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4 WHATCOM COUNTY COUNCIL
5 **Planning and Development Committee**
6

7 July 27, 2010
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11 **CALL TO ORDER**
12

13 Committee Member Ken Mann called the meeting to order at 3:04 p.m. in the
14 Council Chambers, 311 Grand Avenue, Bellingham, Washington.
15

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18 **ROLL CALL** (3:04:02 PM)
19

20 **Present:** Ken Mann, Bill Knutzen and Barbara Brenner.
21 **Absent:** None.
22 **Also Present:** Carl Weimer, Sam Crawford, and Kathy Kershner.
23
24
25

26 **COMMITTEE DISCUSSION AND RECOMMENDATIONS TO COUNCIL**
27

28 **1. ORDINANCE AMENDING WHATCOM COUNTY CODE TITLE 20, TO ADD**
29 **PIPELINE SAFETY REGULATIONS (AB2010-238)**
30

31 Doug Goldthorp, Planning and Development Services Department, gave a staff
32 report.
33

34 Discussion included (3:10:18 PM) whether or not the builder of a single-family home
35 in a rural area would have to notify a pipeline, even if outside the right-of-way; whether a
36 farmer or timber owner has to get permission from the pipeline to work within or near the
37 easement; notification requirements and recommendations; allowing the pipeline
38 transmitter 15 days to respond to notification; whether the location of a pipeline is recorded
39 on a deed or plat; (3:29:01 PM) how pipeline easements are negotiated; whether any high
40 consequence land uses are currently planned within 500 feet of a pipeline, and; why they
41 should ensure land use compatibility with pipelines.
42

43 ***Brenner moved*** to recommend approval to the full Council.
44

45 The following person spoke:

- 46 • Wain Harrison, Planning and Development Services Department, answered
47 questions.
48

49 The motion carried by the following vote:

50 **Ayes:** Mann, Knutzen and Brenner (3)
51 **Nays:** None (0)
52

1 **2. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE PLAN**
2 **AND ZONING MAP FOR PROPERTY KNOWN AS HARBOR SHORES LOCATED**
3 **ON BLAINE ROAD, SOUTH OF DAKOTA CREEK (AB2010-258) (3:35:09 PM)**
4

5 Kate Blystone, Planning and Development Services Department, gave a staff report
6 and answered questions. The Planning Commission recommends forwarding to the Council
7 for concurrent review.
8

9 Discussion included how the lots were platted in 1965; how many plats exist in Harbor
10 Shores and in this proposed urban growth area (UGA); whether the existing developed lots
11 have to install sewer as a condition of annexation approval; whether less density could be
12 developed with septic than with sewer; the reasons residents don't want to be annexed into
13 Blaine; whether the residents can get sewer from Birch Bay Water and Sewer District
14 without being in a UGA to protect Drayton Harbor; whether either sewer district can serve
15 the area if the area is in the UGA; extending services for public health reasons; whether all
16 residents were notified of the Planning Commission hearing, and; the design of the sewer
17 system.
18

19 The following people spoke:

- 20 • Craig Parkinson, Application Architect and Engineer, answered questions.
- 21 • Deanna Hutchings, Shipyard Lane, spoke on behalf of her neighborhoods.
22 She cannot afford to be in a local improvement district (LID) at a cost of \$300
23 per month, so she would lose her home. They do not want to annex into
24 Blaine. It's questionable whether the City of Blaine needs or wants this area
25 annexed.
- 26 • Deanna Kane, resident, answered questions and stated there is no advantage
27 to annexing into the City. It will be significantly more expensive. Each
28 existing lot in the area would be assessed \$214 per month, and the water and
29 sewer payment would be about \$90 per month. The residents prefer to
30 remain on septic systems ideally. The County should approve the septic
31 designs, mitigate the wetlands, and protect the neighborhood and Drayton
32 Harbor. They don't want annexation into the City.
- 33 • Skip Jansen, Project Applicant, stated the plat was approved in 1966. The
34 first issue is whether the property should be in the UGA. The residents want
35 to stop the annexation by keeping the area out of the UGA. The Planning
36 Commission and County staff recommend inclusion in the UGA. The second
37 issue is the annexation. Annexation won't happen if the majority of people
38 don't want it. He's not trying to force annexation. It's an option of 60
39 percent of the people want it. This has only been out of the UGA for six
40 months.
- 41 • Cyprian Woo, address redacted 5/31/2011, submitted a handout of the cost comparison (*on*
42 *file*). Don't try to spread the cost of selling these properties to the neighbors.
43 The benefit to the owner is to sell his lots. Don't include in the UGA.
- 44 • Phil Hutchings, Shipyard Lane, stated the councilmembers are expressing his
45 concerns. He's not concerned about the lots being developed. His concern is
46 the cost of that development to him. It's a difficult time economically. They
47 struggle to make ends meet. He doesn't need a sewer system. An additional
48 bill of \$300 per month would cause him to lose his home, given the economic
49 times. His septic system functions just fine. Many people in the area may
50 have fixed incomes. If the development could go forward with no cost to him,
51 he wouldn't be opposed to it.
- 52 • Sarah Klinkon, 9087 Shipyard Lane, stated she didn't understand the
53 notification. She is opposed to this item.

- 1 • Katy Jansen, applicant, stated the annexation idea is separate from whether
2 or not the area should be in the UGA. They can work with residents in cases
3 where they can't pay. They aren't trying to force people out of their homes.
4

5 Brenner stated she wants to know legally if Harbor Shores can hook up to Birch Bay
6 water and sewer. She wants to ensure that people with working septic systems don't have
7 to pay unless their system fails.
8

9 Knutzen stated the residents all purchased their property when the area was
10 included in the UGA. The Council is asked to just return the property to the UGA. The
11 property has been platted since 1966.
12

13 Mann stated there are many places in the county with terrible zoning and land use
14 decisions that were made in the past. They maybe made it right in 2009. He asked the
15 environmental impact on Drayton Harbor if they put in 50 septic systems or if they put in
16 sewer service. He doesn't have the answer to those questions. He asked if the agreement
17 between the Birch Bay Water and Sewer District and Harbor Shores is valid if Harbor Shores
18 is not in the UGA. He asked if there is another way to annex other than by vote of the
19 residents.
20

21 **Brenner moved** to hold in committee. She wants the answers to her questions.
22 She would like to know if the Health Department would approve certain septic systems and
23 whether any exceptions would prevent people from having the right to vote on annexations.
24

25 Mann stated he would like to know whether the agreement between the Birch Bay
26 Water and Sewer District and Harbor Shores valid, if Harbor Shores is not in the UGA. He
27 would also like to know the methods that annexation can happen, and whether people can
28 be forced to pay for a sewer system they don't want and don't need. He would like to know
29 what those laws are.
30

31 Knutzen stated he would like to know if they can design an interlocal agreement with
32 the City of Blaine.
33

34 Brenner stated she would like to know if the Health Department would prevent a
35 workable septic system on vested and platted and lots.
36

37 Mann stated he would like to know if there are vested and platted lots that can't fit
38 State-approved septic systems that make it buildable. (4:50:10 PM)
39

40 Knutzen stated they need Health Department staff at the next meeting to answer
41 questions. Email questions to staff before the meeting so they can prepare answers.
42

43 Knutzen stated he would like to know from the City of Blaine what their plans are for
44 extending sewer and annexation.
45

46 The motion to hold in committee carried by the following vote:

47 **Ayes:** Mann, Knutzen and Brenner (3)

48 **Nays:** None (0)
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51 **OTHER BUSINESS**
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53 There was no other business.

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ADJOURN

The meeting adjourned at 4:52 p.m.

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Please contact the Council Office to obtain an
official, signed copy:
360-676-6690 or council@co.whatcom.wa.us

Dana Brown-Davis, Council Clerk

Bill Knutzen, Committee Chair