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1 information from a 2001 survey of the economic impacts of cultural and arts
2 activities on local economies. In Bellingham in 2000, local arts and cultural
3 activities generated \$10.8 million in economic activity, not including ticket sales.
4 That includes salaries, wages, leases paid, and ancillary purchases. She can
5 provide more information in the future. She thanked the Council for creating the
6 Public Facilities District and scheduling this presentation on the agenda.
7

8 Crawford stated part of the reason they are having the presentation comes
9 from a Public Facilities District meeting that he and Councilmember Fleetwood
10 attended. At that time, there was controversy surrounding the Public Facilities
11 District. He came away from the meeting with a renewed enthusiasm for the
12 direction that the Public Facilities District dollars are taking. He asked for this
13 presentation to be made to the full Council. It is very enlightening.
14

15 Mahlon Clements, Zimmer Gunsel Frasca Partnership, stated his company
16 was contracted to do this project. The intent was to take a look at past projects,
17 consolidate them, bring things together, and come up with a vision. The
18 Centennial Project is what emerged from the process. The intent is education,
19 entertainment, and economic developed. Although it was intended to be visionary,
20 it also needed to be realistic. It also needs to build on an area that already
21 existed. Make the current energy and activity better by having strategic
22 coordination of activities in the community. Bellingham is well-situated between
23 Seattle and Vancouver, B.C. This is also a good time to build, given the historic
24 low bond rates and public support.
25

26 They began by establishing five goals, on the advice of the cultural district
27 round table, including members from the theater, library, museum, and music
28 festival. The first goal was to support the missions of these institutions. It was not
29 to lose or bury the reputation and stature that they have accomplished in the
30 community. The second goal was to foster community pride in community
31 buildings. The third goal was to simulate a healthy downtown. The fourth goal
32 was to do this all this efficiently. The last goal was to do all this in a way that is
33 realistic and affordable.
34

35 There were many alternatives that they all considered. The final idea was to
36 expand and renovate the Mt. Baker Theater, provide a new library with
37 underground parking that is central to everything, create new and improved
38 streetscapes and public open space, build a new smaller theater more specific to
39 the needs of drama and music, renovate the old library as a children's art museum,
40 and renovate the Whatcom Museum. There is a cultural triangle of activity right
41 here, and there is additional activity along Bay Street that should be supported.
42

43 The vision was built up current streets and circulation patterns. There is a
44 need to make them more lively. Tie them together with the existing investments,
45 such as the Maritime Heritage Park and Whatcom Creek trail.
46

47 The plan also calls for expanding the useable open space behind the theater,

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1 and bringing it closer to downtown, adjacent to the proposed new library. There is
2 also a need for all-weather public spaces.
3

4 The plan is built upon creating underground parking that would be used by
5 all facilities, including the County and City of Bellingham. The new library would be
6 built on the underground parking.
7

8 The plan addresses the need to renovate the Mt. Baker Theater, expand
9 ownership of the condo spaces, and expand the facilities as appropriate to the
10 historic building. The existing old building cannot meet all the needs of the
11 community. They proposed a new, smaller theater and a black box theater. This
12 building would have a shared lobby, public indoor spaces, and shared spaces for all
13 the support structures. It could also have a usable public space that can be used
14 even when there aren't any events going on.
15

16 The Whatcom Museum is a fine old building, but doesn't serve the purpose
17 for fine art exhibits that travel the corridor between Seattle and Vancouver. There
18 is the patronage to support those exhibits. The Children's Museum has grown as
19 large as it can in the facility it is in. A new facility would give them an opportunity
20 to expand educational programs and preserve the historic assets.
21

22 The Festival of Music is looking for a home. It's not able to use the facilities
23 at Western Washington University, as it has in the past.
24

25 There is more to the plan than providing cultural facilities. It is about
26 stimulating economic development. They would only want to go forward with the
27 plan if they also had a plan to leverage private development and other civic
28 development, such as the lot south of the courthouse. Residential construction, a
29 hotel, or offices could be expected to be built in addition to the public investments.
30 The reason to build and address attention to the district is that they can generate a
31 tremendous amount of revenue for the community.
32

33 The total vision of the project has the library central to everything,
34 renovations to the existing theater, a new theater on Flora Street, renovations to
35 the old library as an art museum and children's museum, and renovations to the
36 existing museum. It wouldn't have to be done at once. It could be phased. He's
37 proposed different phasing options.
38

39 The combined facilities would form a cultural heart to the community. The
40 area is ripe for development. A lot of steps need to be taken. It's important to
41 leverage the cooperation between the City and the County. A number of things are
42 going on. The library bond is an important step, as the center of the whole thing.
43 The most important thing is to develop a contingent relationship between private
44 developers, the City, and the County.
45

46 Brenner asked the total price tag on the entire project. Clements stated the
47 price is approximately \$60 million. That includes the library.

1
2 Ingram stated the estimated project cost is \$70 million now, including all
3 the work done to the Mt. Baker Theater. There would be a lot of different funding
4 sources. The Public Facilities District is only one source, for an amount of about
5 \$15 million. The library bond is estimated to be about \$15 million. They would
6 seek appropriations from the federal government, private contributions, and other
7 grants and support. The Public Facilities District funded a fundraising feasibility
8 study for the bulk of the project. The library received private contributions to
9 support their participation. The Public Facilities District can't pay for anything
10 related to the library. She expects the results of that study in October.

11
12 Crawford stated some of the comparisons made are to Seattle and Portland,
13 which are much larger areas. He asked if they have the synergy, population base,
14 and economic support to make it a vital picture. Clements stated it wouldn't occur
15 without careful thought. It wouldn't naturally occur just because they build it.
16 There needs to be a lot of thought on how the different projects are coordinated.
17 There needs to be joint agreement with private development. It is a vision plan
18 that needs some leadership to pick out the pieces that people think are possible
19 and plausible. The plan itself, and estimated building sizes, are not that large.
20 The library proposed in the vision plan is appropriately sized for Bellingham to
21 grow into.

22
23 Ingram stated one of the reasons to expand with a new theater is because
24 the larger traveling shows that come to the community are what generate revenue
25 for the theater. Part of the Mt. Baker Theater organization's mission is to also
26 subsidize local groups, by providing the theater at a reduced rate. That may or
27 may not be affordable to some groups. The smaller theater would make more
28 venues available to smaller community groups, and free up the larger Mt. Baker
29 Theater space for traveling shows. Another advantage to this plan is that all the
30 facilities are multi-functional. A significant amount of additional meeting space
31 would be available once these facilities are constructed. The consortium will work
32 with a class from Western Washington University to look at the operational
33 possibilities for the two proposed new theaters. They will talk with corporations
34 and the university to find out who they bring in, the sizes of groups they bring in,
35 and their needs. That will provide a better picture of the revenue that can be
36 generated and the number of hours per day those facilities can be active.

37
38 Nelson asked how long the phasing will take. Ingram stated that depends
39 on when and how the funding comes in. It could be a five to ten year timeframe.

40
41 Nelson stated there are hospitality needs from convention, arts, and
42 entertainment activities. He asked if that was evaluated for the core area. Ingram
43 stated it is an opportunity. The consortium is talking with developers in the region
44 about the kinds of things they would like to have in the area. They are also talking
45 with the Economic Development Council and other appropriate parties.

46
47

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1 **MINUTES CONSENT**
2

3 *Nelson moved* to approve the four Minutes Consent items.
4

5 *Motion carried unanimously.*
6

7 **1. BOARD OF HEALTH FOR JULY 29, 2003**

8
9 **2. SPECIAL COMMITTEE OF THE WHOLE FOR AUGUST 5, 2003**

10
11 **3. COMMITTEE OF THE WHOLE FOR AUGUST 5, 2003**

12
13 **4. REGULAR COUNTY COUNCIL FOR AUGUST 5, 2003**
14

15
16 **OPEN SESSION**
17

18 The following person spoke:
19

20 Dennis Jones, 1487 Sudden Valley, thanked Mayor Asmundson and Executive
21 Kremen for bringing forward the Public Facilities District. He spoke on the
22 **Ordinance amending the Official Whatcom County Zoning Ordinance, Title**
23 **20, Chapter 20.71 – Water Resource Protection Overlay District, Chapter**
24 **20.80 – Supplementary Requirements (Stormwater And Clearing), Chapter**
25 **20.85 – Planned Unit Developments, and Chapter 20.97 – Definitions, to**
26 **provide additional regulatory protection for sensitive watersheds (AB2002-**
27 **222B).** This has been being considered for two years and still nothing has
28 happened. He was in favor of lifting the moratorium because it delayed action that
29 they all know is needed in the lake. The lake studies are in, and they know the lake
30 is degenerating. The ordinance needs to be set. In the absence of a firm set of
31 ordinances, the option is another moratorium. It is a beautiful area that can be
32 saved from sprawl and density. Bite the bullet and do it right.
33

34
35 **PUBLIC HEARING**
36

37 **1. ORDINANCE IMPOSING AN INTERIM MORATORIUM ON THE**
38 **ACCEPTANCE OF NEW APPLICATIONS FOR SUBDIVISIONS OF LAND**
39 **INTO PARCELS SMALLER THAN FIVE ACRES WITHIN THE LAKE**
40 **SAMISH WATERSHED (AB2003-277)**
41

42 McShane opened the public hearing and the following people spoke:
43

44 Mary Dickinson, Building Industry Association of Whatcom County
45 Government Affairs Director, submitted and read from her written testimony (*on*
46 *file*). She is opposed to the moratorium. The Building Industry Association of

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1 Washington is not opposed to taking legal action against Whatcom County in the
2 future, depending on future actions of the Council.
3

4 Mark Herrenkohl, 321 Summerland Road, Concerned Neighbors of Lake
5 Samish President, thanked the Council. It is a great idea. The moratorium is
6 needed to save all the gains that the Council has made in protecting this sensitive
7 watershed. If this appeal goes through, this will assure that they won't get dumped
8 on like what happened to Lake Whatcom. Continue protecting this sensitive
9 watershed.

10
11 Cal Leenstra, stated he is opposed to the moratorium. A 90 percent
12 reduction in density is a huge private property rights issue that is being closely
13 monitored by several interested organizations that are advocates of private
14 property rights. The need for an extreme downzone is not supported by any
15 scientific evidence. If protecting the lake environment was, in fact, the real reason
16 for the downzone, the objective could better be achieved by new stormwater
17 detention methods, treatment methods, and new and more stringent subdivision
18 rules, which they would have to adhere to. Public water would be the best thing
19 that could happen to Lake Samish. Because of the downzone, public water is dead
20 for the foreseeable future. It would cure a lot of ills out there. The downzone was
21 a mistake. Council is saying that, in the event justice prevails at the judicial level,
22 it will thwart justice legislative. It is bad public policy and should not be allowed.
23 Defeat this motion.

24
25 Hearing no one else, McShane closed the public hearing.
26

27 McShane stated this decision has already been made, and a public hearing is
28 necessary after the fact.
29

30 Nelson stated he wasn't able to attend the meeting when the Council voted
31 on it. He is opposed to this interim moratorium.
32

33 Brenner stated she agrees with Mr. Leenstra about the downzone being too
34 extreme. She believes in downzoning Lake Samish, but she didn't support this
35 particular downzone. There are substantive issues before the court. She's hoping
36 that, if struck down by the Growth Management Hearings Board, the Council
37 considers the original downzone proposal instead.
38
39

40 **CONSENT AGENDA**

41
42 Crawford reported for the Finance and Administrative Services Committee
43 and ***moved*** approval of Consent Agenda items one through seven, nine through
44 12, and 14 through 18. Item eight is held in committee for two weeks. Item 13 is
45 amended to \$271,792.
46

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1 ***Brenner withdrew item five, six, seven***

2
3 ***Motion to approve Consent Agenda items one through four, nine***
4 ***through 12, and 14 through 18 carried unanimously.***
5

- 6 **1. REQUEST COUNCIL APPROVAL TO MAKE PAYMENT TO SKAGIT**
7 **COUNTY FOR CHIP SEAL WORK PERFORMED ON BAKER LAKE ROAD**
8 **WHICH EXCEEDED THE MAXIMUM ALLOWABLE DOLLAR VALUE**
9 **UNDER COUNTY PURCHASING CODE, NOT TO EXCEED \$62,006.84**
10 **(AB2003-292)**
11
- 12 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #03-**
13 **57 TO THE LOWEST RESPONSIVE BIDDER, BOSMAN FUELS, FOR THE**
14 **ANNUAL PURCHASE OF FUEL DELIVERED TO THE CENTRAL SHOP,**
15 **WHATCOM CHIEF, AND PARKS & RECREATION IN THE APPROXIMATE**
16 **ANNUAL AMOUNT OF \$241,031.30 (AB2003-293)**
17
- 18 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #03-**
19 **59 TO THE LOWEST RESPONSIVE BIDDER, WESTERN POWER &**
20 **EQUIPMENT CO., FOR THE PURCHASE OF A REPLACEMENT TRUCK**
21 **MOUNTED DITCHING MACHINE IN THE AMOUNT OF \$217,449.90**
22 **(AB2003-294)**
23
- 24 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #03-**
25 **61 TO THE LOWEST RESPONSIVE BIDDER, DIEHL FORD, FOR THE**
26 **PURCHASE OF TWO REPLACEMENT TRUCKS IN THE AMOUNT OF**
27 **\$41,703.06 (AB2003-295)**
28
- 29 **9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
30 **CONTRACT BETWEEN WHATCOM COUNTY AND ENTRANCO FOR**
31 **COMPLETION OF THE STRUCTURAL DESIGN IN CONJUNCTION WITH**
32 **THE LAKE WHATCOM BOULEVARD-AUSTIN CREEK BRIDGE NO. 116**
33 **REPLACEMENT PROJECT IN THE AMOUNT OF \$81,898.53 (AB2003-**
34 **300)**
35
- 36 **10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
37 **CONTRACT RENEWAL OF THE HEALTHY CHOICES FOR GIRLS GRANT**
38 **THROUGH THE GOVERNOR'S JUVENILE JUSTICE ADVISORY**
39 **COMMITTEE, BETWEEN WHATCOM COUNTY AND THE WHATCOM**
40 **DISPUTE RESOLUTION CENTER IN THE AMOUNT OF \$46,748 OF**
41 **WHICH WHATCOM COUNTY WILL RECEIVE \$3,255 IN INDIRECT**
42 **COSTS (AB2003-301)**
43
- 44 **11. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
45 **CONTRACT BETWEEN WHATCOM COUNTY AND ACCELA FOR**
46 **IMPLEMENTATION OF SOFTWARE UPGRADE TO PLANNING AND**

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1 **DEVELOPMENT'S PERMIT PLAN TRACKING SYSTEM IN THE AMOUNT**
2 **OF \$18,200 (AB2003-302)**

3
4 **12. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
5 **LAND USE ALLIANCE AGREEMENT BETWEEN WHATCOM COUNTY AND**
6 **CROWN PACIFIC GRANTING PARKS & RECREATION USE OF**
7 **PROPERTY FOR A TRAIL (AB2003-303)**

8
9 **14. RESOLUTION TO ELECT EXPENDITURES OF NATIONAL FOREST**
10 **RELATED SAFETY-NET PAYMENTS UNDER P.L. 106-393 (AB2003-305)**

11
12 **15. RESOLUTION AUTHORIZING APPLICATION FOR FUNDING**
13 **ASSISTANCE FOR A FIREARMS AND ARCHERY RANGE RECREATION**
14 **(FARR) PROGRAM PROJECT TO THE INTERAGENCY COMMITTEE FOR**
15 **OUTDOOR RECREATION (IAC) AS PROVIDED IN CHAPTER 79A.25.210**
16 **RCW (AB2003-306)**

17
18 **16. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
19 **PUBLIC AUCTION, REQUEST #06-03 (AB2003-307)**

20
21 **17. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
22 **PUBLIC AUCTION, REQUEST #07-03 (AB2003-308)**

23
24 **18. RESOLUTION TO SET HEARING TO SELL TAX-TITLE PROPERTY BY**
25 **PUBLIC AUCTION, REQUEST #08-03 (AB2003-310)**

26
27 **13. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
28 **COOPERATIVE AGREEMENT WITH USDA/NATURAL RESOURCE**
29 **CONSERVATION SERVICE FOR THE RECEIPT OF FUNDS FOR THE**
30 **PURCHASE OF DEVELOPMENT RIGHTS PROGRAM IN THE AMOUNT OF**
31 **\$73,500 (AB2003-304)**

32
33 ***Crawford moved*** approval with an amended amount of \$271,792.

34
35 Nelson asked if the contract still has to come back for final authorization, and
36 if the Council will have another look at the federal requirements.

37
38 Roy stated it will. This is only the beginning.

39
40 Nelson stated he wants to be assured. There are ramifications to this.
41 Discussion still has to be carried out. It sounds like the owners have not been
42 informed of the federal obligations.

43
44 ***Motion carried unanimously.***

45
46 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
47 **"MULTI-JURISDICTIONAL NARCOTICS TASK FORCE PROGRAM**

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1 **CONTRACT" BETWEEN WHATCOM COUNTY SHERIFF'S OFFICE AND**
2 **THE WASHINGTON STATE DEPARTMENT OF COMMUNITY, TRADE AND**
3 **ECONOMIC DEVELOPMENT FOR THE CONTINUING NARCOTICS**
4 **EFFORTS AND PROSECUTION ASSISTANCE OF THE NORTHWEST**
5 **REGIONAL DRUG TASK FORCE, IN THE AMOUNT OF \$118,056**
6 **(AB2003-299)**
7

8 Crawford stated this item was held in committee. The Sheriff's Office will
9 attempt to obtain a letter from the Department of Community, Trade, and
10 Economic Development (CTED) based on the meeting of last week. The concerns
11 CTED expressed have been resolved.
12

13 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #03-**
14 **65 TO THE LOWEST RESPONSIVE BIDDER, VALLEY FREIGHTLINER,**
15 **FOR THE PURCHASE OF A REPLACEMENT DIESEL TRUCK IN THE**
16 **AMOUNT OF \$81,358.22 (AB2003-296)**
17

18 Brenner stated the replacement truck has more bells and whistles than the
19 truck they have now. That said, the truck they have is a 1987 International diesel
20 with 151,000 miles. That's very low mileage for a diesel dump truck. Make the
21 most of the vehicles they have. Difficult budget times are ahead. It's important to
22 get all the use they can out of the vehicles before they are auctioned off.
23

24 Nelson stated the concern about the ER&R replacement schedule may be a
25 future discussion item. It would reduce Public Works funding because they would
26 withhold less for a longer period of time.
27

28 Caskey-Schreiber stated staff didn't argue that the truck still has life left in
29 it. Staff is going for a more efficient model that can allow them to do their work
30 more efficiently.
31

32 Brenner stated they can use that argument for every piece of equipment the
33 County has. Most vehicle replacement requests are legitimate because the lifespan
34 of the vehicle is used up. That's not the case with this vehicle. There is a lot of life
35 left in this vehicle.
36

37 Jeff Monsen, Public Works Director, stated this kind of mileage isn't
38 necessarily very high, but they track very carefully each vehicle in the fleet. They
39 wouldn't replace this vehicle if it wasn't costing the County more than it is worth.
40 That doesn't mean they can't drive it longer, but they can't drive it longer than the
41 same or a higher price than buying a new one.
42

43 *(Clerk's Note: End of tape one, side A.)*
44

45 Brenner stated she agrees with replacing a vehicle when it costs more to
46 maintain it. She has a lot of personal knowledge about diesel trucks. She talked to
47 several trucking companies. Without exception, they all agreed that this is very low

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1 mileage and should be able to be maintained to be cost effective at this low
2 mileage.

3
4 ***Nelson moved*** to approve.

5
6 ***Motion carried 6-1 with Brenner opposed.***

7
8 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
9 **CONTRACT BETWEEN WHATCOM COUNTY AND BROWN AND**
10 **CALDWELL, ONE OF TWO ON-CALL MODELING ASSISTANCE**
11 **AGREEMENTS, TO PROVIDE ON-CALL ASSISTANCE TO RIVER AND**
12 **FLOOD STAFF AS NEEDED IN REVISING AND RUNNING THE LOWER**
13 **NOOKSACK RIVER HYDRAULIC MODEL TO EVALUATE ALTERNATIVE**
14 **FLOOD CONTROL PROJECTS IN THE AMOUNT OF \$100,000 (AB2003-**
15 **297)**

16
17 McShane stated there were concerns raised about the flood fee. The Council
18 should take caution about discussing this if people believe there are legal issues
19 with the County. He asked Councilmember Brenner to give deference to legal
20 counsel if he needs to step in.

21
22 Brenner stated it has been alleged that this is not a legal fee, and that they
23 cannot have a fee based on assessed value. That is a tax. They are treating it as a
24 fee. Therefore, it potentially is not a legal fee. This has been brought over many
25 times. She's said it before publicly.

26
27 Dave Grant, Senior Civil Deputy Prosecutor, stated the flood fee is not the
28 issue before the Council. The issue now is whether or not they are going to
29 contract.

30
31 Brenner stated the issue is the funding source.

32
33 McShane stated he's concerned about some of the statements he's heard.
34 Considering some of the communications the Council has received, they might need
35 some brevity. He doesn't want to suppress arguments. Councilmember Brenner's
36 reasons for voting no are fine, but a lot of elaboration would not be appropriate.

37
38 Brenner stated she doesn't disagree with the projects. She disagrees with
39 the funding source.

40
41 Nelson stated the County doesn't have an issue to hide. There is a question
42 of whether or not the flood fee collected throughout the County is legal. The
43 question is whether or not this is an appropriate use of the funds. Grant stated it
44 is.

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1 Brenner asked if this flood fee is legal. They can go into executive session, if
2 they want. The funding source makes the determination of whether or not they do
3 something.
4

5 McShane stated the issue that Councilmember Nelson raised comes down to
6 a fundamental fairness issue of whether they believe, however the fee is collected,
7 it is fair to use that fund to support these issues. If they have concerns that they
8 shouldn't collect money for that fund in the manner they are currently, it could be a
9 reason to vote no. However, they should not debate the fund at this time. Many
10 people could make an argument about whether or not it is appropriate to use the
11 fund that is paid for by everyone in the county to support a river project. There is
12 broad community gain from doing this type of work. That's his view.
13

14 Brenner stated she supports the projects. She has a problem with the
15 funding source. A fee is based on a fee for service, not on assessed value. It
16 doesn't seem proper for her to support using the funds for something that is not a
17 proper use.
18

19 McShane stated the **Finance Committee moved** approval of Consent
20 Agenda items six and seven.
21

22 ***Motion to approve carried 6-1 with Brenner opposed.***
23

24 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
25 **CONTRACT BETWEEN WHATCOM COUNTY AND NORTHWEST**
26 **HYDRAULIC CONSULTANTS, ONE OF TWO ON-CALL MODELING**
27 **ASSISTANCE AGREEMENTS, TO PROVIDE ON-CALL ASSISTANCE TO**
28 **RIVER AND FLOOD STAFF AS NEEDED IN REVISING AND RUNNING**
29 **THE LOWER NOOKSACK RIVER HYDRAULIC MODEL TO EVALUATE**
30 **ALTERNATIVE FLOOD CONTROL PROJECTS IN THE AMOUNT OF**
31 **\$100,000 (AB2003-298)**
32

33 See Consent Agenda item six.
34

35 **OTHER ITEMS**
36

37
38 **1. ORDINANCE AMENDING THE 2003 BUDGET, 9TH REQUEST (AB2003-**
39 **287)**
40

41 **Crawford** reported for the Finance and Administrative Services Committee
42 and **moved** approval. The committee asked the Sheriff's Office to follow County
43 policies and procedures regarding format of future funding requests.
44

45 Roy stated this did generate a lot of discussion in the committee. She
46 struggled with whether or not she wanted to vote for it. There is no measurement
47 of success. Approval of this item was not a slam dunk. She would like to revisit

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1 this item at a future date. She has the impression that the Sheriff's Office went
2 away from the discussion feeling like it owed the Council accountability and clearer
3 information.

4
5 Brenner stated the language was boilerplate language from the State, who
6 should share the blame.

7
8 ***Motion carried unanimously.***

9
10 **2. REQUEST FOR A SECOND ONE-YEAR EXTENSION FOR THE RESORT AT**
11 **LILLY POINT, PUD 1991-00001 AND CUP 1991-00042 (AB2003-289)**

12
13 Fleetwood reported for the Planning and Development Committee and stated
14 the committee did not recommend approval.

15
16 ***Fleetwood moved*** approval.

17
18 Crawford stated there is no harm in extending this planned unit development
19 (PUD) and conditional use permit one more year. The applicant has been through
20 this process for 12 years. The Council has been assured by Planning staff that
21 considerable expense has been made on the project. It is a money issue for the
22 proponent. There is no harm in the extension.

23
24 McShane stated he didn't support the request. The planned unit
25 development was put forward 12 years ago, when the view of what is going on at
26 Point Roberts is very different from now. Twelve years have passed. It sounds like
27 there were some legal issues, but they have been resolved. At least two of the
28 people involved in financing this project have died. The people who worked on this
29 aren't around anymore. The people who inherited it are attempting to sell the
30 project to someone else. The letter the proponents sent to the Council requesting
31 another extension convinced him that there were not any extenuating
32 circumstances that caused this to be delayed. There is an option. It is possible to
33 grant the extension and require the planned unit development to comply with all
34 new regulations regarding tree retention, critical areas, and shoreline rules. The
35 Council has the ability to add those conditions. However, he is just against
36 granting the extension. Citing the events of September 11, 2001 five times in one
37 paragraph as the reason they couldn't get funding seem far fetched, given the low
38 interest rates in the past year.

39
40 Nelson stated he doubts whether one year would make much difference. He
41 can entertain the idea of adding requirements. Point Roberts planning always
42 included this as a possible planning unit development. The zoning won't change,
43 but they won't have this point of the Point Roberts Subarea Plan.

44
45 Sylvia Goodwin, Planning Division Manager, stated the zoning has changed in
46 that area. During the update of the subarea plan, a lot of people were aware that
47 the Lily Point PUD was expiring. There was discussion and a decision that, if it

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1 expires, the new zone is the transitional zoning that allows clustered subdivision at
2 one house per acre, subject to a step sewer system. It wouldn't change the
3 number of lots much, but with the existing PUD, the development could go in with
4 septic tanks. Under the new proposed zoning, the development would have to be
5 clustered with a step sewer system, which is a community drain field that could
6 later be connected to a sewer.

7
8 Nelson asked if the subarea plan reflects what would happen if the Lily Point
9 PUD did not go forward. Goodwin stated it does.

10 ***Motion to approve failed 2-5 with Crawford and Brenner in favor.***

11
12
13 **3. APPOINTMENT TO FILL VACANCY ON CONSOLIDATED DRAINAGE**
14 **IMPROVEMENT DISTRICT #21, UNTIL A PERSON IS ELECTED AT THE**
15 **NEXT SPECIAL DISTRICT GENERAL ELECTION, APPLICANT PETER**
16 **VANDYK (AB2003-276)**

17
18 ***McShane moved*** to appoint Peter VanDyk.

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

21
22 **4. APPOINTMENT TO THE HORTICULTURE PEST AND DISEASE BOARD,**
23 **APPLICANT BRIAN CIESLAR (AB2003-291)**

24
25 ***Nelson moved*** to appoint Brian Cieslar.

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

28
29 **5. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
30 **GENEVIEVE GRANIER TO THE BICYCLE/PEDESTRIAN ADVISORY**
31 **COMMITTEE (AB2003-312)**

32
33 ***Brenner moved*** to confirm the appointment.

34
35 ***Motion carried unanimously.***

36
37 **6. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
38 **CHERI KILTY TO THE BELLINGHAM-WHATCOM COUNTY COMMISSION**
39 **AGAINST DOMESTIC VIOLENCE (AB2003-313)**

40
41 ***Caskey-Schreiber moved*** to confirm the appointment.

42
43 ***Motion carried unanimously.***

44
45
46 **INTRODUCTION ITEMS**

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1 ***Fleetwood moved*** to accept the Introduction Items.

2
3 ***Motion carried unanimously.***

- 4
5 **1. ORDINANCE AMENDING ORDINANCE 2000-022 AND WHATCOM**
6 **COUNTY CODE 2.130 (AB2003-314)**
7
8 **2. ORDINANCE ADOPTING AMENDMENTS TO THE INTRODUCTION**
9 **CHAPTER OF THE WHATCOM COUNTY COMPREHENSIVE PLAN**
10 **(AB2003-075A)**
11
12 **3. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY**
13 **COMPREHENSIVE PLAN AND ZONING ORDINANCE RELATING TO**
14 **ESSENTIAL PUBLIC FACILITIES (AB2003-075B)**
15
16 **4. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING**
17 **ORDINANCE, TITLE 20, CHAPTER 20.37 – POINT ROBERTS**
18 **TRANSITIONAL ZONE DISTRICT AND CHAPTER 20.80 –**
19 **SUPPLEMENTARY REQUIREMENTS (AB2003-317)**
20
21 **5. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING**
22 **ORDINANCE, CHAPTER 20.72 – POINT ROBERTS SPECIAL DISTRICT**
23 **AND CHAPTER 20.97 – DEFINITIONS (AB2003-317A)**
24
25 **6. ORDINANCE AMENDING THE 2003 BUDGET, 10TH REQUEST (AB2003-**
26 **318)**
27
28 **7. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
29 **REQUEST NO. 06-03 (AB2003-307A)**
30
31 **8. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
32 **REQUEST NO. 07-03 (AB2003-308A)**
33
34 **9. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
35 **REQUEST NO. 08-03 (AB2003-310A)**
36
37 **10. RESOLUTION ESTABLISHING AN AIRPORT/LAND USE**
38 **COMPATIBILITY ADVISORY COMMITTEE (AB2003-319)**

39
40
41 **OTHER BUSINESS**

42
43 Brenner reported for the Public Works and Capital Projects Committee about
44 the **discussion regarding proposed Lummi Island parking lot expansion for**
45 **customers using the walk on option for the Whatcom Chief Ferry (AB2003-**
46 **311)**. The committee decided to take a Lummi Island field trip on Saturday,
47 September 20 at the noon ferry.

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1
2 Roy stated September 20 is the day the Birch Bay Community is having its
3 open house to present the subarea plan. She will be out of town on that day. It is
4 scheduled from 10:00 a.m. to noon.
5

6 Crawford stated someone was concerned about the field trip protocol for
7 receiving testimony. He understands that there would be a dialogue between staff
8 and councilmembers. People can attend, but it wouldn't be a time for public
9 testimony.
10

11 Brenner stated she understood there would be discussion afterward with the
12 community.
13

14 Dana Brown-Davis, Clerk of the Council, stated Council staff would have to
15 attend.
16

17 McShane stated they can decide with staff later about how that would work
18 best.
19

20 21 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

22
23 McShane stated the draft environmental impact statements (EIS) for British
24 Petroleum (BP) and for the Forest Management Plan are available.
25

26 Crawford stated he would like a copy of the draft EIS.
27

28 Dave Grant, Senior Civil Deputy Prosecutor, stated he believes the Energy
29 Facility Site Evaluation Council (EFSEC) has the document posted on its website.
30 The website will also provide information on how to get a hardcopy.
31

32 Roy stated they extended the period for interveners to sign up, to September
33 24, 2003.
34

35 Crawford stated it is for interveners based on the draft EIS.
36

37 McShane stated the other draft EIS is for Lake Whatcom Forest Management
38 Plan. The majority of those State Department of Natural Resources (DNR) lands
39 are trust lands. The Council should be interested in those issues.
40

41 Nelson stated he will meet with forestry people to go over those issues.
42
43

44 **ADJOURN**

45
46 The meeting adjourned at 8:16 p.m.
47

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Jill Nixon, Minutes Transcription

These minutes were approved by Council on September 23, 2003.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Dan McShane, Council Chair