12 That results in people commuting long distances. Distortions have occurred
13 because there hasn't been enough pressure on the cities to understand that it has
14 to go along with growth management. If Bellingham can't attract more and more
15 of the population, then Whatcom County will have all the problems of King County.
16 They have to manage it. That's what the State decided in 1991. The cities have to
17 carry a certain population. Bellingham must be convincing about how it will provide
18 the mixture of housing types and densities with the appropriate infrastructure that
19 works. Transfers and purchases of development rights could work, but it won't
20 happen if it changes the economics. The building community can't subsidize
21 growth management. Get back to what will make the urbanization happen that is
22 called for by the Growth Management Act, and how they will support it in a way
23 they like it. It has to do with development standards, proper impact fees, and
24 coordination with school districts and other service providers. They have to get into
25 management mode, and stop wishing away the impacts of change. They can
26 impact how change will affect them, such as by having strong parks. Figure out
27 what they really want to do and how to get there. A particular part of the
28 community can't exclude all others. That's what got them into the mess they are in
29 now. One of the things that will affect people in this community is if they are
30 careless in how they let the housing costs rise higher and higher. The law of supply
31 and demand has not been repealed. When they drastically restrict the supply, they
32 will not hurt the rich people who want to retire here. They will hurt the people who
33 don't have choices and who would like to raise a family here. The County has to
34 ask Bellingham what it's going to do to bring about overall densification and to
35 ensure that the city attracts its share of the population. Say similar things to the
36 other cities. All the cities have asked to have the tools for planning that they think
37 are associated with the higher numbers. Bellingham won't densify if they are faced
38 with the lower projection.

39
40 McShane stated the committee would have more discussion on this at the
41 next meeting. Councilmember Roy would like to be present for the vote.

42
43 McShane stated he liked the analogy of the hammer. He fully intends to use
44 that hammer to direct growth away from the areas it should not go. That is a
45 significant tool they have available to them. That tool will not be available if they
46 go with the low projections in the city. Many of the issues have little to do with the
47 population projection, and have to do with how the County implements certain

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1 things after it chooses a population projection. He doesn't fully believe in high
2 population projections in the city to encourage growth in the city. They need to do
3 more than encourage it. They need to really manipulate what they have to direct
4 growth into the city, or they will lose their farmland and forestland. Having higher
5 population projections in the cities will do that. Otherwise, they will have sprawl.
6

7 Brenner stated she doesn't see any relationship. It has to do with what they
8 do and don't allow in the County. If they are going to influence what happens in
9 the county, they influence people by the expectations for people who locate out
10 there.
11

12 Caskey-Schreiber stated her biggest concern if they follow Councilmember
13 McShane's plan is when the Cities come to the County to expand the urban growth
14 areas. She's not necessarily willing to do that, and then ask the people who live
15 here now to pay for the infrastructure for expanding those urban growth areas.
16

17 McShane stated that approving the high population projection does not
18 commit them to expanding the urban growth areas. His proposal is to adopt a high
19 population projection for the cities, as the cities have asked for, and the established
20 urban growth areas and a low population projection for the unincorporated areas
21 outside the urban growth areas. It is option four that staff presented to the
22 Planning Commission, including all the cities.
23

24 Aamot stated that if all the cities were given a high population projection, it
25 may result in a low or negative population growth projection for the rural areas.
26 He'd have to look at the numbers. Staff can put together a scenario where they
27 adopt the high numbers for urban areas and low number for rural areas, and see
28 what the total is. The total may be more than 231,000.
29

30 Caskey-Schreiber stated she would like to see the numbers if Bellingham is
31 given a medium population projection, which is the reality.
32

33 Aamot stated he would work up a population scenario based on
34 Councilmember McShane's and Councilmember Caskey-Schreiber's comments.
35

36 Fleetwood stated the committee would have a final discussion in two weeks.
37

38 *(Clerk's Note: The committee took a break at 4:33 p.m.)*
39

40 **2. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING**
41 **ORDINANCE, TITLE 20, CHAPTER 20.37 – POINT ROBERTS**
42 **TRANSITIONAL ZONE DISTRICT AND CHAPTER 20.80 –**
43 **SUPPLEMENTARY REQUIREMENTS (AB2003-317)**
44

45 Amy Pederson, Planner I, gave a staff report. This ordinance is just for
46 amendments to setback requirements and updates to the cluster subdivision
47 standards. Staff amended the cluster subdivision standards in the transitional zone

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1 to be the same as what's being currently reviewed for the watershed regulations.
2 There was some confusion regarding setbacks. Depending on how a site is
3 developed, there are different setbacks. The question was how they handle the old
4 lots that are already there. To avoid confusion, staff proposes just one setback for
5 all. The remaining changes are administration and code scrub.

6
7 **McShane moved** to recommend approval to the full Council.

8
9 Caskey-Schreiber asked if they want to discuss the changes proposed by
10 Michael Rosser of the Point Roberts Taxpayers' Association in a letter dated today.

11
12 *(Clerk's Note: End of tape one, side B.)*

13
14 **Caskey-Schreiber moved** to amend section 20.37.321(2), "...adjacent
15 tracts it would help to better further the objectives listed in WCC 20.37.305...."

16
17 McShane accepted the motion to amend as a friendly amendment to his
18 motion to approve.

19
20 **Motion to approve with the amendment carried unanimously.**

21
22
23 **COMMITTEE DISCUSSION**

24
25 **1. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING**
26 **ORDINANCE, TITLE 20, CHAPTER 20.71 – WATER RESOURCE**
27 **PROTECTION OVERLAY DISTRICT, CHAPTER 20.80 –**
28 **SUPPLEMENTARY REQUIREMENTS (STORMWATER AND CLEARING),**
29 **CHAPTER 20.85 – PLANNED UNIT DEVELOPMENTS, AND CHAPTER**
30 **20.97 – DEFINITIONS, TO PROVIDE ADDITIONAL REGULATORY**
31 **PROTECTION FOR SENSITIVE WATERSHEDS (AB2002-222B)**

32
33 Amy Pederson, Planner I, stated she submitted a memo (*on file*) with
34 attachments that summarizes the history of watershed regulations as they relate to
35 the original Lake Whatcom subdivision moratorium, which was adopted December
36 2001. The memo also provides a review of key amendments proposed and
37 associated background information for those amendment topics, including seasonal
38 land clearing restrictions, impervious surface limits, and cluster subdivisions. She
39 also discussed alternatives considered.

40
41 Fleetwood asked for the alternatives they've considered to tree retention.
42 Pederson stated there were four key alternatives: native soil retention, vegetative
43 retention, post-construction soil amendment, and re-vegetation.

44
45 Fleetwood asked if they are viable alternatives. Pederson stated they are all
46 viable and effective measures to address stormwater management and runoff.
47 However, in light of current scientific information available regarding tree retention,

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1 this is determined to be the most effective and least burdensome alternative. Soil
2 retention and native vegetation retention are applicable on a broader scale of the
3 watershed than tree retention, so this option is the least burdensome on property
4 owners.
5

6 Fleetwood asked why the alternatives considered would not achieve the
7 objective. Pederson stated the alternatives could potentially achieve the overall
8 objective of managing and decreasing potential stormwater impacts from
9 residential development. However, tree retention has also been demonstrated as
10 an effective measure of managing stormwater. Based on the information in the
11 research materials, tree retention is an effective measure and is the least restrictive
12 of the options. Another approach could be effective, but it would be more
13 burdensome on property owners and developers.
14

15 McShane stated it could also be burdensome on other property owners than
16 the one actually doing the development, in terms of others having to make up and
17 pay for the costs.
18

19 Kurt Baumgarten, Planner I, stated tree retention without having the
20 vegetation retention beneath it, provides greater flexibility to a property owner for
21 what they do beneath those trees. That was an issue that was bought up. There is
22 a higher probability that trees will be retained during construction because there
23 are more options for folks in the long run. In the long run, it will be easier to
24 monitor and track the percentage of tree cover using the geographic information
25 system (GIS) and aerial photographs.
26

27 ***Caskey-Schreiber moved*** to implement the seasonal clearing, subsection
28 20.80.735(2)(e), beginning January 1, 2004.
29

30 ***Motion to implement January 1, 2004 carried unanimously.***
31

32 Fleetwood stated a public hearing on this item would be held in two weeks.
33
34

OTHER BUSINESS

35
36 There was no other business.
37
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39

ADJOURN

40 The meeting adjourned at
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47 Jill Nixon, Minutes Transcription

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ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Seth Fleetwood, Committee Chair