

1
2 McShane stated he is against the motion because the proximity of the
3 residences on the island is walkable. The administration has been bringing forward
4 to the Council different options for purchase.

5
6 Nelson asked about the property up the road from this property.

7
8 Jeff Monsen, Public Works Director, stated the appraised value of the
9 property the County currently holds in the same area is just under \$200,000. With
10 approval of this acquisition, the administration will dispose of that property to offset
11 this cost. The current property is about 1.1 acres. The new property is 1.7 acres,
12 and is immediately across the road from the ferry landing.

13
14 Nelson asked the cost.

15
16 McShane stated the cost is \$495,000, plus related closing costs.

17
18 Nelson stated there's a house on the property. Monsen stated it's possible to
19 relocate the house onto the current parcel the County owns.

20
21 Nelson stated that would increase the value of that property.

22
23 Crawford stated the value is based on a bank-lending value. The \$465,000
24 value appraisal is based on what a bank would lend. The \$30,000 increase would
25 be the recommended asking price. There has been a recent pattern on Lummi
26 Island for that asking price over a bank appraisal. In this case, there is a difference
27 between appraised value and market value.

28
29 Nelson stated that if sold on the open market, the property and home would
30 start at a price of \$495,000.

31
32 Crawford agreed. Home sales on Lummi Island have happened at or above
33 the asking price.

34
35 McShane stated it will also cost money to build the parking area.

36
37 Roy stated the County offered to help this family move in the past, but the
38 family declined. She asked the reason for the need for increased parking. Monsen
39 stated they want to acquire parking on both the island as well as Gooseberry Point
40 to increase walk-on passengers on the ferry. At Gooseberry Point, the County
41 leased parking space for more than 80 parking spaces, plus an additional 15 to 25
42 spaces. He is trying to match that amount or more at Lummi Island. The 1.1 acre
43 parcel would not have accommodated that number of spaces. The new parcel will.

44
45 Brenner stated that when the County bought that 1.1 acre parcel, she was
46 told it would more than suffice. That's why the County bought it. Now that the
47 County wants different property, it won't suffice. Everything is relative. Monsen

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1 stated the existing 1.1 parcel is adequate to service the current demand for
2 parking. The County made a commitment to adjoining property owners because of
3 their concern with the location of that existing property. By relocating to this other
4 parcel, all the neighborhood concerns are addressed. The change is to deal with
5 community issues in addition to the number of parking spaces.
6

7 ***Motion carried 5-2 with Brenner and McShane opposed.***

8
9 McShane announced there was **discussion with Senior Deputy**
10 **Prosecutor David Grant regarding BP (AB2004-018)** in executive session
11 during the Committee of the Whole.
12

13 Caskey-Schreiber stated they have an agreement with BP.
14

15 *[Clerk's Note: Councilmember McShane left the room because he is a*
16 *member of the Energy Facility Site Evaluation Council (EFSEC).]*
17

18 ***Caskey-Schreiber*** stated the Council has reached an agreement with British
19 Petroleum (BP) regarding their co-generation facility that will address the Council's
20 concerns with noise and wetlands. She thanked BP for their patience in working
21 with the Council. She ***moved*** to accept the amended proposal that is currently put
22 forth to approve the BP co-generation operation.
23

24 Nelson stated he appreciated BP's efforts in working with the County and
25 citizens of the county. They want to be proactive with their industrial areas while
26 also recognizing the community needs and the sensitive environment. This
27 process demonstrated how the business and industrial, government, and public
28 sectors can work together.
29

30 Caskey-Schreiber stated the County will get some good science on wetland
31 mitigation from the agreement.
32

33 ***Motion carried 6-0 with McShane abstaining and out of the room.***
34

35
36 **MINUTES CONSENT**
37

38 *(Clerk's Note: Councilmember McShane returned to the meeting.)*
39

40 ***Fleetwood moved*** to approve the Minutes Consent items.
41

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

44 **1. SPECIAL COUNCIL (BUDGET RETREAT) FOR JUNE 8, 2004**

45
46 **2. COMMITTEE OF THE WHOLE FOR JUNE 15, 2004**
47

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1 **3. REGULAR COUNTY COUNCIL FOR JUNE 15, 2004**

2
3
4 **OPEN SESSION**

5
6 The following people spoke:

7
8 Dennis Jones, 1487 Sudden Valley, stated they continue to improve
9 watershed plans that are in play. Two Sudden Valley board members have
10 resigned for personal reasons. He commended John Wolfe and Leslie McRoberts for
11 their participation on the board. The new board members are not all bad.

12
13 There is a draft of the community plan for Sudden Valley on the Sudden
14 Valley website.

15
16 There are funding resolutions from 1992 and plans from 1998 until now
17 regarding the watershed. There are three major areas. A minor area is recreation.
18 There is a lot of room to do stuff out there ecologically for humans and forestry.
19 The biggest worry is the private forestlands. Save those private forestlands close
20 to the lake, such as the Nielson Brother's land right on Beaver Creek that was
21 recently logged.

22
23 They all have plans for development out there. They are all getting along.
24 There is no panic out there. They know the environment is degrading, and they
25 have to change it. People who say they are lake stewards or organized for healthy
26 environments should be taken with a grain of salt. Watch out for people who call
27 themselves Lake Whatcom Stewardship Association. Become the Lake Whatcom
28 stewards. He will help keep a good number of power boats on the lake.

29
30 Jerry Landcastle, City of Ferndale Mayor, spoke regarding the Consent
31 Agenda item four (**AB2004-249**). Support the request.

32
33 Wayne Schwandt, Trillium Corporation, stated he is in favor of the Birch Bay
34 Steering Committee's recommendation for the urban growth area (UGA) for Birch
35 Bay (**AB2004-121**). There are many hours of discussion about this. Under the
36 UGA, the potential for good development and planning is best in the UGA, and not
37 in the five acre zone. Trillium projects that were done in the 1990's all went
38 through an environmental impact statement (EIS) process. That will be available to
39 these projects going forward. There will be opportunity to put constraints on those
40 developments.

41
42 Trillium has done a lot of work with geo-technical engineers looking at water,
43 runoff, and potential seepage through the bluffs. That work is available for the
44 Council to review.

45
46 McShane asked when the EIS was done. Schwandt stated there were two
47 proposals that were done in the mid-1990's.

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1
2 Jo Slivinski, 6163 Semiahmoo Lane, stated Birch Point does not feel
3 represented by the Birch Bay Steering Committee, especially about removing Birch
4 Point from the UGA (**AB2004-121**). She urged the Council to remove Birch Point
5 from the Birch Bay UGA. Twenty-three of the 36 property owner households on
6 Birch Point support removal from the UGA. That's more than 65 percent of the
7 residents. She has more neighbors to contact. This represents the non-Trillium
8 property owners. Every time she talks to a property owners, she gets more
9 support. This proposal comes not from the people, but from the careful
10 consideration of the Council. She appreciates that.

11
12 Mary Dickinson, Building Industry of Whatcom County Governmental Affairs
13 Director, stated she submitted her testimony on the Birch Bay Plan earlier
14 (**AB2004-121**). She conducted research into this subareas process. Respect the
15 process and the Birch Bay Steering Committee, and adopt the Birch Bay plan as the
16 committee designed it. The committee members actively involved the community
17 and desired public input. In some cases, they worked for four years. Whatcom
18 County has a diverse community. Respect the plan process.

19
20 Gary Tomsic, Blaine City Manager, stated spoke regarding the Blaine
21 Community Boardwalk proposal in Consent Agenda item three (**AB2004-248**). He
22 thanked the Council and administration for their consideration. This is a good
23 program. Continue to support this program and the economies of the small cities.

24
25 Roy stated this is a wonderful project.

26
27 Nelson asked if the request is for the monies for all the phases of the project.
28 Tomsic stated the dollars they're talking about this evening deal with the first phase
29 of the boardwalk. The second phase of the project is not part of this request and is
30 to build a pedestrian overpass over the railroad tracks to the Port's boat facilities
31 and Marine Park.

32
33 Crawford stated this money will include the boardwalk portion without the
34 bridge. It does not include the buildings.

35
36 Nelson stated it's important that this create jobs. He asked what types of
37 jobs would be created. Tomsic stated small businesses will develop in anticipation
38 of the boardwalk's public draw. Parking is an issue they need to deal with. They
39 are attracting some larger businesses and also small businesses. Real estate in
40 downtown Blaine is very active. People want to invest in the downtown area
41 because they anticipate the boardwalk. It is their impetus for investing in the
42 downtown area. Most of the jobs will be related to retail and recreation and
43 tourism.

44
45 Dewey Desler, Deputy Administrator, stated the Port of Bellingham
46 Commissioner who was a member of the Economic Development Investment (EDI)
47 Board indicated strong support for the Port to continue this development.

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1
2 Mike Abenhoff, BP and Birch Bay Steering Committee member, stated the
3 Council should consider the plan that the Birch Bay Steering Committee put
4 forward, which was done with a lot of effort and consideration by a lot of people
5 who have the best interest of the community in mind.
6

7 On behalf of BP, he thanked the Council and administration for working
8 together for the approval of the co-generation plant. They are paving the way for a
9 world class facility that can't be built anywhere else in the United States. The
10 Energy Facility Site Evaluation Council (EFSEC) will hopefully go into deliberations
11 soon and come up with a positive recommendation for the Governor. Then BP can
12 get a permit issued and get this under construction. It will provide a true asset to
13 the community.
14

15 Lincoln Rudder, 8373 Semiahmoo Drive, stated urban growth areas (UGA's)
16 that are too large cost too much for infrastructure (**AB2004-121**). The fastest
17 growing city in Whatcom County is not even a city. The case of Blaine is evidence
18 of how loss of control happens. The volume of Blaine's sewer system is inadequate.
19 When it rains hard, there are sewage overflows. The cost to fix this was recently
20 estimated at \$37 million. This amounts to about \$12,000 for every Blaine resident.
21 This is one of many infrastructure requirements for cities. His property tax went up
22 23 percent last year. The Planning and Development Services Department
23 designed six new taxes to pay for this excessively large UGA. However, the Growth
24 Management Act was designed to prevent urbanization of rural areas. It is exactly
25 9.2 miles between the Semiahmoo boundary to the sewage treatment plant in Birch
26 Bay. It costs more to transport sewage that far than to connect nearby locations
27 first. The City of Blaine municipal code states that the cost of a development's
28 infrastructure, such as sewer connections and capacity for processing, shall be
29 borne by the developer to not unduly burden the ratepayers. Reduce the size of
30 this UGA.
31
32

PUBLIC HEARINGS

1. RESOLUTION AMENDING RESOLUTION 2003-041, WASHINGTON COMMUNITY ECONOMIC REVITALIZATION TEAM (WA-CERT), TO PROVIDE ANNUAL PRIORITIZATION OF WA-CERT PROJECTS (AB2004-240)

39
40 Dewey Desler, Deputy Administrator, gave a staff report and stated they
41 work with the Washington Community Economic Revitalization Team (WA-CERT)
42 and a number of State and federal agencies that are interested in helping the
43 community with funding various projects. What matters to WA-CERT is the list, the
44 numerical priority, and whether the project is ready to go. He recommends that
45 the Council clearly prioritize the programs. It's one thing to be on the list. It's
46 another thing to be prioritized. There are few funding sources that require that a

1 project be in the top three on the list. The most notable is the community
2 development block grant (CDBG) planning grant.

3
4 McShane opened the public hearing and the following people spoke:

5
6 Duane Jager, ReUse Works Executive Director, asked the Council to amend
7 the resolution to make the number one slot a three way tie that includes his Jobs
8 from the Waste Stream. There is a potential income benefit to Whatcom County if
9 the Council promotes several number one projects. These projects are important,
10 but don't compete for the same State or federal dollars. Ties are allowable,
11 because at least three ties are on the list. His project is consistent with all the
12 County planning documents. It addresses the key goals of WA-CERT, the
13 Community Economic Development Strategy (CEDS), the County Comprehensive
14 Plan, and the Solid Waste Management Plan. The Solid Waste Management Plan
15 encourages the development of and funding for reuse programs. Support this
16 program and make it a number one priority for Whatcom County.

17
18 Earl Listebarger, Birch Bay View community spokesman, stated the
19 community would appreciate it if the County Council prioritizes it's needs on the
20 WA-CERT list. This is a project that has been brought up several times before and
21 failed because of the economic situation of the area. They badly need this WA-
22 CERT funding for the cost of the sewer.

23
24 Roger Brown, Birch Bay Water and Sewer District, stated he supports the
25 Birch Bay sewer installation project. There is a lot of community support for this
26 project. Failing on-site septic systems present a problem to health, the
27 environment, and the economy of the area. The Puget Sound Action Team and
28 State Department of Health Shellfish Program listed Birch Bay as threatened for
29 water quality a year ago. The sewer discharges are a part of the overall problem.
30 Last fall, the Council supported a resolution to submit an \$850,000 CDBG grant.
31 They were not successful in receiving a grant from that source, but the CDBG grant
32 staff indicated that they like the program and it should be submitted to the
33 community investment fund, another kind of block grant. That source of money
34 requires that the project be included in the top three on the WA-CERT ranking.
35 One of the main items that the program staff noted was that the project is ready to
36 proceed as soon as they receive a letter of commitment from the community
37 investment fund. The district is prepared to proceed with the project. Funding has
38 been identified and is directly dependant upon the WA-CERT ranking. He requested
39 the Council's continued support.

40
41 Ray Scott, 5198 Mt. Baker Highway, stated he encourages support for the
42 North Fork Community Resource Center, previously known as the Kendall Resource
43 Center, as a number one funding priority. Over the last year, they have been able
44 to procure \$74,000 in planning and feasibility grants. They are almost at the end
45 of phase one of that process. With the Council's and Executive Office's support,
46 they've moved forward with a consultant. There is strong community buy-in that
47 includes the Foothills Chamber of Commerce, Mt. Baker School District, and

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1 multiple agencies in town that recognize the need for service delivery in the east
2 county. This is the start of infrastructure that will address the incredibly low socio-
3 economic reality in that area, the lack of infrastructure, and the need to access
4 education that will help residents become viable and employable individuals. As the
5 east county area grows, it will need a workforce to fulfill job opportunities that will
6 be created in that area. He asked that the Council maintain the number one status
7 for the North Fork Community Resource Center.

8
9 Hearing no one else, McShane closed the public hearing.

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

12
13 **Brenner moved** to approve the resolution.

14
15 Nelson asked if the list in the Council packet is the list recommended by the
16 Economic Development Investment (EDI) Board.

17
18 McShane stated the EDI Board reviewed the projects and ranked them as
19 high, medium, and low. It then ranked the high projects specifically. He's on that
20 Board. His ranking as a councilmember deferred to the Board's ranking.

21
22 Roy stated she supports the project list as it is in the Council packet. The
23 top four that meet the criteria have lots of community involvement and additional
24 funding that will be available.

25
26 Fleetwood stated he supports the list also, with one change. Mr. Jager asked
27 the Council to include the Jobs from the Waste Stream project as a co-number one
28 project with the reasoning that the change wouldn't affect the two other number
29 one projects. He asked if that's so and, if it is, he would like to make that change.
30 Desler stated the Council should come up with a numerical ranking based on the
31 importance it places on these projects. The ranking is a statement that's made
32 about this community and the people who represent this community. He doesn't
33 know if the Jobs from the Waste Stream project will compete with the other
34 projects. The important role of the Council tonight is to rank the projects based on
35 how they should be represented to the other organizations in the community.

36
37 Fleetwood asked if Mr. Desler objects to the ties. Desler stated he
38 recommends that the Council rank all the projects individually.

39
40 McShane stated he is not speaking in favor of changing anything versus the
41 current ranking. The EDI Board's high ranked projects were essentially the same
42 as the Council's. That means the Board is doing a good job and is reflective of the
43 community as a whole.

44
45 **Nelson** stated he mostly agrees with the list, but that they don't want to
46 have ties. It doesn't send a good message, and demonstrates that the Council is
47 unsure of what it wants for the community. WA-CERT is looking to give grants to

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1 communities that have definitive ideas on how they want to spend their monies.
2 The Council needs to send a strong message reflective of the community and the
3 Council. He ***moved*** to rank the Kendall Resource Center project number one and
4 the Birch Bay Sewer Installation project number two. The Kendall Resource Center
5 project is a project they've all lobbied for at the federal level. They need to help
6 the eastern area of the county. These dollars are specifically for the depressed
7 forestry communities.

8
9 McShane stated he agreed with the motion. They've been committed to this
10 project, and he'd like to see it through. This is the first year the Council has ranked
11 the Birch Bay Sewer Installation project highly, for very good reasons.

12
13 Roy stated being on the WA-CERT list doesn't guarantee any money for
14 anything. It's symbolic. It gives other funding agencies the opportunity to see how
15 this community ranks these projects. The ranking doesn't guarantee that a project
16 gets anything if it is on the list. The project proponents still have to go out and get
17 grants. Desler stated it's significant that the WA-CERT team would come to this
18 community to speak with community officials for hours on the higher priority
19 projects to determine how they can succeed. The list is very important and helpful
20 to these projects.

21
22 Roy stated she's talked to people who assume that money comes along with
23 this ranking, but it doesn't necessarily.

24
25 Caskey-Schreiber stated she supports the motion. That's not a negative
26 reflection on the Birch Bay project. It's a good project. The Council can rank those
27 two projects as one and two. She supports the Kendall Community Resource
28 Center because there are many entities involved, and they need to keep the
29 momentum going. It's an enormous, vital project that will create jobs, address
30 health issues for children, educate, and provide technical access for people. She
31 also supports the Birch Bay Sewer Installation project, which will be great for that
32 area. The original intent of WA-CERT was to create jobs for displaced loggers. The
33 Kendall project does that well.

34
35 Brenner stated the two projects are equally important. After listening to Mr.
36 Desler's recommendation to rank the projects individually so the Council doesn't
37 give the wrong impression, she will support the motion. The Birch Bay request is
38 equally important as the Kendall request.

39
40 Roy stated she agreed. The important thing for the Birch Bay Sewer
41 Installation project just to be in the top three. There is a letter guaranteeing
42 funding if in the top three. She agrees with supporting the Kendall Community
43 Resource Center.

44
45 ***Motion to amend carried unanimously.***
46

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1 **Nelson** stated it's important that the Council do something to help farmers
2 in the community. They need processing. If they are going to be serious about
3 agriculture in Whatcom County, they need to do everything possible to support that
4 industry. He **moved** to rank the Whatcom Value Added Dairy Project to project
5 number two, and lower the Birch Bay Sewer Installation to project three. It will
6 keep the Birch Bay project in the top three. The Dairy project is only a half million
7 dollar project. The other projects are millions of dollars. Being ranked second will
8 give it attention right away. It's something that may be easy to do. Agriculture is
9 important to the state, as well.

10
11 Brenner stated she can't support the motion. The Birch Bay Sewer
12 Installation project is critical for the health of Birch Bay. They've heard for years
13 about the sewage leaking from the system. It has guaranteed funding she wouldn't
14 want to see the project moved down the list.

15
16 **Roy proposed a friendly amendment** to rank the Birch Bay Sewer
17 Installation Project number two and the Whatcom Value Added Dairy Project to
18 number three.

19
20 **Nelson accepted the friendly amendment.** He restated his motion to
21 rank the Birch Bay Sewer Installation Project number two and the Whatcom Value
22 Added Dairy Project to number three.

23
24 McShane stated he concurred, but the EDI Board discovered that the project
25 needs some fleshing out first. It's an up-and-coming project that will work it's way
26 higher on the list in the future. He hesitates moving it up on the list now.

27
28 Nelson stated he agreed, but fleshing it out is why they need the money.
29 It's a feasibility study, not a proposal.

30
31 Caskey-Schreiber stated she will support the motion. The project isn't that
32 much money that will be taken away from the Perpetually Affordable Home
33 Ownership project that is for \$10 million. This purpose for her is about jobs. The
34 agricultural industry has a farmgate value of \$287 million as of 2002. That's a \$40
35 million increase in the last five years. This motion could boost the farmgate value if
36 they can process here.

37
38 McShane stated his comment about the project not being fleshed out was
39 about a similar program that occurred in Ireland.

40
41 McShane stated the motion would move the Perpetually Affordable Home
42 Ownership project to number four.

43
44 **Motion to amend carried 4-3 with Crawford, Fleetwood, and McShane**
45 **opposed.**

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1 **McShane moved** to amend the tied ranking in item seven so the City of
2 Nooksack Stormwater Program is project eight and the City of Everson Water
3 Facilities Manganese Treatment project is project nine.

4
5 Caskey-Schreiber asked the reason for the motion.

6
7 McShane stated it's a struggle for the City of Nooksack to deal with. The
8 manganese treatment is about drinking water. People can commit to making the
9 changes they will need to make. It won't make a difference from the standpoint of
10 job creation. They really need to drop the metal counts down if they are going to
11 get pure enough water to put in a power plant.

12
13 **Motion to amend carried unanimously.**

14
15 **McShane moved** to amend the list to prioritize the two projects in number
16 nine. Rank the ReUse Works Jobs from the Waste Stream project as number
17 eleven and the Economic Development Council Economic Development Name
18 Branding & Marketing Campaign project as number twelve.

19
20 Caskey-Schreiber stated she really liked the ReUse Works proposal. It really
21 addresses the waste stream problem of used appliances. The project needs so little
22 money. She asked if there is another funding source through the County that this
23 project could use, such as EDI funds.

24
25 McShane stated the EDI funds have to go to public facilities infrastructure.

26
27 Caskey-Schreiber asked if there is any money available from the Solid Waste
28 fund or the Executive's fund. The requested amount is \$12,000 to \$15,000.

29
30 Nelson stated they could use solid waste dollars if it's a non-profit business
31 for the public benefit and it's a recycling issue in the county.

32
33 Caskey-Schreiber asked how the proponent would apply for those funds.

34
35 Pete Kremen, County Executive, stated it's a worthwhile cause. The
36 administration needs to know the benefit the community will receive. If the Council
37 supports it and the benefit is clear, the administration can find limited funding that
38 is not from the general fund.

39
40 Crawford stated the Solid Waste Advisory Committee can put this issue into
41 perspective with the entire solid waste set of issues for the County. He suggested
42 the proponent take the project to the Solid Waste Advisory Committee.

43
44 Caskey-Schreiber stated Mr. Jager is a newly-elected member of the
45 committee.

46

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1 **Brenner moved** to refer this project to the Solid Waste Advisory Committee
2 for a recommendation.

3
4 *(Clerk's Note: This motion was not voted on.)*

5
6 **McShane's motion to amend carried unanimously.**

7
8 **McShane moved** to amend the list to prioritize the two projects in number
9 eleven. Rank the Sustainable Connections Locals First Program as number 14 and
10 the Port of Bellingham's Aviation Capacity Development as number 15.

11
12 Brenner stated she would support the motion. When it came to a tie, it was
13 beneficial to the projects listed first on the tie list.

14
15 **Roy moved** to rank the Aviation Capacity Development as project 20.

16
17 **McShane withdrew his motion.**

18
19 Roy stated the Port is a taxing agency that gets a considerable amount of
20 public money for their projects. It should be separated from County projects,
21 issues, and funding. There are so many demands on County resources. There are
22 resources at the Port that can fund this.

23
24 Nelson stated that argument could be used for the cities of Lynden, Blaine,
25 Everson, and all the entities. He understands the concern, but these are not
26 County dollars. There are grant dollars that other agencies will look at. The
27 Council is only prioritizing these for importance to the community. The argument
28 that the Port has money isn't any different for any of the other entities making
29 applications. He is not in favor of the motion.

30
31 Crawford stated he agreed with Councilmember Nelson.

32
33 Brenner stated she can't support the motion, as an aviation enthusiast and a
34 husband who is a pilot, but he is not based in Bellingham.

35
36 McShane stated he supports the motion. The project is aimed at expanding
37 aviation capacity for corporate jets, not for the air traffic of regular folks.

38
39 **Roy's motion to amend failed 3-4 with Roy, McShane, and Fleetwood**
40 **in favor.**

41
42 Brenner stated her husband is based out of Seattle, not Bellingham.

43
44 **McShane moved** to amend the list to prioritize the two projects in number
45 eleven. Rank the Sustainable Connections Locals First Program as number 14 and
46 the Port of Bellingham's Aviation Capacity Development as number 15.

1 Brenner stated she is opposed to the motion. She would like to turn them
2 around.

3
4 ***Motion to amend carried 6-1 with Brenner opposed.***

5
6 ***McShane moved*** to drop the last item on the list, the Water Transmission
7 Main Installation from Sandy Point Public Utility District 1. The EDI Board was split
8 on this issue. It's not appropriate to rank the project. The EDI Board removed the
9 project because it doesn't fit the job creation criterion of WA-CERT. It is a major
10 infrastructure investment, and there isn't any link to job creation.

11
12 Brenner stated it's ranked last. It's not going to get any funding. It would
13 be a slap to the proponents to take the project off the list completely. She won't
14 support the motion.

15
16 Nelson stated he won't support the motion. Several projects on the list are
17 from certain associations. Associations do have problems maintaining
18 infrastructure. They deserve the right of any other entity to have the opportunity
19 to be ranked. Don't be prejudiced to one and not the others.

20
21 McShane stated there are two water associations. One is Georgia Manor
22 that serves existing homes. The Sandy Point project would be to increase capacity
23 to serve new homes.

24
25 ***Motion to amend failed 1-6 with McShane in favor.***

26
27 Caskey-Schreiber asked if the City of Blaine Downtown Boardwalk
28 Construction project will lose any funding because they ranked so low on the list,
29 and if the City would rather have that project switched with its Water Reclamation
30 and Overflow Protection Facilities project, which is ranked higher.

31
32 Gary Tomsic, City of Blaine Manager, stated it doesn't matter to him as long
33 as (*inaudible*).

34
35 ***Motion to approve the resolution as amended carried unanimously.***

36
37 **2. RESOLUTION SELLING TAX-TITLE PROPERTY BY PUBLIC AUCTION,**
38 **REQ. #07-04 (AB2004-237A)**

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

41
42 Loretta Simpson, 1855 Marine Drive, stated she is interested in purchasing
43 the property.

44
45 McShane asked if she is the neighboring property owner. Simpson stated
46 she is. A bad presence has been forced out. A property across the street has
47 trees. If she owns the property, she will have control over it. She doesn't know

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1 what she will do with the property. Now, the property is not bringing in any tax
2 dollars.

3
4 Brenner asked what the Council does when someone wants the property,
5 and the Council is going to put it up for auction.

6
7 Dewey Desler, Deputy Administrator, stated the County is obligated by State
8 law to use the public auction process to sell property. If approved, the resolution
9 will authorize the Treasurer to sell the property during a public auction at no less
10 than \$547.04. The property would go to the highest bidder at the public auction.

11
12 Hearing no one else, McShane closed the public hearing.

13
14 **Caskey-Schreiber** moved to approve the resolution.

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

17
18
19 **CONSENT AGENDA**

20
21 **Crawford** reported for the Finance and Administrative Services Committee
22 and **moved** to approve Consent Agenda items one through 15.

23
24 Brenner withdrew item 13.

25
26 Crawford withdrew item one.

27
28 ***Motion to approve Consent Agenda items two through twelve,***
29 ***fourteen, and fifteen carried unanimously.***

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

32
33 **13. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #04-**
34 **41 TO THE LOWEST BIDDER, ENVIRO-CLEAN EQUIPMENT, FOR A**
35 **REGENERATIVE AIR SWEEPER, IN THE AMOUNT OF \$137,099.41**
36 **(AB2004-258)**

37
38 Brenner stated a private contractor is available 24 hours per day to perform
39 this service. The County staff said it wants more flexibility than what the contractor
40 would provide. The County can't get more flexible than having someone available
41 24 hours per day, seven days per week. It's nice for the County to own toys, but
42 the County should use the private sector as much as possible. The notion was
43 brought up that the County would save money by moving staff around instead of
44 hiring someone. That's not true. First, if they don't need the person in one
45 position, remove that person or move that person elsewhere. During the budget
46 hearings, administration will ask for more staff in different areas. It's outrageous
47 to say this won't increase staff. The administration will request more staff. This

1 item takes business away from the private sector. Wherever possible the private
2 sector should do the business for the County.

3
4 Nelson asked about the need to find a facility for this equipment.

5
6 Jeff Monsen, Public Works Director, stated the Council already approved a
7 contract for architectural services to construct a heated storage building that would
8 service this and other equipment. The County does not currently have enough
9 heated storage to house this piece of equipment.

10
11 Nelson referenced a statement in the third paragraph of a June 17, 2004
12 memo from Mary Green and Mike Roberts to Brad Bennett, on Council packet page
13 188. They really haven't gotten a bid yet with these specifications. Monsen stated
14 he has always proposed that the County purchase one unit and use a contractor
15 also. The federal stormwater program may require as many as four units. At this
16 point, he is reluctant to make that expenditure, knowing that a certain amount of
17 work must be done. They must maximize the County's flexibility to respond to
18 needs. Also, the predictable work that is easy to bid would be contracted. This is
19 the start of that program. Once they have one to two years of experience with this
20 service, he presumes the County will expand the contract.

21
22 **Nelson moved** to hold this item in the Finance Committee until they know
23 what the heated storage facility will cost and when a final contract is brought
24 forward for Lake Samish and Lake Whatcom. Monsen stated the information
25 regarding the heated storage is in additional service request (ASR) 2004-2400,
26 which was discussed during the budget process. He asked that the Council take
27 action on this item so they don't further delay work this summer. He hopes to get
28 the other contractor service underway before fall. During his meeting with Bayside
29 Services, they both learned information about the kind of effort required to perform
30 this work. Bayside Service agreed that a re-bid is appropriate. His ability to
31 estimate County operating cost improved. With the information available, the cost
32 is about the same. He doesn't propose that the County equipment be used for the
33 lowest cost activity. It will go toward the activities that are a highest cost. He will
34 contract for the service that has the highest predictability and is most competitive
35 for bidding.

36
37 Desler stated the appropriation for the building was for \$200,000 to house a
38 waste truck and this sweeper unit. The building cost is built into the rates
39 compared to the private sector. It's part of a capital depreciation schedule.

40
41 Nelson stated he needs to see the comparison.

42
43 Monsen stated he doesn't propose a sweeping program that compares with
44 county services. The design of this program separates the kinds of sweeping,
45 which prevents staff from providing the Council a comparison. The on-call activities
46 is where the County will provide the service. The activities that sweep the
47 watershed regularly is suited for a contract.

1
2 Nelson stated they could start with the contract service, see how that works,
3 find out what the on-call needs are, and then look at this contract in regards to a
4 contracted service. The Council can make an informed decision rather than buying
5 more equipment and adding more personnel. Monsen stated they are replacing
6 equipment and downsizing the fleet to shift away from using excavator-type
7 equipment to deal with stormwater to sweeping activities relative to stormwater.
8 That's why there is no staffing change. There is a reduction in equipment value.
9 He is doing exactly what Councilmember Nelson said. He is presenting a bid award
10 for the sweeping contract in the watershed. They found ways to save money
11 through a bid process. He can't offer both tonight. He doesn't believe they should
12 wait. He doesn't have a legal ability to simply go out and enter into a contract
13 service without going through that bid process.

14
15 Nelson stated it's not fair to the Council to make these decisions without
16 having information on the service if contracted. It would behoove the County to
17 consider contracting. If they are going to get rid of equipment, they would have
18 less need for equipment and personnel. Monsen stated that if they want to go to
19 that level of discussion of stormwater management, know that he is required to do
20 many activities. In this next budget process, they will have to decide where they
21 will place that effort and decide what activities the County will no longer do. If they
22 are going to simply sweep the Lake Whatcom watershed, the County's estimated
23 costs are between \$213,000 and \$240,000. The bid price received was about
24 \$270,000. There is a way to offset that amount, but they don't know yet how.

25
26 *(Clerk's Note: End of tape one, side B.)*
27

28 Nelson stated a private company can get started on a service a lot quicker
29 than the County, which has to buy the equipment.
30

31 Caskey-Schreiber stated the Council had a discussion about this years ago.
32 They saw the results of a street sweeping program, which would reduce pollutants
33 in Lake Whatcom. They were all enthusiastic about it. Having this equipment at
34 the County's disposal has value. She will support the request.
35

36 Monsen stated that to understand a likely bid price versus internal costs,
37 staff has already given notice to the equipment vendor. Any further delay may
38 impact the bid, but he's not sure. The vendor has said that to the County, but he's
39 not sure if that's true.
40

41 ***Motion to hold in committee failed 3-4 with Nelson, Roy, and Brenner***
42 ***in favor.***
43

44 ***Motion to approve the request carried 5-2 with Brenner and Nelson***
45 ***opposed.***
46

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1 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
2 **PURCHASE AND SALE AGREEMENT BETWEEN WHATCOM COUNTY AND**
3 **THE CITY OF BELLINGHAM FOR PROPERTY LOCATED AT 2140**
4 **DIVISION STREET IN THE AMOUNT OF \$873,000 (AB2004-213B)**
5

6 *Crawford moved* to approve the request, for the sake of discussion. He
7 asked about the extra information, a map and legal description, the Council
8 received today that addressed electrical, storm drainage, and gate easements.
9

10 Dewey Desler, Deputy Administrator, stated he thought the information is
11 from the City of Bellingham. He received a copy of it late this afternoon.
12

13 Crawford stated his concerns about easements weren't unfounded. He
14 assumes that the drainage easements can be moved because development of this
15 property will require re-engineering of the stormwater anyway. Once the County
16 has ownership, it will have an extra step to move the easements. That's not
17 critical. A concern is the gate easement. There is a sliding gate on the front of lot
18 B, at Division Street. That gate moves to the west. That is where they had
19 thought a driveway would go. The gate would have to be moved. This map shows
20 an easement for the gate. Desler stated he would ask the City to redesign the gate
21 so it would not impinge upon the six acres. However, if the gate were to remain, it
22 wouldn't be an impediment to the successful use of the site. Councilmember
23 Crawford is correct in respect to the storm drainage easements. The administration
24 intends to satisfy all the necessary requirements to provide proper drainage of the
25 area. They don't want drainage under buildings. If needed, they will reset the
26 drain lines. It's not costly to do.
27

28 Crawford asked the purpose of the electrical easement. Desler stated this is
29 the first he's seen of it. It can probably be adjusted to the County's needs.
30

31 Crawford stated the amount of area this lot line adjustment would incorporate
32 is about 47,000 square feet. It's about 1.1 acres, not 1.5 acres. During the
33 Finance Committee, he discussed the value of the Holly Street property, for which
34 they are trading. This bumps the price up to \$6 per square foot. The appraisal on
35 the other parcel is \$3.75 per square foot. He's not sure this rear parcel would be
36 appraised at even \$3.75 per square foot because it doesn't have street frontage.
37 He won't support the purchase and sale agreement for all the reasons he discussed
38 earlier. There are a number of unresolved issues, including the easements and the
39 piles of dirt on the property. There is a verbal agreement to move those piles
40 somehow. If the Council approves this, stipulate that the dirt must be moved
41 before closing. Desler stated Deputy City Administrator Don Keenan has said three
42 times that the dirt will be moved. He expects it to be moved in the next three to
43 four weeks.
44

45 Crawford stated he would vote against this purchase and sales agreement for
46 all the reasons he stated earlier in the day. There is a lot of issues that need to be
47 cleaned up first. With the cooperation of the City, they can work toward a good

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1 resolution. The City would have to probably extend the zoning circumstances
2 beyond June 30, which the City Council can do.

3
4 Caskey-Schreiber stated there is a window to July 30 to make sure this site
5 will work. She is comfortable the administration will resolve all of Councilmember
6 Crawford's concerns.

7
8 Brenner stated she wanted to support this. However, she was irritated that
9 the County spent a lot of time and money in good faith doing appraisals on a lot of
10 properties under the Mayor's assertion that the County would trade properties.
11 That changed dramatically. The County is paying \$100,000 more for a property
12 than what it would appraise at. She would rather see the County tell the City it
13 wants a fair exchange. Don't pay more than the appraised value.

14
15 Nelson stated he will defer to the administration for its recommendation on
16 this issue.

17
18 Pete Kremen, County Executive, stated this transaction has been in the
19 making for nine months to a year. It hasn't been perfect or as expeditiously as he
20 would have liked. The County has a critical need for more jail space. The
21 agreement with the City of Bellingham, considering all things, is a fair deal that is in
22 the best interest of the community. He recommends approval.

23
24 Caskey-Schreiber stated it is a fair deal. The City is going to lose revenues
25 from giving up seven acres of industrial property. She's comfortable with a slightly
26 perceived advantage in the land trade. They are not losing money on the trade.
27 The County's trading property is a park. If they want to develop that park
28 property, the City would still have to permit it. The City wants to protect and have
29 that park area. With the additional 1.1 acre parcel on Division, the County will be
30 able to have stormwater mitigation that will allow the County to fully use the
31 parcel. The administration did a good job negotiating.

32
33 McShane stated he appreciates the administration's hard work and looks
34 forward to working on establishing a location for a more permanent jail. He hopes
35 the mayor of Bellingham and Bellingham City Council appreciates the significant
36 role they will play in that process, for the good of the City and County. There may
37 be some good lessons to learn from this effort.

38
39 Nelson stated he hoped the County Council realizes this isn't the final
40 solution.

41
42 ***Motion to approve the request carried 5-2 with Brenner and Crawford***
43 ***opposed.***

44
45 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
46 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND REGION 1**
47 **- SNOHOMISH HEALTH DISTRICT TO PURCHASE EMERGENCY**

- 1 **RESPONSE PLANNING EQUIPMENT AND SUPPLIES IN THE AMOUNT**
2 **OF \$29,980 (AB2004-247)**
3
- 4 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
5 **ECONOMIC DEVELOPMENT INVESTMENT PROGRAM INTERLOCAL**
6 **LOAN AND GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND**
7 **THE CITY OF BLAINE TO SUPPORT THE CONSTRUCTION OF THE**
8 **PEDESTRIAN BOARDWALK IN THE AMOUNT OF \$436,667 IN THE**
9 **FORM OF A GRANT, AND A LOAN AMOUNT OF \$873,333 (AB2004-**
10 **248)**
- 11
- 12 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
13 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE**
14 **CITY OF FERNDALE TO PROVIDE \$50,000 TOWARDS A NEW TRAFFIC**
15 **SIGNAL BEING CONSTRUCTED BY THE CITY AT THE INTERSECTION**
16 **OF RURAL AND SLATER ROADS (AB2004-249)**
17
- 18 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
19 **COOPERATIVE AGREEMENT BETWEEN WHATCOM COUNTY AND THE**
20 **ARMY CORPS OF ENGINEERS FOR LEVEE REHABILITATION WORK ON**
21 **THE RITTER ROAD LEVEE LOCATED ON THE LEFT BANK OF THE**
22 **NOOKSACK RIVER EAST OF RITTER ROAD IN THE AMOUNT OF**
23 **\$60,066, FOR A COUNTY COST SHARE IN THE AMOUNT OF \$12,013**
24 **(AB2004-250)**
25
- 26 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
27 **COOPERATIVE AGREEMENT BETWEEN WHATCOM COUNTY AND THE**
28 **ARMY CORPS OF ENGINEERS FOR LEVEE REHABILITATION WORK ON**
29 **THE SANDE-WILLIAMS LEVEE LOCATED ON THE RIGHT BANK OF THE**
30 **NOOKSACK RIVER IN THE AMOUNT OF \$128,020, FOR A COUNTY**
31 **COST SHARE IN THE AMOUNT OF \$25,604 (AB2004-251)**
32
- 33 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
34 **COOPERATIVE AGREEMENT BETWEEN WHATCOM COUNTY AND THE**
35 **ARMY CORPS OF ENGINEERS FOR LEVEE REHABILITATION WORK ON**
36 **THE RIGHT BANK BERTRAND CREEK LEVEE IN THE AMOUNT OF**
37 **\$176,715, FOR A COUNTY COST SHARE IN THE AMOUNT OF \$35,343**
38 **(AB2004-252)**
39
- 40 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
41 **COOPERATIVE AGREEMENT BETWEEN WHATCOM COUNTY AND THE**
42 **ARMY CORPS OF ENGINEERS FOR LEVEE REHABILITATION WORK ON**
43 **THE LEFT BANK BERTRAND CREEK LEVEE IN THE AMOUNT OF**
44 **\$40,821, FOR A COUNTY COST SHARE IN THE AMOUNT OF \$8,164**
45 **(AB2004-253)**
46

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- 1 **9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
2 **GRANT AGREEMENT WITH THE NATIONAL FISH AND WILDLIFE**
3 **FOUNDATION TO MANAGE KNOTWEED IN THE UPPER NOOKSACK**
4 **RIVER CORRIDOR IN THE AMOUNT OF \$30,000 (AB2004-254)**
5
- 6 **10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
7 **THREE YEAR SUBSCRIBER AGREEMENT BETWEEN WHATCOM COUNTY**
8 **AND WEST PUBLISHING TO PROVIDE ONLINE AND HARDBOUND**
9 **LEGAL RESEARCH TOOLS TO THE WHATCOM COUNTY PROSECUTOR**
10 **IN THE AMOUNT OF \$33,979 (AB2004-255)**
11
- 12 **11. RESOLUTION ESTABLISHING CRP NO. 998023 AND AWARDING THE**
13 **BID FOR THE SUNRISE ROAD WETLAND MITIGATION AT UPPER**
14 **CLARK PIT TO THE LOW BIDDER, COLACURCIO BROTHERS**
15 **CONSTRUCTION IN THE AMOUNT OF \$129,980 (AB2004-256)**
16
- 17 **12. RESOLUTION ESTABLISHING CRP NO. 903009 AND AWARDING THE**
18 **BID FOR THE LAKE WHATCOM BOULEVARD AUSTIN CREEK BRIDGE**
19 **#116 REPLACEMENT TO THE LOW BIDDER, ONE WAY**
20 **CONSTRUCTION, INC. IN THE AMOUNT OF \$1,197,268.87 (AB2004-**
21 **257)**
22
- 23 **14. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #04-**
24 **52 TO THE LOWEST BIDDER, FOSS MARITIME, FOR ANNUAL**
25 **DRYDOCK OF THE WHATCOM CHIEF, IN THE AMOUNT OF \$147,197**
26 **(AB2004-259)**
27
- 28 **15. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
29 **RENTAL AGREEMENT BETWEEN WHATCOM COUNTY PARKS &**
30 **RECREATION AND CHRIS FULTON FOR REAL PROPERTY SITUATED ON**
31 **THE MAPLE FALLS TO GLACIER TRAIL, GLACIER, WASHINGTON FOR A**
32 **TERM OF FIVE YEARS COMMENCING ON JANUARY 1, 2003 AND**
33 **ENDING ON DECEMBER 31, 2007 (AB2004-180)**
34

OTHER ITEMS

- 35
- 36
- 37
- 38 **1. REPORT ON COMMITTEE PRESENTATION BY THE LUMMI NATION AND**
39 **THE NOOKSACK TRIBE REGARDING THE SOUTH FORK**
40 **NOOKSACK/LOWER HUTCHINSON CREEK PROJECT (AB2004-245)**
41

42 Roy reported for the Natural Resources Committee. This is an interesting
43 concept, but there is more to the story and more will come forward about it.
44

45 McShane stated he scheduled this in committee because he was concerned
46 about all the councilmembers hearing from various individuals. He thought this
47 was something the Council should hear in committee.

1
2 Roy stated she got an idea that the County's River and Flood Division is on
3 top of the situation and has a sense of what is happening and what needs to be
4 done still.
5

6 **2. ORDINANCE AMENDING THE 2004 WHATCOM COUNTY BUDGET,**
7 **EIGHTH REQUEST (AB2004-244)**
8

9 Crawford reported for the Finance and Administrative Services Committee
10 and **moved** approval on behalf of the Finance Committee. He is against the
11 motion. If that additional property is 47,000 square feet and is appraised for the
12 full value of the remainder at \$375,000, it would be a \$104,000 difference in value
13 of the Holly Street property. Don't approve this request, and recommend a
14 reduction in this request from \$296,000 to \$192,000. However, the Council
15 already approved the purchase and sale agreement for an amount of \$873,000.
16 It's probably incumbent on them to authorize that amount. However, the County is
17 overpaying by \$104,000, and he won't support the motion.
18

19 ***Motion to approve carried 5-2 with Brenner and Crawford opposed.***
20

21 **3. ORDINANCE ADOPTING THE BIRCH BAY COMMUNITY PLAN (AB2004-**
22 **121)**
23

24 Fleetwood reported for the Planning and Development Committee and stated
25 the Council needs to have a discussion on whether Birch Point and Point Whitehorn
26 will remain in the urban growth area (UGA). There are many implications from that
27 decision. The Council will take a straw vote on that issue.
28

29 **McShane** stated the last straw vote of the Council, the Council took the
30 position of removing the Birch Point and Point Whitehorn areas out of the UGA.
31 The committee worked with that decision. How the committee proceeds depends
32 on the Council's decision in this matter. He **moved** to remove from the UGA the
33 Birch Point area and Point Whitehorn area west of Koehn Road and south of
34 Grandview Road.
35

36 The number one and two ranked projects on the Washington Community
37 Economic Revitalization Team (WA-CERT) resolution are both targeted at stand-
38 alone urban growth areas. UGA's outside of cities struggle with infrastructure. One
39 problem is already in Birch Bay with its sewer system. The other is in Kendall,
40 which doesn't have a community center. Birch Bay will also have issues with not
41 having a community center.
42

43 Another issue the Council should address is a Comprehensive Plan item that
44 should be addressed through an amendment. The issue is just how large the
45 stand-alone UGA's should be. They have been a struggle for this county for a long
46 time. The three area are Sudden Valley, Kendall, and Birch Bay.
47

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1 He's comfortable with expanding the UGA in Birch Bay in the area toward the
2 west. Birch Point and Point Whitehorn are problematic for a number of reasons.
3 There are already sewer and water infrastructure issues. Second, the County is
4 dealing with significant stormwater and drainage issues. The County received
5 letters from the State Department of Ecology and the Puget Sound Action Team, of
6 which he is a member.
7

8 One of the issues he's working on with the Puget Sound Action Team is to
9 draft a recommendation to the State for nearshore habitat for salmon recovery. In
10 talking about it, his attention was drawn to the impacts of developing Point
11 Whitehorn, which is a conservancy shoreline area for Whatcom County and a
12 shoreline of statewide significance. The significance is for aesthetics, herring
13 spawning, eelgrass beds, juvenile salmon habitat, and other wildlife. Juvenile
14 salmon move along these areas as part of their acclimation process. They could
15 put in place a significant amount of stormwater protection, but they would still alter
16 the hydrology of the inter-tidal area, which are critical nearshore habitat for critical
17 and endangered species. Until and if they have a better understand of those
18 impacts, it's not appropriate to move forward with urban level development in
19 those areas.
20

21 If they do put in stormwater infrastructure for a large urban growth area, a
22 question is whether the County has the fiscal ability to manage an urban level of
23 stormwater. It will be problematic and expensive for the County. If Birch Bay
24 starts to have water quality problems, which it is, the County will inherit some
25 expensive things to deal with. He's not advocating that. In the future, they may
26 be able to add those areas to the UGA. However, the fundamental question is
27 whether the County should allow a UGA not connected to a city to remain large or
28 expand.
29

30 Roy stated she agrees about the nearshore habitat. The letters from the
31 Department of Ecology and Puget Sound Action Team talk about areas within the
32 bluffs and nearshore areas. All of Birch Point is a flat top bluff and nearshore area.
33 The sensitive bluffs of sand that shouldn't absorb water already have thousands of
34 feet of impervious surfaces and drainage systems. They've already compromised
35 the bluffs. A lot of Councilmember McShane's issues could be handled by the
36 recommendation of the steering committee to keep this area as a long-term urban
37 growth area. She'd like to see geological studies from neutral parties. There is
38 more to bluff stability than building houses in the middle of the point. There are
39 other issues they haven't addressed. The feeder bluffs have always sloughed off.
40 One way to address the issue is to keep the area in the long-term UGA.
41

42 This is a major downzone. That should be a last resort. Keeping the area as
43 a long-term planning area would give them time to get geo-technical studies they
44 can share. They can set up the protection they need. From those evaluations, they
45 could rezone to one house per five acres. There are a lot of opinions. Residents
46 from Point Whitehorn have said that the bluffs were sloughing a lot until they put in
47 sewer. The Council is making many assumptions without getting the information it

1 needs. The reasons for taking this out assume that all this development would
2 happen tomorrow. Leave the area as a long-term planning area. Get some geo-
3 technical studies they trust. Look at stormwater. Look at these impacts. Then
4 decide about zoning.
5

6 Caskey-Schreiber stated she would rather err on the side of caution. When
7 they designate an area as a UGA, they give growth a green light. Previously, the
8 councilmembers were brought plans for development in Birch Bay. No one ever
9 distinguished between short- and long-term areas. They found out they were
10 approving development in long-term planning areas. Another Council might allow
11 development in the UGA, not considering the comments from the Puget Sound
12 Action Team, which strongly urged the Council to remove these areas from the UGA
13 because they aren't appropriate for groundwater infiltration. Their bigger concern
14 is the effect of steering the water to the beaches and that effect on the water's
15 salinity. It's a fragile area designated as a state significant shoreline. She's
16 disappointed that many community members think the councilmembers are siding
17 with one neighborhood versus another. Puget Sound is dying from a thousand
18 cuts. Every single action like this degrades nearshore habitat and leads to the
19 detriment of the ecosystem Sound-wide. It's irresponsible to give a green light for
20 growth when they know why this area is not appropriate. The Puget Sound Action
21 Team has top experts that they consult with. After they figure out how to mitigate
22 the effects of development, then they can allow it. She's not convinced that can
23 happen. She's worried they already have labeled this as a target growth area,
24 which is what a UGA is.
25

26 Brenner stated she voted to remove Birch Point last time. She took a trip to
27 the area, and has changed her mind. The problem comes from the houses already
28 built on the bluff. The Trillium property is extremely flat. If the area is in a long-
29 term planning area, the density won't be more than one house per five acres until
30 there is sewer in the area. Sewer will help mitigate the problems that already
31 exist. Someone said today that increased density can be a pro-environment
32 alternative. The best way to offset the damage that has been done is by installing
33 sewer in the area. The anecdotal information about Point Whitehorn makes sense.
34 She will vote for the information.
35

36 McShane stated about 80 percent of the work he does is geo-technical
37 reports on slop stability. Any geo-technical reports in those areas don't have to
38 evaluate the impacts to aspects of the entire environment, such as salinity in the
39 nearshore zone. The issue is not necessarily about slope stability. One engineer
40 submitted a report that indicated a problem with water infiltrating upland of the
41 Birch Point area that is causing bluff instability. One can deal with that easily. Put
42 in drainage systems to take all the water off the bluff. There won't be as much
43 bluff erosion. They could even reduce the bluff erosion, so the feeder bluff would
44 starve because it no longer will receive water. Water is the enemy of slope
45 stability. Urban levels of development on the top of the bluff will motivate the
46 stopping of bluff erosion because people hate watching urban areas collapse into

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1 the bay. One or two houses aren't as big a deal because the properties are large
2 and they can move the houses back on the property.

3
4 The sewer line will address nutrient issues. It will do nothing about affecting
5 the salinity in the tidal zone. The science doesn't have a good handle on the
6 salinity and the impact of how critical the habitat may be for the fishing industry
7 and endangered salmon. There will be impacts to the salinity no matter what they
8 do to protect the environment.

9
10 If they want the area to be a UGA, reverse it. Take the area out of the UGA
11 until someone can prove that there won't be impacts to salinity and shorelines.
12 There is no way to get around the impacts.

13
14 Nelson stated future development isn't causing problems. Existing
15 development is. Opportunities lie with future development. He would rather err to
16 make sure the area is protected. The only way to protect the area is by leaving the
17 area in the UGA and putting in the necessary mechanisms. Even five-acre parcels
18 will have detrimental impacts, and the County will have no way to control it. The
19 Council needs to look at this comprehensively. Leaving the area zoned rural, one
20 unit per five acres (R5A) will take that control from the County. This is crucial to
21 protecting the nearshore environment.

22
23 The Council needs to be cognizant of local community planning processes.
24 This is their neighborhood. He would rather err with the neighbors.

25
26 Caskey-Schreiber stated it is the residents' neighborhood, but the area
27 affects the entire Puget Sound when they eliminate herring beds. She cannot
28 sanction an urban level of growth in a sensitive area.

29
30 McShane stated a bigger problem is that the UGA is too big for the
31 population projection.

32
33 Roy stated one of her concerns was with the population projections. If they
34 remove an area from the UGA, they have to redistribute density to other areas in
35 the UGA. In the letters from the Department of Ecology and the Puget Sound
36 Action Team, not one sentence mentions internal development. They're talking
37 about impacts to the bluff. She asked if the population redistribution is an issue for
38 Councilmember McShane.

39
40 McShane stated it's not an issue for him. They're not shifting growth from
41 those areas into other areas of Birch Bay. He would like to shrink the UGA even
42 more.

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

45
46 McShane continued to state that the stand-alone UGA's create problems for
47 the County in terms of managing and planning for them. Don't increase the density

1 in other areas of Birch Bay. According to the information from Sylvia Goodwin,
2 there is enough land base already for the population projection the Council selected
3 in January. The population projection for 2022 for Birch Bay, which is high, is
4 accommodated in the land base of Birch Bay without Birch Point and Point
5 Whitehorn. He agreed that the emphasis of the letters is on slope stability. That's
6 what's obvious to people. What's not obvious to people is the salinity impacts to
7 the nearshore area. It's not emphasized in the letter because it's a technical issue
8 that isn't getting through to people. The Department of Ecology shoreline program
9 is only 200 feet from the shoreline. That's not far enough when there are really
10 high bluffs.

11
12 Roy stated she appreciates the nearshore habitat. The illegal bulkheads and
13 pipes are awful. However, she would like to see a connection with the land in the
14 middle of Birch Point that has detention ponds. None of these letters and
15 Councilmember McShane's arguments is making the connection between that flat
16 land in the middle and the bluff stability. She would be willing to vote for a building
17 moratorium until they have that scientific information. What they've done to the
18 bluffs currently has damaged the bluffs.

19
20 Nelson stated during the discussions on downzoning Lake Whatcom and Lake
21 Samish, he asked a question about where the population density would go. Mr.
22 Hart said there are areas in Birch Bay. He asked if that is still true.

23
24 Hal Hart, Planning and Development Director, stated the debate now is
25 whether the long-term area should remain long-term at Birch Point. It is currently
26 in a short-term area at Point Whitehorn. There will be fewer impacts if the areas
27 are long-term planning areas. Growth that is coming is tremendous and focused on
28 this area.

29
30 Nelson stated that if the Council continues to remove areas where growth
31 will occur, there will be strains in other areas that they can't identify. Hart stated
32 it's the same issue with Bellingham. They need Bellingham to offer a diversity of
33 housing types so the R5A zone isn't the only alternative to folks.

34
35 McShane stated that as a scientist who understands the flow of water
36 through that area and any upland area, the bluffs have been damaged. Regardless
37 of the bluff damage, the fresh water enters the tidal area. They are going to alter
38 that flow of water.

39
40 Roy stated that will happen because of logging.

41
42 McShane stated logging will play a big role. It comes down to a policy
43 decision. He bases his policy decision on the fact that there will be impacts to
44 salinity on the shore, which will cause probable harm. They will not be able to
45 remotely maintain the hydrology moving through the tide flat area. It will be
46 changed.

47

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1 Roy stated the north side of Point Whitehorn has been developed for 25 to
2 30 years. It's a healthy environmental area with many species. It is a highly
3 developed area. She doesn't want to defend development around marine areas.
4 She's arguing that they are over-reacting and taking things out of context. They
5 need to look at it. She asked an environmentalist recently about the harm of
6 putting restrictions on the area and making it a long-term planning area. The
7 answer she received was that there is no harm in that if that's really what happens.
8

9 McShane stated one can go to a sewage outfall and see tremendous wildlife
10 in a marine environment. There could be a lot of activity, but it may not provide
11 the habitat for rearing juvenile salmon using that shoreline area. They don't have
12 an answer to that question.
13

14 Caskey-Schreiber stated she spoke to a person from the Shannon Point
15 Marine Center in Anacortes who is doing a state study on herring. The person said
16 herring can tolerate a 50-50 mix of saltwater and freshwater. That's probably why
17 that bed is so significant. There is lots of freshwater seeping out of the ground to
18 that area. If there is an increase in development, the question is whether
19 stormwater runoff will increase. They don't know. The risk they take with
20 development is whether they will impact that mix that herring need to survive.
21 This is one of the major herring habitats left in the Puget Sound.
22

23 Brenner stated herring are very important. It's not a debate about
24 supporting herring or not. Stick to their own opinions of what is best and don't put
25 opinions on other people. Herring is important.
26

27 ***Motion failed 3-4 with Caskey-Schreiber, Fleetwood, and McShane in***
28 ***favor.***
29

30 **4. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
31 **PLAN TEXT AND MAP REGARDING THE BIRCH BAY URBAN GROWTH**
32 **AREA (AB2004-122)**
33

34 This item was not discussed.
35

36 **5. APPOINTMENT OF CHERYL JOHNSON TO THE UTILITIES PLANNING &**
37 **ADVISORY COMMITTEE (AB2004-246)**
38

39 ***Nelson moved*** to appoint Cheryl Johnson.
40

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

44 **INTRODUCTION ITEMS**
45

46 ***Nelson moved*** to accept Introduction Items one through four.
47

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

- 3 **1. ORDINANCE AMENDING WHATCOM COUNTY CODE 6.04 ANIMAL**
4 **CONTROL (AB2004-261)**
5
6 **2. ORDINANCE AMENDING THE 2004 WHATCOM COUNTY BUDGET, 9TH**
7 **REQUEST (AB2004-262)**
8
9 **3. RESOLUTION PROVIDING FOR SUBMISSION TO THE QUALIFIED**
10 **VOTERS OF THE COUNTY A PROPOSITION AUTHORIZING A LOCAL**
11 **SALES AND USE TAX OF ONE TENTH OF ONE PERCENT FOR THE**
12 **PURPOSE OF PROVIDING FUNDS FOR COSTS ASSOCIATED WITH**
13 **FINANCING, DESIGN, ACQUISITION, CONSTRUCTION, EQUIPPING,**
14 **OPERATING, MAINTAINING, REMODELING, REPAIRING, RE-**
15 **EQUIPPING, AND IMPROVEMENT OF JAIL FACILITIES (AB2004-263)**
16
17 **4. RESOLUTION APPROVING THE WHATCOM COUNTY SIX YEAR**
18 **TRANSPORTATION IMPROVEMENT PROGRAM (AB2004-221)**
19

20 **ADDENDUM:**

- 21 **5. ORDINANCE PLACING A BAN ON CARBURETED TWO-STROKE ENGINES**
22 **ON LAKE WHATCOM EFFECTIVE JUNE 21, 2005 (AB2004-265)**
23

24 ***Fleetwood moved*** to accept this Introduction Item.
25

26 Nelson stated he is against the motion. The public is addressing this issue.
27 He is not ready to vote on this issue yet, without having a further study on the two-
28 stroke engines.
29

30 Fleetwood stated there will be a public hearing on July 20 regarding a boat
31 ban. He wants to introduce this item because it seems this is an issue that will
32 come forward. He wants to consolidate the two issues so they can have one public
33 hearing on the issue of boats. This item gives the Council more alternatives to
34 consider at that time.
35

36 The Environmental Protection Agency (EPA) has urged the eventual phasing
37 out of carbureted two-stroke engines. The Lake Whatcom Management Committee
38 adopted the recommendations to phase out carbureted two-stroke engines. The
39 Lake Whatcom Motorized Watercraft Advisory Committee recommends the eventual
40 phasing out of carbureted two-stroke engines. This is something the Council will
41 have to deal with at some point. The advisory committees have made this
42 recommendation. Introduce the item.
43

44 Brenner stated she is against the motion. All these committees are political
45 committees that have made this opinion. They are going to be phased out anyway
46 because of the EPA regulations. Dr. Robin Matthews said development is the
47 problem, not boats. She is the expert.

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1
2 Caskey-Schreiber stated it is a well-known fact that carbureted two-stroke
3 engines contribute pollution. As they deal with the problems with Lake Whatcom,
4 recognize and address known pollution sources, of which this is one. Had Dr.
5 Matthews been asked about these engines, she would have said they are not a good
6 idea for the lake. If they wait for the EPA phase out, it will take about ten years to
7 remove these from the system. This will be a nice option to the all-out ban to
8 consider during the July 20 public hearing.
9

10 Nelson stated that given all the considerations for downzoning, stormwater
11 management, street sweeping in the Lake Whatcom watershed on water quality, he
12 needs to see what they will gain by riling up the community on this issue when the
13 Council will need the community's support on other issues that are really impacting
14 the lake.
15

16 Fleetwood stated they've all acknowledged the need for a multi-faceted,
17 comprehensive approach to protecting water quality on Lake Whatcom, which
18 requires a series of things including big picture things. Dr. Matthews mentioned
19 density reduction and stormwater. He hoped the Council addresses them soon.
20 They also need to deal with the smaller things, of which this is one.
21

22 Nelson asked if they will get rid of the geese, which have been identified as
23 the cause of the e-coli loading.
24

25 Roy asked the relationship between the mini-initiative and this item.
26

27 Fleetwood stated the Council adopts or rejects the substance of the initiative.
28 The Council will either adopt or reject a boat ban on July 20.
29

30 Roy asked how this ordinance prevents the County Council from having to
31 have two public hearings.
32

33 Fleetwood stated at some point, the Council is going to have to deal with the
34 issue of two-stroke engines. Given the masses of people that will come to the
35 Council and speak on the boat ban issue, bring this item forward now and include it
36 in the public hearing. They are related.
37

38 McShane stated he supports the motion. This was recommended to the
39 Council in March. The Council sat on it then. It's time to take some action on it.
40 The councilmembers have three weeks to find out as much information as it can on
41 these issues.
42

43 Caskey-Schreiber asked to talk about the format from that meeting, and the
44 possibility of limiting public comment to three hours of testimony so the Council has
45 time to discuss the issue and take action.
46

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1 McShane stated the Council has historically been willing to take a lot of
2 testimony and go for a long time. It may be painful. He has discretion as chair to
3 limit testimony to three hours. He will encourage people to limit their comments.
4 At a certain point, they can cut off testimony if they decide to that night.

5
6 Nelson asked if they would have to have the hearings separately, if there are
7 two hearings scheduled.

8
9 McShane stated they would.

10
11 Brenner stated they could say at the beginning of the evening that the
12 hearing will last for three hours, so people will take time away from other people if
13 they aren't willing to limit their comments. It would be the most fair to stagger pro
14 and con comments.

15
16 Crawford stated the Planning Commission once, during a controversial issue,
17 asked the two sides to have 20 minutes at the start to make a prepared
18 presentation on the subject. This is not as simple as assuming there is a one-size
19 fits all issue. Both sides feel they have gathered evidence to support their cause. It
20 might help the Council to make its decision.

21
22 ***Motion carried 4-3 with Crawford, Brenner, and Nelson opposed.***

23
24
25 **OTHER BUSINESS**

26
27 ***Brenner moved*** to endorse the Friends of the Deming Library fundraising
28 project to expand the library. They're not asking for money, just to endorse the
29 concept. The project would be wonderful for the area.

30
31 McShane stated paper endorsement would be better. He asked
32 Councilmember Brenner to prepare a resolution for the Council to vote on. He'd
33 rather see a formal resolution come forward. There is not a timeliness issue.

34
35 Nelson stated a resolution would make the endorsement public.

36
37 ***Brenner withdrew her motion*** and agreed to prepare the resolution.

38
39
40 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

41
42 Caskey-Schreiber stated she's glad to have Councilmember Nelson back.

43
44 Roy stated her visit to China was wonderful. It was vibrant and exciting.
45 They accomplished an economic agreement between local officials and a Chinese
46 agreement. The local officials have agreed to promote a produce from their
47 Chinese sister county.

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ADJOURN

The meeting adjourned at 9:52 p.m.

Jill Nixon, Minutes Transcription

The Council approved these minutes on July 27, 2004.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Dan McShane, Council Chair