

RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION

1

September 8, 2009

Special 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, John Lesow, Ken Mann, John Steensma, Sean Wilson, John Belisle,
6 Rabel Burdige, Geoff Menzies, David Hunter
7 Absent:

8
9 **Staff Present:** David Stalheim, Wain Harrison, Gary Davis, Michelle Stiles, Samya Lutz,
10 Tyler Schroeder, Becky Boxx

11
12 **Director's Dialog**

13
14 Director Stalheim reviewed the Planning Commission schedule which consists of the UGA
15 update and the Rural Element.

16
17 The Director gave an overview on the Conservation Program on Agricultural Lands (CPAL).

18
19 **Open Session for Public Comment**

20
21 Bob Wiesen, Whatcom County: Spoke to the CPAL program. Feels the County is taking a
22 hard attitude regarding Class IV wetlands in agricultural areas.

23
24 Took offense to Commissioner Lesow's comments, at the previous meeting, regarding
25 water districts.

26
27 Seb Werre, Whatcom County: Felt he has been harassed by the neighbors and the County
28 in regards to what he does on his property. His neighbors can do things on their property
29 that are outside the County code.

30
31 Sara Kuljis, Whatcom County: Spoke to the CPAL program. They farm and have tried to
32 work with the Planning Department with a lot of frustration. Have been threatened with
33 fines without the County working with them. She does not like the fact the County can
34 come on her property without notice.

35
36 Perry Eskridge, Whatcom County: Has been accused by some members of the County
37 Council, some of those running for Council and staff members of spreading misinformation
38 and lies regarding the CPAL program. Takes offense to that. There are too many new
39 proposals coming forward for the public to keep up with.

40
41 Bob VanWeerdhuizen, Whatcom County: Takes offense to the County coming on people's
42 property without notice.

43
44 Darlene Westhoff, Whatcom County: Spoke to the regulations of the CPAL program. She
45 raises animals for the FFA program. The County is not having classes to teach the people
46 about the rules.

47

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1 Wendon Holeman, Whatcom County: Says the County does come on his property without
2 permission. Has been fined by the County. The County should pay people for not being
3 able to use their property.

4
5 John Muggy, Whatcom County: Has a farm plan and disputes the buffer distances from
6 streams.

7
8 Don Littrell, Whatcom County: Received a letter from the County Assessor asking if he
9 leases his land and how much he leases it for. Felt it was inappropriate to ask him to
10 disclose his finances.

11
12 Ellen Cooley, Whatcom County: Encourages the Commission and citizens to investigate
13 the available history of current processes being used to promote the evolution of
14 Whatcom County land use policies.

15
16 **Commissioner Comments**

17
18 Commissioner Belisle gave Commissioner Lesow a turtle he found.

19
20 **Approval of Minutes**

21
22 August 13, 2009: Wilson moved to approve as written, Lesow seconded. The motion
23 carried.

24
25 **Public Hearing**

26
27 File #PLN2009-00011: To consider changes to the Rural Element of the Whatcom County
28 Comprehensive Plan and to Whatcom County's development regulations pertaining to land
29 uses and densities in rural areas of the County.

30
31 Isabel VanDerslice, Whatcom County: Representing the Whatcom Conservation Voters.
32 Urged the Commission to approve the rural element update.

33
34 Doug Pullar, Whatcom County: Owns property on the Guide Meridian that was zoned
35 General Commercial in 1990 and is proposed to be rezoned to Rural 10 acre. Does not like
36 this proposal. Should see a tax reduction because of this. This will result in less taxes for
37 the Meridian School District.

38
39 Sandy Lankhaar, Whatcom County: Owns property on the Guide Meridian. Does not like
40 the proposal. Does not want to see people living on the Guide Meridian. The Guide should
41 be zoned General Commercial from Bellingham to the Canadian border.

42
43 Joseph Garcia, Whatcom County: Owns property in Glacier. Stated Glacier is the poorest
44 community in the State. The GMA says that the act should promote economic opportunity
45 for all citizens of the State and promote retention and expansion of existing business and
46 recruitment of new businesses. The Commission needs to look at the LAMIRD properties
47 on a case-by-case basis.

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- 1 Russell Pritchett, Whatcom County: Spoke to the Glacier area. Owns property in the
2 Miller's Addition plat which he would like to see within the LAMIRD boundary. There is a
3 10 inch water main in the area and some commercial use in this area.
4
- 5 George Stratis, Whatcom County: Owns property in Glacier, Miller's Addition, which he
6 would like to have within the LAMIRD boundary. Feels the 10 inch water main meets the
7 conditions of the built environment as of 1990.
8
- 9 Warren Sheay, Whatcom County: Protect farms, forest, lakes, streams and rural areas.
10 Says surveys state this is what County residents want. Keep population out of the rural
11 areas. Increased regulations will help this. Send the proposed plan forward to the Council.
12
- 13 Roger Roosendaal, Whatcom County: Owns property and a business on the Guide
14 Meridian in Laurel. Chose to place his business in the area because of the commercial uses
15 already there and future commercial potential. The proposal makes the business non-
16 conforming so they will be denied financing for expansion of the business.
17
- 18 Gary Honcoop, Whatcom County: Business partner with Roger Roosendaal. Met with the
19 County before purchasing the property and felt they were doing all the things they needed
20 to do to be sure they were completely conforming for then and in the future. The
21 proposed Rural General Commercial zoning doesn't include storage as an allowable or
22 accessory use. Their business requires storage so would like to see it added as a use.
23 Requests the maximum building size be increased to at least 25,000 square feet. Reduce
24 the size of the buffers.
25
- 26 Ramona Abbott, Whatcom County: Wants to see grouping of development. Seeing too
27 much development in the rural areas which affects farming, traffic patterns, wildlife and
28 water.
29
- 30 Bill Quehrn, Whatcom County: Executive Officer for the Building Industry Association of
31 Whatcom County. The volume of information has been overwhelming and difficult for the
32 public to understand. This process needs to be integrated with the Urban Growth Area
33 update before it goes any further. States an economic impact statement should be
34 prepared for each LAMIRD. A compensation funding mechanism must be established. This
35 proposal could encourage sprawl and does not preserve farm land. Requests the process
36 be put on hold.
37
- 38 Chet Dow, Whatcom County: Would like to see economic conditions in Whatcom County
39 improve. Land will be less valuable with these downzones.
40
- 41 Laura Brakke, Whatcom County: Supports protection of rural lands. Says the County has
42 been very sympathetic to property rights which is why the County is five years behind in
43 this process. Look at the whole of the County rather than individual parcels.
44
- 45 Richard Russell, Whatcom County: Owns property in Glacier, Miller's Addition, agrees with
46 the previous speakers, regarding Miller's Addition. Very limited affordable housing in
47 Glacier with a great demand.
48 Dean Brett, Whatcom County: Lives in the Chuckanut area and supports the proposal.

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- 1
2 Perry Eskridge, Whatcom County: Government Affairs Director for the Whatcom County
3 Association of Realtors. They agree some areas are proposed to be zoned appropriately
4 while others need more work. An economic analysis should have been done when this
5 process was started.
6
7 Mike Kent, Whatcom County: Spoke to the economic impacts of the proposals. Felt the
8 Whatcom County Assessor and appraisers should have been consulted. There is no logic
9 to the process.
10
11 Lisa McShane, Whatcom County: Agrees with the testimony of others to adopt the
12 proposal. If the County does not comply with the law there may be a loss of State
13 transportation funds.
14
15 Paul Engol, Whatcom County: Owns a residence and a business in Glacier. This proposal
16 would split the zoning on his property and would not allow him to expand his business.
17
18 Anne Baker, Whatcom County: Spoke to the same property as Paul Engol and supports his
19 comments. Would like to establish an environmental learning center on the site.
20
21 Bill Geyer, Whatcom County: Former Planning Director for the City of Bellingham who has
22 processed over 1,000 SEPA's. Felt the SEPA process was not adequately done.
23
24 Ali Taysi, Whatcom County: Representing property owners in the Hinote's Corner area.
25 Asked for inclusion of six properties located on the east side of the LAMIRD area.
26
27 Dannon Traxler, Whatcom County: Stated the Commission has several options in regards
28 to this issue. One would be to wait for the Supreme Court decision. Another would be to
29 ask the County Planning staff to go back and redo their work. It's not true that the State
30 is making the County do this work. Feels the Guide Meridian should be commercial not
31 rural.
32
33 Jack Swanson, Whatcom County: Referred to property at Birch Bay Lynden Road and I-5,
34 80 acres mostly owned by Gold Star Resorts. The property is zoned Gateway Industrial
35 and valued at over 17 million dollars. The proposal is to zone it to Rural 10 acre which
36 would reduce the value. Would like it zoned Rural General Commercial.
37
38 Lesa Starkenburg, Whatcom County: Regarding a parcel on the Guide Meridian at Laurel,
39 requested the parcel, currently zoned General Commercial, should retain commercial
40 status. It had commercial use prior to 1990. Regarding property on the Guide Meridian at
41 Wiser Lake the property is currently residential and requested it be commercial.
42 Requested duplexes be allowed in the LAMIRD zones.
43
44 Dave Black, Whatcom County: Owns commercial property on the Guide Meridian at Wiser
45 Lake. Does not agree with the proposal. Wants mini-storage added as a permitted use in
46 commercial zoning.

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- 1 Dan Gross, Whatcom County: Owns commercial property on the Guide Meridian at Wiser
2 Lake which is in the proposed LAMIRD. Any rezone would make expansion of the business
3 difficult. Requests the property be zoned commercial.
4
- 5 Cathy Lehman, Whatcom County: Chapter Director of Futurewise Whatcom. Supports the
6 staff recommendation with the exception of the Kendall and Pt. Roberts LAMIRDs, which
7 they feel are oversized.
8
- 9 Michelle Thompson, Whatcom County: Feels the process should be put on hold while
10 questions are being answered more thoroughly and until the Supreme Court case is
11 decided. Doesn't want to see properties downzoned.
12
- 13 Darryl Krause, Whatcom County: Owns a business on the Guide Meridian at Laurel. The
14 proposal would make the business non-conforming. Would like the process to be put on
15 hold until the Supreme Court makes a decision. Would like to see additional public
16 hearings on this issue.
17
- 18 Seb Werre, Whatcom County: Has several businesses on the Guide Meridian. Proposal
19 would downzone his property. Wants it to remain commercial.
20
- 21 Adam Ware, Whatcom County: Owns commercial property on the Birch Bay Lynden Road
22 and I-5, part of which is being downzoned. This will have a huge financial impact. Felt a
23 financial analysis should have been done on the impact of the proposal.
24
- 25 Heather Wolf, Whatcom County: Representing PC Trans which is located within the
26 LAMIRD at Birch Bay Lynden Road and I-5. They support the LAMIRD designation. Their
27 concern is with the building size limits in the RIM zone. They would like to see buildings
28 larger than the 12,000 square foot proposal be allowed subject to administrative approval
29 determined by lot coverage.
30
- 31 Gary Graham, Whatcom County: Has a business in Glacier. Supports commercial
32 development there.
33
- 34 Bob Wiesen, Whatcom County: Concerned about the process. In the past a lot of effort
35 went to determine what zoning was best for the County. This proposal does nothing to
36 save agricultural land.
37
- 38 Eva Agudelo, Whatcom County: Works for Sustainable Connections. Wants to see
39 agriculture sustained in the future. The LAMIRD boundaries would help this.
40
- 41 Ellen Baker, Whatcom County: Concerned about the Miller's Addition properties not being
42 included in the LAMIRD boundary. Wants to see businesses in Glacier.
43
- 44 David Moody, Whatcom County: Representing property owners in the Birch Bay Lynden
45 Road and I-5 area. Met with the County Executive and other County officials before
46 starting redevelopment of Birch Bay Square and was assured the County would be work
47 with owners to make it happen. Does not want this area to become non-conforming.

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1 Joe Elenbaas, Whatcom County: Stated nobody should be unduly burdened by this
2 process. The Commission needs to look at what the citizens of the County want regardless
3 of what the State law says. The environmentalists don't want to put anything into what
4 they want to have happen to everyone else.

5
6 Larry Stoner, Whatcom County: Representing Dodson's IGA at Nugent's Corner. Turned
7 in a petition, with 718 signatures, stating they would like the Commission to reconsider
8 changing the zoning from General Commercial to Small Town Commercial and Rural 10
9 acre. The rezone would make Dodson's a non-conforming use and prevent expansion of
10 the only full service grocery store in the Foothills area. The area previous proposed to be
11 Rural 10 acres has now been changed to Small Town Commercial. Would like to make the
12 size limitation larger. Wonders why the rural areas are being zoned 10 acre rather than 5
13 acres.

14
15 Peter Roberts, Whatcom County: The financial aspect of the proposal should have been
16 looked at.

17
18 Scott Pelton, Whatcom County: All of this is the result of previously poor planning. This
19 issue will be compounded if the proposal is not passed. The term non-conforming is
20 intended to stop sprawl. Would like to see the proposal passed.

21
22 Todd Donovan, Whatcom County: A member of Futurewise. Favors the proposal. Do not
23 put the process on hold while waiting for the Supreme Court case.

24
25 Bill Henshaw, Whatcom County: Speaking as a realtor, concerned with taxes for the Mt.
26 Baker School District, should include all of the businesses already in the LAMIRD areas,
27 should wait for the Supreme Court decision. This is a takings issue so people should be
28 compensated.

29
30 Maryann Armstrong, Whatcom County: Lives in Deming, near Acme. Supports the
31 proposal.

32
33 Dan McShane, Whatcom County: Thanked the Commission for their work.

34
35 Ron Reimer, Whatcom County: President of the Citizen's Alliance for Property Rights.
36 Would like to see the record kept open and have more public hearings. Would like to see a
37 fiscal impact done for the Meridian and Mt. Baker School Districts. Does not want
38 businesses to become non-conforming. The tax burden of the proposal will be passed on
39 to the entire county. Requested waiting for the results of the Supreme Court case.

40
41 Sy Eldred, Whatcom County: Addressed the fire department issues. The station in Laurel
42 is unmanned and has very little equipment because it was moved to where there is a
43 greater tax base. This proposal does not help the Laurel tax base. Is hard to replace a
44 business in a non-conforming use area. The Meridian School District depends on the tax
45 base.

46

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1 Rolph Haugen, Whatcom County: Does not want to see development stopped. Has farm
2 land include in the downzone. Wants to give his children property because they want to
3 live in the county, not the city.

4
5 Leroy Plagerman, Whatcom County: Has a dairy farm in the county. Depends on the
6 banks for financing. Will be difficult to get the financing because of the loss of equity if his
7 land is downzoned.

8
9 Renee Baranack, Whatcom County: Felt the Planning Commission did not take the public
10 testimony seriously.

11
12 Maryann Filippini, Whatcom County: Spoke to storage units they own which will become
13 non-conforming. Has anyone examined the financial impact this will have on the County?

14
15 The hearing was closed.

16
17 The meeting was adjourned at 12:30 p.m.

18
19 Minutes prepared by B. Boxx.

20
21
22 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

23
24
25
26
27 _____
Jean Melious, Chair

28
29
30
31
32
33

David Stalheim, Secretary