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WHATCOM COUNTY COUNCIL  
**Special Committee Of The Whole**

April 12, 2010

**CALL TO ORDER**

Council Chair Sam Crawford called the meeting to order at 10:00 a.m. at Cornwall Church, 4518 Northwest Drive, Bellingham, Washington.

**ROLL CALL**

**Present:** Barbara Brenner, Sam Crawford, Kathy Kershner, Bill Knutzen, Ken Mann, L. Ward Nelson and Carl Weimer

**Absent:** None

**COMMITTEE DISCUSSION**

**URBAN GROWTH AREA (UGA) GROWTH MANAGEMENT HEARINGS BOARD PETITIONS (AB2010-054A) AND OBJECTIONS (AB2010-054B)**

*(Clerk's Note: Due to a recording malfunction, minutes are transcribed from notes provided by Council Policy Analyst Rebecca Craven.)*

***Knutzen moved*** to remove Futurewise from presentations.

***Brenner suggested a friendly amendment*** to allow the Futurewise presentation after noon.

***Knutzen accepted*** the friendly amendment.

The motion carried by the following vote:

**Ayes:** Brenner, Nelson, Knutzen and Kershner (4)

**Nays:** Crawford, Weimer and Mann (3)

**Blaine/Trillium/Semiahmoo**

Bonnie Onyon, Blaine Mayor, submitted information (*on file*) and stated the City supports all petitioners. The City has planned West Blaine for years. The area has no major environmental concerns.

Jon Sitkin, City of Blaine, stated the County failed to consider the unique circumstances of the City of Blaine, regarding the East Blaine annexation area and its 20- to 40-year build out. It shouldn't be considered as capacity for the next 20 years. There is a flaw in the County land capacity analysis. They underestimated the effect of the Critical Areas Ordinances (CAO) on Blaine's capacity by half. Given the prevalence of vacation homes, the occupancy rates are significantly lower than those used in the County's land capacity analysis. West Blaine has been planned for approximately 20 years. The City wants it back in the urban growth area (UGA).

1 Chris Benner, Trillium, stated there is 30 years of Trillium's planning in the area of  
2 West Blaine. They want to continue planning for West Blaine with the County. Move forward  
3 with the application.  
4

5 Amy Kosterlitz, Trillium Attorney, discussed how the Growth Management Act (GMA)  
6 affects process. There are plat and planned unit development (PUD) applications vested for  
7 Semiahmoo West, which should be in the UGA, given it's vested to urban densities. The  
8 land capacity analysis is not a reason to exclude West Blaine. The land capacity analysis  
9 overestimated capacity. Consider also vacation homes in Birch Point, market factor, zoning  
10 densities, and wetlands. The County can adopt a new ordinance re-designating West Blaine  
11 before June 1. The reason this can't wait until December 2011 is because the County is  
12 asking petitioners to withdraw their appeals, but they can't get County commitment until an  
13 ordinance is adopted. The UGA has been upheld in the past. Reinstate the UGA. If  
14 development stays outside the UGA, it would be nonconforming, making later adjustments  
15 difficult. There are issues of extension of services to development outside the UGA. Vested  
16 status provides a basis for justification.  
17

#### 18 Anchor Manor, Foster, Windward, Beachmont 19

20 Jack Swanson, Attorney, stated they want the areas restored to the UGA. He  
21 submitted and referred to maps (*on file*) and the area from Shintaffer Road to Lincoln Road  
22 to the city limits. It's been 15 years since East Blaine was annexed. Infrastructure is too  
23 expensive, and there will be very long-term build out. This area is served with water and  
24 sewer. The school district is trying to purchase property in the area. Foster is the only one  
25 of the properties that drains to Drayton Harbor. The Hearings Board presumes County  
26 validity, and the County is entitled to discretion in designating its UGAs. Sizing can take  
27 into consideration whether a landowner plans to sell. All total approximately 200 acres.  
28 The reason they should not wait is that UGA status is necessary for financing and  
29 development.  
30

31 Brad Swanson, Anchor Manor, submitted maps (*on file*). Anchor Manor is in the  
32 Birch Bay UGA and has 21 acres. The Maritime Manor project has 52 vested lots, utilities  
33 available on two surrounding roads, will serve letters, and a Corps of Engineers permit. Put  
34 it back into the UGA. Adopt an ordinance before June 1. There is no reason to wait. The  
35 owners have relied upon UGA status to prepare for development.  
36

#### 37 Fire District 14 38

39 Jon Sitkin, Fire District 14 Attorney, stated Fire District 14 serves the Columbia  
40 Valley UGA. There are issues around capital facilities planning and compliance with the  
41 Growth Management Act. The District is an all-volunteer Fire District. It has an obligation  
42 for urban level of service (LOS) response that the District can't meet. The County currently  
43 is going through the process to establish LOS. The County Comprehensive Plan doesn't  
44 have a Capital Facilities Plan compliant with GMA. The District is working on a draft Capital  
45 Facilities Plan that will come forward to the County when complete. It can be done by June  
46 1.  
47

#### 48 City of Ferndale 49

50 Gary Jensen, Ferndale Mayor, stated he attended Growth Management Coordinating  
51 Committee (GMCC) meetings, gathered information from citizens, and presented an opinion  
52 to the County. The opinion was ignored. The County should take action to change its  
53 decision.

1  
2 Greg Young, City of Ferndale, submitted information (*on file*). He agrees with the  
3 comments by Amy Kosterlitz about problems with the land capacity analysis. The numbers  
4 are precise but not accurate. The City of Ferndale would like the Vista/Malloy area re-  
5 designated to the UGA. If that area is out of the UGA, an island is created in which utilities  
6 go through. It makes extension of utilities inefficient. He agrees that the old UGA was too  
7 large, and proposes reducing the area in red on the photo. Other small areas of additions  
8 are shown in orange, including Slater Road in the south and Enterprise Road in the north,  
9 both of which are for industrial and commercial. He sent proposed ordinance amendments  
10 and Comprehensive Plan amendments to the County Council and Planning Department staff.  
11 Don't spend time with more process. They need action. A reason why this can't wait is  
12 because it shouldn't wait. The City was not out of compliance. The County was. He  
13 discussed capital facilities planning. Regarding the question of whether the water supply is  
14 adequate to serve expansion area, they get water from the Public Utility District (PUD),  
15 which is from the Nooksack River. They used to get water from wells. They have hired RH2  
16 to look at a well system and plan to get off PUD and rely on deep wells.

17  
18 There was discussion with Jori Burnett about provisional UGAs.

19  
20 Jori Burnett, City of Ferndale, stated areas would be provisional until 2011 when the  
21 City determines it can serve the area.

#### 22 23 City of Nooksack

24  
25 Rollin Harper, City of Nooksack, stated all information is in the record. He submitted  
26 a map (*on file*) and stated the City wants the southern area of the UGA reserve put back  
27 into the UGA. The western two-thirds of the area was planned for residential and the  
28 eastern one-third for industrial. Their concerns with the land capacity analysis are in the  
29 record. The land capacity analysis showed a one-acre surplus. Areas within the city limits  
30 and affected by Swift Creek sediment should be accounted for in the residential capacity.  
31 They are currently counted at four units per acre. Regarding the industrial area, job  
32 allocation was reduced and an area was removed from the UGA. That eliminates economic  
33 opportunity the City hoped for. Density goals are being met and exceeded, annexations  
34 rejected, and the City is avoiding sprawl. A reason why this can't wait is that it puts the  
35 City at a disadvantage, it's unfair to property owners, and it is not supported by the record.  
36 Capital facilities planning could be problem. There is no sewer comprehensive plan. The  
37 City is going through that process with the City of Everson. He estimates they have  
38 approximately 20 years capacity. It could be conditioned or dealt with in an interlocal  
39 agreement, so it wouldn't be annexed until planning is complete.

#### 40 41 City of Sumas

42  
43 Bob Bromley, Sumas Mayor, stated all the Cities compromised in the GMCC process  
44 and in the Executive's proposal. Job allocations to Sumas were too low in the  
45 environmental impact statement (EIS) range. Restore the UGA.

46  
47 Rollin Harper, City of Sumas, submitted a map (*on file*). Restore the UGA reserve to  
48 UGA, except for the area next to the Sumas River. The area to the south is for residential  
49 growth. The land capacity analysis showed a one-acre excess. Population was capped by  
50 the ranges in the EIS. Population would have been over 1,100, but the range capped it at  
51 just over 700. With a larger population, they would have a land capacity shortage. The  
52 area is split by Hovel Road. It makes sense to have the area on both sides of the road, but  
53 they would compromise at restoring the western half of Hovel Road and retaining the east

1 side as a reserve. Also, the City would like the area in northwest designated as UGA  
2 reserve for industrial growth. That is not essential for settlement, but it is the City's  
3 preference.

4  
5 Yew Street Association, Hillside, Westpac, Muljat  
6

7 Brad Swanson, Attorney, submitted a map (*on file*) that is a large aerial photo  
8 showing the city limits and former UGA that is now a reserve, within the red dashed line. It  
9 also shows utilities, roads, and subdivisions. Reinstate the UGA boundary to the pre-2009  
10 boundary. The area has been in the UGA for almost 20 years, has grown in urban densities,  
11 and has roads and infrastructure built or planned to urban standards. It is a matter of  
12 fairness to property owners. It would be unfair to wait. The only way the County can get  
13 out from under a long-term burden is to put it in the UGA and allow for annexation.

14  
15 There were questions about road costs and standards if in or out of the UGA.  
16

17 Tim Stewart, City of Bellingham, stated the City needs to look at the area as a  
18 whole, and determine whether the City of Bellingham can serve the area. They previously  
19 turned down annexation in that area because the City doesn't have the financial ability to  
20 provide city services. The annexation interlocal has expired, but under its previous terms,  
21 there was agreement for reimbursement.

22  
23 Brenner stated that agreement for reimbursement was only for a certain number of  
24 years. She asked if they can get an agreement that the County wouldn't be responsible for  
25 costs of upgrading to City standards.  
26

27 North Bellingham, Caitac USA  
28

29 Tom Walsh, Caitac, submitted information (*on file*). Regarding the Council  
30 questions, first, include North Bellingham in the UGA. Second, include a portion of Cordata  
31 North in the UGA before June. Third it is not necessary to wait until 2011. Whatcom  
32 County is able to act now in a defensible manner. He referred to a letter dated April 5  
33 laying out the means of resolution. He referred to his handout, a one-page summary of  
34 ordinance changes that would be necessary to effect changes. The record to support this  
35 decision can be taken care of by changing the market factor. Change the factors upward.  
36 Zoning changes are also in summary. This can be accomplished in the next two to three  
37 months.  
38

39 Ted Mischaikov, Caitac, stated he has been looking forward to discussion this  
40 afternoon. Referred to the City of Bellingham 2006 Comprehensive Plan map. Delay is not  
41 an acceptable solution. A five-year review area is a special entitlement area. Justifications  
42 for that designation still exist. They need residential single family homes in the city of  
43 Bellingham. Caitac has made a commitment to affordable housing, youth sports, a school,  
44 and other high development standards. Capital facilities are ready to go in the ground.  
45 Water and sewer are in ground at Smith Road and the Guide Meridian. They have made a  
46 contribution of a school site. Using the City of Bellingham methodology, Larrabee Springs is  
47 cash-flow positive to the City of Bellingham upon annexation. They will not compete with  
48 infill within the city of Bellingham. They will compete with areas in and around small cities  
49 and rural build out. There is difficulty with infill in the city of Bellingham.  
50

51 Jack Petree, citizen, submitted a handout (*on file*) and referenced examples of data  
52 errors. They need to review growth rate assumptions in growth projections.  
53

1 Bob Wiesen, 3314 Douglas Road, Ferndale, stated they didn't address affordable  
2 housing, adequate housing supply, or a strong economy.  
3

4 Dean Haverstraw, citizen, stated his participation is in the capacity of someone  
5 involved in youth soccer. Larrabee Springs looks like a vision of Bellingham they want to  
6 see.  
7

8 Mischaikov stated they are proposing an addition of approximately 25 to 30 percent  
9 of the area in a first phase.  
10

11 *(Clerk's Note: The Council took a break from 12:08 p.m. to 1:00 p.m. When the*  
12 *meeting resumed, the Council took straw votes on supporting development of an ordinance*  
13 *to amend the UGA designation. There was no motion before each straw vote.)*  
14

#### 15 West Blaine

16 The straw vote failed by the following vote:

17 **Ayes:** Kershner and Crawford (2)

18 **Nays:** Weimer and Mann (2)

19 **Abstain:** Knutzen, Brenner and Nelson (3)  
20  
21

#### 22 Beachmont, Windward, Foster-Blaine UGA

23 The straw vote carried by the following vote:

24 **Ayes:** Crawford, Brenner, Mann, Nelson, Knutzen and Kershner (6)

25 **Nays:** Weimer (1)  
26  
27

28 Nelson and Brenner stated they may want Windward out.  
29

#### 30 Fire District 14

31 The Council endorses the process of Fire District 14. The County is going forward  
32 with county-wide LOS.  
33  
34

#### 35 Birch Bay UGA, Anchor Manor

36 The straw vote carried by the following vote:

37 **Ayes:** Crawford, Weimer, Mann, Brenner, Nelson, Knutzen and Kershner (7)

38 **Nays:** None (0)  
39  
40

#### 41 City of Ferndale

42 The straw vote to change Vista Malloy from UGA reserve to UGA and include the  
43 provisional additions of Enterprise Road in the north and Slater Road in the south, as shown  
44 on the map entitled "Proposed 2010 County Action" submitted by the City carried by the  
45 following vote:  
46

47 **Ayes:** Crawford, Brenner, Nelson, Knutzen and Kershner (5)

48 **Nays:** Weimer and Mann (2)  
49

50 Nelson stated his yes vote and approval is conditional on water supply.  
51

52 Knutzen stated he has concerns with sewer planning.  
53

1 City of Nooksack

2  
3 The straw vote regarding the area east of the city carried by the following vote:

4 **Ayes:** Crawford, Brenner, Nelson, Knutzen and Kershner (5)

5 **Nays:** Weimer and Mann (2)

6  
7 Knutzen stated that he has a concern about Swift Creek liability.

8  
9 City of Sumas

10  
11 The straw vote on the Hovel Road area only from reserve to UGA carried by the  
12 following vote:

13 **Ayes:** Crawford, Brenner, Nelson, Mann, Knutzen and Kershner (6)

14 **Nays:** Weimer (1)

15  
16 The straw vote on the northwest industrial area as a UGA reserve failed by the  
17 following vote:

18 **Ayes:** Brenner, Kershner and Mann (3)

19 **Nays:** Crawford, Nelson, Knutzen and Weimer (4)

20  
21 City of Bellingham

22  
23 The straw vote on changing Yew Street from UGA reserve to UGA carried by the  
24 following vote:

25 **Ayes:** Crawford, Brenner, Nelson, Knutzen and Kershner (5)

26 **Nays:** Weimer and Mann (2)

27  
28 Brenner stated she will not approve this if the County gets stuck with improvements  
29 to City standards.

30  
31 The straw vote on the entire North Bellingham/Caitac USA area carried by the  
32 following vote:

33 **Ayes:** Crawford, Knutzen, Mann and Kershner (4)

34 **Nays:** Brenner, Nelson and Weimer (3)

35  
36  
37 **ADJOURN**

38  
39 The meeting adjourned at 3:09 p.m.

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43  
44 Please contact the Council Office to obtain an  
45 official, signed copy:  
46  
47 360-676-6690 or council@co.whatcom.wa.us  
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53 \_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_   
Sam Crawford, Council Chair