

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

1 Caskey-Schreiber stated that perhaps there are other areas nearby to
2 consider. She asked if keeping it downtown, other than in the civic center area, is
3 an option.
4

5 Brenner stated people know and expect the County facility to be where it is.
6 If the County tries to relocate, people will be up in arms. That should be a high
7 priority. Don't be influenced by people who want the aesthetic civic area. They
8 aren't going to take the heat for this, the County will. They can build a jail facility
9 that would look appealing. The jail can look compatible with the PFD's vision. The
10 County should consider more the people who would be affected if the facility were
11 moved.
12

13 McShane stated that if he were just any citizen who lived nearby, he might
14 be up in arms if he saw anything that looked like option two. The downtown core is
15 very important to him as an individual. It's a neat city. They would detract from
16 the neighborhood significantly if the area were developed to option two. He lives
17 less than a mile from here and spends a lot of time downtown, not just on Council
18 business.
19

20 He desires a better vision for Bellingham. He's not enthusiastic about
21 locating to a remote, large parcel. There are clearly a lot of benefits to option one
22 in terms of ongoing operations. They may be able to find a place that is not
23 disruptive and is close to the legal community.
24

25 One possibility is to commit to not pursuing option two, without committing
26 to any other option. They could take option two off the table. It doesn't make
27 sense in terms of running the courthouse and jail. It also doesn't make sense for
28 the city's vision. It may be that they'll end up building a high-rise jail elsewhere in
29 the city to avoid sprawl.
30

31 Brenner stated she agreed that a citizen who lives close by wouldn't want the
32 facility.
33

34 McShane stated his concern is not with the existence of the jail. His concern
35 is with the appearance of the downtown area. The jail could be moved closer to
36 him, and he'd be okay.
37

38 Brenner stated they'll find citizens who don't want the facility nearby for all
39 kinds of reasons. The facility is here now and people expect it to be here. If the
40 County moves it, there will be a fight with people who don't want it elsewhere.
41

42 Caskey-Schreiber stated she hasn't heard anyone speak strongly in favor of
43 option one. The highlight of what they don't want is to create sprawl somewhere.
44 She's open to modifying option two to a better location. Councilmember Brenner's
45 concern is a risk wherever they have to move to, but eliminate option one and
46 modify option two.
47

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1 Crawford stated he was in favor of option two until this year. He has always
2 felt the County could expand. After going through this process, he's changed his
3 position. They've paid some serious dollars to consultants to help them understand
4 what works in other places and what will work for Whatcom County. Advocacy
5 groups such as the Law and Justice Council, the Centennial Fund and the PFD
6 believe it makes sense to go with option one. That said, he agrees with
7 councilmembers Fleetwood and McShane. He asked if option one can only go in the
8 urban growth area (UGA). He asked if there could be a search for a spot nearby for
9 option one. Finding that acreage would be tough. Certain industries around town
10 are on rather large footprints and those locations may become available. He asked
11 the next step in the process if they gain a majority vote on option one. Desler
12 stated the administration would work to build site criteria. He's heard that the
13 County Council doesn't want to create sprawl and wants easy access for people to
14 use the facilities. At that time, use that criteria to do review of possible sites for
15 option one. They haven't done that yet.

16
17 Crawford stated that if they move forward on an option, the administration
18 would come up with design criteria. They're still not talking about a specific
19 location. Desler stated they may be able to narrow the options. The administration
20 talked with the City and County planning departments about ideas and options. It's
21 incredibly difficult. The administration is not taking any action until it's heard
22 where the County Council wants to move.

23
24 McShane stated it's not worth working on something with a split vote from
25 the Council. He doesn't see much enthusiasm for option one as it's laid out in the
26 packet.

27
28 Crawford stated he has enthusiasm for option one if they could go from the
29 option as it is presented to a design for a site closer in the city, with no money
30 expended. The challenge is getting the enthusiasm for every decision that must be
31 made along the way.

32
33 McShane stated he's not hearing anyone else with that enthusiasm. Mr.
34 Crawford has a lot of caveats with his approval of option one. He's not hearing that
35 anyone wants to go with option two. It's not a good idea. They're going to move
36 the jail and create a justice center. It doesn't have to be on a 50-acre parcel. Pull
37 away from the idea they are going to expand the law and justice center on this
38 current footprint by building up. Commit to doing it somewhere else, then evaluate
39 the land availability at another location. Look at those options, and the land will tell
40 them what's available. Commit to moving other County activities and moving them
41 to this campus. He asked if that's helpful to the administration. Desler stated he's
42 heard from other councilmembers who want to understand where an alternative
43 site would be. He asked for the Council's criteria and options for a land purchase.

44
45 McShane stated this isn't the time to ultimately make the final decision. Any
46 decision now will go to the public for input.

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1 Brenner stated she's not opposed to it being somewhere other than this
2 footprint. They can't even get through the Division Street property for the
3 temporary jail. The search has already been done. There isn't anything available
4 close in. Don't shut the door to the downtown core. It's important to keep that
5 option open. Desler stated they have not done a search. Regarding the Division
6 Street property, the City offered to sell the property to the Walton Company. That
7 deal did not go forward. The County approached the City when he heard about it
8 because it seemed it was something the County could do quickly. There's been no
9 deliberate effort to study properties.

10
11 Brenner stated the Council should table the decision until they do that
12 search.

13
14 Fleetwood stated he supports Councilmember Brenner's suggestion. Don't
15 eliminate options. He will base his choice on whether there is a demonstrated
16 commitment to sustainability. His criteria is that the site not be a flat, sprawling
17 site located so far away that people who rely on these services have to change
18 everything. Having a list of possible sites would be helpful.

19
20 Roy stated doing a study will unleash everyone who lives around those
21 possible sites. Also, the price may go up once people know the government is
22 interested. She's not willing to give up on option two. There is a negative
23 perception about having a jail nearby, but now there is a post office, library, and
24 children's museum across the street from the existing jail. She liked the idea of
25 looking at other places around the city core. The concerns about the ambience of
26 the area are overstated.

27
28 Fleetwood stated a number of people have a vision for this area, which is to
29 use the area day and night, as opposed to just as a daytime work area. Some of
30 the uses proposed for this site are exciting. He supports that effort if they can still
31 build the law and justice center not too far away.

32
33 Caskey-Schreiber stated there is a large jail downtown Seattle that has not
34 hurt the cultural viability of that area. The two can coexist. There is a strong
35 cultural and arts community going on during the weekends in Bellingham. The jail
36 has not hindered that connection. The presence of a jail won't hinder that vision.
37 There is a need to provide housing and security for the community. They have to
38 have the jail somewhere. They may be forced to choose option two.

39
40 McShane stated there is no zoning for jails in Bellingham, except the
41 temporary zoning at Bakerview.

42
43 Sylvia Goodwin, Planning Division Manager, stated that's correct.

44
45 McShane asked if they would not have the option to expand the zone at this
46 downtown location. Desler stated the County would have to go through a formal

1 process to seek conditional use expansion. There are requirements the County has
2 to meet to get approval.

3
4 McShane asked if a significant expansion at this location would require an
5 environmental impact statement (EIS).

6
7 Harris Faulkin, HDR Team Project Manager, stated it would. Options one and
8 two would both require an EIS. Option one would require a rational evaluation of
9 alternative sites. If someone were to take offense at a preferred site, that person
10 would allege that this site was not the preferred location, and the County didn't use
11 a rational and objective approach to find the site. The County has to have an
12 alternative. The site selection the Council is proposing is something they'd have to
13 do in any event. To expand this civic center location, they will have to look at other
14 locations as well. This is a substantial action by the County and would trigger the
15 EIS process. Alternative site review is integral. No matter what option they
16 choose, consider a set of alternatives.

17
18 Desler stated the County would require cooperation from the City of
19 Bellingham, no matter what decision the Council makes. The County would look to
20 the City being involved in the review. The mayor's management team commented
21 some months ago that option one be the clearly preferred alternative. Constructing
22 something inside the city, with the intensive use of public transportation, would be
23 part of their vision for the future.

24
25 McShane stated the City will have a huge say in what the County does. He's
26 not seeing any clear direction from the Council today.

27
28 Fleetwood asked about the administration's thought on the possibility of
29 putting together a study of possible sites. Desler stated the administration can
30 construct site criteria and how certain sites would match that criteria, without
31 tipping the balance in terms of specific sites. For some years, the administration
32 has put off making investments because it felt the County should do that around a
33 clear plan. The County has not used a plan for 50 years. There is a less than
34 effective organization as a result. He urged the Council to help make those
35 decisions.

36
37 Fleetwood asked what drives the timeline. Desler stated many County
38 offices are full. Many buildings need significant repair or to be abandoned. They
39 don't want to make repairs, and then leave the buildings. They are holding off on
40 critical decisions.

41
42 *(Clerk's Note: End of tape one, side A.)*

43
44 Desler continued to state that they would rather make decisions in the
45 context of a plan the community can support. The public deserves to have a vision
46 of the County that is long-term. The public needs to be involved in the revenue

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1 decisions the County will make. The public will be more supportive with a clear
2 plan.

3
4 Caskey-Schreiber stated her conversation with Mayor Asmundson and a City
5 Council Member was that they both desire to keep law and justice functions
6 downtown. Desler stated it would be useful to have a clear written statement from
7 the City, but they don't have that.

8
9 Brenner stated staff could decide on different sites and have a presentation
10 in executive session on specific sites. It's important, before they eliminate any
11 option, to look at sites that are available.

12
13 Roy stated that unless the facility stays here, they are going to have to look
14 at sites, regardless of what they do.

15
16 Caskey-Schreiber asked if the Port ever sells its holdings. Desler stated the
17 Port leases its property.

18
19 **McShane moved** to remove option two from consideration and pursue, in
20 some form, moving the justice center to a new location outside of its current
21 location.

22
23 **Motion failed 2-5 with McShane and Crawford in favor.**

24
25 **Brenner moved** to ask administration to put together a list of potential law
26 and justice center sites in the city of Bellingham for review in executive session.

27
28 Motion carried 4-2 with Crawford and McShane opposed.

29
30 McShane stated there is a lack of commitment to one option over another.
31 He's uncomfortable with expenses when there is not a commitment to go down that
32 route. That's why he voted no on the last motion. Maybe evaluating sites will be
33 useful and a commitment will come from it. He's uncomfortable because they're all
34 over the board. That will be a tough sell to the public.

35
36 Roy stated she's hearing consistently that they want to look for a footprint
37 smaller than 50 acres. She asked if that's true. One of the appeals to the current
38 setting is the smaller footprint. She suspects that's an issue they might have some
39 consensus on. Look at other sites with an eye toward a more compact complex. If
40 a smaller footprint were tied to the recommendation, most councilmembers may be
41 closer to making a decision.

42
43 **Brenner moved** to look at sites that are more compact than 50 acres.

44
45 **Fleetwood suggested a friendly amendment** that the presented list of
46 sites shouldn't be limited in size. Present everything that's available, but make an

1 effort to include sites that are less than 25 acres. This is an opportunity to gain
2 information that might bring them to some form of agreement.

3
4 Caskey-Schreiber suggested that the administration look at sites within the
5 city limits of Bellingham. They could separate the courts from the jail. She always
6 assumed they would keep them together. Make that official guidance to the
7 administration.

8
9 McShane stated a question is whether they decide to keep the jail and the
10 court system together.

11
12 ***Brenner withdrew her motion.***

13
14 Crawford stated they can get away with a 20 acre site if there is stormwater
15 management on site and if the parking were multilayered. His support of option
16 one does not mean he supports using up 50 acres. Supporting one option or
17 another does not mean he supports a particular size.

18
19 ***McShane stated the motion is*** that no matter what they do, keep the
20 justice center and jail together.

21
22 *(Clerk's Note: There was no formal motion.)*

23
24 Crawford stated he supports keeping them together. He asked the point of
25 the motion. Don't restrict their options. He asked why they are making it a
26 significant point.

27
28 Caskey-Schreiber stated a recent court ruling upheld the decision that the
29 courts have to be located in the county seat, which is Bellingham. If they are going
30 to have courts next to the jail, they have to be in Bellingham.

31
32 McShane stated this motion gives direction to the administration to combine
33 the jail and justice system.

34
35 Fleetwood stated the recommendation from the Law and Justice Council and
36 criminal justice staff is to keep the two functions together.

37
38 ***Motion to keep justice and jail functions together carried***
39 ***unanimously.***

40
41 McShane stated he's hearing the councilmembers want to keep option two
42 available and to get more information about other sites. They could get site layout
43 scenarios.

44
45 ***Brenner moved*** to include compact sites that are less than 50 acres in the
46 list.

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1 McShane asked if they want a more detailed view of the current option two,
2 or if option two as presented is okay in terms of the list of sites that are presented.
3 He's not interested in any more detailed evaluation of option two.
4

5 Brenner stated she doesn't care if they don't include option two. She has
6 enough detail on it.
7

8 Desler asked if the intent of the motion is for the administration to look at a
9 list of sites for a justice center inside Bellingham that would include compact sites.
10 The administration would present information on things like transportation, utilities,
11 stormwater, and other environmental concerns.
12

13 Brenner stated she is only interested in the amount of area available on each
14 site. She wouldn't mind having information on whether the center would fit on a
15 site.
16

17 Roy stated that if they look at more compact sites, there may be aspects of
18 option two that would be incorporated, such as a parking garage or a higher
19 building. The complex may include characteristics of both options, depending on
20 the site. That's why she would support this motion. It's helpful to have an idea of
21 how a site of a certain size could be developed.
22

23 Crawford asked if the administration has enough information from the
24 Council to come up with a list of sites. It sounds like the Council wants to do
25 everything in backwards order from what the administration originally planned.
26 Desler stated he respects that the Council wants more information about alternative
27 sites before making the decision about the viability of option one.
28

29 McShane stated he's not sure the sites and locations are critical. He's not
30 sure now that they should look at that. They want to know what the different sizes
31 of a campus would look like, such as a five-acre, ten-acre, or twenty-acre campus.
32 Ultimately, they need to have those visions. Ultimately, this decision will be only
33 partly the County's decision. The City is going to have to be committed to those
34 sites as well. Picking locations at this point in time would be almost absurd. Figure
35 out what different campus sizes would look like and how transportation would be
36 worked out.
37

38 Crawford asked if the County and City together would have eminent domain
39 and would, in reality, have every location as a possibility if they have the will to do
40 that.
41

42 McShane stated that the EIS process would have to be considered.
43

44 Desler stated the administration isn't emboldened to use eminent domain.
45 Having better information about the options is critical to making a decision and
46 presenting the case to the City administration. The City appreciates having options
47 to look at. Even though this might be perceived as spot zoning, the Planning staff

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1 determined that zoning can be adjusted to allow something that is for a public
2 purpose.
3

4 Roy stated she supports Councilmember McShane's recommendation to look
5 at the development of different campus sizes. That serves her need just as well as
6 looking at sites. She wants a sense of whether they can develop a smaller
7 footprint.
8

9 Brenner stated they may decide on a smaller footprint and find there are no
10 sites available in the city. She'd like to do both. See what sites are available and
11 also see the configurations of the center that would go on those sites. Her motion
12 is to include sites more compact than 50 acres.
13

14 Fleetwood stated he would also like to see both. It would be helpful to have
15 the benefit of all the knowledge they can get.
16

17 Caskey-Schreiber stated she will look at proximity to the downtown area so
18 they don't have to uproot a multitude of businesses, which have made significant
19 investments.
20

21 ***Motion to include looking at sites more compact than 50 acres***
22 ***carried unanimously.***
23

24
25 **OTHER BUSINESS**
26

27 There was no other business.
28

29
30 **ADJOURN**
31

32 The meeting adjourned at 1:25 p.m.
33
34

35 _____
36 Jill Nixon, Minutes Transcription
37

38 The Council approved these minutes on June 15, 2004.
39

40 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

41
42
43
44
45 _____
46 Dana Brown-Davis, Council Clerk
47

Dan McShane, Council Chair

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1