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**WHATCOM COUNTY COUNCIL**  
**Regular County Council**

February 10, 2004

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

Present:

Barbara Brenner  
Laurie Caskey-Schreiber  
Sam Crawford  
Seth Fleetwood  
Sharon Roy  
L. Ward Nelson

Absent:

None

**FLAG SALUTE**

**ANNOUNCEMENTS**

McShane announced that there was **discussion with Senior Deputy Prosecutor David Grant regarding pending litigation (AB2004-018)** in executive session during the Committee of the Whole meeting.

McShane also announced that the tax-title properties that are scheduled for a public hearing will be held due to the fact that the Council still has not received the covenant information on the properties.

**SPECIAL PRESENTATION**

**PRESENTATION BY TOM WESTERGREEN AND JAKE STRAUSS  
REGARDING WHATCOM COUNTY'S TREE FARM PROGRAM AND  
FORESTRY ASSOCIATION (AB2004-106)**

Tom Westergreen, Washington Farm Forestry Association, stated the Washington Farm Forestry Association represents small forestland owners in Washington State. The Whatcom County chapter was formed in the late 1960's. He introduced the members present. The State Association has approximately 1,300 families that manage parcels in size from ten acres up to several hundred acres. The average is 20 to 40 acres. The association is involved in education and legislation. The Whatcom County chapter education and outreach program includes activities in Lynden and with schools.

The American Tree Farm System program has over 65,000 certified tree farms in

1 the country. The program started in 1941 in Washington State. Each tree farm has a  
2 management plan that guides the stewardship of the farm, including factors such as  
3 wood production, wildlife habitat protection, water resources protection, recreation, and  
4 other forest benefits. The program recognizes those tree farmers who really do  
5 outstanding work. He's proud of Jake Strauss, who was selected tree farmer of the year  
6 for Washington State. He's the first from Whatcom County.

7  
8 He showed a video on tree farming from the Washington Farm Forestry Association  
9 and the American Tree Farm System program.

10  
11 Jake Strauss, Washington Farm Forestry Association, thanked the Council for the  
12 opportunity to speak. The Whatcom Farm Forestry Association has had an association  
13 with the Agriculture Preservation Committee for several years. Many issues facing the  
14 forestry community are not much different than those facing the agricultural community.  
15 Sixty percent of the Whatcom Farm Forestry Association have land outside of forestry  
16 zoning. The only protection for operating a tree farm is Whatcom County Code chapter  
17 14.02, the Right to Farm ordinance. A key element of this chapter is a requirement for  
18 disclosure advising a buyer that activities permitted under the Right to Farm ordinance  
19 are nearby and may not be compatible with residential development. The County has no  
20 mechanism to enforce this requirement. Too often, new residents are offended by these  
21 agricultural and forestry operations. He encouraged the Council to not water down the  
22 ordinance. It is vital for farmers and forestry operators to survive. There is a  
23 misconception that trees are permanent. They raise a furor when trees are cut. The  
24 reality is that trees have a finite lifespan. As owners of forested property, they've  
25 invested countless hours in planting and nurturing trees. They expect to harvest their  
26 trees. They have to wait 35 to 50 years before the crop is ready. Much can happen in  
27 that interim, including a changing regulatory environment. For some state members, up  
28 to 65 percent of their crop was wiped out by increasingly stringent regulations. They  
29 have no assurance that trees planted today can be harvested in the future. Whatcom  
30 County does not need a forester on staff. The State already provides enough guidance  
31 without the County getting involved in non-conversion forest practices. Their acreages  
32 are buffers for development. The trees contribute to favorably air quality. They provide  
33 a mechanism to improve water quality. A managed mix stand of conifers and hardwoods  
34 provides excellent wildlife habitat. These islands of forests cost the County nothing, and  
35 provides a service that benefits the public. There needs to be incentives to maintain the  
36 forests. The promise of some financial payout needs to be there. There needs assurance  
37 for future generations to continue. Sadly and all too often, it's easier to turn farmland  
38 and forestland to development. Once converted, it will never return to natural resource  
39 activity.

40  
41 Westergreen thanked the Council for an opportunity to give their presentation.

42  
43 Brenner stated there's a Whatcom County timber tour sponsored by the Women in  
44 Timber each Friday before the annual Deming Logging Show. She encourages people to  
45 go. She goes every year, and always sees something new. It's exciting to see the  
46 different ways tree owners are cultivating the forestland.

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2  
3 **MINUTES CONSENT**  
4

5 ***Brenner moved*** to approve Minutes Consent items one through five.

6  
7 ***Motion carried unanimously.***  
8

- 9 **1. COMMITTEE OF THE WHOLE FOR JANUARY 13, 2004**  
10  
11 **2. REGULAR COUNTY COUNCIL FOR JANUARY 13, 2004**  
12  
13 **3. COMMITTEE OF THE WHOLE FOR JANUARY 27, 2004**  
14  
15 **4. REGULAR COUNTY COUNCIL FOR JANUARY 27, 2004**  
16  
17 **5. WATER RESOURCES WORK SESSION FOR JANUARY 20,**  
18 **2004**  
19  
20

21 **OPEN SESSION**  
22

23 The following people spoke:  
24

25 Ben Hinkle, 2582 Northshore Road (*submitted Exhibit A*), stated he attended  
26 the last Council meeting. During that meeting, he asked a question of the Council,  
27 and received a unanimous answer of no regarding the United Nations. He proposed  
28 that the County Council take a stand for House Resolution 1146, which takes the  
29 United States out of the United Nations. The Council can't serve two masters. One  
30 is sovereignty of the U.S. Constitution. The United Nations charter will do away  
31 with the Constitution. They will be governed by the U.N. Charter and have lost the  
32 U.S. sovereignty. He wants to rephrase the question, which is whether the Council  
33 supports the U.S Constitution or the United Nations Charter.  
34

35 McShane stated the Council has to follow a process. Any decision the Council  
36 makes should be included in the Council packet before the meeting so the Council  
37 can receive input from people on both sides of the issue. It's not appropriate for  
38 the Council to make a decision on something that has not been brought to the  
39 public. It's not appropriate to take up an issue that's not on the agenda. It's not  
40 fair to others who might have various opinions on this issue. He will not indicate  
41 his position on this matter. He encouraged the councilmembers to do the same.  
42

43 Hinkle stated it's his right as a sovereign citizen to have a yes or no answer  
44 to his question. He must hold the councilmembers accountable to their oath to  
45 uphold the Constitution.  
46

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1 Nelson stated that there is a public process specified by the Whatcom County  
2 Charter, which states that no decision will be on an issue that has not gone through  
3 that process. Mr. Hinkle is asking the Council to forego the Constitution and the  
4 County Charter, which was voted on by the public.  
5

6 Caskey-Schreiber stated she will abstain from answering Mr. Hinkle's  
7 question because she is unfamiliar with the subject. She supports the United  
8 States being involved in the United Nations.  
9

10 Crawford stated he has shared his views with Mr. Hinkle personally.  
11 Grandstanding like this debases Mr. Hinkle's credibility. If Mr. Hinkle wants to be  
12 more effective in getting his message across, he will work with him. If Mr. Hinkle  
13 wants to continue making a sham of the public process by continuing to do this  
14 each week, he is not going to accomplish much. He's not giving any comment on  
15 this issue.  
16

17 Roy stated this is not appropriate. Mr. Hinkle should not attempt to force  
18 councilmembers to give their personal opinion on any issue. Mr. Hinkle is not  
19 asking the question of the Council, but of each councilmember personally. That's  
20 not appropriate.  
21

22 McShane stated Mr. Hinkle must sit down. The Council is not going to reply  
23 to this question because it has not gone through the public process. Mr. Hinkle is  
24 asking the Council to violate the County Charter, which it will not do. If a  
25 councilmember brings a resolution forward, the Council can go through the public  
26 process at that time. This is not the way to have a public process.  
27

28 Nick Solberg, 5381 Belair Way, Belfern Water Association President,  
29 Bellingham, (*submitted Exhibit B*) spoke on the **City of Ferndale request to**  
30 **expand the Ferndale Urban Growth Area (AB2004-082, Comprehensive**  
31 **Plan docket #2004-D)**. He requested that Council deny the Comprehensive Plan  
32 application and read his letter into the record (*on file*).  
33

34 Henry Loggergren, 324 Sudden Valley, thanked the Council for promoting  
35 bicycle safety and bicycle facilities. He finds it difficult to ride his bicycle in certain  
36 urban areas because of the volume of cars. He urged the Council to continue to  
37 pursue grants and other funding for further upgrades and improvements. Hire a  
38 technical level staff person at the Parks and Recreation Department of the Public  
39 Works Department to write grants and improve the County's adopted plans for  
40 bicycle and pedestrian facilities. The position could be split between the two  
41 departments.  
42

43 Max Legg, 3844 South Bay Drive, spoke about banning boats on Lake  
44 Whatcom. The current accusation is that boats discharge benzene, and that all  
45 boats must be removed from the lake to remove the threat. The Environmental  
46 Protection Agency (EPA) maximum contaminate level is five parts per billion, which

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1 is a very small number. Chris Spens, City of Bellingham, stated the highest test  
2 benzene level was .22 parts per billion. That is 4.4 percent of the maximum  
3 allowed by the EPA. Don't ban boats on the lake.  
4

5 Gary Lysne, 2472 Northshore Road, stated the issue of banning two-cycle  
6 carbureted motors and personal water craft on Lake Whatcom will come before the  
7 Council. The Lake Whatcom Management Committee participated with a citizens  
8 advisory committee. The Management Committee statement was to follow the  
9 recommendations of the advisory committee to ban these motors on the lake. This  
10 issue will come up at the March 17, 2004 joint meeting. There is an initiative from  
11 the people to get this issue on the ballot.  
12

13 Another issue for this March 17, 2004 meeting is the closure of Bloedel  
14 Donovan park and the boat launch. The question is where those boats will go if  
15 they close Bloedel. Don't close it. If the city closes it, those boats will go to the  
16 county. It's a larger impact for the County. Last, follow the EPA guidelines for safe  
17 water as Mr. Legg stated.  
18

19 Dennis Jones, 1487 Sudden Valley, spoke about the joint Lake Whatcom  
20 resolution. He read goal four from the joint resolution.  
21

22 *(Clerk's Note: End of tape one, side A.)*  
23

24 Jones continued to state that the he will volunteer with the Whatcom Farm  
25 Forestry folks. There are state bills that say Whatcom County agencies control the  
26 watershed. He foresees an impervious shoulder on Lake Whatcom Boulevard for  
27 bikes. Bellingham High School has a forestry program. The City knows what the  
28 problems are on the lake. Don't panic about it. Before the County Council is a  
29 **resolution supporting the Lake Whatcom Landscape Plan as recommended**  
30 **by the Lake Whatcom Landscape Planning Committee (AB2004-087).**  
31 Approve the resolution. He thanked Trillium Corporation. Don't let big foresters  
32 such as the State Department of Natural Resources (DNR) take control.  
33

34 Linda Marrom, 485 Sudden Valley, stated she supports the **resolution**  
35 **supporting the Lake Whatcom Landscape Plan as recommended by the**  
36 **Lake Whatcom Landscape Planning Committee (AB2004-087).** This  
37 resolution is different from the State Department of Natural Resources  
38 recommendation with regard to the formation of an Interjurisdictional Committee  
39 (IJC). Her recommendations were dependent upon the formation of this technical  
40 advisory committee. The IJC should be independent and consist of technical  
41 experts in the fields of geo-morphology to address the hazards involved with DNR  
42 clear-cutting on potentially unstable slopes. The DNR does not support an IJC that  
43 has equal weight in the decision-making process.  
44

45 Doug Robertson, 900 DuPont Street, stated he represents the Freeburg  
46 family on the issue of the **City of Ferndale request to expand the Ferndale**

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1 **Urban Growth Area (AB2004-082, Comprehensive Plan docket #2004-D).**

2 He spoke during the day's committee meeting. There was no public process by the  
3 City of Ferndale. It is an incomplete application. He asked the Council to deny the  
4 application based on his comments made during committee.  
5

6 In addition, he also represents Pacific Highlands LLC, which is developing a  
7 160-lot subdivision on the edge of the city limits. The City already required his  
8 client to upsize all the water and sewer to service the urban growth area (UGA).  
9

10 Lauren Legg, 3844 South Bay Drive, stated she is opposed to banning boats  
11 on Lake Whatcom. She is a lake steward and drinks water directly out of the lake.  
12 Her water is tested yearly and is safe. This Council should not be about making  
13 decisions based on emotions or future political agendas. They can make sound  
14 judgments to provide all with the quality of life they now enjoy. They've already  
15 decided this issue in the past. The federal government mandated changes that are  
16 already in effect. Her tax dollars are being wasted on a non-issue. Removing the  
17 boats will reduce recreation that benefits them all locally and tourism; reduce  
18 property values and property taxes collected to fund more important issues; have  
19 an environmental impact to alternative navigable bodies of water in the county,  
20 and; lose businesses, quality of life, rights, and recreation. Other issues are more  
21 relevant to the water quality of the lake, such as stormwater runoff, mercury levels,  
22 and loss of oxygenation. There are many opportunities to protect these rights. Use  
23 reasonable and responsible judgment. Make decisions based on truth, not fear and  
24 political agendas. Just move the City's water intake, creating a win-win situation  
25 for them all.  
26

27 Dan Sturtz, 3006 Alvarado Drive, Bellingham, stated he grew up on the lake.  
28 Don't ban boats on the lake. There's no clear and present danger of the drinking  
29 water. If they're going to consider banning boats, even two-stroke engines, they  
30 are going to have to face hundreds of young people and say why the Council took  
31 away their use of the lake. There is a rich heritage of water sports and fishing on  
32 Lake Whatcom. People's rights will be taken away.  
33

34 Joe Scott, Northwest Ecosystem Alliance representative, stated he supports  
35 the **resolution supporting the Lake Whatcom Landscape Plan as**  
36 **recommended by the Lake Whatcom Landscape Planning Committee**  
37 **(AB2004-087)**. He supports having a strong interjurisdictional committee and not  
38 allowing oil or gas leasing on land within the watershed. It's been 12 years since  
39 the DNR and Whatcom County signed an interagency agreement to manage these  
40 lands jointly. In the early 1990's, there was a land exchange between the County  
41 and DNR for environmental reasons. There was to be a joint planning process to  
42 produce a formal forest management plan for public lands in the watershed. This  
43 formal plant will accomplish County and DNR goals. However, DNR moved forward  
44 and began logging, in violation of the agreement. In 2000, the State legislature  
45 stopped the DNR and required them to develop a landscape plan that doesn't  
46 present a risk to the reservoir or nearby residents.

1  
2 Kris Ungern, 2095 Northshore Road, discussed his background.  
3 Environmental issues raise emotions and polarize things. Often, misinformation  
4 scare tactics seem to be rather predominant. The tendency is to work on the easy  
5 things. In doing so, they overlook long-term core problems. A boat bans may be  
6 the wrong problem. They should work on runoff, pesticides, and other big  
7 problems. Many homeowners on the lake are portrayed as elites. However, this  
8 group is highly productive members of society that are well informed. If anything,  
9 they're more concerned about water quality because they see the impact every  
10 day. Keep an eye on the science and use common sense.

11  
12 Dan Dahlgren, 2502A Northshore Road, asked the Council to evaluate  
13 information on water quality on Lake Whatcom based on science, not emotions.  
14 Society can measure very low concentrations in the water. Being able to measure  
15 it doesn't mean it's injurious to the citizen. Rational people would compare it with  
16 the EPA standards. The benzene levels are low. It is mostly below the detectable  
17 level. Boats have a minimal effect, at most. Instead, work on the sewers,  
18 stormwater runoff, waterfront roads, and moving the water intake. If they choose  
19 to remove boats from the lake, they will generate a divisive situation with no  
20 significant net benefit.

21  
22 Kristie Lysne, 2472 Northshore Road, Lake Whatcom, stated she is opposed  
23 to banning boats on Lake Whatcom. A small group of people want to impose  
24 control over Lake Whatcom in a way that will take away the rights of a huge  
25 number of people who love to use the lake for recreation. Their excuse is that the  
26 water quality of the drinking water is compromised by the presence of motor craft,  
27 even though there is no scientific data to confirm this accusation. In fact, the water  
28 exceeds the safe and pure standards set by the federal government. The City of  
29 Bellingham reports that the water is safe to drink. Stormwater runoff, automobile  
30 traffic, lead leaching into the lake, septic systems, and oxygenation are all problems  
31 that need to be addressed. Use the elected office to solve problems that really do  
32 exist.

33  
34 Laurie Hanson, 419 Lakeside Drive, Glenhaven, asked the Council to support  
35 the **resolution supporting the Lake Whatcom Landscape Plan as**  
36 **recommended by the Lake Whatcom Landscape Planning Committee**  
37 **(AB2004-087)**. She is concerned about the Interjurisdictional Committee being  
38 weakened. It needs to have experts on slope stability. There are lives at stake in  
39 Glenhaven.

40  
41 Larry Quinliven, 2327 Northshore Road, stated he attended the City Council  
42 meeting about the boating issue. One of the council members wanted to change  
43 the letterhead from Lake Whatcom to Whatcom Reservoir. Lake Whatcom is the  
44 fourth largest navigable waterways in the state. He is concerned about converting  
45 it to a reservoir. It will depreciate property values. If there was a legitimate  
46 reason to give up his boat, he would. However, but he doesn't see the evidence to

1 support it. There are benzene peaks in the summer and at holidays. However,  
2 there aren't any boats on the lake at Christmas and New Year's. Therefore, the  
3 problem is cars. Traffic and stormwater runoff affect the lake. The older cars put  
4 out ten times the pollution than the newer cars.  
5

6 Ellen Shea, 1050 Larrabee Avenue, #104, Bellingham stated she wants to  
7 create a mental, physical, and spiritual growth facility. Her proposal is in the Birch  
8 Bay Subarea Plan. She asked the Council to hold a public hearing on the Birch  
9 Point rezone.  
10

11 Jo Slivinski, 3920 Silver Beach Avenue, (*submitted Exhibit C*) stated she  
12 would speak on the Birch Point rezone. It was rejected by the Whatcom County  
13 Planning Commission. This project has nine clear non-compliances with the Growth  
14 Management Act, County Comprehensive Plan, and Birch Bay Subarea Plan. Reject  
15 the project of rezone and spa. She represents Neighbors for Birch Point, which  
16 opposes the rezone amendment and spa. Their petition has 135 signatures and is  
17 growing. They are challenging several things about the petition circulated by Ellen  
18 Shea. Some of the signatures on her petition are from people who thought they  
19 were signing a guest list at an open house. She's not alleging purposeful  
20 misconduct, but there was confusion. The petition does not represent a significant  
21 number of residents and property owners who would be affected. Verify the validity  
22 of the petition before accepting it for consideration. Her petition should also be  
23 subject to the same type of scrutiny.  
24

25 Steve Martini, 2149 Northshore Road, Bellingham, stated he lives on Lake  
26 Whatcom. Properties in the downzone lost substantial amounts of equity, for which  
27 they received nothing. The downzone is now directed to larger portions of the  
28 county. He asked how the County government can talk seriously about taking  
29 boats off the lake and downzoning property. There's no apparent voice of  
30 opposition on the County Council. He looked at the County Charter and electoral  
31 process of the county representatives. The two-tiered electoral process dilutes the  
32 interests of voters within districts. People are nominated within their districts, and  
33 then the general election is countywide. In many instances, the will of the district  
34 voters is overridden by the larger community. This is a situation in which many  
35 people feel unrepresented and powerless. The balance of government is a larger  
36 issue than banning boats on the lake. Reforms to the electoral process are  
37 necessary.  
38

39 Janice Shook, 1411 West Axton Road, Ferndale, stated she opposes the **City**  
40 **of Ferndale request to expand the Ferndale Urban Growth Area (AB2004-**  
41 **082, Comprehensive Plan docket #2004-D)**. There have been no hearings in  
42 Ferndale. This will cause urban sprawl into the rural area. The people in this area  
43 east of the city limits don't want to be included in the city. The City says it has  
44 provided services into this area, but all the City has done is extend a water line.  
45 She is also opposed to boats on the lake. People can still boat without having  
46 motors. It provides good fitness, and is peaceful and quiet.

1  
2 Julie Marx, 5948 Longdin Road, stated she is opposed to the **City of**  
3 **Ferndale request to expand the Ferndale Urban Growth Area (AB2004-082,**  
4 **Comprehensive Plan docket #2004-D).** She asked what kind of planning  
5 would make this switch. It attempts to create two Ferndales, one on each side of  
6 the freeway. It creates urban sprawl. It will increase congestion over the freeway  
7 overpass and one-lane bridge. Sewer and water services cannot be provided  
8 cheaper to the east side. Retrofitting sewer and water systems would cost North  
9 Bellingham residents. Ferndale's past and current plans to fix their admitted error  
10 should not be inflicted on the citizens.

11  
12 Patrick Alesse, 4825 Alderson Road, Birch Bay, asked the Council to please  
13 keep in mind the amount of money Whatcom County has spent on water issues the  
14 last few years.

15  
16 Norm Chamberlain, 2532 Lake Whatcom Boulevard, stated there is a  
17 potential firestorm brewing about the boating issue on Lake Whatcom. Make the  
18 decision based on facts and science, not on emotion, and then stand by that  
19 decision in the future. Legal questions need to be answered before making a  
20 decision.

21  
22 Dean Rogers, 1712 High Noon Road, Bellingham, stated he is in favor of  
23 Initiative 490, passed by the citizens in 1990, which limits the citing of high  
24 powered transmission lines in the county to existing corridors or industrial lines.  
25 When passed, the power company was forced to find a solution to the problem they  
26 had. The solution was to place new power lines in the existing corridor.  
27 Subsequently, it saved the ratepayers in the county millions of dollars because they  
28 didn't have to build a new corridor. Now, State House Bill 2340 seeks to substitute  
29 the citizen initiative. If approved, it will cut the guts out of I-490. He asked the  
30 Council to support I-490 and let the State government know that the people in  
31 Whatcom County can take care of their own power lines.

32  
33 Carl Weimer, 1055 W. Laurel Road, North Bellingham Community  
34 Association, asked the Council to reject the **City of Ferndale request to expand**  
35 **the Ferndale Urban Growth Area (AB2004-082, Comprehensive Plan docket**  
36 **#2004-D).** The application is clearly incomplete. Part of their reasoning for the  
37 switch is that it would be good for the environment, but the City provided no  
38 evidence to that effect. The creeks in that area have cleaned up significantly.  
39 There aren't massive failures of septic systems. The City has no power to require  
40 people to hook up to those septic systems. People would probably choose to use  
41 their current septic systems because it would be cheaper. The application uses the  
42 highest population growth numbers.

43  
44 *(Clerk's Note: End of tape one, side B.)*  
45

1 Weimer continued to state that the reasoning is questionable why they would  
2 want to swap a UGA that can accommodate future growth for a UGA that can't  
3 accommodate much future growth. The City of Ferndale's application is faulty and  
4 incomplete. Reject the application.  
5

6 Bob Wiesen, 3314 Douglas Road, Ferndale, stated encourage forestry. There  
7 is an economic benefit to having these farms in existence. The timber harvest in  
8 the county seems to be reducing. There is only one good sawmill left. If they  
9 reduce the timber cutting in the rest of the county, these farm forestry people may  
10 lose their sawmill. The Dana Beech property was managed for timber for many  
11 years. Because of regulations, the property is now clearcut and sold to a larger  
12 timber operation. Small farmers will continue to drop away.  
13

14 Alan Soicher, 3231 Hillside Road, Van Zandt, stated he was a member of the  
15 State Department of Natural Resources (DNR) Lake Whatcom Water Quality  
16 Advisory Committee and the Lake Whatcom Landscape Planning Committee. The  
17 County is wise to seek greater public ownership of the watershed. Protect the  
18 benefits that come from the forests while also generating some money by doing  
19 sensitive logging in places where it makes sense. Keep the lands forested. The  
20 DNR and planning committee almost reached consensus. Disagreements were  
21 about different levels of acceptable risk. The Interjurisdictional Committee will be a  
22 group of local experts to agree with DNR that a site-specific activity does not create  
23 too great a risk to public health and safety. Support the landscape plan.  
24

25 Fred Bettner, 53 Strawberry Point, read from Dr. Matthews' study, which  
26 says that the activities of boaters are insignificant to the causes of the dissolved  
27 oxygen trend. There are 19,000 trips per day that go up and down Cable Street,  
28 which ends 400 yards from the intake system. Heavy crank case fuel oils are  
29 detected. Fuel oils from cars make a bigger impact by far. Boats do not pollute the  
30 lake. He challenged the City and County councils to form a stormwater runoff  
31 advisory committee to study runoff. Lake Whatcom is not a reservoir or watershed.  
32 The City of Bellingham has a permit to take water from the lake. It doesn't own the  
33 lake. It's reprehensible that elected officials are promoting their own personal  
34 agendas.  
35

36 Bill Hinely, 26776Donovan Avenue, Bellingham, stated he supports the  
37 citizens plan for the Lake Whatcom watershed. Diseases such as cancer have  
38 increased dramatically in this country and civilizations such as this. They have  
39 chosen to be a chemical-based culture. They each carry at least 500 molecules  
40 that did not exist 100 years ago. They don't know the effects of these molecules.  
41 Every time they put more of anything in the food, water, or air, they are playing  
42 with fire. They don't know the effects of these things. There is good scientific  
43 evidence that more growing things makes them better off. He recommends that  
44 they do the minimum. They don't have to choose between logging and not having  
45 schools. This is one of the wealthiest countries in the world. There are plenty of

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1 resources in the country to afford them to have clean air, water, and soil without  
2 starving. Err on the side of caution.  
3

4 Chuck *Unknown*, 184 E. Kellogg Road, stated he opposes the boat ban. The  
5 science is conclusive. Nothing's broken, so don't try to fix anything. Even when  
6 the benzene levels spike, they're still well below the national limit. He doesn't know  
7 why this is even an issue.  
8

9 Roger *Unknown*, stated there was a border incident today when he was  
10 stopped by a border agent and put in a vehicle and hit with a billy club by an  
11 officer. This is stuff that is going on.  
12

13 James Stanford, 1841 Front Street, Lynden, stated he asked the Council to  
14 initiate the Pole Road Comprehensive Plan amendment 2004-G. There were three  
15 positions put forward in the Natural Resource Committee today. One was a  
16 question of whether now is the time to assess mineral resource land (MRL)  
17 designation in prime agricultural lands. A second was the observation that  
18 reclamation plans in this area result in overly saturated areas fit for only a corn  
19 crop. Last, the question was whether this test study is best tried somewhere else.  
20

21 This application is in full compliance with Chapter 8 of the Resource Lands  
22 Mineral Lands section of the Comprehensive Plan. They meet all of the general  
23 criteria and additional criteria. There is a need to consider aggregate in prime  
24 farmland because that's where the majority of the commercially significant  
25 aggregate is located. There is a need for the aggregate. Only ten years of  
26 aggregate is available. This application can meet the best interest of the County  
27 and his client by letting the County assess the application and raise the bar. They  
28 have an expert in soil conservation and farming who will work in tandem to  
29 develop, implement, and manage a plan. They will provide the research and  
30 development money needed to put the project forward. Docket the application.  
31

32 Nelson stated he represents district one in the county, which includes Lake  
33 Whatcom. He has worked hard on the issue. He is opposed to banning boats on  
34 Lake Whatcom. They need to work on issues that really impact water quality. This  
35 Council has focused on those issues, including stormwater implementation,  
36 effective transfers of development rights, the quality of water evaluation standards,  
37 the effective use of land use decisions, transportation impact evaluation, and  
38 preservation of forestry practices to prevent conversion.  
39

40 McShane stated he's not aware of any effort by the Council to move forward  
41 a proposal to ban boats on Lake Whatcom. The Council has no authority over  
42 where the City of Bellingham chooses to put its water intake.  
43

44  
45 **PUBLIC HEARING**  
46

1    **1.    RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**  
2    **REQUEST #09-03 (AB2003-412A)**  
3

4           McShane stated the public hearing has been held open from previous  
5 meetings. The language for these resolutions is final. He addressed public hearing  
6 items one through ten concurrently.  
7

8           No one spoke.  
9

10          McShane stated the public hearing would be held open for two more weeks.  
11

12    **2.    RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**  
13    **REQUEST #10-03 (AB2003- 413A)**  
14

15          See public hearing item one.  
16  
17

18    **3.    RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**  
19    **REQUEST #11-03 (AB2003-414A)**  
20

21          See public hearing item one.  
22

23    **4.    RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**  
24    **REQUEST #12-03 (AB2003- 415A)**  
25

26          See public hearing item one.  
27

28    **5.    RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**  
29    **REQUEST #13-03 (AB2003- 416A)**  
30

31          See public hearing item one.  
32

33    **6.    RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**  
34    **REQUEST #14-03 (AB2003- 417A)**  
35

36          See public hearing item one.  
37

38    **7.    RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**  
39    **REQUEST #15-03 (AB2003- 418A)**  
40

41          See public hearing item one.  
42

43    **8.    RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**  
44    **REQUEST #16-03 (AB2003- 419A)**  
45

46          See public hearing item one.

1  
2 **9. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**  
3 **REQUEST #17-03 (AB2003- 420A)**

4  
5 See public hearing item one.  
6

7 **10. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**  
8 **REQUEST #18-03 (AB2003- 421A)**

9  
10 See public hearing item one.  
11

12 **11. ORDINANCE ADOPTING AMENDMENTS TO THE ENVIRONMENT**  
13 **CHAPTER OF THE WHATCOM COUNTY COMPREHENSIVE PLAN**  
14 **(CHAPTER 11) (AB2003-075D)**

15  
16 Jeff Chalfant, Senior Planner, gave a staff report.

17  
18 McShane opened the public hearing and the following people spoke:  
19

20 Mary Dickinson, Building Industry Association Governmental Affairs Director,  
21 thanked the Council and staff. She submitted a letter (*on file*) regarding  
22 supplemental testimony to the Whatcom County Environment Chapter update.  
23 Previous written testimony expressed her concerns. She has grave concerns about  
24 Growth Management Act compliance and legal liabilities. According to the Growth  
25 Management Act (GMA), areas must be designated as urban growth areas (UGA's),  
26 which Whatcom County has done in Kendall and Birch Bay. Due to recent  
27 amendments of this chapter about Kendall being a volcanic area and bird habitat  
28 designations, it will be difficult to expand in these areas as a practice. The GMA  
29 does not favor any one goal more than another. A concern is that enough land be  
30 available for housing and that private property rights be considered. The entire  
31 Comprehensive Plan must be GMA-compliant. The term 'private property' was  
32 stricken from the chapter, which is puzzling. Legally, land is designated either  
33 public or private.  
34

35 By declaring large tracts of Whatcom County as Endangered Species Act  
36 (ESA) bird areas, the County has opened itself up to legal liability. ESA  
37 requirements place many regulations on areas where these species are declared to  
38 be. That will have an effect on property owners and the County. The County  
39 cannot place infrastructure in these areas without ESA mitigation, which will cost  
40 the taxpayers more money.  
41

42 She also questions best available science. If this chapter is approved, the  
43 County will be open for liability from affected property owners and environmental  
44 groups. The actions in one chapter of the Comprehensive Plan has a broader effect  
45 on the plan as a whole when it becomes time to draft and enforce codes and  
46 regulations.

1  
2 Tim Trohimovich, 1,000 Friends of Washington Planning Director, stated his  
3 organization works to keep over-development from destroying farms, forests, and  
4 rural areas while making cities and towns great places to live. He supports the  
5 improvements to the chapter. All the chapters need to comply with the Growth  
6 Management Act. These changes do comply. It provides adequate protection for  
7 critical areas, which the Hearings Board has upheld. Density is important to  
8 accommodate growth. They can protect the environment and provide adequate  
9 land for housing and jobs.

10  
11 Hearing no one else, McShane closed the public hearing

12  
13 ***Roy moved*** approval.

14  
15 Brenner stated the Building Industry Association has raised interesting legal  
16 issues. She would like legal counsel to review their letter.

17  
18 Roy stated references to ESA are not legitimate. The committee didn't  
19 designate areas for ESA. All the committee did was say that in certain areas, there  
20 are birds on the ESA listing. The reference made about Kendall being in a volcanic  
21 areas is not true. That's not at all what it says.

22  
23 Brenner read from information from BIA about it being dangerous for a  
24 government to require someone to enhance something, and there's a difference  
25 between mitigation and enhancement. The BIA claims that the County is opening  
26 itself up for a legal challenge.

27  
28 McShane stated the reference to the term 'enhancements' reflects the  
29 Shoreline Management Program that the County will need to have. That change  
30 was made to the environment chapter in advance of changes the County will need  
31 to make in the Shoreline Management Program. The State law requires that  
32 enhancement be part of the Shoreline Management Program.

33  
34 Nelson stated he saw that language throughout the chapter. He recognizes  
35 the concern about shorelines, however, the language in the chapter is expanded to  
36 include economic, ecological, aesthetic, and cultural benefits. He asked how they  
37 put a value on aesthetic enhancement, which has nothing to do with shoreline  
38 protection.

39  
40 Brenner stated she wants a legal opinion. None of these are requirements,  
41 but are something that the County promotes and encourages.

42  
43 McShane stated it makes sense to have aesthetic values as a goal. There  
44 are policies to achieve those. There was very little change made to the policies.  
45 There's not much change to that section.

46

1 Roy asked about the committee's discussion on the issue of aesthetic.  
2

3 Fleetwood stated he had noted that local governments police power includes  
4 the right to legislate for the welfare of the citizenry, including aesthetics. It's  
5 clearly stated in the law, and should be noted. The environmental chapter talks  
6 about natural systems and the beauty of Whatcom County and the Pacific  
7 Northwest. One of the things they're concerned with is aesthetics.  
8

9 McShane stated he recalled a court decision that took aesthetics into account  
10 in a land use decision.  
11

12 Nelson stated there may be elements of the code in which they have to  
13 review aesthetics, such as the Birch Bay Subarea Plan. It was clearly defined  
14 within that plan. Throughout this chapter, they're leaving the definition of  
15 aesthetics open.  
16

17 Fleetwood stated aesthetics is reflective of community standards based on  
18 the beliefs of existing councils that make decisions.  
19

20 McShane stated it is subjective, as a lot of this is. The language doesn't tie  
21 their hands from doing certain actions, but allows them to consider aesthetics in  
22 those decisions.  
23

24 **McShane** restated the motion to forward the ordinance to the concurrency  
25 meeting.  
26

27 **Crawford moved** to amend policy 11G-10 on chapter page 11-21, "Develop  
28 and administer regulations and incentives ~~such that there is no net~~ to minimize loss  
29 of areas that function as wetlands and fish and wildlife habitat." First, that policy is  
30 hard to read. A land use decision guided by this policy needs to be weighed against  
31 other issues of public benefit. They need to consider all the impacts of land use  
32 decisions. Environment is a big one.  
33

34 Fleetwood asked if that is a recipe for incremental loss.  
35

36 Crawford stated it has that potential over time.  
37

38 Roy stated they are living with incremental loss right now. They need to  
39 stand up for the environment in the environment chapter, which means no net loss.  
40 It needs to be their goal. They've lost so much habitat already. It's a reasonable  
41 standard. It doesn't mean they can't make changes or impacts to the environment.  
42 It just means the changes will balance.  
43

44 Brenner stated they require this kind of proactive tradeoff now with  
45 developments. The County requires people to enhance wetlands in another area

1 when they are destroyed or minimized in the area being developed. She hasn't  
2 heard any complaints about that from developers.  
3

4 Dave Grant, Senior Civil Deputy Prosecutor, stated the no net loss concept is  
5 built into the shorelines program guidelines. It doesn't necessarily relate to all  
6 wildlife habitat. It would be addressed in the wetland component of this provision.  
7 Councilmember Brenner's concern is valid.  
8

9 Caskey-Schreiber stated the concept reflects goal 11G. They do know,  
10 based on available science, that wetlands function as a great system to filter  
11 stormwater runoff. They're finding out more and more about the different duties  
12 wetlands serve. That's why they decided to adopt some of the language the State  
13 is using for shorelines, such as the no net loss concept. Recognize that these are  
14 important systems and the County needs to protect them.  
15

16 **Brenner suggested a friendly amendment** to amend policy 11G-10 on  
17 chapter page 11-21, "Develop and administer regulations and incentives such that  
18 there is no net loss of areas that functions as of wetlands and fish and wildlife  
19 habitat." They're concerned about the functions.  
20

21 **Crawford accepted** the friendly amendment as a compromise, and  
22 amended it further, "Develop and administer regulations and incentives such that  
23 there is no net loss of areas that functions as supporting wetlands and fish and  
24 wildlife habitat."  
25

26 Fleetwood asked the difference between the two versions of the motion.  
27

28 Brenner stated one could take a low-grade wetland and trade it for another  
29 low-grade wetland that can be enhanced to a higher-grade wetland. The higher-  
30 grade wetland might be smaller, but enhancing it to a higher-grade would make it  
31 perform the same functions as the lower-grade wetland.  
32

33 *(Clerk's Note: End of tape 2, side A.)*  
34

35 Brenner continued to state that they could trade function-for-function,  
36 without the areas being the same size.  
37

38 Roy asked if substituting function for area makes sense. Chalfant stated the  
39 amendment will be easier for staff to interpret and administer. It's more consistent  
40 with the shoreline management guidelines. He suggested,  
41

42 McShane stated the motion to amend policy 11G-10 on chapter page 11-21,  
43 "Develop and administer regulations and incentives such that there is no net loss of  
44 areas that ecological functions and values as of wetlands and fish and wildlife  
45 habitat."  
46

1           ***Motion to amend carried unanimously.***  
2

3           ***Crawford moved*** to amend policy 11H-13 on chapter page 11-25,  
4 "...individual habitat or fishery **should** ~~shall~~ be mitigated." This is a comprehensive  
5 plan. The County code, Title 20, and Title 21 are the place for the word 'shall.' The  
6 word 'should' is consistent with the rest of the Comprehensive Plan.  
7

8           Nelson agreed. Don't be too restrictive in the Comprehensive Plan.  
9 Mitigating cultural impacts may be very difficult if it's required by this.  
10

11           Brenner stated she suggested the change from 'should' to 'shall.' Staff  
12 reminded her today that policies use 'should' and the codes use 'shall.' She's fine  
13 with the motion as long as the code says 'shall.'  
14

15           ***Motion carried 6-1 with Caskey-Schreiber opposed.***  
16

17           ***Crawford moved*** to amend chapter page 11-35, action item seven,  
18 "...endangered species ~~within one year.~~" The item is commendable, but this is a  
19 policy document. It's inconsistent with the direction of the Comprehensive Plan,  
20 that they put a specific time frame in developing any particular thing. He endorses  
21 the concept. They all know that the County needs to know what's going on in the  
22 sensitive areas.  
23

24           Chalfant stated the language is fine either way. The Shoreline Master  
25 Program update will require the County to have mechanisms in place to track these  
26 things.  
27

28           Brenner asked if they can get it done in one year. Chalfant stated the  
29 Shoreline Management Program won't be ready to go through the public process for  
30 another 18 months.  
31

32           Crawford stated he thought the program is to give the County a better  
33 picture of what is happening. Item seven is different. Tracking development  
34 means recording change over time and understanding the impact of that change.  
35

36           Roy stated she agreed with Councilmember Crawford. There's no necessity  
37 to put a timeframe on this goal. She trusts staff to take care of the policy.  
38

39           McShane restated the motion to amend chapter page 11-35, action item  
40 seven, "...endangered species ~~within one year.~~"  
41

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

44           ***Crawford moved*** to amend action item 62 on chapter page 11-44,  
45 "Consider **mitigation strategies, landowner compensation strategies, or** rezoning in

1 areas of the County that are largely comprised of critical areas." He's concerned  
2 about just saying rezoning. Soften the action item.  
3

4 Roy stated she is not in favor of the language "landowner compensation  
5 strategies." She would support something that referred to the transfer of  
6 development rights. Don't reference a compensation program they don't have.  
7

8 Crawford stated he was thinking specifically of Canyon Creek. That is the  
9 strategy that seems to be working best.  
10

11 Roy stated that was for a different purpose.  
12

13 **Brenner suggested a friendly amendment** to substitute "landowner  
14 compensation strategies" with "incentives."  
15

16 **Crawford accepted** the friendly amendment and restated the motion to  
17 amend action item 62 on chapter page 11-44, "Consider **mitigation strategies,**  
18 **incentives, or** rezoning in areas of the County that are largely comprised of critical  
19 areas."  
20

21 Caskey-Schreiber stated she is uncomfortable with the term "mitigation  
22 strategies." They've learned it's very difficult to mitigate wetlands. The language  
23 is fine as it is.  
24

25 Brenner stated she supports the amendment. They're not talking about  
26 high-grade wetlands. They're talking about all critical areas. Low-grade wetlands  
27 are still considered critical areas. Those three options are valid.  
28

29 McShane stated he is against the motion. Consider zoning in the context of  
30 the constraints of the property. Zoning should be reflective of how the county will  
31 grow in the future. If they identify areas he refers to as fantasy zoning, where they  
32 won't realistically achieve the density zoned, which creates a problem for areas  
33 where growth should occur.  
34

35 Crawford stated he would like to have the confidence that they can create a  
36 land supply that would be adequate, fully taking into account and removing critical  
37 areas from the buildable land inventory. However, he's skeptical they can do that  
38 well.  
39

40 Brenner stated this is the chapter that talks about low-impact development,  
41 which could be considered a mitigation strategy. It opens up those options. The  
42 language isn't contrary to rezoning.  
43

44 **Motion to amend failed 3-4 with Brenner, Nelson, and Crawford in**  
45 **favor.**  
46

1           **Nelson** stated many times there is controversy about water quality  
2 measurement. They need to be sure they are getting quality measurement  
3 standards. He asked if the committee considered how they would measure results.

4  
5           Caskey-Schreiber stated the committee did not consider it.

6  
7           **Nelson moved** to amend language action item 37 on chapter page 11-42,  
8 "Work with the Technical Advisory Committee...process, with the inclusion of  
9 measurement and evaluation."

10  
11           Roy stated there are water bodies other than Lake Whatcom. There are  
12 different measurements for what is ailing those bodies of water. There are different  
13 institutions involved in those measurements. She asked if they're only talking  
14 about Lake Whatcom.

15  
16           Nelson stated there are a lot of regulatory proposals, incentives, and ideas  
17 they want to include. He's trying to find out where the evidence will come from to  
18 support those policies. They should make a policy that recognizes the decisions  
19 would be based upon good monitoring information.

20  
21           Caskey-Schreiber stated there is so much information out there. It's there  
22 for the asking. There isn't a need to have the Technical Advisory Committee screen  
23 whatever, and come up with whatever standards it deems appropriate. She'd  
24 rather get the information from a variety of available entities. Seek out the  
25 information. It's out there.

26  
27           Fleetwood suggested a stand-alone provision that expresses an aspirations to  
28 attempt to monitor and measure when they can, rather than incorporating it into  
29 this provision.

30  
31           McShane that within action item 31, there is an indication that monitoring  
32 will occur. He asked about any monitoring that would occur through the County's  
33 programs.

34  
35           Jeff Monsen, Public Works Director, stated it's possible there will be a  
36 monitoring requirement of the National Pollution Discharge and Elimination System  
37 (NPDES) program. The NPDES program would not include Drayton Harbor.

38  
39           Nelson stated it's a weakness they should look at. There is question about  
40 the various sources of monitoring that comes forward. Don't assume they'll have  
41 information that won't be challenged. A goal in the past was to have standardized  
42 monitoring.

43  
44           Chalfant suggested language, "Work with the Technical Advisory Committee  
45 and other appropriate agencies in revising or developing standards necessary to  
46 ensure watershed protection and coordinate the effort with the Lake Whatcom

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1 Management process within sensitive watersheds for ongoing monitoring and  
2 evaluation.”  
3

4 **Nelson** accepted the suggested language and **amended his motion** to  
5 amend language action item 37 on chapter page 11-42, “Work with the Technical  
6 Advisory Committee and other appropriate agencies in revising or developing  
7 standards necessary to ensure watershed protection and coordinate the effort with  
8 the Lake Whatcom Management process within sensitive watersheds for ongoing  
9 monitoring and evaluation.”

10 **Motion carried unanimously.**

11 **Motion to forward to concurrency as amended carried unanimously.**

12  
13 **12. ORDINANCE AMENDING THE LAND USE CHAPTER OF THE WHATCOM**  
14 **COUNTY COMPREHENSIVE PLAN (CHAPTER 2), WHICH INCLUDES**  
15 **RURAL LANDS (AB2003-075E)**  
16  
17

18  
19 Matt Aamot, Senior Planner, gave a staff report and summarized the  
20 changes the committee made. In 1997, the State allowed counties to recognize  
21 established rural communities and pockets of development in rural areas called  
22 limited areas of more intense rural development (LAMIRD) that existed as of 1990.  
23

24 An organization called 1,000 Friends of Washington has taken a position that  
25 the County must review all zoning districts in rural areas that allow more than one  
26 unit per five acres for compliance with the LAMIRD provision. Legal counsel  
27 believes the County is not required to downzone these areas. The County’s  
28 decision was adopted seven years ago. The appeal deadline has passed. They’ve  
29 been upheld by the court. The Council could make a policy decision to review those  
30 areas.  
31

32 The Growth Management Act (GMA) has a definition of rural services and  
33 criteria for when urban services can be extended to rural areas. That has been  
34 included in the Comprehensive Plan. Sewer is not considered a rural service.  
35 Urban services such as sewer can only be extended into rural areas if there are  
36 health and environmental hazards and the services are supportable at rural  
37 densities.  
38

39 Fleetwood asked if most of the land zoned rural residential, one dwelling unit  
40 per acre (RR1) is located in suburban enclaves and, if that’s true, whether it’s  
41 already limited by a logical outer boundary. It seems many of the RR1 areas are  
42 already gone. Aamot stated there has been the treat of challenging this. Staff has  
43 not done an exhaustive analysis of that.  
44

45 McShane opened the public hearing, and the following people spoke:  
46

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---

1 Tim Trohimovich, 1,000 Friends of Washington Planning Director, submitted  
2 a letter (*on file*). He thanked everyone for the work done on the land use element  
3 and other elements of the Comprehensive Plan. The attorney general representing  
4 the State Department of Community, Trade, and Economic Development agrees  
5 with his organization about the legal issues. By December 1, 2004, the County  
6 needs to review the entire Comprehensive Plan and development regulations for  
7 compliance with the goals and requirements of the Act, including the LAMIRD  
8 position.

9  
10 Even if it's legal, it's bad policy. The growth boards have held that these  
11 areas are the exception to urban development, and they're supposed to draw the  
12 boundaries tightly. He showed an 1998 aerial photograph of an existing LAMIRD.  
13 There are probably available 500 acres in this LAMIRD that are zoned RR1.

14  
15 Gary Reid, 5651 Mission Road, Bellingham, referenced the newspaper article.  
16 When they talk about downzoning the rural area, it does the opposite of protecting  
17 the forest, agriculture, and the environment. Downzoning uses up land, which is  
18 the definition of sprawl. They push development into the agricultural areas and  
19 forestry areas. Services are diluted over a large area and paying more for them.  
20 That isn't good policy. The interim zones are used to make transitions between  
21 urban areas and agriculture and forestry areas.

22  
23 Lincoln Rutter, 8373 Semiahmoo Drive, Blaine, stated he is concerned about  
24 the alarming expansion of urban growth areas in Whatcom County.

25  
26 (*Clerk's Note: End of tape two, side B.*)

27  
28 Rutter continued to state the rural section of the County's Comprehensive  
29 Plan needs major revisions. Oregon began to deliberately decrease zoning density  
30 through progressive land use ordinances in the 1980's. Exclusive farm use (EFU's)  
31 passes on the benefits of dramatically reduced property taxes for those willing to  
32 reclassify their lands into 80 acre parcels with development restrictions. The  
33 transition back to higher density categories involve retroactive tax penalties that  
34 restrain the flow of supply and demand. Whatcom County might investigate  
35 Oregon's technique to address the growing urban sprawl problem.

36  
37 There is a rapidly expanding urban growth area in Birch Bay. The Birch Bay  
38 Subarea Plan uses an occupancy rate of less than one to postulate that 100 acres of  
39 rural land need to become urban, and an additional 200 acres of long-term UGA  
40 need to become short-term UGA. This is in an area that has more urban zoned  
41 land than it could develop. Throw out the UGA expansion recommendation in the  
42 Birch Bay Community Plan. It doesn't represent a consensus of opinion of the  
43 people in that area. Dependence on the automobile is the essence of urban sprawl.

44  
45 Patrick Alesse, 4825 Alderson Road, Birch Bay, submitted information (*on*  
46 *file*) from the Assessor's tax booklet showing the distribution of the 2003 tax dollar.

1 Thirteen percent of the property tax for local services benefit 46 percent of the  
2 unincorporated houses. Every time they put someone on a five or ten acre lot, it  
3 costs more for them to live there and it costs everyone money to support them.  
4

5 Roy asked the basis for the housing units percentage. Alesse stated the  
6 percentage is of all the housing units, as estimated from the State of Washington  
7 for 2003.  
8

9 Bob Tull, attorney, submitted a letter (*on file*) and stated there is an action  
10 item regarding the piers at Cherry Point. That item could be reworded. In the  
11 paperwork, it's clear that there is a concern that being able to form industrial jobs  
12 is needed. He suggested including the following sentence into the action plan,  
13 "Work in conjunction with industrial owners to support appropriate infrastructure  
14 and permitting processes at Cherry Point."  
15

16 The changes suggested by 1,000 Friends will have to be addressed in due  
17 course, but can't be done the night of the public hearing at the end of the process.  
18 The changes are very sweeping. The Council will have to go through the hearing  
19 process all over again.  
20

21 Bob Wiesen, 3314 Douglas Road, Ferndale, stated the State says they have  
22 to review the Comprehensive Plan, not throw it out or change it. Taking the  
23 suggestions made by 1,000 Friends would discount the rest of the citizen input  
24 they've had into the Comprehensive Plan over all these years. Affordable housing  
25 is a concern. There has been pressure for housing to go to the rural areas. The  
26 land available today in urban areas is nothing, which automatically escalates the  
27 values. If they downzone the rest of the county, they're giving it another boost.  
28 The Planning Commission went through this process already, but the Council has  
29 reworked it, so the public can't provide input. People are getting frustrated by the  
30 process. The Council is taking on too many issues at once, and not doing a good  
31 job on them.  
32

33 Lonnie Smith, 7335 Dexter Road, Lynden, stated downzoning will make  
34 housing much harder to afford. Don't downzone something that has already been  
35 zoned. It will change the structure of how things function, which is doing pretty  
36 well right now.  
37

38 David Grant, Senior Civil Deputy Prosecutor, stated he urged council to  
39 reject Bob Tull's suggested amendment. The provision he addressed is limited in  
40 scope to marine facilities, specifically docks. There is a prohibition of building  
41 additional docks given the litigation surrounding that use. The County has involved  
42 itself in the Federal Energy Regulatory Commission (FERC) process on the siting of  
43 the Georgia Strait Crossing pipeline. The County has intervened in the process for  
44 the British Petroleum cogeneration plant. Mr. Tull's proposed language would put  
45 future developers in the position of arguing that the County is not in compliance

1 with its Comprehensive Plan if it wants to intervene in issues like that. It's a  
2 dangerous path to walk down, and would tie the hands of future councils.

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

5  
6 ***Fleetwood moved*** to adopt the ordinance.

7  
8 ***Crawford moved*** to amend chapter page 2-66, policy 2CC-2, "Adopt  
9 ~~mandatory~~ and incentive programs..." It requires the City of Bellingham to  
10 purchase a transfer of development right before getting water and sewer  
11 extensions. If someone meets all the development requirements, it's wrong to  
12 require them to buy someone else's development rights. He won't support  
13 mandatory programs in the Comprehensive Plan.

14  
15 Brenner stated an incentive is built in. Development rights can be increased  
16 through other options.

17  
18 McShane stated the language should stay as it is. Incentive programs can  
19 only go so far. They may need to do more than simply offer incentives. Some  
20 areas will have to require mandatory programs. Don't tie future councils' hands  
21 from making that change to preserve the rural lifestyle in Whatcom County.

22  
23 Caskey-Schreiber stated there are good examples of mandatory programs.

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

26  
27 ***Crawford moved*** to amend chapter page 2-67, policy 2CC-10,  
28 "Rezoning...should be discouraged, unless the rezone is for the purpose of replacing  
29 density reductions in other areas to satisfy buildable land inventory requirements  
30 meeting population projections." In the context of the Lake Whatcom and Lake  
31 Samish downzones, there was merit in asking where people go to find buildable  
32 land to replace the land that was downzoned. Replace density in other areas, even  
33 rural zoned areas outside urban growth areas (UGA's).

34  
35 Brenner stated don't create any more rural, one unit per five acre (R5A)  
36 zones. They've zoned a lot of it. Do this through small acreage densities such as  
37 rural residential one (RR1) or two (RR2) units per acre. There is not an  
38 overabundance of that type of smaller zoning.

39  
40 ***Motion failed 1-6 with Crawford in favor.***

41  
42 Crawford asked about the justification for the language on chapter page 2-71  
43 at the bottom of the page. The Glacier community has hopes that tourist activities  
44 can continue to develop. He's concerned about the strength of the statement  
45 discouraging further development.

46

1 McShane stated the unstable land in the Glacier area is very significant.  
2 There's a desire to do tourist and development in that area. They should think  
3 about the long-term consequences of that. Evaluate the risk. There are many very  
4 bad risks. Some day, Glacier may no longer exist.  
5

6 **Nelson moved** to strike the last sentence of the first paragraph in the  
7 Northeaster Towns section on the bottom of Chapter page 2-71. It conflicts with  
8 their economic goals. If they are going to discourage development, then they can't  
9 encourage economic viability.

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

11  
12  
13 **Crawford moved** to amend chapter page 2-75, Policy 2HH-4 to delete the  
14 last sentence of the paragraph. It goes too far. The policy up to that point is  
15 appropriate. The concepts of preserving, protecting, enhancing, and promoting will  
16 be done through land use decisions. Requiring businesses to do those things is  
17 going too far.

18  
19 **Caskey-Schreiber** stated this is language she recommends because of the  
20 1,000 Friends recommendations. Crossroads commercial areas can be considered  
21 limited areas of more intense rural development (LAMIRD). She **offered a**  
22 **friendly amendment**, "Businesses must be compatible with the use of the land by  
23 wildlife and for fish and wildlife habitat; foster the private stewardship of the land  
24 and preservation of open space; and enhance the rural sense of community and  
25 quality of life."

26  
27 **Crawford accepted** the friendly amendment.

28  
29 **Motion carried 6-1 with McShane opposed.**

30  
31 Crawford moved to amend the next to last bullet point in item 34 on chapter  
32 page 2-109, "cities shall **should** show evidence...."

33  
34 **Motion carried 5-2 with Caskey-Schreiber and Fleetwood opposed.**

35  
36 **Crawford moved** to insert a new action item 37 on packet page 2-110,  
37 "Work in conjunction with industrial owners to support appropriate infrastructure  
38 and permitting processes and Cherry Point."

39  
40 McShane offered a friendly amendment to add "marine" before the word  
41 infrastructure. It gets more to the point.

42  
43 Crawford did not accept the friendly amendment.

44  
45 **Motion failed 2-5 with Nelson and Crawford in favor.**

46

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1            **McShane moved** to amend goal 2B on chapter page 2-8, "Encourage the  
2 continued viability of existing resort communities ~~and allow the development of new~~  
3 ~~Master Planned Resorts in the future.~~" He doesn't think it's in the interest of the  
4 unincorporated county to be allowed to do master planned resorts.  
5

6            **Motion failed 1-6 with McShane in favor.**  
7

8            **Motion to move to concurrency as amended carried 5-2 with**  
9 **Crawford and Nelson opposed.**  
10

11            McShane stated the Council has been amenable to using the LAMIRD process  
12 for dealing with suburban zoning in rural areas. There isn't anything within the plan  
13 that will preclude them from doing that in the future. The Council would take  
14 proposed changes into consideration. The Comprehensive Plan gives the Council  
15 the ability to do that. The Council is not ignoring valid concerns from 1,000  
16 Friends. He's concerned about delaying their ability to move forward.  
17

18            Caskey-Schreiber stated she got a lot of information from 1,000 Friends.  
19 She will keep and review the information when they do this again.  
20

21            Crawford stated he is against the ordinance. They're going too far.  
22  
23

#### 24 **COUNCIL "CONSENT AGENDA" ITEM**

25

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

29            Brenner withdrew item one.  
30

31            McShane withdrew item four.  
32

33            **Motion to approve Consent Agenda items two, three, and five**  
34 **through eight carried unanimously.**  
35

- 36 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
37 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND RE**  
38 **SOURCES, TO DESIGN AND IMPLEMENT A TECHNICAL ASSISTANCE**  
39 **PROGRAM FOCUSING ON WASTE REDUCTION AND RECYCLING FOR**  
40 **WHATCOM COUNTY BUSINESSES, IN THE AMOUNT OF \$35,000**  
41 **(AB2004-089)**  
42

43            **Crawford moved** approval.  
44

45            Brenner stated the Council originally approved \$50,000 for this item.  
46 RESources originally provided a program bid in that amount. This request is a

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1 reduction. There won't be any promotion. The number of businesses included is  
2 reduced by 20.

3 *(Clerk's Note: End of tape three, side A.)*  
4

5 Brenner continued to state this is an example of being penny-wise and  
6 dollar-foolish. The County has contracted with RESources in the past. RESources  
7 has always been reputable and given the County more benefits for the dollars.  
8 She's offended that they're cutting corners with this contract. She won't support it.  
9 RESources already has a track record, and the County doesn't need to wait to see  
10 how the program does. Support the program at the \$50,000 level.

11  
12 ***Motion carried 4-2 with Brenner and Roy opposed and Nelson out of***  
13 ***the room.***

14  
15 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
16 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND NORSTAN**  
17 **FOR REPLACEMENT OF PHONE SYSTEM AT HEALTH DEPARTMENT'S**  
18 **STATE STREET FACILITY, IN THE AMOUNT OF \$49,406.99 (AB2004-**  
19 **090)**

20  
21 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
22 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND**  
23 **NORTHWEST YOUTH SERVICES TO PROVIDE SERVICES RELATED TO**  
24 **TEEN COURT, IN THE AMOUNT OF \$18,500 (AB2004-091)**

25  
26 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
27 **PROFESSIONAL SERVICE CONTRACT BETWEEN WHATCOM COUNTY**  
28 **AND SHEARER DESIGN LLC, FOR THE STRUCTURAL DESIGN OF FROST**  
29 **ROAD BRIDGE, IN THE AMOUNT OF \$43,457 (AB2004-092)**  
30

31 ***This item was moved*** for approval with the Consent Agenda items.  
32

33 McShane stated this item has been before the Council before with a  
34 recommendation that the County build the bridge. He opposed it. This is the first  
35 of many contracts for this project. He will vote against all the contracts.  
36

37 Caskey-Schreiber stated she is also against the project.  
38

39 ***Motion carried 5-2 with Caskey-Schreiber and McShane opposed.***  
40

41 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
42 **GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND THE**  
43 **DEPARTMENT OF ECOLOGY TO PROVIDE MATCHING FUNDS FOR**  
44 **SOLID WASTE PROGRAMS INCLUDING EDUCATION FOR SCHOOLS**  
45 **AND THE GENERAL PUBLIC, FUNDING FOR THE DISPOSAL OF TOXICS**

1           **FACILITY, RECYCLING HOTLINE, AND SOLID WASTE AND LITTER**  
2           **ENFORCEMENT, IN THE AMOUNT OF \$495,505 (AB2004-093)**  
3

4   **6.    REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
5   **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND**  
6   **PICTOMETRY INTERNATIONAL CORP. FOR LICENSED USE OF**  
7   **SHORELINE ORTHOGONAL AND OBLIQUE IMAGES, IN THE AMOUNT**  
8   **OF \$145,000 (AB2004-094)**  
9

10   **7.    REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**  
11   **PURCHASE OF THREE REPLACEMENT LIGHT UTILITY VEHICLES**  
12   **USING THE WASHINGTON STATE CONTRACT, FROM BUD CLARY**  
13   **CHEVROLET FOR A TOTAL PURCHASE PRICE OF \$65,141.14 (AB2004-**  
14   **095)**  
15

16   **8.    REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**  
17   **PURCHASE OF FOUR GAS/ELECTRIC HYBRID SEDANS USING THE**  
18   **WASHINGTON STATE CONTRACT, FROM BUD CLARY OF YAKIMA FOR**  
19   **A TOTAL PURCHASE PRICE OF \$85,681.60 (AB2004-096)**  
20

21  
22   **OTHER ITEMS**  
23

24   **1.    RESOLUTION SUPPORTING THE LAKE WHATCOM LANDSCAPE PLAN**  
25   **AS RECOMMENDED BY THE LAKE WHATCOM LANDSCAPE PLANNING**  
26   **COMMITTEE (AB2003-087)**  
27

28           *Roy* reported for the Natural Resources Committee and *moved* to  
29 recommend approval.  
30

31           *McShane* stated he would propose an amendment that would recognize the  
32 role of the Forestry Advisory Forum. It will play a more important role if the  
33 landscape plan is adopted. He *moved* to amend to add language, "**BE IT**  
34 **FURTHER RESOLVED** that Whatcom County recognizes the continued need for the  
35 Lake Whatcom Forestry Advisory Forum, particularly in regard to public process,  
36 logging techniques, and coordination of logging plans on private and publicly-  
37 managed lands in the watershed in conjunction with the Interjurisdictional  
38 Committee."  
39

40           *Nelson* stated the Forestry Advisory Forum agrees with most of the language  
41 in the motion. The Forestry Forum has also worked on things such as pesticide and  
42 herbicide management and road construction. However, remove the list because  
43 the Forestry Forum may want to work on other issues in the future. He *suggested*  
44 *a friendly amendment*, "**BE IT FURTHER RESOLVED** that Whatcom County  
45 Council favors an effective community process that will include the contribution of  
46 the Lake Whatcom Forestry Advisory Forum."  
47

1  
2 ***McShane accepted the friendly amendment.***  
3

4 Roy stated she agreed with the motion with the language Councilmember  
5 Nelson suggested.  
6

7 ***Motion to amend carried unanimously.***  
8

9 ***Motion to approve the resolution as amended carried unanimously.***  
10

11 **2. RESOLUTION ESTABLISHING THE LAKE WHATCOM WATERSHED**  
12 **FORESTRY ADVISORY FORUM AS THE INTERJURISDICTIONAL**  
13 **COMMITTEE UNDER THE LAKE WHATCOM MANAGEMENT COMMITTEE**  
14 **(AB2004-086)**  
15

16 Roy reported for the Natural Resources Committee and stated this item was  
17 held in committee for two weeks.  
18

19 **3. REQUEST AUTHORIZATION TO RENEW WHATCOM COUNTY'S**  
20 **PROPERTY INSURANCE POLICY (AB2004-067)**  
21

22 ***Crawford*** reported for the Finance and Administrative Services Committee  
23 and ***moved*** to approve the substitute version of option two with option B for  
24 earthquake coverage, for a total premium of \$141,088.  
25

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

28 **4. DISCUSSION REGARDING WHATCOM COUNTY SOLID WASTE**  
29 **ADVISORY COMMITTEE'S REQUEST FOR DIRECTION REGARDING THE**  
30 **DRAFTING OF PROPOSED REVISIONS TO THE MANDATORY**  
31 **COLLECTION ORDINANCE (AB2004-085)**  
32

33 Brenner reported for the Public Works and Capital Projects Committee and  
34 stated this item is held in committee.  
35

36 **5. UPDATE AND DISCUSSION REGARDING THE WHATCOM CHIEF-LUMMI**  
37 **ISLAND FERRY 20-YEAR PLAN AND PARKING ON LUMMI ISLAND**  
38 **(AB2004-098)**  
39

40 Brenner reported for the Public Works and Capital Projects Committee and  
41 stated this item was presented to the committee. The Public Works Department  
42 will continue working on the issue.  
43

44 **6. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM**  
45 **COUNTY ZONING ORDINANCE (TITLE 20) CHAPTER 20.85**  
46 **PLANNED UNIT DEVELOPMENT, CHAPTER 20.89 DENSITY**

1           **TRANSFER PROCEDURE, CHAPTER 20.90 AMENDMENTS,**  
2           **AND CHAPTER 20.71 WATER RESOURCES PROTECTION**  
3           **OVERLAY DISTRICT (AB2004-081)**  
4

5           **Fleetwood** reported for the Planning and Development Committee and  
6 **moved** to adopt the ordinance.  
7

8           **Motion to adopt carried unanimously.**  
9

10       **7. REQUEST CONFIRMATION OF THE EXECUTIVE’S APPOINTMENT OF**  
11       **BRUCE DAY AND KARL RITTER TO THE AMERICAN’S WITH**  
12       **DISABILITIES ACT COMPLIANCE COMMITTEE (AB2004-099)**  
13

14       **Brenner moved** to confirm the appointments.  
15

16       **Motion carried unanimously.**  
17

18       **8. REQUEST CONFIRMATION OF THE EXECUTIVE’S APPOINTMENT OF**  
19       **GERRY MILLMAN TO THE ECONOMIC DEVELOPMENT INVESTMENT**  
20       **(EDI) BOARD (AB2004-100)**  
21

22       **Brenner moved** to confirm the appointment.  
23

24       **Motion carried unanimously.**  
25

26       **9. REQUEST CONFIRMATION OF THE EXECUTIVE’S APPOINTMENT OF**  
27       **CYNTHIA FLOYD, JOAN DOW AND MICHAEL PASSO TO THE**  
28       **BICYCLE/PEDESTRIAN ADVISORY COMMITTEE (AB2004-101)**  
29

30       **Brenner moved** to confirm the appointments.  
31

32       **Motion carried unanimously.**  
33

34       **ADDENDUM:**

35       **10: RESOLUTION OPPOSING SUBSTITUTE HOUSE BILL 2340 (AB2004-**  
36       **108)**  
37

38       **Nelson moved** to amend the resolution, “~~WHEREAS, some of the concerns~~  
39 ~~include, but are not limited to, falling lines and poles, possible negative health~~  
40 ~~affects from electromagnetic fields created by large amperage loads, stray voltage~~  
41 ~~effects on dairies, and devaluation of property; and” That may have been a~~  
42 statement of concern from some on one side of the argument. There are concerns  
43 expressed by others that aren’t expressed. Just leave it out.  
44

45       Caskey-Schreiber agreed, but she likes the language the way it is.  
46

1 Crawford stated the language says this is one of many concerns.  
2

3 ***Motion to amend carried 5-2 with Caskey-Schreiber and Crawford***  
4 ***opposed.***  
5

6 Crawford stated he supports the resolution. He asked the motivation of  
7 doing this bill in Olympia.  
8

9 Caskey-Schreiber stated Representative Morris proposed the bill, but she  
10 doesn't know why. The Washington State Association of Counties also has concerns  
11 about his bill. This affects other counties.  
12

13 McShane stated that some power lines involve multiple jurisdictions.  
14 Whatcom County is stuck by the policy that it will have to intervene. It puts a huge  
15 burden on the jurisdictions. This is a classic unfunded mandate.  
16

17 ***Motion to approve as amended carried unanimously.***  
18  
19

20 **2003 COMPREHENSIVE PLAN AMENDMENTS**  
21

22 **1. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY**  
23 **COMPREHENSIVE PLAN AND ZONING ORDINANCE RELATING TO**  
24 **ESSENTIAL PUBLIC FACILITIES (AB2003-075B)**  
25

26 Brenner reported for the Public Works and Capital Projects Committee and  
27 stated this item is held in committee.  
28  
29

30 **2004 COMPREHENSIVE PLAN AMENDMENT DOCKETING**  
31

32 **1. RESOLUTION INITIATING COMPREHENSIVE PLAN AND ZONING**  
33 **AMENDMENTS FOR 2004 (AB2004-082)**  
34

35 Docket #2004-F: MRL – Northstar/Brown Road  
36

37 **Roy** reported for the Natural Resources Committee and ***moved*** to docket.  
38

39 ***Motion carried unanimously.***  
40

41 Docket #2004-G: MRL – Pole Road  
42

43 Roy reported for the Natural Resources Committee and stated the  
44 recommendation is to deny docketing.  
45

46 ***Crawford moved*** to docket, for the sake of procedure.

1  
2 McShane stated he is in favor of the motion. The proponent is establishing  
3 a high bar by making the mineral resource land contingent on a very thorough  
4 reclamation program. The gravel study indicates that the majority of the  
5 aggregate is in the agricultural zone, which worries him in the long term. The  
6 pressure to mine those areas in an inappropriate manner is growing. The winds of  
7 politics change. Several years ago, the Council was more open to mining in those  
8 areas. He's not comfortable entirely with the criteria for mineral resource lands  
9 (MRL's) in the agricultural area. However, this item works if it's highly  
10 constrained, which the applicant is in favor of.

11  
12 Brenner stated the Agricultural Advisory Committee recommended against  
13 this proposal. That committee keeps a close eye on what's going on. She has to  
14 go with the committee's recommendation.

15  
16 Nelson stated he was also reluctant about this, but he agrees with  
17 Councilmember McShane. This vote puts the proposal into the hearing process  
18 when the Council can get good criteria put in place. They are going to see more of  
19 these proposals coming forward.

20  
21 Caskey-Schreiber stated this sets a horrible precedent. They're losing  
22 agricultural land just as fast as land zoned rural, one unit per ten acres (R10A).  
23 She's totally opposed to this proposal.

24  
25 Crawford stated the applicants talked about having discussions with Henry  
26 Bierlink. The applicants are attempting to stay in an agriculturally-related  
27 business, but are struggling to ways to mine the aggregate in a responsible way  
28 that also allows them to sustain their agricultural operation at the same time. In  
29 reality, it's a powerful statement for agriculture. Much of their mineral resources is  
30 under agricultural soils. This is an opportunity to see someone do it right.

31  
32 Caskey-Schreiber asked the enforcement regulations the County has to  
33 reclaim the land to its original use. The County has no enforcement of  
34 reclamation. She's not convinced that it can be done. Practice reclamation on an  
35 area that is already mined out, not prime farmland with water rights.

36  
37 Fleetwood asked if the Agricultural Advisory Committee had heard about the  
38 reclamation plan when it recommended against this.

39  
40 Kraig Olason, Senior Planner, stated it was discussed. This issue has come  
41 up numerous times. When they looked at this site and the impact on agriculture,  
42 the committee decided that it was untimely and would set a precedent because  
43 there is a lot of raspberry ground that has sand or gravel under it.

44  
45 McShane stated this is an opportunity for the County to see if one can  
46 reclaim land to a high end use. It can be a study the County can oversee and hold

1 the applicant responsible for. The applicant's offer to mine only a small area  
2 before moving on to another area and reclaiming the area to raspberry production  
3 level is attractive. They may find out that it doesn't work, and then the County  
4 can close the door on that question and option. They may find it works, and it can  
5 set the standard to mine in agricultural land.  
6

7 Roy stated staff thinks the chances of this reclamation happening is next to  
8 nothing. If they're going to experiment, go find a place that has already been  
9 mined. A person can't farm without land. If they have to decide between  
10 aggregate supply and farmland, she will choose farmland. They can buy gravel.  
11 They can't replace that farmland. When someone takes away all that drainage  
12 under the soil, it's not likely that the land can be reclaimed to raspberry level  
13 production.  
14

15 Caskey-Schreiber stated that once the land is mind, the level of the land will  
16 be lower than surrounding land. The first thing berry growers will do is fumigate  
17 the soil. Nasty chemicals will go in closer than they should be to an aquifer  
18 recharge area, without any of the filtration that exists now.  
19

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

23 Docket #2004-A: 2004 Comprehensive Plan update  
24

25 ***Fleetwood*** reported for the Planning and Development Committee and  
26 recommends docketing. He ***moved*** to docket.  
27

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

30 Docket #2004-B: Ferndale Urban Growth Area  
31

32 ***Fleetwood*** reported for the Planning and Development Committee and  
33 recommends denial of docketing the item. He ***moved*** to docket.  
34

35 ***Motion failed unanimously.***  
36

37 Docket #2004-C: Bellingham Urban Growth Area  
38

39 ***Fleetwood*** reported for the Planning and Development Committee and  
40 recommends approval. He ***moved*** to docket.  
41

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

44 Docket #2004-D: Point Roberts – Rural to Commercial  
45

1           **Fleetwood** reported for the Planning and Development Committee and  
2 recommends denial. He **moved** to docket, and is against the motion.

3  
4           **Motion failed unanimously.**

5  
6           Docket #2004-E: Guide Meridian – Rural to Commercial

7  
8           **Fleetwood** reported for the Planning and Development Committee and  
9 recommends denial. He **moved** to docket, and would speak against the motion.

10  
11           Crawford stated there are subdivision possibilities to create a five acre tract.  
12 This item deserves a look by the Planning Commission. The applicant should  
13 elaborate more on the merits of expanding that pocket of commercial into the  
14 entire tract. He has sympathy for someone who has a zoning line bisect the  
15 property.

16  
17           **Motion failed 1-6 with Crawford in favor.**

18  
19           Docket #2004-H: Hazardous Material Policies

20  
21           **Fleetwood** reported for the Planning and Development Committee and  
22 recommends denial. He **moved** to docket.

23  
24           **Motion failed unanimously.**

25  
26           **McShane moved** to approve the resolution as amended.

27  
28           **Motion carried 6-1 with Crawford opposed.**

29  
30  
31           **INTRODUCTION ITEMS**

32  
33           **Brenner moved** to accept the Introduction Items.

34  
35           **Motion carried unanimously.**

- 36  
37           **1. ORDINANCE ORDERING THE CLOSURE OF A PORTION OF DELTA LINE**  
38           **ROAD NORTH OF GRANDVIEW ROAD AND SOUTH OF THE PROPOSED**  
39           **NEW ROAD ALIGNMENT (AB2004-097)**  
40  
41           **2. ORDINANCE REGARDING INSTALLATION OF STOP SIGNS AT**  
42           **VARIOUS INTERSECTIONS ON CERTAIN COUNTY ROADS (AB2004-**  
43           **102) (HEARING TO BE SCHEDULED)**  
44  
45           **3. ORDINANCE REGARDING ESTABLISHMENT OF SPEED LIMITS ON**  
46           **CERTAIN COUNTY ROADS (AB2004-103)**

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1  
2 **4. ORDINANCE AMENDING WHATCOM COUNTY CODE 12.44 TO CLARIFY**  
3 **PROCEDURES FOR FILING OF APPLICATION SUMMARIES AND OTHER**  
4 **MISCELLANEOUS CLARIFICATIONS (AB2004-104)**  
5

6 **5. ORDINANCE AMENDING THE 2004 WHATCOM COUNTY BUDGET,**  
7 **SECOND REQUEST (AB2004-105)**  
8

9 **ADDENDUM:**

10 **6. RECEIPT OF REQUEST FOR COUNCIL TO HOLD A PUBLIC HEARING ON**  
11 **THE DEVELOPER REIMBURSEMENT APPLICATION FOR MISSION**  
12 **ROAD (AB2003-369A)**  
13  
14

15 **OTHER BUSINESS**  
16

17 Nelson stated there is a request from the Regional Support Network for the  
18 Council to send a letter of support for not taking monies that are intended for a  
19 five-county region and distribute it to the counties individually without  
20 supplementing funds to the entire region for regional mental health needs. Send a  
21 letter expressing opposition to all the funds the four other counties are losing for  
22 mental health crisis services.  
23

24 Brenner stated the Mental Health Advisory Board voted unanimously to  
25 support the letter.  
26

27 *(Clerk's Note: There was no motion.)*  
28

29 ***Motion to send a letter carried unanimously.***  
30  
31

32 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**  
33

34 There were no reports or other items.  
35  
36

37 **ADJOURN**  
38

39 The meeting adjourned at 11:43 p.m.  
40  
41

42  
43 \_\_\_\_\_  
44 Jill Nixon, Minutes Transcription

45 The Council approved these minutes on March 9, 2004.  
46

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1 ATTEST:

2

3

4

5

6

7

8

9

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

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

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