

Dear Friends & Members of Responsible Development,

Purpose of this Email

We are writing to make you aware of a unique and rare opportunity to promote responsible development in Bellingham and to request your support for an ordinance sponsored by Bellingham Councilmember Terry Bornemann that will be on Council's **November 14** agenda.

Terry really needs our help in convincing and motivating councilmembers to support this vital ordinance. For details about the ordinance see "**The Ordinance**" below.

Our Request and Talking Points

Time is of the essence. You could make a tremendous difference if you would:

- **Add your name to a group letter** supporting this ordinance by [clicking here](#), typing your name at the bottom of the letter and indicating which neighborhood you reside in. This is a safe link to the group letter, which has been prepared by the recently formed *Bellingham Neighborhood Coalition* (BNC). There is a space to provide your email address if you'd like more information from the BNC.
 - **Here's the full URL:** <https://goo.gl/forms/R5DOJkuhXJ2IQqXj2>
- **Send a brief email** to Bellingham City Council in support of the ordinance to modify the membership rules for the City's Planning Commission. Send your email to: ccmail@cob.org.
 - **Let Council know that you:**
 - Are concerned about Planning Commission bias;
 - Support the ordinance proposed by Terry Bornemann that would ensure balance on the Planning Commission by preventing a majority of those who profit from development from dominating the commission.
- **If you can, please attend the November 14 Council meeting** at 7:00 pm and sign in to speak during the public comment period. The sign in sheet is typically available at 6:30, so if you'd like to speak early and leave, please plan to arrive early to sign in. The meeting is held in the second floor Council chambers at City Hall, 210 Lottie Street across from the library.

The Ordinance

The ordinance is designed to address the **group bias** of a planning commission (PC) that is dominated by those who have a financial interest in PC recommendations concerning the comprehensive plan, development regulations, zoning changes, and permit variances. The ordinance will prevent those who profit from buying, selling, developing, constructing, and investing in real estate from dominating the PC by limiting their membership to **no more than three of the seven members**.

Planning Commission Bias and the Need for Occupational Restrictions

A brief two-page summary is included below. One of the major obstacles facing those who support responsible development is dealing with - and attempting to influence - a planning commission that is dominated by developers, realtors, builders, contractors, architects, appraisers, and others who stand to benefit from higher levels of development.

Placing those who have a financial interest in maximizing the number of development projects in charge of city growth policies and the development regulations they will be subject to is akin to asking the fox to guard the hen house.

Questions

If you have any questions about the ordinance or talking points, please email our colleagues at the *Bellingham Neighborhood Coalition* at bhamneighborhoodcoalition@gmail.com.

Thank You

Thank you for responding to our request. Your participation can be the difference in getting the ordinance adopted. We are unlikely to get another bite at the apple.

Bellingham City Council will vote on the ordinance on Monday, November 14.

Please take a moment now to:

- Add your name to the group letter by clicking [here](#).
- Draft a brief email send it to ccmail@cob.org.

Please also **save the date for the November 14 meeting** at 7:00 pm and plan to arrive early to sign in to speak.

We greatly appreciate your efforts to ensure *Responsible Development* in Bellingham.

Sincerely,
The Responsible Development Board

Planning Commission Membership

The Potential for Group Bias & the Need for Occupational Restrictions

Background

“Zoning board decisions affect countless citizens in profound ways every day. The power to change a zone from residential to commercial or even industrial use can mean that your peaceful neighborhood may become a nightmare. A variance granted can mean increased traffic, more noise, light pollution, or obnoxious odors. Every decision a zoning board makes affects the daily lives of the city’s people - what they see or hear, where they have to drive, where they can walk, how they live.”

Because land use and zoning decisions typically involve large stakes - often pitting developer profits against the health, safety, and welfare concern of citizens - the issues of planning commission ethics and group bias are beginning to receive more and more attention.

Publications

The website [Planners Web](#) has an entire series of articles on [Ethics & the Planning Commission](#) and several articles have been published in professional journals.

[Jerry Anderson, J.D.](#), Dean of the Drake University Law School, has emerged as the nation’s expert on the potential for bias on zoning boards and planning commissions. Three of Anderson’s peer-reviewed articles have been published by the prestigious journal [The Urban Lawyer](#), which has the largest circulation of any government law journal in the world.

Between 2004 and 2008, Mr. Anderson published:

- [Is the Wheel Unbalanced?: A Study of Bias on Zoning Boards](#) (2004),
- [Zoning Bias II: A Study of Oregon’s Zoning Commission Composition Restrictions](#) (2006), and
- [A Study of American Zoning Board Composition and Public Attitudes Toward Zoning Issues](#) (2008).

Findings

- There is a widespread perception that zoning boards are often biased.
- Zoning boards are often filled with individuals who have a built-in predilection in favor of development projects because they are engaged in, or retired from, occupations that benefit from these projects.
- Citizens who might be more sympathetic to the complaints of the neighbors impacted by development are typically left off of these boards.
- **The potential impact of group bias is so great that the Oregon legislature chose to prohibit the selection of more than two commission members who engage in the buying, selling or developing of real estate. Additionally no more than two members can have the same occupation. ([ORS 227.030](#)). Oregon’s law has been on the books in its current form for more than 40 years.**

Findings as they relate to the Bellingham Planning Commission

- Bellingham’s 7-member Planning Commission is currently dominated by 6 members who benefit from development projects, including a(n):
 - 1) Land use and permitting consultant;
 - 2) Owner of a construction firm;
 - 3) Architect;
 - 4) Real estate investor and property manager;
 - 5) Landlord whose wife is an environmental consultant for development projects; and
 - 6) Real estate project manager (retired).

- There is nothing wrong with having a development consultant on the Planning Commission. Or an architect, realtor, contractor, developer, or environmental consultant. But when 6 of 7 PC members are engaged in these types of occupations, the entire PC is at risk of group bias. Biased decision makers not only threaten accurate decisions, but also undermine the legitimacy of governmental processes. The result is that people lose trust in their government.

General Recommendations

- To ensure development interests do not dominate planning commissions and that the average citizen has a fair chance of being heard, city officials need to appoint commission members who represent a broad cross-section of views and occupations.
- We should pay more attention to these boards, to ensure that each citizen who comes before them has confidence that the slate is clean and that his or her complaints or concerns will be heard and fairly weighed.
- Legislation focusing on the occupational composition of zoning boards should be enacted.

Specific Recommendations

- The best legislative model for planning commission membership and broad occupational distribution is Oregon's [ORS 227.030](#).
- The ideal planning commission membership law would follow the Oregon model but expand the limit to include:
 - Anyone who contracts directly with real estate developers (e.g., architects, appraisers, contractors, and landscapers); and
 - Those who engaged in those occupations within the last five years.