

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

1
2 **3. SPECIAL COUNTY COUNCIL (MASTER FACILITIES PLAN) FOR**
3 **FEBRUARY 3, 2004**

4
5 **4. SPECIAL COMMITTEE OF THE WHOLE FOR FEBRUARY 17, 2004**

6
7 **5. WATER RESOURCES WORK SESSION FOR FEBRUARY 17, 2004**
8

9
10 **OPEN SESSION**

11
12 The following people spoke:
13

14 Mark Pollan, 2125 Michigan Street, Bellingham, stated he is a retired Navy
15 veteran and a peace activist. He invited the councilmembers and citizens to an
16 event commemorating the one-year anniversary on March 20 of the bombing of
17 Iraq. Communities all over the world will raise their voices for a world of peace.
18 The event will be held at noon at Maritime Heritage Park. It is a march against
19 fear. The focus of the event will be the end of all military occupations, bringing the
20 troops home now, reclaiming the United States Constitution, and using tax dollars
21 for domestic needs, including education, health care, and job creation. Take a
22 stand against the perpetual myth of fear in our country, our commonality as human
23 beings, and against the myth that Americans are separate from others in the world.
24 Take a stand for peace instead of continual war.
25

26 Chris Ungern, 2095 North Shore Road, stated he is against the Boats Off
27 Initiative. The problems of the watershed is pretty well understood by now. The
28 focus on boating is misdirected and ignores more important issues affecting water
29 quality. The activists are more interested in the pursuit of a cause than in
30 accomplishing something that would actually improve the environment. The
31 activists are focusing on the highest lake sample readings for various samples,
32 while ignoring more recent and improving data. They are using misleading claims
33 that appeal to the emotions while avoiding scientific debate based on fact. Their
34 direct appeals to public officials are a tactic to bypass the public process. Some
35 elected officials are considering a ban on all two-stroke motors and all motor boats
36 on Lake Whatcom. Public officials need to think things through before acting or
37 unintended consequences will prevail. When dealing with activists, their whole
38 agenda is usually not revealed up front. If this succeeds, the activists won't go
39 away, the water quality won't be improved, and the meaningful issues of water
40 quality will have not been addressed.
41

42 Wynn Lee, 2171 Tuttle Island, Lummi Island, stated some of the Planning
43 Department's and Planning Commission's recommendations are ill-founded and
44 incomplete. The plan fails to address the transportation infrastructure concurrency
45 issue or other major transportation problems that the island will face in the years to
46 come.
47

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1 The plan lacks one provision to protect the island's rural character. The
2 County Comprehensive Plan designates the island as rural, and should have
3 accompanying goals and policies that maintain the rural character. Otherwise, the
4 planning process is a waste of taxpayer time and money. A supermajority of the
5 islanders want to maintain the island's rural character, yet have been given a plan
6 that doesn't achieve that goal.
7

8 The plan recommends land use policies that ignore or contradict data about
9 problems with critical areas and groundwater resources. The November 2003 draft
10 plan recorded County Health Department data that shows significant water quality
11 and quantity problems on the north end of the island. The island has documented
12 water problems right now. The problems are increasing. The problems have
13 emerged from a population that is far below what the Planning Commission has
14 recommended. They've removed provisions that could help address the
15 groundwater problems.
16

17 The County Council is the ultimate decision-maker. Make more informed
18 decisions when this come before the Council. She and other islanders will bring
19 forward information to the Council that the Planning Commission and Planning staff
20 had but ignored. The Lummi Island Subarea Plan has serious flaws in the
21 transportation element, in maintaining rural character, and in protecting
22 groundwater resources in the future.
23

24 Jo Slivinski, 6163 Semiahmoo Lane, Blaine and 3920 Silver Beach Avenue,
25 Bellingham, stated she is addressing the proposed Birch Point rezone amendment
26 to the subarea plan, under consideration by the Council. She presented information
27 (*on file*). This property is along a shoreline designated as a conservancy and as a
28 shoreline of statewide significance. There are key nonconformities with the
29 Whatcom County shoreline management plan. She questions whether the Council
30 should reconsider the proposal.
31

32 This proposal is automatically nonconforming to building restrictions as
33 defined by the Shoreline Management Plan. The height restriction is 25 feet, not 35
34 feet as is proposed. The 35 foot height applies only to residential uses. The
35 existing house is already at least 35 feet high. The proposal is automatically
36 nonconforming to the shoreline setback regulations, which is 150 feet, not 75 feet.
37 A recent test shows that the existing house has a 50-foot setback, due to slough-
38 offs and landslides that have occurred.
39

40 She asked if there should be a shoreline management or State
41 Environmental Protection Agency (SEPA) review and determination on this proposal
42 before the rezone is considered. The shoreline management review process doesn't
43 have a provision for a non-project type of endeavor, such as a rezone. That means
44 the rezone goes through before shoreline management regulations apply. The
45 SEPA official has never seen this proposal, contrary to what was said at the
46 Planning Commission and previous Council meetings.
47

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1 Barbara Skudlarick, 8361 Semiahmoo Drive, submitted information (*on file*).
2 She lives one-quarter of a mile north from the proposed spa resort. Water from the
3 interior property drains from the bank onto the shore. The bluff erodes naturally
4 each year. There is a recent bank slough on the property. There is a broken
5 drainage pipe that brings water from the property. Water sprays out onto the
6 shoreline.

7
8 Therese McDermott, 7358 Nautical Court, Birch Bay, stated there is a federal
9 requirement for transitional homes for level III sex offenders. She asked who the
10 federal judge is that mandated that Whatcom County do this.

11
12 McShane stated they are going to have a public hearing on this issue. There
13 will be a staff report that goes with this hearing. That will be the time to speak.

14
15 Carl Weimer, Solid Waste Advisory Committee (SWAC), stated the SWAC has
16 concerns about the garbage exemption ordinance. He has a copy of the draft letter
17 from the Council to SWAC in response to the concerns. This is a priority issue for
18 the SWAC. The County's garbage study shows there are 17,000 households in
19 unincorporated Whatcom County that are unaccounted for in terms of garbage
20 collection. That represents more population than the small cities combined. The
21 County doesn't know what they're doing with their garbage. This is a big issue to
22 get the recycling rates back up. Everyone on garbage services pays a fee for such
23 things as school programs, disposal of toxics, and the clean green yard waste
24 facility. People not signed up for garbage service don't pay the fee and don't
25 support those services that they're using. The County has an interlocal agreement
26 with the small cities that forces mandatory garbage collection in all the small cities.
27 In return, the County agrees to enforce universal garbage collection in the county.
28 Part of the ordinances set up an exemption system for people in the rural areas if
29 they can prove they're handling their garbage and recyclables in a good way.
30 There is a reason for the exemption process. They should still have to prove
31 they're doing something responsible with their garbage. The SWAC only wants
32 direction from the Council on whether it should investigate ways to fix this
33 ordinance. The SWAC doesn't want to require everyone to have service, but they
34 need to find out what 17,000 households are doing with their service. Allow the
35 SWAC to investigate ways to close this loophole.

36
37
38 **PUBLIC HEARING**

39
40 **1. ORDINANCE ESTABLISHING THE SPEED FOR A SCHOOL ZONE ON**
41 **NORTHWOOD ROAD (AB2004-117)**

42
43 Jeff Monsen, Public Works Director, gave a staff report and stated he is
44 available to respond to questions.

45
46 McShane opened the public hearing and, hearing no one, closed the public
47 hearing.

1
2 **Caskey-Schreiber moved** to adopt the ordinance.
3

4 **Motion carried unanimously.**
5

6 **2. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY**
7 **COMPREHENSIVE PLAN AND ZONING ORDINANCE RELATING TO**
8 **ESSENTIAL PUBLIC FACILITIES (AB2003-075B)**
9

10 Matt Aamot, Senior Planner, gave a staff report and submitted a memo to
11 the Council dated March 9, 2004 (*on file*). In light of the recommendation to
12 prohibit secure community transition facilities for sex offenders in the rural and
13 rural residential zone, the Council may want to consider also prohibiting them from
14 the Point Roberts transitional zone.
15

16 He suggested an amendment to add language to Whatcom County Code
17 (WCC) 20.32 and 20.36, ".210 Secure community transition facilities for sex
18 offenders" to prohibit these facilities in these zones.
19

20 The Public Works Committee made changes to crisis facilities at its previous
21 meeting. After reviewing other recommendations, some questions arose. Crisis
22 facilities are recommended as a conditional use permit in residential rural and
23 resort commercial zones. There are buffers recommended around schools,
24 daycares, parks, and other similar facilities. These crisis facilities would have more
25 impacts than outpatient facilities, which are prohibited in these same zones.
26 Consider allowing outpatient facilities as conditional uses in residential rural and
27 resort commercial zones.
28

29 McShane opened the public hearing and the following people spoke:
30

31 Therese McDermott, 7358 Nautical Court, Birch Bay, stated she agrees that
32 Point Roberts is not an appropriate place for sex offender housing. They should not
33 be allowed close to schools. There needs to be more caution in relocating these
34 people. She asked the name of the federal judge who ruled that these people
35 should be released.
36

37 Fleetwood stated he believed the judge was named Bill Dwyer, who is now
38 deceased.
39

40 McDermott stated a recent newspaper article noted that the County could
41 make these restrictions as severe as necessary. She doesn't think it's always
42 possible for these people to be in sight of the staff members who look after them.
43 It's possible for them to escape. She asked if ankle monitors have been considered
44 for these people. Include that requirement.
45

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

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1 **Brenner moved** to adopt the ordinance. She supports eliminating Point
2 Roberts from the list of places where secure transitional facilities are allowed. The
3 committee didn't remove it originally because Point Roberts, unlike most other
4 communities has a resident deputy and a correctional facility to hold prisoners
5 there. It seemed like a more secure area than other areas. However, zone this as
6 restrictively as they can.

7
8 **McShane moved** to no longer allow substance abuse and mental health
9 crisis facilities in the residential rural and resort commercial zones.

10 **Motion carried unanimously.**

11
12
13 **Brenner moved** to no longer allow secure community transition facilities for
14 sex offenders in the Point Roberts transitional zone.

15
16 Caskey-Schreiber stated she supported the amendment. She talked to a
17 criminologist from Western Washington University who said that most offenses
18 occur by someone who the victim knows, not a stranger, and that sex offender
19 housing provides the greatest accountability to their whereabouts.

20
21 *(Clerk's Note: End of tape one, side A.)*

22
23 **Motion carried unanimously.**

24
25 Brenner stated the Growth Management Act requires the County to plan for
26 these facilities. The sex offender facilities are the ones that get the most attention.
27 What the committee did was to restrict the zoning to the very smallest zones they
28 can do that are completely away from residential zones. If and when a facility has
29 to be sited in Whatcom County, these changes will restrict siting only to areas that
30 aren't residential.

31
32 Crawford asked if the County is required to zone some areas for a secure
33 community transition facility for sex offenders. Aamot stated the County is
34 required by Revised Code of Washington (RCW) 36.70A.200 to plan for essential
35 public facilities, which includes secure community transition facilities.

36
37 Crawford asked how many other counties besides the six large counties have
38 actually zoned for this use. Aamot stated he doesn't know.

39
40 Crawford asked the repercussions if the County chose to not allow these
41 facilities at all. Aamot stated the state legislature eliminated some of the penalties
42 for being out of compliance. There is a provision that says the County can still get
43 grants. The County would be out of compliance with the law, but he doesn't know
44 if there's a hammer that would force the County to comply. Legal counsel can look
45 into it. Practically, Whatcom County zoning allows a conditional use permit for
46 social and health rehabilitation centers. This use may fit into that category. By
47 taking this action, the County is declaring the appropriate places for this use.

1
2 Crawford stated the Council could also amend the reference to the social and
3 health rehabilitation center to exclude secure community transitional facilities for
4 sex offenders. After the six counties are looked at, there will be a propensity on
5 the part of the State to look at counties that have declared that it's okay to have
6 these facilities in certain zones as opposed to counties that have done nothing.
7 Growth Management Act compliance is usually enforced by an advocacy group that
8 is unhappy over a certain regulation. There is not a lot of advocacy out there for
9 these highest risk sexual offenders. If Whatcom County chose not to allow this use
10 in any zone at this time, there may not be any legal recourse to make the County
11 allow the facility.

12
13 ***Crawford moved*** to prohibit secure community transition facilities for sex
14 offenders countywide.

15
16 Roy stated she is not comfortable blatantly and knowingly going against
17 State law. This is a very tiny number of these people who might come to the
18 county. The county has 2,000 level III sex offenders already. They're living in
19 neighborhoods without any restrictions. This is a false issue. The people in these
20 facilities will be locked up and followed. She wouldn't support focusing on this one
21 issue for a small number of well-supervised people.

22
23 Brenner stated it was very difficult to get her motion to prohibit these
24 facilities in the residential zones through committee. There was a lot of debate at
25 that time. She is concerned about suddenly changing direction. Right now the
26 County is being given the option of deciding how restrictive they want to be. The
27 State can come in at any time and preempt the County and site a facility.

28
29 Dave Grant, Senior Civil Deputy Prosecutor, stated he concurred with Mr.
30 Aamot's conclusion of the law for not complying with the Growth Management Act
31 (GMA). The County is responsible to address this issue. He's not certain that
32 Whatcom County would be subject to State preemptive authority given the number
33 of civilly committed offenders from the area. The law gives the State Department
34 of Social and Health Services (DSHS) preemptive authority over local land use laws
35 and regulations. It also gives an assurance that this chapter should not be taken to
36 mean that a county or city is precluded from doing this. The same chapter that
37 gives preemptive authority to DSHS also says it's appropriate for the County to
38 take this sort of action. It's important to consider the alternative. Non-action may
39 eliminate the County's ability to provide guidance on where such a facility should be
40 located.

41
42 Fleetwood gave the history of this State law. The County is obligated by
43 State law to do this. He won't support the motion.

44
45 ***Motion to amend failed 1-5 with Crawford in favor.***

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1 McShane asked if correction facilities are prohibited in rural zoning. Aamot
2 stated the advisory committee recommended a conditional use in the rural zone.
3 The Council committee recommended that it be prohibited.
4

5 McShane asked about the areas where correctional facilities can be located.
6 Aamot stated he would display maps that show these areas.
7

8 McShane asked the advisory committee's rationale for limiting scale of
9 correctional facilities in rural areas. Aamot stated there were concerns about
10 impacts from traffic and a use that's more inconsistent with higher density
11 residential areas.
12

13 McShane asked about discussion inside the city, and that it might be hard to
14 put anything inside a city. Aamot stated the opinion was that there is an array of
15 zones available for a potentially large correction facility, and the residential zones
16 are least compatible.
17

18 McShane asked about being at least one mile from public and private
19 schools. Aamot stated that came out of the master planning process. The
20 committee considered and approved that recommendation.
21

22 Brenner stated the Public Works Committee felt that anything that could
23 pose a danger to the public should be kept as restrictive as possible and not placed
24 in residential areas.
25

26 **McShane moved** to amend to include correctional facilities as a conditional
27 use permit (CUP) in the rural zones. There is a jail downtown in Bellingham with a
28 tremendous number of schools and residences within one mile. If they are going to
29 build a new jail anywhere in the county, they are restricting the potential to a very
30 limited area. The County will likely be asking the cities to do something the County
31 is unwilling to do. He understands the logic, but they're really restricting their
32 ability to locate a facility.
33

34 Brenner stated it's very important to locate this use close to services. They
35 keep talking about keeping rural areas rural. In addition to the schools and homes
36 near the existing jail, there is also the Bellingham Police Department. They won't
37 have that security if located in the county. It will dramatically increase the risk to
38 people out there. It will create more traffic problems. Keep these types of facilities
39 as close to public services as possible.
40

41 Caskey-Schreiber stated she agreed with Councilmember Brenner. She's
42 concerned that the law and justice functions be located with the jail. Once they
43 move those areas to a rural zone, all the attorneys will locate near the law and
44 justice functions. That will eliminate the rural area.
45

46 Roy stated she supports this only because they need to continue to discuss
47 all the options, even though this isn't the option she would probably support. She

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1 doesn't agree with the argument that safety is an issue. If it isn't safe around a
2 jail, they're not doing a very good jail. It ought to be the safest place in town.
3 Don't eliminate the discussion in light of the facilities planning process they're going
4 through right now.

5
6 Crawford asked if someone released from jail is transported somewhere or
7 walks out of the facility.

8
9 Wendy Jones, Chief of Corrections, stated person is allowed to walk out the
10 front door of the facility.

11
12 Crawford stated that if there's not a safety issue, there's a perception issue.
13 Councilmember Brenner mentioned that this facility is likely going to require water
14 and sewer. This is not just an issue of whether or not it's appropriate to put the
15 facility in a rural zone. This is also an issue of infrastructure requirements. That's
16 what convinced him to keep it out of rural areas.

17
18 Fleetwood stated he agreed that they should not put this facility in the rural
19 zone. However, they don't need to needlessly close the door on their options, so
20 he will vote for the motion.

21
22 McShane stated there's a major policy issue. The existing jail is out of
23 zoning compliance. The idea of building an interim jail required an emergency
24 action to create a zoning space to put a jail in Bellingham temporarily. He has
25 grave concerns about paralyzing themselves on zoning so the jail never gets built.
26 He has no opinion about whether or not the jail should be in the rural area.

27
28 ***Motion failed 3-3 with McShane, Fleetwood, and Roy in favor.***

29
30 ***McShane moved*** to add language to Whatcom County Code (WCC) 20.32
31 and 20.36, ".210 Secure community transition facilities for sex offenders" according
32 to Mr. Aamot's memo.

33
34 ***Motion carried unanimously.***

35
36 McShane stated the motion is to forward this item as amended to the
37 concurrency hearing.

38
39 ***Motion carried 5-1 with McShane opposed.***

40
41 Crawford thanked Mr. Aamot for putting in all his time and knowledge he
42 provided on this issue.

43
44 Brenner stated Mr. Aamot worked very hard on this issue, providing hours of
45 presentations and speakers on a variety of topics.

46
47

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1 **CONSENT AGENDA**
2

3 ***Crawford*** reported for the Finance and Administrative Services Committee
4 and ***moved*** to approve Consent Agenda items one through 11.
5

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

- 8 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
9 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE**
10 **CITIES OF WHATCOM COUNTY FOR THE PURPOSE OF**
11 **ADMINISTERING SURCHARGE FUNDS GENERATED AS A RESULT OF**
12 **SUBSTITUTE HOUSE BILL 2060 AND RCW 36.22.178 (AB2004-124)**
13
- 14 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
15 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND REGION 3**
16 **AIDS SERVICE NETWORK TO PROVIDE FUNDING FOR PREVENTION**
17 **AND EDUCATION SERVICES FOR HIV/AIDS IN THE COMMUNITY, IN**
18 **THE AMOUNT OF \$129,170 (AB2004-125)**
19
- 20 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ACCEPT THE**
21 **JAIBG BLOCK GRANT TO PROVIDE ADDITIONAL STAFFING TO**
22 **SUPPLEMENT THE FULL TIME JUVENILE COURT OFFENDER CASELOAD**
23 **IN THE AMOUNT OF \$50,380 (AB2004-126)**
24
- 25 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
26 **STANDARD CONSULTANT AGREEMENT BETWEEN WHATCOM COUNTY**
27 **AND KPFF CONSULTING ENGINEERS FOR PHASE 2 FINAL DESIGN TO**
28 **REPLACE HIGH BRIDGE NO. 115 ON LAKE WHATCOM BOULEVARD, IN**
29 **THE AMOUNT OF \$356,918.60 (AB2004-127)**
30
- 31 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
32 **GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND**
33 **WASHINGTON STATE DEPARTMENT OF ECOLOGY TO FUND**
34 **ADMINISTRATIVE SUPPORT FOR THE MARINE RESOURCES**
35 **COMMITTEE, COMMUNITY OUTREACH, AND ROCKFISH DIVE**
36 **SURVEYS, IN THE AMOUNT OF \$50,000 (AB2004-128)**
37
- 38 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
39 **AMENDMENT TO THE 2003 INTERLOCAL AGREEMENT BETWEEN**
40 **WHATCOM COUNTY AND THE CITY OF BELLINGHAM FOR SOLID AND**
41 **HAZARDOUS WASTE MANAGEMENT SERVICES, IN THE AMOUNT OF**
42 **\$16,071.98, FOR A TOTAL AMENDED CONTRACT IN THE AMOUNT OF**
43 **\$379,071.98 (AB2004-129)**
44
- 45 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
46 **FLOOD CONTROL ACCOUNT ASSISTANCE PROGRAM GRANT**
47 **AGREEMENT BETWEEN WHATCOM COUNTY AND WASHINGTON STATE**

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1 **DEPARTMENT OF ECOLOGY FOR THE REIMBURSEMENT OF \$100,000**
2 **OF THE COUNTY'S COSTS FOR HYDRAULIC MODEL REFINEMENT AND**
3 **ALTERNATIVES ANALYSIS FOR THE LOWER NOOKSACK RIVER**
4 **(AB2004-130)**
5

6 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #04-**
7 **20 TO THE LOWEST RESPONSIVE BIDDER, BILL PIERRE FORD, FOR**
8 **THE PURCHASE OF TWO REPLACEMENT TRUCKS IN THE AMOUNT OF**
9 **\$42,701.74 (AB2004-131)**

10
11 **9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #04-**
12 **21 TO THE LOWEST RESPONSIVE BIDDER, MCASPHALT INDUSTRIES,**
13 **FOR THE ANNUAL SUPPLY AND DELIVERY OF ASPHALTIC**
14 **EMULSIONS/ROAD OIL IN THE AMOUNT OF \$600,000 (AB2004-132)**
15

16 **10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #04-**
17 **24 TO THE LOWEST RESPONSIVE BIDDER, COASTLINE TRACTOR, FOR**
18 **THE PURCHASE OF ONE ROADSIDE MOWING TRACTOR IN THE**
19 **AMOUNT OF \$44,294.70 (AB2004-133)**
20

21 **11. RESOLUTION ORDERING THE CANCELLATION OF WARRANTS MORE**
22 **THAN A YEAR OLD (AB2004-134)**
23

24
25 **OTHER ITEMS**
26

27 **1. REPORT ON COMMITTEE DISCUSSION REGARDING THE UPCOMING**
28 **JOINT LAKE WHATCOM MANAGEMENT COMMITTEE MEETING**
29 **(AB2004-123)**
30

31 Roy reported for the Natural Resources Committee and stated the meeting
32 length has been extended. They will follow the Joint Lake Whatcom Management
33 Committee agenda.
34

35 Dr. Bruce Roll, Water Resources Division Manager, stated he isn't asking for
36 agenda approval from the Council.
37

38 McShane stated he was asked for input on how the meeting could be run.
39

40 Roy stated they will make sure the boat people understand there is a 30-
41 minute limit and there won't be policy discussion at the meeting. There are other
42 ways the public can give input. The County Council and Management Committee
43 will look at the information from the boating task force. The rest of the meeting
44 will be to review the five-year Lake Whatcom Management Program. The
45 councilmembers need to read the plan before the meeting and be prepared to
46 provide input on priorities in the plan. They need to focus on projects that require
47 inter-jurisdictional cooperation.

1
2 Caskey-Schreiber stated she would like to set the meeting times to their
3 original schedule. They can be just as effective and efficient with their time if they
4 work within the original schedule. Roll stated they anticipate being done in a
5 couple of hours. When they suggested lengthening the meeting, it was to provide
6 opportunity for the comment period for the boating issue. However, that hearing
7 has been limited to 30 minutes. He also wants to provide opportunity to have an
8 active discussion about the next program. Historically, the topics in the plan have
9 generated rather long discussions.

10
11 **Brenner** stated the meeting starts during the dinner hour. If the meeting
12 goes straight through until 9:00 p.m., they won't be very productive toward the
13 end of the meeting. She **moved** to shorten the meeting to two hours, from 5:30
14 p.m. to 7:30 p.m. She's getting frustrated about being told of changes without
15 being asked.

16
17 *(Clerk's Note: The motion was not voted on.)*

18
19 McShane asked if the agenda is final. Roll stated it is not. He hasn't heard
20 back yet from the Mayor.

21
22 McShane stated the meeting will be run by the chair of the City Council this
23 time. They've talked about procedure of running the meeting to keep it more
24 orderly.

25
26 Roy stated the councilmembers get notices of meetings and she writes down
27 the times on her calendar. It's distressing to find a notice that two hours have
28 been added. It would have been nice to have been asked.

29
30 Roll stated the meeting hasn't been extended. It will be only two hours long.

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

33
34 **2. ORDINANCE AMENDING WHATCOM COUNTY CODE 12.44 TO CLARIFY**
35 **PROCEDURES FOR FILING OF APPLICATION SUMMARIES AND OTHER**
36 **MISCELLANEOUS CLARIFICATIONS (AB2004-104)**

37
38 Brenner reported for the Public Works and Safety Committee and stated this
39 item is held in committee for two weeks. A hearing will be scheduled in four weeks.

40
41 **3. REPORT ON COMMITTEE DISCUSSION REGARDING A DRAFT LETTER**
42 **TO BE SENT TO THE SOLID WASTE ADVISORY COMMITTEE (AB2004-**
43 **085)**

44
45 **Brenner** reported for the Public Works and Safety Committee and **moved** to
46 send the letter.

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1 McShane asked if someone who applies for an exemption pays the excise
2 tax.

3
4 Jeff Monsen, Public Works Director, stated the excise tax is based on living in
5 the district. The tax is applied through the collection service. Applying an excise
6 fee to an exemption is a different administration that would have to be designed.
7 One of the issues is having an enforcement mechanism. There is not an effective
8 enforcement mechanism now.

9
10 McShane stated the Solid Waste Advisory Committee wanted to explore the
11 issue to come up with another approach. Out of respect for the committee, allow
12 them to take a look at the issue. The letter outlines some of the big problems they
13 face. Send the letter and allow the committee to consider the options and respond
14 back to the Council. He can carry that message to the advisory committee.

15
16 Caskey-Schreiber stated she agreed. The committee just wants the chance
17 to explore the issue. There's nothing wrong with that.

18
19 Crawford stated he thought the exemption was just a promise that someone
20 would dispose of their garbage responsibly, not a method to provide proof that is
21 happening. He asked if they have to prove something. Monsen stated the concept
22 is that the exemption certifies that someone can dispose of their garbage
23 responsibly. Services are available for someone to self-haul.

24
25 McShane stated that's not where the advisory committee is heading,
26 anyway.

27
28 **Roy moved** to delete the first sentence of the last paragraph on the first
29 page of the letter. It's offensive. They can make the point without sounding like
30 the Council is reprimanding the advisory committee.

31
32 Fleetwood stated he is against the motion. That's the term the advisory
33 committee used, and the Council is responding to the statement.

34
35 Crawford agreed with Councilmember Fleetwood. The topic of the advisory
36 committee letter was about the failure of the process.

37
38 **Motion to amend carried 4-2 with Fleetwood and Crawford opposed.**

39
40 **McShane moved** to send the letter as amended.

41
42 Caskey-Schreiber stated the advisory committee really wants to explore the
43 issue. This letter shuts the advisory committee down from exploring the issue. If
44 the advisory committee can make a recommendation, the Council can take it up
45 then. The Council should allow them to develop a response to the problem.

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1 Brenner stated Councilmember McShane can inform the advisory committee
2 that it can come up with and bring forward any solutions it recommends. The
3 letter doesn't close the door to that option.

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

6
7 **4. REPORT ON COMMITTEE DISCUSSION REGARDING VARIOUS**
8 **SECTIONS OF ORDINANCE 2003-053, RELATED TO ISSUES AT POINT**
9 **ROBERTS (AB2003-317A)**

10
11 Fleetwood reported for the Planning and Development Committee and stated
12 citizens spoke on this issue.

13
14 **5. REQUEST CONFIRMATION OF THE EXECUTIVE'S REAPPOINTMENT OF**
15 **EGBERT MAAS TO THE BELLINGHAM WHATCOM COUNTY HOUSING**
16 **AUTHORITY BOARD OF COMMISSIONERS (AB2004-136)**

17
18 ***Caskey-Schreiber moved*** to confirm the appointment.

19
20 ***Motion carried 6-1 with Nelson absent.***

21
22 **6. READING OF PUBLIC EMPLOYMENT RELATIONS COMMISSION NOTICE**
23 **(AB2004-135)**

24
25 This item was deleted from the agenda and added to the March 9, 2004
26 Finance and Administrative Services Committee agenda.

27
28
29 **APPROVAL OF THE 2003 COMPREHENSIVE PLAN AMENDMENTS**

30
31 McShane stated that Council would now move on to the 2003 Comprehensive
32 Plan amendments. Council made some minor modifications to the Essential Public
33 Facilities Chapter and it is now time to move approval of all the 2003
34 Comprehensive Plan amendments. The Council has voted on all these before and
35 moved them forward to concurrency. There will be a roll call vote on each one of
36 the amendments again, so members get the chance to vote on them again.
37 Councilmembers may have changed their minds since last time. After the vote on
38 individual amendments, there will be a vote on all the 2003 Comprehensive Plan
39 amendments as a concurrent group.

40
41 **1. ORDINANCE ADOPTING AMENDMENTS TO THE INTRODUCTION**
42 **CHAPTER OF THE WHATCOM COUNTY COMPREHENSIVE PLAN**
43 **(AB2003-075A)**

44
45 ***Motion carried 5-1 with Crawford opposed.***

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

4
5 *Motion carried unanimously.*
6

7 **3. ORDINANCE ADOPTING AMENDMENTS TO CHAPTER 8 RESOURCE**
8 **LANDS – FOREST RESOURCE LANDS SECTION OF THE WHATCOM**
9 **COUNTY COMPREHENSIVE PLAN (AB2003-075C)**

10
11 *Motion carried unanimously.*
12

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

16
17 *Motion carried unanimously.*
18

19 **5. ORDINANCE ADOPTING AMENDMENTS TO THE LAND USE CHAPTER**
20 **OF THE WHATCOM COUNTY COMPREHENSIVE PLAN (CHAPTER 2),**
21 **WHICH INCLUDES RURAL LANDS (AB2003-075E)**

22
23 *Motion carried 5-1 with Crawford opposed.*
24

25 **6. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY**
26 **COMPREHENSIVE PLAN MAP FOR 0.76 ACRES IN THE CROSSROADS**
27 **COMMERCIAL DESIGNATION OF HINOTE’S CORNER (AB2003-075F)**

28
29 Crawford asked if this is amended from the original proposal.
30

31 McShane stated they would approve what the Council voted on after the
32 public hearing for this item. The boundary goes around the building to incorporate
33 the building in one zone, but then returns to the original zoning line.
34

35 *Motion carried 4-1-1 with Crawford opposed and Caskey-Schreiber*
36 *abstaining.*
37

38 **7. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY**
39 **COMPREHENSIVE PLAN, URBAN FRINGE SUBAREA PLAN GENERAL,**
40 **URM AND URMX POLICIES (AB2003-075G)**

41
42 *Motion carried unanimously.*
43

44 **8. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY**
45 **COMPREHENSIVE PLAN, URBAN FRINGE SUBAREA PLAN, MAP 13 MAP**
46 **AND TEXT (AB2003-075H)**
47

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1 ***Motion carried unanimously.***

2
3 ***McShane moved*** to vote on all the items together, as one whole package.

4
5 ***Motion to adopt all 2003 Comprehensive Plan amendments carried 5***
6 ***- 1 with Crawford opposed.***

7
8
9 **SPECIAL ORDER OF BUSINESS**

10
11 **1. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY**
12 **ZONING ORDINANCE (TITLE 20) CHAPTER 20.22 (URM) AND 20.24**
13 **(URMX) (AB2004-060)**

14
15 ***McShane moved*** to adopt the ordinance. This is the result of passing the
16 Comprehensive Plan amendments. They can't implement the code until the
17 Comprehensive Plan amendments were adopted.

18
19 Crawford stated he is concerned with the requirement of the purchase of a
20 transfer of development right (TDR) in the Bellingham urban growth area. For the
21 sake of expediting the item, he will vote in favor of the motion.

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

24
25
26 **INTRODUCTION ITEMS**

27
28 ***Caskey-Schreiber moved*** to accept the Introduction Items, including the
29 addendum.

30
31 ***Motion carried unanimously.***

32
33 **1. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY**
34 **ZONING ORDINANCE, TITLE 20, TO SPECIFY WHERE PARKS AND**
35 **RECREATION FACILITIES ARE PERMITTED IN VARIOUS ZONING**
36 **DISTRICTS (AB2004-137)**

37
38 **2. ORDINANCE AUTHORIZING 2004 SUPPLEMENTAL BUDGET REQUEST**
39 **#3 (AB2004-138)**

40
41 **Addendum**

42
43 **3. ORDINANCE AMENDING WHATCOM COUNTY CODE 12.24, FRANCHISE**
44 **REQUIREMENTS (AB2004-114)**

45
46
47 **OTHER BUSINESS**

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1
2 Crawford stated the Finance Committee discussed the potential of having a
3 biennial budget process. The committee requested that the administration draft a
4 resolution for the Council to approve regarding the matter.
5

6 McShane stated he will probably bring forward a new Lake Whatcom
7 Landscape Plan resolution to the next Council meeting.
8

9 Caskey-Schreiber stated the Natural Resources Committee today asked Dr.
10 Roll what he thought the priorities for the watershed should be. Dr. Roll identified
11 State Department of Natural Resources (DNR) land use actions as one of the top
12 priorities of things that are likely to affect the lake. It is something the three
13 jurisdictions should address.
14

15 McShane stated there will be a meeting on March 18 at the Skagit County
16 courthouse regarding the sustainable yield harvests for trust lands around the
17 state. This is a significant amount of land, and there are significant policies and
18 issues they need to get a handle on.
19

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

22
23 Caskey-Schreiber stated she and Councilmember Nelson spent a day in
24 Washington D.C. lobbying the legislature regarding health care access issues in
25 Whatcom County, the Kendall Resource Center, and federal matching dollars for the
26 Purchase of Development Rights program. They made some headway on a couple
27 of issues. It was a good experience.
28

29 30 **ADJOURN**

31
32 The meeting adjourned at 9:13 p.m.
33
34

35
36 _____
37 Jill Nixon, Minutes Transcription

38 The Council approved these minutes on March 23, 2004.
39

40 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

41
42
43
44
45 _____
46 Dana Brown-Davis, Council Clerk

_____ Dan McShane, Council Chair