

1
2
3 **OPEN SESSION**
4

5 The following people spoke:
6

7 Dennis Jones, 1487 Sudden Valley, stated the Lake Whatcom Watershed is a
8 special overlay area. The 1992 joint resolution resolved to do education, put land
9 in public ownership, collect accurate data, and to encourage sustainable forestry
10 over development. Recreation is to be promoted where feasible. Lake Louise in
11 Sudden Valley essentially died from surface water and stormwater runoff.
12

13 Today, he was physically threatened by a person who is a general contractor
14 and a former board member at Sudden Valley for his activities. He has been like a
15 ping pong ball between Chris Dillard and Bill Querhn for ages. He can't be
16 physically threatened. They have agreed to do what it takes to sustain Lake
17 Whatcom water quality.
18

19 They have agreed to maintain sustainable forestry, which is a way to do
20 preserve water quality. Private forestry laws need to be redone. He's not against
21 clear cutting, but it's a disaster right now. Enforce the laws they have.
22

23 Mike Kaufman, 1620 Huntley Road, thanked the Council for the vote
24 opposing Jeff Morris's house bill in Olympia at the last meeting. Keep as much
25 control as they can in the county. Oppose the Energy Facility Site Evaluation
26 Council (EFSEC) until it has a true energy plan.
27

28 Regarding the electric moratorium issue, the language he proposed in
29 December 2002 is still sitting there. It's still pertinent. The information Puget
30 Sound Energy put back on his language hinged on the term "average" loading.
31 Tom Anderson with the local Public Utility District agreed. Support Councilmember
32 Caskey-Schreiber on this issue.
33

34 Al Hanners, 3007 Plymouth Drive, Bellingham, stated the City of Bellingham
35 has proposed limiting the use of pesticides and fertilizers in the watershed. It's
36 about time. It's possible to raise insect-prone plants without pesticides. He has
37 done it. The City of Bellingham Parks and Recreation Department lists his yard on
38 their visitation list because it is a virtually pesticide-free lawn. He's invited the
39 public and City and County councilmembers to his yard to learn about pesticide-free
40 lawns on February 29. He will make another date available to the folks who will be
41 out of town on that date.
42

43 Evelyne Roose, 8244 Birch Bay Drive, Birch Bay, submitted pictures and
44 spoke with her daughter-in-law, the next speaker (*below*).
45

46 Myla Kelstrup, 8243 Cedar Avenue, Birch Bay, stated the photos are of a
47 methamphetamine lab found a month ago at 8233 Cedar Avenue, which was two

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1 doors down from their property. The property owners live in Canada. There is no
2 code in Whatcom County for when the owners have to clean the place up. The
3 hazardous material was cleaned up, but there is a lot of garbage still left there.
4 The door is open, and the kids are still running the neighborhood. The immediate
5 neighbors wonder when cleanup and decontamination will take place. The owners
6 have bids from contractors a few weeks ago. The property is listed for sale, but the
7 owner can't sell the property until the contamination process is complete.

8
9 Roose stated she is concerned about the kids being over there. The property
10 isn't posted as a hazardous place. It is not a safe place. There is nothing to keep
11 the kids out of the place. Close off the house so the kids don't go in there.

12
13 Brenner stated she's working with the Health Department, Star Task Force,
14 and Northwest Regional Drug Task Force staff to put together legislation to make it
15 easier to clean up these properties. Kelstrup stated she's already talked to the staff
16 at the Health Department, who recommended that she talked to the County
17 Council.

18
19 Crawford stated that a number of the councilmembers are aware of the
20 situation and are actively trying to figure out what to do. Barricading this property
21 would be an important step. This site is not a meth lab, but a site where a meth
22 lab existed. The primary problem is that the chemicals are in the carpet and
23 drywall in that trailer. The issue is with an owner who may let the property go into
24 foreclosure. It's encouraging that there is real estate development. It's difficult for
25 the County to deal with because there isn't a fund to clean up old mobile homes,
26 but at the same time must address the health risk to the community. He's not sure
27 how they'll address it yet, but they are aware of this specific situation.

28
29 Cathy Cleveland, 4961 Morgan Drive, Blaine, thanked the Council for joining
30 in the lawsuit regarding the Georgia Strait Crossing (GSX) pipeline.

31
32 Many citizens wanted the Conditional Use Permit in the Birch Bay plan, but
33 it's not. She submitted information (on file) that says the Growth Management
34 Hearings Board hearings were violated regarding the Birch Bay plan. A lot of the
35 issues are moot now, but she wanted to make the Council aware that many times
36 Mark Kask would not include things the citizens wanted if it didn't benefit the
37 businesses and developers. The citizens have to make time constantly to go to the
38 meetings to object to the things the developers want. The developers have 40
39 hours per weeks to pursue the County Council and the changes. The citizens don't
40 have that time. There needs to be a more equitable process. The process leans
41 too much against the citizens who want to have quiet enjoyment of their properties
42 without having things constantly changing around the homes.

43
44 Cathy Seemann, 6057 Birch Point Road, asked the Council to hold a public
45 hearing on the rezone at Birch Point as part of the Birch Bay Subarea Plan. The
46 planned retreat fits with the vision of the Birch Bay community. More neighbors are
47 in favor of the rezone than are against it.

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1
2 Tim Paxton, 2120 Ellis Street, stated the Clean Water Alliance supports a ban
3 of watercraft on Lake Whatcom. Some of the debate has focused on the benzene
4 contamination, but that ignores polycyclic aromatic hydrocarbon (PAH)
5 contaminants that are going into the lake as a byproduct of internal combustion
6 engines. The County Board of Health should look at the reports from the
7 toxicologists regarding the chemicals of concern from combustion engines. Robin
8 Matthews is coming out with a new report on Lake Whatcom this year. Hire a
9 toxicologist to get an opinion on the real problems in Lake Whatcom.

10
11 Kathy Berg, 7585 Sterling Ave., Birch Bay, stated she agrees with the
12 County Planning Department about the Shea/Birch Point rezone is consistent with
13 the Birch Bay Community Plan and the Whatcom County Comprehensive Plan. The
14 Planning Commission's denial was decided based on innuendo, fear-mongering, and
15 misrepresentation. She requests that the County Council have a public hearing on
16 this case.

17
18 Cindy Reimer, 6159 Semiahmoo Lane, Blaine, stated she lives next door to
19 the proposed resort commercial rezone. She is concerned about the impacts on her
20 children. This land has been in her family for years. They envisioned a quiet, safe
21 life. They dreamed of passing the land down to their children. A Comprehensive
22 Plan goal is for predictability to property owners and land use designations. Since
23 learning of this proposed rezone, she has to question the kind of neighborhood this
24 will become. She asked how the rezone can be compliant with the stated goal for
25 predictability. The Planning Commission voted against the rezone because it is a
26 spot rezone. One hundred percent of Semiahmoo Lane and the vast majority of
27 Birch Point and Semiahmoo residents say no to the rezone. She requested that a
28 public hearing be held on the issue. The majority of names and addresses on the
29 petition submitted by the investors are not from citizens who live in the immediate
30 area and who aren't negatively affected by the spot rezone.

31
32 Patrick Alesse, 4825 Alderson Road, Birch Bay, stated the Planning
33 Commission is doing it's job. As far as the Shea rezone is concerned, he'd like to
34 have it next to him.

35
36 Rita Foley, South Lake Whatcom stated there are three novices on the
37 Council Natural Resources Committee. There should be a balance. She doesn't
38 want any decisions made by the current committee members. The committee
39 members are making a decision about the inter-jurisdictional committee for Lake
40 Whatcom and the Forestry Forum. The Forestry Forum has been in existence for a
41 long time, and is very knowledgeable about what's going on in the watershed. She
42 is for forestry, not houses. People are building very large expensive houses right
43 on the water. No logger could do that. When the County allows these things to go
44 on, it's not doing its job. There is property for sale in the watershed that will wash
45 out if its built on. Get rid of the Water Resources Committee that does nothing.
46 Start doing something. The interjurisdictional committee is wrong. Qualified

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1 people on the Forestry Forum know what they're doing. People behind the scene
2 are trying to stop the Forestry Forum.
3

4 Donna Ray Pederson, 6167 Semiahmoo Lane, stated she is opposed to the
5 Birch Point rezone request by Ellen Shea. She is familiar with the area's
6 comprehensive plan and zoning particulars. With the help of many, research has
7 been gathered and shared with local residents. The vision for the rezone is creative
8 and first-class, but she and other residents don't want the traffic and activity in this
9 residential environment. The ten-acre parcel is in an isolated pocket of land, three
10 and a half miles from the nearest commercial center. Although it is possible to
11 attach restrictions to the property on a concomitant agreement, any new owners in
12 the future would only need to appeal to the then-sitting Council for changes and
13 variances allowed. Once the rezone is accomplished, they open the door to much
14 more than Ms. Shea's project. They will forfeit the current predictability,
15 atmosphere, and ambience the residents currently enjoy. Rather than forfeit the
16 neighborhood, the residents prefer to retain the existing urban residential, four
17 units per acre (UR-4) zoning. Any petition for a rezone should be subject to the
18 rezone process currently in place.
19

20 Jo Slivinski, 3920 Silver Beach Avenue and 6163 Semiahmoo Lane, stated
21 she is opposed to the Birch Point rezone requested by Ellen Shea. The residents
22 are opposed to the rezone, not Ms. Shea and her vision for the property. They
23 hope she finds a piece of land that isn't in the middle of a residential neighborhood.
24 More than 150 people in that immediate area signed a petition against the rezone.
25 That is the majority of the neighborhood.
26

27 There are environmental issues related to the rezone. The State
28 Environmental Protection Act (SEPA) determination on the Birch Bay Subarea Plan
29 applies to the plan as it existed in September 2003 when the public hearing for the
30 plan officially closed. Ellen Shea submitted her written comment and proposal after
31 that hearing closed. The Planning Department provided a determination of non-
32 significance on the rezone. It claims that a separate, project-specific SEPA review
33 is not required because the proposal would not have significantly different
34 environmental impacts than the current residential zoning. Before the sewer comes
35 in, a total of eight houses can be on that ten acres. Two acres are tidelands. She
36 questions this determination. It is required. She also questions several aspects of
37 the proposal on the following grounds. The proposal bypassed the September 2003
38 hearing on the subarea plan, so it was not subject to the full public disclosure
39 mandated by the SEPA review process. The proposal was not part of the subarea
40 plan when the plan underwent SEPA review. The proposal had a public hearing only
41 after the subarea plan underwent the SEPA review. The proposal includes several
42 permitted and conditional uses that are significantly different from the residential
43 uses that were evaluated by the SEPA review. There is a list of prohibited uses that
44 Ms. Shea specified. She submitted a list of probated uses (*on file*). Neither the
45 Planning Development or developer have addressed possible accessory uses
46 pertaining to chemicals and solvents requisite to operating a spa. Certain Planning

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1 Commission members question whether a separate project-specific SEPA review is
2 required by law before this can be considered.
3

4 Ellen Shea, 1050 Larabee Avenue #104, Bellingham, stated there seems to
5 be some misinformation and a lot of allegations that she's been given special
6 privileges in being able to submit her rezone as part of the plan. She was assured
7 by numerous sources that this is something that happens quite often. Rezones are
8 attached to community plans. That's when they suggest that rezones happen. She
9 has been assured by the Planning Department that a SEPA review is necessary to
10 get a building permit. If she's willing to go ahead and put her money down on a
11 SEPA review, that's her problem, not their problem. She's not getting any special
12 treatment. She still has to go through the permitting process. She would walk
13 away from this project if she felt it wasn't in the best interest of the area. For
14 every person she hears of who doesn't like the project, there are 25 or 30 in the
15 community who support her. She currently has over 200 signatures supporting the
16 project. She asked that just the facts be addressed, and not the innuendos that
17 seem to be flying around.
18

19 **PUBLIC HEARING**

20 **1. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,** 21 **REQUEST #09-03 (AB2003-412A)**

22 McShane stated the total costs are \$446.73. The Property Management
23 Committee recommends that the resolution be passed subject to a restrictive
24 covenant, which is before the Council.
25

26 McShane stated the public hearing is held open from the previous Council
27 meeting. Hearing no one, McShane closed the public hearing.
28

29 ***McShane moved*** approval.
30

31 ***Motion carried unanimously.***
32

33 **2. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,** 34 **REQUEST #10-03 (AB2003- 413A)**

35 McShane stated the total costs are \$485.11. The Property Management
36 Committee recommends that the resolution be passed subject to a restrictive
37 covenant, which is before the Council.
38

39 McShane stated the public hearing is held open from the previous Council
40 meeting. Hearing no one, McShane closed the public hearing.
41

42 ***Caskey-Schreiber moved*** approval.
43
44
45
46
47

1 ***Motion carried unanimously.***
2

3 **3. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
4 **REQUEST #11-03 (AB2003-414A)**
5

6 McShane stated the total costs are \$401.95. The Property Management
7 Committee recommends that the resolution be passed subject to a restrictive
8 covenant, which is before the Council.
9

10 McShane stated the public hearing is held open from the previous Council
11 meeting. Hearing no one, McShane closed the public hearing.
12

13 ***Nelson moved*** approval.
14

15 ***Motion carried unanimously.***
16

17 **4. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
18 **REQUEST #12-03 (AB2003- 415A)**
19

20 McShane stated the total costs are \$438.18. The Property Management
21 Committee recommends that the resolution be passed subject to a restrictive
22 covenant, which is before the Council.
23

24 McShane stated the public hearing is held open from the previous Council
25 meeting. Hearing no one, McShane closed the public hearing.
26

27 ***Nelson moved*** approval.
28

29 ***Motion carried unanimously.***
30

31 **5. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
32 **REQUEST #13-03 (AB2003-416A)**
33

34 McShane stated the total costs are \$438.18. The Property Management
35 Committee recommends that the resolution be passed subject to a restrictive
36 covenant, which is before the Council.
37

38 McShane stated the public hearing is held open from the previous Council
39 meeting. Hearing no one, McShane closed the public hearing.
40

41 ***Brenner moved*** approval.
42

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

45 **6. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
46 **REQUEST #14-03 (AB2003-417A)**
47

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1 McShane stated the total costs are \$438.18. The Property Management
2 Committee recommends that the resolution be passed subject to a restrictive
3 covenant, which is before the Council.
4

5 McShane stated the public hearing is held open from the previous Council
6 meeting. Hearing no one, McShane closed the public hearing.
7

8 ***Fleetwood moved*** approval.
9

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

12 **7. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
13 **REQUEST #15-03 (AB2003-418A)**
14

15 McShane stated the total costs are \$438.18. The Property Management
16 Committee recommends that the resolution be passed subject to a restrictive
17 covenant, which is before the Council.
18

19 McShane stated the public hearing is held open from the previous Council
20 meeting. Hearing no one, McShane closed the public hearing.
21

22 ***Brenner moved*** approval.
23

24 ***Motion carried unanimously.***
25

26 **8. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
27 **REQUEST #16-03 (AB2003-419A)**
28

29 McShane stated the total costs are \$479.56. The Property Management
30 Committee recommends that the resolution be passed subject to a restrictive
31 covenant, which is before the Council.
32

33 McShane stated the public hearing is held open from the previous Council
34 meeting. Hearing no one, McShane closed the public hearing.
35

36 ***Fleetwood moved*** approval.
37

38 ***Motion carried unanimously.***
39

40 **9. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
41 **REQUEST #17-03 (AB2003-420A)**
42

43 McShane stated the total costs are \$479.56. The Property Management
44 Committee recommends that the resolution be passed subject to a restrictive
45 covenant, which is before the Council.
46

1 McShane stated the public hearing is held open from the previous Council
2 meeting. Hearing no one, McShane closed the public hearing.

3
4 ***Brenner moved*** approval.

5
6 ***Motion carried unanimously.***

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

10
11 *(Clerk's Note: End of tape one, side A.)*

12
13 McShane stated the total costs are \$443.32. The Property Management
14 Committee recommends that the resolution be passed subject to a restrictive
15 covenant, which is before the Council.

16
17
18 McShane stated the public hearing is held open from the previous Council
19 meeting. Hearing no one, McShane closed the public hearing.

20
21 ***Fleetwood moved*** approval.

22
23 ***Motion carried unanimously.***

24
25 **11. ORDINANCE ORDERING THE CLOSURE OF A PORTION OF DELTA LINE**
26 **ROAD NORTH OF GRANDVIEW ROAD AND SOUTH OF THE PROPOSED**
27 **NEW ROAD ALIGNMENT (AB2004-097)**

28
29 Joe Rutan, County Road Engineer, gave a staff report and stated page 308 of
30 the Council packet shows new alignment and the closure. It is not a road vacation.
31 The county will maintain the underlying right-of-way, remove the pavement, and
32 realign the road over to Vista Drive 400-feet north of Grandview. This agreement
33 included the developer, his engineer, and the State Department of Transportation.

34
35 McShane opened the public hearing and, hearing no one, closed the public
36 hearing.

37
38 ***Brenner moved*** to adopt the ordinance.

39
40 Crawford asked if the developer pays all cost. Rutan stated the developer
41 will remove and realign the road.

42
43 Crawford asked what happens to the County's right-of-way on the closed
44 road. Rutan stated it remains with the County.

45
46 ***Motion carried unanimously.***

1 **12. ORDINANCE REGARDING INSTALLATION OF STOP SIGNS AT**
2 **VARIOUS INTERSECTIONS ON CERTAIN COUNTY ROADS (AB2004-**
3 **102)**
4

5 Joe Rutan, County Road Engineer, gave a staff report and referenced Council
6 packet page 311. Numbers one, eight, and nine are existing roads. The remainder
7 are new roads.
8

9 McShane opened the public hearing and, hearing no one, closed the public
10 hearing.
11

12 ***Nelson moved*** to adopt the ordinance.
13

14 Brenner stated that every time this comes to the Council, she asks for a map
15 to see where the stop signs and speed limits are going in. Rutan stated he was
16 unaware of the request, and will make sure the maps are included in the future.
17

18 Crawford referenced Kellogg Road where it goes into James Street. He
19 asked if that is going to be open. There was quite a bit of discussion in the past
20 from the neighbors.
21

22 Mike Donahue, Engineering Manager - Traffic/Development, stated the
23 Hearing Examiner decided through the hearing process that the road will remain
24 closed until 2005 or 2006, according to an agreement with the City.
25

26 Brenner asked if that area is in the city already. Donahue stated it is not
27 quite.
28

29 ***Motion carried unanimously.***
30

31 **13. ORDINANCE REGARDING ESTABLISHMENT OF SPEED LIMITS ON**
32 **CERTAIN COUNTY ROADS (AB2004-103)**
33

34 Joe Rutan, County Road Engineer, gave a staff report and stated these are
35 all new subdivisions. In the future, staff will provide maps.
36

37 Roy asked the process for changing a speed limit. She asked if citizens can
38 petition for a change. Rutan stated that if people request, the department can do
39 a speed study on the road. The speed study includes placing equipment on the
40 road to record speeds and vehicle types. Staff compares the data with the 85th
41 percentile, which is the threshold of where people are naturally comfortable with
42 driving. Then they look at things like site distance, clear zones to the side, and
43 access issues. At some point, they will make an engineering judgment. If
44 someone wants a speed limit, they can contact his office. They do speed studies
45 on regular intervals.
46

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1 McShane opened the public hearing and, hearing no one, closed the public
2 hearing.

3
4 ***Brenner moved*** to adopt the ordinance.

5
6 ***Motion carried unanimously.***

7
8 **14. ORDINANCE AMENDING WHATCOM COUNTY CODE 12.44 TO CLARIFY**
9 **PROCEDURES FOR FILING OF APPLICATION SUMMARIES AND OTHER**
10 **MISCELLANEOUS CLARIFICATIONS (AB2004-104)**

11
12 Crawford stated he requested that the chair of the Public Works Committee
13 put this back in committee in two weeks. He has some substantial amendments he
14 would like to propose.

15
16 Joe Rutan, Public Works gave a staff report and stated two of the changes
17 are a recording requirement with the Auditor's Office and the permit approvals that
18 trigger the collection of the easement. These changes were requested by the
19 Public Works Committee. The rest of the changes are to clean up the ordinance
20 and take care of grammatical errors.

21
22 McShane opened the public hearing and, hearing no one, closed the public
23 hearing.

24
25 ***Crawford moved*** to remand the item back to the Public Works Committee.

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

28
29 **15. DEVELOPER REIMBURSEMENT APPLICATION FOR MISSION ROAD**
30 **(AB2003-369A)**

31
32 Joe Rutan, County Road Engineer, gave a staff report.

33
34 Caskey-Schreiber asked how payment of the assessment is arranged. Rutan
35 stated the Public Works Department, Engineering Division acts as an administrator
36 for the developer to collect the assessment. Any permit would trigger payment of
37 the assessment. The Public Works Committee requested that something more
38 substantive than just a permit would trigger the assessment.

39
40 Caskey-Schreiber asked if the assessment is retroactive for an existing
41 home. Rutan stated it is retroactive if the owner is within the assessment area and
42 short-plats the property or obtains a building permit for any activity.

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

45
46 Richard W. Anderson, 5044 Mission Road, stated he lives in the D.L. short
47 plat. At the time D.L. short plat was created 15 years ago, it had to satisfy all the

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1 County road specifications. He bought a home in that short plat. He paid his dues
2 at that time. Now someone is proposing something again and he gets to pay
3 again. He is happy with things the way they were. He is over 1,000 feet off the
4 road, so he isn't notified about any kind of hearings. He should be exempt.
5

6 Caskey-Schreiber asked if this is an example where he would have to pay
7 the assessment if he remodels or expands his home. Anderson stated he is being
8 required to pay the assessment fee if he has to put on a new roof. Mr. Hodges
9 dropped in from Texas to make some money. It isn't going as well as Mr. Hodges
10 thought it would, and that's his problem. Now, the Council is trying to pass his
11 burden onto the other residents so Mr. Hodges can make some money. The
12 County should have mailed him an notice.
13

14 Linnea Brown, 5030 Mission, stated she has owned her property for 15 years
15 and had her building permits before the Hodges' development plan. They are
16 exempt because they have been there for so many years. She understands where
17 a latecomer comes into effect for people who move in after the fact. However,
18 when a short-plat is made it has to fulfill the County's requirement at that time. If
19 the County approves the short-plat, the road requirements have been met. She is
20 not a latecomer because she was there before the developer purchased the land.
21

22 Gary Hall, 4945 Mission Road, stated he has been a property owner for about
23 ten years. According to the Public Works Department, the intent of the latecomer's
24 agreement is to provide a means for the developer of the road improvements to
25 recover a share of the costs from other property owners who benefit from the
26 improvements and would have been required to make similar improvements before
27 developing their own properties. There is no further development possible on his
28 five acres. The benefit is that their quiet, country road has turned into a drag
29 strip. They don't want to be required to subsidize the developer at the end of the
30 road. The developer chose to purchase his property for development knowing the
31 terms he was required to develop under. He made his profit. It's not right to
32 make the other homeowners pay for it. This is a misinterpretation of the statute.
33

34 Don Caffell, 5050 Mission Road, stated he feels violated. His property was
35 developed in 1988 and is in the D.L. short plat. They are certainly not latecomers.
36 He has not been informed about what has been going on because they were
37 exempt. They have been exempt until now. The money is an issue. He is
38 supporting his in-laws. He can't make any improvements to his home without
39 having to pay for the road. He is not benefiting from the road, which has turned in
40 to a drag strip. They used to be able to walk along the road, but they can't now.
41 He's complained to the Sheriff's Office about it.
42

43 Hearing no one else, McShane closed the public hearing.
44

45 ***Crawford moved*** to remand this back to the Public Works Committee for
46 further review and amendments.
47

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1 McShane stated this application came forward with rules in place. He asked
2 if the Council is obligated to deal with this application under the rules that existed
3 when the application was provided.
4

5 Randy Watts, Chief Civil Deputy Prosecutor, stated that regarding
6 applications for building permits, the applicant is entitled to be considered under
7 the law at the time of the completed application. He'd have to look into that for
8 latecomer's agreements. There is a strong argument that an individual is entitled
9 to have a project reviewed in light of the rules in place of the time of application.
10

11 Brenner stated she thought that a latecomer's agreement is up to the
12 discretion of the Council to leave it as it is, modify it, or deny it. Watts stated
13 that's probably in the existing ordinance. This project would be reviewed under
14 the ordinance in place at the time the application was completed. If that ordinance
15 allows them to modify, change, or find no benefit, then the Council is entitled to do
16 that. The criteria they must consider is that which was established at the time
17 the development was submitted.
18

19 Crawford stated an agreement hasn't been made on this yet. Watts stated
20 the Council is in the position to formulate an agreement. He was asked about the
21 criteria to use to determine whether a party has been benefited. The Council must
22 use the criteria in the ordinance in place when the project was applied for. The
23 Council can still consider whether or not there is benefit.
24

25 Brenner asked about residents being told by the Engineering Division that
26 the developer would pay the costs. Rutan stated he is unaware of that happening.
27 If someone asked him that now, he wouldn't be able to answer yes or no because
28 it's the Council's decision.
29

30 McShane stated the Council, not the Engineering Division, has the discretion
31 to evaluate the agreements.
32

33 Caskey-Schreiber asked if the sale of a home with an assessment
34 requirement triggers the assessment or if the assessment requirement expires.
35 Rutan stated the assessment expires after 15 years, but it goes with the property.
36 A sale would not trigger collection.
37

38 Caskey-Schreiber asked when a home buyer would find out about the
39 assessment. Rutan stated the assessment would be filed and revealed during a
40 title search.
41

42 McShane stated the proposal on Council packet page 337 drops out everyone
43 who testified at the hearing because they have existing homes. Mr. Miller's ten-
44 acre parcel with one home would be subject to an assessment if the other five
45 acres are developed, as would all the other ten-acre parcels. That's what the
46 Council should approve. This was before the Council once before, it went back to
47 committee, and now it's back to the Council.

1
2 Crawford stated he thought this was still in committee. The committee
3 never voted on it.
4

5 Roy stated they've discussed part of this, but the changes in this exhibit
6 have not been in committee.
7

8 Caskey-Schreiber stated she prefers to approve table 1 on packet page 337.
9 This table reflects what a latecomer fee really is.
10

11 Nelson stated it's good to have a discussion about the process, it may not
12 make a difference for this agreement. Table 1 on Council packet page 337 reflects
13 what the Council prefers. He prefers that table, also.
14

15 Crawford stated his concern is that there are six property owners who are
16 bearing the financial burden of this road improvement.
17

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

20 Crawford continued to state that as they work out the procedure over the
21 next few weeks, he hopes they come up with a much more equitable situation.
22 That's what he meant by saying it might influence the Council's decision. He's
23 suggesting that the financial burden gets spread out over more neighbors.
24 However, the likelihood that the developer will collect from these folks who are
25 established is almost nothing. On the other hand, future developers can consider
26 that.
27

28 Brenner stated that may be true in some of the cases. She was moved by
29 the gentleman who is caring for his parents. He will have to make some sort of
30 remodel to have his parents there, which will trigger the threshold. Table one on
31 page 37 would protect his family also. The rules they're contemplating for the
32 ordinance itself would not protect him in the future. Go ahead and do Mission
33 Road tonight.
34

35 ***Motion to remand to committee failed unanimously.***
36

37 ***McShane moved*** to accept the reimbursement table one on Council packet
38 page 337, which is the alternate proposal submitted to the Council at the
39 December 9, 2003 hearing from the applicant's engineer, Mr. Freeland of Freeland
40 and Associates.
41

42 Caskey-Schreiber asked the process of appeal of this decision for those being
43 assessed the latecomer's fee.
44

45 McShane stated this is the last appeal process available.
46

47 ***Motion carried unanimously.***

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1
2
3 **CONSENT AGENDA**
4

5 ***Crawford*** reported for the Finance and Administrative Services Committee
6 and ***moved*** to approve Consent Agenda items one through five.
7

8 ***Motion to approve Consent Agenda items one through five carried***
9 ***unanimously.***

- 10
11 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
12 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND**
13 **CATHOLIC COMMUNITY SERVICES RECOVERY CENTER TO PROVIDE**
14 **SUBSTANCE ABUSE EVALUATION AND SERVICES TO YOUTH**
15 **REFERRED UNDER AND SENTENCED UNDER THE CHEMICAL**
16 **DEPENDENCY DISPOSITION ALTERNATIVE IN THE JUVENILE COURT,**
17 **IN THE AMOUNT OF \$30,000 (AB2004-109)**
18
19 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE AN**
20 **AMENDMENT TO THE CONTRACT FOR SERVICES AGREEMENT**
21 **BETWEEN WHATCOM COUNTY AND WHATCOM CONSERVATION**
22 **DISTRICT (WCD) TO PROVIDE PLANNING, TECHNICAL ASSISTANCE,**
23 **AND OVERSIGHT OF PLANTING AND MAINTENANCE WORK**
24 **SUPPORTING RIPARIAN RESTORATION WORK ON DRAINAGE**
25 **DISTRICT AND COUNTY FLOOD PROJECTS, IN THE AMOUNT OF**
26 **\$190,000 FOR A TOTAL AMENDED CONTRACT IN THE AMOUNT OF**
27 **\$200,000 (AB2004-110)**
28
29 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE AN**
30 **AMENDMENT TO CONTRACT FOR SERVICES AGREEMENT BETWEEN**
31 **WHATCOM COUNTY AND KERR WOOD LEIDAL ASSOCIATES FOR**
32 **CANYON CREEK AND JONES CREEK ALLUVIAL FAN RISK ANALYSES**
33 **AND SWIFT CREEK ALLUVIAL FAN MANAGEMENT PLAN, IN THE**
34 **AMOUNT OF \$76,240 FOR A TOTAL AMENDED CONTRACT IN THE**
35 **AMOUNT OF \$183,240 (AB2004-111)**
36
37 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
38 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND WALKER**
39 **& ASSOCIATES FOR AERIAL PHOTOGRAPHY FOR SUBSEQUENT**
40 **TOPOGRAPHIC MAPPING FOR RIVER AND FLOOD DIVISION**
41 **PROJECTS, IN THE AMOUNT OF \$21,987 (AB2004-112)**
42
43 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE AN**
44 **AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN WHATCOM**
45 **COUNTY AND THE PORT OF BELLINGHAM TO IMPLEMENT PHASE II**
46 **OF THE MARINE RESOURCES COMMITTEE BLAINE MARINA PILOT**

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1 **PROJECT, IN THE AMOUNT OF \$20,000 FOR A TOTAL AMENDED**
2 **AGREEMENT IN THE AMOUNT OF \$26,000 (AB2004-113)**

3
4
5 **OTHER ITEMS**

6
7 **1. RESOLUTION ESTABLISHING THE LAKE WHATCOM WATERSHED**
8 **FORESTRY ADVISORY FORUM AS THE INTERJURISDICTIONAL**
9 **COMMITTEE UNDER THE LAKE WHATCOM MANAGEMENT COMMITTEE**
10 **(AB2004-086)**

11
12 Roy reported for the Natural Resources Committee and stated this item
13 comes forward without a recommendation from the committee. She will continue
14 to work on the issue.

15
16 ***Brenner moved*** to approve the resolution. The Forestry Forum as it's set
17 up has been doing an incredible job. Whether it's intended or not, taking them out
18 of the loop now is a slap in the face to all the work it's done, even though there's
19 some plan to put them back in. If this issue had to do with agriculture, they would
20 never be talking about getting rid of the Agricultural Advisory Committee and
21 starting another committee. They shouldn't do it regarding logging in the Lake
22 Whatcom watershed, either.

23
24 Caskey-Schreiber stated the current Forestry Advisory Forum membership
25 doesn't include the technical expertise that they are looking for in the Inter-
26 Jurisdictional Committee (IJC). Also, she doesn't want to recommend any IJC
27 membership structure until she has discussions with Executive Kremen, Mayor
28 Asmundson, and Water District 10 representatives. She doesn't know if the Council
29 has any influence over the structure of the IJC. She would love to see this on the
30 agenda of the Joint Lake Whatcom Management meeting. This is a discussion they
31 should have with all stakeholders present so they can put forth one request from
32 this county to the Board of Natural Resources.

33
34 Nelson stated that if they want foresters involved in the IJC, there are
35 foresters already involved in the Forestry Forum. If they want an IJC that will
36 provide advisory information, he doesn't want the Forestry Forum to be simply
37 advisory. It is more effective if it is more than advisory to the State Department of
38 Natural Resources (DNR). Now, the IJC is just advisory to the DNR. He hoped that
39 the result is that the IJC be responsive to the community and councils as well as
40 DNR. By simply removing or not supporting the Forestry Forum, they're removing
41 an opportunity for discussion. The Forestry Forum can have a different
42 membership with different tasks. By voting against this resolution, they're saying
43 that they will form a new IJC that includes foresters and have no further use for the
44 Forestry Forum.

45
46 McShane stated the Landscape Planning Committee made a recommendation
47 that there be an IJC to review certain types of proposed harvests. The scope is not

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1 nearly as broad as that of the Forestry Advisory Forum. The Landscape Planning
2 Committee recommends that the IJC be a technical committee that has expertise
3 on specific types of issues. The Forestry Forum doesn't focus on those issues. He
4 doesn't want to change the structure of the Forestry Forum to fit the IJC role.
5 However, the Forestry Forum will play a more important role than ever if the
6 landscape plan is implemented. They need a resolution to define the role that the
7 Forestry Forum will play for the county, not the Board of Natural Resources. This
8 resolution must define that role for the Forestry Forum.
9

10 Roy stated there has been another citizens group working hard for years on
11 this Landscape Plan. That group has put a proposal forward. Her motivation is to
12 be true to the Landscape Planning Committee. The focus of the resolution as it is
13 written now is different from the focus of the Landscape Plan. They can still
14 recommend the Forestry Forum as the IJC, but not through this proposed
15 resolution. They would need to write a new resolution, not amend the proposed
16 resolution. The Council needs to know the opinions of the other players, including
17 the City and Water District 10.
18

19 Fleetwood stated the Natural Resources Committee did not reject the
20 prospect of the Forestry Forum acting as the IJC. The committee rejected the
21 language in this resolution. They can join Forestry Forum and IJC.
22

23 Nelson suggested new language for the last Whereas statement, "**WHEREAS**
24 the Lake Whatcom Forestry Advisory Forum has performed **some of** the same tasks
25 as proposed for the IJC (Interjurisdictional Committee) **as defined in the Lake**
26 **Whatcom Watershed Landscape Implementation Plan, there is a need for a**
27 **technical team to continue to support both DNR and landowners in decision-making**
28 **policies. NOW, THEREFORE, BE IT RESOLVED** by the Whatcom County Council
29 that the Lake Whatcom Watershed Forestry Advisory Forum as defined in Joint
30 Resolution 2000-041 can and should continue to **serve as be part of any process**
31 **with** the IJC." The amendment will recognize the history of the Forestry Forum and
32 recognize the need for technical information in the decision-making process for both
33 DNR and private foresters. They need a process to bring in technical experts, which
34 they can work out with the other jurisdictions. Recognize that the Forestry Forum
35 has played a part in policy-making in the past, but there is a weakness regarding
36 DNR lands. Recognize that the Forestry Forum wants to work with an IJC technical
37 team.
38

39 McShane stated there needs to be a change to the title of the resolution.
40

41 Nelson suggested an amendment to the title of the resolution, "Resolution
42 Establishing the Roles and Responsibilities of the Lake Whatcom Watershed
43 Forestry Advisory Forum ~~as the Interjurisdictional Committee Under the Lake~~
44 ~~Whatcom Management Committee"~~ This is only a resolution that clarifies how the
45 Council wants the Forestry Advisory Forum to be a part of the process.
46

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1 McShane stated they should take this to the Joint Lake Whatcom
2 Management Committee meeting.

3
4 Caskey-Schreiber stated the Council is one spoke in the wheel. They should
5 have a public discussion on this with all the players present, if the Council has this
6 kind of influence.

7
8 Pete Kremen, County Executive, stated the Commissioner of Public Lands
9 suggested or demanded his position. If the County isn't consistent with his
10 position, it will probably not do much. That should not preclude the Council from
11 taking a position. He supports the Forestry Forum. It should continue. It does a
12 lot of good, productive work for the community. Consider language to include "in
13 conjunction with" so it's more precise.

14
15 Brenner stated a resolution has no force of law. It's a statement of what the
16 Council believes should happen. Vote on this to take to the Joint Lake Whatcom
17 Management Committee meeting in March.

18
19 McShane stated they should rework the resolution based on the suggestions
20 made tonight. Bring it forward at a later date.

21
22 Caskey-Schreiber stated she is reluctant to go to a joint meeting with an
23 already-determined agenda. It's worth holding back to see where they're coming
24 from and thinking, and trying to reach consensus with the City and Water District
25 10. Bring a resolution to the joint councils that night.

26
27 Nelson stated the City Council and Water District 10 already approved their
28 own resolutions regarding the IJC, without acknowledging the Forestry Forum.
29 They took their own individual action. This Council doesn't seem to want to take
30 action. The Council has a jurisdictional right to approve its own resolution. Most of
31 these lands are in the county, not the city or Water District 10. Most of the
32 forestlands having nothing to do with the city or water district. The County
33 represents these foresters and their lands. Make a statement of support for groups
34 that have been active and are participating to resolve many difficult issues. He
35 doesn't disagree with the Landscape Planning Committee's recommendation of an
36 IJC for technical support. He's advocated for that need in the past. One of the
37 reasons he brought the Forestry Forum under the Lake Whatcom Management
38 Committee was to get that kind of support. The Forestry Forum is still in its infancy
39 developing a relationship with the DNR and public living in the watershed.

40
41 Roy stated the suggestions for the last Whereas statement does that. She
42 liked that suggested language. She would like to support Councilmember
43 McShane's idea that he, as a representative of the Landscape Planning Committee,
44 and Councilmember Nelson, as a representative of the Forestry Forum, work
45 together on this language. The statements on the first page of the resolution are
46 focused on the economics of forestry, which is not what the Landscape Plan is
47 about. This is in response to the Landscape Plan. They want to also acknowledge

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1 the role of the Forestry Forum. The IJC is a function of the Landscape Plan. She
2 asked the two councilmembers to work together.

3
4 Nelson stated over a month ago resolutions were approved by the City
5 Council and Water District 10 supporting IJC, with no mention of the Forestry
6 Forum. He received a letter from the City saying there was no longer a need for
7 regular Forestry Forum meetings. It was a message from the City on the direction
8 they wanted to go. They did not consult the County Council or any councilmember.
9 They went forward with their action. He and Councilmember McShane have and
10 can continue to work on this agreement. DNR is making the decision on the IJC
11 now. The DNR needs to understand that one IJC advisory to DNR will not solve the
12 problems in the watershed.

13
14 McShane stated the DNR decision is held until April. He is interested in
15 working to bring this forward to the Joint Lake Whatcom Management Committee.
16 They are part of the Forestry Forum as well. Make sure the Forestry Forum issues
17 are addressed the way they should be. The letter from the City shouldn't have
18 happened the way it did. A resolution will bring it to the level of the policy-makers,
19 who will decide the future role of the Forestry Forum.

20
21 Nelson stated he would like a resolution from this Council by the next
22 meeting to take to the Lake Whatcom Management Committee meeting.

23
24 Caskey-Schreiber stated it's not their intent to do away with the Forestry
25 Forum. She wants to have discussions with the city first.

26
27 **2. ORDINANCE AMENDING THE 2004 WHATCOM COUNTY BUDGET,**
28 **SECOND REQUEST (AB2004-105)**

29
30 **Crawford** reported for the Finance and Administrative Services Committee
31 and **moved** to recommend approval of the substitute version submitted earlier.

32
33 ***Motion carried unanimously.***

34
35 Crawford stated there is some concern in the veteran community about the
36 distribution of these monies. The County Executive is forming a Veterans Relief
37 Fund Advisory Group consisting of those who are concerned. One of the tasks that
38 group may choose is a set of more specific approval guidelines. A lot of folks had
39 an opportunity during the committee meeting today to express their concerns and
40 feelings on these issues. He's optimistic the issue is moving forward.

41
42 **Crawford** stated the Finance Committee also had a **presentation**
43 **regarding domestic violence indicators and criminal justice data (AB2004-**
44 **119)** and an update on the emergency medical service (EMS) situation. The
45 committee also received a **quarterly report by the Public Facilities District**
46 **(AB2004-120)**. There is some desire among various organizations to coordinate
47 efforts regarding downtown Bellingham. Therefore, the committee approved a

1 motion to recommend to the full Council to request a letter of comment from the
2 Public Facilities District regarding the long term Master Facilities Plan proposals the
3 County is considering. The PFD representative was willing to provide that letter of
4 request. He ***moved*** to request a letter of comment from the Public Facilities
5 District Board regarding the long term Master Facilities Plan proposals the County is
6 considering and how it relates to the Public Facilities District and downtown area
7 issues.

8
9 ***Motion carried unanimously.***

10
11 **3. DISCUSSION REGARDING WHATCOM COUNTY SOLID WASTE**
12 **ADVISORY COMMITTEE'S REQUEST FOR DIRECTION REGARDING THE**
13 **DRAFTING OF PROPOSED REVISIONS TO THE MANDATORY**
14 **COLLECTION ORDINANCE (AB2004-085)**
15

16 Brenner reported for the Public Works and Safety Committee and stated this
17 item is held in committee. It will be too expensive and complicated and will become
18 a legal quagmire to change what's in effect right now. Councilmember Crawford will
19 bring forward a letter to the Solid Waste Advisory Committee for approval by the
20 Public Works Committee and Council at its next meeting.

21
22 **4. APPOINTMENT TO NOXIOUS WEED CONTROL BOARD DISTRICT 4,**
23 **APPLICANT TERENCE MCNABB (AB2004-107)**
24

25 ***Brenner moved*** to appoint Terence McNabb.

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

28
29 **5. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
30 **ROBERT LEMMON TO THE MARINE RESOURCES COMMITTEE (AB2004-**
31 **116)**
32

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

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

36
37
38 **2003 COMPREHENSIVE PLAN AMENDMENTS**
39

40 **1. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY**
41 **COMPREHENSIVE PLAN AND ZONING ORDINANCE RELATING TO**
42 **ESSENTIAL PUBLIC FACILITIES (AB2003-075B)**
43

44 Brenner reported for the Public Works and Safety Committee and stated the
45 committee amended and approved the ordinance. The Council will schedule a
46 public hearing on March 9, 2004. There are a significant number of amendments.
47

1
2 **INTRODUCTION ITEMS**
3

4 ***Nelson moved*** to accept the Introduction Items.
5

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

8 Fleetwood asked if these items will automatically go forward to the Planning
9 Committee on March 9.

10
11 Dana Brown-Davis, Clerk of the Council, stated that is the Planning
12 Department's preference, but it's up to the Council.
13

14 McShane stated they should have a hearing on the Birch Bay Community
15 Plan. It's a big deal for that community. People will have comments they want to
16 make.
17

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

20 McShane suggested a public hearing during a meeting, and then voting on it
21 at a later meeting.
22

23 Roy stated they should decide it tonight. Birch Bay community members
24 need to be notified so the word can get out.
25

26 Pete Kremen, County Executive, suggested that the County Council hold its
27 public hearing in Birch Bay.
28

29 McShane asked the councilmembers if they'd prefer to schedule this item first
30 in Planning Committee or during a Council public hearing.
31

32 The Council concurred to first hold a public hearing.
33

34 Roy stated they need to get this moving as quickly as possible. Get it done
35 sooner rather than later.
36

37 Fleetwood stated there is a request from the Point Roberts community
38 members to reconsider tree retention and other issues in Point Roberts, which will
39 occur in the Planning Committee on March 9. Birch Bay deserves an entire
40 committee meeting with just that one issue. He would like the issue to go straight
41 to committee, before a public hearing.
42

43 McShane stated they will schedule a public hearing in Birch Bay at a date and
44 location not yet decided.
45

46 Roy asked if they would do the subarea plan and the rezone separately.
47

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1 Sylvia Goodwin, Planning Division Manager, stated there are two ordinances
2 related to Birch Bay. One is to adopt the subarea plan and the other is to amend
3 the County's Comprehensive Plan so it's consistent with the subarea plan. They
4 have to do both together. No rezones or zoning amendments are proposed.
5

6 Fleetwood stated the Planning Committee will only have the Point Roberts
7 issue scheduled on its March 9 agenda.
8

- 9 **1. ORDINANCE REGARDING ESTABLISHMENT OF SPEED LIMIT ON**
10 **NORTHWOOD ROAD FOR A SCHOOL ZONE (AB2004-117)**
- 11
- 12 **2. ORDINANCE ADOPTING THE BIRCH BAY COMMUNITY PLAN**
13 **(AB2004-121)**
- 14
- 15 **3. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
16 **PLAN TEXT AND MAP REGARDING THE BIRCH BAY URBAN GROWTH**
17 **AREA (AB2004-122)**
- 18

19 **OTHER BUSINESS**

20

21

22 ***Caskey-Schreiber moved*** to rescind motion made at February 10, 2004
23 Council meeting that forwarded the **ordinance amended the land use chapter**
24 **of the Whatcom County Comprehensive Plan (Chapter 2), which includes**
25 **rural lands (AB2003-075E)** to the concurrency hearing. Quite a few people from
26 the Foothills area are extremely upset with some of the language approved
27 concerning Glacier, specifically the language from Councilmember McShane that
28 alerts people to the risk of development in Glacier. A lot of people think that the
29 language will shut down any opportunity for economic development in the area and
30 will affect their ability to promote tourism. She empathizes with their concerns.
31 That's not her intent. From her discussion today with Chief Civil Deputy Prosecutor
32 Randy Watts, she understands that what they put in the Comprehensive Plan can
33 be a blueprint for future zoning. They can soften the language to the point where it
34 still gets the message across that this is a hazard area. They aren't at the point
35 where they need to shut down development.
36

37 McShane stated he intends to address zoning in that area. It's a bad idea to
38 increase the amount of potential development that can occur. However,
39 discouraging development goes too far. He's not comfortable with the language
40 that is suggested, but can offer an amendment, "Glacier is built in a flood,
41 landslide, alluvial fan, and volcanic hazard zone." Let policy be designed around
42 that. Don't say "development in this area should be located and designed to
43 consider these."
44

45 Caskey-Schreiber stated she accepted that language suggestion.
46

47 ***Motion to rescind carried unanimously.***

1
2 **Caskey-Schreiber moved** to amend last line of the Northeastern Towns
3 section on page chapter 2-71 of the ordinance amending the land use chapter of
4 the Whatcom County Comprehensive Plan (chapter 2), which includes rural lands
5 (AB2003-075E), "...constrained by physical limitations. For example, Glacier is
6 built in a flood, landslide, alluvial fan, and volcanic hazard zone, ~~and development~~
7 ~~of this area should be discouraged."~~

8
9 Crawford stated there are other aspects of this ordinance that he doesn't
10 agree with.

11
12 Nelson stated he now agrees with that language. It is better than it was
13 previously.

14
15 **Motion to amend carried unanimously.**

16
17 **Caskey-Schreiber moved** to forward the ordinance as amended to the
18 concurrency hearing.

19
20 **Motion carried 5-2 with Crawford and Nelson opposed.**

21
22 Crawford stated he met yesterday with Port of Bellingham and Point Roberts
23 regarding the pier project at Point Roberts. There is some merit in the project. The
24 overwhelming support of the residents to form this district indicates the
25 community's support of the project. The next step is for the Port and County to
26 meet. To be eligible for grant money to do the studies and engineering, the County
27 will have to become the applicant for the project. He'd like to talk about that being
28 the appropriate mechanism with legal counsel so he can present something to the
29 Council. The issue they're facing is that no one wants to talk to them about
30 submitting grant applications until there is a permit application. Now, they lack
31 anyone who will file that permit. The special district that was formed cannot file
32 that permit.

33
34 Brenner stated she will not support the County being the applicant. The Port
35 said it would be that applicant for the engineering and preliminary studies.

36
37 Crawford stated there are reasons why the Port can't do that, although it is
38 maintaining a strong commitment to facilitate things that will cost money. The Port
39 remains heavily involved.

40
41 McShane stated the Council will hold a public hearing in Birch Bay on the
42 **ordinance adopting the Birch Bay Community Plan (AB2004-121)** if an
43 appropriate meeting place with adequately designed equipment can be located.
44 Otherwise, the meeting will be held in the Council Chambers.

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REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

1
2
3 Caskey-Schreiber stated she and Executive Kremen attended a lunch
4 sponsored by the Economic Development Council (EDC). The new head of the
5 State Department of Community, Trade, and Economic Development was the guest
6 speaker, who said that most economic development comes from within the local
7 area. They need to work hard to support what they have locally already.

8
9 Caskey-Schreiber stated she looks forward to more discussion on the
10 emergency management system (EMS).

11
12 Crawford stated the administration knows how often the councilmembers are
13 contacted about this issue. This is a big issue for the constituents, and the
14 councilmembers need to respond.

15
16 Dewey Desler, Deputy Administrator, stated there have been a number of
17 meetings with the service providers over the last month or two. There is a series of
18 meetings with all the fire districts, which are exploring options to modify their
19 ability to provide an increased level of service. The fire districts will meet with the
20 County Executive in March to discuss their ideas. There are also other discussions
21 going on with other stakeholders. This county is committed to and will continue to
22 be committed to EMS.

23
24 Crawford stated the County administration did a good job during the election
25 of reassuring the public that EMS will continue to be provided to the public. There
26 were entities that were threatening during the election. If they go out for a levy,
27 he hoped all governments can approach it in a professional way that reassures
28 people. People were told things that just aren't true, that people will lose their
29 service.

30
31 Pete Kremen, County Executive, stated the administration was trying to be
32 honest and candid with the people of Whatcom County. There will continue to be
33 service. The level of service is in question. He's committed to continuing the same
34 level of funding for the next three years. That's a lot of money. With the rapid
35 escalation of costs for the system they currently have, they won't be able to
36 continue the same level of service. There will be service, but not as high a caliber
37 as they enjoy. The administration is working with the City and fire districts to keep
38 the costs down and still be able to provide the same level of service. In those
39 discussions, everyone is willing to work together to fine tune the system that they
40 have now.

41
42 Caskey-Schreiber stated that if they go to the fire districts, there will be
43 questions of jurisdiction. There was a 9-1-1 call where the responders didn't know
44 the correct jurisdiction for the address, and the person calling died because the
45 government couldn't figure out who was responsible to respond to the area.
46 Kremen stated he doesn't share the feeling that would happen in Whatcom County.
47 They're too collaborative locally for that to happen. However, there are problems,

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1 given the number of fire districts they have. One of the things they're talking about
2 is consolidating into three or four fire district regions to get a more collaborative
3 working arrangement. That is one of many factors that they have to work on. The
4 system is not broken right now. They have to find a way to operate it more
5 efficiently and get more stakeholders involved in service delivery.
6
7

8 **ADJOURN**

9
10 The meeting adjourned at 9:54 p.m.
11
12

13 _____
14 Jill Nixon, Minutes Transcription
15

16 The Council approved these minutes on March 23, 2004.
17

18 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

19
20
21
22
23 _____
24 Dana Brown-Davis, Council Clerk

Dan McShane, Council Chair