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WHATCOM COUNTY COUNCIL  
**Planning and Development Committee**

December 9, 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.

Present:

Dan McShane  
Laurie Caskey-Schreiber

Absent:

None

Also Present:

Sam Crawford  
Barbara Brenner  
Sharon Roy

**COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL**

**1. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING MAP AND THE OFFICIAL WHATCOM COUNTY COMPREHENSIVE PLAN MAP FOR SOME AREAS WITHIN THE LAKE WHATCOM WATERSHED (AS DEFINED ON THE OFFICIAL WHATCOM COUNTY ZONING MAP) (AB2003-386)**

Amy Pederson, Planner I, stated she hoped this would come forward in January. They are also working with the transfer of development rights (TDR) program updates. Because the Planning Commission recommendation is for approval contingent upon a TDR program being in place, staff wanted to bring the two items forward together.

**Caskey-Schreiber moved** to amend the Planning Commission recommendation to remove the provision that this be approved only if there is a TDR program in place.

Pederson gave a staff report and gave a history of the issue. She submitted a packet of maps of the proposed Comprehensive Plan and zoning designations and some aerial photos. Those are the criteria they used to delineate revised boundaries. The proposed zoning and Comprehensive Plan map designation should reflect new boundaries that are in accordance with the criteria, and should be consistent with the Comprehensive Plan locational criteria.

Crawford stated the Planning Commission recommendation was only a 5-3 vote.

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1 Jonathan Sitkin, 1500 Railroad Avenue, Bellingham, stated he represents  
2 Western Washington University. The issue is the Lakewood property and the  
3 adjacent tract owned by Western. He suggested language to change the text for  
4 the allowed uses. It is zoned urban residential, three units per acre (UR-3), a more  
5 urban designation. It has now been downzoned to rural, which has inherent issues.  
6 He suggested text changes to change the conditional use permit to an outright  
7 permitted or an administratively approved use with mitigation. The Planning  
8 Commission neglected to address this issue. He supports the recommendation for  
9 a public hearing that would allow them to consider his issue. Staff concurs with his  
10 proposed language and text amendment.

11  
12 Fleetwood asked what it means in terms of increased development. Sitkin  
13 stated the impervious surface limitations would still apply. It allows for adding  
14 anything from additional restrooms to a meeting facility without going through the  
15 conditional use process unless they exceed a certain size limitation, which would  
16 trigger an administrative approval process. In all respects, any change would still  
17 go through the State Environmental Protection Agency (SEPA) policy and the  
18 impervious surface limitations still exist.

19  
20 According to the regulations, it comes down to the conditional use criteria by  
21 which they would be evaluated, either urban or rural. In the past, they've been  
22 evaluated by the urban designation. The zoning changed to rural. No one's  
23 seeking a density increase an increase of impervious surface limitations on the site,  
24 but it eases the process for Western if they do seek any building additions or  
25 modifications.

26  
27 Fleetwood asked if staff recommends the request.

28  
29 Sylvia Goodwin, Planning Division Manager, stated she does recommend the  
30 amendment. This is an anomaly of a project that's already there. The language is  
31 tight enough to be limited to a use acceptable for a recreational facility associated  
32 with a university, without becoming a second campus.

33  
34 McShane asked if The Firs falls under a different regulation. That zoning  
35 may change also. Goodwin stated The Firs was rezoned with a concomitant  
36 agreement that was very specific to what they could and couldn't have there. It is  
37 a much larger facility, including housing. The Western facility is a day facility. The  
38 Firs has maximized the use it has. Once rezoned, it would become a  
39 nonconforming use, which could be expanded by a conditional use permit. The  
40 intent is not to have much more expansion at The Firs.

41  
42 ***Fleetwood moved*** to accept the amendments proposed by Mr. Sitkin to  
43 Whatcom County Code sections 20.36.64 and 20.36.136 in his letter addressed to  
44 Sylvia Goodwin dated October 3, 2003.

45  
46 Caskey-Schreiber asked if the existing impervious surfaces already meet or  
47 exceed 5,000 square feet. Sitkin stated the university has no concrete plans, but

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1 may want to expand the meeting facility to increase the occupancy from 50 to 100  
2 persons.  
3

4 Goodwin stated that adding an additional 5,000 square feet of impervious  
5 surface is a significant increase for something that receives infrequent use. Sitkin  
6 stated it is a lot of impervious surface. The percent limitations still apply to the  
7 site. The existing downzone regulations on impervious surfaces still apply to the  
8 site.  
9

10 McShane asked the acreage of the site. Sitkin stated the Lakewood facility is  
11 approximately eight acres. They acquired the adjacent Byron tract of 4.8 acres.  
12 The total acreage is approximately 12.8 acres.  
13

14 McShane stated the impervious surface allowed would be a little over an acre  
15 for the entire property.  
16

17 Brenner asked why it's in the public interest to allow the additional 5,000  
18 square feet.  
19

20 Caskey-Schreiber stated the State university uses it for classes, retreats, and  
21 other functions.  
22

23 Brenner stated she thought they were working on the impact of impervious  
24 surface, not the altruistic intents of who gets to add the impervious surface.  
25

26 Crawford stated this is not as related to the downzone issue as it is to the  
27 impervious surface issue. They're talking about simultaneously changing Title 20 at  
28 the same time they are considering a downzone of certain areas in the Lake  
29 Whatcom watershed. Sitkin stated he brought this issue forward during the  
30 process for planning essential State facilities. There wasn't a process for siting  
31 educational institution facilities such as this that was adequate. They also  
32 addressed this in the downzone process because the property is being downzoned  
33 from urban to rural. In trying to address how they might facilitate the approval of  
34 this kind of educational facility, they met with Planning Department staff. They  
35 talked about conditions that might occur for administrative approval of outright  
36 permitting. A 5,000 square foot limit for the building does not take it outside the  
37 gambit of the impervious surface limitations. They would still be subject to the  
38 impervious surface limitations.  
39

40 Crawford stated a new meeting facility would also require parking. Sitkin  
41 stated there is a very large existing gravel and dirt parking area. Western would  
42 say that parking requirements as a part of the total site area for a new use would  
43 be acceptable.  
44

45 Crawford stated they would have to add that language. He asked why they  
46 would make an exception for Western. Sitkin stated they've changed zoning from  
47 an urban density to a rural density. When they changed that zoning, the question

1 becomes how they are going to regulate the uses and they have to recognize that  
2 this type of use is appropriate for the site. The question is how they are going to  
3 implement the regulations. His proposal suggests how to do that. This type of  
4 recreational use is in a public interest. It's part of a State educational facility. The  
5 question is whether they are going to regulate it through a conditional use permit,  
6 administrative approval, or as an outright permitted use. This property and the use  
7 are unique. They aren't used residentially. The property won't have urban  
8 residential density, as may have been allowed by the urban zoning. The property is  
9 unique in that it has not ever been or was ever intended for residential use. It's  
10 always been used recreationally for an existing university. That is different from  
11 everything except The Firs, which historically was dealt with by a concomitant  
12 agreement.

13

14 Caskey-Schreiber stated the site is different because it provides education at  
15 the site. Professors such as Robin Matthews also do work at that site, which leads  
16 to protection of the lake. It's an educational institution, which makes it different  
17 and unique in and of itself. The homes in the area don't provide education to the  
18 public. It's different even from businesses because it's not-for-profit.

19

20 ***Fleetwood withdrew his motion.***

21

22 Caskey-Schreiber asked if the 5,000 limitation wouldn't apply, but the 20  
23 percent would. Sitkin stated they could add language that says the impervious  
24 limitations of the code will apply to any developments on the property. That's the  
25 full intent.

26

27 Tom Pratum, North Cascades Audubon Society, stated he agreed with the  
28 downzone as it was originally proposed. However, there are planning reasons for  
29 the downzone being what it is today. It's become a significant but modest  
30 proposal. The areas being downzoned for the most part are areas that were zoned  
31 as they are before there was long-term monitoring data on the lake. The long-term  
32 monitoring data on the lake has shown that there are issues to deal with. The  
33 downzone is one aspect of what the Council needs to do. The Title 20 changes also  
34 needed to be done.

35

36 The area zoned rural residential, two units per acre (RR2) in Geneva should  
37 be rezoned to rural, one unit per five acres (R5A). That's not the way the  
38 downzone came out of the Planning Commission and is not the staff  
39 recommendation, but it is a significant area including two watersheds and sub-  
40 basins. There is a pending or vested plat there. However, the downzone may  
41 convince the owner to sell the property. It would be a good thing to do. That area  
42 is included in the zoning boundaries in the interim downzone.

43

44 Some people say that TDR's have to be based on underlying zoning, and  
45 others say they don't. Clearly, a lot with services should be taken out of  
46 circulation, especially in Sudden Valley. With those kinds of lots in the watershed,  
47 most of the build out in the watershed will come from the areas zoned urban

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1 residential, three units per acre (UR-3). There are a lot of lots there that have  
2 services. That's where TDR's are needed to reduce the build out in those areas.  
3 Giving people TDR's for property that doesn't have services and hasn't proved its  
4 development potential is questionable. TDR's will be important to reduce density in  
5 the watershed. He's concerned that TDR's may be spent here that will be needed  
6 elsewhere. He asked the committee to approve the ordinance, even though the  
7 proposal is modest.

8  
9 Jim Trowbridge, 1853 Academy Road, stated he owns 15 acres in the  
10 watershed. They just had a 100-year storm, and Water District 10 did not have a  
11 sewage overflow because of a new technological solution. Many years of harassing  
12 lawsuits from so-called friends of the lake kept Water District 10 from providing a  
13 technological solution to a recognized problem until recently. The same people who  
14 sued the district are the people who have been most vocal in presenting the  
15 downzone. Their primary interest is not keeping sewage out of the lake. They've  
16 had a not-in-my-back-yard (NIMBY) philosophy. This is a rather drastic plan. A lot  
17 of science still needs to be studied. There is a solution better than this broad brush  
18 approach. Start over and come up with something fair.

19  
20 This temporary moratorium came up more than two years ago. Many  
21 councilmembers told him it would only last six months. At the end of the six  
22 months, they would have better control of stormwater. The moratorium has  
23 become permanent. They've forgotten why they first started this.

24  
25 The County Charter says that they cannot burden any citizen unduly without  
26 compensation. It must be just compensation, which is a price agreed to by willing  
27 buyers and willing sellers. The downzone has eliminated the possibility of having  
28 willing buyers and willing sellers. By that standard, the TDR program will not work.  
29 The Planning Commission recommended that the Council do not do the downzone  
30 until they could institute a fair, just compensation package for the people who are  
31 losing property rights in the watershed. If they go forward tonight, the Council will  
32 further damage people in the watershed. The program has not been proved. It will  
33 not work. There are 1,800 TDR's to be sold. There are 200 potential buyers. This  
34 is not a free market. It's a fire sale. The only people who benefit are buyers, not  
35 sellers. The Planning staff is planning to increase the density at the two worst  
36 intersections in the county to clean up the problems they assume are in the lake.  
37 Support the Planning Commission recommendation.

38  
39 ***Caskey-Schreiber moved*** accept the amendments proposed by Mr. Sitkin  
40 to Whatcom County Code sections 20.36.64 and 20.36.136 in his letter addressed  
41 to Sylvia Goodwin dated October 3, 2003, amended to reflect that the 20% rule is  
42 still in effect.

43  
44 Brenner asked why they are doing this as an outright permitted use, rather  
45 than a conditional use. She doesn't have a problem with doing this, but it seems  
46 inequitable. She wants to be convinced why they should allow it.

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1           McShane stated the facility was in an urban zone. Certain criteria applied to  
2 it. That zoning is now changed. The facility becomes a nonconforming use.  
3 Because of the nonconforming use, the facility would have to go through a  
4 conditional use permit to do anything. That wasn't the case before. Goodwin  
5 stated the facility required a conditional use permit before. Now, it would require a  
6 conditional use permit to expand beyond a certain amount. Small amendments  
7 would be allowed outright.

8  
9           Sitkin stated the criteria for a conditional use permit requires them to be  
10 compatible with the zoning regulation and Comprehensive Plan policies for that  
11 Comprehensive Plan designation. By changing the zoning from urban to rural,  
12 they've changed the intensity of the uses and nature of the uses by which the  
13 facility must be compared, which makes it more difficult to do modifications. One  
14 example they just went through was with light fixtures.

15  
16           Brenner stated she still feels like they are giving extra treatment.

17  
18           Caskey-Schreiber stated it's a public facility. The public gets the benefit of  
19 this decision.

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

22  
23           Caskey-Schreiber restated her motion to remove the TDR program provision.  
24 The downzone was done as carefully as possible to respect the areas that are  
25 platted. It concentrated on certain areas.

26  
27           *(Clerk's Note: End of tape one, side A.)*

28  
29           Caskey-Schreiber continued to state that the areas the downzone  
30 concentrates on are areas without infrastructure or development. The value lost is  
31 speculative value. TDR's should be used for existing, platted land that has a  
32 serious likelihood of being developed soon. Don't saddle the TDR process with  
33 1,800 lots or it will fail.

34  
35           McShane stated he supports the motion. The intent is to address those  
36 areas around the lake where the ability to develop is very speculative. What was  
37 originally proposed as an interim ordinance lifted the moratorium so people with a  
38 reasonable expectation of being able to develop and had services were able to  
39 subdivide and move forward. There was a concern that allowing continued  
40 subdividing of land would saddle county taxpayers with some significant costs for  
41 dealing with stormwater around the lake. The original proposal was pretty broad.  
42 It was purposefully broad to look at all areas. As time went on, more parcels or  
43 areas dropped out as they learned more about them. He's always been open to  
44 any suggestions along those lines. When convinced, which has been most of the  
45 time, he's accepted a claim that someone can develop at their density. He  
46 continues to be open to those arguments. They would water down a TDR program  
47 that really is necessary for those areas where people have one existing lot. Some

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1 of the people who would be affected by this downzone wouldn't have to develop at  
2 a density of one house per five acres. They could sell those development rights  
3 and get more money for them because they are proven rights.  
4

5 Fleetwood stated he is in favor of the motion. The question is whether they  
6 can dictate that they designate Lake Whatcom as a TDR sending area in all fairness  
7 and good policy. They have not yet established a comprehensive TDR ordinance.  
8 It's premature to condition acceptance of this proposed downzone with the TDR  
9 program. The downzone is justified aside from whether or not they attach the TDR  
10 program provision. They may decide at a later time to include TDR's. This vote  
11 doesn't limit them from doing it at a later time.  
12

13 Crawford stated the motion should amend the wording in the ordinance's  
14 15<sup>th</sup> Whereas statement. They should also amend the next to last Whereas  
15 statement.  
16

17 Fleetwood stated they've considered the issue to a considerable extent.  
18

19 Caskey-Schreiber stated the crux of the argument is determining what is  
20 "unduly burdened." All of these properties they are downzoning still hold a great  
21 deal of value. She's comfortable with that.  
22

23 ***Motion carried unanimously.***  
24

25 McShane moved to amend the RR2 zone south of the Geneva UR-3 urban  
26 growth area on the map on Council packet page 473. It is an existing plat that is  
27 relatively speculative. It would be prudent to change the zoning there from RR2 to  
28 R5A.  
29

30 Fleetwood asked why it wasn't proposed previously.  
31

32 McShane stated it was. This is the first time the change has been brought  
33 forward to the Council.  
34

35 Goodwin stated it's the site of the Summitview vested preliminary plat,  
36 which is a vested plat. They went through a considerable court case on that issue  
37 during the 1997 Comprehensive Plan process.  
38

39 Fleetwood asked the effect of the downzone.  
40

41 McShane stated the developer could go ahead and develop. Alternatively,  
42 the downzone would have an effect if the developer decided to significantly alter  
43 the plat. It would need to comply with existing zoning and existing impervious  
44 surface requirements, which are different for RR2 zoning to R5A zoning.  
45

46 Caskey-Schreiber asked if the entire area is platted.  
47

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1 McShane stated it is. There are about 360 lots.

2  
3 Caskey-Schreiber stated she supported the motion.

4  
5 ***Motion carried unanimously.***

6  
7 ***Fleetwood moved*** to schedule a public hearing on this item as amended.

8  
9 ***Motion carried unanimously.***

10  
11 Goodwin asked about the Summitview property. She asked if they are still  
12 leaving it in the urban growth area (UGA). If the area is going to be R5A, the  
13 question is whether or not they want to leave it in the UGA.

14  
15 McShane stated he's been under the impression that for public health and  
16 safety purposes, and for protection of resources, one can do density reductions  
17 even in urban growth areas. He doesn't see that it needs to be removed from the  
18 UGA. Given the fact that it is platted already at RR2 zoning, it may be appropriate  
19 to leave it in the UGA unless they hear differently from the City of Bellingham.  
20 Goodwin stated the City didn't want it in the UGA in the first place. That's why they  
21 spent all those years before the Hearings Board. They should discuss it further with  
22 the City.

23  
24  
25 **COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL –**  
26 **COMPREHENSIVE PLAN**

27  
28 **1. ORDINANCE ADOPTING AMENDMENTS TO THE INTRODUCTION**  
29 **CHAPTER OF THE WHATCOM COUNTY COMPREHENSIVE PLAN**  
30 **(AB2003-075A)**

31  
32 Sylvia Goodwin, Planning Division Manager, stated the ordinance is an  
33 amendment to the Introduction chapter of the Comprehensive Plan. The most  
34 controversial item is the population projections. The Planning Commission  
35 recommendations for the population projections is on Council packet page 531,  
36 chapter page 1-10. The City of Bellingham held a hearing last night and  
37 recommended support of the County and City planning commissions for a  
38 population projection in the amount of 113,055 for the City of Bellingham for the  
39 year 2022. All of the small cities have submitted letters recommending higher  
40 population projections for the small cities, which are the ECONorthwest high  
41 population, as modified by the County oversight committee. The Planning  
42 Commission did not recommend the oversight committee's recommendation. The  
43 overall population projection for the entire county is the medium projection from  
44 the ECONorthwest study. It was allocated between the cities, which a slightly  
45 higher population in the cities and County urban growth areas and a slightly lower  
46 projection for the rural areas. Staff recommends a higher population.

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1 Birch Bay, Columbia Valley, and Point Roberts aren't included in the chart on  
2 page 1-10. The recommended population projection for Birch Bay is 7,116, which  
3 is less than recommended by the Birch Bay Steering Committee subarea plan.  
4

5 McShane stated they should give some deference to the mayors of the cities  
6 who are attending this meeting.  
7

8 McShane stated there will be one representative to speak on behalf of all the  
9 mayors. The committee has already taken testimony in previous meetings from  
10 others in the audience, and is familiar with those points of view. His intent was to  
11 only allow committee discussion today, but will make a special exception for the  
12 mayors.  
13

14 Gary Tomsic, City of Blaine City Manager, stated he is the spokesperson for  
15 the Whatcom County small cities caucus. Roland Harper is a consultant that has  
16 worked with some of the small communities on the population projections.  
17 Consider the caucus request to establish the population projections for the small  
18 cities at the level of the ECONorthwest high projection, except for Nooksack.  
19 Nooksack has requested that its population be set at the medium level. This  
20 request is consistent made by the City of Blaine Planning Department, working  
21 through the Growth Management Oversight Committee. These numbers best  
22 represent what their future might be.  
23

24 Over the past few months, the councilmembers have heard from the County  
25 Planning Commission and City of Bellingham Planning Commission. Some of the  
26 comments have been to accept a lower population forecast for the county. Those  
27 with that point of view have a real concern for growth and development in the  
28 county. The small cities are concerned that a lower level projection would present  
29 several problems. This is not a science. The State demographers put together  
30 information based on historical data and their best reasoning of what will happen.  
31 The more the numbers are aggregated, the less reliable they become. To  
32 compound that unreliability, some in the county have intended to use them as  
33 targets for growth in the county, rather than simply forecast numbers. That type of  
34 reasoning is not supported. If there are communities in the county or the County  
35 wants to limit growth, do it by designing policies and regulations appropriately.  
36 These numbers are only forecasts, but they're important for a couple of reasons.  
37

38 First, they are what the city comprehensive plans are based on. Their capital  
39 improvement planning for infrastructure is based on them as well. If they  
40 underestimate the projection, it will be a serious mistake. Cities would rather not  
41 underestimate what their facility needs will be. They depend heavily on State and  
42 federal grants and loans to get infrastructure done. These entities look at the  
43 population projections. If the population projections under-reflect what really  
44 happens in the communities, the help from these agencies will be less. It's  
45 important that the small cities be listened to. The high projections are best for the  
46 small cities.  
47

1 Caskey-Schreiber asked if the city councils recommend the higher  
2 projections. Tomsic stated he believed they do.  
3

4 Caskey-Schreiber stated she wants to make sure the small cities put it  
5 forward to their councils. Tomsic stated the Blaine City Council approved the high  
6 projections. He can't speak for every community.  
7

8 Caskey-Schreiber stated Lynden has limitations on available water. She  
9 asked how the Council can, in good conscious, encourage a higher projection  
10 knowing Lynden can't accommodate it right now. Tomsic stated adopting the  
11 numbers does not encourage a high growth rate. They aren't targets. Lynden may  
12 grow less than that. If it doesn't have water, it will certainly won't grow to that  
13 level. If Blaine doesn't get a new wastewater treatment plant, it won't grow to it's  
14 projection level. If they don't have the infrastructure, the growth won't happen at  
15 those levels.  
16

17 Caskey-Schreiber asked if the current urban growth areas are sized to meet  
18 the high projections. Tomsic stated the UGA's were sized before these projections  
19 were developed. He doesn't know if the current UGA's are sized to meet these  
20 projections.  
21

22 Goodwin stated all the cities said they have adequate or oversized UGA's.  
23 Some of the cities are talking about reducing or amending their UGA's. The general  
24 consensus is that the UGA's are adequate for these populations, it's just they want  
25 the projections consistent with their planning efforts.  
26

27 ***Fleetwood moved*** to adopt the medium projection, and allocate it  
28 accordingly so they can include high projections for certain cities.  
29

30 McShane stated using infrastructure to fight growth will fail. Politically, it is  
31 very hard to convince city councilmembers to approve the high projections. As a  
32 County Council, they should be bold and greedy and go forth with the high numbers  
33 so they can craft a long-term plan that won't need changing in seven years. He's a  
34 consulting geologist who is hired by people who pay him for his opinion on geologic  
35 issues. They have planners in the county for all the cities and the County. They're  
36 all saying they should go with the high projection. He's talked to planners from  
37 other areas and a variety of political views. They should sometimes defer to  
38 expertise. In this case, defer to the experts in the cities and County. Approve the  
39 high population projections. He appreciates the small cities for stepping up and  
40 asking for the higher projections. He's disappointed that the City of Bellingham  
41 doesn't want to do that. They want to protect their neighborhoods, which is a great  
42 idea but won't work. He fears that it is a formula that will put a lot of pressure on  
43 the unincorporated areas between the cities. Future councils may not hold the line  
44 on sharp boundaries around farmland, may not protect the drinking water source  
45 for half the county, and may not protect salmon streams and forest reserves. He'd  
46 rather plan for high population growth.  
47

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1 Fleetwood stated the medium projections is consistent with the Planning  
2 Commission proposal. The language indicates that a medium projection can be  
3 allocated to low rural projections and high city projections.  
4

5 Caskey-Schreiber stated she has also spoken with planning experts that  
6 disagree with staff. She's willing to hear them out and find a happy medium.  
7 There is induced usage when they put infrastructure in. She's fine with the small  
8 cities using the high projections and Bellingham using the medium projection. The  
9 small cities high growth rate will double their population in 15 years. The City of  
10 Bellingham is enormous. They can't grow that fast. She's most leery of adopting  
11 the high number because people will want to expand the UGA's to accommodate  
12 the growth before they've maximized density in existing areas. That's the big  
13 issue. The question is how they get the density without expanding the UGA's.  
14 Historically, Whatcom County has had a growth rate of 1.3 percent. They can  
15 readjust the number in five years.  
16

17 Crawford asked if Councilmember McShane's proposal for higher projections  
18 in the cities and a very low projection for the rural areas equals the medium  
19 projection overall.  
20

21 Fleetwood stated the Planning Commission findings recommend low  
22 projections for unincorporated areas and medium to high projections for urban  
23 areas. He read finding 13.  
24

25 McShane stated his view is not a lot different from the Planning  
26 Commission's view. The projections should be higher in the cities than what the  
27 Planning Commission recommended. He liked scenario 8, with one exception. The  
28 oversight committee recommended a population growth in the unincorporated area  
29 as 19,025. That's unacceptable. They need to reduce the potential growth in the  
30 unincorporated part of the county. Past planning decisions in the county were bad.  
31 They can ignore that problem and allow a build out of unincorporated areas that will  
32 be very harmful to agriculture, farms, shellfish, fish, and forestlands. They need to  
33 go after the number. It's not just population projections they're dealing with. The  
34 plan is not a good plan. If the cities are doing their part to incorporate growth, the  
35 County can do it's part to not incorporate growth. Go with the lowest number of  
36 3,898 for the unincorporated part of the county. Adjust scenario eight accordingly  
37 to 247,000 total.  
38

39 Brenner asked if Ferndale has the capacity for the high projection in the  
40 existing UGA. Goodwin stated Ferndale would have the capacity for more than the  
41 high projection.  
42

43 Roy stated they all want to keep growth out of rural areas. They want infill  
44 and to give the cities the high projections as solutions. There are other policies  
45 they need to do to keep the rural projections low. She is reluctant to support high  
46 numbers for Bellingham when their Planning Commission and City Council have

1 projected the medium numbers. Ultimately, it's the County's decision, but she's  
2 reluctant to do that.

3  
4 *(Clerk's Note: End of tape one, side B.)*

5  
6 Roy continued to state that the people who represent Bellingham have said  
7 what they wanted. The committee held up its decision while waiting to hear what  
8 the City of Bellingham had to say. The committee should respect that. She has  
9 trouble not respecting that. There's a lot of room here. She's going to have  
10 problems with going against what the Planning Commission and Bellingham  
11 Planning Commission want.

12  
13 McShane suggested they defer the discussion of population numbers until  
14 after he's made a couple amendments within the text that might shed some light  
15 on his own views.

16  
17 Crawford asked what happened at the Bellingham City Council meeting the  
18 previous evening.

19  
20 McShane stated there was public comment, there was discussion, and they  
21 adopted the City of Bellingham Planning Commission recommendation.

22  
23 Brenner asked if they have any idea of the amount of infill that has occurred  
24 in all the cities. Goodwin stated they are seeing a lot of infill in all the cities. The  
25 City of Bellingham just approved a project that would provide 99 housing units on  
26 one acre in Fairhaven. That's considerable infill. The cities are attempting to infill  
27 at urban densities.

28  
29 Brenner stated it's one thing to build on a vacant lot, but it's another thing to  
30 change density. Goodwin stated a lot of the lots in the small cities are smaller lots  
31 or higher densities. It's a dilemma for the cities. The planners and elected officials  
32 are trying to have higher density.

33  
34 Brenner stated she heard regulations are in place for high density  
35 development, but the underlying zoning doesn't allow it. Goodwin stated they are  
36 having a problem in the Bellingham urban fringe because of the County's critical  
37 area ordinance and the setbacks. The critical area ordinance conflict with the goal  
38 density of four units per acre in an area where there are restrictions on lot sizes,  
39 setbacks, and buffers. They are working to address it.

40  
41 Brenner asked if four units per acre is the density in the cities before they  
42 began to do infilling. Goodwin stated the density of four units per acre used to be  
43 the maximum density. Now, in the City of Bellingham urban growth area, that  
44 density is the minimum density. They have policies in the new Birch Bay plan that  
45 make four units per acre a minimum. They are holding Trillium's feet to the fire.  
46 She told them to redesign their subdivision so it has a density of four units per

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1 acre, not one units per acre. That doesn't seem like a lot, but it's much better than  
2 a density of one unit per acre.

3  
4 Caskey-Schreiber asked if they are talking about working with scenario one,  
5 and then making modest modifications to appease what the cities have requested.

6  
7 Fleetwood stated he is. Population increases when people want to live here.  
8 A density structure exists that permits it. The Growth Management Act requires  
9 the County to accommodate growth. Therefore, the County has a duty to maintain  
10 a zoning structure that permits an increase in population. If people want more  
11 local authority to stop growth, they've got to go to the legislature and amend the  
12 Growth Management Act. The Growth Management Act confers an enormous  
13 amount of authority to the local government to determine how they accommodate  
14 growth. The Council can hold the line on geographic expansion of cities if it  
15 chooses. The Council can increase densities to accommodate growth in the cities if  
16 it chooses. Regardless of the chosen population projection, they can have vibrant  
17 cities and maintain beautiful rural character. Ensuring these things is doable if they  
18 collectively decide they want to. Choosing this projection does not sound the death  
19 knell for quality of life in Whatcom County.

20  
21 Brenner stated the Growth Management Act says anything someone wants it  
22 to stay. It's a nebulous document. They shouldn't give up any kind of feelings that  
23 they have about what should happen in Whatcom County because of the State  
24 Growth Management Act. The County has a lot of authority. It just has to justify  
25 anything it does. That justification for anything they do already exists.

26  
27 **McShane moved** to amend the first full paragraph on chapter page 1-9,  
28 "...in the future, ~~and~~ ensuring an adequate land supply to accommodate this  
29 growth, the need to plan for growth, and the need to protect the quality of life and  
30 natural resources in Whatcom County. This population projection is selected for  
31 planning purposes only, and does not obligate the County to encourage growth.  
32 However, given past population trends and the requirements of the Growth  
33 Management Act, planning for population growth, whether or not it occurs, is  
34 critical for the quality of life, natural resources, and economic health of Whatcom  
35 County." It's not specific to any number. He asked if the language causes a  
36 problem.

37  
38 Caskey-Schreiber stated the last sentence is too vague. She's not  
39 comfortable with it.

40  
41 McShane stated the last sentence in his motion says that the population  
42 projection is selected for planning purposes only. If they didn't have GMA, the  
43 Council probably wouldn't be planning for growth. They are obligated to choose a  
44 number.

45  
46 Fleetwood stated the language is harmless.

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1 Roy stated she would like to see some qualifiers on some of the language.  
2 She suggested adding "protection of natural resources."  
3

4 Brenner suggested not including the last sentence.  
5

6 **McShane amended his motion** to amend the first full paragraph on  
7 chapter page 1-9, "...in the future, and ensuring an adequate land supply to  
8 accommodate this growth, the need to plan for growth, and the need to protect the  
9 quality of life and natural resources in Whatcom County. This population projection  
10 is selected for planning purposes only, and does not obligate the County to  
11 encourage growth. Given past population trends and the requirements of the  
12 Growth Management Act, planning for population growth, whether or not it occurs,  
13 is critical for the quality of life, natural resources, and economic health of Whatcom  
14 County."  
15

16 Caskey-Schreiber stated the last part of the language makes it seem like  
17 they are making a value judgment.  
18

19 Fleetwood stated the language in here is sufficiently milquetoast that it's not  
20 going to cause major problems.  
21

22 Roy stated they still need a qualifier before "natural resources" in the last  
23 sentence.  
24

25 **McShane amended his motion** to amend the first full paragraph on  
26 chapter page 1-9, "...in the future, and ensuring an adequate land supply to  
27 accommodate this growth, the need to plan for growth, and the need to protect the  
28 quality of life and natural resources in Whatcom County. This population projection  
29 is selected for planning purposes only, and does not obligate the County to  
30 encourage growth. Given past population trends and the requirements of the  
31 Growth Management Act, planning for population growth, whether or not it occurs,  
32 is critical for the quality of life, protection of natural resources, and economic health  
33 of Whatcom County."  
34

35 **Motion carried unanimously.**  
36

37 **McShane moved** to amend the first paragraph on chapter page 1-11, "To  
38 avoid tightening the urban land supply and raising housing costs, the County is  
39 using a projection of xxx,xxx for land use and facility planning purposes, and to  
40 provide urban growth boundaries that accommodate a land supply at least 50%  
41 greater than the anticipated need." He read his rationale for the motion as stated  
42 in his memo to the Natural Resources Committee dated December 7, 2003  
43 regarding the December 9 Planning and Development Committee (*on file*). The  
44 message is that he would like to see the cities go with high population growth in a  
45 manner that would increase the densities in the urban growth areas so they don't  
46 have to ask for expansions every seven years.  
47

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1           **Motion carried unanimously.**

2  
3           **McShane moved** to amend the third line of the third paragraph on chapter  
4 page 1-13, "...encouraged commercial activities **and residential development**  
5 outside city centers. Coal mining ceased,...."

6  
7           Brenner stated they should say they encouraged all kinds of development,  
8 not just commercial and residential.

9  
10          Crawford stated he agreed with the motion. This section and language  
11 paints a picture of the history that has shaped the issues they will be dealing with.  
12 The primary issue they're dealing with in growth management is residential  
13 development outside of urban centers. Councilmember McShane is right on when  
14 he specifically defines residential development as the pattern that occurred in  
15 Whatcom County with the increased use of the automobile.

16  
17          Brenner stated they should either include all development or state only  
18 residential development.

19  
20           **Motion carried unanimously.**

21  
22          Fleetwood stated there is a motion to accept the Planning Commission  
23 recommendation with changes.

24  
25          Caskey-Schreiber stated she would like to work with scenario one, look at  
26 the cities, Birch Bay, Columbia Valley, and Point Roberts, and then go from there.

27  
28          **McShane moved** to amend the Planning Commission recommendation to  
29 accept the small cities' requests for population projections:

30          Blaine: ~~6,629~~ **7,942**  
31          Everson: ~~3,641~~ **3,912**  
32          Ferndale: ~~16,318~~ **17,322**  
33          Lynden: ~~16,628~~ **16,900**  
34          Nooksack: ~~1,937~~ **1,881**  
35          Sumas ~~1,566~~ **1,669**

36  
37          Fleetwood suggested a friendly amendment to include the medium projection  
38 for the City of Bellingham.

39  
40          McShane stated he did not accept the friendly amendment. He wants to deal  
41 with the small cities only right now, and get it done with.

42  
43          Fleetwood asked if there is a scenario where they can still succeed in being in  
44 the medium projection of the Planning Commission and ECONorthwest, and adopt  
45 this amendment. Goodwin stated they could. They'd have to take up the slack in  
46 the rural areas and in the Columbia Valley. Bellingham could stay where they  
47 were.

1  
2 McShane stated the City of Bellingham approved the medium density, not  
3 the medium high density. Goodwin stated the City of Bellingham approved a total  
4 20-year growth amount of 31,600.

5  
6 ***Motion carried unanimously.***

7  
8 ***McShane moved*** to amend the Planning Commission recommendation for  
9 the Birch Bay urban growth area population projection to 9,619.

10  
11 Roy stated the Birch Bay planning group wanted to go with 11,000. The  
12 9,000 is a compromise.

13  
14 Caskey-Schreiber stated they are adding 2,503.

15  
16 Fleetwood asked if this amount is the medium-high number according to  
17 ECONorthwest. Goodwin stated that number is the same as the ECONorthwest high  
18 projection.

19  
20 ***Motion carried unanimously.***

21  
22 ***McShane moved*** to amend the Planning Commission recommendation for  
23 the unincorporated area population projection to a new projection of 55,874. It is  
24 lower than the low projection from ECONorthwest.

25  
26 Caskey-Schreiber stated that subtracts 2,737, which will take care of the  
27 Birch Bay urban growth area increase.

28  
29 McShane stated he chose scenario two, which had the premise of giving the  
30 Bellingham UGA a high population projection, the other UGA's a medium projection,  
31 and the rural areas a very low projection. The Planning staff had some rationale for  
32 using the lower number. It fits with trying to hit the ECONorthwest medium  
33 number. The population growth from the year 2000 to 2022 would be changed  
34 from 6,635 to 3,893.

35  
36 Crawford asked how the staff arrived at this low number from scenario two.  
37 Aamot stated the Planning Commission voted to use an overall medium projection  
38 and provided the general principal that they wanted a higher population projection  
39 in cities and a lower projection in rural areas. The staff provided five scenarios.  
40 Scenario two is one of those five scenarios.

41  
42 Crawford stated he doesn't think that a rationale for good planning is saying  
43 that the number for the County is simply the residual number after all the  
44 projections for the cities are determined. They need to have good planning  
45 projections, using the number of platted lots outside the incorporated areas. There  
46 are 45,000 platted lots in the unincorporated areas.

1 McShane stated there are 20,143 potential additional dwelling units outside  
2 the urban growth areas.  
3

4 Caskey-Schreiber stated this Council has looked at ways to encourage  
5 incentives where they want growth and disincentives where they don't want  
6 growth. They have looked at instituting impact fees. One of the things they've  
7 addressed is the fact that they need to deal with price equity issues.  
8

9 ***Motion carried unanimously.***

10  
11 ***McShane moved*** to amend the Planning Commission recommendation for  
12 the Columbia Valley population projection to a new projection of 5,000. It gives  
13 deference to the Growth Management Oversight Committee recommendation and  
14 the fact that they are seeing a lot of growth out there because they are all vested  
15 lots.  
16

17 Fleetwood stated they would have to do a lot of things differently if they base  
18 the projections on the committee. He is against the motion.  
19

20 Caskey-Schreiber stated they received the letter from the Mount Baker  
21 School District. Given the number of students the district already has and the  
22 number of households already occupied, they already have a population of 4,000.  
23 There are a lot of families with kids. It is one area where population growth is  
24 occurring from births. They are likely to see an increase of at least 5,000. It is an  
25 area with a great need for infrastructure. They can't ignore it.  
26

27 Crawford stated the motion is a good one, but he questions the rationale. He  
28 asked how it differs from the county. They are seeing a lot of growth in the  
29 unincorporated county and in the Columbia Valley.  
30

31 McShane stated the Columbia Valley is a UGA. Some day, it should become  
32 a city. They should plan accordingly and do the things it takes to enable that area  
33 to become a city. Accept the fact that there's going to be a lot of growth there, and  
34 they can't do a lot to reverse it. In the areas zoned rural, one unit per five acres  
35 (R5A), there are things the County can do. There's no reason to try to  
36 accommodate growth in the rural areas. If they've already committed to an urban  
37 growth area that is growing rapidly, they need to commit to really planning for a lot  
38 of growth there. It's happening whether or not they like it. They don't do things to  
39 accommodate growth in the unincorporated areas. They do things that transfer  
40 that potential growth to other locations. Rural areas in the Lake Whatcom  
41 watershed is an example. They will hopefully transfer that development into  
42 Bellingham and the Bellingham UGA. The same is true elsewhere. Reduce the  
43 number of cars on county roads.  
44

45 Crawford stated there are already 20,000 platted lots in the unincorporated  
46 areas. They will see more in the next several years.  
47

1           (Clerk's Note: End of tape two, side A.)  
2

3           Crawford continued to state that when they anticipate the number of people  
4 to plan for, they are going to ignore that platting and pick a low residual projection.  
5

6           McShane stated he won't ignore it. He's specifically saying he wants to take  
7 on that problem. That question gets to the fundamental issue of what they do with  
8 the planning numbers. Those are the hard questions. This should be the easy  
9 part.  
10

11           Brenner stated the number is low. The Columbia Valley has an abundance of  
12 good water. Everyone is talking about stimulating economic growth in that area.  
13 Pick a slightly higher number to encourage the development of a city out there at  
14 some point.  
15

16           Fleetwood stated he is persuaded by the argument that the reality is the limit  
17 is already there.  
18

19           ***Motion carried unanimously.***  
20

21           ***Caskey-Schreiber moved*** to adopt the City of Bellingham population  
22 projection of 113,055 based on what the Bellingham City Council and City Planning  
23 Commission recommended.  
24

25           ***Motion carried 2-1 with McShane opposed.***  
26

27           Crawford stated there's been no discussion with the City of Bellingham about  
28 how it arrived at that projection.  
29

30           ***McShane moved*** to amend the Planning Commission recommendation for  
31 the Point Roberts population projection to a new projection of 2,010, which is the  
32 ECONorthwest high projection.  
33

34           Brenner stated they haven't heard what the Point Roberts community wants.  
35 Goodwin stated the Planning Commission recommendation is consistent with the  
36 adopted Point Roberts plan. She can double check it.  
37

38           ***McShane withdrew his motion.***  
39

40           Fleetwood stated he hoped all these changes would approximately total the  
41 ECONorthwest medium population projection.  
42

43           Caskey-Schreiber stated they only added 82 more.  
44

45           ***Fleetwood moved*** to recommend to the full Council as amended.  
46

47           ***Motion carried 2-1 with McShane opposed.***

