

RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION

1

September 17, 2009

Special Meeting

1 The Planning Commission and County Council held a joint session to hear UGA public
2 testimony.

3

4 **Call To Order:** The meeting was called to order, by County Council Chair, Seth
5 Fleetwood, in the Whatcom County Council Chambers at 6:10 p.m.

6

7 **Roll Call – Planning Commission:**

8 Present: Jean Melious, John Lesow, Ken Mann, John Belisle, John Steensma, Sean Wilson,
9 David Hunter, Geoff Menzies

10 Absent: Rabel Burdge

11

12 **Roll Call – County Council:**

13 Present: Seth Fleetwood, Laurie Caskey-Schreiber, Bob Kelly, Carl Weimer, Barbara
14 Brenner, Sam Crawford

15 Absent: Ward Nelson

16

17 **Staff Present:** David Stalheim, Matt Aamot, Wain Harrison, Kate Blystone, Rebecca
18 Craven – Council Office, and Becky Boxx.

19

20 Each of the UGA representatives gave their testimony.

21

22 **Bellingham**

23 Dan Pike, Mayor: Recommends a population growth allocation of 113,055 as a minimum.
24 If efforts are made to reduce sprawl in agricultural areas they would be willing to accept
25 more population.

26

27 Regarding the Executive recommendation to remove Geneva and Hillsdale from the UGA
28 Bellingham does not agree with recommendation.

29

30 Regarding the Executive recommendation to remove the Lake Padden watershed area
31 from the UGA and placing it in reserve they support the recommendation.

32

33 **Birch Bay**

34 Kathy Berg, Chair of the Birch Bay Steering Committee: Did not like the Executive's first
35 proposal but do agree with the revisions.

36

37 Would like the Council to revisit the inclusion of the provisional rezone at the intersection
38 of Blaine and Alderson Roads.

39

40 The proposed Birch Bay design guidelines for commercial development should be a
41 significant part of discussions. Birch Bay lacks a sound commercial base.

42

43 **Blaine**

44 There was no testimony from Blaine.

45

46 **Columbia Valley**

47 Phil Cloward, Vice-Chair of the Foothills Subarea Advisory Committee: Is in agreement
48 with the majority proposal.

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1 The area needs to have a capital facilities plan done soon.

2

3 There should be mixed use zoning in the area, which isn't mentioned in the proposal.

4

5 **Everson**

6 Andy Rowilson, City Council: What is being proposed is reasonable and meets Everson's
7 needs.

8

9 Rollin Harper, City Planner: The Executive's proposal lowers the population allocation
10 significantly but it strikes a good balance between the fast growth of the 1990s and the
11 slower growth since 2000.

12

13 It lowers the employment allocation also but is in balance with the population allocation.

14

15 The areas set aside as Urban Reserve make sense.

16

17 There was a proposal to swap 67 acres of land for 45 acres. The Executive lowered the
18 amount of land added back to Everson by 18 acres. This affects agricultural land.

19

20 **Ferndale**

21 Dennis Rhodes, City Planning Director: Has issues with the process and proposal. It
22 reduces Ferndale's UGA. The County's proposals are legally questionable.

23

24 The urban reserve concept is not supported by the Growth Management Act (GMA).

25

26 The land capacity analysis has inaccurate information.

27

28 They request to reduce the residential UGA by 988 acres.

29

30 Expand the commercial and industrial UGA in the vicinity of Slater and Enterprise Roads.
31 This will increase the commercial and industrial land by approximately 150 acres.

32

33 Do not establish an urban reserve.

34

35 **Lynden**

36 Amy Harksell, City Planner: The proposal uses the land capacity analysis to establish the
37 population. The GMA says this needs to work the other way.

38

39 The proposal is not accurate in determining persons per household. The City will not
40 develop 326 additional acres at completely multi-family housing, it will be a mix.

41

42 The market factor is not correct.

43

44 **Nooksack**

45 Rollin Harper, City Planner: The proposal removes a large portion of the Nooksack UGA
46 and retains a large portion. The part that was removed contains ag land in active farm
47 use. The part that was retained is high above the floodplain and makes sense.

48

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1 The analysis shows two acres of surplus capacity. This is of concern because the proposal
2 does not address the area affected by the Swift Creek sediment that was in their proposal.
3 This area consists of 18 acres.

4
5 In the proposal they loose a large industrial area which affects the employment
6 allocations.

7
8 **Sumas**

9 Rollin Harper, City Planner: A lot of the UGA was shifted into the Urban Reserve.

10
11 Five acres of agricultural land was removed which they support.

12
13 They support retention of the commercial area along Highway 9.

14
15 They support moving the residential area, east of Hovel Road, into the Urban Reserve.

16
17 They do not support putting the center of the UGA, between Highway 9 and Hovel Road,
18 into the Urban Reserve.

19
20 The actual job numbers are extremely under represented. This leads to an under
21 allocation of jobs to Sumas. They would like a future industrial reserve area.

22
23 The hearing was opened to the public.

24
25 Randy Young, representing Fire District #21: Is the capital facilities consultant to the
26 district. The standard response time is 8 minutes or less, 90 percent of the time. Their
27 analysis indicate that the district will need two additional fire stations and one additional
28 engine and aid car at each station in order to meet the standard response time in the
29 UGAs as proposed. Tax revenues are adequate to serve the area as it exists but would not
30 be enough to serve the proposed growth.

31
32 Rob Roy Graham, representing Fire District #14: Made up of one paid person and the rest
33 are volunteers. Average response time is 9 minutes, 27 seconds. 80 percent of all calls
34 are answered within 12 minutes, 33 seconds, district wide. This meets the guidelines for a
35 rural area. They can not meet urban levels of service.

36
37 Dave Pros, Whatcom County: The population projection is too high. Where is a cost
38 analysis for all of this? This proposal does not keep growth from happening in the rural
39 areas. Asked how an Urban Reserve is different than a Five-Year Review area.

40
41 Eric Hirst, Whatcom County: The goals should include: Adopting a population projection
42 that reflects public sentiment and county policies, which is the low end of the OFM
43 population range; ensure that the UGAs are no larger than necessary to accommodate the
44 population that the County Council decides is appropriate; ensure that urban growth leads
45 to more compact, livable cities; protect rural areas, especially farm lands. Likes the
46 concept of reserve areas.

47

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1 Jack Louws, City of Lynden Mayor: Their proposal is based on past growth trends, future
2 growth projections, in the ground infrastructure and the boundaries established by the
3 County PDR program. Their sewer and water system has been sized to accommodate the
4 projected future growth. They do not support the Urban Reserve for lands surrounding
5 Lynden. Stated several area farmers are in support of Lynden's plan.

6
7 Tim Faber, City of Lynden Planning Commissioner: The City's Comprehensive Plan has
8 historically had a goal to protect the surrounding farmland and their plan maintains this
9 goal. In the residential areas they have gone from a goal of three units per acre to five
10 units per acre and achieved a density of 5.5 units per acre.

11
12 Bill Verwolff, City of Lynden Administrator: Spoke of capital facility planning. They have
13 planned their systems to meet the expected population. If the UGA changes dramatically
14 this will have an effect on their capital facilities. Requested the County adopt Lynden's
15 proposal.

16
17 Rod VanderWerff, City of Lynden Planning Commission: Spoke of the city's infrastructure.
18 It has been constructed based on past and projected growth. Requested the County adopt
19 Lynden's proposal.

20
21 Gary Bode, Lynden City Council: Spoke of water rights. They have sufficient rights to
22 accommodate their planned growth. They have implemented water conservation efforts
23 which has resulted in a 28 percent decrease in water use between 2002 and 2008 even
24 while their population has grown. Requested the County adopt Lynden's proposal.

25
26 Tobey Gelder, Lynden City Council: The area between Double Ditch and Benson Roads
27 flooded last year because the County does not manage the stormwater in the area. The
28 city wants this area in it's UGA in order to manage the stormwater and develop a fish
29 stream and public open space. It will also allow the City to widen these two roads.

30
31 Blair Scott, City of Lynden Planning Commission: By giving the City of Lynden more UGA
32 they are protecting farm land. The City supplies farmers with the items they need. The
33 City has continued to increase its residential population per acre.

34
35 Robert Carmichael, Attorney for the City of Lynden: The GMA goals of growth in urban
36 areas and protection of farmland clash in Lynden. This does not need to happen with
37 proper planning. The County needs to look at the definition of agricultural land in the
38 GMA. Soil type is only one factor to be considered among many others. The agricultural
39 land that Lynden wants included in its UGA is marginal for farming. This was supported by
40 letters from farmers in the area. Does not support the concept of Urban Reserves.
41 Requested the County adopt Lynden's proposal.

42
43 Allison Roberts, Whatcom County: Lives in the Yew Street Road area. Would like the area
44 to remain in the UGA. Issues in the City of Bellingham affect them so the people in the
45 area would like a say in them. Because of the terrain the area is not real easy to develop,
46 but some could occur.

47

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1 Clayton Petree, Whatcom County: The main issue with the proposal is the recognition that
2 there should be more urban growth planned for but there has been a failure to plan for it.
3 The plan guarantees rural sprawl. Getting Bellingham right makes the biggest difference.
4 It's important that most of the growth goes there, but the proposal does not allow for
5 that.

6
7 Jack Petree, Whatcom County: In the proposal there area 1,000 acres of resource land
8 that is going to be rezoned to four units per acre. Billions of pounds of greenhouse gases
9 will be produced because of this. The capital facilities plan in the proposal is defective.

10
11 David New, Whatcom County: Has sat on boards with the Bellingham School District
12 regarding schools in the city. Was assured by the City of Bellingham that the Yew Street
13 Road area would see rapid growth and was told by both the City and the County that
14 services would be extended to the area. Because of this the Bellingham School District
15 purchased land in the area for an elementary school. The County completed a large part
16 of the improvements to the property however there are still improvements that have not
17 been completed. This is a good area for population growth. The school would probably not
18 have been built there if the district knew the area would be downzoned.

19
20 Ted Mischaikov, Whatcom County: Does not like the proposal. The proposal calls for more
21 population in the rural areas than it did in the past. The choice of the low population
22 projection is inconsistent with good planning. Stated the Urban Reserves are meaningless.

23
24 Gary Jensen, City of Ferndale Mayor: Felt the Executive and Planning Department have
25 not listened to what Ferndale would like.

26
27 Ali Taysi, Whatcom County: Representing property owners in the Yew Street Road area
28 which is proposed to be removed from the UGA and placed in the Urban Reserve. They all
29 oppose removal of the area. Development in this area will not impact Lake Padden.

30
31 Marilyn Brown, Whatcom County: Referred to her mother's property in Drayton Harbor
32 which will be rezoned from UR4 to R10A. This affects what she can do with the property.
33 Would like reconsideration of the rezone.

34
35 Jori Burnett, City of Ferndale Planner: Stated this is a poor proposal. It would reduce
36 potential development. The proposal does not understand each of the community's needs
37 and desires.

38
39 Susan Cole, City of Ferndale Planning Commission: This was not a collaborative process.
40 Ferndale taxpayers are paying the bill for County staff and City staff to fight over this
41 issue. Ferndale should be able to plan its own future.

42
43 Adam Morrow, Whatcom County: Representing Anchor Manor Homes at Birch Bay-Lynden
44 Road and Blaine Road. Their 20 acre property will be removed from the UGA under this
45 proposal. The property has vested permits for development. It's a very viable area for
46 development. They request it stay in the UGA.

47

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1 Bob Wiesen, Whatcom County: This is an un-planning proposal. Many of the GMA goals
2 have been ignored. One of the reasons for the GMA was to provide long term predictability
3 for landowners, investors and infrastructure providers. How can communities plan for
4 their future with such large changes in planning? Affordable housing is a large issue that
5 planning has made it harder to provide for. Does not like the treatment given to the
6 community by the Planning Commission, County staff and County Council. The population
7 allocation selected has little to do with historic reality.

8
9 Mimi Brooks, Whatcom County: Has property on Palmer Road in the Yew Street Road
10 area. The property is proposed to be removed from the UGA. Doesn't understand how it
11 can be designated a rural area with all the infrastructure put in place and the proximity to
12 the City of Bellingham. Lake Padden is not being affected by development. It shouldn't
13 have the same restrictions put on it as Lake Whatcom.

14
15 Jack Swanson, Whatcom County: Spoke to the Birch Bay area. In the 2004 Birch Bay
16 Community Plan the area at Blaine and Alderson Roads is where commercial development
17 was to take place. The Executive has revised his proposal to keep this area as provided
18 for in the community plan. Does not favor the provisional zoning.

19
20 Stuart Pennington, Whatcom County: Liked the revised proposal regarding Birch Bay,
21 however does not like the provisional zoning. Would like to see a town center. Wants the
22 Commission and Council to work with the plan that the Birch Bay Steering Committee put
23 together.

24
25 Bill Grant, Whatcom County: President of Goldstar Resorts in Birch Bay. Thanked Kathy
26 Berg for her work regarding Birch Bay. Does not agree with the population projection for
27 Birch Bay. Housing is not affordable in Birch Bay. Need the provisional zoning area for
28 more affordable housing. Birch Bay needs a cemetery.

29
30 Lee Wiebe, Whatcom County: Lives in Ferndale. Doesn't like that his property is being
31 taken out of the UGA when he is surrounded by the City. Does not want to be downzoned
32 from 5 acres to 10 acres.

33
34 David Hirsch, Whatcom County: Vice President of the Geneva Neighborhood Association.
35 The City of Bellingham wants to keep Geneva in the UGA, to protect the lake, the County
36 says they need to be out of the UGA to protect the lake. This needs clarification. Wants to
37 be in the UGA so they can annex into the City. There is nothing rural about the area.

38
39 Lincoln Rutter, Whatcom County: 28 percent of the jobs in Whatcom County are in the
40 residential housing sector. Nationally the figure is 8 percent. Spoke of national economics.
41 The only way to improve a depreciating real estate market is by limiting the supply which
42 means restricting the size of the UGAs. Wants to see the Birch Bay UGA smaller.

43
44 Henry Bierlink, Whatcom County: Executive Director of Whatcom Farm Friends. Natural
45 resources are a given. They can't be moved around. That should be the basis for how the
46 County grows. The Executive's proposal and the Growth Management Coordinating
47 Council's (GMCC) proposal take a different approach. They look at the city's desires and
48 then look at the natural resources as an after thought, at best. Why should we be raising

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1 the growth rates in the small cities that compete with resource lands and reducing the
2 population in Bellingham? Farm Friends is not opposed to growth in Lynden, even on
3 productive farm land because they have no other choice.

4
5 Wayne Youngquist, Whatcom County: These proposals shouldn't be based on short term
6 economic changes. Housing should be allowed in the Yew Street Road area. Wants the
7 area left in the UGA. Development can be done without affecting Lake Padden. Because of
8 the school in the area the roads and sidewalks need to be improved.

9
10 Bob Tull, Whatcom County: Representing Larrabee Springs. Submitted a letter addressing
11 11 issues, a letter from the ownership of the company and a paper done by Public Policy
12 Perspectives regarding agriculture. The Larrabee Springs site is a good place for a new
13 neighborhood.

14
15 Bill Quehrn, Executive Officer of the Building Industry Association of Whatcom County:
16 There is too much information for the public to understand in such a short period of time.
17 There should be an economic analysis. Input from the community, community groups and
18 the cities have been ignored.

19
20 Gordon Montgomery, Whatcom County: Does not like the proposal which removes his
21 property from the UGA. Has a home on Semiahmoo Drive, which is not a rural area.

22
23 Cathy Lehman, Chapter Director of Futurewise Whatcom: In general they like the
24 Executive's recommendation. Like the reduction of the UGAs, okay with the Urban
25 Reserves, but does not like the expansion of urban areas into agricultural land. Wants the
26 Council to say no to the Everson swap and the Lynden expansion.

27
28 Jeremy Eckhart, Whatcom County: Employed by Foster & Pepper, a law firm representing
29 Larrabee Springs. The proposal is harmful to Whatcom County's farmlands. Compared the
30 proposal to Pierce County's UGA plan in which agriculture was lost because infill efforts
31 failed and they authorized growth near agricultural areas.

32
33 Marilyn Buffton, Whatcom County: Her property in the Yew Street Road area will remain
34 in the UGA but does not want the area south of her to go in the UGA reserve. It should
35 remain in the UGA. This area can be developed so Lake Padden isn't harmed. Parts of Yew
36 Street Road are dangerous and need to be upgraded.

37
38 Diane Delahunty, Whatcom County: Co-owner of the property referred to by Marilyn
39 Buffton. Agrees with her comments.

40
41 Heather Wolf, Whatcom County: Representing SC Goshen & Holly Associates who own
42 property in the Columbia Valley UGA. They support the UGA boundary. They do have
43 issues with the land use and capital facilities. The area needs a capital facilities plan. Fire
44 service is a major issue. The boundaries shouldn't be reexamined every couple of years.
45 The boundaries should be long term.

46
47 Darryl Roosendaal, King County: Owns property in Lynden. Would like the Council to
48 adopt Lynden's recommendations. They want to stay in the UGA.

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- 1 Marilyn Flint, Whatcom County: Addressed silt running into a small lake in Cedar Grove
2 Park, which is near Lake Padden. This is caused by development.
3
- 4 Rebecca Boonstra, Whatcom County: Representing numerous landowners in the Columbia
5 Valley. This process needs to avoid the loss of the vision by the people of the area. The
6 Foothills Subarea Committee recommended not removing developable land from the
7 Columbia Valley UGA and that if land was removed it be placed into an urban reserve. The
8 Executive's proposal removes 80 acres of buildable land from the UGA.
9
- 10 Ron Reimer, Whatcom County: Acting President of the Citizen's Alliance for Property
11 Rights. They oppose any downzones. There needs to be certainty in zoning. There will be
12 fiscal impacts to school districts because of downzones. They want to see an economic
13 analysis done.
14
- 15 Cal Leenstra, Whatcom County: Owns property in the Yew Street Road area. This is an
16 urban area and should remain in the UGA. They have invested a lot of money in
17 infrastructure on the property.
18
- 19 Robert Larsen, Whatcom County: Owns property in Birch Bay which has been left out of
20 the reserve. Would like it to be included. Feels the property was left out because of an
21 error mapping the service area of the Birch Bay Water and Sewer District.
22
- 23 Darcy Jones, Whatcom County: Representing several landowners in the Yew Street Road
24 area. Wants the property proposed to be taken out of the UGA left in. Referred to a
25 Washington State Department of Ecology study indicating that Lake Padden is not being
26 polluted by development.
27
- 28 Dennis Jones, Whatcom County: The Council needs to correct the mistakes made in the
29 past.
30
- 31 Brady Webb, Whatcom County: More should be done to direct growth to Bellingham. The
32 Columbia Valley is not a good place for growth. It does not have urban infrastructure.
33
- 34 Richard Maneval, Whatcom County: Chair of the Association of Bellingham Neighborhoods.
35 Listen to what the people of the cities want. They know what is best for the area they live
36 in.
37
- 38 Doug Campbell, Whatcom County: Referred to two properties in Birch Bay. One of the
39 properties has preliminary plat approval for 97 lots. The proposal would reduce this to 6
40 lots. The surrounding property is already urbanized. The other property can currently have
41 230 lots which would be reduced to 3 in the proposal.
42
- 43 Rob Staveland, Whatcom County: The Columbia Valley UGA needs to be retained as is.
44 Retain the industrial and commercial lands in the UGA. This process has been made more
45 difficult than it needs to be, downzoning doesn't protect the County and makes the County
46 non-compliant.
47

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1 Blair Murray, Whatcom County: Does not agree with the proposal at it pertains to the
2 Columbia Valley UGA. Referred to the removal of 80 acres, zoned UR4, from the UGA. The
3 property has access to services. The proposal brings into the UGA 40 acres of Rural
4 Forestry that does not have services. This doesn't make sense.

5
6 Seb Werre, Whatcom County: His property on the Guide Meridian has been downzoned
7 from Commercial to Residential. Has been harassed about planting trees on the property
8 for a buffer.

9
10 Randy Schnakenberg, Whatcom County: Owns property on Brown Road in Ferndale.
11 Would like his property, and the surrounding properties, to remain in the UGA rather than
12 placed into the reserve as proposed.

13
14 The hearing was closed to the public.

15
16 The meeting was adjourned at 10:10 p.m.

17
18 Minutes prepared by B. Boxx.

19
20
21 WHATCOM COUNTY PLANNING COMMISSION ATTEST:

22
23
24
25
26
27
28
29
30
31
32

Jean Melious, Chair

David Stalheim, Secretary