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WHATCOM COUNTY COUNCIL  
**Planning and Development Committee**

February 24, 2009

Committee Chair Laurie Caskey-Schreiber called the meeting to order at 1:30 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Bob Kelly  
Carl Weimer

Absent:

None

Also Present:

Barbara Brenner  
Seth Fleetwood  
Sam Crawford

**COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL**

1. **ORDINANCE ADOPTING AMENDMENTS TO THE OFFICIAL WHATCOM COUNTY ZONING ORDINANCE, TITLE 20, TO INCLUDE REGULATIONS AND INCENTIVES THAT RESULT IN THE CREATION OF PEDESTRIAN ORIENTED STEETSAPES IN URBAN GROWTH AREAS; AND ALSO ADOPTING AMENDMENTS TO CHAPTER 20.97 TO ADD DEFINITIONS THAT CLARIFY TERMS USED TO DESCRIBE ELEMENTS OF THE STREETSCAPE (AB2008-398)**

The following person spoke:

- David Stalheim, Planning and Development Services Department Director. He read the proposed amendment on Council packet page 127.

Discussion included the difficulty of enacting ordinances through interlocal agreements with each city and allowing the Birch Bay community to submit comments on this item.

Caskey-Schreiber stated this committee doesn't seem interested in approving the amendment proposed on packet page 127. The Council can schedule this item for discussion and approval at the next Council meeting. The Council can hold a public hearing on both options, one with the garage regulations and one without.

**COMMITTEE DISCUSSION**

1. **DISCUSSION REGARDING THE PROPOSED ORDINANCE TO ADOPT THE LUMMI ISLAND SUBAREA PLAN (AB2009-088)**

The following person spoke:

- Roland Middleton, Public Works Department, submitted a handout (*on file*).

Discussion included ferry use statistics since 1998; Public Works Department review and update of the plan; ferry rate affect on ridership and level of service in the subarea

1 plan; Health Department review of plan sections on septic systems; the subarea plan  
2 sections on phone service; current groundwater resource studies, and; a public trail along  
3 the ridge of Lummi Island.

4  
5 Caskey-Schreiber stated the Public Works Department staff should do a review of the  
6 plan and update the ferry section to reflect current conditions.

7  
8 Weimer stated he agreed. The parking numbers aren't correct. Rework that  
9 paragraph. Include more information about how ridership changes as prices changes, and  
10 how they still aren't meeting the level of service (LOS).

11  
12 Caskey-Schreiber stated make sure the section on plan page 55 regarding sewage  
13 disposal regarding updated treatment standards for systems is current. Also make sure the  
14 section on telephone service is update. Check into whether the phone service can't access  
15 the new fiberoptic line because the Lummi Nation won't grant use without a new phone  
16 service tax.

17  
18 Weimer stated the plan is outdated on page 34 regarding groundwater resources.  
19 There is no mention of the groundwater study. The plan quotes much older studies.  
20 Update those sections to reference the most recent groundwater study. Insert language  
21 from the plan into section 20.34.320 to amend the reserve tract provisions, "A reserve tract  
22 must be created for perpetuity and be unbuildable beyond any building density remaining at  
23 the time of land division. This is intended to ensure that the reserve tract open space will  
24 remain in the same location adjacent to the clustered lot is serves for perpetuity." Change  
25 the reserve tract percentage to 60 percent.

26  
27 **Weimer moved** to amend language in 20.34.320 and all references in the plan,  
28 "Reserve Conservation Tract" and add to 20.34.320 the language in first bullet point on  
29 page 84 of the plan.

30  
31 **Motion carried 3-0.**

32  
33 Weimer stated remove (2) and (3) in 20.34.320, and related sections. Middleton  
34 stated he would create language and present the affects of this suggestion for committee  
35 review.

36  
37 **Weimer moved** to amend Council packet page 191, "55% 60%" in the table in  
38 section 20.34.252.

39  
40 **Motion carried 3-0.**

41  
42 *(Clerks' Note: Discussion of this item continued, below.)*

43  
44  
45 ~~2. PRESENTATION ON THE COLUMBIA VALLEY PORTION OF THE FOOTHILLS~~  
46 ~~SUBAREA PLAN AND DISCUSSION OF PLANNING COMMISSION~~  
47 ~~RECOMMENDATION ON WHETHER TO RETAIN THE URBAN GROWTH AREA~~  
48 ~~DESIGNATION IN THE COLUMBIA VALLEY OR DESIGNATE THE AREA AS A~~  
49 ~~"LIMITED AREA(S) OF MORE INTENSIVE RURAL DEVELOPMENT" (LAMIRD)~~  
50 ~~(AN INFORMAL VOTE MAY OCCUR TO ASSIST IN STRUCTURING THE TOPIC~~  
51 ~~OF A FUTURE PUBLIC HEARING AND GIVING DIRECTION TO STAFF)~~  
52 ~~(AB2009-131)~~

1  
2 The title of this agenda item was changed.  
3

4 **2. BRIEF OVERVIEW OF PLANNING COMMISSION RECOMMENDATIONS**  
5 **REGARDING THE STATUS OF THE COLUMBIA VALLEY URBAN GROWTH AREA**  
6 **(AB2009-131)**  
7

8 David Stalheim, Planning and Development Services Department Director, gave a  
9 staff report. The formal Planning Commission recommendation is to remove the urban  
10 growth area (UGA) for Columbia Valley.  
11

12 Discussion included the UGA and limited area of more intense rural development  
13 (LAMIRD) study within the environmental impact statement (EIS) and providing certain  
14 services to the Columbia Valley area without a UGA designation.  
15

16 *(Clerk's Note: End of tape one, side A.)*  
17

18 Discussion continued, included mechanisms for incorporation; the population number  
19 assigned to the area, and; a Foothills senior center and public use buildings.  
20

21 The following people spoke:  
22

- 23 • Ellen Baker, 9945 Mt. Baker Highway, Glacier, stated commercial ventures  
24 can exist in LAMIRDs. A LAMIRD is a good idea.
- 25 • Jack Hovenier, 2740 56th Vista, Bellingham, stated it would be difficult to  
26 have services for people since there is no commercial zone in the area. The  
27 Council can prevent UGA expansion. No banks will finance a business in a  
28 LAMIRD.
- 29 • Jack Petree, Bellingham, stated the concept of a LAMIRD is a construct of the  
30 County, and has nothing to do with the subarea plan.
- 31 • Janice Eskola, Mt. Baker Foothills Subarea Plan Advisory Committee, Glacier,  
32 stated the advisory committee wasn't allowed to talk about LAMIRDs. A  
33 LAMIRD in Columbia Valley is viable as long as Kendall keeps its small town  
34 commercial designation.
- 35 • Blair Murray, 103 E. Holly Street, Bellingham, Balfour Village Developer,  
36 stated there are issues with the fire district and sewer district that must be  
37 resolved. New development is the only viable resource for paying for those  
38 service providers.
- 39 • Dave Pros, 1466 Roy Road, stated LAMIRDs work well for containing growth.  
40 Have an advisory vote of the people in the area to determine whether there  
41 should be a LAMIRD or UGA.
- 42 • Norma Otto, 8519 Bluebell Court, stated the Kendall small town commercial  
43 designation is too small to support the area's population. Don't put a LAMIRD  
44 around the area. Keep the UGA.
- 45 • Rebecca Boonstra, Columbia Valley resident, stated create commercial zoning  
46 in Columbia Valley and approve the subarea plan as written. Keep the  
47 Kendall small town commercial designation as it is.
- 48 • Carole MacDonald, 8174 Mt. Baker Highway, asked if a LAMIRD boundary  
49 would be the 1990 boundary. The LAMIRD definition isn't clear.
- 50 • Sean Wilson, 682 Sprague Valley Drive, stated let the people in the valley  
51 decide what they want. Folks living in the rural area want to remain rural,  
52 and folks living in the urban area want to remain urban. Adopt the subarea  
53 plan as presented.

- 1                   • Rob Staveland, 4780 Nettle Lane, Bellingham, stated the small town  
2 commercial area has no more parcels that don't have plans. None of those  
3 plans include any commercial development. The boundary drawn includes  
4 Water District 13 boundaries. There is water and sewer capacity for about  
5 1,300 new homes. Approve the subarea plan as presented by the advisory  
6 committee.  
7                   • Amy Mower, Silver Lake Road, Maple Falls, stated Water District 13 rejected  
8 the subarea plan in a letter. The Planning Department has correspondence in  
9 its file about a Council Comprehensive Plan policy that there would be no  
10 commercial development in the Columbia Valley until Kendall was completely  
11 built out.

12  
13           There was discussion on future scheduling of this item.

14  
15           Caskey-Schreiber stated hold this item in the Planning Committee to get more public  
16 comment. On March 17, the Committee will make a recommendation to the Council. This  
17 item will go to the full Council for a public hearing and then vote on which direction to go.

18  
19           *(Clerk's Note: End of tape one, side B.)*

20  
21           There was discussion on expanding LAMIRD boundaries for commercial development;  
22 zoning designations not allowed in a LAMIRD; limits to commercial development, and; traffic  
23 studies of the area.

24  
25   **3.   DISCUSSION REGARDING THE URBAN GROWTH AREAS REVIEW PROCESS**  
26   **(AB2009-052)**

27  
28           The following people spoke:

- 29  
30           • Rebecca Craven, Council Policy Analyst, referenced her memo on Council  
31 packet pages 202 through 205.  
32           • David Stalheim, Planning and Development Services Department Director,  
33 gave a staff report.

34  
35           Discussion included the motion for a time extension to the Hearings Board; upcoming  
36 Growth Management Coordinating Committee (GMCC) discussions on countywide planning  
37 policy and other policy issues regarding urban growth area (UGA) designations; making the  
38 public clear about density shifts; downzones with compensation; questions to put before the  
39 GMCC at its next meeting.

40  
41           Craven asked if the questions in her memo beginning on Council packet page 202  
42 include the appropriate questions to bring before the GMCC. She stated she is looking for  
43 direction on these questions in her memo, or other similar questions. The conversations  
44 need to start. There is a fair amount of public misunderstanding. She keeps hearing from  
45 public interest folks and city staff that the County could take care of rural growth with a  
46 downzone. Her goal for this first meeting is for people to understand that there are more  
47 than 18,000 vested lots that the County can't get at with a downzone. At two and a half  
48 people per household, that's a lot of people who will fit in the rural areas. If the community  
49 doesn't want that, there needs to be some other discussion about how to limit that. The  
50 County can not get at those lots without some mechanism other than a downzone.

51  
52           Caskey-Schreiber stated she encourages Ms. Craven to add a paragraph as specific  
53 as what she just said. That's the heart of the problem.

1  
2 Crawford stated he approves the questions. He would like the cities to come up with  
3 some responses to the County. That would be good information to have, but the urban  
4 areas should not necessarily tell the rural areas what to do. They must consider the  
5 interests of all the County residents, urban and rural.  
6

7 Brenner's referenced question four and asked if the County really wants to offer  
8 something that allows future raw land to be built at a density lower than urban levels if they  
9 really don't want to allow it.  
10

11 Caskey-Schreiber stated this is a topic of discussion because there are differences of  
12 opinion.  
13

14 **Caskey-Schreiber moved** to give staff direction to forward Ms. Craven's memo to  
15 the GMCC.  
16

17 **Motion carried 3-0.**  
18

19 **4. REVIEW AND DECISION ON THE PLANNING COMMISSION'S**  
20 **RECOMMENDATIONS REGARDING THE EIS ALTERNATIVES FOR THE TEN**  
21 **YEAR UGA REVIEW (AB2009-052B)**  
22

23 The following person spoke:  
24

- 25 • David Stalheim, Planning and Development Services Department Director,  
26 gave a staff report and submitted handouts (*on file*).
- 27 • Rebecca Craven, Council Policy Analyst  
28

29 Discussion included how it's not viable to select the low population projections, which  
30 would roll back existing County policies; including the alternative only for education  
31 purposes, at a reduced cost; costs for adding study items, and; whether or not the  
32 alternative is viable.  
33

34 Kelly stated he recommends that staff write a white paper rather than add the fourth  
35 alternative to the study, so they aren't withholding information and throwing away an  
36 educational opportunity.  
37

38 (*Clerk's Note: End of tape two, side A.*)  
39

40 Discussion continued, and included the process for picking a population number;  
41 using taxpayer money to fund an option that isn't viable;  
42

43 **Kelly moved** to recommend to the full Council to have Jones and Stokes, an outside  
44 consultant, write a white paper for educational purposes that explains to the public this  
45 discussion and why a population number of 220,000 doesn't work as a viable option, for a  
46 cost of approximately \$5,000. Make that paper available to community members, so they  
47 understand why it isn't an option. Stalheim stated he prefers to have an outside  
48 consultant, Jones and Stokes, write the white paper. It shouldn't be much added cost.  
49

50 **Kelly** stated he agreed and **amended his motion** to have Jones and Stokes write  
51 the white paper.  
52

53 **Motion carried 3-0.**

1  
2 **Weimer moved** to add light, glare, and noise for \$6,000 as part of the EIS.  
3

4 **Motion carried 3-0.**  
5

6 **Weimer moved** to recommend approval to the full Council of everything else in the  
7 scope as recommended by the Planning Commission at no extra cost, except the items that  
8 the Committee just voted on.  
9

10 **Motion carried 3-0.**  
11

12  
13 **COMMITTEE DISCUSSION**  
14

15 **1. DISCUSSION REGARDING THE PROPOSED ORDINANCE TO ADOPT THE**  
16 **LUMMI ISLAND SUBAREA PLAN (AB2009-088)**  
17

18 *(Clerk's Note: Discussion continued from above.)*  
19

20 The following person spoke:  
21

- 22 • Wynne Lee, 2171 Tuttle Lane, Lummi Island, stated they should do as much  
23 as they can to protect drinking water on the island. The plan should include  
24 elements to maintain and enhance aquifer recharge. Provide positive  
25 incentives. Regarding withdrawal, have mandatory well tests for water  
26 quality on a regular basis and meter use. Include statements regarding water  
27 use for rural activities, not just residential use. Make sure the plan is updated  
28 as much as is feasible. Add language in the plan about transportation  
29 infrastructure. Reword goal three so it specifies protection of public property  
30 as well as private property.  
31 • Roland Middleton, Public Works Department.  
32

33 Caskey-Schreiber stated that Ms. Lee could work with staff to update anything that  
34 isn't related to policy. She hopes the critical areas ordinance and shoreline management  
35 program will cover some of the water protection. They may want to adopt limits to  
36 impervious surface and vegetation retention requirements, possibly through an overlay with  
37 low impact development (LID).  
38

39 Weimer stated Ms. Lee should communicate to the residents that this was written in  
40 2002 and 2003. People on the island should pay attention to the preferred policies and  
41 implementation measures. That's what will go forward. Make sure those are what the  
42 County really wants.  
43

44 There was discussion regarding the work that needs to be done after this is adopted  
45 and adding proposed language.  
46

47 Caskey-Schreiber stated make sure the level of service information is accurate and  
48 up-to-date.  
49

50  
51 **OTHER BUSINESS**  
52

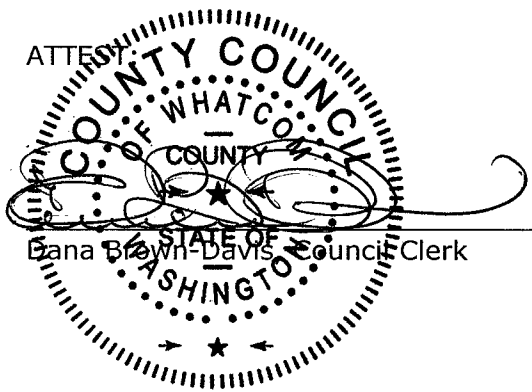
53 There was no other business.

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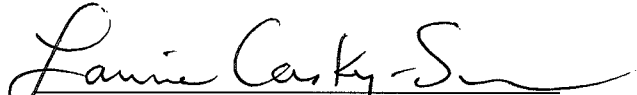
**ADJOURN**

The meeting adjourned at 4:20 p.m.

  
\_\_\_\_\_  
Jill Nixon, Minutes Transcription

ATTEN:  
  
Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

  
\_\_\_\_\_  
Laurie Caskey-Schreiber, Committee Chair

