

1
2 The second goal is to increase community education and awareness. If the
3 community is more aware and educated, it increases the commission's chance of
4 being successful and creating change in the community. They support this goal by
5 making presentations throughout the county and by reissuing its resource
6 handbook on domestic and dating violence.
7

8 The third goal is to be known as an influential leader on domestic violence
9 issues. The commission collaborates with key groups in the community to enhance
10 outreach programs.
11

12 The fourth goal is to become financially stable and self-sustaining. This year,
13 the commission created a business committee that will create a yearly three-year
14 business plan. The committee will also go after government grants and private
15 funding.
16

17 The last goal is to promote an integrated community response to domestic
18 violence. There will be continued safety audits and collaboration with law
19 enforcement agencies. The commission recently met with law enforcement groups
20 in the county to discover ideas that would better assist law enforcement approach
21 domestic violence issues. The result from that meeting was that the commission
22 would be a resource for law enforcement to use to respond to a major domestic
23 violence incident that may happen in the county.
24

25 He described the membership of the commission, which is comprised of
26 community and government representatives. There are doctors, lawyers,
27 government employees, pastors, educators, major community employers, service
28 treatment providers, and business leaders. A strength of the commission is that it
29 includes a wide variety of perspectives from its membership. The membership
30 includes very dedicated and compassionate people. He thanked the County Council
31 for its support.
32

33 Sue Parrott, Bellingham-Whatcom County Commission Against Domestic
34 Violence Director, asked if the commission is on the right track and is making a
35 difference. It's important to ask that question. In addition to the three focus
36 points of education, collaboration, and strengthening community response, it's
37 important to recognize that things aren't always black and white. There aren't
38 always clear cut ways to do things. The challenge is to ask if their practices and
39 policies are taking them in the right direction. That can be hard for people to do.
40

41 The purpose of the community survey project was to identify barriers to
42 abuse disclosure. One reason for a victim to disclose abuse is if someone asks the
43 victim. Therefore, they've begun a pilot program to develop routine screening for
44 domestic violence at healthcare providers.
45

46 The domestic violence safety and accountability audit was discussed in this
47 morning's Finance Committee. The four audited agencies have been phenomenal in

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1 their responses to the audit recommendations and their willingness to implement
2 the recommendations. They are about done with implementation. With the
3 exception of a few recommendations, some of which are resource-dependent,
4 almost every recommendation will be implemented by this fall. The commission is
5 in the process of beginning another audit of the Whatcom County Prosecutor's
6 Office, City of Bellingham Prosecutor's Office, and Whatcom County District Court
7 Probation. The process will audit the case processing of domestic violence cases,
8 putting victim safety and offender accountability central issues.
9

10 A second edition of the resource handbook was published in the fall. The
11 commission distributed almost 3,000 copies to providers around the community. It
12 is available online. The material is not copyrighted, and is available for people to
13 copy and use.
14

15 The report on domestic violence in Whatcom County is the first attempt to
16 pull together data on domestic violence. The commission will do it on an annual
17 basis. Now, it is being used for education. As they gather more meaningful data,
18 she hopes that it will be used to change system protocol.
19

20 The commission has to select its priorities and areas of focus. The strategic
21 plan is available for review. If the Council has input on areas it thinks the
22 commission should focus, she would welcome that feedback.
23
24

25 **MINUTES CONSENT**

26
27 ***Brenner moved*** to approve the Minutes Consent items.
28

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

31 **1. WATER RESOURCES WORK SESSION FOR APRIL 13, 2004**

32
33 **2. COMMITTEE OF THE WHOLE FOR APRIL 20, 2004**

34
35 **3. REGULAR COUNTY COUNCIL FOR APRIL 20, 2004**
36
37

38 **OPEN SESSION**

39
40 The following people spoke:
41

42 Todd Manrell, Point Roberts Economic Development Committee Chairman,
43 submitted written testimony (*on file*). Over the last several Council meetings, there
44 have been discussions about Point Roberts on tree retention and an archeological
45 study. There has been reference, recorded in Council minutes, suggesting that the
46 Point Roberts Economic Development Committee supported the tree retention and
47 archeological initiative. Tonight, however, he presents the committee, which

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1 includes 17 members representing 17 organizations in the community, in saying
2 that the committee has never taken a position on the issues. The individuals may
3 have their views, but the committee itself has never taken a position. This
4 committee has existed now for almost five years. Most of the members have
5 participated since the beginning. The committee meets monthly. They deal with
6 the narrow focus of economic development issues. Those 17 members believe
7 Point Roberts is somewhat economically depressed. They're trying very hard to find
8 economic development relevance in the community while preserving the community
9 qualities, such as trees. The bottom line is that it's a very challenging exercise.
10 The Council's understanding of who the committee is will help the committee move
11 forward with economic improvements in the community.
12

13 Dennis Jones, Sudden Valley, stated he would speak on watershed issues and
14 governance for next year. First, don't trust the Sudden Valley Community
15 Association Board of Directors. One hundred ten votes bought the election. Next,
16 Robin Matthews from Western Washington University has put together an
17 integrated website on water quality that includes the State Department of Ecology
18 total maximum daily load information. He hoped County planners keep track of
19 that information. There's no doubt that the rate of decline of oxygen has risen
20 rapidly last year. Keep an eye on it. Also, Sudden Valley is in need of a new
21 governance system. He thanked the County for supporting them. The watershed
22 as a whole is the County's cause.
23

24 Lincoln Rudder, 8373 Semiahmoo Drive, Blaine, stated the Birch Bay
25 Community Plan is in violation of six principles of the Growth Management Act. The
26 first is that there is no rural zoning separating the Birch Bay boundary from the
27 Blaine urban growth area (UGA). The second is that the two-tiered principle of
28 infilling the short term before designating the long term UGA has not been
29 observed. Third is that the aquifer not protected as required by the act. Fourth is
30 that the formula used to justify the size of the UGA is not in compliance, leaving the
31 UGA larger than needed for the 20-year growth projection. Fifth, the UGA contains
32 extensive wetlands and critical areas that should have been excluded. Sixth, the
33 Capital Facility Plan does not plan for needed infrastructure. The reason these
34 issues are in conflict are because of the 50 percent seasonal occupancy rate
35 adjustment the plan makes. According to Bill Grant, 50 percent of all residents are
36 recreational travel trailers in Birch Bay. The other 50 percent are mostly cottages
37 built in the 1950's and 1960's, and bought in the 1970's and 1980's. That process
38 accelerated in the 1990's when the Canadian exchange rate rapidly changed. It's
39 not logical to expect that most of the people currently living in Birch Bay can afford
40 to invest \$200,000 or more for the new homes being built as summer homes. The
41 50 percent occupancy factor is a historical aberration from the fact that the
42 cottages and travel trailers do make nice second homes and weekend homes. It's a
43 different assumption that pricey new homes on rural annexed land will bring that
44 many Americans who want a second home of that value. Also, look into the issue
45 of rural character versus rural zoning. There is a movement to create a buffer
46 using a bike path. It is inaccurate and incomplete.
47

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1 Mike Kaufman, Huntley Road, stated there is a study for a commerce
2 corridor. It's a study in conjunction with the State Department of Transportation
3 (DOT) and private industry to study the feasibility of a massive commerce corridor
4 from Canada to Mexico. The corridor could be an interstate that dwarfs the size of
5 Interstate 5, complete with railroad and utility corridors. The study is a public and
6 private effort. They're looking for people to sign up and commit to the project. The
7 study has been funded by the State legislature to the end of the year. They are
8 looking for public comment due mid-July and October. The Mount Baker Foothills
9 Economic Development Association is taking a lead. On June 24 from 3:00 p.m. to
10 9:00 p.m. will be a symposium for people to step forward and share their thoughts
11 on the project.

12
13 Barbara Skudlarick, 8361 Semiahmoo Drive, stated she has concerns about
14 the Birch Point neighborhood. She presented a history timeline of the Birch Point
15 area. A past letter from a senior licensed geologist who studied the area
16 determined that the Birch Point area will not support a density of four houses per
17 acre without major impacts to the shoreline and the point on Semiahmoo
18 properties. Banks located along the shoreline have suffered slippage in the past
19 few years. Be aware of this. The concerns are founded on actual events and
20 geological studies of the property and shoreline. The Birch Point neighborhood is
21 concerned about drainage from upland land masses, bank stability along the
22 shorelines, and water quality. Trillium filed a forest practice application to log over
23 550 acres of forested area in 2002.

24
25 Dick Skudlarick, 8361 Semiahmoo Drive, stated that from 1997 to 2004,
26 over 353 letters, emails, and memos have been written from the Birch Point
27 community to Whatcom County, the State Department of Natural Resources (DNR),
28 City of Blaine, and Birch Bay Steering Committee about the negative impact of high
29 density development and logging on surface water, shallow groundwater, bank
30 stability, water quality, and the lack of a buffer between the Birch Bay and Blaine
31 UGA's. Several geologists in different studies have come up with the same
32 information, but the Birch Bay Steering Committee was not interest in the study
33 results. He asked what more the community should do to get involved. The
34 argument is that the steering committee has worked on this plan for four years and
35 the Birch Point neighbors have never expressed their views. That is not true. They
36 have been actively involved for seven years. The Birch Point group has spent a lot
37 of time and money to have experts study the area and make professional,
38 unemotional recommendations to help the community solve this problem. Do the
39 right thing by taking the Lincoln Road and Birch Point areas out of the proposed
40 Birch Bay UGA. The Puget Sound Action Team should give a presentation to the
41 Council about the connection between stormwater runoff and the destruction of the
42 shellfish beds, causing a major impact to the largest recreational shellfish industry
43 area in the state. According to the presentation, Birch Bay is one step away from
44 being polluted. Drayton Harbor has been polluted for ten years, and they're just
45 now getting things stable.

46

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1 Patty Rudder, 8373 Semiahmoo Drive, stated the infrastructure of the plan is
2 not properly addressed. Included in the plan was \$79 million to support the needs
3 of a community of a projected 9,619 people, which is half the money Blaine needs.
4 The County recommended adding dollars to protect Birch Point from bluff erosion
5 and stormwater runoff and to protect habitat, aquifers, shellfish, and rural buffers.
6 However, they haven't added money for it. They have to be able to make the Birch
7 Bay Subarea Plan workable. The plan includes a policy for stormwater runoff, but
8 there is no money in the budget for it. Look at the facts and studies that have been
9 done. Remove the area from the UGA.

10
11 Tom Hollad, 380 West Bluff Road, Point Roberts, stated he speaks on behalf
12 of the Point Roberts Voter Association and many citizens on the Point. His
13 neighborhood is developing a rural community advisory committee consistent with
14 the Birch Bay plan. He presented a map of six neighborhoods in Point Roberts from
15 where two representatives each will be elected or appointed. The point is to get the
16 community working together for a common cause. Take the special interest groups
17 and people who are not citizens of the Point out of the issue, and give it back to the
18 citizens. He wants to know from the Council how to get better and to structure the
19 committee to be more helpful to the Council. This neighborhood group has a
20 blessing from the Planning Commission. The committee will also include three at-
21 large residents. The committee should consist of United States citizens. That
22 doesn't mean that non-citizens have a voice. They can participate at the meetings
23 and with the Council directly.

24
25 John Lesow, 317 Madrona Place, Point Roberts, stated he attended the March
26 9 meeting that included an item regarding tree retention, of which he is in favor. A
27 comment was made at that meeting that the Point Roberts Economic Development
28 Committee was the most inclusive group at Point Roberts. That is a surprise to
29 him. The members are not elected. The committee does not have open meetings.
30 It has morphed into an organization that claims it is all-inclusive. He agrees with
31 the March 25 memo from Amy Pederson on the guidelines for allocation of funding
32 for rural community advisory committees, of which the Point Roberts Economic
33 Development Committee would be included. He specifically agrees that the
34 meetings be open to the public, are conducted according to Robert's Rules of Order,
35 and that the groups be representative. He challenges that the Point Roberts
36 Economic Development Council is truly representative. Regarding the memo,
37 appointees to these committees must be made by the Council if the County is going
38 to provide taxpayer funds to these rural advisory committees, similar to the way
39 planning commissioners are appointed. These are County funds they're using. It
40 should not go to unelected, unrepresented economic development committees.

41
42 L. Johnnie, 2616 Kwina Road, Bellingham, stated he is a representative of
43 the Lummi Nation and the Shlanging Director for Lummi Nation. He referenced the
44 proposal to remove Whatcom County Code 20.72.652 regarding archeological
45 resources. For many years, the Lummi Nation has spoken about issues with and
46 concern about areas of significance in the Point Roberts area. The archeological
47 resource section should remain in the ordinance. It is consistent with the Growth

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1 Management Act, Shoreline Plan, and the SEPA process. It facilitates a process to
2 achieve the identification of culturally significant areas, and provides preservation
3 efforts. It is a noteworthy effort by the County. Make an informed decision before
4 considering removing that section of the code. The Lummi Nation has many
5 concerns in that area. That entire peninsula is significant.

6
7 *(Clerk's Note: End of tape one, side A.)*

8
9 Johnnie continued to state he encouraged the Council that archeological
10 resource protection remain in the code.

11
12 Sharon Crozier, Bellingham, stated she would talk about boats on their
13 drinking water. The County doesn't want to meet with the City of Bellingham to
14 discuss the matter. There are 85,000 people who drink that water, and there will
15 only be more. The County Council does not want to talk about the issue. It's
16 getting frustrating that she has to do the councilmembers' job. She wasn't elected,
17 but she cares enough about this issue to do it. People are collecting signatures, but
18 they may not get enough signatures. They can't stand in front of 10,000 by the
19 deadline, but that doesn't mean that people don't want to ban boats. She's up
20 against money. They're up against the same people they were against in 1999,
21 who swayed the Council on this issue then. Money and people who scream
22 shouldn't win this issue. The people who drink water should win. She depends on
23 the Health Department. The Revised Codes of Washington (RCW) are in place. If
24 this doesn't pass, she'll be back next year. Have Robin Matthews talk to the
25 Council.

26
27 McShane stated Robin Matthews will address the County Council on June 1,
28 2004 at the Natural Resources Committee at 9:30 a.m.

29
30 Tom Edwards, 3256 Balch Road, Lummi Nation, asked the County Council to
31 support Whatcom County Code (WCC) 20.72.625 regarding the archaeological
32 resources. Archeological resources are vital to know who they are and where they
33 come from. This code will protect these areas. Keep the archeological section in
34 the ordinance. The County Council will run into undiscovered areas that will block
35 projects. The Lummi Nation wants to work together to protect the resources.
36 Encourage others to work with the Lummi Nation and Nooksack Tribe on any
37 amendments to the ordinance. If they are involved in every step in the process,
38 they can work together.

39
40 Fritz Mueller, Point Roberts, stated there is a problem with a tidal ditch on
41 the north side of the dike on the south side of Point Roberts. The ditch is supposed
42 to drain the stormwater at low tide. It was built during the time the dike was built.
43 There is a large outfall pipe near the marina that has a backflow at the end. At low
44 tide, the accumulated stormwater is supposed to drain through it. The ditch has
45 not been serviced. It is getting wider and deeper as it approaches the pipe. On the
46 east side it is narrower, and silt is accumulating. The ditch is filling up and choked
47 with water plants. Water flow is impeded. The water rises and now the area has

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1 become a wetland. People in the area can't get septic permits. The canal was
2 never intended to be a wetland. It's supposed to be a free-flowing water body. He
3 asked the Council to contact the Engineering Division to get the ditch cleaned out
4 so that the water can flow as it should. Because it is such a mess, people have
5 been dumping garbage in the ditch.
6

7 Linda Tucker, 4371 Bay Road, Blaine, stated the Council is working on the
8 Birch Bay Subarea Plan. She is in favor of taking out Birch Point from the urban
9 growth area (UGA). Don't add 100 acres in that area. The Birch Bay area is all
10 wetlands. Don't allow so much mitigation for wetlands. Infill to accommodate
11 population growth. Don't extend the UGA.
12

13 Michael Rosser, Point Roberts, stated he wants to talk about the resolution to
14 docket the WCC 20.72.652 regarding archeological resources. This issue will be
15 before the Board of Taxpayers for Point Roberts. There is a lot of debate on both
16 sides. He will make a recommendation based on what he hears. Don't docket this
17 item for removal. It is being applied to Point Roberts more than the rest of the
18 county, for good reason. Most of the archeological sites are in Point Roberts.
19 There are about five times as many than in the rest of the county. It covers about
20 420 acres. Shorelines, which is about 13 percent of Point Roberts, are already
21 covered. These regulations are duplicated from the State Environmental Protection
22 Agency (SEPA), and the County is taking this on proactively. Lily Point is the 900-
23 pound gorilla in the room. Many people don't know where these archeological sites
24 are located. They are secret to prevent looting and vandalism. That is a good
25 reason to keep them secret. If people starts investigating, they'll find that most of
26 it is in Lily Point. Preserve Lily Point, and a lot of these problems will go away.
27 He's happy to see the Lummi Nation people at this meeting. He asked the County
28 Council to get together with the Taxpayer's Association to help purchase Lily Point
29 and put an end to a lot of these development issues. Respect archeological
30 resources because they belong to someone else.
31

32 Fleetwood asked if Lily Point is in multiple ownership. Rosser stated there
33 are presently five owners. One owner owns half of the area. The other half is
34 owned by a consortium of four owners.
35

PUBLIC HEARING

1. ORDINANCE CONTINUING A MORATORIUM ON APPLICATIONS FOR CONDITIONAL AND/OR LAND USE PERMITS FOR ELECTRICAL POWER TRANSMISSION LINES OF 115,000 VOLTS OR LESS, DESIGNED TO CARRY 100 MEGAWATTS OR GREATER LOADS, EXCEPT IN THOSE DISTRICTS CLASSIFIED AS INDUSTRIAL (AB2004-167)

44
45 McShane opened the public hearing and the following people spoke:
46

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1 Ray Trzynka, Puget Sound Energy, stated the Council previously asked that
2 the Planning Commission consider this issue. The Planning Commission workload is
3 heavy, but the review is moving along. One more extension to the moratorium
4 should be enough time for them to complete the permanent ordinance.
5

6 Mike Kaufman, 1620 Huntley Road, stated the word "average" has been
7 inserted in the document in relation to time. They've had to agree on the definition
8 of "average" and settled on 60 days. This issue goes to the Planning Commission
9 on May 13, 2004. It's important to have land use language in place. It will
10 strengthen the County's position. Please extend the moratorium.
11

12 Hearing no on else, McShane closed the public hearing.
13

14 ***Caskey-Schreiber moved*** to adopt the ordinance.
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 seven.
23

24 ***Motion to approve Consent Agenda items one through seven carried***
25 ***unanimously.***
26

- 27 **1. RESOLUTION ESTABLISHING CRP NO. 904008 AND AWARDING THE**
28 **BID FOR THE SUBDIVISION OVERLAY, CRYSTAL AND MAPLE**
29 **BEACHES, PT. ROBERTS, TO THE LOW BIDDER, WHATCOM BUILDERS**
30 **INC., IN THE AMOUNT OF \$319,405 (AB2004-190)**
31
- 32 **2. RESOLUTION ESTABLISHING CRP NO. 902004 AND AWARDING THE**
33 **BID FOR THE LAKEWAY DRIVE/TERRACE AVENUE OVERLAY FROM**
34 **BELLINGHAM CITY LIMITS TO LAKEVIEW STREET TO THE LOW**
35 **BIDDER, WHATCOM BUILDERS INC., IN THE AMOUNT OF \$281,413**
36 **(AB2004-191)**
37
- 38 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
39 **PROFESSIONAL SERVICES CONTRACT BETWEEN WHATCOM COUNTY**
40 **AND WHATCOM COUNSELING & PSYCHIATRIC CLINIC FOR MENTAL**
41 **HEALTH SUPPORT SERVICES, IN THE AMOUNT OF \$36,068 (AB2004-**
42 **192)**
43
- 44 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #04-**
45 **30 TO THE LOWEST BIDDER, WILDER CONSTRUCTION, FOR THE**
46 **ASPHALT CONCRETE OVERLAY AND PRELEVEL AT MISCELLANEOUS**
47 **COUNTY LOCATIONS, IN THE AMOUNT OF \$662,620 (AB2004-193)**

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1
2 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #04-**
3 **40 TO THE LOWEST BIDDER, PACIFIC CONCRETE INDUSTRIES, INC.,**
4 **FOR THE SUPPLY OF PRECAST CONCRETE GIRDERS, IN THE AMOUNT**
5 **OF \$78,552.35 (AB2004-194)**
6

7 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #04-**
8 **44 TO THE ONLY BIDDER, WASHINGTON CULVERT, FOR THE ANNUAL**
9 **SUPPLY OF ALUMINIZED AND GALVANIZED CULVERT, IN THE**
10 **AMOUNT OF \$51,359.57 (AB2004-195)**
11

12 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**
13 **PURCHASE OF LIGNOSITE FROM SOLE SOURCE MEENDERINCK LLC**
14 **FOR DUST CONTROL ON COUNTY ROADS IN THE AMOUNT OF \$85,000**
15 **(AB2004-196)**
16

17
18 **OTHER ITEMS**
19

20 **1. DISCUSSION REGARDING WRIA 1 WATERSHED MANAGEMENT**
21 **PROJECT (AB2004-025A)**
22

23 Roy reported for the Natural Resources Committee and stated the committee
24 was updated on section four and appendix K.
25

26 Nelson asked if there was any discussion of the groundwater study
27 methodology.
28

29 Caskey-Schreiber stated the groundwater issue goes to the funding issue.
30

31 Nelson asked if they have anything concrete on it yet.
32

33 Caskey-Schreiber stated they do not.
34

35 **2. ORDINANCE ADOPTING THE BIRCH BAY COMMUNITY PLAN (AB2004-**
36 **121)**
37

38 Fleetwood reported for the Planning and Development Committee and stated
39 this item is held in committee for the meeting on May 18. The Puget Sound Action
40 Team may present to the Natural Resources Committee in the future.
41

42 **3. DISCUSSION REGARDING THE SCHEDULING OF A LAND USE TOUR**
43 **AND PLANNING EDUCATION PROGRAM (AB2004-017)**
44

45 Fleetwood reported for the Planning and Development Committee and stated
46 a land use tour is scheduled for June 22 at 11:00 a.m. to see developments that

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1 are examples of low-impact development. The water resources work session for
2 that day would begin at 9:00 a.m.

3
4 **4. APPOINTMENT TO THE SURFACE MINING ADVISORY COMMITTEE,**
5 **APPLICANT JERRY VANDELLEN FROM THE WHATCOM CONSERVATION**
6 **DISTRICT (AB2004-187)**

7
8 *Brenner moved* to appoint Jerry Vandellen.

9
10 *Motion carried unanimously.*

11
12 **5. RESOLUTION CALLING FOR THE ELECTION OF A CHARTER REVIEW**
13 **COMMISSION (AB2004-189)**

14
15 *McShane moved* to approve the resolution.

16
17 *Motion carried unanimously.*

18
19 **6. APPOINTMENT OF ONE COUNCILMEMBER TO THE NORTHWEST**
20 **REGIONAL SUPPORT NETWORK (AB2004-022) NORTH WEST**
21 **REGIONAL SUPPORT NETWORK-NORTH SOUND MENTAL HEALTH**
22 **AGENCY**

23
24 *Nelson nominated* Councilmember Roy.

25
26 *Nomination carried unanimously.*

27
28 **7. APPROVAL OF LETTER TO BE SENT TO DSHS REGARDING THE**
29 **IMPENDING CLOSURE OF THE MARTIN CENTER (AB2004-198)**

30
31 *Brenner moved* approval.

32
33 *Motion carried unanimously.*

34
35
36 **INTRODUCTION ITEMS**

37
38 *Brenner moved* to accept the Introduction Items

39
40 *Caskey-Schreiber withdrew* item one.

41
42 *Motion to accept items two and three carried unanimously.*

43
44 **1. RESOLUTION INITIATING THE DOCKETING OF A ZONING TEXT**
45 **AMENDMENT TO THE WHATCOM COUNTY CODE, TITLE 20, TO**
46 **REMOVE SECTION 20.72.652, ARCHEOLOGICAL RESOURCES**
47 **(AB2004-162)**

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1
2 Caskey-Schreiber stated the Council has dealt with this issue twice before.
3 She's not sure why it's coming forward again. She liked the code. This is
4 important to the Lummi Nation. The Council can look at some areas in the Lummi
5 Island Subarea Plan to further apply the code. The code is something the County
6 should have been doing all along, and could have saved some hardship for
7 situations such as the City of Blaine's siting of a sewage treatment plan. An ounce
8 of prevention is worth a pound of cure. In the Point Roberts area, the archeological
9 overlay area affects only an additional nine percent of the land.

10
11 Brenner stated that they would eliminate oversight by eliminating this code.
12 The State already requires oversight. This goes further than the State's
13 requirement. Many people have had hardships due to this code. The diameter is
14 1,000 feet, not 500 feet. She's in favor of protecting archeological areas, but this
15 code goes further than they need to. Let this code go back to the process.
16 Something like 300 people in Point Roberts signed a petition on this. The Council
17 should give them their day to speak.

18
19 Nelson asked the process. He asked why the Council is looking at this again,
20 and who is initiating this item.

21
22 Brenner stated Councilmembers Brenner, Crawford, and Nelson are initiating
23 this resolution.

24
25 Nelson stated the Planning Department had a letter he is interested in. He
26 asked if the Planning Department has had difficulty administering this code.

27
28 Amy Pederson, Planner I, stated the memo from today was a follow up to the
29 March 9 discussion of the Planning and Development Committee. There have been
30 questions regarding the applicability of archeological resource review to Point
31 Roberts. Councilmembers requested additional information, which she provided in
32 her memo. She is not aware of any problems with administering the current code.

33
34 Sylvia Goodwin, Planning Division Manager, stated the Planning Department
35 has not had a lot of problems administering the existing code. There are citizens
36 from Point Roberts who don't like the code, but it hasn't been difficult to
37 administer. Additional information for the Point Roberts folks might help them
38 understand the issue.

39
40 Nelson stated he is concerned that there seems to be some greater
41 applicability to certain areas over other areas. He would like to review the code in
42 terms of fairness of applicability and that it can technically and legally be
43 administered. Goodwin stated Ms. Pederson's memo has a lot of information about
44 why Point Roberts is different from other areas in the county.

45
46 Brenner stated she initially supported this item initially because staff told her
47 it just codifies State law. According to people in Point Roberts, the code goes

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1 further than State laws. Codify State law only. The only way they're going to get
2 to the bottom of the issue is to docket it.

3
4 Crawford stated he voted against the ordinance to begin with. Right now,
5 the Council is not voting for or against the item. They're voting to take a look at
6 this. A lot of people have contacted the Council, and it deserves another look.

7
8 Caskey-Schreiber stated the State Historic Preservation Officer Allison Brooks
9 commended Whatcom County for going beyond State law and recognizing the
10 cultural significance of this area. There are many instances in which Whatcom
11 County doesn't adhere to State law. Whatcom County has higher standards than
12 what the State has. There's nothing wrong with that. The County began this
13 requirement in Point Roberts, but if there is another area in Whatcom County that
14 may have cultural significance to the tribes, the County ought to heed what the
15 tribes say and do a government-to-government discussion about what they
16 envision. There is no harm in it if it will protect someone's cultural heritage. It was
17 supported initially by the Taxpayer's Association initially. It was in the subarea
18 plan, which went through a big planning process that included numerous meetings.

19
20 McShane stated this issue came up in March. The Planning and Development
21 Committee held a discussion on it then, and didn't make a recommendation. When
22 the item was first passed, it may not have gotten the scrutiny that some people
23 have complained about. The All Points Bulletin has reported on what can go wrong
24 when someone hasn't done an assessment, is surprised by having dug up graves,
25 State law is applied, and that person's project is shut down. It is an unfortunate
26 circumstance when that happens. The Council has reviewed this already. This
27 information that has been brought forward has been helpful. He supports not
28 introducing this item.

29
30 Brenner stated this item didn't go through the scrutiny originally. The tribes
31 were a part of this. This was done in a neighborly way. The neighbors left out
32 were many of the Point Roberts neighbors. This issue deserves to have time spent
33 on it.

34
35 Fleetwood stated he's always supported the archeological resource provision,
36 provided there is good and sufficient reason on the record for why the County
37 treats Point Roberts differently from other places in the county that don't have an
38 archeological resource provision. After some inquiry and seeing the memo
39 submitted, he is satisfied there is good reason for treating Point Roberts differently.
40 This issue has been scrutinized. There have been multiple opportunities for the
41 public to be aware of and comment on the issue. He will support not introducing
42 the item.

43
44 McShane stated that councilmembers in favor of introducing this item should
45 vote yes, and councilmembers opposed to introducing this item should vote no.

46
47 *(Clerk's Note: There was no motion to introduce this item.)*

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1
2 The vote to introduce this item failed 3-4 with Nelson, Brenner, and Crawford
3 in favor of introducing this item.
4

5 **2. ORDINANCE AMENDING THE 2004 WHATCOM COUNTY BUDGET,**
6 **FIFTH REQUEST (AB2004-197)**
7

8 **3. ORDINANCE ADOPTING A BIENNIAL BUDGET PROCESS BEGINNING**
9 **WITH FISCAL YEARS 2005 AND 2006 (AB2004-199)**
10

11
12 **OTHER BUSINESS**
13

14 McShane stated there was a conversation in Finance Committee today
15 regarding emergency medical services (EMS). There is a draft contract being
16 developed. The contract will be for a financial commitment for six years, to the
17 year 2010, for EMS services. The contract would begin at the current funding level,
18 with a 5.9% increase per year during the contract length. He is opposed to that
19 increase. It doesn't send the message that the County will be extracting itself from
20 continuing to fund EMS. Use this six-year contract as a bridge, but don't increase
21 funding every year, which will take away the motivation for resolving some of the
22 funding issues associated with EMS. The idea is that the City of Bellingham would
23 continue to provide EMS service into the county at a declining service level, unless
24 districts or the County provides extra money. They need to talk with
25 administration.
26

27 Caskey-Schreiber asked that discussions on this issue be formally scheduled
28 on the Council agenda so that she can attend and be aware of the meetings.
29

30 Nelson asked if Cascade Ambulance is involved in the discussion.
31

32 Dewey Desler, Deputy Administrator, stated the administration has had some
33 meetings with Cascade Ambulance representatives. In terms of the discussions
34 that have happened to date, the formal discussions have included representatives
35 of the fire districts, Whatcom County, City of Bellingham, and attorney Frank
36 Chmelik.
37

38 Nelson stated that if they are going to do a comprehensive approach, they
39 need to look at all of the resources. He wants to know the resources and
40 capabilities of Cascade Ambulance during the planning process.
41

42 Brenner asked that Cascade Ambulance representatives be invited to any
43 future meetings on the issue.
44

45
46 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**
47

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1 There were no reports or other items.

2

3 **ADJOURN**

4

5 The meeting adjourned at 8:37 p.m.

6

7

8

9 _____
Jill Nixon, Minutes Transcription

10

11 The Council approved these minutes on May 18 , 2004.

12

13 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

14

15

16

17 _____
Dana Brown-Davis, Council Clerk

Dan McShane, Council Chair