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1 Brenner stated there is a scrivener's error at the top of page four, "Dick  
2 Dave Pros."

3  
4 ***Motion to approved and amend carried 6-0 with Nelson abstaining***  
5 ***due to his absence during the meeting.***

6  
7  
8 **OPEN SESSION**

9  
10 The following people spoke:

11  
12 Leonard Lindstrom, City, asked if they are having fun yet. Keep working on  
13 those educations.

14  
15 Bernice Brannon, 4145 Patos, Ferndale stated she lives within the  
16 boundaries of the Lummi Reservation. The Tribe has posted a sign saying that the  
17 Tribe has zoning jurisdiction for the entire reservation. She talked to the Lummi  
18 Planning Department. There would be a hearing on the portion of the map that is  
19 blacked out. There would be a hearing on the rest of the map on June 18. The  
20 County does have jurisdiction. The County should maintain jurisdiction out there.  
21 This is another way for the Tribe to harass the residents. The County should assert  
22 its jurisdiction.

23  
24  
25 **CONSENT AGENDA**

26  
27 ***Crawford*** reported for the Finance and Administrative Services Committee  
28 and ***moved*** to approve Consent Agenda items one through eight.

29  
30 Brenner withdrew item six.

31  
32 McShane withdrew item three.

33  
34 ***Motion to approve Consent Agenda items one, two, four, five, seven,***  
35 ***and eight carried unanimously.***

- 36  
37 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID**  
38 **#03-40 TO THE LOWEST RESPONSIVE BIDDER, SAHLBERG**  
39 **EQUIPMENT, FOR A REPLACEMENT VIBRATORY ROLLER FOR USE BY**  
40 **MAINTENANCE AND OPERATIONS IN THE AMOUNT OF \$82,758.56**  
41 **(AB2003-214)**  
42  
43 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
44 **COLLECTIVE BARGAINING AGREEMENT BETWEEN WHATCOM**  
45 **COUNTY AND WHATCOM COUNTY DEPUTY SHERIFF'S GUILD FOR THE**  
46 **PERIOD OF JANUARY 1, 2000, THROUGH DECEMBER 31, 2002**  
47 **(AB2003-215)**

1  
2 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
3 **FLOOD WORKS AGREEMENT BETWEEN WHATCOM COUNTY AND**  
4 **DIKING DISTRICT NO. 1 FOR LEVEE BACK SLOPING WORK ON THE**  
5 **NOOKSACK RIVER NORTH OF SLATER ROAD, IN THE AMOUNT OF**  
6 **\$42,143.90 (AB2003-216)**

7  
8 *Crawford moved* to approve the request.

9  
10 McShane stated at some point the Council will have to decide how to handle  
11 districts that don't operate through the usual process. He has some sympathy for  
12 districts that are put in the awkward position of inheriting past decisions that were  
13 inappropriate. This is the second time this has happened since he's been on the  
14 County Council. Before they had the countywide flood program, districts paid for  
15 things themselves.

16  
17 Nelson stated he likes to see things being driven by policy. He was assured  
18 that the policies would be made clear. The Flood Control Zone District Advisory  
19 Committee approved and sent this forward. Assert policy to the advisory  
20 committee and diking districts. However, they have the funding from the levy,  
21 which is to help these districts. The advisory committee voted and approved it, so  
22 he will support the motion.

23  
24 Brenner stated they should consider whether or not to support it if it  
25 happens again, but don't punish the new commissioners because of the actions of  
26 past commissioners. Additionally, she supports the improvements for which this  
27 money paid.

28  
29 *Motion carried 5-2 with McShane and Roy opposed.*

30  
31 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
32 **PROFESSIONAL SERVICES CONTRACT BETWEEN THE WHATCOM**  
33 **COUNTY HEALTH DEPARTMENT AND THE FRONT STREET**  
34 **PARTNERSHIP TO DEVELOP A LOCAL "COALITION AGAINST**  
35 **TOBACCO USE" (CATU) FOR A TERM OF JUNE 1, 2003, THROUGH**  
36 **DECEMBER 31, 2003, IN THE AMOUNT OF \$65,000 (AB2003-217)**

37  
38 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
39 **CONTRACT EXTENSION FOR TEMPORARY PASSENGER FERRY**  
40 **SERVICE TO LUMMI ISLAND FROM AUGUST 1, 2003, THROUGH JULY**  
41 **31, 2004, IN THE AMOUNT OF \$30,000, FOR A TOTAL AMENDED**  
42 **CONTRACT AMOUNT OF \$60,000 (AB2003-218)**

43  
44 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**  
45 **AMENDMENT TO CONTRACT NO. 200209003 BETWEEN WHATCOM**  
46 **COUNTY AND HDR ENGINEERING, INC. TO EXPAND THE SCOPE OF**  
47 **WORK TO PROVIDE AN ASSESSMENT FOR FEASIBILITY OF REUSING**

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1           **AN EXISTING BUILDING AS A TEMPORARY MINIMUM-SECURITY**  
2           **FACILITY, IN THE AMOUNT OF \$25,000, FOR A TOTAL AMENDED**  
3           **CONTRACT IN THE AMOUNT OF \$127,357 (AB2003-219)**  
4

5           **Crawford moved** to approve the request.  
6

7           Brenner stated it is more important to make a commitment to do a  
8 temporary jail, and stick with that commitment. This is \$25,000, a lot of money.  
9 If they need an architect to look at the building, issue a request for proposals (RFP)  
10 for local architects to respond. The County would receive a response for less than  
11 \$25,000. Don't send the County's money out of the area.  
12

13           Roy stated Lt. Jones testified at committee that these people have  
14 experience converting warehouses into jails and know money-saving possibilities.  
15 This might save the County money in the long run. It will also hopefully provide  
16 certainty. She agreed that they need to approach the task in a way to make it  
17 successful.  
18

19           Bill Elfo, Interim Sheriff, stated the current company has expertise in this  
20 area. They've done it before. They plan on bringing in two people from Texas to  
21 do just what the County seeks to do. He was originally skeptical of the cost.  
22 However, the benefit will save the County money later. Also, the County is in a  
23 critical situation. Going out for bids will delay the County further. Delay could be a  
24 hardship.  
25

26           Crawford stated time is of the essence. It's possible that the transition of  
27 the current facility will happen by the start of the year. They estimate that the  
28 analysis will take four to five weeks. He asked if that is workable for the Sheriff's  
29 Office. Elfo stated he could work with a timeframe of four to five weeks.  
30

31           Brenner stated there are a lot of trusting people in this process. She isn't  
32 trusting of this process. The courthouse retrofit used contractors outside the area.  
33 There isn't as much accountability from those people. The \$25,000 could be used  
34 for the structural work that needs to be done on the facility. They may end up  
35 with something that they won't like.  
36

37           Pete Kremen, County Executive, stated this service is being coupled with a  
38 local firm, King & Associates. There is a local architect and company involved in  
39 this issue.  
40

41           Caskey-Schreiber asked if they can stick with the four to five week  
42 timeframe. Kremen stated he is somewhat confident that the County can exert as  
43 much pressure as possible to expedite the process, and bring the study in sooner.  
44 He would like to see it done in two to three weeks.  
45

46           **Brenner moved** to amend the request to pay for the local services, David  
47 King and Associates, and let them do the work.

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1  
2 Kremen stated that if the amendment were to pass, the County can't enter  
3 into the contract. It's not an option. It would elongate the process.

4  
5 ***Motion to amend failed 6-1 with Brenner in favor.***

6  
7 ***Motion to approve the request carried 6-1 with Brenner opposed.***

8  
9 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**  
10 **AMENDMENT TO CONTRACT NO. 200301025 BETWEEN WHATCOM**  
11 **COUNTY AND THE BELLINGHAM/WHATCOM COUNTY ECONOMIC**  
12 **DEVELOPMENT COUNCIL, TO EXPAND THE SCOPE OF WORK TO**  
13 **PROVIDE TECHNICAL ASSISTANCE TO THE COUNTY'S ECONOMIC**  
14 **DEVELOPMENT INVESTMENT PROGRAM, IN THE AMOUNT OF**  
15 **\$58,000, FOR A TOTAL AMENDED CONTRACT IN THE AMOUNT OF**  
16 **\$73,000 (AB2003-220)**

17  
18 **8. RESOLUTION AMENDING WHATCOM COUNTY VANTAGECARE**  
19 **RETIREMENT HEALTH SAVINGS (RHS) PLAN TO PROVIDE TO**  
20 **BARGAINING UNIT EMPLOYEES WHEN SPECIFIED IN WHATCOM**  
21 **COUNTY COLLECTIVE BARGAINING AGREEMENTS, AND REVISE**  
22 **EXISTING NON-HEALTH DISTRIBUTION FEATURES OF THE RHS PLAN**  
23 **IN ACCORDANCE WITH GUIDANCE ICMA-RC HAS RECEIVED FROM**  
24 **THE INTERNAL REVENUE SERVICE (AB2003-210)**

25  
26  
27 **PUBLIC HEARING**

28  
29 **1. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING**  
30 **ORDINANCE, TITLE 20, CHAPTER 20.71 – WATER RESOURCE**  
31 **PROTECTION OVERLAY DISTRICT, CHAPTER 20.80 –**  
32 **SUPPLEMENTARY REQUIREMENTS (STORMWATER AND CLEARING),**  
33 **CHAPTER 20.85 – PLANNED UNIT DEVELOPMENTS, AND CHAPTER**  
34 **20.97 – DEFINITIONS, TO PROVIDE ADDITIONAL REGULATORY**  
35 **PROTECTION FOR SENSITIVE WATERSHEDS (AB2002-222B)**

36  
37 Sylvia Goodwin, Planning Division Manager, gave a staff report and stated  
38 they've worked on this for two years. There has been a lot of discussion, public  
39 input, and debate. It's been challenging to come up with regulations that protect  
40 the watershed without taking away too many development rights. People still  
41 believe that the proposal leans too far one way or the other.

42  
43 The zone regulates development standards for stormwater, prohibits surface  
44 mining in certain areas, changes the amount of impervious surface allowed on a  
45 property, land clearing, erosion control and soil stabilization, and tree retention.  
46 There are changes to the Planned Unit Development regulations and the definition.  
47

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1 Crawford asked if they are considering a version of the ordinance that  
2 eliminates Drayton Harbor from the water resource special management district.  
3 Goodwin stated that is correct. It is still a stormwater special district.  
4

5 McShane opened the public hearing and the following people spoke:  
6

7 Al Hanners, 3007 Plymouth Drive, Bellingham, stated he would like to see  
8 Drayton Harbor protected. The shellfish and native plants need to be protected.  
9 The purpose of clearing is usually to build houses, which create pollution.  
10

11 In the State of the County address, Executive Kremen talked about jobs.  
12 There aren't any jobs in this county except for building houses. The population is  
13 increasing. They have to make a choice.  
14

15 Dave Determan, 6989 Birch Bay Drive, stated Drayton Harbor needs to be  
16 protected. Blaine gets its water from aquifers that are in the Drayton Harbor  
17 watershed. If drinking water is the issue as it is with Lake Whatcom and Lake  
18 Samish, then also protect Drayton Harbor.  
19

20 The Terrell Creek watershed runs through all the heavy impact industry  
21 areas. There needs to be provisions for these areas. Birch Bay is as important as  
22 Lake Whatcom.  
23

24 Chris Dillard, 2216 G Street, People for Lake Whatcom Vice President, stated  
25 the science is clear that development impacts threaten Lake Whatcom. This action  
26 needs to be taken to ensure Lake Whatcom as a viable drinking water source. He  
27 supports the 20 percent limit of impervious surfaces. The tree retention language  
28 is good but there is potential to abuse if a landowner is allowed to cut 35 percent of  
29 the tree canopy each year. The seasonal land clearing should be reinstated as  
30 originally written.  
31

32 *(Clerk's Note: End of tape one, side A.)*  
33

34 Dillard continued to stated there is still concern the land clearing rules can't  
35 offer adequate protection. County staff is unable to enforce them. The Council  
36 should implement a testing program for the point system to make sure it works.  
37

38 Rick Dubrow, 2523 Utter Street, Bellingham, stated he is the owner of A-1  
39 Builders. He is also the vice-president on the board of RESources, president of  
40 Sustainable Connections, and a member of the Building Industry Association. He is  
41 speaking tonight as an individual. After this ordinance, they need to look at  
42 existing housing and erosion. Most silt fences are poorly installed. They need to  
43 prevent erosion instead of treat erosion. Phosphorous cannot be removed from the  
44 water. He asked the Council to table this item until the total maximum daily load  
45 (TMDL) study comes out.  
46

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1 Andrew Lohrer, 652 Sudden Valley, stated that these regulations would  
2 cause a loss of jobs, a loss of affordable homes, and a loss of business. They can  
3 work within the system to allow them to build all year long, when the weather  
4 permits. They can protect the watershed and build at the same time. If he can  
5 only work five months out of the year, he would have to lay off three of his four  
6 employees.

7  
8 McShane stated there is not a seasonal restriction in the proposed ordinance.  
9 They are accepting the point system.

10  
11 Dennis Jones, 1487 Sudden Valley, stated he supports this ordinance. They  
12 need it as quick as possible. This is not something that is new tonight or last July.  
13 It goes back to 1989 and the 21 goals of the joint resolution. None of this is new.  
14 The Lake Whatcom watershed is one of two in the state that provides drinking  
15 water for over 50,000 people and is not protected.

16  
17 Lincoln Rutter, 8373 Semiahmoo Drive, stated he supports the work of the  
18 Planning Commission. He supports the ordinance. Drayton Harbor should be  
19 included in the water resource protection overlay district. It is a marine estuary.  
20 Eighty percent of marine species live in the estuary areas. Eighty five percent of  
21 the species in Washington State live in riparian zones. Healthy estuaries are critical  
22 for the survival of species on which many Whatcom County employed depend. He  
23 submitted two publications from DNR (*on file*). Seasonal restrictions on clearing  
24 activities and tree retention rations are valid in the context of a marine estuary.  
25 Marine estuaries and drinking water areas both relate to public health, safety, and  
26 welfare, and are being threatened by pollution. Birch Bay should also be protected  
27 after adoption of this ordinance. It contains eel grass beds and the last spawning  
28 grounds for species such as herring, which feed salmon and steelhead, which feed  
29 millions of seabirds, shorebirds, and waterfowl that rely on those fish. The survival  
30 of wildlife is fundamental to the growth of the tourist industry. The conversion  
31 option harvest plan should be struck from the ordinance.

32  
33 Mary Dickinson, Building Industry Association (BIA) of Whatcom County  
34 Government Affairs, 3323 Northwest Ave, stated she would speak about seasonal  
35 clearing. She discussed the history of the seasonal clearing regulations. The point  
36 system was not intended to guarantee that a project could be permitted during the  
37 so-called wet season, but it provides for the County's administrator to review an  
38 applicant's wish to clear land, evaluate a project, and determine if it can proceed  
39 with property erosion control measures. Reinstate wording that allows the  
40 technical advisor to consider an engineered erosion control plan for a site. The BIA  
41 supports creation of a stormwater collection and treatment system for all watershed  
42 areas, since existing development is the first concern that needs to be addressed.

43  
44 Rob Olsen, 3920 Sweetwater Road, Bow, stated he builds in Sudden Valley.  
45 He asked about the minimum lot size that would limit the buildable size to 2,500  
46 square feet of impervious surfaces.

47

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1 McShane stated any lot would always get at least 2,500 square feet.  
2

3 Crawford stated that limit was changed from 3,000 square feet of impervious  
4 surfaces.  
5

6 Olsen stated a lot of lots in Sudden Valley would be allowed 2,500 square  
7 feet of impervious surfaces. A typical rambler with 1,670 square feet would require  
8 2,623 square feet of impervious surface. That doesn't include a driveway. He  
9 couldn't build this house. That limit restricts people from building. The garage,  
10 eaves, and decks are included in the impervious surfaces for this house.  
11

12 Geoff Menzies, 988 W. Laurel Road, stated they should leave Drayton Harbor  
13 in as a water resource special management area. To take it out is contrary to the  
14 findings and recommendations of the Drayton Harbor Watershed Management  
15 Committee. The committee identified stormwater and land conversion as a  
16 significant threats to water quality. He read the recommendations from the plan to  
17 protect watershed the community developed. Drayton Harbor has its biggest  
18 problems during the winter months. The water quality around the entrance to the  
19 harbor is the biggest problem. Water quality in both creeks seems to have  
20 improved in the past few years. They do not need additional sources of nutrients  
21 and bacteria to offset recent accomplishments. Including Drayton Harbor is  
22 supported by the goals and policies of the County's Comprehensive Plan.  
23

24 Paul Isaacson, 204 Shallow Shores Road, stated that his proposal was for  
25 more than 35 percent of the existing trees may be removed on lots five acres or  
26 greater if replanting is done per the Department of Natural Resource's forest  
27 practice rules. The concept for this ordinance has been in the works for two years,  
28 but the actions to implement it have not. Many people in the room don't have a  
29 clue of what this entails. He requests compensation for those who are unduly  
30 burdened, per the Home Rule Charter. With the 65 percent tree retention rule, the  
31 County could steal \$100,000 of timber from someone on a ten-acre tract. There is  
32 no provision for anyone who is unduly burdened.  
33

34 The City and County have purchased land in the watershed. When the  
35 appraisals for that land were done, timber was an aspect of high value, which the  
36 governments recognized. He asked why the timber they are going to take from the  
37 property owners now has no value.  
38

39 Marion Beddill, 2600 Seeley Street, Bellingham stated the purpose of all the  
40 regulations is public health derived from control of erosion and runoff into sensitive  
41 water bodies. If everyone behaved well, they wouldn't need rules. Some people  
42 misbehave, so they must set constraints. The Council should consider gravel an  
43 impervious surface. Consider enforcement and budget. Phosphorus is  
44 understudied. Complete the TMDL study. Look into what other chemical besides  
45 phosphorus merits consideration in the study. Define the lake quality as the  
46 current status, not its status in the past. Stormwater treatment facilities are very  
47 costly. It's better to keep the water clean in the first place.

1  
2 Tom Pratum, 2241 North Shore Road, stated he represents the North  
3 Cascades Audubon. This ordinance has been given an extraordinary hearing  
4 throughout the process. The Council has heard everyone's view. The science is  
5 there to support this ordinance and more regulations. He approves the reduction of  
6 impervious surface allowances. He is concerned that Drayton Harbor was removed  
7 from the land-clearing portion of the ordinance. It is very an important area for  
8 waterfowl. There is no lower limit on the tree clearing. There is also no limit on  
9 the number of times a person can do tree clearing. He doesn't agree with the  
10 seasonal clearing restrictions.

11  
12 Roger Ellingson, 3033 Alderwood, Bellingham, stated his law office is in  
13 Blaine and active in the Blaine community. The City of Blaine and community of  
14 Birch Bay have embraced their designation as an important birding area. This will  
15 attract bird watchers who are the cream of the crop of tourists. This designation  
16 will improve the image of Blaine as a place to relocate businesses and retire.  
17 Birding is very important to the City of Blaine. The south part of Drayton Harbor is  
18 a very sensitive area because of the estuaries and creeks in the area. Keep the  
19 record open for Robin Matthews' most recent annual report. He's told that basin  
20 two is now degrading faster than basin one.

21  
22 Jason Reimer, 9951 Peace Road, Blaine, stated he's glad Drayton Harbor is  
23 out of the ordinance. It is a taking without compensation. If the Council puts  
24 Drayton Harbor back, he recommends that all farmers in the county dump their  
25 pollution into the harbor because all studies since 1992 have proven that they can't  
26 find one source of pollution upstream from the farmers. The impervious surface  
27 idea is stupid. They are going to stop development in Sudden Valley. That's how  
28 most people in the county make their livings.

29  
30 Ellen Murphy, 901 Forest Street, stated everyone has sincere concerns that  
31 commitment and creativity can address. Historically, these concerns always end up  
32 winning over the concerns about the water. Nothing should come before protection  
33 and restoration of the lake.

34  
35 Brenda Iverson, 2326 Birch Bay-Lynden Road, stated she is an employee of  
36 a construction company who does work in the Drayton Harbor, Lake Whatcom, and  
37 Lake Samish watersheds. The concern of drinking water is a big one. The point  
38 system has been a good one for Lake Whatcom. Erosion controls do work if they're  
39 properly constructed. She agrees with removing the Drayton Harbor watershed.  
40 There's no way that construction or clearing during wet seasons that water would  
41 come off the lots. It is a huge watershed. She asked if they are willing to sacrifice  
42 jobs to save birds.

43  
44 Peter Watts, 2154 North Shore Road, stated its not clear the extent to which  
45 they intend to control forestry activities. There will be conflicts between the  
46 proposed ordinance and DNR. Agriculture is not defined in the ordinance. Various  
47 classes of forest permits are referred to, but not defined. Revisit the issue.

1  
2           *(Clerk's Note: End of tape one, side B.)*  
3

4           Watts continued to ask that the Council please take a second look at the  
5 ordinance.  
6

7           Brenner asked what the conflict is between this ordinance and DNR. Watts  
8 stated this ordinance purports to control tree cutting and clearing operations, which  
9 are necessary for forestry practices. There are some exemptions, but they are not  
10 defined. That is a problem.  
11

12           Roger Almskaar, 3610 Meridian, stated he participated with the working  
13 group that worked with the Planning Department. The product is a good-faith  
14 compromise. He supports the ordinance in general. Look at the testimony  
15 carefully and deliberate on the testimony for a couple of weeks.  
16

17           This is a complicated ordinance, more so than the majority of land use rules.  
18 There needs to be a balance between clear standards and flexibility. These rules  
19 need a valid public purpose. Improving the level of protection to these three water  
20 bodies is a valid public purpose. The rules must be reasonably related and the  
21 least restrictive possible to still get the job done.  
22

23           The 2,500 square foot impervious surface threshold is too low. It ought to  
24 be 3,000 or 3,500. He supports removing the Drayton Harbor watershed from the  
25 water resource special management area. The area is fundamentally different from  
26 Lake Whatcom and Lake Samish. The Building Industry Association raised good  
27 questions about the tree canopy rules. He supports Paul Isaacson's suggestion on  
28 lots larger than five acres. Come back and look at this ordinance in six months.  
29 Raise threshold level for impervious surfaces. Deal with Drayton Harbor separately.  
30

31           Bill Quehrn, Building Industry Association of Whatcom County, stated he  
32 participated in the working group. Changing the seasonal clearing regulation mid-  
33 season would have made it difficult for builders. Interest rates have been so low, it  
34 has caused a building boom. Applicants are six to eight weeks from getting an  
35 appointment for a building permit, and weeks to months away from getting the  
36 permit. That will be going into the wet season. Allow staff flexibility to approve  
37 clearing if it is dry. He is in favor of the point system.  
38

39           John Lee, 4942 Pacific Highway, Coach Corral Site Development Manager,  
40 stated the setbacks they are required to meet could eat up the amount of land  
41 available for impervious surfaces. The critical areas setbacks can be up to 100 feet.  
42 That requires 1200 square feet of impervious surfaces for a 12-foot driveway. The  
43 impervious surface criteria and setbacks make it very difficult to develop a lot. The  
44 two criteria can make a lot virtually unbuildable.  
45

46           Lerline Hammer, 4040 Mt. Baker Hwy, Everson, stated this ordinance  
47 generates a lot of emotion and should be based on practical common sense, which

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1 isn't being considered. She asked the Council to give this more time and more  
2 consideration.

3  
4 Craig Ostrom, 2406 Lynn Street, asked the Council to take more time to  
5 work on this ordinance. In section 20.71.302(1), define "structures." He's not sure  
6 that the 2,500 square foot impervious surface threshold addresses the Sudden  
7 Valley lots very well. A threshold of 3,000 feet would fit better. The homes have  
8 onsite stormwater retention. There is considerable effort given to erosion control  
9 and to mitigate water going back into the soils.

10  
11 Cal Leenstra, 315 Lakeway, stated he is concerned about the ordinance. He  
12 owns 25 acres at Lake Samish that was downzoned from three lots per acre to one  
13 lot per five acres. He used to be allowed 50 percent of the lot available for  
14 impervious surfaces. This ordinance would only allow 20 percent of impervious  
15 surfaces. He asked if the tree retention requirement requires a survey. A bond is  
16 required. The ordinance talks about stepping outside the clearing allowance and  
17 then replacing trees at a two-to-one ratio. If there's an argument about the tree,  
18 the landowner must hire a forester to decide who wins. They are getting more and  
19 more bureaucracy. Government costs account for 35 to 50 percent of a low cost  
20 home and 25 percent of a moderately cost home. He's not against keeping trees.  
21 He is a landscaper. He asked where the 35 percent requirement comes from. He  
22 has a case against the County for the downzone. If he is only allowed 35 percent,  
23 the lots won't have a view to the lake, lowering the amount they will sell for. They  
24 should be allowed pastures. The people who are in favor of this don't have a tree  
25 on their lots. He would like the same benefits. These are five-acre tracts. Don't  
26 approve these measures, and take more time.

27  
28 Marie Hitchman, 601- 16<sup>th</sup> Street, stated the good ol' boys want to do what  
29 they want to do. Whenever they talk about trees, they have to remember that  
30 trees are a prime mover in an ecosystem. Trees act like big sponges and hold the  
31 rain and soil. Everything is connected to everything else. Every time they cut a  
32 tree, they have to think about the effect.

33  
34 Hearing no one else, McShane closed the public hearing.

35  
36 McShane stated the seasonal clearing point system is not part of this  
37 ordinance. If the Council makes any significant changes, it will need to have  
38 another public hearing on those amendments.

39  
40 *(Clerk's Note: The Council took a five-minute break at 9:00 p.m.)*

41  
42 **McShane moved** to adopt the ordinance.

43  
44 **Crawford moved** to amend section 20.71.302 (1) to restore open area  
45 criteria back to 50 percent, and reinstate the urban residential (UR) zone areas  
46 greater than 10,000 square feet requirement that 60 percent must be kept open.

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1 Roy asked why the committee went from 50 percent to 80 percent, other  
2 than the known effects of impervious surfaces to the watershed.  
3

4 Caskey-Schreiber stated the committee considered the cumulative effect of  
5 all impervious surfaces in the watershed. This was an attempt to reduce that total  
6 amount. This formula has a better overall end effect.  
7

8 McShane stated that a significant amount of development that will occur in  
9 the Lake Whatcom watershed is with the UR zoned areas, including Sudden Valley,  
10 Geneva, and Hillsdale. A standard lot is 15,000 square feet. This change would  
11 allow for 7,500 square feet of impervious surface, which is the equivalent of two  
12 typical city lots. The overall goal is to avoid the measurable effects of more than  
13 ten percent impervious surfaces. There is a default to another percentage if a  
14 person is constrained by a smaller lot.  
15

16 Brenner stated she understood that they are way under a ten percent total  
17 of impervious surfaces throughout the entire watershed. There are certain areas  
18 with more development, but they are also areas with small lots. They need a larger  
19 amount allowed for a modest house. Otherwise, just mandate that someone can't  
20 build on their lot and pay them for the value of the property. This is the same as a  
21 taking.  
22

23 McShane stated he is against the motion. The motion will allow 7,500  
24 square feet of impervious surfaces on a standard 15,000 square foot lot.  
25

26 Nelson stated the studies he read indicate that the problem is not with  
27 rainwater off of roofs, but materials that are in the yards. In UR areas, there may  
28 be inappropriate use of fertilizers and phosphates, driveway drainage, and  
29 contaminated roads. He has not seen one study that cites roof runoff as a  
30 contaminant.  
31

32 McShane stated he distributed a study by a civil engineer to councilmembers  
33 regarding impervious surfaces and vegetation retention. The focus is not  
34 necessarily on the pollution within the stormwater and surface runoff. The impacts  
35 to stormwater are the increased peak discharges in drainage that goes into the lake  
36 or stream. Once they start going over ten percent impervious surface area or  
37 removal of vegetation that is in hydrologic maturity, the flows increase enough that  
38 it causes an impact to that given stream. In the case of Lake Whatcom, that given  
39 stream is discharging water at a much faster rate than it otherwise would be. The  
40 sediment that might be in the creek is being delivered to the lake with the  
41 phosphorus that it carries. Also, the higher flows will cause the creek to erode, and  
42 contribute even more sediment. The main threat to the lake's dissolved oxygen  
43 levels is the phosphorus associated with sediment.  
44

45 Nelson stated that doesn't disagree with what he just stated. The actual  
46 culprit is existing development. They need to have a handle on building in the

1 future. Design structures for stormwater management would be more appropriate  
2 than limiting future impervious surfaces.  
3

4 McShane stated that unfortunately, on high levels of impervious surface  
5 areas, the engineering design fixes and the ability to retain the water in ways to  
6 reduce the peak discharges don't work very well. Therefore, avoidance is a good  
7 approach. This is a way of avoiding some of the impacts. Without a doubt, there  
8 will still be impacts. They are deciding on a compromise between the science and a  
9 reasonable solution. They can disagree on what is reasonable. Whatever they do,  
10 there should be a compromise that allows development, however constrained it  
11 might be.  
12

13 Caskey-Schreiber stated Tom Pratum submitted statistics on how impervious  
14 surface is affected by acreage. With the current zoning, 331 acres are impervious  
15 surface. If they are to keep the 50 percent, the impervious surfaces would be 681  
16 acres. If they go to 20 percent, it would be an additional 272 acres. If the  
17 downzone is approved, it's a difference of 562 acres of additional impervious  
18 surfaces, versus 224 acres at 80 percent. These statistics are only for the UR  
19 zones.  
20

21 Brenner stated she is convinced.  
22

23 ***Motion to amend failed 2-5 with Crawford and Nelson in favor.***  
24

25 ***Crawford moved*** to amend section 20.71.302(4) to restore a minimum  
26 threshold of impervious surface allowed to 3,000 square feet.  
27

28 Brenner stated this is very important. The square footage is arbitrary. For  
29 these zones, the extra 500 square feet will not make a significant difference in the  
30 watershed or sub-basin. She's convinced that this is something that both sides will  
31 be able to live with. People will still have to build modest houses.  
32

33 Roy stated everyone needs to find the lot to fit the house they want. That  
34 lot may not be in the Lake Whatcom watershed. There are other house designs  
35 besides a rambler. There are other ways to build a smaller footprint.  
36

37 Caskey-Schreiber stated that if someone consolidates two or more lots, that  
38 person would be allowed to build 3,000 square feet of impervious surfaces. The  
39 amounts add up. Using the 3,000 square foot lot designation in the UR zone, it  
40 totals 388 acres of impervious surfaces. If they use the 2,000 square foot  
41 maximum, the total would be 258 acres. A maximum of 2,500 is already a  
42 compromise. They are talking about just the UR-3 zone.  
43

44 Brenner stated it is not significant for the watershed, but it is significant to  
45 the people. There are a lot of elderly or retired people in the watershed. A rambler  
46 of that size is very small. There are plenty of people who have owned land in the

1 watershed for many years. It's not a good option to make them sell their land and  
2 go somewhere else.

3  
4 Fleetwood stated he wants to stay with the maximum of 2,500 square feet.  
5 It's not an arbitrary number. It's entirely consistent with a great amount of science  
6 they've all seen that says significant reductions in impervious surfaces are an  
7 intelligent thing to do for water quality. It's also not entirely prohibitive. One can  
8 still build. One must simply build smaller. Compared to other significant  
9 watersheds used as drinking water sources in Western Washington and Oregon,  
10 they are being incredibly permissive. Those are entirely restricted. He is against  
11 the motion.

12  
13 McShane stated he is against the motion. A maximum of 2,500 square feet  
14 is reasonable, from his perspective. It is a compromise between 2,000 and 3,000  
15 square feet.

16  
17 Brenner stated it's not about reducing impervious surface. Everyone agrees  
18 they want to see a reduction in impervious surfaces. She hasn't seen any science  
19 that says 2,500 square feet is scientifically supported.

20  
21 ***Motion to amend failed 3-4 with Brenner, Nelson, and Crawford in***  
22 ***favor.***

23  
24 ***Crawford moved*** to amend section 20.71.302(5) to eliminate the second  
25 sentence and the word "however" at the beginning of the third sentence. The  
26 second sentence might discourage someone from doing appropriate maintenance  
27 that would result in less runoff in the watershed.

28  
29 Brenner asked why the second sentence is included.

30  
31 Nelson stated that if there is a nonconforming impervious surface that is  
32 redeveloped, the objective is to reduce runoff.

33  
34 Amy Pederson, Planner I, stated that was the original rationale. There was  
35 extensive discussion about what to do with existing development. That provision  
36 was an effort to address existing development that is nonconforming with the  
37 regulations they put into place.

38  
39 *(Clerk's Note: End of tape two, side A.)*

40  
41 Crawford stated there may be cases where they would discourage someone  
42 from doing a decent project.

43  
44 Sylvia Goodwin, Planning Division Manager, stated that someone with a  
45 derelict house that they want to tear it down, they could rebuild it on the same  
46 footprint. They cannot make it bigger.

1 Brenner stated the language says that the impervious surface amount has to  
2 be reduced if someone is redeveloping more than 50 percent of the area.

3  
4 ***Motion to amend failed 2-5 with Brenner and Crawford in favor.***

5  
6 ***Crawford moved*** to delete section 20.80.636(2) regarding the stormwater  
7 special district requirements. This is where the value is talked about. If they are  
8 talking about the watershed, it's not appropriate to use the dollar value as a  
9 measure of protection. The physical impact of the structure is at stake, not the  
10 dollar value.

11  
12 Brenner asked if they can legally justify watershed protection based on the  
13 assessed value of the house. Goodwin stated the uniform building code (UBC) is  
14 based on value. If someone is doing a minor remodel, they shouldn't have to  
15 retrofit the whole lot. The value determines whether or not an improvement is  
16 significant.

17  
18 Brenner stated the UBC relates to updating and improving a house and  
19 safety standards. This has to do with watershed protection.

20  
21 Dave Grant, Senior Civil Deputy Prosecutor, stated it is a rational  
22 relationship.

23  
24 Nelson stated he would rather go with a percentage that addresses the  
25 specific issues they want to deal with, such as a nonpolluting roof or energy  
26 upgrades. It would encourage people to include beneficial updates to a renovation  
27 project. Look at things that are going to have an impact on the watershed.

28  
29 Chris Brueske, Engineering Manager, stated this was added to address a  
30 case when a house is completely torn down and rebuilt in the original footprint. As  
31 a significant improvement, it would have to include stormwater controls. There was  
32 an interest at the time this was written to require a component of retrofitting.

33  
34 McShane stated this is just under the stormwater rules. One would actually  
35 install stormwater design. They are not talking about impervious surfaces. This  
36 applies to someone who spends more than 50 percent of the assessed value.  
37 Someone will not be affected if that person is replacing a roof, doing interior work,  
38 or replacing windows and siding.

39  
40 Brenner asked if it would be better to state that intent rather than using  
41 assessed value.

42  
43 Caskey-Schreiber stated the engineers argued for this. They said anything  
44 above a 50 percent remodel is significant. This is different from the previous  
45 impervious surface section. It is important to keep the two sections separate. It  
46 applies to Drayton Harbor, Lake Whatcom, and Lake Samish.

1 Roy stated they discussed many options to include retrofitting. This was the  
2 most practical and fair way to do that.

3  
4 ***Motion to amend failed 2-5 with Brenner and Crawford in favor.***

5  
6 ***Crawford moved*** to remove subsection 20.80.735(2)(b). He's  
7 uncomfortable with a rule that allows determination by a technical administrator.  
8 They need predictability in the permitting processes and the administration of the  
9 process. They haven't defined when the technical administrator will make that  
10 determination.

11  
12 Brenner stated that language is the reason she supports this item. There  
13 will be instances that will be more environmentally sound by not phasing. She likes  
14 that it will be judged on a case-by-case basis.

15  
16 McShane stated there is predictability and flexibility. This includes flexibility.

17  
18 ***Motion to amend failed 1-6 with Crawford in favor.***

19  
20 ***Crawford moved*** to remove all tree retention language, section  
21 20.80.735(2)(d).

22  
23 ***Motion to amend failed 1-6 with Crawford in favor.***

24  
25 ***Crawford moved*** to amend 20.80.735(2)(d)(1), "...square feet or ~~35~~ **50**  
26 percent...."

27  
28 ***Motion failed 2-5 with Nelson and Crawford in favor.***

29  
30 ***Crawford moved*** to amend section 20.80.735(e), "...increased to ~~150~~ **125**  
31 percent...." That is the standards amount.

32  
33 Fleetwood asked how it is standard.

34  
35 Crawford stated 125 percent is what the County uses on most of its fines.

36  
37 ***Motion to amend failed 1-6 with Crawford in favor.***

38  
39 ***Crawford moved*** to amend section 20.80.737(2), "...property ~~or the~~  
40 environment on- or off-site." It's too ambiguous and vague, unless they define  
41 how the environment would be affected.

42  
43 Fleetwood stated that in the law it is called overly broad instead of vague.  
44 He asked for the reason they used an overly broad definition of environment. It  
45 could be interpreted to mean everything.

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1 Brenner stated she agreed with Councilmember Fleetwood. She didn't  
2 realize the environment meant everything.

3  
4 Roy stated she supports the motion. It is very vague.

5  
6 ***Motion to amend carried 5-1-1 with McShane opposed and Caskey-***  
7 ***Schreiber abstaining.***

8  
9 ***Brenner moved*** to amend section 20.71.351(3), "The maximum number of  
10 lots in a lot cluster shall be ~~16~~ 24." There could be more open space if they allow  
11 more houses in the cluster. A concern was raised that putting 24 houses  
12 together in a small space will create a small town. It will not, and it will create a lot  
13 more open space around it. It may give builders the option of more efficiency. It's  
14 better for the environment.

15  
16 McShane stated the lot cluster is 16 throughout the code. If the amount of  
17 clustered lots is going to be addressed, it should be addressed in a broader view.

18  
19 Brenner stated there is no scientific reason for 16. She doesn't like to  
20 support something just because that's the way they've always done it.

21  
22 ***Motion to amend failed 3-4 with Brenner, Crawford, and Roy in favor.***

23  
24 ***Brenner moved*** to amend section 20.80.735(2)(d)(1) to add a sentence at  
25 the end, "On lots five acres or greater, more than 35 percent of the existing trees  
26 may be removed if replanting is completed per DNR forest practices rules." If  
27 someone wants to clear more and wants to replant, that person should be able to  
28 under this rule.

29  
30 Nelson stated language in the forest practice rules seem somewhat arbitrary.  
31 This language is clearer. There will be enough protection of the canopy.

32  
33 ***Motion failed 3-4 with Nelson, Brenner, and Crawford in favor***

34  
35 ***Brenner moved*** to amend section 20.97.187 regarding impervious surfaces,  
36 to add, "However gravel roads using 1 ¼ -inch or greater clean gravel shall be  
37 considered low grade pervious surface and shall be allowed twice the limit of  
38 impervious surface." The modular grid pavement is an interesting concept. The  
39 lattice of load bearing material is over a permeable base. King County agrees that  
40 certain gravel uses are considered permeable. On logging roads, the clean gravel is  
41 not compacted by the heaviest truckloads.

42  
43 Nelson stated the issue is the runoff from slopes, which will happen  
44 regardless of the material. No one would argue that a gravel road, properly  
45 maintained, will have more impact than open ground. A gravel road will provide  
46 environmental protection from oil spills on a flatter surface. On a hard surface,

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1 they are going to have the drainage runoff from storm events. On a gravel road is  
2 more protective than asphalt. He would rather define a degree of slope.

3  
4 Roy stated this has to be an easily proven scientific issue. Either water runs  
5 off pounded down gravel, or it doesn't.

6  
7 McShane stated that in stormwater calculations, gravel is treated as  
8 impervious. A travel pit client has a gravel floor with no silts or fines throughout  
9 the pit. Most of the year, there is standing water in the pit from compacted gravel.  
10 Even with a small amount of fines, it still becomes so compacted that it holds water  
11 on the surface. They've actually had to dig trenches to infiltrate the site. It is a  
12 flat site.

13  
14 Roy asked about the King County information.

15  
16 McShane stated that if there is not an appropriate base under the grid, it  
17 would not be pervious. It is the same with impervious pavers.

18  
19 Brenner stated she is defining gravel as a low-grade pervious surface. Credit  
20 should be given to use of gravel instead of asphalt or concrete.

21  
22 Caskey-Schreiber asked staff if there is any type of gravel that is considered  
23 pervious. Brueske stated Councilmember Brenner's concept is intriguing. Staff has  
24 not analyzed it. A large size, clear gravel may serve some of the same functions as  
25 the drain layer under pervious pavers. Gravel's perviousness relies heavily on the  
26 base that is underneath it. Many of the logging roads using 1 ¼-inch clear gravel  
27 are placed on heavily compacted old logging roads. The road base itself acts as  
28 impervious surfaces. It will respond differently.

29  
30 McShane stated a modular grid pavement consists of a lattice of concrete,  
31 plastic, or other load-bearing material, which is a hard rigid material with holes in  
32 it. He asked if one would be able to use that system for a driveway in a watershed  
33 and have it count permeable. Brueske stated it would be considered an alternative  
34 surfacing.

35  
36 McShane stated it is currently allowed and would not be counted as pervious.

37  
38 Brenner stated 1 ¼-inch or greater clean gravel should be considered as a  
39 low-grade pervious surface. It is less pervious than forest floor, but is more  
40 pervious than concrete and asphalt.

41  
42 Crawford stated that gravel has to be maintained to keep its perviousness.  
43 He would like to include some language about maintenance.

44  
45 Brenner stated that's why she is calling it low-grade pervious. The rate of  
46 runoff is slower than asphalt or concrete.

47

***Motion to amend carried 5-2 with Fleetwood and McShane opposed.***

1  
2  
3 Nelson asked how the seasonal clearing worksheet pertains to this  
4 document. It should be part of the documentation. It should be an exhibit.

5  
6 Goodwin stated she was thinking about the gravel, and questioned where it  
7 would go if it is just a definition.

8  
9 Nelson stated it is in the definitions for impervious surface to clarify "gravel."  
10 Goodwin stated they normally don't have the standard for crediting someone for  
11 impervious surface in the definition section. She will figure out where to put it in  
12 the code to make it work. She's concerned about putting it in the definition section  
13 if it's a credit.

14  
15 Nelson stated it is still a definition. Goodwin stated she will leave it in as is,  
16 and then do an administrative interpretation if they don't know what it means.

17  
18 Nelson asked about the point system. Goodwin stated the point system is  
19 administration, not part of the code, and not part of the ordinance. It is just how  
20 staff would administer the words in the ordinance.

21  
22 Nelson stated the point system is a significant part of this ordinance.  
23 Goodwin stated it wasn't intended to be adopted by ordinance. It is administrative  
24 guidance.

25  
26 Nelson asked if the seasonal clearing site evaluation flow chart is part of the  
27 ordinance. Goodwin stated it is not.

28  
29 Nelson asked how to evaluate the point system. Goodwin stated it would be  
30 evaluated administratively.

31  
32 *(Clerk's Note: End of tape two, side B.)*

33  
34 Nelson asked how the Council would address any significant changes.

35  
36 McShane stated the Council will hear from people who are not getting  
37 permits, and can change the code at that time. Goodwin stated staff thinks it  
38 would be done administratively, just like all of the other development regulations  
39 are done administratively.

40  
41 Brenner asked if this point system is the way the administration is operating  
42 right now. Goodwin stated they don't use a point system now. There isn't a  
43 seasonal restriction on land clearing now. The point system was written to enforce  
44 this ordinance. It hasn't been used. Until the Council adopts this ordinance, it  
45 doesn't exist.

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1           **Nelson moved** to amend page two of the ordinance to add language to the  
2 "NOW THEREFORE BE IT ORDAINED" section, "Section 3. This ordinance will be  
3 reviewed in two years to deal with equity, fiscal impacts, benefits, and total  
4 maximum daily load findings." This is a dramatic step forward that this Council has  
5 worked hard on. He has concerns about the approach they are taking. There was  
6 discussion regarding the new TMDL studies that are coming out. He has questions  
7 regarding monitoring. He would like to keep a close eye on this situation.

8  
9           Fleetwood stated he doesn't want to limit their ability to review it sooner.

10  
11           Roy stated this language is vague. The benefit doesn't specify who benefits.  
12 There are many loaded terms. This could be really complex.

13  
14           Nelson stated they may want to readdress the management programs that  
15 aren't working to reduce the load to the lake. He's concerned that they are not  
16 addressing the specific causes for the problems, but they are dealing with new  
17 construction, which may not have those impacts.

18  
19           Roy stated new construction doesn't have impacts because it hasn't been  
20 built yet. It will have impacts the minute it has been built. She doesn't understand  
21 that argument. This motion is too vague. It would be easy to have arguments that  
22 are far afield.

23  
24           Caskey-Schreiber stated she agreed. It's difficult to quantify whether this is  
25 beneficial and to whom. They are not going to be able to measure the positive  
26 influence because they are reducing acreage. They don't have a baseline. They'll  
27 never know what the alternative will produce.

28  
29           Fleetwood stated he wouldn't support the motion. The Council can review  
30 the ordinance any time a majority of the councilmembers thinks there is good  
31 cause.

32  
33           Brenner stated this ordinance is so significant that everyone deserves for the  
34 Council to make a commitment. Just say that the ordinance shall be reviewed in  
35 two years, without defining anything else.

36  
37           Nelson stated he liked specifics. This ordinance has potential impacts both  
38 ways. They need to look at specifics.

39  
40           **Motion to amend failed 3-4 with Brenner, Nelson, and Crawford in**  
41 **favor.**

42  
43           **Brenner moved** to amend page two of the ordinance to add language to the  
44 "NOW THEREFORE BE IT ORDAINED" section, "Section 3. This ordinance will be  
45 reviewed within two years of adoption."  
46

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1           **Motion carried 4-3 with McShane, Caskey-Schreiber, and Fleetwood**  
2 **opposed.**

3  
4           **Roy moved** to amend:

- 5           1. In section 20.80.735, put Drayton Harbor back in as a water resource
- 6           special management area, and
- 7           2. In section 20.80.735((1)(a), reinstate language at the beginning of
- 8           the subsection, "Lake Whatcom and Lake Samish watersheds:" and
- 9           3. In section 20.80.735(2)(d), add language, "Tree canopy area
- 10          retention. In Lake Whatcom and Lake Samish watersheds, in
- 11          addition to...."

12  
13           This adds Drayton Harbor back into the ordinance, but the tree retention and  
14           seasonal clearing would only apply to Lake Samish and Lake Whatcom.  
15           Subsections (a-c) in section 20.80.735(2) still apply to Drayton Harbor. These  
16           were the areas that Mr. Menzies was most concerned about. The language is such  
17           that there is discretion for the Planning Department. The National Ecosystems  
18           Presidential Commission determined that ocean pollution often begins hundreds of  
19           miles inland. The erosion control measures are basic.

20  
21           Crawford asked if this requires another public hearing.

22  
23           McShane stated it and another couple of amendments they approved would  
24           require another public hearing.

25  
26           Fleetwood asked if the public hearing would be on the entire document, or  
27           simply on the addition of Drayton Harbor. Grant stated the public notice must be  
28           broad enough to incorporate Drayton Harbor.

29  
30           Brenner stated she would support the motion. Subsections (a) and (c) are  
31           good soil erosion practices.

32  
33           Roy stated that as they look at the shoreline issues and marine resources in  
34           general, the Council should work with the Planning Department, Shellfish Protection  
35           District Advisory Committee, and Birch Bay. Look at the specific needs of some of  
36           those areas.

37  
38           Caskey-Schreiber stated she supported the motion. It's important to  
39           recognize how fragile that area is and how much work they've done to try and  
40           reopen Drayton Harbor for shellfish.

41  
42           Roy stated many people have mentioned the economic issues tonight. There  
43           was a multi-million dollar industry lost in Drayton Harbor because of pollution. The  
44           oyster industry is gone. The area is nationally known for its birds that are attracted  
45           to the area. There are two sides to the economic issue. It's good economics for  
46           the county to save this area.

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1           ***Motion to amend carried 6-1 with Crawford opposed.***  
2

3           McShane stated that the ordinance would be reintroduced at the next  
4 meeting on June 17 and a public hearing will be scheduled at the July 8 meeting.  
5

6  
7           **OTHER ITEMS**  
8

9           **1.     ORDINANCE INCREASING THE PARKS AND RECREATION**  
10           **DEPARTMENT'S PETTY CASH REVOLVING FUND (AB2003-212)**  
11

12           *(Clerk's Note: Vice-Chair Caskey-Schreiber assumed the duties of the chair.)*  
13

14           ***Crawford*** reported for the Finance and Administrative Services Committee  
15 and ***moved*** approval.  
16

17           ***Motion to approve carried unanimously.***  
18

19           **2.     REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**  
20           **JULIAN MARSH TO THE WHATCOM COUNTY MENTAL HEALTH**  
21           **ADVISORY BOARD (AB2003-221)**  
22

23           *(Clerk's Note: Chair McShane resumed the duties of the chair.)*  
24

25           ***Nelson moved*** to confirm the appointment.  
26

27           ***Motion carried unanimously.***  
28

29           **3.     REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**  
30           **JON-PAUL SHANNAHAN TO THE MARINE RESOURCE COMMITTEE**  
31           **(AB2003-222)**  
32

33           ***Brenner moved*** to confirm the appointment.  
34

35           ***Motion carried unanimously.***  
36

37  
38           **LETTERS SENT BY COUNCIL**  
39

40           **1.     LETTER SENT TO THE WASHINGTON STATE DEPARTMENT OF**  
41           **ECOLOGY REGARDING EIS REQUIREMENTS FOR THE GEORGIA STRAIT**  
42           **CROSSING PIPELINE PROJECT.**  
43

44           ***Brenner moved*** approval. She thanked Councilmember Roy for her work  
45 on this.  
46

47           McShane also thanked Dave Grant and the Planning Staff.

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1  
2           *(Clerk's Notes: This motion was not voted on.)*  
3  
4

5    **INTRODUCTION ITEMS**  
6

7           ***Nelson moved*** to accept the Introduction Items, including the substitute  
8 supplemental budget request #6.  
9

10          ***Motion carried unanimously.***  
11

- 12    **1.    RESOLUTION TO AMEND RESOLUTION 2002-016: WASHINGTON**  
13    **COMMUNITY ECONOMIC REVITALIZATION TEAM (WA-CERT) TO**  
14    **PROVIDE ANNUAL PRIORITIZATION OF WA-CERT PROJECTS**  
15    **(AB2003-223)**  
16  
17    **2.    ORDINANCE AMENDING THE 2003 WHATCOM COUNTY BUDGET,**  
18    **SIXTH REQUEST (AB2003-224)**  
19  
20

21    **OTHER BUSINESS**  
22

23           Roy stated the Council and Executive sent letters asking for the  
24 supplemental environmental impact statement (EIS) for the Georgia Strait  
25 Crossing (GSX) pipeline. She was told today that the State Department of Ecology  
26 decided to do that.  
27  
28

29    **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**  
30

31           Brenner stated she has a book entitled Going Local regarding creating self-  
32 reliant communities. It's appropriate for planning and economic development  
33 issues. Anyone can read it when she is done.  
34  
35

36    **ADJOURN**  
37

38           The meeting adjourned at 10.40 p.m.  
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42    \_\_\_\_\_  
43 Jill Nixon, Minutes Transcription

44           These minutes were approved by Council on June 17, 2003.  
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46    ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

**DISCLAIMER: This document contains the Whatcom County Council or Committee minutes, as approved. However, unless an attested signature page is attached, they are not the final approved minutes.**

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Dana Brown-Davis, Council Clerk

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Dan McShane, Council Chair