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WHATCOM COUNTY COUNCIL
Regular County Council

August 7, 2007

Council Chair Carl Weimer called the meeting to order at 7:02 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Barbara Brenner
Dan McShane
Sam Crawford
Seth Fleetwood
L. Ward Nelson

Absent:

Laurie Caskey-Schreiber

FLAG SALUTE

ANNOUNCEMENTS

Weimer announced the passing of former councilmember Sharon Roy this morning. Ms. Roy put her retirement on hold to serve on the County Council. She did a very good job, and was a friend and colleague.

SPECIAL PRESENTATION

1. EXECUTIVE KREMEN WILL READ A PROCLAMATION PROCLAIMING SEPTEMBER 2007 AS OVARIAN CANCER AWARENESS MONTH (AB2007-017)

Pete Kremen, County Executive, stated this is a difficult time for those who had the opportunity to work with Sharon Roy. She cared passionately about Whatcom County, especially the Birch Bay and Blaine area. She was passionate and opinionated. In addition, she was always professional and fair. She exemplified the decorum, dignity, and respect that any government official should display.

He read from the proclamation. He acknowledged and presented the proclamation to Linda Adler, a retired clinical social worker, who works with the Ovarian and Breast Cancer Alliance of Washington to teach students in nursing schools about ovarian cancer.

Linda Adler, Ovarian and Breast Cancer Alliance of Washington, stated this is a special day. She thanked everyone for making this official in Whatcom County. She thanked Executive Kremen for his support and acknowledgement. Whatcom County's Communications and Information Coordinator Joe Bates helped her to get the awareness out to the media. She introduced the President and Co-founder of the Ovarian and Breast Cancer Alliance of Washington State.

Joan Alvin-Mackery, Ovarian and Breast Cancer Alliance of Washington State President and Co-founder, thanked the Executive and Council for the proclamation and their commitment to women's health issues. She asked ovarian cancer survivors, friends, and families in the audience to stand.

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MINUTES CONSENT

Brenner moved to approve the Minutes Consent items.

Motion carried unanimously.

- 1. **COMMITTEE OF THE WHOLE FOR JULY 10, 2007**
- 2. **REGULAR COUNTY COUNCIL FOR JULY 10, 2007**
- 3. **SURFACE WATER WORK SESSION FOR JULY 17, 2007**

CONSENT AGENDA

Crawford reported for the Finance and Administrative Services Committee and *moved* to approve Consent Agenda items one through eight, with item four amended to add language.

Motion carried unanimously.

- 1. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A CONTRACT FOR SERVICES BETWEEN WHATCOM COUNTY AND THE YWCA TO PROVIDE 2060 REPAIR AND RETENTION FUNDS TO ASSIST WITH RE-ROOFING AND SEISMIC UPGRADE OF THE LARRABEE RESIDENCE IN THE AMOUNT OF \$20,000 (AB2007-326)**
- 2. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AMEND A CONTRACT FOR PROFESSIONAL SERVICES BETWEEN WHATCOM COUNTY AND PHILIP WILLIAMS & ASSOCIATES FOR THE BIRCH BAY SHORELINE ENHANCEMENT PROJECT TO INITIATE PHASE II WORK IN THE AMOUNT OF \$25,000 (AB2007-327)**
- 3. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND ON LINE CONSULTING SERVICES FOR THE WHATCOM COUNTY PUBLIC SAFETY BUILDING AND JUVENILE DETENTION FACILITY SECURITY CONTROLS RETROFIT DESIGN IN THE AMOUNT OF \$313,690 (AB2007-328)**
- 4. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A CONTRACT FOR CONSULTANT SERVICES WITH CH2M HILL FOR PHASE I OF THE COMPREHENSIVE WATER RESOURCES INTEGRATION PROJECT IN THE AMOUNT OF \$195,000 (AB2007-329)**
- 5. **RESOLUTION OF WHATCOM COUNTY COUNCIL FOR AUTHORIZATION TO CHANGE THE CONSTRUCTION CONTRACT AMOUNT ON CABLE STREET, PHASE II (CABLE STREET RECONSTRUCTION PROJECT - CRP 999022) IN THE AMOUNT OF \$376,110.85 (AB2007-168A)**
- 6. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN AGREEMENT WITH BERK AND ASSOCIATES TO PROVIDE ANALYSIS FOR AND**

1 **PREPARATION OF A COMPREHENSIVE INCORPORATION PLAN FOR BIRCH**
2 **BAY IN THE AMOUNT OF \$100,000 (AB2007-330)**

3
4 **7. REQUEST APPROVAL OF THE ECONOMIC DEVELOPMENT INVESTMENT**
5 **PROGRAM RECOMMENDATIONS TO FUND THE CITY OF LYNDEN'S**
6 **APPLICATION FOR FUNDING IN THE AMOUNT OF \$2,912,857; AND THE CITY**
7 **OF FERNDALE'S REQUEST FOR SUPPLEMENTAL FUNDING IN THE AMOUNT**
8 **OF \$180,458; AND AUTHORIZATION FOR THE EXECUTIVE TO EXECUTE AN**
9 **AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE CITY OF**
10 **FERNDALE (AB2007-332)**

11
12 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
13 **CONTRACT FOR SERVICES BETWEEN WHATCOM COUNTY AND COMPUWORK**
14 **PACIFIC FOR DEVELOPMENT OF THE BLAINE POLICE SERVICE POINT AS**
15 **PART OF WENET IN THE AMOUNT OF \$66,500 (AB2007-333)**

16
17
18 **OPEN SESSION**

19
20 The following people spoke:

21
22 Dennis Jones, 1477 Sudden Valley, stated there is a meeting at 7 p.m., August 20,
23 at the Fairhaven Library for Chuckanut Mountain Parks District. Also, a hearing is scheduled
24 regarding Sudden Valley as a city on September 13 in the Council Chambers. He
25 encourages people to find out the real issues regarding these two items.

26
27 Nancy Ging, Tuttle Lane, Lummi Island, referenced the six year transportation
28 improvement plan. In attachment B-1, the road fund cash flow, the balance plunges from
29 \$10 million to less than \$100,000 in six years. All that money will be spent in construction
30 expenses. There will be no money for new projects after 2009 or for any cost overruns.
31 Send this back to the Public Works Department. Maintain the \$10 million reserve.

32
33 Irene Morgan, 1258 East Pole Road, Everson, stated she would speak on the
34 resolution from the Whatcom County Re-entry Coalition. Approve the resolution regarding
35 funding for high-risk offender housing. She read the mission statement for the coalition.

36
37 David Thurman, 1417 Mill Avenue, Bellingham, stated there is a dangerous
38 intersection at Kellogg Road and James Road. Also, he is concerned about the use of the
39 term urban village. It does not apply to any of the dense housing projects being developed
40 in Whatcom County. High density housing, without an economic base and a well-developed
41 mass-transportation net is not an urban village.

42
43 Thad Allen, Whatcom County Re-entry Coalition and Whatcom County Homeless
44 Coalition, stated he supports the resolution regarding funding for high-risk offender housing.

45
46 Jim Cozad, 1606 Diamond Loop, Bellingham, stated he is a member of the Whatcom
47 County Re-entry Coalition, Whatcom County Homeless Coalition, Anti-Hunger Coalition, and
48 Interfaith Coalition. He supports the resolution regarding funding for high-risk offender
49 housing. In 1999, the prisoner population in Washington State was 14,000. Today, that
50 amount is 27,000. Nationally, 2.5 million people are in the prisons. That number doesn't
51 include the jails. Two-thirds of those prisoners re-offend within three years of getting out of
52 prison. Nationally, the cost per prisoner is \$20,000 to \$35,000 per year. Washington State
53 statistics are somewhat better. Prisons throughout the state are planned for expansion, but

1 it won't meet the demand. Talk about re-entry is important. They must reduce the
2 recidivism rate. Help prisoners get treatment and education in prison, combined with help
3 from the local communities so they are more successful contributing members of the
4 community.

5
6 Kate Underwood, 1219 Beach Avenue, Lummi Island, stated the Council should have
7 the Public Works Department look at the issue of the new ferry before September. The
8 proposed new ferry doesn't meet the community's needs. Parts for the ferry have to be
9 ordered from Germany. If the ferry breaks down, there will be lengthy waits for
10 replacement parts. Also, the ferry won't be safe because the cabin is on one side and it will
11 be unbalanced in certain weather conditions. The recent significant rate hike did not include
12 the cost of the ferry, which will require yet another rate hike. That will make it too
13 expensive for many current residents to continue to live on the island.

14
15 Bob Wiesen, 3314 Douglas Road, Ferndale, stated he is in favor of the Lummi ferry
16 and Deming dike repair.

17 18 19 **PUBLIC HEARINGS**

20 21 **1. ORDINANCE APPROVING CONTINUATION OF THE FRANCHISE GRANTED TO** 22 **CASCADE NATURAL GAS CORPORATION UPON MERGER OF CASCADE** 23 **NATURAL GAS CORPORATION WITH MDU RESOURCES GROUP, INC.** 24 **(AB2007-285)**

25
26 Weimer opened the public hearing and, hearing no one, closed the public hearing.

27
28 ***Brenner moved*** to adopt the ordinance.

29
30 Weimer stated there is only \$3 million of liability insurance from this big corporation.
31 The State recommends at least \$100 million of liability insurance. When the County can
32 change the franchise agreement, that liability amount should be changed.

33
34 McShane stated this does not include the area within the City of Bellingham or any
35 other small cities.

36
37 ***Motion carried unanimously.***

38 39 **2. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY** 40 **COMPREHENSIVE PLAN TO THE CITY OF EVERSON'S SOUTHEAST URBAN** 41 **GROWTH AREA FOR IMPROVED ACCESS TO THE EXISTING URBAN GROWTH** 42 **AREA (AB2007-174)**

43
44 Kraig Olason, Planning and Development Services Department, gave a staff report.

45
46 Weimer opened the public hearing and the following person spoke:

47
48 Rollin Harper, Sehome Planning and City of Everson City Planner, stated the City of
49 Everson appreciates the work the County has put into this. The City of Everson has
50 concerns about some of the conditions. Everson requests approval without the conditions.
51 He submitted a letter from the Everson City Council (*on file*). This is a small, modest
52 request for approximately 3.25 acres. It would have a large public benefit of increasing
53 public safety and increasing opportunities for infill within the existing city limits and urban

1 growth area. There are conditions about conserving agricultural land and buffers through
2 the restriction of residential use in this area. The Everson City Council has responded
3 appropriately by developing a modest proposal. It is a partner in this effort to
4 accommodate growth within the designated urban growth areas. Trust that they're doing
5 the right thing. The public benefit will outweigh the small loss of agricultural land in this
6 case. Consider the options he presented.

7
8 Brenner asked if the City is no longer interested in trading land as an option. Harper
9 stated Whatcom County has all the power in this dynamic. The City has no choice but to
10 work out the conditions to satisfy the County Council's Planning and Development
11 Committee, which it did. At the heart of the matter, the City still thinks that the proposal,
12 as presented and without conditions, makes sense.

13
14 McShane asked if the City Council worked on these options after the County Council
15 Planning Committee made its recommendation. Harper stated the City Council didn't
16 develop the options. It wrote a letter expressing its concerns with the conditions. He
17 translated those concerns into the options.

18
19 McShane asked if one concern is the process the City must go through in order to
20 find land to remove. Harper stated the appropriate time to swap land is during the urban
21 growth area (UGA) review.

22
23 McShane stated the County Council identified targeted agricultural lands for
24 preservation. He asked if the City would consider a mitigation requirement that would not
25 necessarily be a land swap from within the UGA, but would require property owners who
26 want to expand into agricultural lands to purchase a development right or conservation
27 easement. Harper stated he's discussed that possibility with County staff. It would be
28 viable. If adding areas to the City's urban growth area, tie it with bringing density out of
29 the county rather than just providing a windfall to a particular property owner.

30
31 *(Clerk's Note: End of tape one, side A.)*

32
33 Hearing no one else, Weimer closed the public hearing.

34
35 McShane stated he is not in favor of the buffer proposed in the first bullet point of
36 option two. He is interested in the second bullet item of option two. He asked if the County
37 could give the City a range of options to explore, including an exchange in the UGA or a
38 funding mechanism for development rights. Olason stated that if they modify it much, they
39 will have to have another public hearing anyway. Initially, the Planning and Development
40 Committee talked about Everson's wish to do more of this through an interlocal agreement
41 amendment. This came up at the Planning Commission, which ended up with a discussion
42 on mitigation. The original recommendation was no mitigation, and just the road. That was
43 a public purpose. However, the Planning Commission heard that the City needed more
44 width to finance the property. There has been a lengthy discussion about the extra 74 feet,
45 which has a lot to do with having enough room for the drainage pond and a few extra lots.
46 The policies are clear about buffers and the edge the County is trying to maintain.
47 Expanding for the road seemed reasonable because the road is poor. The extra width is the
48 developer's need in terms of economics. It is an economic argument more than anything,
49 from the developer more than the City and it's population needs. This is a real project that
50 wants to move forward. Going through the process of putting areas in and taking areas out
51 is lengthy and uncertain. The Planning Commission was to the point of agreeing to a
52 mitigation proposal, but one person said they actually wanted to see the land. That was the
53 sticking point. That is the difference between what they want to have happen in the

1 interlocal agreement and having more certainty. It's a policy question for the Council. It's
2 easier to amend the interlocal agreement. It's an option.
3

4 **McShane** stated this is a minor Comprehensive Plan amendment. Taken out of
5 context, it could have been dealt with as a citywide approach. However they haven't had
6 the entire review of the City. This could be solved when that happens. It's a timing issue
7 for a particular property owner. He **moved** to forward for concurrent review and final vote
8 later this evening.
9

10 Brenner said she won't support the proposal as it is in the packet. The comments
11 from Mr. Harper were a wake-up call. This may be a minor Comprehensive Plan
12 amendment to the County, but it's major for the City of Everson. The County Council
13 should meet with the Everson City Council and see what they can work out.
14

15 Nelson stated this incremental type of issue will continue to plague the County in
16 rural areas where cities are surrounded by agricultural lands. A similar issue occurred in
17 the Lynden UGA. A pattern is developing in which UGA's are identified, growth is agreed
18 upon, and then the Comprehensive Plan amendment comes forward asking for land to make
19 something work. That's not a good approach. There is no consistency. Agreements must
20 make sense rather than this type of backdoor approach. He is in favor of the original
21 ordinance. However, they must have a process for these things. He asked if this is similar
22 to the proposal in Lynden. Olason stated staff hasn't reviewed it. This will set a precedent
23 for Lynden, which is very similar. Interlocal agreements have typically been written in the
24 late 1990's, and amended by adding annexations. The ten-year review would have been a
25 good time to fine-tune those interlocal agreements.
26

27 Nelson asked if three and a half acres are necessary to make the UGA work. Olason
28 stated it is not. It's needed to make the project on that site work. There is a difference
29 between mitigation and trading.
30

31 Nelson stated they need to formalize a process for trading. He asked if there is a
32 process for the City to get that 3.25 acres if it's necessary. Olason stated the problem is
33 that this is a little strip of land that works for this project. If they look at the city's parcel
34 map, there is no 3.25 acre parcel that will easily go out. They will have to shave
35 something. See if there is an 18-acre parcel that should go in the UGA, and a 20-acre
36 parcel that should come out of the UGA, for instance.
37

38 Nelson asked if there is a process to do that. Olason stated that could be done
39 through a UGA update. That would be a more comprehensive look at it.
40

41 **Brenner moved** to amend option two, section 2, condition (b), "The legally
42 described area to be added to the UGA, as described in Exhibit B, attached hereto, shall be
43 considered "provisional" and shall not be eligible for annexation by the City until the
44 interlocal agreement between the County and the City is updated to state that as part of the
45 next major update of the City of Everson UGA, the City will remove an equal or greater
46 quantity of like agricultural land from the Everson UGA." It will allow for that process, and
47 they would keep it as provisional until the County goes through that review process. The
48 County Council would have an opportunity to meet with the Everson City Council.
49

50 Nelson stated Mr. Olason is saying that it doesn't make sense to shave off a 3.5-acre
51 piece elsewhere in the UGA, which may create other problems. He asked if provisional
52 approval addresses that concern.
53

1 Brenner stated it does. It could be done as a purchase of development right (PDR)
2 instead of a straight trade.
3

4 Nelson stated that's the least the County can do since the City agreed to it. Olason
5 stated another option is that it can be a provisional UGA, and be serviced as a provisional
6 UGA, if it's a place holder until the City amends its Comprehensive Plan. It's really a matter
7 of the City providing services to that area.
8

9 Fleetwood asked if adopting this amendment would be substantive so another public
10 hearing is required and postpone adoption of the concurrent items.
11

12 Karen Frakes, Prosecutor's Office, stated it would.
13

14 Olason stated that option would allow it to move forward. The City would recognize
15 that it's provisional. The City Council would have to decide whether it would authorize the
16 County to do the permitting, or allow services to be extended into the county until such
17 time as its adopted as an annexed area. It couldn't be annexed while provisional.
18

19 Brenner asked how that's different from the second bullet item. Olason stated it
20 gives the County a place holder to move this forward without another hearing. This says
21 that it will stay provisional. The question is whether development can go forward as a
22 provisional area. They'd have to look at that.
23

24 Harper stated it's not good form to call it provisional, extend services, and develop
25 the area before it's annexed. That's backwards. Option two is so the City can assure the
26 County that the County will get 3.25 acres back, but it doesn't hold up the property
27 acquisitions that are in place. Make it provisional until they amend the interlocal agreement
28 that locks them into those things. Then they can do the transactions. The City can be
29 assured that, at some time, they will build the road when the UGA is developed. They will
30 have assurance, and the County will have assurance that it will get its agricultural land
31 back. Otherwise, they will be hung up on the major UGA review. All those other
32 transactions are held up and could fall through. All this time would be wasted.
33

34 Nelson stated it is held up if the County Council adopts option one or two. Harper
35 stated he's asking the County Council to hold up with option one or two. He's asking the
36 Council to hold up the other urban residential amendments for another public hearing.
37 There is no immediate, time-sensitive issue.
38

39 Nelson stated holding up this one holds up all of the items. They have to be
40 approved in one batch.
41

42 Crawford stated the developer is concerned about the stipulation that it can only be
43 used for road purposes. He asked why the motion isn't to approve option two. It presents
44 a development conundrum. Provide a 50-foot buffer for agriculture, but don't condition
45 everything on road and utilities.
46

47 Brenner stated she thought that it was because it has to be wider than that, and he
48 felt that could be accommodated the way it was. Olason stated that if the road is farm-
49 ward of the development, and if the other area was stormwater, that would provide a
50 greater distance.
51

52 Brenner stated it wouldn't preclude what they have to do. It just means they aren't
53 going to get to do it exactly the way they want, and the County gets a bigger buffer.

1 Olason stated that strip would then be able to have residential homes on it. The way this is
2 written is that there will be a 50-foot buffer, but it's not defined as to what that buffer will
3 be. It doesn't make sense for the County to get into the design and layout. Just limit the
4 use, and the developers can put stuff where they want. This doesn't do that.

5
6 Crawford stated he will support the amendment because he wants the City to
7 develop this in a manner that they've envisioned with the landowner. He still has a
8 reservation about not allowing that. He referenced page two of the letter from the City of
9 Everson dated July 30, 2007. It has valid points. However, he will accommodate the City
10 in any way the County can.

11
12 McShane stated he is against the amendment. The City of Everson needs to update
13 its UGA in the future. This is just a special circumstance. He's not presented with
14 compelling evidence that the initial UGA boundary included this mistake. It's just that this
15 boundary doesn't work for this particular project at this point in time. The initial
16 recommendation was to allow a road, and none of the mitigation issue would be a factor.
17 However, the City of Everson and the developer had the idea to have a wider road and put
18 stormwater controls, and potentially homes, into the agricultural area to make the project
19 work financially. There should be a broader discussion about the UGA. He's willing to
20 support a change in the UGA boundary as proposed in the Council packet. That option is
21 accommodating enough. This option goes beyond that.

22
23 Nelson stated they are elected to act prudently and within a process. If they go
24 outside of the process to accommodate these site-specific growth issues, they are opening a
25 can of worms. Lynden is an example. The City must go through a UGA process to make
26 sure areas are appropriate. Otherwise, incremental growth will occur in a way that doesn't
27 make sense. If they start stepping outside of processes, they're all doomed to failure.

28
29 Brenner stated she could understand that point of view if this came from a
30 developer. However, it came from the City of Everson. The County hasn't reached out to
31 include the City of Everson like it has with other jurisdictions. The County shouldn't second-
32 guess the City. The point is that the land will be traded equally. The County shouldn't
33 micro-manage the City. There will be no net loss. How Everson configures the land is its
34 business. This is a good compromise that shows the City that the County wants to work
35 collaboratively.

36
37 ***Motion to amend carried 4-2 with Nelson and McShane opposed.***

38
39 Brenner stated it's important for the County Council to set up a meeting with the
40 Everson City Council as soon as possible.

41
42 ***McShane withdrew*** his motion to forward to concurrent review. He ***moved*** to
43 introduce the new ordinance at the next Council meeting on September 11.

44
45 Crawford stated that this will delay approval of the other Comprehensive Plan items
46 scheduled for later tonight.

47
48 ***Motion carried 5-1 with McShane opposed.***

49
50 ***Brenner moved*** to set up a meeting with the Everson City Council to discuss these
51 issues.

1 Crawford said he doesn't think it needs to be done by a motion. Councilmember
2 Brenner can come up with an agenda and then the Council can decide if it wants to have a
3 meeting.
4

5 Fleetwood stated he's not convinced that a meeting is necessary at this point. It's
6 sufficient to communicate with the City staff. Having a meeting is enormously time
7 consuming for everyone and ultimately unnecessary.
8

9 Weimer stated he agrees with Councilmember Fleetwood. The County won't have
10 time to meet with the City, and he doesn't want to delay this any longer. The County will
11 certainly talk with the City during the City's UGA review.
12

13 Brenner stated the County Councilmembers rarely talk to the City Council members.
14 The County makes the final decisions on the City's boundary. It's common courtesy to
15 meet with the City if the City is concerned about working with the County. The offer is
16 important. The County has met with cities on other controversial issues.
17

18 Nelson stated he will support the motion when he sees what is on the agenda. Don't
19 waste their time, either.
20

21 Crawford stated it would be better if Mr. Harper notifies the County Council about
22 when the City has its discussion on this issue. The interested County Councilmembers can
23 attend that meeting.
24

25 Brenner stated that is different from what the County Council should do. It's not the
26 same thing.
27

28 ***Motion failed 1-5 with Brenner in favor.***
29

30 **3. ORDINANCE TO ADOPT, ON AN INTERIM BASIS, AMENDMENTS TO THE UR**
31 **AND URM ZONING DISTRICTS IN THE BELLINGHAM UGA RELATING TO**
32 **DENSITY, LOT CLUSTERING AND RESERVE TRACTS (AB2007-317)**
33

34 Weimer opened the public hearing and, hearing no one, closed the public hearing
35 and stated that final vote on this ordinance will take place later in this meeting.
36

37 ***McShane moved*** to forward to a concurrency vote at a future meeting.
38

39 ***Motion carried unanimously.***
40

41 **4. RESOLUTION INITIATING RECONCILIATION OF DIFFERENCES WITH THE**
42 **CITY OF BELLINGHAM RELATING TO LAND CAPACITY ANALYSIS, PROPOSED**
43 **UGA ZONING, AND UGA BOUNDARY ADJUSTMENT OF THE BELLINGHAM**
44 **SUBAREA (AB2007-318)**
45

46 Weimer opened the public hearing and the following people spoke:
47

48 Jack Petree, Sunset Drive, Bellingham, submitted a handout (*on file*) and stated that
49 when the County Council changes the numbers, it is substituting the City's analysis for the
50 County's analysis. That means that they are rewriting Bellingham's Comprehensive Plan.
51 Therefore, the County is responsible to provide alternatives and use real data. Bellingham
52 is 9,674 units short on land supply through 2022 years. Also, they must accommodate for
53 another 5,257 units and 500 acres of land for public facilities. They must discuss this with

1 the City. Bellingham needs another 4,000 people to house the projection. Talk those
2 things over with Bellingham so the City has enough supply to control sprawl.
3

4 Tom Walsh, Foster Pepper, Seattle, stated he represents Caitac's Larrabee Springs
5 proposed development. They are concerned about the change in the land supply factor
6 from seventeen percent to ten percent, even though the City has specific reasons for the 17
7 percent factor. The County has not set forth reasons for the change. He is concerned that
8 the City won't accomplish the level of infill assumed. Therefore, it's not appropriate for the
9 County to require even more infill in the city.

10
11 The second issue is that the Growth Management Act (GMA) requires the County to
12 plan for 20 years of growth, but this only plans for 15 years, to the year 2022. It is easy to
13 take the existing OFM projections and extrapolate them to 2027, making appropriate
14 adjustments to the land supply factor of the city. That can be done in a manner of days,
15 and it's what the countywide planning policies and GMA require.
16

17 Reconsider the decision on the land supply factor. Plan for 20 years of growth
18 instead of 15 years. Reconsider those decisions during the reconciliation process. He
19 submitted a handout.
20

21 McShane stated the Council made a decision about a year ago to not extrapolate the
22 information. He doesn't recall any appeal of that decision by any party. Walsh stated
23 there's been no final decision, therefore there is no opportunity to appeal. There has to be
24 a final decision on a UGA decision before anything can be appealed to the Growth
25 Management Hearings Board.
26

27 McShane stated they have to abide by a decision it made a year ago. Walsh stated
28 they can reconsider it.
29

30 McShane stated no one has asked them to reconsider until tonight. Walsh stated he
31 is asking tonight.
32

33 McShane stated it's a year late.
34

35 Carol Handy, 325 Van Wyck Road, stated mountain soil is not suitable for much. Her
36 property will not support livestock. The area is only suitable for growth because of the soil.
37 Square up the boundaries. The city limits are halfway down her road. The area is within
38 walking distance of Wal-Mart, Costco, area restaurants, Bellis Fair, and grocery stores.
39 Make it easier for people to live, work, and play in the same general area. The
40 neighborhood unanimously agrees that the King Mountain area is best-suited for
41 development.
42

43 *(Clerk's Note: End of tape one, side B.)*
44

45 Dannon Traxler, Caitac Corporation, stated there is a shortage of affordable housing
46 in Bellingham. It's a huge problem in the community. The countywide planning policies,
47 Growth Management Act, and Comprehensive Plan demand the County to address the issue
48 of affordable housing and find a solution. She attends the Countywide Housing Affordability
49 Task Force (CHAT) meetings. There has been little talk about where they will put affordable
50 housing. The law of supply and demand means that restricting the land supply restricts the
51 areas where affordable homes can be built. There needs to be more land in the urban
52 growth area to accommodate the projected growth affordably. Therefore, accept the City of
53 Bellingham's recommendation to expand the Bellingham UGA.

1
2 Eric Hirst, Futurewise, stated the existing city and UGA limits already include enough
3 developable land to meet all the needs of the forecasted population growth, with no
4 expansion of the UGA. He is against expanding the Bellingham UGA. It will worsen the
5 quality of life for most citizens in the county by increasing traffic into and out of Bellingham,
6 yielding higher taxes for public infrastructure, and increasing the loss of open space.
7

8 The Bellingham land supply analysis is flawed by greatly overstating the need for
9 developable land, due to reasons given in his written statement. Careful monitoring of the
10 lands would allow them in the future to reconsider this issue. Expanding the UGA is not
11 reversible. If they expand a UGA, they can't go back. However, if they don't expand it
12 now, they could at a later time if necessary.
13

14 Donna Macomber, 159 Larson Road, stated she is opposed to expanding the
15 Bellingham UGA. Bellingham taxpayers can't afford to annex more land. It's been proven
16 that they don't need more land. Instead of good planning, the City of Bellingham chose
17 more sprawl. Caitac keeps saying that Larrabee Springs would not be sprawl. In fact, it
18 would be sprawl into land zoned rural, one unit per ten acres, which was never intended to
19 have an urban density. When going into negotiations, respect the hours of work of the
20 Planning Commission and its recommendations and think of the millions of dollars an
21 expansion would cost the taxpayers. Once land is in the UGA, it's gone forever.
22

23 Mary Dickinson, Building Industry Association of Whatcom County Government
24 Affairs Director, stated she supports expanding the Bellingham UGA. She submitted written
25 testimony earlier in the day. Bellingham doesn't have enough land to accommodate its
26 population projection. Extend the UGA to remain GMA compliant, have an adequate land
27 supply to assist in housing affordability, and maintain an adequate land supply for diversity
28 of housing choices. There are concerns with the plan as proposed.
29

30 First, the current plan will allow the City and County to remain compliant with the
31 GMA. The City determined the amount of land it needed to remain compliant. In contrast,
32 Whatcom County hasn't done any independent analysis to evaluate the land supply need,
33 which it should have done to deviate from the City's recommendation.
34

35 Also, the lack of adequate land supply can have a negative impact on housing
36 affordability and housing choices. The CHAT members have noted that the current, sharply-
37 constrained land supply in the city and county has a distinct negative impact on housing
38 affordability.
39

40 She has serious concerns with legal fictions. There is nothing in the State law or
41 case law that states that a community must build out to its existing city limits at 100
42 percent, before the urban growth areas develop.
43

44 It's been said that all future building must be within the city limits, probably by
45 expensive apartment and condominium developments. This violates the GMA housing
46 planning goals to encourage the availability of affordable housing to all economic segments
47 of the population, to promote a variety of residential densities and housing types, and to
48 ensure the character of established residential neighborhoods.
49

50 They haven't created sprawl when building within the existing urban growth area or
51 after expanding the urban growth area boundary. Urban growth areas are the very places
52 where future development is supposed to take place. Therefore, properties developed at
53 urban densities are not sprawl.

1
2 Dave Pros, 1466 Roy Road, Bellingham, stated he is opposed to expanding the
3 Bellingham UGA. The County Planning Commission started working on this five years ago.
4 It went through many meetings, hundreds of hours of testimony, and thousands of pages of
5 information. He concludes that they must have some creative thinking.
6

7 An unaddressed problem is that of capture, which is the GMA goal of getting people
8 to live in urban areas. Currently, Bellingham is only dealing with where to put the projected
9 population, without regard to what will actually prevent sprawl and protect the rural area,
10 which is the real reason GMA created the UGA's. It is not a safety valve for the cities.
11 People moving to Whatcom County can be categorized into two areas. Some people like to
12 live in urban areas, and others would like to have more room to live. People who want a
13 yard are not interested in urban style living. Buildings and parking areas in densities of ten
14 or more leave little space for green areas, including yards and gardens. By zoning high
15 densities into the UGA, they are forcing people who would be happy with a small yard into
16 the rural areas, creating the opposite of what they want to accomplish, which is protecting
17 the rural areas. They are creating a lose-lose situation.
18

19 Expansion into the five-year review areas is premature at best, and will create
20 leapfrog development that will result in strip malls and noise walls all along the roads
21 leading to those massive new urban areas. This will happen immediately. When city
22 government directed growth outside the current city limits, builders in the downtown core
23 cannot get financing. If growth is wanted in the city, UGA's should be used primarily for
24 single family detached housing, not available in downtown areas.
25

26 With the current population projection chosen by Bellingham, there are no positive
27 solutions. Forcing high densities outside the city limits, where the residents cannot vote for
28 city officials, is gutless. Courage comes when they figure out what is good for the whole
29 county and make sure they stand up and do right against all odds.
30

31 The solution is to change the population projection for the city of Bellingham, steer
32 that population into the smaller cities, and have an urban renewal program. The small
33 towns would be happy to have more people. The taxes would be created by businesses not
34 having to raise property taxes.
35

36 Clayton Petree, 2219 F Street, Bellingham, stated there is a reason that the City did
37 not assume that the UGA would be built to the maximum density allowed. A 2005 Western
38 Washington University Small Business Development Center study found significant
39 resistance to higher density development within the Yew Street UGA. Residents are not
40 willing sell their land at market value for redevelopment at a higher density.
41

42 In the UGA, there is no use for a land availability factor, which is a deduction to
43 correct for things such as resistance to high density redevelopment in an urbanizing area.
44 Even in the City of Seattle, about ten percent of the land remains vacant. If they are not
45 getting densities allowed in planning, they will need more land than originally anticipated to
46 meet projected growth. Track current development patterns to adjust densities and land
47 supply. Tracking shows that urban residential mixed use zones develop at less than four
48 units per acre. The UGA as a whole has an overall density of 2.1 units per acre.
49

50 Much zoning since 1997 is similar to the zoning proposed by the City and County.
51 Requiring annexation and the purchase of transfers of development rights (TDR's) to build
52 at higher densities is more likely to discourage high density growth and increase cost,

1 complexity, and the timeline for build out. In spite of that, Bellingham assumed a 300
2 percent increase in development. That won't happen.

3
4 The UGA should be counted for actual densities achieved and expand responsibly to
5 provide an adequate land supply that can begin to capture the tremendous amount of
6 sprawl Whatcom County has experienced in its unincorporated lands.

7
8 Mike Lipscomb, 3500 Ridgemont Way #2, Bellingham, stated his sister and her
9 husband have 40 acres on the north side of King Mountain. He also speaks for Steve Meas,
10 who has 40 acres to the east of his family's property on the north side of King Mountain.
11 The value of this property is strictly residential. It's not forestry or agricultural land. It's
12 scrub land with a beautiful view. The City wants these areas in the UGA for land
13 availability. The neighbors don't oppose to the proposed developments. There is a
14 transportation corridor to connect Iron Gate to Cordata. King Mountain could be like
15 Barkley Village.

16
17 Julianna Guy, 4559 El Dorado, Bellingham, stated she lives in the Cordata area
18 developed by Trillium. Get together with the City and talk things through. There is no
19 guarantee that Caitac will do what it plans. They need to come up with a plan rather than
20 shoot arrows at each other. The developments need amenities. That makes for poor
21 housing in the future and leads to crime and a poor quality of life.

22
23 Tim Yeomans, Meridian School District Superintendent, stated he doesn't advocate
24 for or against growth. He speaks for students and taxpayers. Planning needs to be done in
25 a comprehensive manner. There are mitigation and impact fee issues with current
26 developers. Caitac representatives offer with their plan 13 acres to the school district for a
27 600 school site, two acres for an early childhood education site, and recreation facilities.
28 That is up to the City and County to work that out, but he appreciates the fact that
29 someone has actually approached the school district and considered the children's needs.

30
31 McShane asked if any of the other property owners north of Van Wyck have made a
32 similar offer. Yeomans stated they haven't approached the school district. Developing
33 piecemeal, without a plan, is a difficult situation. When development is done
34 comprehensively, the children are better-served.

35
36 McShane asked if they have a capital facilities plan that includes all the areas
37 considered for expansion. Yeomans stated there is a capital facilities plan. He would have
38 to check the plan to see if the major expansions are included.

39
40 Brenner asked if the Meridian School District is interested in working with the County
41 on school impact fees. Yeomans stated it is. There are many opinions on that within the
42 school district, so he can't speak for the School Board. The impacts that come with growth
43 require a comprehensive conversation.

44
45 Brenner asked if school districts boundaries ever change. Yeomans stated it is a
46 process initiated through Educational Service District 189, located in Anacortes.

47
48 Bill Bliss, 1834 Northshore Drive, Bellingham, stated he works at VECO Engineering
49 and is the Whatcom County Boundary Review Board Chair. He previously submitted written
50 testimony to the City Council and County Council. The Board considers certain factors when
51 reviewing annexation boundaries. He read the factors that the Board must consider. He
52 indicated the location of his property.

1 Ralph Wenning, 5010 Festival Boulevard, Bellingham, stated he is opposed to
2 expanding the Bellingham UGA. Limit the growth to smaller areas that can fully develop,
3 then look at future growth needs, rather than allowing large growth that allows sprawl and
4 discourages infill. Limiting the growth will push infill in empty spaces and lots. Also, any
5 area in the UGA should be annexed into the City right away.
6

7 Brenner asked if Mr. Wenning would like more infill in the area he lives. Wenning
8 stated there is room for more development. He likes the planned unit development (PUD)
9 to be followed.

10
11 Brenner stated she would like to know if residents who live in the city would be
12 willing to accept infill.
13

14 James Stanford, 1841 Front Street, Lynden, stated there is a disconnect between the
15 criteria the County used and the City used to ascertain growth numbers. They should use
16 the same information, or else these conversations are open-ended. Applications are told
17 that either their proposal will accept a precedent, which can't be allowed, or that the County
18 is going through a review process and the applicant should wait until their done. If that's
19 the case, do away with the application process. When the County does its work, applicants
20 can come forward en masse, and the Council can rule on the applications. However, the
21 citizens always find themselves at the convenience of the Council. The Council is supposed
22 to work for the citizens. All they are asking is that the Council is consistent in its ruling, so
23 they know how the game is played. The problem with waiting for their analysis is that the
24 Council can't or won't meet deadlines. Therefore, he has no hope of getting anything
25 processed. The City of Bellingham Planning Director is not interested in infill. If the County
26 goes to the City Planning Director with any kind of application, it is deferred to the
27 neighborhood plan update.
28

29 John Flarry, 1253 Lattimore Road, Ferndale, stated he is opposed to the Caitac
30 Larrabee Springs development. Their proposal is sprawl. It is not aligned with Futurewise.
31 Now, Ferndale's city limits go to Slater Road. The proposal is for it to go even farther
32 south. Larrabee Springs would create a city limit that goes up to Smith Road, which is
33 farther north than Slater Road. If people want to move into Whatcom County, they should
34 move to other areas. Ferndale has a huge UGA. Don't make that same mistake. There is
35 plenty of room for infill in the City of Bellingham. There is plenty of room in the UGA for
36 infill.
37

38 Dave Tuttle, 6763 Cohen Road, Blaine, stated he has been building houses for 30
39 years. Until recently, the cost of lots and housing was reasonable. Bellingham has run low
40 on land for affordable family homes. That's the reason for high rises and greater density.
41 However, many in the county want land. Many areas near Bellingham aren't and never will
42 be farmland. Look to those areas now. Expand the UGA now rather than later to preserve
43 affordability.
44

45 David Hunter, 819 Mason Street, Bellingham, stated proceeding to negotiations with
46 a proposal already in hand risks leaving the public with the impression that there is nothing
47 the public can say that matters. Two matters are worrying people, the safety factor and the
48 population projection.
49

50 He was the perhaps the Planning Commissioner who most vigorously supported the
51 zero percent safety factor. They are well served by not having a safety factor, which opens
52 the rural areas to early development. There is much uncertainty about the level of
53 development that the City can absorb, including land needed for parks. Leaving the safety

1 factor at zero does not prevent review of progress on infill and development within the
2 current UGA's on an ongoing basis, and adjusting the UGA's if necessary in the future.
3 Professional planners like certainty. However, the Council is not a group of professional
4 planners. It has planning and policy considerations it must deal with. The most certain
5 plan is not always the best policy. Development interests would like to know for certain
6 that their land will be available for development. However, the Council must consider the
7 long-term interests of the rural areas of Whatcom County. He does not recommend the
8 zero percent safety factor on a whim.

9
10 *(Clerk's Note: End of tape two, side A.)*

11
12 McShane asked if there was ever any suggestion that the City would change the
13 population projection on which the Planning Commission worked with. Hunter stated there
14 was not.

15
16 Heather Wolf, 100 Central Avenue, Bellingham, stated she represents Eric and Robin
17 Hitz, who are the sole owners of the Queen Mountain area. It is the only area
18 recommended for inclusion in the UGA by both the City and the County Planning
19 Commission. Keep the process moving forward. Meet with the City. Make a final decision
20 so comprehensive planning can be implemented in the UGA.

21
22 Steven Meas, Seattle, stated he owns 40 acres next to Mike Lipscomb. He agrees
23 with Mr. Lipscomb's comments. The City of Bellingham wants his property included in the
24 urban growth area. The Planning staff recommended an 18 percent safety factor. He lives
25 next to Ralph Black's property as well. Their area would be similar to Barkley Village.
26 Expand the UGA. The road that connects Horton Road to Hannegan Road would relieve
27 traffic problems at Bakerview Road. He understands many people don't want growth, but
28 it's a fact that won't change.

29
30 Lynnea Flarry, 1253 Lattimore Road, Ferndale, stated it is critical to preserve the
31 farmland. Extending the UGA eats up the farmland. Hold to the zero percent safety factor.
32 Put some of this new housing into the small cities.

33
34 Dominique Zervas, 709 Dupont Street, stated she represents Caitac USA and
35 Larrabee Springs. She understands that this reconciliation process with the City would
36 occur privately with a few councilmembers and staff. Hold an open meeting of the full
37 Council that the public can attend. It would follow the GMA, which has a strong public
38 process component. She's been told that the reconciliation process is required by the
39 interlocal agreement. However, the interlocal agreement doesn't apply to this process. The
40 interlocal agreement's basic premise is to facilitate the transition of services and capital
41 projects from the County to the City at the time of annexation. It applies to the city
42 boundary, not the UGA boundary, of which this process is for.

43
44 Brenner stated she hasn't heard of any proposed closed meetings. It's not fair to
45 say that. The Council doesn't do things that way.

46
47 Fred Haskins, 4754 Aldrich Road, stated he is 100 percent opposed to the UGA
48 expansion, particularly in Cordata. Stay with the low safety factor. The County Council is
49 supposed to represent the county residents. The main negative is that Aldrich Road will
50 have to be widened. Four other roads will come into the area. They will face school levies,
51 sewer assessments, and higher taxes. Some people may have to move eventually.
52

1 Bob Wiesen, 3314 Douglas Road, Ferndale, stated there is an overly-restrictive land
2 availability policy in the Bellingham UGA. It's already proven negative by creating
3 excessively high lot prices and stepped up development farther from the small cities. He
4 prefers Bellingham's approach to the UGA. Most of the facts used in this exercise are
5 suspect. They can't just pick any population figure they like. No development in
6 Bellingham has achieved the underlying density for which it's zoned. Development is
7 impacted by the new critical areas ordinance, design standards, and community input. The
8 estimated occupancy rate used may be high, based on the latest census figures. Pat
9 Jones's buildable land supply study several years ago suggested that Bellingham is already
10 short of land. The safety factor is unreal due mostly to new regulations such as the critical
11 areas ordinance, which will not allow development to projected densities. Some partial
12 owners may get tired of holding or may need to liquidate, which will cause fragmentation
13 and make it harder to develop efficiently in the future.

14
15 George Leonard, 247 Van Wyck Road, stated he agrees with the comments from
16 Carol Handy, Mike Lipscomb, and Bill Bliss regarding soil quality, transportation
17 opportunities, and logical boundaries. Initiate the reconciliation process with the City, and
18 go into it with an open mind. The ten percent safety factor may be low. The behaviors of
19 the Bellingham and Whatcom County planning commissions have been embarrassing.

20
21 Doug Starcher, 315 Potter Street, Bellingham, stated he is proud of the work that
22 the Bellingham Planning Commission has done. This process starts with the population
23 projection, which all four bodies agreed upon. The City is bound to serve north to the Smith
24 Road. The sooner they plan for that, the sooner they are more likely to get what they want.

25
26 The Bellingham Comprehensive Plan includes a provision to form a group to establish
27 an ultimate boundary for the city. They can draw a line and say that Bellingham will not
28 grow beyond that line.

29
30 If property owners and developers inside the city limits began construction
31 tomorrow, they would not be able to fulfill the infill requirements in the plan as adopted.
32 The sooner the UGA's are adopted, the sooner they can plan to get what they say they want
33 in town.

34
35 The City was a year into the process before the County had the final numbers for the
36 County capacity outside the UGA's and city boundaries. The biggest projected number from
37 all consultants could be accommodated inside the unincorporated area of the county. The
38 reason they have congestion is because jobs are in Bellingham. People from the
39 unincorporated areas are coming to where the jobs are. No candidate for any city or county
40 office has supported any of the upzone planned amendments inside of the city limits. No
41 candidate has opposed any of the city downzones that have moved forward.

42
43 Allan Handy, 325 Van Wyck Road, stated their children will not be able to afford to
44 live in Bellingham. They will have to move away. Develop in Bellingham. The land is not
45 farmland. The best farmland is in Lynden and Ferndale, which is where they are forcing
46 people to move. Instead, develop on the pile of rocks that is Bellingham.

47
48 Darcy Jones, Jones Engineers, Bellingham, stated there is a need to plan right now,
49 or they will react later and housing prices will double again. They must have some
50 certainty, or there will be chaos. Expand the UGA and the city's land supply analysis. Time
51 will show that they need every bit of the five-year review area. The City's analysis reflects
52 what must actually happen to provide appropriate, orderly growth for the community.
53 People are moving to the county. The City is trying to do its part.

1
2 Virginia Ambrosio, 3740 Squalicum Lake Road, stated there is no need to expand the
3 Bellingham UGA until the current UGA's reach their maximum density. Expansion will only
4 contribute to more sprawl. In the future, development proponents will ask for more land in
5 the future. Say no to sprawl to preserve the rural and agricultural character of Whatcom
6 County. School districts should say no to bribes and developers. Regarding King Mountain,
7 Barkley is not beautiful. It's an atrocity. The Barkley area was beautiful when it was
8 covered with trees.
9

10 Dennis Jones, 1487 Sudden Valley, stated they need to increase the UGA where they
11 are planned, but not where they don't work. Save the farmland outside of Lynden.
12

13 Lincoln Rudder, Blaine, stated many people here are concerned about the long-term
14 viability of the building industry. The current melt-down of the mortgage industry is more
15 responsible than the Bellingham land supply calculations for the current slow down in the
16 building industry. They should all be concerned that 37 of the largest mortgage companies
17 of recently declared bankruptcy. Because of the magnitude of the credit crunch, a
18 government bail-out is being considered. Trillions of dollars have been extended, for which
19 the foreclosure and default rates are skyrocketing. Less than 20 years ago, two out of ten
20 Americans owned their own homes. Now, seven out of ten Americans own a home. Four
21 out of ten own two homes. One out of ten homes in Whatcom County are sitting entirely
22 empty. The national vacancy rate is seven percent, and it's higher locally. This is an
23 inappropriate time to increase the UGA. It would raise the cost of public utilities, increase
24 property taxes, and create a decline in consumer spending, which leads directly to an
25 economic recession. This is what's happening nationally. The safety factor should be zero
26 because of the historically unprecedented situation in which the nation finds itself regarding
27 housing.
28

29 R.E. "Ted" Stannard, Jr., 4328 Francis Avenue, stated Bellingham should
30 progressively densify toward the city center before it starts to sprawl into the rest of the
31 county. High density at the center and lower density at the rim provides the kind of buffer
32 and containment that makes cities efficient for public transport and walkable. It encourages
33 less reliance on a family car. Clusters of high density developments on the periphery is a
34 form of blockbusting.
35

36 He is opposed to the UGA expansion in King and Queen Mountains exclusively. It
37 presents an appearance of impropriety as a low-profile, last minute, special interest
38 exception on behalf of Alliance Properties, Ralph Black, and a few cohorts with development
39 interests. The area is not recommended for development by the County Planning
40 Commission, except for a slide off Queen Mountain, which deserves a second look. The
41 area was added in a committee meeting the morning it was up for a vote at the full Council.
42 Reaction from the neighborhood contributed to the full Council's postponed vote until after
43 this hearing. There is no argument to claim a public interest in moving these areas out of
44 the five-year review area and into incorporation into the city. The area would meet a
45 negligible fraction of what the City says it needs. Building costs on a steep or sloping
46 terrain makes affordable housing unlikely. New road, utility, and public service costs will be
47 high. The plan calls for a new water tank atop King Mountain to accommodate Alliance
48 Properties' holdings and options.
49

50 The unique and serene King Mountain area would be drawn and quartered. Current
51 lowland roads would become high traffic thoroughways for pricey view properties, raising
52 noise and pollution levels in the area. High density urbanization would sacrifice the only
53 elevated uplands on Bellingham's north side.

1
2 Judy Westoff, 4172 Squalicum Lake Road, stated she is opposed to expanding the
3 Bellingham UGA. There is no shortage of housing. Expansion only benefits special
4 interests. If additional housing is needed, then infill. Protect the rural areas that are left.
5

6 Joanne Roe-Hubbard, citizen, stated she is a professional writer. She lived on the
7 Guide Meridian from 1963 to 1998. The people between Kelly Road and Smith Road are
8 county orphans. People along the Guide Meridian have lost their front yards. These are not
9 home sites and don't belong in the rural, one unit per five acre (R5A) zone. Most people
10 don't have five acres. Almost all this property was divided into two acres. Most of that land
11 is commercial. Only a few homes are left. Think about them. Don't forget about them.
12

13 Patty Rudder, Blaine, stated there are three projects in the county that have been
14 approved for over 1,600 buildable lots that have been clear cut. The realtors can't sell
15 them. She asked who would pay for the infrastructure for these developments. The
16 individuals in that area would pay for it. They wouldn't need schools if the sprawl didn't
17 occur. Don't use old statistics for growth projections. Look at what is actually happening
18 today. There are homes and lots on the market that aren't being sold. Don't expand the
19 Bellingham UGA unnecessarily.
20

21 Richard Maneval, 2127 West Birch Street, stated he has been involved in
22 neighborhood planning for 14 years. He's attended over 1,000 neighborhood meetings over
23 the last ten years, including Planning Commission and City Council meetings. There are 23
24 neighborhoods in the city of Bellingham. They know they have to infill. There are areas
25 within the neighborhoods where they can infill, but the economy is the problem. They
26 researched the concept of an urban village and how to infill. Now, he hears the idea of
27 taking in more residents than they're already planning for. Neighborhood plans are being
28 updated, and residents are learning about the processes. To be successful, they must all
29 work together. They haven't worked together successfully, so they are missing out on
30 millions of State dollars. He is not a paid consultant of the Larrabee springs people. He is
31 an advisor. He doesn't always agree with them. Work together.
32

33 Ron Jepson, 807 Yew Street, stated he is an engineer. Extend the Bellingham UGA
34 to Smith Road, including the Wilder farm and properties east. The average citizen believes
35 that the North Bellingham golf course area should develop as residential. Even 35 years
36 ago, the Wilders envisioned that this area would be necessary for development. There were
37 plans and a vision for that development. They're lucky that property hasn't been cut up
38 into five-acre mini-Ofamrs before now. It's time has come.
39

40 Ted Mischaikov, 909 Harris Street, Bellingham, stated he owns county property that
41 has come under increasing pressure for subdivision into one-acre lots. He's kept his 100
42 acres in one ownership, and plans a covenant for the Land Trust. The pressure to subdivide
43 that property is very strong, because people want to buy one-, two-, and five-acre lots in
44 the county. Those people who have divided their property commute to Bellingham. People
45 from the county work in Bellingham. The Council's current track will push less population,
46 not more, into Bellingham. That will continue to upset the commute and sprawl issue.
47 There are definitions of and criteria for sprawl. Be professional enough to stick to those
48 definitions and criteria. Don't support an argument that can't be justified with professional
49 analysis.
50

51 *(Clerk's Note: End of tape two, side B.)*
52

1 Mischaikov continued to state that urban villages must have a commercial center.
2 Larrabee Springs includes a commercial center and is not on agricultural land. Impact fees
3 are paid by infill, not Greenfield Development. They provide their own parks and
4 infrastructure. The proposed Greenfield Development pays its own way. Talking about
5 taxpayer subsidies for this project is inappropriate. He would like more access to the
6 councilmembers.

7
8 Ian Davidson, 1105 E. Clearbrook Drive, Bellingham, stated the Council must decide
9 between being reactive to current problems or planning for the future.

10
11 John Stewart, Architect and Caitac Consultant, stated a study of the Meridian School
12 District anticipates that two large developments in the near future will require the district to
13 add more classrooms in three to five years without the developments. With the new
14 development, the district will need to add an entire new elementary school to accommodate
15 the growth. Caitac planned with the school district to plan the best community.

16
17 Include this urban village in the UGA. He read an article regarding the U.S. Green
18 Building Council. The Caitac at Larrabee Springs project promotes that type of green
19 development. It is the kind of urban village they want to add to the community.

20
21 Gwen Hunter, 2540 Applejack Lane, Bellingham, stated no one has said that their
22 projects will be affordable. She is concerned about the resource depletion crisis. Local
23 resources will sustain them in the future. Bellingham should grow as large as its resources
24 will allow, which is to the current UGA boundary. She is opposed to enlarging the UGA
25 when there is still room within the current UGA. It hastens the demise of resources.

26
27 Helen Green, 4294 King Avenue, stated the City methodology used maximum
28 densities with a 15 percent land availability factor. In the UGA's, the City used minimum
29 densities. That produced two different results. She asked why the City used two different
30 procedures to determine the property densities. They are not consistent if the UGA's are to
31 become part of the city.

32
33 Hearing no one else, Weimer closed the public hearing.

34
35 *(Clerk's Note: The Council took a break from 10:19 to 10:30 p.m.)*

36
37 **Fleetwood moved** to approve the resolution.

38
39 Weimer turned the meeting over to Vice-Chair Fleetwood.

40
41 **Weimer moved** to amend the resolution to delete item one in its entirety and
42 replace it with new language, "Now, Therefore, Be It Resolved...1. The Whatcom County
43 Council resolves, pursuant to the Whatcom County Planning Commission's recommendation,
44 that the UGA boundary be adjusted to accommodate projected growth, based on the City of
45 Bellingham's land supply analysis, using a zero percent safety factor, adding the Queen
46 Mountain five year review area, and implementing a monitoring program to inform the City
47 and County when additions to the UGA are necessary." There are two very distinct sides to
48 this issue. There are discrepancies in the park numbers. The City of Bellingham says now
49 it can't support its own park numbers.

50
51 There is a discrepancy in the UGA densities. The City used the minimum UGA
52 densities instead of the maximum, or some number in between.

1 They've done no monitoring in the last few years to know where the other small
2 cities and UGA's in the county are. They don't know how much growth has already been
3 accommodated out there. As the Planning Commission recommended, all of this can be
4 accomplished through monitoring.

5
6 There have been discussions with the staff at the State Department of Community,
7 Trade, and Economic Development (CTED) about the safety factor idea, which was
8 developed in the early 1990's when computers weren't capable of making the computations.
9 Now, they have better computers and the City has a good monitoring program. The County
10 is developing a monitoring program. Once an area is included in the UGA, it can't be
11 removed. Make sure they're very careful and have a monitoring program that lets them
12 know when it's time to add a new UGA.

13
14 He's not against any of these developments. Caitac, in particular, is an amazing
15 design. However, they just don't need it yet. He hopes the developers hold on to the
16 design until monitoring shows that they need the development.

17
18 There is a lot of infill misinformation being spread about how they're going to put
19 many apartment buildings into existing neighborhoods. However, his arguments about the
20 parks numbers, monitoring, and UGA maximum densities affects the numbers being
21 suggested for existing neighborhoods. That is just a scare tactic.

22
23 Nelson asked how and for what monitoring would be done.

24
25 Weimer stated monitoring programs are required in counties to the south. Whatcom
26 County doesn't need to do that level of monitoring. It's monitoring to see if infill is
27 developing as proposed and how the UGA densities are moving forward. The monitoring
28 will indicate whether or not they need to add new areas into the UGA. They haven't tried
29 that. The whole point of Growth Management is to change patterns of development. The
30 monitoring is about the number of houses going in and in what locations, based on the
31 densities they approve. At some point, the monitoring will show they've used up the space.
32 If they fix the park numbers and the UGA densities, they have much more area for
33 population than they've accounted for. The City is already capable of monitoring.

34
35 Nelson asked if the information from this monitoring capability is included.

36
37 Weimer stated the City wants the UGA growth so it can plan for it instead of doing
38 monitoring so the County knows when it's needed.

39
40 McShane stated step six in the City's methodology talks about building a safety
41 factor. That was done before other analyses when land supply had subtractions, such as
42 park land, was removed. Projections of average density in the available existing UGA's
43 were at six units per acre. In some areas, they're proving densities at as much as 24 units
44 per acre. The urban growth area densities are all being significantly increased, and yet they
45 are sticking with a development pattern averaging six units per acre in those areas. Those
46 subtractions influence his view of what the safety factor should be. The safety factor is
47 supposed to be in case they are not able to monitor the land supply regularly and after all
48 the other uncertainties are calculated. There is a question about whether or not they are
49 able to monitor the land supply regularly. If they are able, adjustments can be made more
50 regularly. If they learn why they aren't meeting density requirements in an area, it may be
51 because something is wrong with the development code in that area. Changes can be made
52 to reach the densities approved. If they find out that those densities won't happen

1 regardless of the development code, they can make adjustments to add growth areas on a
2 regular basis. They will review this area again in the future.

3
4 Nelson asked about the discussion of fiscal impact of different types of densities.
5 When meeting with the City, he wants to know the fiscal impacts of infrastructure
6 development. It's cheaper to build on empty land rather than tearing up something that
7 already exists. If looking toward development in urban areas, they must consider the cost.

8
9 Brenner asked if they can do a zero percent safety factor without density increases
10 in city areas.

11
12 Weimer stated he doesn't know where the increases will be. The mistakes in the
13 park numbers don't affect the existing neighborhoods. The use of minimum densities in the
14 UGA's don't affect the existing neighborhoods either. The growth would happen in those
15 areas, not in the existing neighborhoods.

16
17 Brenner stated she doesn't agree. It's nice to tell people there will be a zero safety
18 factor and no more density in a neighborhood. However, she doesn't believe that will
19 happen. Some areas do need to infill.

20
21 Weimer stated there wouldn't be any more density than what the City has told them
22 there will be.

23
24 McShane stated the argument about infrastructure costs informed his decision about
25 where they may want to expand. Councilmember Nelson's concern could be addressed by
26 adding new language to the resolution. The Planning Committee had some frustration
27 about impacts from infrastructure, particularly in the Lake Padden and James Street areas.

28
29 Crawford stated he is opposed to the amendment. It's a bad idea. There is a
30 monitoring program now. If they aren't expanding the UGA, they will continue to see the
31 five- and ten-acre parcels developed in the county. That is the true definition of sprawl. Do
32 not vote for this motion. Instead, increase the safety factor.

33
34 Brenner stated she doesn't agree. Everyone has a different definition of sprawl.
35 Small acreage is not sprawl. It's not the size of the property. Sprawl is about what's done
36 on those properties.

37
38 McShane stated there is a diversity of opinion on the Council. The Council must deal
39 with five-acre zoning in the future. He's not sure how it will do that. By definition of the
40 Growth Management Act, five acres is considered rural. He views it differently.

41
42 Fleetwood stated he is tempted by Councilmember Weimer's reasoning, but he will
43 vote against the motion. This motion was well considered in a meeting two weeks ago.
44 Everyone offered their thoughts. It took a considerable amount of time to reach a
45 compromise they could all agree to regarding this resolution. If they don't agree, they can't
46 go forward with the process to negotiate with the City. They'd have to wait until
47 September. The Council should approve a resolution this evening to start that reconciliation
48 process sooner.

49
50 Brenner stated she is against the motion. The percentage isn't what she wanted.
51 However, this resolution doesn't lock the County into anything. She wants to know where
52 the City is at this point. This resolution was just refined for the public hearing.

1 Nelson stated he has process problems with the proposed amendment. A purpose of
2 comprehensive planning is to build consistency and some expectation. Annual monitoring
3 goes back to what they had in the past. That's what the public is concerned about.
4

5 McShane stated he's very tempted to vote for the motion. However, he wants to
6 support what the Planning Committee brought forward. There are significant uncertainties
7 that justify a safety factor. He wants to move forward with a clear Council position that
8 they can all support. He leans toward a safety factor of zero, and monitoring is a good idea.
9 However, the City chose not to monitor. That makes him uncomfortable going into this.
10 It's beneficial to the City and County for the County Council to move forward with a clear
11 message.
12

13 ***Motion to amend failed 1-5 with Weimer in favor.***

14 Weimer resumed as Council Chair.
15
16

17 Brenner stated the County is not impacting Bellingham's analysis. Negotiation with
18 Bellingham is part of the process. Someone said this is more important than Everson.
19 Everything is important. Don't put down other jurisdictions. Two people said that they
20 should be able to require developers to provide the amenities that they show in these
21 designs. She agrees. Hold developers to what they say they will provide. She doesn't like
22 UGA's at all. Instead, areas should be added as annexations. When putting property in
23 UGA's, it's great for developers, but terrible for the rest of the people. The County is
24 supposed to represent UGA residents, but the Council must work with the City and do things
25 in conjunction with the cities. That's a disservice to those residents. What the public says
26 matters a lot. Someone said that affordable land requires more land. She questions where
27 that ends. At some point, they will run out of everything, including natural resources.
28 Housing prices will still not be affordable because of the market. She would like to know if
29 the seven percent vacancy rate as stated is accurate and whether it's a high rate. Urban
30 villages need more than a commercial center. They need an economic center, which
31 includes more than commercial. A cluster of houses with places to buy things isn't a viable
32 economic center.
33

34 McShane stated there was a lot of testimony about the safety factor, the King
35 Mountain area, and Caitac. They didn't hear anything about Bear Creek. That is interesting
36 to him. There are other differences between the City and County than the urban growth
37 expansion. The County also addresses neighborhood concerns. The Planning Commission
38 did a good job of listening to those concerns. It raised interesting questions. The Planning
39 Committee recommends shrinking the urban residential mixed use, ten to 25 units per acre
40 (URMX) zone area and put some of it north of Bakerview Road into urban residential, six to
41 ten units per acre (UR, 6 to 10) to give a more mixed neighborhood, allow an urban center
42 in that area, and allow financial resources to install infrastructure cost-effectively.
43

44 The committee also addressed areas around Yew Street in the Lake Padden
45 watershed. It recommends keeping the density as it is. That is a significant change,
46 although the total amount of land use is minor.
47

48 The committee also recommends a future new zone designation for the City's UGA's
49 in the Lake Whatcom watershed, even though everyone is concerned about the watershed.
50 In the Hillsdale and Geneva areas, no additional lots would be created. That proposal will
51 come forward in the future.
52

1 Fleetwood stated this is a non-binding resolution that triggers a requirement in the
2 interlocal agreement that the County enters into negotiations with the City. This is not final
3 adoption. The City and County are to make an effort to reconcile their differences,
4 according to the interlocal agreement and the Growth Management Act.
5

6 Nelson asked how the City and County will meet and negotiate.
7

8 Fleetwood stated the interlocal agreement is vague about the process.
9

10 Brenner stated that any councilmember who wants should be involved.
11

12 **McShane moved** to amend the resolution, "Now, Therefore, Be It Resolved...6. The
13 Whatcom County Council designates a majority of the Council Planning and Development
14 Committee to participate in the meetings." Any councilmembers who want to can attend
15 and participate may do that. That will trigger the public process.
16

17 **Motion carried unanimously.**
18

19 Crawford stated he does not support the resolution as amended. The City's analysis
20 was fairly accurate, and may underestimate what is needed. His view is based on his
21 experience of watching the process ten years ago and then seeing where they ended up
22 with the land supply. He doesn't like the direction this has taken, to try and negotiate the
23 numbers down.
24

25 Weimer stated he will support the resolution, even though he wanted something
26 different. The Council Planning Committee and everyone who worked on this has done a
27 good job. There are differences of opinion. According to CTED, they should do monitoring
28 instead of safety factors, but they need to start the discussion.
29

30 *(Clerk's Note: End of tape three, side A.)*
31

32 Weimer continued to state that he will support the motion just to move forward the
33 resolution.
34

35 Nelson asked what happens if the City and County don't agree.
36

37 Fleetwood stated he hopes they all go into the discussions in good faith and with an
38 open mind. They don't know what can be negotiated.
39

40 **Motion carried 4-2 with Nelson and Crawford opposed.**
41
42

43 **APPROVAL OF THE 2006 COMPREHENSIVE PLAN AMENDMENTS** 44

- 45 **1. ORDINANCE ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN AND**
46 **THE UR AND URM ZONING DISTRICTS RELATING TO LOT CLUSTERING,**
47 **RESERVE TRACTS AND WATER AND SEWAGE DISPOSAL FACILITIES**
48 **(AB2006-406)**
49

50 Weimer stated these Comprehensive Plan items will be held in Council.
51

- 52 **2. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY**
53 **COMPREHENSIVE PLAN TO THE CITY OF EVERSON'S SOUTHEAST URBAN**

1 **GROWTH AREA, FOR IMPROVED ACCESS TO THE EXISTING URBAN GROWTH**
2 **AREA (AB2007-174)**

3
4 Weimer stated these Comprehensive Plan items will be held in Council.

5
6 **3. MOTION AND VOTE TO APPROVE BOTH THE 2006 COMPREHENSIVE PLAN**
7 **AMENDMENTS CONCURRENTLY (AB2006-082)**

8
9 Weimer stated these Comprehensive Plan items will be held in Council.

10
11
12 **ADDITIONAL ORDINANCES SCHEDULED FOR ADOPTION**

13
14 **1. ORDINANCE ADOPTING AMENDMENTS TO THE UR ZONING DISTRICT**
15 **RELATING TO ESTABLISHING AN URBAN RESIDENTIAL 6 UNITS/ACRE**
16 **DISTRICT AND REQUIRING MINIMUM DENSITIES IN THE UR4 AND UR6**
17 **DISTRICTS (AB2007-316)**

18
19 *Fleetwood* reported for the Planning and Development Committee and *moved* to
20 adopt the ordinance.

21
22 Weimer stated they cannot vote on this item tonight.

23
24 *Fleetwood withdrew* his motion.

25
26 **2. ORDINANCE TO ADOPT, ON AN INTERIM BASIS, AMENDMENTS TO THE UR**
27 **AND URM ZONING DISTRICTS IN THE BELLINGHAM UGA RELATING TO**
28 **DENSITY, LOT CLUSTERING AND RESERVE TRACTS (AB2007-317)**

29
30 Weimer stated this item is held in Council.

31
32
33 **OTHER ITEMS**

34
35 **1. ORDINANCE AMENDING THE 2007 WHATCOM COUNTY BUDGET, NINTH**
36 **REQUEST, IN THE AMOUNT OF \$189,759 (AB2007-315)**

37
38 *Crawford* reported for the Finance and Administrative Services Committee and
39 *moved* to adopt the ordinance.

40
41 Brenner stated that staff told her the funding request for the Conservation Corps is
42 being taken care of.

43
44 *Motion carried unanimously.*

45
46 **2. REQUEST REVIEW AND APPROVAL OF THE 2007/2008 INTEGRATED**
47 **ROADSIDE VEGETATION MANAGEMENT PLAN (AB2007-335)**

48
49 *Brenner* reported for the Public Works and Safety Committee and *moved* to
50 approve the request.

51
52 *Motion carried unanimously.*
53

1 **3. EXECUTIVE KREMEN REQUESTS CONFIRMATION OF THE APPOINTMENT OF**
2 **CHERYL BOWERS TO SERVE ON THE AMERICANS WITH DISABILITIES ACT**
3 **(ADA) COMPLIANCE COMMITTEE (AB2007-336)**

4
5 *Brenner moved* to confirm the appointment.

6
7 *Motion carried unanimously.*

8
9 **4. RESOLUTION OF WHATCOM COUNTY COUNCIL ENDORSING THE DRAFT**
10 **COMMUTE TRIP REDUCTION PLAN (AB2007-331)**

11
12 *Fleetwood moved* to approve the resolution.

13
14 *Motion carried unanimously.*

15
16 **5. RESOLUTION REQUESTING THAT FUNDING ASSISTANCE FOR HIGH-RISK**
17 **OFFENDER HOUSING BE REINSTATED (AB2007-339)**

18
19 *Brenner moved* to approve the resolution.

20
21 Crawford stated make sure that copies of this letter goes to all six of their State
22 senators and representatives.

23
24 *Motion carried unanimously.*

25
26
27 **INTRODUCTION ITEMS**

28
29 *Brenner moved* to accept the Introduction Items, including the addendum and the
30 substitute for Introduction Item five.

31
32 *Motion carried unanimously.*

33
34 **1. RECEIPT OF AN APPEAL OF THE HEARING EXAMINER'S DECISION ON FILE**
35 **NO. APL07-0014, FILED BY ROBERT CARMICHAEL, ATTORNEY AT ZENDER**
36 **THURSTON, P.S., ON BEHALF OF DUANE AND ARLENE SCHOLTEN,**
37 **REGARDING APPLICATION OF WCC 20.40.134 TO A RETAIL STORE FACILITY**
38 **ON THE APPELLANTS' PROPERTY, KNOWN AS THE GREEN BARN (A2007-**
39 **324)**

40
41 **2. RECEIPT OF AN APPEAL OF THE HEARING EXAMINER'S DECISION ON FILE**
42 **NO. APL07-0011, FILED BY BRIAN HODGES, ATTORNEY AT PACIFIC LEGAL**
43 **FOUNDATION, ON BEHALF OF VICTORIA LUHRS, REGARDING APPLICATION**
44 **FOR A STATEMENT OF SHORELINE EXEMPTION (AB2007-325)**

45
46 **3. RECEIPT OF PETITION AND BOND PROPOSING THE CREATION OF THE**
47 **NORTH LYNDEN WATERSHED IMPROVEMENT DISTRICT (AB2007-322)**

48
49 **4. ORDINANCE AMENDING WHATCOM COUNTY CODE 2.02, COUNTY COUNCIL**
50 **(AB2007-338)**

- 1 5. RESOLUTION IN THE MATTER OF THE WHATCOM COUNTY SIX-YEAR
2 TRANSPORTATION IMPROVEMENT PROGRAM FOR THE YEARS 2008
3 THROUGH 2013 (AB2007-334)
4
5 6. ORDINANCE TO AMEND ORDINANCE 2007-031 TO REZONE UR3 TO UR4 IN
6 THE EVERSON URBAN GROWTH AREA AND UR3 TO R5A ADJACENT TO THE
7 EVERSON URBAN GROWTH AREA, ON THE EAST SIDE OF EVERSON-GOSHEN
8 ROAD (AB2007-337)
9

10 **Addendum:**

- 11 7. ORDINANCE AMENDING, ON AN INTERIM BASIS, WHATCOM COUNTY CODE
12 TITLE 20, ADDING CHAPTER 20.78 TO ESTABLISH DEVELOPMENT REVIEW
13 PROCEDURES TO ENSURE ADEQUATE TRANSPORTATION FACILITIES ARE
14 AVAILABLE OR PROVIDED CONCURRENT WITH DEVELOPMENT, IN
15 ACCORDANCE WITH THE GROWTH MANAGEMENT ACT (AB2007-069A)
16
17

18 **OTHER BUSINESS**

19 There was no other business.
20
21
22

23 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

24
25 Brenner stated the State Attorney General will be at Bellingham Technical College on
26 August 15 to talk about identity theft.
27
28

29 **ADJOURN**

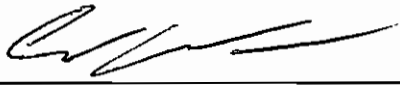
30
31 The meeting adjourned at 11:18 p.m.
32

33
34 
35 Jill Nixon, Minutes Transcription
36

37 The Council approved these minutes on September 25, 2007.
38

39 WHATCOM COUNTY COUNCIL
40 WHATCOM COUNTY, WASHINGTON
41

42
43
44 
45 Darla Brown-Davis, Council Clerk

42
43
44 
45 Carl Weimer, Council Chair