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1 WHATCOM COUNTY COUNCIL  
2 **Regular County Council**

3  
4 July 8, 2003

5  
6 The meeting was called to order at 7:00 p.m. by Council Chair Dan McShane  
7 in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

8  
9 Present: Absent:  
10 Barbara Brenner None  
11 Laurie Caskey-Schreiber  
12 Sam Crawford  
13 Seth Fleetwood  
14 Sharon Roy  
15 L. Ward Nelson  
16

17  
18 **FLAG SALUTE**

19  
20 **ANNOUNCEMENTS**

21  
22 McShane announced that there was **discussion with Whatcom County**  
23 **Auditor Shirley Forslof regarding proposed changes in the voting system to**  
24 **meet the criteria of the Help America Vote Act (AB2003-258)** during the  
25 Committee of the Whole meeting.

26  
27 McShane announced that there was also **discussion with representatives**  
28 **from the Whatcom County Prosecutor's Office regarding pending litigation**  
29 **(AB2003-018)** in executive session during the Committee of the Whole meeting.  
30

31  
32 **MINUTES CONSENT**

33  
34 ***Nelson moved*** to approve Minutes Consent items one through four.

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

- 37  
38 **1. SPECIAL COUNTY COUNCIL – BUDGET AND MASTER FACILITIES -**  
39 **FOR JUNE 10, 2003**  
40  
41 **2. SPECIAL COUNTY COUNCIL – TITLE 20 AMENDMENTS – FOR JUNE 10,**  
42 **2003**  
43  
44 **3. SPECIAL COMMITTEE OF THE WHOLE FOR JUNE 17, 2003**  
45  
46 **4. REGULAR COUNTY COUNCIL MEETING FOR JUNE 17, 2003**  
47

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1  
2 **OPEN SESSION**  
3

4 The following people spoke:  
5

6 Dennis Jones, 1487 Sudden Valley, stated the County has other issues they  
7 need to get going on regarding lake issues. A resolution was approved in 1992 that  
8 had 21 goals. There is also the summary of the Whatcom Reservoir Management  
9 Program for 2000. Those are plans that are in play. He asked the Council to  
10 encourage planners to get on with them.  
11

12 He presented a videotape on what he hopes will become Roger DeSpain park  
13 in the watershed area above Sudden Valley, on Lookout Mountain.  
14

15 The only way they are going to get things done is for the City and County to  
16 work together. The situation of the City versus the County on the urban growth  
17 area issue is shooting the community in the foot. Find a way to settle it, and allow  
18 both sides to be heard.  
19

20 Leadership comes from the top. He asked the Council and County Executive  
21 to keep working together.  
22

23 Leonard Lindstrom, resident, asked if everyone is staying on their feet and  
24 talking to each other. Kids have been left standing by themselves for too many  
25 years. It generates too many social problems.  
26

27 Sharon Groen, Birch Bay, stated she represents the Birch Bay View  
28 Community Club. They are petitioning Birch Bay Water and Sewer for sewer  
29 installation. She is confident that results of an income survey will meet  
30 qualifications to apply for a community development block grant. It's essential to  
31 have the County Council support, including a public hearing. She would be willing  
32 to do the application in its entirety. She asked who the contact person would be on  
33 the County Council. In six to eight weeks, when the survey is done, she needs to  
34 contact the County.  
35

36 McShane suggested she work with the County administration.  
37  
38

39 **CONSENT AGENDA**  
40

41 ***Crawford*** reported for the Finance and Administrative Services Committee  
42 and ***moved*** to approve Consent Agenda items one through five.  
43

44 ***Motion to approve Consent Agenda items one through five carried***  
45 ***unanimously.***  
46

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- 1    **1.    REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID**  
2       **#03-44 TO THE LOWEST RESPONSIVE BIDDER, JERRY CHAMBERS**  
3       **CHEVROLET, FOR TWO REPLACEMENT CARGO VANS, IN THE AMOUNT**  
4       **OF \$61,520.36 (AB2003-245)**  
5
- 6    **2.    REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID**  
7       **#03-47 TO THE LOWEST RESPONSIVE BIDDER, KENWORTH**  
8       **NORTHWEST, FOR A REPLACEMENT DIESEL TRUCK, IN THE AMOUNT**  
9       **OF \$88,142.15 (AB2003-246)**  
10
- 11   **3.    REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
12       **GRANT AWARD CONTRACT BETWEEN WHATCOM COUNTY AND THE**  
13       **STATE OF WASHINGTON'S DEPARTMENT OF COMMUNITY, TRADE**  
14       **AND ECONOMIC DEVELOPMENT, FOR A COMMUNITY DEVELOPMENT**  
15       **BLOCK GRANT (PLANNING-ONLY GRANT) IN THE AMOUNT OF**  
16       **\$24,000 (AB2003-247)**  
17
- 18   **4.    REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
19       **SUB- RECIPIENT AGREEMENT BETWEEN WHATCOM COUNTY AND**  
20       **KULSHAN COMMUNITY LAND TRUST, RESULTING FROM THE GRANT**  
21       **AWARD CONTRACT FROM THE WASHINGTON STATE DEPARTMENT OF**  
22       **COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, FOR A**  
23       **COMMUNITY DEVELOPMENT BLOCK GRANT (PLANNING-ONLY**  
24       **GRANT) IN THE AMOUNT OF \$24,000 (AB2003-247A)**  
25
- 26   **5.    REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**  
27       **AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT BETWEEN**  
28       **WHATCOM COUNTY AND THE WHATCOM CENTER FOR EARLY**  
29       **LEARNING, TO PROVIDE EARLY INTERVENTION AND PARENT TO**  
30       **PARENT SERVICES, IN AN AMOUNT NOT TO EXCEED \$22,000**  
31       **(AB2003-248)**  
32

### **PUBLIC HEARING**

- 34   **1.    ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 2.33**  
35       **AND WHATCOM COUNTY CODE TITLE 20, VARIOUS CHAPTERS, TO**  
36       **ADD AND CLARIFY LANGUAGE RELATING TO NOTIFICATION**  
37       **REQUIREMENTS FOR LAND USE APPLICATIONS (AB2003-227)**  
38

39  
40  
41       McShane opened the public hearing and the following people spoke:

42  
43       Frank Eventoff, 7086 Atwood Road, Ferndale, stated he supports the effort  
44       for better notification. Many people don't get the Bellingham Herald and are not  
45       aware of the County's activities. He suggested that a developer solicit a response  
46       from the neighborhood residents.  
47

1           Hearing no one else, McShane closed the public hearing.  
2

3           **Caskey-Schreiber moved** to adopt the ordinance. She brought this  
4 forward with the help of the Council's Clerk. The notification used to be to 300 feet  
5 from the property boundaries. The density in the County is a lot lower than in the  
6 urban growth areas (UGA's) and cities. Many people are being left out of the  
7 process whenever there is a rezone, Comprehensive Plan amendment, or UGA  
8 expansion. The more people that are involved in the process, the healthier results  
9 the County gets. Everyone will have a chance to be heard and influence the  
10 decisions made regarding the areas where they live. She excluded the UGA areas  
11 upon recommendation from the Planning Department because the UGA's have a  
12 higher density and it would be more costly for the applicant to notify everyone.  
13

14           **Motion carried unanimously.**

15  
16           **2. RESOLUTION VACATING THAT ENTIRE PORTION OF JAMES WAY**  
17 **LYING WESTERLY OF BIRCH BAY DRIVE (AB2003-237)**  
18

19           McShane opened the public hearing and the following people spoke:  
20

21           George Astler, 4815 & 4817 Alderson Road, Birch Bay, stated they need  
22 more beach access, which they don't have now. They may not have beach access  
23 because of this. There is a lot of private property ownership, which he respects,  
24 but the ocean and edges of the ocean should belong to everyone. Consider this  
25 very carefully. The area should be as open as possible.  
26

27           Ray Hong, Birch Bay Park First Edition Resident, stated he bought his  
28 property, lot 10, in 1969. He represented the easement going across the end of  
29 James Way when he purchased his property. Two years later, he bought lot nine  
30 from Dodd and Hollinger. They represented the beach reserve in front of The  
31 Palms and the easement going through the end of James Way, which was  
32 dedicated to Birch Bay Park First Edition.  
33

34           Later, as transactions changed at The Palms, Gordon and Josie bought The  
35 Palms. There was a secret transaction for \$10 and special consideration where  
36 part of that lot in front of James Way was sold. A month later, Gordon pulled out  
37 the monuments at the end of James Way, which were on each side of James Way,  
38 halfway into the lot, and proceeded to fence it. The County put the monuments  
39 back in and told Gordon that the land was dedicated to Birch Bay Park First Edition.  
40

41           About four years ago, Kary Gobbato tried to get the County to vacate James  
42 Way beside her house. The County said it was dedicated to the public, and there is  
43 no way that a dedication could be taken away from the public. He tried it himself  
44 and was told the same thing. They can't take the end of James Way from them  
45 when it was dedicated to Birch Bay Park First Edition. He asked how the beach  
46 reserve disappeared. He wasn't notified about the beach reserve, which now  
47 belongs to those apartments. He asked where the residents would go even if the

1 property was vacated and they received a different easement. He is against the  
2 James Way vacation because the access belongs to Birch Bay Park First Edition.  
3

4 Cathy Cleveland, 4961 Morgan Drive, Birch Bay stated she is against the  
5 James Way public access disappearing. She has used the access since she was a  
6 child. It was a public right-of-way access to the beach. If this beach access is  
7 vacated, it gives legal precedent to vacate the rest of the accesses. The beach  
8 reserve is on the original plat map. She questioned how it disappeared. She  
9 hasn't seen any documentation that shows how it disappeared. County officials  
10 don't have a legal paper trail that shows how it was done. The reserve should be  
11 there. The beach reserve was dedicated forever. She is opposed to the vacation.  
12

13 Charles Van Gorder, Bellingham, stated he is the attorney representing Kary  
14 Gobbato, who lives across the street from the proposed vacation. He submitted  
15 information (*on file*). Regarding the beach reserve, there are questions about how  
16 that was accomplished. Only a few of the landowners in Birch Bay Park First  
17 Edition approved it. Everyone in the park would have had to approve to vacate the  
18 beach reserve. There is some indication that the beach reserve only goes part way  
19 to the James Way right-of-way, and the rest of the right-of-way goes directly to  
20 the tidelands. That adds a question of the status of James Way regarding the  
21 beach access, beach reserve, and tidelands.  
22

23 His written testimony includes information regarding the ten-foot public  
24 easement. When Mr. Hanson applied for a shoreline substantial development  
25 permit in 1990, the Planning staff said there was public access on the southern  
26 area of his condominium, lot F. When the Hearing Examiner approved the permit,  
27 he said there might be already a ten-foot public access easement. The question is  
28 whether there is a ten-foot public access easement today. If so, the portion of  
29 James Way that is proposed to be vacated provides parking access to that  
30 easement. It would be a public detriment because they would lose the access to  
31 the easement. Mr. Almskaar talks about the benefits of the vacation. The public  
32 benefits are minimal. Any public benefit of increased taxes would be outweighed  
33 by public cost. He corrected his earlier statement that this lot was unbuildable. If  
34 this lot is buildable, it should be built on the way it is. There is no reason to give  
35 the petitioner an extra 1,200 square feet of land. The lot would be increased by  
36 about 25 percent for \$5,000. He is opposed to the vacation.  
37

38 Ted Morris, 5105 Helwig Road, Birch Bay, stated all rights-of-way in Birch  
39 Bay are important now and in the future. Birch Bay is growing, and the public  
40 areas are vital to the community. Questions have been raised about some of the  
41 dealings that have happened since 1998. It's up to Whatcom County to look into  
42 those dealings to find out exactly what assets the public has. Don't give up any  
43 public access in Birch Bay. Use some Conservation Futures Fund money to acquire  
44 a parcel or tidelands to provide access to the public. He is opposed to the  
45 vacation.  
46

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1 Patricia Alesse, 4825 Alderson Road, Birch Bay, stated the road end areas  
2 were very specifically designated as beach access for recreational purposes for the  
3 owners of Birch Bay Park First Edition. That should be preserved. She has no  
4 desire to prevent Mrs. Christianson from making a reasonable use of her property.  
5 However, they don't want to give up the neighborhood's beach access. Other  
6 beach accesses are on the southern end, not the northern end. The end of James  
7 Way is not useless, as Mr. Almskaar says. It provides parking spaces and an area  
8 to turn around. It also provides a view corridor to the water.  
9

10 The petitioner has proposed offering a ten-foot easement for beach access.  
11 The only way she supports this offer is if the access were deeded to the County or  
12 to Birch Bay Park First Addition. They need something more than an easement.  
13 There are many examples of easements that have vanished.  
14

15 Patrick Alesse, 4825 Alderson Road, Birch Bay, stated every developer that  
16 has come to Birch Bay always allowed for public access for the back lots to get  
17 down to the beach. The total project is worth more if they could allow that access.  
18 That is the same thing that happened at Birch Bay Village. Human nature being  
19 what it is, those people who live on the water resent those who come down  
20 through the access. They have government to make sure things stay fair. The  
21 County benefits from the assessed valuation at Birch Bay. The County has a  
22 vested interest in keeping that assessed valuation high. Need to have public  
23 access to the beach.  
24

25 Roger Almskaar, 3610 Meridian, stated he represented the applicant. He  
26 submitted maps, photos, and a summary of the presentation (*on file*). Right now  
27 there is an easement over the south half of lot F, Mrs. Christianson's lot. He  
28 proposes to grant a right to use that easement to all the people who own lots in  
29 Birch Bay Park First Edition. There is no public right-of-way from the end of James  
30 Way to the beach right now. There is no evidence to support that claim. The  
31 beach reserve was vacated to the upland lots in 1998. The applicant is willing to  
32 open the easement to the general public.  
33

34 Crawford suggested swapping 1,200 square feet along the south property  
35 line for the James Street property.  
36

37 Steve Shropshire, attorney, stated that the ten-foot strip proposed to be  
38 swapped is already an easement for the Dodds. They have to make sure that any  
39 increase in the use of an easement doesn't overburden the already-existing  
40 easement of the Dodd's. The swap is a creative idea that could be discussed.  
41

42 Almskaar stated that if they are going to have a ten-foot easement for the  
43 public, he suggested that there not be any sign there. If they put up a sign, it will  
44 create parking problems. There's no place for temporary sanitation facilities. An  
45 open passageway without a sign would be consistent with the notion that this is for  
46 the people who live in that area, not for someone to drive across the County to get  
47 to.

1  
2 Shropshire stated there is clearly no record of public access, but there may  
3 be prescriptive rights. The winning solution for everyone is to define the public  
4 access. If they can come up with an agreement where the public has access and  
5 Mrs. Christianson can have use of the right-of-way, they will reach a winning  
6 solution for everyone. There needs to be discussion between the County and the  
7 Christianson legal counsel because of the Dodd's existing agreement.

8  
9 Darlene Booth, 8188 Birch Bay Drive, asked what would happen if the public  
10 were allowed access, and if the beach reserve is gone. Right now they just walk  
11 across it.

12  
13 Brenner stated they don't know.

14  
15 Hearing no one else, McShane closed the public hearing.

16  
17 *(Clerk's Note: End of tape one, side A.)*

18  
19 Brenner reported for the Public Works Committee and stated there is  
20 disagreement about whether or not there is public access to the beach. According  
21 to Mr. Monsen, it isn't clear. She doesn't support vacating something if there is  
22 potential for public access to the beach. Councilmember Crawford's proposal is  
23 interesting.

24  
25 Jeff Monsen, Public Works Director, stated there doesn't appear to be  
26 general public access. There may be a private right of access for the adjacent  
27 community. In this case, a public right and a private right are almost identical.

28  
29 ***Nelson moved*** to look at preliminary granting the application with some  
30 ideas for public access, allow the Public Works Department to work with property  
31 owners on how that would be done, and come back with a revised resolution.

32  
33 Joe Rutan, County Road Engineer, stated the resolution is in the negative.  
34 If the resolution is approved, the vacation is denied. Staff would want time to do  
35 those negotiations.

36  
37 ***Nelson amended his motion, and moved to table the resolution.***

38  
39 Roy stated she is in favor of the resolution to deny the vacation. Approving  
40 it is not appropriate. There are still a lot of issues that need to be cleared up, such  
41 as what happened to the beach reserve. That might be an issue to this vacation.  
42 She would support tabling the resolution if there is community input.

43  
44 Nelson stated the motion would allow the Public Works Department to look  
45 at the alternatives proposed, address the issues that need to be cleared up,  
46 prepare a final resolution, and give the applicants and community an opportunity  
47 to come up with an amiable solution.

1  
2 Caskey-Schreiber stated the two issues are related. They still have not  
3 gotten an answer about what happened to the beach reserve. She wanted those  
4 answers before considering Councilmember Crawford's suggestion. She is in favor  
5 of installing signs if things like this can get lost.  
6

7 Brenner stated all the concerns are valid. She wants to make sure they are  
8 all dealt with before they come back with a final proposal.  
9

10 Nelson stated the motion would allow for addressing the significant issues,  
11 share information, and bring the resolution back for an additional hearing in a  
12 different format.  
13

14 Monsen asked for clarification on the questions that his department is to  
15 answer and the paperwork he is to prepare. He asked if tabling the issue is simply  
16 to schedule another discussion to do that.  
17

18 Nelson stated his motion is to allow for a discussion to come back to the  
19 Council. Both sides have heard the issues presented tonight.  
20

21 Crawford asked if this vacation application included fees. Monsen stated it  
22 did. There are two different courses. One course is to prepare more historical  
23 information about the land there for a discussion. The other course is going to the  
24 applicant to work out a land swap and/or compensation schedule. If there is a land  
25 swap or sale, a vacation is still the proper mechanism to extinguish the interest.  
26 Compensation for that is a different matter.  
27

28 Pete Kremen, County Executive, stated the administration and Public Works  
29 Department will come up with a resolution that will be acceptable to all.  
30

31 Brenner requested that the Council receive a history of the area so the  
32 questions can be answered. She's not interested in acting on this until she knows  
33 what happened to the beach access and the use that is there.  
34

35 Roy stated she is ready to deny the vacation as staff recommended. That  
36 way, the Council says that the vacation as presented is not what they are going to  
37 accept. The tie to the community is proven. This request has been turned down  
38 before. Let the people start over and work out a compromise.  
39

40 Fleetwood stated he is in favor of tabling the issue. There is an opportunity  
41 to come up with a winning solution. If the Council vacates right now, the applicant  
42 will have to pay application fees again. Give the parties an opportunity to work  
43 together.  
44

45 Nelson stated he wanted a winning solution for the community. He doesn't  
46 want the applicant to lose interest and block access just because he's trying to get  
47 information.

1  
2 ***Motion to table carried 5-2 with Roy and McShane opposed.***  
3

4 McShane stated this item will be scheduled in the Public Works Committee.  
5

6 **3. RESOLUTION IN THE MATTER OF THE WHATCOM COUNTY SIX-YEAR**  
7 **TRANSPORTATION IMPROVEMENT PROGRAM FOR THE YEARS 2004**  
8 **THROUGH 2009 (AB2003-238)**  
9

10 Brenner gave a staff report and stated there is an amendment to project 50,  
11 and the committee recommended removing project 26, which the administration  
12 requested. On project 50, there is an opportunity to cost-share with the State.  
13 They can move ahead with the engineering studies. The money is there. The  
14 committee recommended allocating the money for the engineering studies.  
15

16 Joe Rutan, County Road Engineer, stated the Council needs to remove  
17 project 26. If he comes forward with the six-year road improvement program  
18 now, he would not bring forward that project.  
19

20 There was an amendment to project 50, the Hannegan Road/Pole Road  
21 intersection. He's discussed the project with the State Department of  
22 Transportation (DOT). Currently, that intersection ranks number seven out of 296  
23 intersections statewide. The State DOT doesn't have any funds in its 2003-2004  
24 biennium budget to work on that project. He suggested entering into an  
25 agreement to cost-share the cost of the project. The intersection is a good  
26 candidate for receiving State funding in the 2005-2006 biennium. The County  
27 could do preliminary engineering in 2004 and 2005 to get the design work done.  
28 When they are ready for construction in 2005 and 2006, the DOT will pay for the  
29 construction. The County would pay for the engineering at the front-end, and the  
30 State would pay for construction when it has funds available.  
31

32 The priority numbers for the projects are important, but some projects lower  
33 on the list have funding. The Lincoln Road connector has moved down five spots  
34 on the list, but they are still proposing to construct it in 2006. Look at the priority  
35 numbers in conjunction with the funding that is available for them.  
36

37 Brenner stated one project that lists East Smith Road should be corrected to  
38 state that it is West Smith Road. That is a scrivener's error.  
39

40 McShane opened the public hearing and the following people spoke:  
41

42 Earl Listebarger, 8246 Cedar Way, Blaine, spoke on the Selder Road  
43 extension into Semiahmoo Parkway. It is not on the proposal right now. The  
44 community has narrow roads. School kids meet on Selder Road every morning.  
45 It's not feasible to have that amount of traffic up to Selder Road. He is opposed to  
46 the extension. Consider rerouting Birch Bay's traffic in another area.  
47

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1           McShane stated that the proposal is to use an alternative to extending  
2 Selder Road.

3  
4           Jerry Westby, 564 Kline Road, stated the Council received neighborhood  
5 comments on the Kline Road fiasco. It has been pulled off the six-year plan. He is  
6 concerned that it will be restored on the list. He asked the Council to use some  
7 common sense and compassion for his neighborhood.

8  
9           Cathy Cleveland, 4961 Morgan Drive, Birch Bay, stated they need to get  
10 traffic off Birch Bay Drive. It is a safety issue. They need the Birch Point  
11 connector Road. Birch Bay Drive is not an arterial and can never become an  
12 arterial. The volume of traffic on Birch Bay Drive is expected to be 11,700 cars per  
13 day in the Cottonwood area. They need to do something before it becomes a  
14 problem. Putting in crosswalks is not the answer. Get the traffic off the road.

15  
16           LuAnne Alton, 4790 Aldrich Road, stated she was happy about removing the  
17 Kline Road project. She submitted a letter into the record (*on file*).

18  
19           Wilma Higgins, 607 Kline Road, thanked the Council and Executive for  
20 removing the Kline Road project. She's on the west side of the Guide Meridian,  
21 and is concerned about her neighborhood. She would like to know about any plans  
22 for development in that area.

23  
24           Patrick Alesse, 4825 Alderson Road, Birch Bay, stated Birch Bay Drive  
25 between Blaine Road and Alderson Road needs a left hand turn lane for  
26 southbound traffic. Make it a requirement for a developer in that area. Leave  
27 enough space for a left hand turn lane. The Birch Point Road connector is  
28 necessary. It should connect to Semiahmoo Parkway, not Harborview Road.

29  
30           Rutan stated they want to connect Birch Point to Lincoln Road at some  
31 point. They need to do the engineering and work with the City of Blaine to develop  
32 a scenario.

33  
34           Carol Sandvig, 8212 Birch Bay Drive, Birch Bay, stated she spoke for  
35 Claudia Hollod regarding reconstruction of Lincoln Road and the construction of the  
36 Birch Point connector. She submitted Ms. Hollod's comments.

37  
38           Bob Bezona, 2219 Lummi Shore Road, asked about the Kline Road  
39 connector being pulled.

40  
41           McShane stated the County administration removed that project from the  
42 plan.

43  
44           Bezona stated they need to be proactive rather than reactive. This County  
45 is going to grow, and they need project 26. They also need the bridge in project  
46 48. Be ahead of the growth that is coming to the county. There are funds to take  
47 care of it.

1  
2 Hearing no one else, McShane closed the public hearing.  
3

4 Rutan stated the Slater Road connector would connect Northwest Road with  
5 Meridian. It's not the Kline Road connector. They don't know where it will go.  
6 They need to do that study. After looking at it, the County Executive felt that the  
7 benefits from that project would be to the City of Bellingham. If there is to be a  
8 project at all, it should be built by the City of Bellingham, not Whatcom County.  
9 That's why it was removed from the County's six-year road program. To align with  
10 the Kline Road, it would have to go into the city limits.

11  
12 McShane asked if the city residents pay into the County road fund. Rutan  
13 stated they do not.  
14

15 McShane asked how much money the road fund receives from the gas tax in  
16 the county. Rutan stated that information is on Council packet page 118.  
17

18 Crawford stated the City of Bellingham benefits when traffic goes into their  
19 commercial area. They benefit when the sales tax is generated. Most cities suffer  
20 when a freeway comes through and diverts around the city. The people who will  
21 benefit in terms of traffic relief will be the people in the county who are avoiding  
22 the Guide Meridian area. He asked how it is a benefit to the City of Bellingham.  
23 This is a county area. They've talked about needing this connector since the Smith  
24 Road interchange was eliminated.  
25

26 The Council of Governments is having a discussion about diverting truck  
27 traffic. One of the problems with the Guide Meridian and I-5 area is that large  
28 trucks create a disproportionate amount of traffic. The trucks have little interest to  
29 the City of Bellingham, yet add a lot to the traffic problem. One of the solutions is  
30 the Slater Road connector to get truckers to the Slater on-ramp to I-5. Barring  
31 that, they've talked about diverting traffic in that area to at least Aldrich Road.  
32 Another possibility is changing the northbound on-ramp bridge at Bakerview Road  
33 to a southbound on-ramp, and creating a northbound on-ramp on the east side of  
34 the freeway.  
35

36 Jeff Monsen, Public Works Director, stated those issues go well beyond  
37 anything related to the Slater connector. The Slater connector would not provide  
38 any service as a truck route. The goal of the Slater connector would be exclusively  
39 to provide access into the core of the Cordata area for residential traffic. The  
40 program brings focus to the intersection of Smith Road and Northwest Road.  
41

42 *(Clerk's Note: End of tape one, side B.)*  
43

44 Monsen continued to state that dealing with the truck traffic could be done  
45 by a Grandview connector. He recommends that they focus on the Smith Road  
46 interchange rather than spending County funds to service the residential traffic  
47 within Cordata.

1  
2 Caskey-Schreiber stated its illogical that trucks from Sumas would go all the  
3 way to Slater Road when they are headed southbound. It's more likely that they  
4 will go down Hannegan Road or the Guide Meridian.

5  
6 **McShane moved** to approve the resolution.

7  
8 **Brenner moved** to amend to remove project 26.

9  
10 **Motion carried 6-1 with Crawford opposed.**

11  
12 **Brenner moved** to provide funding for engineering study for project 50.  
13 Rutan stated that would move funding for years two through six to year one.

14  
15 Roy asked about the Selder Road and Lincoln Road connector at Birch Bay.

16  
17 **Motion carried unanimously.**

18  
19 Brenner stated there was conversation in committee about Lincoln Road.  
20 The project has changed positions may times. Mr. Rutan and Mr. Monsen assured  
21 her that it is closer to being done, and is scheduled for 2006.

22  
23 Monsen stated the historical inclusion of the connector there has been driven  
24 by the possibility of funding from a major development. Without those  
25 developments, it became a nonexistent project. In this proposal, they recognize  
26 that traffic has gotten to the point where they should move ahead.

27  
28 Roy agreed. She asked if the exact route is something that will be  
29 determined through design. Rutan stated they will work on it. There is \$25,000  
30 for right-of-way. If they have to purchase the entire right-of-way, the right-of-way  
31 cost will go up substantially. Now, it depends on development dedicating it.

32  
33 Roy asked if there is a possibility for help from others. Rutan stated they  
34 need to be creative and aggressive in seeking grant funding for many projects.

35  
36 Roy stated it's great that they did the research on the Pole Road and  
37 Hannegan Road stoplight. She asked if the State communicates its priorities to the  
38 County. Rutan stated communication could always be better. He will continue to  
39 improve communication.

40  
41 Roy stated they should lobby for some of the gas tax money for Whatcom  
42 County. Monsen stated the State legislature identified the specific projects the gas  
43 tax money would go toward. There is no discretionary money from the gas tax.  
44 The list of projects has already been determined.

45  
46 McShane asked about left hand turn lanes on Birch Bay Drive. He asked  
47 how that would be done, and if it is an issue that the Public Works Department

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1 would suggest to developers. Rutan stated that any development with significant  
2 traffic impacts would have to submit a traffic plan that the County would review  
3 and approve. The preliminary engineering for a project would consider those types  
4 of things.

5  
6 Roy suggested that it be on the six-year road plan so the Hearing Examiner  
7 can require it of a developer. Rutan stated that is not necessary. Project 43 is a  
8 sidewalk project.

9  
10 Brenner stated Alderwood Road, which is in Bellingham's urban growth area,  
11 has a school, and there are no sidewalks. When work was done on the West Smith  
12 Road, it was said over and over that they need to have sidewalks where there are  
13 children and schools. Alderwood Road has a substantial amount of traffic during  
14 school hours. The Public Works Department will look at safe roads for schools.  
15 Rutan stated that in 2004, he wants to start analyzing the safe walking routes that  
16 all schools are required to have within one mile. He will start prioritizing the needs  
17 and how they can accomplish them.

18  
19 Brenner asked if there are interlocal agreements with the city for cost  
20 sharing regarding major road improvements that provide amenities in the urban  
21 growth areas. Monsen stated that whenever the County does capital  
22 improvements within the urban growth area, the interlocal agreement that is in  
23 place is amended to include those expenditures with a pro-rated reimbursement  
24 schedule if that area is annexed within ten years.

25  
26 Brenner stated a scrivener's error on project 27 should be corrected to say  
27 West Smith Road.

28  
29 ***Motion to approve as amended carried 6-1 with Crawford opposed.***

30  
31 **4. RESOLUTION VACATING A PORTION OF LUMMI VIEW DRIVE**  
32 **(AB2003-240)**

33  
34 Joe Rutan, County Road Engineer, gave a staff report and stated they need  
35 to relocate the road away from the bluff because it is eroding up to the fog line.  
36 The permitting agencies will not allow the County to armor that slope anymore.  
37 They need to either relocate the road or close it because it will fall in to the sea.  
38 To obtain right-of-way, the property owners expect to be compensated by the  
39 vacation of the road on the bluff side. A separate issue, unrelated to the vacation,  
40 is that the Public Works Department proposes closing the remaining portion of  
41 Lummi View Road, as shown on the map.

42  
43 Fleetwood asked if the County would be able to retain a right to drive down  
44 the road to enjoy the view. Rutan stated it is no longer being proposed to vacate  
45 that portion, but only to close the road and take it off the County road logs. The  
46 County would maintain the underlying right-of-way so it could be reopened if  
47 needed.

1  
2 Fleetwood asked if there is a place for a person to drive to and park. Rutan  
3 stated he proposes to close the road because it doesn't go to anyplace that the  
4 public has access to. It is private property on both sides.  
5

6 McShane opened the public hearing and the following people spoke:  
7

8 Bob Bezona, 2219 Lummi Shore Road, stated he is opposed to the vacation  
9 and the road closure. That bank has eroded. It took 50 years to go five feet. He  
10 would like access to get to Portage Island Park. He asked who gets the right-of-  
11 way when closed. This needs more public input.  
12

13 Larry Olsen, 3215 Heights Place, Bellingham, stated he supports the  
14 proposed vacation. Most of the property owners will have access on the new road.  
15 No one will be cut off from any access. The people on Lummi Shore Road and  
16 Lummi View will have to go up a few hundred feet to pick up the intersection on  
17 the new road. He's seen trees fall into the bay. The inconvenience is to only a few  
18 people. There will be a school 300 to 500 feet away. There is a high bank. It  
19 would be unwise to have those children play in that area. There's no use for the  
20 County to own the road if it is not maintained.  
21

22 Richard Jefferson, Lummi Planning Director, stated the Lummi Tribe  
23 supports this vacation. The rate of erosion on the bluff is eight to nine inches per  
24 year. A number of trees along the bluff have fallen in. It's a beautiful drive, but  
25 the Army Corps of Engineers won't let them put rock on the beach. There are  
26 cultural concerns on that property that will be difficult to overcome.  
27

28 Brenner asked if there are any provisions for access to Portage Island.  
29 Jefferson stated they've agreed to have that discussion with Executive Kremen. He  
30 doesn't have direction from his council yet.  
31

32 Andy Kampkoff, 3053 Lummi Shore Road, stated they have put three and a  
33 half miles of rock along the Lummi Shore Road to protect the Bellingham Bay side.  
34 Since they set that rock in place in a sensitive environmental area, they have  
35 impacted the salmon and bull trout. This is one of the reasons why the Army  
36 Corps of Engineers, National Marine Fisheries Service, and other agencies won't  
37 permit that amount of rock needed to protect the Hale Passage side of the  
38 peninsula.  
39

40 The proposal has been publicized, and it has had no negative comments  
41 from the residents. The tribal residents would like to keep Marine View Drive to  
42 stay the way it is. However, they've seen what happened at the Bellingham Bay  
43 side. It is a hazard. They put a lot into trying to get the Lummi View Road  
44 rehabilitated so it can be used, but it isn't practical. The erosion rate is too fast.  
45

46 Hearing no one else, McShane closed the public hearing.  
47

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1 Crawford asked about the original intent versus what is being proposed now.  
2 Monsen stated that the proposal now is to vacate a portion of the road and close a  
3 portion of the road. They will retain the underlying right-of-way for the closed  
4 portion of the road, which will become like a community driveway. They will  
5 simply not maintain it.  
6

7 Brenner stated that this item has been discussed a number of times.  
8 Unfortunately it doesn't show up in the legal notices unless there is a public  
9 hearing on it as a transportation issue. They've gone over this many times. It  
10 changed from the vacation of the whole road to a vacation of just a portion of it.  
11 She's impressed that they are working well with the Lummi Nation. The erosion  
12 rate is severe. She's concerned about the money the County has spent and would  
13 spend in the future, and they can't protect the road anyway. This is the solution  
14 with the least impact on everyone. She encouraged the County and Tribe to figure  
15 out an access for Portage Island.  
16

17 ***McShane moved*** to approve the resolution.  
18

19 ***Motion carried unanimously.***  
20

21 ***McShane moved*** to close and end County maintenance of the remainder of  
22 Lummi View Road not vacated. The right-of-way would still exist for future  
23 development and public access.  
24

25 ***Motion carried unanimously.***  
26  
27

## 28 **OTHER ITEMS**

### 30 **1. ORDINANCE AMENDING THE 2003 WHATCOM COUNTY BUDGET, 31 SEVENTH REQUEST (AB2003-239)** 32

33 ***Crawford*** reported for the Finance and Administrative Services Committee  
34 and ***moved*** to adopt the ordinance.  
35

36 Brenner stated she is opposed to the \$25,000 for a feasibility study for a  
37 temporary jail facility. The Sheriff already had a qualified person look at the  
38 building. The project is feasible. Use the money to work on the building itself  
39 instead of another feasibility study. She supports the other items in the  
40 supplemental budget request.  
41

42 ***Motion to carried 6-1 with Brenner opposed.***  
43

### 44 **2. DISCUSSION OF THE LEVEL OF SERVICE STANDARDS FOR THE LUMMI 45 ISLAND FERRY, INCLUDING CONTRIBUTIONS FROM THE LUMMI 46 ISLAND TRANSPORTATION COMMITTEE (AB2003-249)** 47

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1           **Brenner** reported for the Public Works Committee and *moved* to approve  
2 the Public Works Department proposal to mail out a survey to the Lummi Island  
3 residents regarding their desired level of ferry service. The level of service options  
4 listed (LOS) in the survey were read in to the record. They are:

5  
6           **Current LOS**

7           Whatcom County should appreciably increase vehicle carrying  
8 capacity as the Island population grows. A larger vessel or another  
9 vessel to supplement the Whatcom Chief would be required.

10  
11           **Expanded LOS**

12           Whatcom County should not increase vehicle carrying capacity. More  
13 parking and better transit can accommodate projected growth.

14  
15           **Reduced LOS**

16           Whatcom County should not increase parking or vehicle carrying  
17 capacity. As population grows service levels will decrease.

18  
19           Crawford asked what this is for. Monsen stated the Lummi Island  
20 Transportation Committee asked him to pose questions to the community so the  
21 County can get an idea about where it should focus its energy over the long term.  
22 This is not meant to be part of an elaborate survey. It is meant to resemble an  
23 advisory ballot. Along with the survey questions would be information that  
24 describes what each option means from an operational and financial standpoint.

25  
26           Crawford asked if there is a cost to this. Monsen stated it is simply a mailing  
27 to all registered voters.

28  
29           ***Motion carried unanimously.***

30  
31           **3. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING**  
32           **ORDINANCE, TITLE 20, CHAPTER 20.71 – WATER RESOURCE**  
33           **PROTECTION OVERLAY DISTRICT, CHAPTER 20.80 –**  
34           **SUPPLEMENTARY REQUIREMENTS (STORMWATER AND CLEARING),**  
35           **CHAPTER 20.85 – PLANNED UNIT DEVELOPMENTS, AND CHAPTER**  
36           **20.97 – DEFINITIONS, TO PROVIDE ADDITIONAL REGULATORY**  
37           **PROTECTION FOR SENSITIVE WATERSHEDS (AB2002-222B)**  
38

39           Fleetwood reported for the Planning and Development Committee and stated  
40 this item was held in committee until its August 5 meeting.

41  
42           **4. SUMMARY DISCUSSION OF A PUBLIC FORUM REGARDING WHATCOM**  
43           **COUNTY'S TRANSFER OF DEVELOPMENT RIGHTS PROGRAM HELD ON**  
44           **JUNE 16, 2003 (AB2003-250)**  
45

46           Fleetwood reported for the Planning and Development Committee and stated  
47 no action was taken.

1  
2 **5. REQUEST CONFIRMATION OF THE EXECUTIVE’S APPOINTMENT OF**  
3 **MICHAEL G. MCFARLANE AS THE DIRECTOR OF PARKS AND**  
4 **RECREATION, AS SET FORTH IN THE WHATCOM COUNTY HOME RULE**  
5 **CHARTER, SECTION 3.23 (AB2003-251)**  
6

7 *McShane moved* to confirm the appointment.  
8

9 Brenner stated she is real impressed with Mr. McFarlane’s credentials. It will  
10 be hard to fill Roger DeSpain’s shoes, but this gentleman seems to have incredible  
11 credentials.  
12

13 *Motion carried unanimously.*  
14

15 **6. REQUEST CONFIRMATION OF THE EXECUTIVE’S REAPPOINTMENT OF**  
16 **ROBIN HALLIDAY TO THE PUBLIC FACILITIES DISTRICT BOARD**  
17 **(AB2003-252)**  
18

19 *Caskey-Schreiber moved* to confirm the appointment.  
20

21 *Motion carried unanimously.*  
22

23 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE A NEW**  
24 **APPLICATION FOR A LIQUOR LICENSE FOR WINE EMPIRE, LOCATED**  
25 **AT 8380 JUNIPER LANE, MAPLE FALLS (AB2003-253)**  
26

27 *Nelson moved* to approve the request.  
28

29 *Motion carried unanimously.*  
30

31 **8. RE-APPOINTMENTS OF BESS CHRISTMAN, PAULINE HILLAIRE AND**  
32 **MIKE WOODKE TO THE NORTHWEST SENIOR SERVICES BOARD**  
33 **(AB2003-254)**  
34

35 *Crawford moved* to appoint the applicants.  
36

37 *Motion carried unanimously.*  
38  
39

40 **INTRODUCTION ITEMS**  
41

42 *McShane moved* to accept the Introduction Items.  
43

44 *Motion carried unanimously.*  
45

46 **1. ORDINANCE REGARDING THE INSTALLATION OF STOP SIGNS ON**  
47 **CERTAIN COUNTY ROADS (AB2003-255)**

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1  
2 **2. ORDINANCE REGARDING ESTABLISHMENT OF SPEED LIMITS ON**  
3 **CERTAIN COUNTY ROADS (AB2003-256)**

4  
5 **3. ORDINANCE AMENDING THE 2003 WHATCOM COUNTY BUDGET,**  
6 **EIGHTH REQUEST (AB2003-243)**  
7

8  
9 **OTHER BUSINESS**

10  
11 There was no other business.  
12

13 **SPECIAL PRESENTATION**

14  
15 **1. PROCLAMATION DECLARING JULY 10, 2003, AS PARENT TRUST FOR**  
16 **WASHINGTON CHILDREN DAY (AB2003-017)**  
17

18 *(Clerk's Note: End of tape two, side A.)*  
19

20 Pete Kremen, County Executive, read the proclamation into the record.  
21  
22

23 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

24  
25 Crawford asked why the County would issue a liquor license on Juniper Road  
26 at Paradise.  
27

28 Sylvia Goodwin, Planning Division Manager, stated the Land Use Division  
29 probably reviewed it, so she didn't know.  
30

31 Crawford stated that area is zoned urban residential. Goodwin stated a  
32 neighborhood grocery store is allowed in an urban residential zone if it is in an  
33 urban growth area and at a highway intersection.  
34

35 Brenner stated that Green Bay, Wisconsin, where the new Parks Department  
36 Director is from, is the only place that owns its professional football team. The  
37 community gets monetary benefit from this team. That's pretty neat. That's why  
38 they have so much community spirit.  
39  
40

41 **ADJOURN**

42  
43 The meeting adjourned at 9:26 p.m.  
44  
45  
46

47  
\_\_\_\_\_  
Jill Nixon, Minutes Transcription

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These minutes were approved by Council on August 5, 2003.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Dan McShane, Council Chair