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3
4 WHATCOM COUNTY COUNCIL
5 **Planning and Development Committee**

6
7 June 23, 2009
8

9 Committee Member Carl Weimer called the meeting to order at 1:09 p.m. in the
10 Council Chambers, 311 Grand Avenue, Bellingham, Washington.
11

12 Present:

13 Bob Kelly
14 Laurie Caskey-Schreiber
15

Absent:

None

16 Also Present:

17 Barbara Brenner
18 Sam Crawford
19 Seth Fleetwood
20
21

22 **COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL**

23
24 **1. ORDINANCE AMENDING WHATCOM COUNTY CODE 16.16, WHATCOM**
25 **COUNTY CRITICAL AREAS ORDINANCE, REGULATING NEW WELLS ON**
26 **NORTHERN LUMMI ISLAND (AB2009-285)**
27

28 Roland Middleton, Public Works Department, submitted additional information on
29 recommended changes from the Health Department (*on file*). He gave a staff report. He
30 recommends the changes, minus any scrivener's errors. These changes don't require more
31 review by the Planning Commission. It defines what the Planning Commission talked about.
32 It doesn't add anything to the code. There is no time urgency that would prevent the
33 committee from holding this item in committee.
34

35 Discussion included allowing people to keep an old well until a new well is passed.
36

37 Caskey-Schreiber stated they would Introduce this item to the full Council at
38 tonight's meeting, have a public hearing in two weeks, and schedule it in committee in two
39 weeks.
40

41 The following people spoke:

- 42 • Polly Hanson, Lummi Island, stated one well will often undermine another
43 well. There should be an upper limit on how many people can drink water
44 from Lummi Island. There is a limit to the amount of water available. If they
45 use too much fresh water, the salt water will start to intrude.
- 46 • Wynne Lee, 2171 Tuttle Lane, Lummi Island, stated have mandatory
47 metering of all wells. Water quality monitoring and water metering will
48 provide data they'll need in the future. Measure wellhead pressure twice per
49 year.
- 50 • Wanda Cucinotta, Lummi Island, stated she would like to read the proposed
51 changes before commenting.

- 1 • Jim Dickinson, 2094 West Shore Drive, Lummi Island, stated he had no idea
2 this was happening. They need more notice. They can't compel anyone to
3 meter water use.
4 • David Stalheim, Planning and Development Services Department Director,
5 answered questions.
6

7 Discussion included desalination as a water source on Eliza Island; how metering
8 data would be useful; the amount of water available in a well versus how much water is
9 drawn from the well; notifying Lummi Island residents of issues regarding Lummi Island,
10 and; using the term "administrative waiver" instead of "variance";
11

12 **Weimer moved** to amend 16.16.544 to replace "variance" with "administrative
13 waiver" in three locations in that section.
14

15 **Motion carried 3-0.**
16

17 **2. ORDINANCE AMENDING WHATCOM COUNTY CODE 20.34, RURAL**
18 **RESIDENTIAL ISLAND, REDUCING THE DENSITY AND MAKING OTHER**
19 **CHANGES TO THE RRI ZONE FOR LUMMI ISLAND (AB2009-286)**
20

21 Roland Middleton, Public Works Department, gave a staff report. He recommends
22 approving the changes that have been discussed by the residents and the Planning
23 Commission. At a separate time, refer the reserve tract changes through the Planning
24 Commission. Move forward with this ordinance regarding density reduction.
25

26 David Stalheim, Planning and Development Services Department Director, answered
27 questions and stated remove the Whereas statement regarding the reserve tract, and move
28 forward with this ordinance.
29

30 Discussion with staff included reasons why a zone of rural, one unit per five acres
31 (R5A) is better than rural, one unit per three acres (R3A); limited areas of more intense
32 rural development (LAMIRD's); this zoning district being out of compliance with the Growth
33 Management Hearings Board; a regulation regarding being inside the aquifer recharge area
34 that does not apply; allowing groundwater to drive zoning density; whether a conservation
35 easement is really being required; using language specific to Title 20, not the critical areas
36 ordinance;
37

38 **Weimer moved** to incorporate the reserve tract information into the ordinance, hold
39 in committee, and have a hearing on July 7.
40

41 **The committee concurred.**
42

43 Middleton stated use the term "conservation tract."
44

45 The following people spoke:

- 46 • Jim Dickinson, get address, stated the conservation easement is illegal. This
47 whole thing is illegal according to case law. It should be deleted. Also, the
48 water issue is a red herring. It's a distribution problem, not a quantity
49 problem. There is enough water for a density of one house per acre. The
50 community will oppose this. They don't know this is going on.
51 • Wanda Cucinotta, Lummi Island, stated clustering with a reserve tract should
52 be a choice, not mandatory. She is already required to protect a shoreline

1 area, but that's not a taking. Get this item done. Almost no one has
2 complained about the density change.

- 3 • Polly Hanson, Lummi Island, stated more could be developed with three-acre
4 density than five-acre density. Approve the five-acre density. Protect the
5 water that is there so it lasts.
- 6 • Wynne Lee, Lummi Island, stated this process started in 2000. People who
7 want to know about the issues already have found out what is going on. Get
8 this done. There is no need for another public hearing. Don't allow reserve
9 tracts to be developed at higher densities in the future. Change the density
10 to five acres. Density also impacts the transportation system. Don't call the
11 reserve tract a conservation easement. Take out the language that makes it
12 okay for further development.

13
14 **Weimer moved** to recommend to the full Council adoption of removal of the
15 recharge areas language, changing density to five acres, and insert the "conservation tract"
16 language. He asked staff to bring forward the corrected language for a public hearing on
17 July 7. He asked legal staff to review this issue to make sure it's not a takings issue.

18
19 Discussion included the difference between a reserve tract that allows future
20 development and a conservation tract that does not allow future development; clustering as
21 an optional process, not mandatory, and; whether there are agricultural areas on Lummi
22 Island on which clustering would be mandatory.

23
24 Caskey-Schreiber stated they would schedule both Lummi Island items for the
25 Council's meeting in August. Introduce these items at the last meeting in July, and hold a
26 public hearing in August.

27
28 **Motion carried 3-0.**

- 29
30 **3. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO AN**
31 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF**
32 **EVERSON FOR THE PURPOSE OF ANNEXATION AND DEVELOPMENT FOR**
33 **APPROXIMATELY 34 ACRES IN THE VICINITY OF MISSION ROAD, SOUTH OF**
34 **THE CITY LIMITS - TIGER-VAN BOVEN ANNEXATION, BRB 2009-05**
35 **(AB2009-300)**

36
37 Kate Koch, Planning and Development Services Department, gave a staff report.

38
39 Discussion included mixing industry and residential uses.

40
41 **Weimer moved** to recommend approval to the full Council.

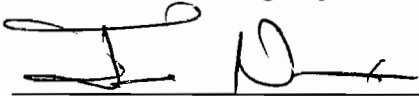
42
43 **Motion carried 3-0.**

44
45
46 **OTHER BUSINESS**

47
48 There was no other business.

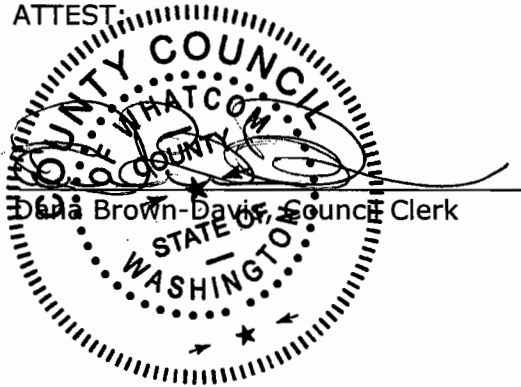
1 **ADJOURN**

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3 The meeting adjourned at 2:32 p.m.

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7 Jill Nixon, Minutes Transcription

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9
10 ATTEST:

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16 Dana Brown-Davis, Council Clerk
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WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Laurie Caskey-Schreiber, Committee Chair