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1 WHATCOM COUNTY COUNCIL
2 **Regular County Council**

3
4 September 14, 2004
5
6

7 Council Chair Dan McShane called the meeting to order at 7:00 p.m. in the
8 Council Chambers, 311 Grand Avenue, Bellingham, Washington.
9

10 Present:

11 Barbara Brenner
12 Laurie Caskey-Schreiber
13 Sam Crawford
14 Seth Fleetwood
15 Sharon Roy
16 L. Ward Nelson
17

Absent:

None
18

19 **FLAG SALUTE**

20
21
22 **ANNOUNCEMENTS**
23

24 McShane announced there was **consideration of an appeal of the**
25 **Hearing Examiner's decision on file no. APL04-0001, filed by Mark and Roy**
26 **Palmer, regarding an administrative decision related to access to newly-**
27 **created parcels of land (AB2004-230)** in executive session during the
28 Committee of the Whole meeting.
29

30 ***McShane moved*** to deny the appeal for failure to prosecute and to uphold
31 the Hearing Examiner's decision because there was no error of law.
32

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

35 McShane announced there was **discussion with Senior Deputy**
36 **Prosecutor Daniel Gibson regarding representation on an employment law**
37 **matter (AB2004-018)** in executive session during the Committee of the Whole
38 meeting.
39

40 McShane announced there was **discussion regarding a possible land**
41 **acquisition (2004-018)** in executive session during the Committee of the Whole
42 meeting.
43

44 McShane announced there was **discussion and negotiations update on open**
45 **and soon-to-expire collective bargaining agreements (AB2004-018)** in executive
46 session during the Committee of the Whole meeting.
47

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1
2
3 **SPECIAL PRESENTATION**
4

5 **1. SECOND QUARTER UPDATE ON ECONOMIC DEVELOPMENT PROGRAMS**
6 **AND PROJECTS FROM THE EDC (AB2004-017)**
7

8 Rob Pochert, Economic Development Council (EDC) of Whatcom County
9 Executive Director, thanked the Council for its support of the the EDC data website.
10 He submitted information (*on file*). This website will be unlike any website related
11 to Whatcom County. It is designed to be the economic development and data
12 resource front piece for business attraction and retention. He read the information.
13

14 The EDC has also played a supporting role in the Woodstone expansion
15 project. They are working with the City of Everson to enhance Mission Road access
16 to a mill. They are working with other agencies on this project. The EDC is taking
17 a co-lead on determining which economic development agencies in the community
18 are responsible for the different aspects of economic development. The agencies
19 are putting together a document to define those roles. The EDC is working on five
20 active expansion projects and five relocation projects from businesses that were out
21 of the area. They've completed two loans and another is pending. They hosted an
22 economic development association conference that was very well-received. The
23 United States Department of Agriculture (USDA) granted money to the EDC for a
24 pilot project in Blaine and Sumas. The project will take a building through the
25 planning process so that it can be marketed before it is built. It will offset some of
26 the developer's costs. The site will be pre-permitted with a pre-permitted shell
27 building.
28

29 They're working with Canadian counterparts to expand into Whatcom
30 County. They've developed a supplement to a State pamphlet on operating a
31 business in the state, which answers the questions of Canadian companies. Their
32 primary source of out-of-area inquiries are from the lower mainland in British
33 Columbia. They're working with private sector partners on both sides of the border
34 and with the Department of Homeland Security to resolve border issues that cause
35 negative impacts to Whatcom County. They've exchanged business referrals with
36 counterparts in British Columbia.
37

38 Nelson asked if there are things the County can do to encourage pre-
39 permitted development. Pochert stated the EDC worked with the cities of Blaine
40 and Sumas because they seem to have flexible and simple zoning regulations.
41 Those cities were also looking for incentives for this kind of activity. The concept is
42 to go to a specific piece of property, design a footprint for an expandable building,
43 go through the site review process, and present an engineered building shell. Run
44 it through the permitting process. The developer would have the upfront costs of
45 design, engineering, and permitting. The one problem was that the policy requires
46 that a permit expire after 180 days. The cities of Blaine and Sumas have decided
47 to allow a review at 180 days to see if there have been changes to the building or

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1 zoning codes. If there have been no changes, the permit would be extended for
2 another 180 days. If this project works, he will approach other communities with
3 this project, which is building a \$3 million building that will sit empty.

4
5 Roy stated the presentation is very impressive.
6

7
8 **MINUTES CONSENT**
9

10 *Fleetwood moved* to approve Minutes Consent items one through six.

11
12 *Motion carried unanimously.*

- 13
14 **1. COMMITTEE OF THE WHOLE FOR JULY 13, 2004**
15
16 **2. REGULAR COUNTY COUNCIL FOR JULY 27, 2004**
17
18 **3. SPECIAL COUNTY COUNCIL FOR JULY 20, 2004**
19
20 **4. BOARD OF HEALTH FOR AUGUST 3, 2004**
21
22 **5. COMMITTEE OF THE WHOLE FOR AUGUST 10, 2004**
23
24 **6. REGULAR COUNTY COUNCIL FOR AUGUST 10, 2004**
25

26
27 **OPEN SESSION**
28

29 The following people spoke:
30

31 Dennis Jones, 1487 Sudden Valley, stated there was a Whatcom
32 Transportation Authority (WTA) Board meeting on September 22 regarding the
33 need for expansion to Sudden Valley and areas in the Lake Whatcom watershed.
34 This would decrease traffic in the watershed. It is an item on the Watershed
35 Management Plan.
36

37 Mr. Vince D'Onofrio, a Water District 10 Commissioner, passed away two
38 weeks ago. He was a true champion of the watershed. Mr. D'Onofrio worked on
39 long-term ways to protect the watershed. There are three visions for the
40 watershed. The first is to shut it down. Don't do that. The second is to have a
41 Watershed Management Plan. They are already going for that. The third is to let it
42 be destroyed. They don't want to do that. Save the watershed for sustainable
43 forestry, sustainable housing, and sustainable recreation.
44

45 Dr. Joanne McNeil, Point Roberts Taxpayers Association, stated she is willing
46 to work with the Council in a positive manner to solve the problems in Point
47 Roberts. The community was disappointed in the cancellation of the creation of a

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1 rural advisory committee. There are many perspectives. Everyone needs to
2 cooperate.

3
4 Klaus Klix, Delta Tech Industrial Park, stated his development was planned
5 and designed to be an environmentally responsible industrial park. He is
6 committed to businesses and manufacturers that will prevent pollution and work
7 toward energy efficiency and new technology. There is a potential for over 200
8 jobs for good, clean businesses. He is having an open house on October 15. He
9 invited the councilmembers to come and visit.

10
11 Al Hanners, 3007 Plymouth Drive, Bellingham, stated the Shoreline
12 Management Act is coming up for review and changes. He supports keeping
13 artificial sea wall structures out of the Act.

14
15 Linda Franz, 6650 Trent Lane, Ferndale, stated a Comprehensive Plan
16 amendment being introduced tonight is to create a mineral resource land (MRL) in
17 the area of Northstar and Brown Roads. She represents a group of neighbors who
18 object to the amendment. More than one person, which is stated in the record, is
19 opposed. It is a densely populated neighborhood. Their concerned about their
20 health, the water, the environment, and the noise that this will generate. The
21 current mine is over an aquifer. The mine will go over two more aquifers, which
22 flow south and west and impact the neighbors' wells and water supplies. Neighbors
23 have not received any response to their questions about what will happen if their
24 wells are affected. According to the geo-test studies, they plan to mine down to
25 110 feet. Some people do not understand why the current mine is included in this
26 application, since it is already permitted. There is little resource left in the mine.
27 Designating it as a resource land is contradictory. As a result, the acreage is less
28 than 20 acres. Some of the acreage they are putting in the MRL category are
29 homes, wetlands, and reclamation area. Most of the material is sand. The Council
30 would be setting a precedent for spot-mining in an area zoned rural, one unit per
31 five acres (R5A) if this amendment were to go through.

32 33 34 **PUBLIC HEARINGS**

35 36 **1. ORDINANCE AMENDING WCC TITLE 24, HEALTH CODE, TO CREATE** 37 **WCC 24.12, MUSHROOM SUBSTRATE PRODUCTION FACILITY RULES** 38 **(AB2004-300) (COUNCIL ACTING AS THE HEALTH BOARD)** 39

40 Jeff Hegedes, Environmental Health Supervisor, gave a staff report and
41 stated the rules are intended to protect human health by implementing minimum
42 design standards, permit requirements, and minimum operating standards. The
43 operating and design standards will be used in conjunction with amendments to
44 Title 20, which will establish zoning requirements that include location standards.

45
46 McShane opened the public hearing and the following people spoke:
47

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1 Elizabeth Denny, Everson, stated asthma and sinus problems may cause her
2 to have to move and sell her home because of the substrate. *(Inaudible)* The
3 substrate is an extremely potent smell from three-quarters of a mile away. Her
4 husband has sleep apnea and sleeps with a machine which may cause him to
5 breathe in more than normal. She is concerned about the health of newborns in
6 her family, depression, and post traumatic stress from this situation. She is also
7 concerned about water quality in the area. Mushroom substrate uses lots of water.
8 Everyone in the area has water problems. She's also concerned about aging. As
9 people age, they will become disabled and live in a rest home.

10
11 Royal Sefton, 6799 Goodwin Road, Everson, stated his property abuts the
12 property where they plan on putting in a substrate production facility. He suffers
13 from asthma, and substrate does affect his health. He is concerned about traffic
14 from trucks and the effect on the water table. If this goes in, he'll be forced to
15 move. He may not be able to sell his property because of the smell and other
16 problems. Pass this ordinance.

17
18 Dave Bader, Ostrom Environmental Consultant, gave his background and
19 stated he has proposed amendments that would be workable with Ostrom. They
20 have been good operators that want to continue to employ people in the
21 community. The Northwest Air Pollution Authority (NWAPA) is the agency that
22 controls odors.

23
24 Lamar McKay, 6781 Ocean Road, Everson, stated he recently visited a city in
25 California with a compost facility. Many of the residents had odd health problems.

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

28
29 McKay continued to state that the young and old are the most susceptible for
30 getting sick. A specific disease comes from compost emissions. Doctors say that
31 the level of hydrogen sulfide from the compost damages children. Approve the
32 ordinance.

33
34 Greg Barlean, Ocean Road, Everson, stated Bob Carmichael will speak on
35 behalf of the Hopewell Neighborhood Association's concerns later. They need this
36 ordinance. The Hopewell Neighborhood Association had two facilities in its
37 neighborhood. Those facilities produced enough substrate to satisfy the per capita
38 requirements for everyone in the four states in the Northwest, times two and a
39 half. The neighborhood has a contained air space. Sulfide gases are heavier than
40 air. These facilities produce tons per year. It is unconscionable to put those sulfide
41 gases in that contained airspace.

42
43 Caskey-Schreiber stated Mr. Barlean has done a lot of research on this issue.
44 She asked the attraction to Whatcom County from these facilities. Barlean stated
45 the attraction is the discrepancy in regulations between the two adjoining
46 jurisdictions. British Columbia mandates indoor facilities and bio-filtration. This
47 type of operation adds a certain amount of cost to the industry.

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1
2 Bill Street, Ostrom Mushroom Farms, Everson, stated there have been no
3 complaints registered with them or with NWAPA by any of the neighbors. There is
4 no need for the ordinance. This ordinance is specifically targeting Ostroms. The
5 real issues communities have with mushroom substrate operations are odors, not
6 trucks driving in and out of farms. He has been in this business for 20 years and is
7 involved in many local and national organizations. He has never heard of odor
8 emissions from a mushrooms facility being a health risk. Three other facilities in
9 the county were not good businesses and neighbors. They are no longer here. He
10 wants to know why they are the new target. In addition, Ostroms has no plans to
11 expand. Approach prescriptive technology carefully. There may be questionable
12 benefits.

13
14 JoAn Leeper, 6752 Goodwin Road, Everson, stated she purchased her place
15 16 years ago. They have put a lot of work into their home and property. Her
16 husband is asthmatic and has heart conditions. They cannot sell and relocate.
17 They cannot live just indoors. The stench from these composting piles is bad.

18
19 Brenner asked if Ms. Leeper has registered a complaint. Leeper stated she
20 hadn't. Many people have told her they have complained. She doesn't smell
21 Ostrom's from where she lives. There is a proposed facility across the road from
22 her home.

23
24 Ken Ryan, 7098 Goodwin Road, Everson, stated he represents the Glen Echo
25 community. He would like the ordinance passed without further delay. Many area
26 residents predate Ostroms and Mt. Baker mushroom farms. They did not receive
27 many complaints until late in 2002, when Ostrom increased their mushroom
28 substrate production, which began shipping to Canada. They began shipping over
29 200 yards per week offsite without a conditional use permit or solid waste handling
30 waste permit. The surrounding families followed the trucks to Canada. Ostrom
31 voluntarily ceased when neighbors filed a complaint. They learned their
32 environment cannot handle that increase. They also learned that Ostrom had a
33 building permit for a 12,000 cubic yard per month open air system. It would have
34 been an increase of 800 percent. Ostrom has not be forthcoming with information
35 to the community. Protect the health, safety, and welfare of the citizens. They
36 need this ordinance now.

37
38 Karen Hegrie, 7131 Joy Road, stated she supports the adoption of the
39 ordinance. There are health issues. Protect their homes and investments. Avoid
40 environmental runoff.

41
42 Henry Bierlink, Agricultural Preservation Committee (APC), stated they need
43 to respect both the health concerns and the agriculture business needs. The
44 agricultural community has not been involved in this discussion at all. He only
45 heard about this late last week. This is about farming. He suggested that the
46 Council delay its decision so that his committee can discuss the issue, since they
47 have been left out of the process.

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1
2 Fleetwood asked how soon the APC can meet and discuss this. Bierlink
3 stated they are meeting soon. The Agricultural Advisory Committee will meet in
4 October. That's the appropriate body to review the ordinance.
5

6 Caskey-Schreiber stated it can't be in Title 20. Bierlink stated the health
7 concerns can't, but the zoning issues can be in Title 20. He is concerned about how
8 this links health and farming.
9

10 Christine Swanson, 6770 Goodwin Road, Everson, asked why this community
11 would want the industry if Canada doesn't want. They really don't need Canadian
12 rubbish.
13

14 Christopher Street, Ostrom Farms, stated composting in British Columbia is
15 still taking place. He gave a history of Money's mushroom composting in British
16 Columbia. Indoor composting is very problematic. Regulations in British Columbia
17 do not require indoor composting. There should be regulatory oversight, and
18 people have a right to enjoy their properties. However, the prospective and scale
19 has been blown out of proportion. The project Ostrom's put forth was for 1,500
20 cubic yards of finished substrate per week. The next phase would have been to put
21 the facilities indoors with ammonia scrubbers and bio-filtration. That was always in
22 the plan. Send the ordinance to committee for further review.
23

24 Caskey-Schreiber asked if Ostrom's currently produces substrate for export
25 to other businesses. Christopher Street stated they do not. They cancelled their
26 expansion project a year and a half ago. The expansion was planned to add more
27 growing rooms. The capital costs of an indoor facility is extremely expensive.
28

29 Crawford asked if this ordinance would apply if Ostrom maintains the
30 current operation, without expanding. Christopher Street stated he believed it
31 would apply. They would like the opportunity to improve what they have without
32 being brought before a permitting authority and having to go indoors simply to
33 install an aerated floor under pre-conditioned heaps. The ordinance as it is now,
34 would cap Ostrom's at its volume produced now. Allow Ostrom's the ability to grow
35 without being forced into the high cost of these technologies at one time. A facility
36 in that environment, that can produce 1,200 yards of finished substrate per week
37 maximum makes more economical sense.
38

39 Crawford asked if the volume Mt. Baker Mushroom produced in the 1970's
40 was bigger. Christopher Street stated it was not. The volume produced has stayed
41 the same.
42

43 Caskey-Schreiber asked if their Lacey operation is all enclosed. Christopher
44 Street stated the post-supplemented site is indoors. They pre-wet straw un-
45 supplemented, not adding dry nitrogen, outdoors.
46

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1 Bob Carmichael, Hopewell Association Representative, submitted proposed
2 changes. Since the fall of 2002, there are ten complaints about the Ostrom facility
3 on file with NWAPA. This is a good ordinance. His proposed changes are not
4 substantial. They are for clarification. This ordinance would allow Ostrom to
5 continue business as usual. It is a change in the County's regulatory scheme. If
6 there are going to be expansions beyond a certain amount, including of the Ostrom
7 facility, the expansion would have to meet design standards. There would be no
8 impact from this ordinance on Ostrom's existing operations.
9

10 According to Whatcom County Code (WCC) 24.12.100(1), an owner operator
11 shall obtain a permit from the department. The intent was for any mushroom
12 substrate facility to obtain a permit. The design standards of the existing operators
13 would be grandfathered in. That would need to be revised if the intent of the
14 Health Department is to go through. The requirement of a performance bond is a
15 substantial change. WCC 24.12.040 as written is ambiguous and should be
16 clarified. Other sections should be clarified also.
17

18 Crawford asked about a permit requirement from the Health Department
19 that Mr. Carmichael recommends. Carmichael stated make it clear that those small
20 facilities would be exempt from getting a permit. Every existing facility would be
21 required to get a permit, according to the Health Department proposal. Ostrom's
22 wouldn't be required to comply with the design standards. The point of the permit
23 is oversight of the operations. The Health Department would have some regulatory
24 oversight, which it doesn't have now.
25

26 Crawford stated it's significant to apply all regulations to existing facilities.
27 They have to ponder the implications of that.
28

29 McShane asked if the Council can send this item to the Board of Health, once
30 the public hearing is closed.
31

32 Dave Grant, Senior Civil Deputy Prosecutor, stated they could.
33

34 McShane asked if the Council wants to close the public hearing or work on
35 this more. They received several letters suggesting lengthy amendments. He
36 suggested closing the public hearing and digesting this new information. If
37 necessary, they could schedule another public hearing. They can keep the written
38 record open for a couple of weeks, and consider more comments at the same time.
39 He asked Board of Health members if they would like to close the public hearing or
40 continue taking written comments.
41

42 Nelson stated he'd like to support this because strong issues have been
43 raised by the community. However, he's concerned they may open a box regarding
44 agricultural practices. Mr. Bierlink raised significant issues. He asked if they've
45 identified the difference between substrate and silage. He has questions that need
46 to be answered. He asked if it's true that the agriculture community includes

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1 production of manure facilities that have used by-products for commercial
2 production.

3
4 McShane stated the question now is whether or not to keep the public record
5 open.

6
7 Hegedus stated the definition of mushroom substrate answers
8 Councilmember Nelson's question. They are talking specifically about the
9 production of substrate to grow mushrooms.

10
11 Nelson asked the difference if it doesn't have to do with mushrooms.
12 Hegedus stated some agricultural operations can generate nuisance odors. With
13 this, they are looking at something beyond nuisance odors that may cause a public
14 health risk.

15
16 Nelson asked how silage would be different from substrate. Hegedus stated
17 it has different constituents of the air pollutants. In this situation, the volume and
18 vociferousness of complaints, which was 1,100 in four years, is unlike any other
19 agricultural operations. They also find that, according to Washington
20 Administrative Code (WAC) 173-350, other agricultural operations already have lots
21 of management requirements, exemptions, and plans. In that WAC, mushroom
22 substrate production is exempt. That's why they are addressing it here. They
23 don't intend to regulate odors from other types of agricultural facilities. Silage is a
24 different manufacturing process that results in different constituents in air
25 pollutants.

26
27 Nelson asked if this would only apply to mushrooms. Hegedus stated it
28 would only apply to substrate produced to manufacture mushrooms. Silage would
29 not be used.

30
31 *(Clerk's Note: End of tape one, side B.)*
32

33 Nelson asked if these types of odors would be generated by other
34 agricultural practices. Bierlink stated they would. Mushroom substrate is
35 specifically defined. This ordinance doesn't target other things, but they may be
36 opening a Pandora's box.

37
38 Nelson asked how they protect the citizens' legitimate concerns. He isn't
39 convinced that this material is different. Bierlink stated they can't regulate odors in
40 the zoning code. There are a lot of things they can do in the zoning codes that
41 would apply to this circumstances. They can work something out. They need to
42 respect the people in the area, but they also need to respect a business's ability to
43 survive. One concern is tying what happens there to the production of mushrooms.
44 Where this may go is disturbing.
45

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1 Nelson asked if mushroom farming is agriculture. Bierlink stated they regard
2 Ostrom's as part of the agricultural community in the county. He's not prepared to
3 say whether the production of substrate to export is agriculture.
4

5 McShane asked the Council for direction on whether they close the public
6 hearing. It's possible that the Board of Health could work on this longer. There
7 may be an interest in taking more time with this information. Both sides have
8 suggested quite a few changes that he's not prepared to deal with tonight.
9

10 Dave Grant, Senior Civil Deputy Prosecutor, stated the Council could close
11 the public hearing. If the Council suggested significant changes, it could have a
12 hearing on those specific changes.
13

14 Brenner stated they should talk about it and vote on it at this meeting.
15 She's not persuaded by Mr. Bierlink's comments. They've known about this for
16 many years. This has been going on for years. They owe the people in the
17 community to put an end to this and create a regulation that has some teeth.
18

19 Caskey-Schreiber stated she is an original proponent of this item. She gave
20 a history of her work on this issue. She has been to some of the mushroom
21 substrate sites. The odor is worse than anything she can imagine. There are some
22 risks to health. They've spent enough time working on this. Work on this tonight
23 and get it done. This would provide some predictability to Ostrom's, which this
24 ordinance is not targeted at. They have been good neighbors.
25

26 Fleetwood stated the proposed amendments apply to the applicability
27 requirements and requirements for Ostrom to retrofit. They should consider the
28 proposals from both sides of the issue. A committee with lots of respected
29 members, the Agricultural Preservation Committee, wants a chance to consider
30 this. During the time this is being considered, neither Ostrom nor Littleton will
31 come forward with requests for major expansion. The moratorium remains in
32 effect. In that brief period of time, the Council will have an opportunity to consider
33 the wide range of proposals. That can't occur tonight.
34

35 McShane stated the neighborhood association has 50 proposed changes.
36

37 Roy stated she's frustrated to hear people say they didn't know it was
38 happening. It has been on the agenda and in the newspaper. The Health
39 Department did a great job putting it together. She assumes there is scientific
40 backup for the claims made in the "Whereas" statements in the ordinance. This is
41 a health issue. She assumes that the Health Department researched. Keep the
42 focus on this as a health issue, not an agricultural issue. This ordinance is so
43 specific to mushroom substrate, she doesn't understand how it would set a
44 precedent for other agriculture. This is different from a Right-to-Farm issue.
45

46 McShane stated they could close the public hearing, and keep the public
47 comment period open until September 28. The Council can take it up at the next

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1 Council meeting, acting as the Board of Health. The Health Department staff can
2 review some of these proposed changes.

3
4 Brenner stated that if any changes happen, they have to have another public
5 hearing. A decision on September 28 may not be final. They may need to have a
6 Board of Health work session.

7
8 Hearing no one else, McShane closed the public hearing and extended the
9 written comment period to September 28.

10
11 Caskey-Schreiber asked the Health Department staff, Mr. Bierlink, and
12 Ostrom's representatives to comment on Mr. Carmichael's proposed changes. She
13 likes the recommendations for the applicability section.

14
15 ***McShane moved*** to extend the written comment period to September 28,
16 2004.

17
18 Brenner stated she preferred to have a separate meeting on this issue that is
19 not during the next regular Council meeting.

20
21 McShane stated he would schedule a meeting some time after September
22 28, 2004.

23
24 ***Motion carried unanimously.***

25
26
27 **CONSENT AGENDA**

28
29 ***Crawford*** reported for the Finance and Administrative Services Committee
30 and ***moved*** to approve Consent Agenda items one through nine. The correct
31 amount for item one is \$31,725. The amount in item eight is \$35,000 out of the
32 flood fund.

33
34 ***Motion to approve Consent Agenda items one through nine carried***
35 ***unanimously.***

- 36
37 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO THE**
38 **WHATCOM CHIEF FERRY INSURANCE RENEWAL FOR POLICY YEAR**
39 **9/30/04 THROUGH 9/30/05 IN THE AMOUNT OF \$35,305 (AB2004-**
40 **314)**
41
42 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
43 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND HOME**
44 **PORT LEARNING CENTER TO PROVIDE ALTERNATIVE EDUCATION TO**
45 **YOUTH IN THE JUVENILE JUSTICE SYSTEM, IN THE AMOUNT OF**
46 **\$66,000 (AB2004-307)**
47

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- 1 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
2 **"MULTI-JURISDICTIONAL NARCOTICS TASK FORCE PROGRAM**
3 **CONTRACT" BETWEEN WHATCOM COUNTY SHERIFF'S OFFICE AND**
4 **THE WASHINGTON STATE DEPARTMENT OF COMMUNITY, TRADE AND**
5 **ECONOMIC DEVELOPMENT FOR THE CONTINUING NARCOTICS**
6 **EFFORTS AND PROSECUTION ASSISTANCE OF THE NORTHWEST**
7 **REGIONAL DRUG TASK FORCE, IN THE AMOUNT OF \$118,056**
8 **(AB2004-308)**
9
- 10 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
11 **CONTRACT RENEWAL BETWEEN WHATCOM COUNTY AND MICHAEL**
12 **BOBBINK FOR HEARING EXAMINER SERVICES, EXTENDING THE**
13 **CONTRACT TO DECEMBER 31, 2004 (AB2004-309)**
14
- 15 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
16 **AGREEMENT FOR CONSULTING SERVICES FOR THE SELF-INSURED**
17 **MEDICAL PROGRAM BETWEEN WHATCOM COUNTY AND KIBBLE &**
18 **PRENTICE FOR THE PERIOD SEPTEMBER 15, 2004 THROUGH**
19 **DECEMBER 31, 2006, IN AN AMOUNT NOT TO EXCEED \$38,000 PER**
20 **YEAR (AB2004-310)**
21
- 22 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
23 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY, THE CITY**
24 **OF BELLINGHAM AND THE LAKE WHATCOM WATER AND SEWER**
25 **DISTRICT FOR MONTHLY MONITORING OF TRIBUTARIES IN THE**
26 **LAKE WHATCOM WATERSHED, IN THE AMOUNT OF \$27,994.50**
27 **(AB2004-311)**
28
- 29 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
30 **COOPERATIVE AGREEMENT BETWEEN WHATCOM COUNTY AND**
31 **USDA/NATURAL RESOURCE CONSERVATION SERVICE FOR THE**
32 **RECEIPT OF FUNDS FROM THE FEDERAL BUDGET FOR THE PURCHASE**
33 **OF DEVELOPMENT RIGHTS PROGRAM (AB2004-312)**
34
- 35 **8. REQUEST APPROVAL TO DEVIATE FROM THE FLOOD CONTROL**
36 **MAINTENANCE PROGRAM ESTABLISHED COST-SHARE FORMULAS**
37 **(80/20 OR 85/15 IF SIGNIFICANT FISH HABITAT COMPONENT) AND**
38 **USE 100% FLOOD CONTROL ZONE DISTRICT FUNDS FOR REPAIRS TO**
39 **THE HOVANDER PARK LEVEE (AB2004-313)**
40
- 41 **9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**
42 **AWARD OF BID #04-67 FOR A THREE-YEAR CONTRACT WITH**
43 **BAYSIDE SERVICES FOR STREET SWEEPING SERVICES, IN THE**
44 **AMOUNT OF \$569,152.08 (AB2004-315)**
45

46
47 **OTHER ITEMS**

1
2 **1. REPORT ON COMMITTEE DISCUSSION REGARDING THE JORDAN**
3 **EXPLORATION COMPANY CONTRACTS ON FUTURE PDR PURCHASES**
4 **AND PERMITTING OF GAS EXPLORATION PROJECTS (AB2004-306)**
5

6 Roy reported for the Natural Resources Committee and stated Kraig Olason
7 experienced a difficulty with the State Department of Agriculture, which will not
8 support the purchases of development rights (PDRs) on farmland with the methane
9 gas leases. It will not give the County money for the purchases when there are
10 existing contracts with Jordan Exploration on the properties. The Natural Resources
11 Committee approved a contract amendment for the contract between the
12 landowners and Jordan Exploration. As part of the PDR process, the landowner and
13 Jordan Exploration will have to enter into the contract amendment.
14

15 Roy stated the committee also had a **presentation on a USGS study**
16 **regarding the mercury level in Lake Whatcom (AB2004-302)**. The mercury
17 level in the lake is low. The mercury levels peaked in the 1980's, and have been
18 declining since. The source is atmospheric, but not from local sources such as
19 Georgia-Pacific or other local industries.
20

21 **2. CONSIDERATION OF AN APPEAL OF THE HEARING EXAMINER'S**
22 **DECISION ON FILE NO. APL04-0001, FILED BY MARK AND ROY**
23 **PALMER, REGARDING AN ADMINISTRATIVE DECISION RELATED TO**
24 **ACCESS TO NEWLY-CREATED PARCEL OF LAND (AB2004-230)**
25

26 See Announcements.
27

28 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE A NEW**
29 **APPLICATION FOR A LIQUOR LICENSE FOR ABARROTES LAGLORIA**
30 **LOCATED AT 5974 GUIDE MERIDIAN #B, BELLINGHAM (AB2004-317)**
31

32 *McShane moved* to approve the request.
33

34 *Motion carried unanimously.*
35

36 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE A NEW**
37 **APPLICATION FOR A LIQUOR LICENSE FOR FORT BELLINGHAM**
38 **MARKET, 1383 MARINE DRIVE, BELLINGHAM (AB2004-318)**
39

40 *Nelson moved* to approve the request.
41

42 *Motion carried unanimously.*
43

44 **5. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
45 **LAVERNE LANE-OREIRO AND ANDREW BYRNE TO THE PUBLIC**
46 **HEALTH ADVISORY BOARD (AB2005-319)**
47

1 ***Caskey-Schreiber moved*** to confirm.

2
3 ***Motion carried unanimously.***

- 4
5 **6. REQUEST CONFIRMATION OF THE EXECUTIVE’S CONCURRENT**
6 **APPOINTMENT OF MARY SWENSON TO THE BELLINGHAM-WHATCOM**
7 **COUNTY HOUSING AUTHORITIES BOARD OF COMMISSIONERS**
8 **(AB2004-320)**

9
10 ***Brenner moved*** to confirm.

11
12 ***Motion carried unanimously.***

- 13
14 **7. REQUEST CONFIRMATION OF THE EXECUTIVE’S APPOINTMENT OF**
15 **DEAN BRETT AND YVONNE CARTWRIGHT TO THE JOINT PUBLIC**
16 **FACILITIES DISTRICT BOARD (AB2004-321)**

17
18 ***Crawford moved*** to confirm.

19
20 ***Motion carried unanimously.***

- 21
22 **8. REQUEST CONFIRMATION OF THE EXECUTIVE’S APPOINTMENT OF**
23 **SHERI EMERSON TO THE BELLINGHAM-WHATCOM COUNTY**
24 **COMMISSION AGAINST DOMESTIC VIOLENCE (AB2004-322)**

25
26 ***Fleetwood moved*** to confirm.

27
28 ***Motion carried unanimously.***

- 29
30 **9. REQUEST CONFIRMATION OF THE EXECUTIVE’S APPOINTMENT OF**
31 **DONNA-LEE ELKE TO THE RURAL LIBRARY BOARD (AB2004-323)**

32
33 ***Brenner moved*** to confirm.

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

36
37
38 **INTRODUCTION ITEMS**

39
40 ***Fleetwood moved*** to accept the Introduction Items, including the
41 addendum item AB2004-326 with alternate exhibit A.

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

- 44
45 **1. ORDINANCE AMENDING ORDINANCE 2000-085, ESTABLISHING**
46 **SERVICE FEES AND SETTING A FEE SCHEDULE RELATED TO**

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1 **AMBULANCE SERVICE CHARGES (AB2004-324) (HEARING TO BE**
2 **SCHEDULED)**

3
4 **2. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY**
5 **COMPREHENSIVE PLAN AND ZONING MAPS TO CREATE A MINERAL**
6 **RESOURCE LANDS DESIGNATION NEAR THE CORNER OF NORTH STAR**
7 **AND BROWN ROADS (JAMES CARR APPLICATION) (AB2004-082A)**

8
9 **3. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY**
10 **COMPREHENSIVE PLAN AND THE WHATCOM COUNTY CODE**
11 **RELATING TO AIRPORT/LAND USE COMPATIBILITY PLANNING**
12 **(AB2004-082B)**

13
14 **4. ORDINANCE AMENDING THE 2004 WHATCOM COUNTY BUDGET, 12TH**
15 **REQUEST (AB2004-325)**

16
17 **5. RECEIPT OF REQUEST FOR HEARING ON A LATECOMER'S**
18 **APPLICATION FILED BY RALPH BLACK (AB2004-303)**

19
20 **6. ORDINANCE ADOPTING THE BIRCH BAY COMMUNITY PLAN**
21 **(AB2004-121)**

22
23 **7. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
24 **PLAN TEXT AND MAP REGARDING THE BIRCH BAY URBAN GROWTH**
25 **AREA (AB2004-122)**

26
27 **8. INTERIM ORDINANCE AMENDING WCC TITLE 16, CHAPTER 16,**
28 **CRITICAL AREAS, TO PROVIDE ADDITIONAL REGULATORY**
29 **PROTECTION FOR WETLANDS AND GEOLOGICAL HAZARD AREAS**
30 **(AB2004-288)**

31
32 **9. INTERIM ORDINANCE AMENDING WCC, TITLE 20, CHAPTER 20.80 –**
33 **SUPPLEMENTARY REQUIREMENTS, TO INCLUDE THE BIRCH BAY**
34 **WATERSHED UNDER SECTIONS 20.80.635 – STORMWATER SPECIAL**
35 **DISTRICTS AND 20.80.735 – WATER RESOURCE SPECIAL**
36 **MANAGEMENT AREAS TO PROVIDE ADDITIONAL REGULATORY**
37 **PROTECTION FOR THE BIRCH BAY WATERSHED (AB2004-287)**

38
39 **Addendum:**

40
41 **10. ORDINANCE AMENDING WHATCOM COUNTY ZONING MAP TO**
42 **IMPLEMENT THE BIRCH BAY COMMUNITY PLAN (AB2004-326)**

43
44 **OTHER BUSINESS**

45
46 There was no other business.
47

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REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

Caskey-Schreiber stated the Northwest Air Pollution Authority (NWAPA) is considering a name change. One option is the Norwest Clean Air Agency (NWCAA).

McShane stated Water District 10 Commissioner Vince D’Onofrio passed away. He contributed to the community in many ways until the last few months of his life.

Crawford stated that former County Auditor Wella Hanson will celebrate her 100th birthday on Sunday.

Caskey-Schreiber stated that Mr. D’Onofrio’s memorial service will be on Saturday, September 18.

ADJOURN

The meeting adjourned at 9:10 p.m.

Jill Nixon, Minutes Transcription

The Council approved these minutes on October 26, 2004.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Dan McShane, Council Chair