

RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION

1

April 16, 2009

Regular Meeting

1 **Call to Order:** The meeting was called to order, by Whatcom County Planning
2 Commission Chair, Jean Melious, in the County Council Chambers at 6:40 p.m.

3

4 **Roll Call:**

5 Present: Jean Melious, Rabel Burdge, Ken Mann, John Lesow, Geoff Menzies, David
6 Hunter, John Steensma, John Belisle

7 Absent: Sean Wilson

8

9 **Staff Present:** David Stalheim, Gary Davis, Samya Lutz, Michelle Stiles, Becky Boxx

10

11 **Director's Dialog**

12

13 Stalheim: On the County website you can review the results of the Legacy survey. It
14 established some pretty good benchmarks for a lot of the planning activities that we are
15 taking on. There appears to be a split in some of the Growth Management Act (GMA)
16 issues. The question that was asked was whether or not Whatcom County, in 50 years, is
17 going to be worse or better. 41 percent of the respondents said it would be worse and 44
18 percent said it would be better. This kind of pattern is something that is repeated in
19 another question later in the survey. One of the issues people spoke of was protecting
20 farmland and rural areas. Over 72 percent of the people felt that protecting working
21 farmland was either urgent or high priority for Whatcom County. Over 60 percent felt that
22 rural open spaces for recreation and wildlife were urgent or high priority. On the flip side
23 81 percent of the people felt that adding houses in existing neighborhoods is something
24 that they would support. The other split question was whether local government should
25 try to slow down population growth. 44 percent strongly or somewhat agreed with that
26 statement, while 41 percent somewhat disagreed or strongly disagreed with that.

27

28 As you know the other thing we have been working on is the Urban Growth Area (UGA)
29 review process. I forwarded you some of the preliminary city proposals for allocation
30 requests for population and employment. The one city that had not submitted anything
31 yet was Blaine. We now have a tentative proposal from them. We haven't gotten a
32 proposal for the Birch Bay area.

33

34 The draft EIS, for the UGA review, is going to be out on May 8th. We are looking at quite a
35 long public comment period. The cities have been asked to submit the rest of their
36 proposals by June 1st. We are hoping they will submit boundary proposals to meet their
37 population allocation requests.

38

39 We are reworking your schedule. There are a few housekeeping issues to work on before
40 we get into the bigger issues. The UGA review and the rural areas will be your work
41 program for the next six to nine months.

42

43 We had scheduled April 30th for the deliberations after you hear public comment on the
44 rural areas tonight. We have heard several of you won't be available that night so we
45 need to look at some other options. We could meet on April 23rd or form a subcommittee
46 that staff could work with who could then make recommendations to the full Commission
47 then we could meet on May 14th to take up that recommendation.

48 Lesow: What did Council do about the light and noise portion of the EIS?

RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION

April 16, 2009

Regular Meeting

1
2 Stalheim: They are folded into other elements of the EIS. I don't remember which
3 sections.

4
5 Lesow: I would like to know that. Could you find out?
6

7 Stalheim: I will get that for you.
8

9 Menzies: At what point will Blaine look at their UGA and propose changes?
10

11 Stalheim: We have set a deadline of June 1st. I'm not sure that Blaine will make a
12 proposal.

13
14 Menzies: Do they have to go through a public process for that?
15

16 Stalheim: Most jurisdictions would like to go through a public process and most of them
17 are. They are not required to amend their plan so they don't have to go through the whole
18 process like we do. If the city does not make a proposal then the County will make the
19 proposal for them.
20

21 Lesow: Director Stalheim, as you know I was a real fan of your predecessor and thought
22 you had some big shoes to fill. I want to acknowledge two things. One was your
23 questioning of the wording of the CPAL letter. You had an excellent response to that. The
24 other was something that I read in the paper regarding the King Mountain annexation
25 proposal. I think you did a very good job of representing the County's interests. Thank
26 you.
27

28 **Open Session for Public Comment**
29

30 There was no public comment.
31

32 **Commissioner Comments**
33

34 Burdge: I want to point out that John Lesow is receiving an award from the Washington
35 Press Association for the article he did on UGAs in the Whatcom Independent this past
36 year.
37

38 Lesow: I have distributed copies of an excellent article from the November 2008 issue of
39 *National Geographic* called "The End of Night". It's certainly worth reading regarding the
40 impact of light that we are seeing in our word and community. This is a problem that is
41 going to be coming to Whatcom County very soon. I live adjacent to Delta, B.C. and there
42 has been a proliferation of greenhouses there. A greenhouse operation lights up the night
43 sky. This can have an effect on migrating birds, neighbors, etc. That is why I would like to
44 see light impacts analyzed in terms of developments that are coming down the pike. I
45 have a friend, who is a pilot, and he says flying over these greenhouses in Delta, at night,
46 is like looking at the fire bombing of Dresden.

47 **Approval of Minutes**
48

RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION

3

April 16, 2009

Regular Meeting

1 March 26, 2009: Lesow corrected page 2, line 26 to read: I kept hearing from Mr. ??
2 Quehrn.

3
4 Lesow corrected page 2, line 29 to read: I don't think that type of presentation is helpful.

5
6 Mann moved to approve the minutes as corrected. Lesow seconded. The motion carried.

7
8 **Public Hearing**

9
10 **File #CMP2008-00012** - To consider changes to the Rural Element of the Whatcom
11 County Comprehensive Plan and to Whatcom County's development regulations pertaining
12 to land uses and densities in rural areas of the County.

13
14 Melious: I want to disclose that I have represented Friends of Chuckanut, which is a non-
15 profit group that is opposed to the current proposal for Governor's Point. Governor's Point
16 is an area of land, that along with some other land along Chuckanut, is under
17 consideration for LAMIRD status in the rural element. I have consulted with the County
18 Prosecutor's Office who stated there is no reason to recuse myself because this is a
19 Comprehensive Plan amendment and a major policy change, not an adjudicatory action.
20 We aren't applying any policies to this particular property.

21
22 The Commission had no issues regarding this.

23
24 Davis: Before the public leaves we should decide when to meet again on this issue.

25
26 The Commission agreed to meet on April 23rd.

27
28 Davis: The main focus of tonight is to discuss policy issues and the options. At the next
29 meeting we hope you will select options upon which draft amendments will be based.

30
31 An important distinction to make is that we are only looking at the rural lands, not the
32 urban lands or resource lands.

33
34 In 2005 the County was found out of compliance with the GMA in two major issues. One
35 was that our Comprehensive Plan designations of Small Town, Crossroads Commercial,
36 Resort and Recreational Subdivisions, Suburban Enclaves, Gateway Industrial, and
37 Transportation Corridors zones were found to be out of compliance. Also the rural zones,
38 Rural RR1, RR2, RR3, E1, R2A and RRI were found to be out of compliance as well. This is
39 because they allowed a minimum of less than five acres.

40
41 Staff showed a map of the affected areas.

42
43 Davis: The affected area is about 20,000 acres and affects about 20,000 parcels. We sent
44 out postcards to the property owners affected by this which is about 17,500. We had four
45 public meetings with about 350 people attending.

46 Staff showed maps of current uses and uses in 1990.

47
48 Davis: We have divided the LAMIRDS into three types as they are listed in GMA.

RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION

April 16, 2009

Regular Meeting

- 1
2 Type 1 is going to be the most common. These are what we are proposing to be called
3 Rural Centers. There are different types of criteria for these. The first is the designation
4 criteria. This answers the question of where should these Type 1 LAMIRDs be located?
5 • In areas that were characterized by more intensive development as of 1990, both
6 residential and non-residential.
7 • They are not currently designated as a UGA or resources lands.
8 • They are not adjacent to a UGA or another LAMIRD, regardless of type.
9

10 All of these criteria would have to be met to be considered a Type 1 LAMIRD.

- 11
12 Additional designation criteria is:
13 • An area that has historically served as a hub of public and commercial services.
14 • Is not subject to critical areas constraints that result in substantial development
15 restrictions.
16 • The existing 1990 built environment was more intensively developed than
17 surrounding areas.
18 • There are few environmental constraints on water, sewer and septic.
19 • Urban governmental services are available to serve potential infill.
20 • The area is planned for more intensive development in the local subarea plan.
21

22 At least one of these criteria is required.

23
24 Staff showed a map of the proposed Rural Centers.
25

- 26 Davis: In addition to the locational designation criteria more detailed criteria about how
27 you draw the outer boundary needs to be examined. The criteria would include:
28 • Parcels that were intensively developed on July 1, 1990
29 • Parcels that on July 1, 1990 were not intensively developed if they meet any of the
30 following conditions:
31 ○ Helps preserve the character of an existing (built) natural neighborhood
32 ○ Allows the boundary to follow a physical boundary
33 ○ Prevents the logical outer boundary from becoming abnormally irregular
34 ○ Is consistent with efficient provision of public facilities and services
35 ○ Does not create a new pattern of low-density sprawl
36

- 37 Davis: Moving on to the Type II LAMIRD, these are ones that are specific to recreational
38 and tourist type uses. Again this is called out in the GMA. They consist of lots with existing
39 or new small scale recreational or tourist uses, including limited commercial uses that
40 serve the recreational or tourist uses and consider the following:
41 • They must rely on rural location or setting.
42 • They may include existing (1990) residential development but not new
43 development.
44 • They may serve more than local existing and projected rural population.
45 • Public services and public facilities shall be limited to those necessary to serve the
46 recreation or tourist use. It does not permit low-density sprawl.
47

48 There are no outer boundary requirements.

April 16, 2009

Regular Meeting

1
2 Davis: The Type III LAMIRD would be the small business LAMIRD. They are lots containing
3 isolated nonresidential uses or new development of isolated cottage industries and
4 isolated small businesses. Proposed criteria include:
5 • It does not need to principally serve the existing and projected rural population but
6 must provide job opportunities for rural residents.
7 • It is within a commercial zoning district at the time of the original designation.
8 • Is not located within one-half mile, by public road, or another LAMIRD, regardless
9 of type.

10
11 There are no outer boundary requirements.

12
13 Davis: There are ten issues we have set out.

14
15 1. What is rural character?

16
17 This goes beyond a general description of what is good to have in a rural area. How does
18 that translate into densities and uses as we make policy in the Comprehensive Plan? Both
19 within the designated LAMIRD areas and outside of them. What is the appropriate
20 residential density? If areas need to be rezoned to a more rural type of density what
21 would that be? What we have found in our input from the public is that most people feel
22 that five acres is a good minimum. In our survey we found that 72 percent of people said
23 that an appropriate minimum lot size in rural areas would be five acres or more.

24
25 What types of commercial uses are appropriate in a rural area?

26
27 2. Which areas are most appropriate for Type I LAMIRD designation?

28
29 This gets down to a question of infill. Under GMA and our proposed criteria a Type I
30 LAMIRD would allow properties that are already intensively developed as of 1990 and
31 those that have been developed more recently or not yet subdivided to the maximum
32 allowed. There is infill potential within this type. It becomes a question of which areas are
33 more appropriate to allow that infill development to occur and which are less appropriate?

34
35 There are three different approaches that we have identified.

- 36 • Option A. Designate Type I LAMIRDs in as much of the affected area that will meet
37 GMA outer boundaries.
38 • Option B. Designate Type 1 LAMIRDs in only the affected areas where infill is most
39 appropriate.
40 • Option C. Designate no Type I LAMIRDs, allowing no infill.

41
42 3. How should the County evaluate potential LAMIRDs adjacent to UGAs?

43
44 Right now what we are proposing goes along the lines of Option A. Option B would be
45 LAMIRD designations adjacent to UGAs, with justification. In our review of the GMHB
46 cases we found that in most cases they did not support LAMIRDs being designated next to
47 UGAs.

48

RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION

April 16, 2009

Regular Meeting

1 4. To what extent should critical areas influence Type I LAMIRD designation?

2
3 This was a suggestion that came out the Planning Commission discussion. There are
4 different ways of looking at critical areas as a part of our criteria.

- 5
6 • Option A. Would evaluate on a parcel by parcel basis to determine whether
7 individual parcels are appropriated for infill and should be included in a Type I
8 LAMIRD.
9 • Option B. Evaluate on an area-wide basis to determine whether an area is
10 appropriate for infill and should be designated a Type I LAMIRD.
11 • Option C. No critical area consideration. Existing critical area ordinance provisions
12 would provide the protection needed.

13
14 5. To what extent should existing urban governmental services and service area
15 boundaries, particularly water and sewer, influence Type I LAMIRD designation and
16 boundaries?

- 17
18 • Option A. Consider existing public utility services, particularly sewer as a criterion
19 for designating an area a Type I LAMIRD (but not the sole criterion).
20 • Option B. Existence of public utility services should not be a criterion for
21 designation.
22 • Option C. Consider existing public sewer services as a criterion only when not
23 adjacent to a UGA.

24
25 GMHB decisions have said sewer service can be a criteria, but not a guarantee or the full
26 criteria for determining LAMIRD designation. That is kind of the approach we are taking in
27 our recommendations.

28
29 6. Should Type I LAMIRDS, "Rural Centers" be designated only for commercial areas,
30 or should they include adjacent residential or even exclusively residential areas?

31
32 A lot of these rural centers have a residential component to them. Does it make sense for
33 us to include both the residential and commercial elements of that? If we do then how do
34 we do it? Do we separate them out into a commercial designation and a residential or do
35 we put them all into one?

- 36
37 • Option A. Rural Centers should include only commercial areas within existing
38 (1990) small towns and crossroads commercial areas.
39 • Option B. Rural Centers should include commercial areas and adjacent residential
40 areas within existing (1990) small towns and crossroads commercial areas.
41 • Option C. Same as Option B, also designating existing (1990) residential areas
42 where new infill is appropriate.
43 • Option D. Same as Option B or C, separating the Rural Center designation into
44 residential and commercial Rural Center designations.

45
46 Davis: We have done a survey of other counties and we have included that information in
47 your packet.

48

RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION

7

April 16, 2009

Regular Meeting

1 Lutz: Skagit County has many different kinds of LAMIRD designations. For Type I they
2 designate seven types. Some are only for commercial. Residential is not allowed. Some
3 are only for residential and commercial is not allowed. Some are mixed use.

4
5 San Juan County does the same thing.

6
7 Mason County has only two mixed use designations, but at different scales.

8
9 The GMA clearly says that the uses for LAMIRDs must be similar to the use, scale, size or
10 intensity of the uses that existed as of July 1, 1990. The counties do have choices as to
11 specificity of that. Some counties have very prescriptive zoning. Some have very general
12 guidelines.

13
14 Davis: The question would be how complicated do we want to get with these
15 designations? It depends on what you feel is appropriate in these areas.

- 16
17 7. How should the County change the zoning for residential zones outside the Type I
18 LAMIRDs?

19
20 This is the issue of what are the appropriate minimum lot sizes and what are the
21 appropriate uses?

- 22
23 • Option A. Amend the zoning map to change the residential zoning classifications in
24 all areas outside Type I LAMIRDs to Rural Five Acres (R5A).
25 • Option B. Amend the zoning code to require a minimum lot size of five acres in all
26 residential zones outside Type I LAMIRDs.

- 27
28 8. How should the County address commercial and industrial zones outside the Type I
29 LAMIRDs?

30
31 This is a big issue that we want to be able to spend a lot of time on. There will be areas
32 that have isolated small businesses that end up being located outside of where we draw the
33 logical outer boundaries for these LAMIRDs. How do we deal with those? We need to treat
34 them fairly but at the same time meet the requirements of the GMA.

- 35
36 • Option C. Designate the lots as Type III LAMIRDs and retain commercial zoning.
37 • Option C(1). Adopt spacing criteria that mandates certain distance by road between
38 Type III LAMIRDs and other LAMIRDs or UGAs (possibly with more strict spacing
39 requirements for proposed new businesses than for existing businesses).

- 40
41 • Option C(2). Review all business throughout the county. Whether on commercial or
42 industrial zoned land or on rural or residential zoned land with a legal
43 nonconforming status. Designate as Type III LAMIRDs with the appropriate
44 underlying zoning.

- 45
46 9. Should the County make changes to zones that allow urban uses, both inside and
47 outside Type I LAMIRD boundaries?
48

RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION

April 16, 2009

Regular Meeting

1 This gets to the issue of commercial zones that may have uses that are more urban in
2 nature.

- 3
- 4 • Option A. Amend the zoning map to change the urban zones to a corresponding
 - 5 rural zone consistent with rural character.
 - 6 • Option B. Amend the zoning code to revise permitted and conditional uses to make
 - 7 the zones more consistent with rural character.
 - 8 • Option C. Within Type I LAMIRD boundaries, make no changes and allow the
 - 9 current uses and densities to remain (rezoning to five-acre zoning outside those
 - 10 boundaries).

11

12 10. Should the County provide for transfer of development rights (TDR) from rezoned
13 areas outside LAMIRD boundaries?

14

15 There are issues with this. There is a very limited market for TDRs. Studies show this may
16 not be successful.

17

18 The hearing was opened to the public.

19

20 David Moody, Whatcom County: I would like to address the downzoning of the area
21 known as Gateway Industrial zoned at Birch Bay exit and I-5. This property is bordered by
22 the Burlington Northern Rail line, Old Highway 99, and I-5. It ranges from 250 feet deep
23 to 600 feet. There is a shopping center, a major nursery, various other businesses and
24 two residences. To go back to calling this residential single family five acre minimum
25 essentially makes to logical sense. Not to mention the over 80 million dollars of value of
26 the investments that have been made here. Regarding that the use has to revert back to
27 what was used in 1990 there were three clients after the GMA was brought forward and
28 during that period of compliance it was allowed to have that zoning. Many of the owners
29 bought based on the zone that is there. It's really important that these commercial and
30 industrial uses continue after you make your changes.

31

32 Adam Ware, Skagit County: I am here representing one of the properties mentioned by
33 Mr. Moody. I am one of the owners in Birch Bay Square, formerly known as the Factory
34 Outlet Center. Our center is an existing center. Ours is unique in that it was built just after
35 1990. We have a 25 million dollar investment in a property that was in an area that was
36 allowed for that use and had a value based on the zoning. Our concern is there is no
37 allowance to incorporate this use. One of the comments I have heard is not to worry
38 about it because it will be a non-conforming use. That is not an option, because a project
39 that is a non-conforming use is not very financeable. Everyone knows what that center
40 looked like before we bought it and it's highly likely that with a non-conforming use
41 financing would not have been available. As a non-conforming use the value is
42 substantially reduced and it's harder to get tenants.

43

44 Blair Beebe, Whatcom County: I am here representing Dar Kruse and Gordon
45 Montgomery, who own property and live in the area. We have been told that we may be
46 taken out of Blaine's UGA and are wondering if we may be candidates for LAMIRD
47 designation. In this area there are a lot of lots that were platted prior to 1990. It is a
48 pretty densely urbanized area. We feel if we are taken out of Blaine's UGA we will be in

RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION

April 16, 2009

Regular Meeting

1 limbo. We are in Blaine's water and sewer service area. We have water from Birch Bay but
2 not sewer.

3
4 Stuart Pennington, Whatcom: I am here to talk about the Gateway Industrial location at
5 Exit 270, off of I-5, in particular a parcel that sits on the northeast corner. I am interested
6 in having the parcel developed. That would bring jobs to people locally. If the designation
7 changes from Gateway Industrial we will be forced to back out because a non-conforming
8 use will not allow us to get financing. What I would like you to consider is leaving it
9 designated Gateway Commercial because it's located at the interstate highway
10 interchange. This would be the proper use of this property. We also anticipate this project
11 will improve traffic flow on the Guide Meridian by taking off some of the truck traffic. I
12 think that's one thing you want to accomplish. I think another thing you want to
13 accomplish is to cut down on people commuting long distances which this would do by
14 providing employment for people in the area.

15
16 Chris Letourneau, Whatcom County: I own property in Pt. Roberts. I think this is going to
17 overshadow the hard work done on the Pt. Roberts Community Plan and its associated
18 zoning designations. Pt. Roberts is what I call a resort community. Pt. Roberts is a distinct
19 resort community, similar to the San Juan Islands and is not an agricultural community. I
20 am a professional planner and have done a lot of town planning in resort communities. I
21 have had to come up with resort zoning and transition of those areas to rural. The draft
22 proposed rural standards map shows a big pink star over an area right next to the
23 property that I own. I would like some clarification on how far that star goes and the
24 definition of that rural center. I would argue that all of Pt. Roberts should be part of a
25 LAMIRD. I would like to note that before purchasing the property, in May 2005, I
26 conducted about five years of research to figure out where I wanted to buy. I confirmed
27 that the zoning was RR2. My property has waterfront, a beach, Pt. Roberts Golf Course on
28 either side, the Roof House Restaurant and Art Gallery, a subdivision, and a motel. I have
29 made a significant investment in this property, as have others. Regardless of the GMA
30 mandate to downzone my property and many others, I think that would be absolutely
31 ludicrous and fly in the face of property rights not to mention sustainable communities.

32
33 Ron Bacon, Whatcom County: I live near the intersection of Pole Road and Guide
34 Meridian. The Guide Meridian is now being developed into a four lane highway. It's going
35 to be the only four lane highway in the County, other than I-5. At the public meeting I
36 went to I wasn't even sure, from the discussion, if the Pole Road area is going to be a
37 Type I LAMIRD or a Rural Center. One of the handouts here discusses wanting to expand
38 that area to a LAMIRD that is about 1/2 mile across on either side of the Pole Road and
39 Guide Meridian. That whole area is pure sand underneath that goes down 50 to 100 feet.
40 Septic is part of the discussion we have had and it would not be a problem in that area.
41 For many years the discussion in the County has been that someday there will be a third
42 bridge put across the Nooksack River which will tie the Pole Road to Grandview. If so that
43 will become a major intersection in the County and will need to have services to provide
44 for the need of all of the traffic.

45
46 Simon Petree, Whatcom County: I purchased this property, on the Guide Meridian, in
47 March 2008. It was being used as commercial property and I would like to see it continue
48 to be used as commercial.

RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION

April 16, 2009

Regular Meeting

1
2 Bill Grant, Whatcom: I am the President of Goldstar Resorts and we have a substantial
3 holding at the intersection of Birch Bay Lynden Road and I-5. We are across the freeway
4 from Birch Bay Square. Exactly what is a small commercial center? You have received
5 from my associate a document that outlines the history of the activity that has occurred
6 on the east side of the freeway. It is a long history going back to the 1960's when there
7 were drive in theaters and concession stands. A major RV park stood there during Expo
8 86 among other facilities. In 1998 we had an expansion of the basic terms of what
9 Gateway Industrial was. This allowed us to bring in the critical mass necessary to build
10 out that center. Over the years we have continued to spend lots and lots of money from
11 anything from wetland studies to sewage studies, etc. so we can build out a property at
12 the right time with what we consider to be the correct commercial development. On the
13 issue of sewers we have a complete sewage capability on the site, as well as stormwater
14 and high quality water.

15
16 Tim Volwiler, Whatcom County: I live in the Chuckanut area. I am not here as a property
17 owner. I would like to change the terms of the debate and look more towards general and
18 long term issues. I am opposing RR1, RR2 and RR3 zoning in the Chuckanut area. I
19 oppose intensive development at Governor's Point. I would like to see an emphasis on
20 long term. I like the fact the fact you have Rural 2031. It's only medium term though. It's
21 only a weigh station to the future. Think of the class of 2031 or those born in 2031 in your
22 quest to preserve the natural systems so future generations can have choices. In many
23 ways there is a conflict between giving all the loopholes and avenues for developing
24 present land owners versus foreclosing choices for future generations. You hear a lot from
25 individual property owners. I hope you would also consider the larger and future public. I
26 firmly support best available science. If you haven't been paying attention it's worse than
27 it ever was. We are looking at perhaps half the snowpack each year in the Cascades. Half
28 the volume of glacial reserves. We need to conserve water in rural area and preserve it
29 for resource use in farming. Avoid urban sprawl. A particular interest of mine is I would
30 like to have no more golf courses. If we have only a few gallons of water to divide up I
31 would rather give it to the farmers than to a golf course. There will be more floods in the
32 future, both in terms of coastal flooding and along the steep slopes and tributaries. We
33 need to look at sea level rise. It is predicted to rise three to five feet by 2100.

34 Heather Wolf, Whatcom County: Representing two properties owners at the intersection of
35 Guide Meridian and Pole Road. As you are making these policy decisions it's important
36 that you consider where these LAMIRD boundaries will actually be drawn and what uses
37 actually exist on these properties. Elder Properties owns the property at 6775 Guide
38 Meridian and the VanderYachts own the adjacent property at 6811 Guide Meridian as well
39 as the parcel just north of Pole Road. We would urge that the Planning Commission
40 include these properties in a Type I LAMIRD with a General Commercial designation. With
41 regard to the VanderYacht properties there are commercial uses on the property just
42 north of Pole Road. On the parcel south of Pole Road is VanderYacht Propane. The Elder
43 property, directly south, has a number of commercial and industrial uses and has
44 historically been used for commercial purposes. The documentation we have submitted,
45 including the aerial photographs from 1975 to 1986, show that these properties have
46 historically served as a hub for commercial services for the surrounding area. Inclusion of
47 these properties within a LAMIRD creates a natural and logical outer LAMIRD boundary for
48 the Guide Meridian commercial corridor. In particular, the Elder property constitutes a

RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION

April 16, 2009

Regular Meeting

1 logical southern boundary for the built environment as it existed as of 1990. Inclusion of
2 these parcels is consistent with efficient provision of public facilities and services. Because
3 the existing properties are already developed and easily serviced inclusion of these parcels
4 will not create a new pattern of low density sprawl. Within a LAMIRD a General
5 Commercial designation for these properties is appropriate. These parcels are located
6 adjacent to a major arterial in Whatcom County. The character of the existing uses is that
7 of General Commercial nature and this should be recognized in any new zoning
8 designation.

9
10 Jay Irwin, Whatcom County: Representing various property owners. On a personal level I
11 tend to like LAMIRDs. I like driving around the county and getting a cup of coffee or
12 stopping at a commercial use to pick up something. I think you have a lot more leeway
13 than may be indicated here. I ask that you keep it as unrestricted as possible. Don't
14 mistake a LAMIRD for a UGA. When you look at the spaces out there and the maps there
15 could be a tendency to think that these areas are going to create sprawl and ruin the
16 quality of life in the county and I don't think that will happen. Developing land outside of
17 the UGAs is very restrictive already so take into consideration that any infill that will
18 happen is not going to be a huge use it will be a small store or gas station.

19
20 Dale Gribble, Snohomish County: My company is the property manager for Birch Bay
21 Square. It is a fairly unique piece of property. It has gone from a small outlet center to a
22 regional shopping center. We have worked hard to get good tenants in there. The Market
23 at Birch Bay opens up next month. Woods Coffee will be opening soon. We have Jack In
24 the Box and Bob's Burger and Brew. We also have the Birch Bay Square Water District
25 which supplies water to our site and to the other sites around there. We are supplying a
26 service to the whole regional area. We are currently at Birch Bay Square Phase I and with
27 Birch Bay Square Phase II what we are looking at is to add additional commercial uses,
28 industrial uses, a hotel or whatever uses we can pull in. Under the existing zoning we are
29 able to go ahead and identify all those different types of uses. What I don't want to
30 happen is all of a sudden be restricted from what we are currently doing.

31
32 Bob Wiesen, Whatcom County: One of the broad goals we have in this state is to improve
33 rural economic abilities. As you go forward with this you need to consider what this will do
34 for rural economies. We do have a lot of businesses already established in rural areas. I
35 have customers on the Pole Road and Everson Goshen Road. These businesses need
36 predictability so they can stay viable. If you don't allow them to continue their current
37 usage it will become a problem. If you make it so they have to get conditional uses to
38 any changes in their operations that is extremely detrimental. Regarding the Gateway
39 Industrial that is an existing approved business area and I think you need to make sure
40 that the zoning goes with the LAMIRD so those people can continue as they are.

41
42 Mark Herrenkohl, Whatcom County: I live at Lake Samish and am a member of the
43 Concerned Neighbors of Lake Samish. On behalf of them I have written two letters which
44 are on the record. We don't want to see a LAMIRD designation for Lake Samish. When the
45 draft criteria came out it was very clear to us that many of those criteria don't fit Lake
46 Samish. We want the area to be considered rural with a minimum R5A zoning. The
47 reasons are listed in my letters.

48

RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION

April 16, 2009

Regular Meeting

1 Laura Lee Bracky, Whatcom County: A lot of people spoke about very specific projects
2 that they wanted and about their investments. I think it's very important for us to realize
3 that it's not the duty of county government to insure profits on land speculation. Zoning is
4 not exactly a right in the same sense as other inalienable rights that we get as U. S.
5 citizens. We need to look long term and decide what kind of a county we want. Clean air,
6 clean water, habitat for fish and wildlife is important. There are a lot of vegetables that we
7 grow in Whatcom County on five acres. We have a real head start in that kind of
8 sustainability. All of those nice little corners off of I-5 are great as long as they aren't
9 chains of some big corporation that is going to bring in a big box store and then it's gone
10 in three years. Let's make sure that we really support local industries and people. I want
11 to encourage you that the LAMIRD criteria be set and not be able to be manipulated by
12 private individuals desiring LAMIRD status so can get their profits off of their land, even
13 though they don't qualify. It's really important to look at the aerial photos from 1990 to
14 see what was going on at that time. I would like to speak against development and TDR's.
15 I don't think development of wetlands and all of those things they have tried really work.

16
17 The hearing was closed to the public.

18
19 Davis: The comments that we received are part of the public record. Even though the
20 public hearing will be closed we will continue to take written comments from the public
21 and publish them on our website. The Commission can continue to monitor those
22 comments as they come in.

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24 The meeting was adjourned at 8:50 p.m.

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26 Minutes prepared by B. Boxx.

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36 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

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40 _____
41 Jean Melious, Chair

40 _____
41 David Stalheim, Secretary

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