

RECORD OF PROCEEDINGS OF THE  
**WHATCOM COUNTY PLANNING COMMISSION**

1

January 29, 2009

Regular Meeting

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1 **Call To Order:** The meeting was called to order, by Whatcom County Planning Commission Chair,  
2 Jean Melious, in the County Council Chambers at 6:35 p.m.

3  
4 **Roll Call**

5 Present: Jean Melious, John Lesow, Ken Mann, David Hunter, Sean Wilson, Geoff Menzies, John  
6 Steensma.

7 Absent: Rabel Burdge, John Belisle

8  
9 **Staff Present:** David Stalheim, Matt Aamot, Becky Boxx

10  
11 **Director's Dialog**

12  
13 Stalheim: I want to update you on where things are that you have been passing on to the County  
14 Council. At their last meeting they passed on the items regarding schools. They will now go on to  
15 concurrent review. They passed the concurrency ordinance with a few minor changes. The garage  
16 ordinance is going to have another public hearing. They voted to not do the regulatory part of it. The  
17 land division ordinance was again delayed. At the last minute we received correspondence from the  
18 BIAW and as a result Council wanted to have some legal review of it. We will be looking at the issue  
19 again in two weeks. We have also been working with the Council on the Shoreline Master Program.  
20 The Department of Ecology made some changes that we have to now work through. They mostly  
21 involve non-conforming uses and single family homes and what would happen if they were destroyed  
22 by fire and some other issues.

23  
24 Your next meeting will be a joint hearing with the County Council on February 17<sup>th</sup>. This will be on the  
25 range of alternatives that we are going to study as part of the review and revision of the UGAs. We are  
26 planning to start at 6:00 with an executive session, with the Council and legal staff, in room 513. At 7:00  
27 we will have a public hearing. On February 19<sup>th</sup> you will have a work session to deliberate on the  
28 issues. The Council will then take up the issue on February 24<sup>th</sup>.

29  
30 Menzies: We have not seen the alternatives yet. Will that be the first time we get to see them?

31  
32 Stalheim: Yes, but remember all we are talking about right now is the alternatives that we are going to  
33 study in the EIS. We are trying to get as much information as possible into the EIS without trying to put  
34 in anything really specific because we haven't had any public input on it yet. We will be presenting our  
35 recommendation to the Growth Management Coordinating Council (GMCC) tomorrow. Depending on  
36 what they do that's what we will be bringing forward to you for the public hearing process.

37  
38 Mann: Will you incorporate our recommendation tonight into what you take to the GMCC?

39  
40 Stalheim: No, because this is stuff that is going to be fed in at the end of the process. Our alternatives  
41 are going to be much more generic and countywide. The challenge is that we have 10 UGAs that we  
42 are reviewing but can only do three alternatives. We would love to do three alternatives in every UGA  
43 but we can't do that.

44  
45 Melious: You had mentioned a while back forming sub-committees. Do you think that is necessary right  
46 now?

47  
48 Stalheim: I don't know that it's necessary right now.

49  
50

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---

1 **Open Session for Public Comment**

2  
3 Jack Petree, Whatcom County: I recommend a book titled "Cool It", written by the same author who  
4 wrote "The Skeptical Environmentalist".

5  
6 I invite you all to read the Growth Management Act. Everything you do relates to it. Go through the act  
7 and see if you can find a single reference to choosing population projections based on a range of  
8 populations. There isn't one word.

9  
10 Lesow: I was reading through the challenge you and Bob Wiesen put forward and it seems like what is  
11 being forward is that we have to approve developments, like Caitac, in order to combat global warming.  
12 Is that a fair assessment of your argument?

13  
14 Petree: It's not even close. I do think that the whole idea of carbon emissions and climate change is  
15 something that you should seriously consider when you consider these issues.

16  
17 **Commissioner Comments**

18  
19 Lesow: Back in the 1970's I lived in Portland, Oregon and at the time there were a number of pulp and  
20 paper mills that were operating in the region. I remember walking out onto the apartment balcony,  
21 about 20 miles west of Portland, and being able to smell the hydrogen sulfide smell of the pulp mill in  
22 Camas Washington, which was 60 miles due east. The people of Camas were a little more concerned  
23 about the air pollution than I was and they sued the mill. The lawyers for the pulp mill challenged the  
24 plaintiffs issue of standing. Why did they have the right to sue over air pollution? The response from  
25 one of the plaintiffs was that every time I rub my hand along my dog's back I can smell your mill. The  
26 lawyers for the pulp mill said "Ah, hah, there you go. That doesn't constitute a standing." So they took  
27 up the issue. A federal judge ruled that it is enough to constitute a standing. I was reading through our  
28 letters the other night and came across the letter about the frogs in the Foothills subarea and the fact  
29 that some people that have moved there don't like the sound of frogs and try to kill them. We talk a lot  
30 about rural values and the need to consider them. The sound of a frog, owl or the wind in the trees are  
31 all rural values that we are supposed to consider when we make our decisions about land use. Even  
32 though we are a county planning commission I am not a rural guy. I live very close to a city of two  
33 million people, so I will listen very closely to the discussions about rural values from people that really  
34 know about it.

35  
36 **Work Session**

37  
38 **File #CMP2007-00007** – Proposed adoption of a new Foothills Subarea Plan.

39  
40 Aamot: There are two items we are asking you to make a recommendation on tonight. One is should  
41 there be a UGA in the Columbia Valley and if so what the population allocation should be?

42  
43 There were three alternatives that were addressed in the EIS along with the staff recommendation.

44  
45 Alternative 1 was the Foothills Subarea Plan Advisory Committee (FSPAC) recommendation. This was  
46 the committee that was appointed by the County Executive and confirmed by the County Council. They  
47 worked through 2006 and 2007 to develop this plan. The main features of their plan is that it maintains  
48 the UGA at about 1,339 acres. Their population projection, at the end of the 20 year planning period,  
49 would be 7,053, which would constitute a growth of 3,200 from the 2006 estimated population of 3,853.

50

RECORD OF PROCEEDINGS OF THE  
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---

- 1 Alternative 2 was the existing land use designation. This meant the existing Comprehensive Plan and  
2 existing zoning. It also maintains the current UGA of approximately 1,489 acres. The population  
3 projection, for the 20 year planning period, was 5,833, which would constitute a growth of 1,980 people.  
4
- 5 Alternative 3 is the rural and Limited Areas of More Intense Rural Development (LAMIRD) alternative.  
6 This would remove the UGA and replace it with LAMIRD designations and other rural and forestry  
7 designations. The population, at the end of the 20 year planning period, would be 4,925, which would  
8 be a population growth of 1,072.  
9
- 10 The PDS recommendation is retention of a UGA. It would likely have to be reduced in size. We are  
11 recommending a lower population allocation, of 5,000, at the end of the 20 year planning period, for  
12 reasons stated in the staff report. Primarily there is the need for additional capital facility planning, such  
13 as sewer and fire. This would constitute a growth of approximately 1,147.  
14
- 15 Staff showed maps of geography, platted subdivisions, existing and historical zoning and maps of the  
16 three alternatives studied in the EIS.  
17
- 18 Aamot: The last Foothills Subarea Plan was adopted in 1988. At the same time corresponding zoning  
19 was adopted. The UR4 zoning has existed in the area for about 20 years. It covers the area where  
20 Paradise and Peaceful Valley subdivisions are, along with some land to the west and east.  
21
- 22 In Alternative 1 the committee is recommending to reduce the size of the UGA by about 150 acres.  
23 That would include removing the area in Kendall, which is about 190 acres, and add 40 acres on the  
24 eastern side of the UGA.  
25
- 26 The committee is recommending a planned town center near the center of the UGA, which would be  
27 about 44 acres. There would be policies encouraging rezoning to General Commercial or a new town  
28 center zone.  
29
- 30 They are also recommending a planned urban residential designation on the eastern side of the UGA  
31 and a policy that would encourage rezoning that from Rural Forestry to UR4. This is about 120 acres.  
32
- 33 They are proposing 40 acres, on the north side of Limestone Road, that would be a Planned Light  
34 Impact Industrial designation. The existing Comprehensive Plan has a policy to consider industrial in  
35 that area.  
36
- 37 They also recommended 40 acres to the east and 80 acres to the west of potential Planned Light  
38 Impact Industrial. The idea is to provide some flexibility that if the original 40 acres was either built out  
39 or not available, because of landowner preference, then this area could be designated for industrial.  
40
- 41 Alternative 2 is the UGA as it exists now, which was adopted in 1999. It is about 1,489 acres. There is  
42 some non-urban zoning in the UGA.  
43
- 44 Alternative 3 would potentially create three LAMIRDs in the area. A relatively tight boundary would be  
45 drawn around Paradise and Peaceful Valley to create two LAMIRDs. Those would be about 700 acres.  
46 The Kendall Small Town Commercial would be reduced in size to about 14 acres. There would be  
47 about 775 other acres that would be removed from the UGA that would then be designated Rural or  
48 Forestry.  
49
- 50 Lesow: Would the industrial component, near Limestone Road, still be maintained if it were a LAMIRD?  
51 Aamot: No.

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---

- 1  
2 Lesow: How about commercial?  
3  
4 Aamot: There is commercial in the Kendall area. The County is now going through the process of  
5 reviewing the LAMIRD statutes in the GMA.  
6  
7 Stalheim: No criteria have been developed for commercial LAMIRDs in proximity to existing residential  
8 LAMIRDs.  
9  
10 Aamot: There is in the LAMIRD criteria the possibility of small scale business LAMIRDs. We would  
11 have to investigate whether it would be appropriate in a situation like this.  
12  
13 Stalheim: It would be for new areas and not for expansion of existing areas. We can't put that in an  
14 area that is somewhat urban in nature. There is a provision in the GMA that allows more intense rural  
15 development as commercial and industrial but they would be isolated from other areas. The idea is that  
16 you may have an industrial complex that you can only site within rural areas. The expansion of an  
17 existing one is not allowed.  
18  
19 Menzies: Can you explain why the Small Town Commercial acreage is reduced in the Kendall area for  
20 the LAMIRD?  
21  
22 Aamot: Because we look at the built environment as it existed in 1990. The Small Town Commercial is  
23 not fully built out. Under the EIS alternative we felt it was appropriate to look at a tight boundary. That  
24 might change when we develop the criteria on a county wide basis.  
25  
26 Lesow: So you are saying a grocery store may not be excluded in the future?  
27  
28 Aamot: I think you would have a tough time finding a place within the logical outer boundary as it  
29 existed in 1990. There are some letters stating they would have a tough time developing down in  
30 Kendall. There is no sewer or public water down here.  
31  
32 Steensma: Where does the school get water from?  
33  
34 Aamot: I assume they have a well.  
35  
36 Audience member: They have a well.  
37  
38 **Wilson moved to retain a UGA in the Columbia Valley as recommended by the staff report.**  
39  
40 Hunter: Are you intending to also adopt the population projections?  
41  
42 Wilson: No. I will deal with that separately.  
43  
44 **Hunter seconded the motion.**  
45  
46 Mann: For me the problem with having it a UGA goes back to the infrastructure requirements,  
47 especially the roads. We have letters from the fire district saying they can't give the service that is  
48 necessary and they don't have the money to expand. Who is going to pay for all of this? I need to know  
49 that there is a plan in place and that money is available.

RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION

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Regular Meeting

---

1 Lesow: We have a letter from Water District #13 with regard to service in the UGA. They state that  
2 there are no funds available for expanding or upgrading the facility to service this UGA. Commissioner  
3 Wilson is familiar with the water district and I wonder if you have any comments?  
4

5 Wilson: I think they need a realistic idea of what they need to be planning for. Right now I assume that's  
6 the available buildable land base within the service area. They also need to figure out what that will  
7 require and how they will pay for it. I think that the expansions, that are required by State law, in order  
8 to be able to meet the ecological needs, etc, will come whether development comes or not. Every year  
9 those get more and more intense. It's hard to say where that money comes from. Probably the existing  
10 379 customers in Water District #13. On the other hand to expand the capacity of the district in such a  
11 way where it can accommodate additional development, as envisioned in the subarea plan, a  
12 substantial portion of that often comes from new customers, which are produced by new development.  
13 Without that opportunity for that type of private investment the burden will always be carried by the 379  
14 customers that currently exist.  
15

16 Menzies: I am impressed by not only the quantity but the quality of the comments and the work that has  
17 gone into this issue. One thing that bothers me is keeping this a UGA just because it's had that  
18 designation for 20 years. That doesn't mean we have to continue down that road. I went up and looked  
19 at this area. There are a lot of people living up there. It has a population relative to Blaine, who has a lot  
20 of commercial services. They are an incorporated city. When I look at the Foothills what I see is a large  
21 residential area but it's missing a lot of those things that are key components of an urban area. I don't  
22 think it makes sense to have it a UGA, given the environmental factors, capital facilities issues, police,  
23 fire service problems, etc. I understand wanting to develop light industrial land but it's so far from I-5  
24 that it's really not an area that is going attract a lot of light industrial. What I am struggling with is the  
25 staff suggestion to go with the reduced UGA and that 5,000 population estimate, which would provide  
26 opportunities for more development. I like the planned town center aspect that has come out of the  
27 committee. I see a real need for the people that live there to have a sense of community and I am  
28 wondering which is the best way to accommodate that.  
29

30 Steensma: If you look back 100 years in this county there used to be little rural centers all over, such as  
31 Wickersham, Tuxedo, Delta, Park, etc. A lot of them are no more. The ones that survived were either  
32 on a major transportation corridor or river or the other thing that kept them alive was that they were on  
33 resource land. Here we have a UGA in a dead end area. Anything produced in that area has to go  
34 south down a windy road. Nothing will go over Reece Hill Road into Sumas. It's a residential area and  
35 it's always going to be a residential area. There is no real reason to put commercial up there. If there  
36 was any commercial I think it would have to be in the Kendall area. I am leaning very strongly toward a  
37 LAMIRD.  
38

39 Hunter: The remark I found most compelling is a letter we got from a person indicating that for those  
40 people arguing in favor of this being a UGA and have a large population and industrial area, the person  
41 said if that is what you wanted why did you move here? This is a rural area. I feel some sympathy for  
42 that position. I see environmental reasons for at least having some basic commercial development, like  
43 a grocery store so people don't have to drive to Bellingham all of the time. As a legal matter we might  
44 very well be able to put a grocery store in the area if it were a LAMIRD, but as a practicable matter it's  
45 not likely to happen. As far as the other services my feeling is that over the next 20 years we won't  
46 have a population that is profoundly different whether it's a UGA or LAMIRD. If we still have the same  
47 population how is it that the LAMIRD is going to serve that population better with regards to these  
48 services that are needed such as fire, police, water, etc.? I am torn if this area should be a LAMIRD or  
49 UGA.  
50

RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION

January 29, 2009

Regular Meeting

---

1 Melious: There are difficult underlying environmental and planning issues. It's also difficult because I  
2 think we like to be guided by the public and there is no one public stand on this issue. There are two  
3 sides. This leaves us with a particularly unpleasant situation of feeling like we are picking winners and  
4 losers, which is not a nice position to be in. From what I have seen in the record and heard from people  
5 is that there is an interest in preserving the environment and the other is that I think we have enough  
6 evidence in our record for genuine needs for services and infrastructure. When I look at alternative 1 I  
7 see a clear vision for the Columbia Valley. The issue is can we do that given the state of infrastructure  
8 planning and funding? I'm not seeing that the record supports that it can happen. When I look at the  
9 LAMIRD alternative those impacts are clearly reduced but I'm not seeing anything there for the vision of  
10 the Columbia Valley UGA. Over the last few weeks I have asked a few different people, in different  
11 situations, if the LAMIRD alternative is adopted what will the Columbia Valley look like in 20 years. The  
12 answer from everyone has been "I don't know". If we have the same population, with genuine needs,  
13 then what impetus is there to do that planning that people recognize is necessary for that area if we  
14 have essentially adopted a containment alternative? I think the staff report is an effort to synthesize  
15 both of these concerns, which is probably why no one is supporting it.

16  
17 Wilson: I have concerns about fire service in the area. One of the concerns that was really heightened  
18 for me, in reading the SEIS, was the fact that we are already exceeding urban levels of service. That is  
19 an existing condition and I don't see how encapsulating the existing population is ever going to fix that  
20 problem. Those people are going to need resources to improve this. Putting people in a UGA, having  
21 commercial, etc gives the people a focal point. Some of the plans I have heard include a medical  
22 facility, a resource center, etc. that would be cut out of a LAMIRD. My concern is that if people can't get  
23 to Bellingham for medical services, etc. how are they doing themselves a service by cutting those  
24 things out of coming to their area? It seems like it would be a benefit to the fire district to have those  
25 services, not to mention we would be generating a much higher tax revenue which would benefit the  
26 school and the fire district. The way this area got this way in the first place is because, although there  
27 was good intent, on the part of the County Council in 1999 to create an area that would succeed, and  
28 there are policies that are conducive to that in the current Comprehensive Plan, there is actually no  
29 zoning to allow many of the things that they need. As such you end up with a residential community. It's  
30 not that the people didn't want to put in stores or build a warehouse, they have tried and failed because  
31 there is no zoning to support it. I feel it's our responsibility to figure out how to change that. I'm not sure  
32 that the LAMIRD alternative is going to do that.

33  
34 Menzies: If we did go with the LAMIRD what are the possibilities to develop a planned town center? Is  
35 there any way to expand that LAMIRD boundary to accommodate some sort of town center?

36  
37 Aamot: Within the LAMIRD shown there is really no space for a grocery store. It's all platted out.

38  
39 Menzies: I don't think this is the area where we want to see a lot of population growth. We don't want it  
40 to be a little city but there are clearly needs there.

41  
42 Aamot: There are three types of LAMIRDs. The first type can be residential, commercial, etc. and you  
43 have to draw a boundary around development as it existed in 1990, when the GMA was adopted. There  
44 is also a second and third type. One of those is a small scale isolated business LAMIRD. That can't be  
45 next to an existing LAMIRD. I think we would be taking a risk, before the GMHB, if we were to try and  
46 do that.

47  
48 Stalheim: There is the rule about when you draw the logical outer boundary there is the ability for you to  
49 look at the natural geographic features. That is where you might have some ability to have some areas  
50 that has a little outer growth. I'm not sure that it would exist in this case but that would be the only  
51 possible exception about not drawing the boundaries as tightly as we are looking at.

RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION

January 29, 2009

Regular Meeting

---

- 1  
2 Lesow: If we make a decision to go with a UGA and the Council approves that decision, what we are  
3 saying is that for the future we have decided that this is where we are going to grow. Growth will occur  
4 there because that's what we are saying will happen. Not only in the UGA but in the areas around it. Do  
5 we really want to do that? About 10 years ago Pt. Roberts had a very similar plan. We had planned for  
6 a town center, a little industrial area, etc., none of which materialized. So I have been able to look at  
7 this, through the experience that I had. Pt. Roberts has two sheriff deputies for a population of 1,600.  
8 We have a 3,500 square foot international market place, which has full service food, deli, video rental  
9 and is on septic. We do have public water. We have a hospital district. PDS is looking at making Pt.  
10 Roberts a LAMIRD. I don't think it's necessary to make an area a UGA because you need a grocery  
11 store.  
12
- 13 Wilson: I don't think we are making anything. This is already a UGA. It has been a UGA for 10 years.  
14 It's been UR4 for 20 years. Regarding your comparison to Pt. Roberts, the difference I see is that in  
15 your area, with 1,600 which is about one third of what we have already, apparently somebody had the  
16 foresight to create the zoning to allow you to have a grocery store. Now that we are going to make Pt.  
17 Roberts a LAMIRD the services already exist so we can draw a nice tight boundary around it and you  
18 have what you need. That never happened in the Columbia Valley. This area needs the opportunity to  
19 develop those things so they can succeed and handle their own infrastructure, etc. We can't go back  
20 and change what we didn't do for the last 10 years.  
21
- 22 Lesow: That's a very good point but one thing that bothers me about this is the industrial area that  
23 would be allowed near Limestone Road, which is close to Reese Hill Road. There is no way they will be  
24 able to get a lot of traffic on Reese Hill Road to Sumas. That is a very treacherous highway that will  
25 never be improved. It seems that the intersection in Kendall is a much more appropriate place for a  
26 grocery store.  
27
- 28 Wilson: Under the LAMIRD criteria the Small Town Commercial area would be reduced by over 30  
29 acres. They have major retail grocery stores saying the area is already too small and too patchwork as  
30 it is with 44 acres.  
31
- 32 Lesow: I think the question is whether you have the demand or the zoning. Zoning can change. In  
33 terms of the market demand you don't need a critical mass which was alluded to in the public hearing.  
34
- 35 Mann: Looking at one of the market research studies, that was commissioned by Balfour, they said that  
36 5,000 people is what's needed for a 44,000 square foot grocery store. Those people are already there  
37 so why don't we have a grocery store there?  
38
- 39 Wilson: It's very interesting because if I want to go to grocery shopping, go to a bakery, liquor store, or  
40 library, or get my hair cut I have to leave the urban area and go to the rural area to find that center  
41 where the commerce is. It's an amazing thing that we have grown this way in the Foothills. In the  
42 Columbia Valley there has been a steady growth rate, of about 13 percent, from 2000 to 2008. I looked  
43 at Maple Falls, which had a growth rate, over the same period, of 41.4 percent, Glacier had 272.5  
44 percent. I started to think that if I were a person that wanted to move to the Foothills, because I wanted  
45 a semi-rural area I would probably want to live near my shopping. I think the reason there is no grocery  
46 store is because they don't want to put it in a rural area and the population center is three miles from  
47 where it's allowed. The parcels in the area are patchwork, there are access issues in the area, and the  
48 community wants safety to be a priority at that intersection.  
49
- 49 Mann: Maybe we lack the right planning instrument to create a little commercial node in the middle of  
50 the Columbia Valley. We have learned that residential development does not pay for itself, so when you

RECORD OF PROCEEDINGS OF THE  
**WHATCOM COUNTY PLANNING COMMISSION**

January 29, 2009

Regular Meeting

---

1 think that providing sewer, water, fire, better roads is going to pay for itself with the increased  
2 residential development it's not true so commercial development is the way to go.

3  
4 Wilson: I agree that diversifying the tax base is really important here.

5  
6 Mann: Would you, personally, be happy if we were able to create a small town commercial node where  
7 Balfour Village is proposed but not let more population growth occur?

8  
9 Wilson: I don't think that's relevant. I think that it would be a recipe for failure. The commercial  
10 developers want to know that they can get new customers that will come from population growth.

11  
12 Menzies: If we retain the UGA I think there are going to be much greater options for development,  
13 which I think are needed to support the population that's there. That part of the staff report I like. I don't  
14 want to see the population expand which is what would happen with a UGA but I would like to see a  
15 planned town center and something that brings the community together.

16  
17 Lesow: There could be commercial development outside of the LAMIRD.

18  
19 Melious: What I'm hearing is that there is a concern that the UGA population in the staff report, of  
20 5,000, is going to grow. I'm not sure that's that case.

21  
22 Lesow: The area around it could grow. You can't say that if you are going to live out there that you have  
23 to live in the UGA. There are enough unplatted lots out there that it will grow.

24  
25 Melious: Isn't that true regardless of what we do?

26  
27 Wilson: It has been so far.

28  
29 Menzies: It doesn't make sense to me that this be an area where we have a growing population but I  
30 think the population that is there needs to have some basic services.

31  
32 Wilson: The committee, that worked on this for two years, recommended some safeguards. One was  
33 the reduction of 150 acres at the south end to keep it from encroaching on the Mt. Baker Highway so it  
34 doesn't ruin the tourist feel of that area. We forget that the resource in this area is tourism and we have  
35 to keep that in mind when developing this plan. Also I don't see any environmental impacts in the EIS  
36 that can't be mitigated. That is going to take human resources and financial resources and I think the  
37 private sector is going to be a main contributor to a lot of that and we do ourselves a disservice when  
38 we cut back a potential funding source.

39  
40 Lesow: One thing that we haven't discussed yet is the social situation out there. It was eluded to, by  
41 County Council member Crawford, about the wild west atmosphere in the east county. Even if the  
42 majority of people in the area were for this UGA I would still have grave misgivings about it. One thing  
43 that I am haunted by is the ghost of Abbotsford, B.C. I moved to Canada 25 years ago and at that time  
44 Abbotsford was a very small city, much like Lynden, full of rural values. It now has 100,000 people and  
45 the highest crime rate in Canada. It is a bad place to live. One thing that Abbotsford has done is grow.  
46 They have taken land out of the agricultural land reserve and put it in industry. Abbotsford is a little  
47 cheaper to live in than Vancouver so often times people come in from the other parts of Canada, just  
48 like they do in Whatcom County, thinking it's going to be a better place for them but often time they  
49 bring problems with them. The kids get bored and get in trouble. I have the same feeling about things I  
50 have heard out of the Columbia Valley. Maybe it's because there are a lot of houses, not many services  
51 and not many things to do. Are we going to rectify this situation by throwing in more houses and some

RECORD OF PROCEEDINGS OF THE  
**WHATCOM COUNTY PLANNING COMMISSION**

January 29, 2009

Regular Meeting

---

1 industry so people can live where they work? The idea that people have to live, work and shop in the  
2 Columbia Valley doesn't make any sense. People need to get out and move around.

3

4 Wilson: Did they fail to provide appropriate zoning too?

5

6 Lesow: Land use in Canada is a lot different from land use here.

7

8 Hunter: I am not persuaded by anecdotal evidence. I think what happened in Abbotsford is related to  
9 Abbotsford and Canada. I really want to figure out what makes the most sense for the people who live  
10 in the Foothills in combination with what makes sense for Whatcom County generally. This area has  
11 been a UGA for quite a while and hasn't expanded very much. More people move in but I don't think  
12 the environment has changed very much.

13

14 Mann: In the staff report it is stated that plans are in place to fund some of the infrastructure needs. Can  
15 I get more detail?

16

17 Aamot: What we are saying in the staff report is that the existing population allocation is 5,000 for the  
18 existing UGA and there is not capital facility planning in place for a variety of services, particularly  
19 sewer and fire, to serve additional population. As far as money coming in for this, a capital facility plan  
20 would look at that issue. The fire district would need to determine how much revenue they can raise  
21 from taxes and from other sources. The County really doesn't have a role in providing revenue for a  
22 district.

23

24 Mann: Right, but in the staff report you say there are strategies to work through those issues and retain  
25 a UGA in the area. I wasn't really reassured.

26

27 Aamot: Until and unless districts develop capital facility plans the strategy would be to not allocate any  
28 more population than they are allocated at the current time.

29

30 Mann: Is that one of the reasons you kept the population at 5,000?

31

32 Aamot: Yes.

33

34 Lesow: I think the problem is there's a lot of plans but not a lot of money. Is there anyone here from  
35 Water District #13 who can elaborate on their letter regarding servicing any expansion?

36

37 Phil Cloward: The district was going to meet over the letter and develop a consensus opinion. I was  
38 erroneously led to believe that we were going to have consensus in the opinion. This letter is not  
39 acceptable to me. I am now in the position of saying I am going to have to take other action because I  
40 can not stand here and listen to what was in the letter.

41

42 Tom Watkins: The intent of the letter is to be used in the planning process to tell the people that are  
43 making the decisions that the upgrades to our plant and the infrastructure is going to have a heavy  
44 financial price. There are unknown things, at this time, and we don't know if we can even get loans.  
45 The letter you received was a vote of the majority of the board.

46

47 Wilson: The letter states that the infrastructure upgrade would suffice in serving the area with growth  
48 patterns as they have been over the last 20 years. Alternative 1 population figures seem to be  
49 supported by the growth patterns over the 20 years. Are you indicating that the one million dollars to  
50 bring the plant up to date would be able to support that over the next 20 years? I know that substantial

RECORD OF PROCEEDINGS OF THE  
**WHATCOM COUNTY PLANNING COMMISSION**

10

January 29, 2009

Regular Meeting

---

1 offers have been made by developers in the area in excess of that amount for those upgrades. Would  
2 that be a significant source of revenue to help you with that? How would you come up with it otherwise?  
3

4 Watkins: The plant does need to be fixed and brought up to the standards of 2009. It's been almost 25  
5 years since anything has been done to it. We have to do that regardless of what happens in the  
6 planning process.  
7

8 Menzies: Are you under an order from the DOE to make those improvements?  
9

10 Watkins: Basically they have standards we have to meet.  
11

12 Mann: We have been hearing about this Foothills project for years and no one has yet told me how all  
13 of these upgrades are going to happen. There's not enough money to make it happen and if we just go  
14 ahead and allow a bunch more houses to be put in I worry that we are just putting an additional burden  
15 on the existing services, residents and the County. That makes me not want a UGA there.  
16

17 Melious: Does the County have concurrency requirements and permit requirements so there is  
18 assurance that this will be handled and paid for or will development proceed without the infrastructure?  
19

20 Aamot: We do have concurrency requirements for transportation, water and sewer. The developer has  
21 to get a letter from the water or sewer district stating they can serve the proposal before a subdivision  
22 can be approved.  
23

24 Melious: Does that mean that the developer is going to be paying for it?  
25

26 Aamot: No. It means that they have to negotiate with the water and sewer purveyor. What the County  
27 requires is a letter from the service provider saying they can serve it. The provider has to determine  
28 how it's paid for.  
29

30 The concurrency ordinance does not apply to State highways, however, which are the main routes in  
31 and out of this area.  
32

33 Menzies: We heard testimony about an incorporation study and someone mentioned a revitalization  
34 study. Who paid for Birch Bay's incorporation study?  
35

36 Aamot: The County.  
37

38 Menzies: Would the County pay for a study in the Foothills?  
39

40 Aamot: There is no study planned now, but in the implementation chapter there is mention of an  
41 incorporation study which would be County funded.  
42

43 Menzies: To me it seems unlikely that this area would incorporate in the next 20 years.  
44

45 Aamot: That's what the position of the plan is.  
46

47 Lesow: I have some concerns about some things in the staff report. One is the transportation study that  
48 was almost five years old and fundamentally flawed in its inception and very slipshod. The school  
49 enrollment data was wrong. The illusion was that it's going up when in reality it's going down. The idea  
50 that we need predictability so that what we thought would be a good idea in 1988 is something that we  
need to carry forward. People come and people go and I think that is going to happen in this area too.

RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION

January 29, 2009

Regular Meeting

---

1 That's what people do. To go with something that we thought was a good idea in 1988 is not very  
2 persuasive for me.

3  
4 Menzies: I have a question about the letter we got from the County Library System. It states they are  
5 planning on building a library in the Kendall area. Would that be impacted by alternative 3?

6  
7 Aamot: It would still be in the Small Town Commercial.

8  
9 Wilson: What kind of impact fees does the County get from people who put up houses on five acre lots  
10 in the rural areas?

11  
12 Aamot: We don't get any impact fees at the current time. There is work being done on a school impact  
13 fee ordinance.

14  
15 Mann: Is there any reason you why you can't put a Small Town Commercial zone just outside of the  
16 LAMIRD?

17  
18 Aamot: The distinction is that you have existing development, that existed prior to 1990, in Kendall.

19  
20 Stalheim: I don't think that's likely.

21  
22 Menzies: What is the largest piece of vacant land left within the LAMIRD area?

23  
24 Aamot: Most of it is small lots.

25  
26 Wilson: A lot of work went into this plan by the committee and I think the plan is extremely  
27 representative of what I, as a participant in that process, believe I heard. I do note that the public  
28 comments showed there is a split between what people say they want. One thing that was hard for me  
29 to ignore was there was a petition from the Slavic community, signed by 115 people, saying they want  
30 to be able to walk to services. In the Comprehensive Plan there is a mandate to draw a firm distinction  
31 between urban and rural. This area is urban and needs urban services.

32  
33 **Vote on motion to retain a UGA in the Columbia Valley as recommended by the staff report:**  
34 **Roll Call Vote: Ayes – Hunter, Melious, Wilson; Nays – Lesow, Mann, Menzies, Steensma;**  
35 **Abstain – 0; Absent – Belisle, Burdge. The motion failed.**

36  
37 **Hunter moved to accept the staff's recommendation both in regards to the UGA and population.**  
38 **Wilson seconded.**

39  
40 Lesow: I'm uncomfortable with the 5,000 population figure. It seems like an arbitrary figure that was  
41 pulled out of the air.

42  
43 Stalheim: 5,000 is the current Comprehensive Plan allocation number. It is not an arbitrary number.

44 Lesow: Do we have any figures of exactly what the population is?

45  
46 Aamot: For the Columbia Valley what we did was look through our GIS system at the Assessor's  
47 records that coded parcels for dwellings to figure out how many dwellings there were. There are  
48 approximately 1,381. We then looked at vacancy based upon water district records. We looked at  
49 dwellings that were using a lot of water versus ones that were using no or little water to try to determine  
50 how many were vacant and seasonal. We then applied the person per household figure from the 2000  
51 census to come up with the estimate of the 2006 population.

RECORD OF PROCEEDINGS OF THE  
**WHATCOM COUNTY PLANNING COMMISSION**

January 29, 2009

Regular Meeting

---

- 1  
2 Lesow: For a resort area like this the population varies.  
3  
4 Aamot: A lot of the Columbia Valley has transitioned from seasonal to permanent housing because of  
5 the affordability of homes there.  
6  
7 Mann: This was not originally a good place to put urban growth, for a variety of reasons. Is the cure  
8 then to add more people? I like the concept of Balfour Village but I have a problem with the location. If  
9 we do make this a UGA we don't have any assurances that Balfour Village will even happen or happen  
10 the way it's been planned. There is a lot of hope and unknowns placed on the UGA with Balfour Village  
11 as the savior of the Columbia Valley. Having a lot of hope is not really planning. I don't know that  
12 adding a lot more people will bring a grocery store, light industrial and jobs.  
13  
14 Hunter: It seems that by maintaining the current population projection and extending it we are not  
15 looking, in the short term, to bring in a large population, anymore that has happened so far. We are  
16 looking to figure out a way to have the services provided to this population. That is the only upside I see  
17 to this. There is a substantial number of people out there that moved there with the idea that they were  
18 moving into a UGA and services might be coming to them at some point. Even if they didn't think that  
19 they need services.  
20  
21 Melious: Planning is always a shot in the dark. There is a lot of hope and it's beyond our control. My  
22 problem with the alternative is drawing a line around what we have when I don't think anyone is happy  
23 with what we have. By just drawing this line and washing our hands of it is not planning. I think we need  
24 to provide services out there.  
25  
26 Menzies: I want to bring to our attention finding #13. One of the reasons I originally supported staff's  
27 recommendation with alternative 1 was that it would provide some commercial uses in the core area.  
28 Finding #13 states: "Encourage development in urban areas where adequate public facilities and  
29 services exist or can be provided in an efficient manner." The Foothills is not a place where I think we  
30 should be urbanizing. The only benefit to the reduced UGA, with the 5,000 population figure, is that it  
31 will provide some of those services that the community is lacking now. I think the people there need to  
32 have a sense of community and a core area.  
33  
34 Wilson: I want to address infrastructure. I think the reason it's in the state it's in is because good  
35 planning hasn't happened here. This is a UGA that hasn't been allowed to grow, develop and succeed  
36 the way that was originally envisioned. I think we may be a little too forward looking when we say there  
37 aren't adequate services or that those services can't be provided in an efficient manner. The way I view  
38 the subarea plan and the way it was created was designed to actually try and mitigate some of the  
39 problems that have occurred from poor planning in the past and to create a more efficient land use  
40 model which would force any new development into a small area where services exist.  
41  
42 Mann: Since when has 5,000, or any other population projection, been a cap? Even though I want  
43 these people to have some services I don't see how the UGA actually makes that happen.  
44  
45 Hunter: I don't think the 5,000 is a cap, it's meant to be used as a planning figure. Hopefully, associated  
46 with that figure will be policies to provide services commensurate with that projection. The difference  
47 between what I think might happen, if it's still a UGA, and for certain will not happen, if it is a series of  
48 LAMIRDs, is a thoughtful preparation of plans for where the population will go, what resources will be  
49 made available and how they will be paid for as part of a UGA. We need to keep in mind that whether  
50 it's a LAMIRD or UGA people will continue to move in there. The difference will be that there would be  
51 more planning with a UGA.

RECORD OF PROCEEDINGS OF THE  
**WHATCOM COUNTY PLANNING COMMISSION**

January 29, 2009

Regular Meeting

---

1  
2 Lesow: Let's not loose sight of the fact that there are rural values we need to address. Those rural  
3 values are different that urban values. We need to honor that. We also need to remember that this is  
4 the Foothills Subarea Plan not the Columbia Valley Subarea Plan. There are people outside of the  
5 Columbia Valley UGA that have legitimate concerns about what we are contemplating. There are  
6 people in Glacier and Maple Falls that won't benefit from this UGA but will be affected by it.

7  
8 **Menzies proposed a friendly amendment that any additional encroachment into the UGA is**  
9 **delayed until the quantitative ground water study is completed and the sewer plan is updated.**

10  
11 Hunter: Can that be enforced?

12  
13 Aamot: We have existing lots out there. Are you talking about no further land division?

14  
15 Menzies: I'm saying no further development in the UGA.

16  
17 Aamot: If someone has an individual lot they want to build on can they?

18  
19 Menzies: They could in the UGA but not outside of it.

20  
21 Hunter: What if there are vested lots in there?

22  
23 Menzies: I am talking about development at four units per acre.

24  
25 Wilson: It seems that the existing permit process would ensure that appropriate mitigation were in  
26 place. It's essential that infrastructure is in place. This amendment seems redundant. A plan can take 5  
27 to 500 years to be done.

28  
29 Menzies: I'm not a big believer in a lot of the mitigation we talk about.

30  
31 **Hunter accepted the amendments.**

32  
33 Wilson: I would like to share something from the letter we received from the Water District #13. It is the  
34 test results from the two source wells. "These sources are west of SR547 and indicate the following  
35 results: Well number 1 pumped at 1,290 gallons per minute, for 12 hours, with a drawdown of 2 feet  
36 and instant recovery. Well number 2 pumped at 475 gallons per minute, with a 10 inch drawdown and  
37 recovery within 3 minutes. These standards far exceeded requirements for residential or fire capacity."  
38 I'm not aware of an immediate need to have something as severe as what you are wanting in place  
39 before you can put something on the ground. I would be concerned that by putting something that  
40 severe in place, before you put something on the ground, you may not be able to attract that private  
41 investment that could pay for the level and quality of study that you might want to do. We talk about  
42 mitigation never happening but I think we should make mitigation a requirement for some of these  
43 things. Who is going to pay for it without the development? The area has about 1,200 septic systems  
44 that are getting older and eventually something will need to be done with them and that has nothing to  
45 do with new development. The only way that will ever be mitigated is if we get in a financial position to  
46 deal with it. I don't want to do anything that would hinder the possibility of investment from the private  
47 sector.

48  
49 Menzies: So you don't have a concern about how development would impact the surface or ground  
50 water? Are you confident that all of the mitigating conditions will address all of those?

51

RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION

January 29, 2009

Regular Meeting

---

1 Wilson: I think that the EIS has looked at those and these issues have been identified.

2

3 Wilson asked for clarification on the sewer issue.

4

5 **Menzies clarified the motion to amend to read: There must be a completed sewer plan prior to**  
6 **further land divisions at urban densities.**

7

8 Menzies: I would like to know from one of the commissioners from Water District #13 if this is  
9 something they would like to do before rather than after? Is it doable within a reasonable amount of  
10 time so that the community knows what to expect?

11

12 Richard Whitson: I don't believe I have the technical background to talk a lot about this but I do know  
13 that three to four months out of the year we violate our BOD permit so your comment that just because  
14 we have available connections doesn't mean we can process it correctly. That is a concern of mine.

15

16 Menzies: So when you are looking at updating the plant that is something that you would consider?

17

18 Whitson: If you are asking me as an individual I would say yes, but I want to be very careful not to  
19 speak for the four other commissioners.

20

21 Wilson: How are we going to get past this issue? The money is an issue.

22

23 Whitson: I can't speak for the district. We will be having a meeting coming up soon which is open to the  
24 public.

25

26 **Wilson did not accept the friendly amendment.**

27

28 Lesow: From a political point of view the septic inspection ordinance met a lot of resistance when  
29 Council considered it. I am also concerned about an issue that occurred a few years ago, when we  
30 were growing like crazy, in that we had over 1,000 outstanding code enforcement violations. When we  
31 talk about adding more rules and regulations, particularly in an isolated area, I think you will find that a  
32 lot of matters are going to seep through the sieve. What is going to happen is there is going to be  
33 further degradation even if there are rules in effect.

34

35 Menzies: I'm not talking about new rules and regulations, I'm talking about something that they have to  
36 do anyway which is to update the sewer plant and I would like to see it done now rather than over the  
37 next 10 to 15 years.

38

39 Lesow: Where would the oversight be?

40 Stalheim: An updated sewer plan would have to be approved by the Department of Ecology.

41

42 **Menzies then moved: There must be a completed sewer plan (approved by the Department of**  
43 **Ecology) prior to further land divisions at urban densities. Mann seconded.**

44

45 Wilson: Do you know the time frame for completion of the sewer plans for the two districts in the  
46 Columbia Valley?

47 Aamot: I don't know.

48

49 **The motion to amend carried.**

50

RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION

January 29, 2009

Regular Meeting

---

1 **Roll Call Motion: Accept the staff report recommendation for both the UGA retention and**  
2 **population figure and there must be a completed sewer plan (approved by the Department of**  
3 **Ecology) prior to further land divisions at urban densities. Ayes – Hunter, Melious; Nays –**  
4 **Lesow, Mann, Menzies, Steensma; Abstain - Wilson; Absent – Belisle, Burdge. The motion**  
5 **failed.**

6  
7 Mann: Since both votes failed are we automatically saying we want a LAMIRD?

8  
9 Melious: I don't see a lot of other alternatives. We have before us four alternatives. Three have a UGA  
10 and one has a LAMIRD. If we are saying no UGA that leaves us with one alternative, so I think we have  
11 answered the question.

12  
13 Stalheim: Should we have a positive motion to that effect?

14  
15 **Hunter moved to accept Alternative 3 of the staff report. Lesow seconded. Roll Call Vote: Ayes –**  
16 **Hunter, Lesow, Mann, Menzies, Steensma; Nays – Melious, Wilson; Abstain – 0; Absent –**  
17 **Belisle, Burdge. The motion carried.**

18  
19 The meeting was adjourned at 10:00 p.m.

20  
21 Minutes prepared by B. Boxx.

22  
23  
24 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

25  
26  
27  
28  
29 \_\_\_\_\_  
30 Jean Melious, Chair

\_\_\_\_\_

David Stalheim, Secretary

31  
32  
33  
34  
35