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1     **3.     COMMITTEE OF THE WHOLE FOR OCTOBER 12, 2004**

2  
3     **4.     REGULAR COUNTY COUNCIL FOR SEPTEMBER 14, 2004**

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5     **5.     REGULAR COUNTY COUNCIL FOR OCTOBER 12, 2004**

6  
7     **6.     WATER RESOURCES WORK SESSION FOR SEPTEMBER 21, 2004**

8  
9  
10    **OPEN SESSION**

11  
12        The following people spoke:

13  
14        Lou Piotrowski, 9999 Mt. Baker Highway, stated he would address the  
15    **resolution opposing any consideration of a "Foothills Element" in future**  
16    **Washington State Commerce Corridor planning (AB2004-376)**. He supports  
17    the resolution. This issue has polarized the community. The issue is complex.  
18    When an act of the government makes it difficult for the people to come to a  
19    conclusion, it's difficult for the Council to address. There has been strong  
20    opposition to this issue. The study was based on finding a fatal flaw, which was  
21    found to be Seattle's water district. It needed to cross the Cedar River drainage  
22    area by 23 miles. Twenty-five communities were opposed. There are other fatal  
23    flaws in this area also. Let them know this is not a wise use of money or land.

24  
25        Linda Franz, 6640 Trent Lane, Ferndale, stated she commended County  
26    Auditor Shirley Forslof on a vote-by-mail presentation last night. It was an  
27    excellent presentation and she was very patient with everyone's questions.

28  
29        Second, she wants to address the inclusion of the North Star mineral  
30    resource land (MRL) in the Comprehensive Plan. She was denied due process.  
31    There is now a difference in the way the determination of non-significance was put  
32    into the newspaper, which was a little late for her. However, the change has been  
33    made and all the information is now there. A property recently sold in her area.  
34    The person selling the property received four offers, which were all rescinded due to  
35    the potential MRL. This person lost \$17,000, which is approximately 20 percent.  
36    Twenty percent of the equity in her property is about \$60,000.

37  
38        The Fifth Amendment and Fourteenth Amendment to the Constitution doesn't  
39    allow this. The purpose of MRL designation is to prevent people from moving into  
40    the MRL area. In this case, there was no MRL and the operators didn't own the  
41    property, the existing residents didn't know. Whatcom County has some liability.  
42    This MRL constitutes a nuisance. The residents' properties are uncomfortable to be  
43    in. The nuisance is continuous and recurring. The entity that has the power to  
44    control the project is liable in a nuisance case, according to State law.

45  
46        In addition, spot zones are illegal. This is a spot zone for the benefit of a  
47    particular person and an industry that is hauling material to Canada. This issue

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1 subsidizes the mining industry on the backs of the citizens to send products to  
2 Canada.

3  
4 Klaus Klix, 5563 Hillard Road, Everson, stated he is available if the Council  
5 has questions about the Delta Vista connector project in the **Economic**  
6 **Development Investment Program funding applications and**  
7 **recommendation of the EDI Board (AB2004-361)** later in the meeting.

8  
9 William Rink, 995 Lakeview Street, stated he wanted to speak on the Lake  
10 Whatcom Connector. **Ordinance adopting amendments to the Capital**  
11 **Facilitates Chapter and Transportation Chapter of the Whatcom County**  
12 **Comprehensive Plan (AB2004-338)**. He is being forced to forfeit a 20 x 665'  
13 buffer along the waterfront because of the connector. He won't be able to use that  
14 land. There are economic feasibility concerns and impacts to Lake Whatcom. The  
15 idea is unpopular with citizens. His impression from talking with most City of  
16 Bellingham and County officials is that the connector won't ever happen. For these  
17 reasons, he would like the connector removed from the future plans of the County.

18  
19 Barry Englestad, 995 Lakeview Street, stated he wanted to speak on the Lake  
20 Whatcom Connector. **Ordinance adopting amendments to the Capital**  
21 **Facilitates Chapter and Transportation Chapter of the Whatcom County**  
22 **Comprehensive Plan (AB2004-338)**. The connector has been on the six-year  
23 Transportation Improvement Plan for eight years. The connector is not close to  
24 happen. For eight years, citizens have paid a price for this road being on the list,  
25 even if it's low on the priority list. He asked the Council to remove the connector  
26 from the transportation plan with a unanimous vote. It can always be put back on  
27 the list when the project is more viable. The proposed location might not be the  
28 location where the road is constructed.

## 29 30 31 **PUBLIC HEARINGS**

### 32 33 **1. PRESENTATION OF FINDINGS ON THE NORTHFORK COMMUNITY** 34 **RESOURCE CENTER FEASIBILITY STUDY (AB2004-357)**

35  
36 Randy Scott, North Fork Community Resource Center Association President,  
37 discussed his background and the background of his association. This project is the  
38 number one project on the Washington Community Economic Revitalization Team  
39 (WA-CERT) priority list. They have procured grants and the Stewart+King  
40 Partnership to do the feasibility study.

41  
42 David King, Stewart+King Partnership, stated the association has been  
43 amazing. The feasibility study was to do formal fact-finding, put together a scope-  
44 of-work, and describe a building that would meet identified needs. His agency  
45 assessed the needs in the east county area, called the North Fork area.

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1           They interviewed residents and service providers in the area to determine  
2 what is needed for the community. This meeting is the last aspect of phase one,  
3 and they can move into phase two. He showed a map and photos of the area.  
4

5           There is a high crime rate in this area. The advisory committee includes  
6 representatives from agencies who have tried to provide services in this area. They  
7 created a list of needs in the community. There is a high poverty rate, a high  
8 population growth, substance abuse, and little opportunity for economic  
9 development in the area.  
10

11           The citizens advisory committee was created based on the individuals who  
12 could influence the development of this project. They began to define what  
13 resources need to be provided to the community. The community needs meeting  
14 space for a variety of groups, adult education, a library, medical facilities, a senior  
15 center, facilities for the Sheriff and other County services, and youth activities.  
16

17           The survey result shows that a medical clinic and youth activities are a high  
18 priority of the community. He began to put together a scope-of-work for a building  
19 that would be easily maintained, easy on the environment, and appropriate for the  
20 rural nature of the community. The providers were specific about their needs for  
21 space in the building. There is space for a meeting room, a clinic, a library, and a  
22 multi-use area. The site hasn't been identified.  
23

24           The purpose of the feasibility study was to identify the scope-of-work, the  
25 project cost, the funding source, and a plan for future maintenance and operation.  
26 The site would include playfields, landscape buffers, and stormwater detention.  
27 Some of the service providers that can participate in the community include the  
28 Opportunity Council, Interfaith Clinic, Work Source, the library system, the Literacy  
29 Council, the food bank, and the Boys and Girls Club.  
30

31           Paul Schissler & Associates was responsible for identifying funding options.  
32 They're trying to define the project to a point where it is easily understood by those  
33 who would approve grant funding. They're still trying to get some of the pieces to  
34 fall into place. Ongoing discussions pertain to building ownership, management  
35 scenarios, maintenance and operation scenarios, and site selection. They're  
36 working with the Mt. Baker School District. They would like the facility to be next  
37 to a school so students can walk to the facility after school.  
38

39           Lou Piotrowski, 9999 Mt. Baker Highway, stated this project has been done  
40 right. When they're talking about this, they need to have technical, professional  
41 assistance. Through the leadership of the Executive's Office, they were able to  
42 make an arrangement with Mr. King and Mr. Schissler. This is a great model for  
43 helping the community members address its needs in a reasonable way. He  
44 thanked the citizens advisory committee.  
45

46           *(Clerk's Note: End of tape one, side A.)*  
47

1           Piotrowski continued to thank many who were involved.

2  
3           McShane opened the public hearing and the following people spoke:

4  
5           Dolores West, 705-12<sup>th</sup> Street, Bellingham, stated she is a member of this  
6 group's advisory committee. The community residents have been a large part of  
7 pushing this project forward. This has not been agency driven. The agencies face  
8 access challenges with that area of the county. There are few facilities where  
9 agencies can go to provide services. Residents also have problems with accessing  
10 Bellingham. The center would benefit the agencies and the residents both.  
11 Everyone is willing to collaborate on a facility. Common spaces can be shared by  
12 all to provide services to children and families. Her agency serves families with the  
13 lowest possible poverty income eligibility, which is 100 percent of poverty level.

14  
15           Roy asked if they currently have Head Start in the area. West stated Head  
16 Start has space in Deming. The majority of the families are from Kendall and  
17 Paradise. It would help to be closer to the families. Right now, the program  
18 provides transportation, but there are issues with that.

19  
20           Fleetwood asked the working definition of the poverty level. West stated  
21 they use the federal poverty guideline, which is \$18,850 per year for a family of  
22 four.

23  
24           Ellen Dalen, 7684 Silver Lake Road, Maple Falls, stated she resides in the  
25 Kendall area. There is a tremendous need for this facility. The children would  
26 benefit from more services. Many people in the community support this project.

27  
28           Joan Erothy, Whatcom County Library System Director, stated the Whatcom  
29 County Library Board completely supports the project. Initiative 747 limits the  
30 system's growth to one percent per year. The libraries are growing at about eight  
31 percent per year. The library board recognizes the purpose of a library to  
32 encourage lifelong learning and to support children. The board is willing to work to  
33 find ways to improve library services in that area.

34  
35           Hearing no one else, McShane closed the public hearing.

36  
37           Crawford asked about the potential revenue coming from the State. King  
38 stated the estimates are the amounts they're hoping for.

39  
40           Dewey Desler, Deputy Administrator, stated that there will be a push to the  
41 legislature to make an appropriation out of its capital budget. The State has  
42 funded these kinds of efforts in other communities. They are also pursuing federal  
43 funds.

44  
45           Caskey-Schreiber thanked the administration and Council for supporting this  
46 effort. They all have high hopes for this center. The County will probably have to

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1 commit staff to manage the building. It will be a County asset. She thanked the  
2 citizens for being great self-advocates.  
3

4 Brenner stated they will save money in the long run with a project like this  
5 because of reduced crime and expanded educational services. The residents voted  
6 to increase taxes to increase Whatcom Transportation Authority (WTA) services.  
7 She asked if that has equated to any increase in any service in the Kendall area.  
8 She asked about existing bus service to the area. King stated there is a recent run  
9 to the Kendall area. The population has been increasing. The location of a bus line  
10 has a lot to do with site selection for the facility. If WTA expands its service, it may  
11 open up other opportunities, but now there are many reasons to go to Kendall.  
12

13 Brenner stated she hoped the bus line would expand out in that area.  
14

15 **2. RESOLUTION ADOPTING THE WHATCOM COUNTY 2005 ANNUAL**  
16 **ROAD CONSTRUCTION PROGRAM (AB2004-335)**  
17

18 Joe Rutan, County Road Engineer, gave a staff report and stated this is a  
19 one-year program, which is the first year of the six-year Transportation  
20 Improvement Program. On Council packet page 552, he added project 37 last  
21 week. The County Road Administration Board amended the form, which he  
22 submitted to the Council. He will transfer the information onto the new form.  
23 There is no significant change in information other than the county population and  
24 the special maintenance amount, which is out of the County budget. He expects to  
25 spend about 75 percent of the total budgeted amount. There is \$10 million in the  
26 road fund.  
27

28 Roy stated she's concerned about the Birch Bay Drive sidewalk project from  
29 Alderson Road to Harborview Road, project number 49. Rutan stated that project  
30 is on the alternate list that staff would work on if time permitted.  
31

32 McShane opened the public hearing and, hearing no one, closed the public  
33 hearing.  
34

35 Roy stated the Council just approved a subarea plan for this area. The  
36 community just met recently. The beach restoration berm is a top priority for the  
37 community. Putting in sidewalks along Birch Bay Drive is a top priority. People will  
38 see a walkway on top of the berm. There is another issue of trees being removed  
39 for rights-of-ways. In order to expand sidewalks, the County cannot remove one  
40 tree. The community would rather have dirt paths. She would like to see the  
41 Public Works Department discuss this further with the community. She's not sure  
42 more sidewalks is what the community plan is about. Rutan stated the plan was to  
43 separate the sidewalk from the curb, and wind it around the existing trees.  
44

45 ***Nelson moved*** to approve the resolution. As these projects come up and  
46 surveyors are working an area, many times the public is confused about what's  
47 going on. He asked if there is a public notice process. There is also no plan for

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1 incorporating a bike trail or other activities in a difficult area. Rutan stated there is  
2 not a notification process for surveying. The six-year plan and annual program are  
3 considered notification for preliminary engineering. On Northshore, they wanted to  
4 get a head start on the area, which is challenging. The survey crew has a lot of  
5 knowledge on plans and projects because people stop to ask them about their  
6 work. They are a method for good outreach. When the County begins right-of-way  
7 acquisition, permanent designs, and special construction, the department does a lot  
8 of outreach.

9  
10 Nelson stated he's not sure Northshore is the optimal route for a bike path.  
11 He asked if there will be an opportunity to see the design. Rutan stated there will  
12 be a lot of public outreach for the Northshore Road work. They want to put  
13 shoulders on the road, improve storm drainage, straighten curves, and deal with  
14 sight distance issues. A lot of people would like to see the opposite happen.

15  
16 McShane stated people are expressing grave concerns about any widening of  
17 Northshore Road. Regardless of water quality issues, they also have to consider  
18 that the road is very dangerous, and people have died on it. They will have to look  
19 at that balance carefully.

20  
21 Crawford stated they can accomplish both safety and water quality  
22 mitigation.

23  
24 Caskey-Schreiber asked the message the County is sending about the  
25 Whatcom Connector. **Ordinance adopting amendments to the Capital**  
26 **Facilitates Chapter and Transportation Chapter of the Whatcom County**  
27 **Comprehensive Plan (AB2004-338)**. Rutan stated the connector is not on the  
28 annual construction program. There is money for preliminary engineering in years  
29 four through six as there has been for a number of years. It is also listed in the  
30 Comprehensive Plan and the Subarea Plan as a high-priority project. Therefore,  
31 the department taking some action as projects are built out there. The road will be  
32 an arterial. The County manages access that will create safety issues. They have  
33 asked to reserve the right-of-way necessary in case the connector does go through.  
34 For every other project on the six year plan, the County is requiring actual  
35 dedication of right-of-way as development occurs.

36  
37 Caskey-Schreiber asked when that subarea plan was done. Rutan stated it  
38 was done in the mid- or early-1990's. The existing subarea plan lists the connector  
39 as the highest priority in that area.

40  
41 Caskey-Schreiber asked if the Council has to remove the item from the  
42 subarea plan before the administration does anything with it. Rutan stated it also  
43 has to be removed from the six-year Transportation Improvement Program.

44  
45 Crawford asked if there is a way a developer could sign a no-protest  
46 agreement and put in the driveway configuration he wants to do right now, and  
47 then make changes if the connector goes in. Rutan stated he would be concerned

1 about property changing hands, that the configuration of the properties would not  
2 allow for realignment for driveways, and that septic fields and other infrastructure  
3 may also not allow for the realignment.  
4

5 Crawford stated that any problem could be resolved through legal design,  
6 description, and recorded attachment to the deed. Rutan stated he's concerned it  
7 would be a problem to deal with that many of structures that could not be  
8 relocated. Also, the easements that allow those joint accesses would no longer be  
9 in place. Garages are constructed in relationship to the location of the driveway.  
10 There have been three or four recent subdivisions out there that have been  
11 required to do this.  
12

13 Crawford asked how the Council could work on allowing that option.  
14 Developers in the area have a unique situation. Because of the tentative and  
15 political nature of the watershed, the situation is unique. It's possible that more  
16 impervious surfaces are created by the designs required by the right-of-way. One  
17 set of rules end up defeating another set of rules, in terms of their goals for the  
18 Lake Whatcom watershed. Rutan stated he's heard that argument before, and is  
19 not convinced of it. This decision isn't the issue. It's the next 99 decisions that are  
20 based on this precedence. They deal with this across the county. It is very much  
21 not a unique issue. He wants to be fair. Other shortplats in the area have been  
22 done recently where this right-of-way was required.  
23

24 ***Motion carried unanimously.***

25  
26 **3. ORDINANCE AMENDING WCC TITLE 24, HEALTH CODE, TO CREATE**  
27 **WCC 24.12, MUSHROOM SUBSTRATE PRODUCTION FACILITY RULES**  
28 **(AB2004-300) (COUNCIL ACTING AS THE HEALTH BOARD)**  
29

30 McShane opened the public hearing and the following people spoke:  
31

32 Bill Street, Ostrom Company President, submitted a list of questions (*on file*)  
33 and stated the proposed regulations are unfair to Ostrom. There is a lack of  
34 scientific evidence of harm. The regulations are unnecessary because Whatcom  
35 County has other ways to deal with mushroom compost odor problems.  
36

37 The regulations as proposed apply only to Ostrom's, the only mushroom  
38 farm in Whatcom County. Ostrom's has been around since 1978 and has a very  
39 good record. Yet, it is the only company impacted by these proposed regulations.  
40 The farm employs 55 to 60 full-time employees. It is one of the larger agricultural  
41 employers in Whatcom County, and operates year-around. Ostrom's Farm pays  
42 living wages and taxes to support Whatcom County. It's payroll is over \$1 million  
43 annually.  
44

45 The IMS facility in Ferndale generated over 1,000 complaints in only a few  
46 years. Ostrom's only generated about ten complaints since 1978. Regulations as  
47 drafted will put Ostrom's at a competitive disadvantage, which could result in the

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1 closure of the farm in the future and the elimination of all the jobs. The regulations  
2 require indoor composting, bio-filters, and ammonia scrubbers could cost millions of  
3 dollars. It's not affordable by a farm of this small size.  
4

5 According to the regulations, existing facilities, which is just Ostrom's,  
6 cannot modify operations to meet changing market conditions. If they cannot do  
7 that, his competitors gain an advantage. He must be able to grow the business  
8 over time. If they can do that, it means more jobs in Whatcom County.  
9

10 On November 2, the Council will meet again as the Board of Health. He  
11 submitted a short list of questions he would like answers to from the Health  
12 Department.  
13

14 Christopher Street, Ostrom Farm Chief Operating Officer, stated he works to  
15 make sure the mushroom substrate he produces is done correctly and of the best  
16 quality. Doing that minimizes odors that people object to. The proposed  
17 regulations has no input from Ostrom's. He's the most knowledgeable in the  
18 county regarding mushroom substrate production. The County should have sought  
19 his input.  
20

21 The problem with the draft regulations is that it refers to existing facilities.  
22 His is the only existing facility. He can't grow his business under these regulations.  
23 Any change in compost production requires compliance with all design  
24 requirements. It's possible they would go out of business because of the high cost  
25 of these technologies. Existing facilities cannot timely react to changes in the  
26 market place. Any violation of the performance standard at any time makes his  
27 facility no longer exempt from design requirements. The small farm can't bear the  
28 cost of that kind of facility. If there are more than three violations in any three-  
29 year period, the Health Department can suspend his operating permit. Therefore,  
30 four complaints in three years suggest the County could shut down his company.  
31 Ostrom's can't invest in its farm under those regulatory conditions. Indoor  
32 composting, bio-filters, and ammonia scrubbers do not alleviate odor problems.  
33 The IMS facility composted indoors and used a bio-filter, yet generated over 1,000  
34 registered complaints in a four-year period. The proposed regulations will put his  
35 Everson out of business, and does not truly address composting odors.  
36 Demonstrate fair and reasonableness in this ordinance development process.  
37 Direct the Health Department to work with Ostrom's and the community to produce  
38 an ordinance that benefits everyone.  
39

40 Mark Meyers, Ostrom Farms legal counsel, stated mushroom compost odors  
41 are not a public health threat. The proposed regulations are based on the premise  
42 that off-site odors pose a threat to public health. Yet there is no scientific or  
43 medical evidence to support that finding. Specific scientific medical studies have  
44 been done. They show that there is no public health impact. An expert in this field  
45 from the University of Washington Department of Environmental and Occupational  
46 Medicine found there is no such evidence. He wrote to the County Council and  
47 Health Department. Neither the Northwest Air Pollution Control Authority, Centers

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1 for Disease Control, Environmental Protection Agency, Occupational Safety and  
2 Health Administration (OSHA), Washington Industrial and Safety Health Act  
3 (WISHA), the Washington State Department of Health, nor the Washington State  
4 Department of Ecology have ever found a public health threat. It is a nuisance. It  
5 is not a public health threat.  
6

7 The Whatcom County Health Department admits that studies have not  
8 shown any specific disease in a community setting from exposure to mushroom  
9 compost. The Health Department has done no medical investigations. It relies  
10 primarily on self-reported symptoms from people who oppose mushroom compost  
11 facilities. Public health decisions should be based on medical science, not on  
12 speculation or the statements of biased individuals. This is a political, not a public  
13 health, issue.  
14

15 The regulations are arbitrary and capricious. There is no difference between  
16 mushroom compost production and any other compost production or many other  
17 ordinary agricultural activities. There is no logical reason why the County should  
18 regulate mushroom composting activities and not all other similar composting and  
19 agricultural activities. If these regulations are enacted, the logic behind them can  
20 be applied to many other similar agricultural activities in the county that create  
21 odors or dust. Any farmer in the county should be concerned about the  
22 regulations. They are arbitrary, unjustified, and unnecessary. Existing zoning and  
23 nuisance laws give the County authority to regulate new mushroom composting  
24 facilities and the expansion of existing facilities.  
25

26 Ken Ryan, 7098 Goodwin Road, Everson.  
27

28 *(Clerk's Note: End of tape one, side B.)*  
29

30 Ryan continued to state that he would speak on behalf of the Hopewell and  
31 Glen Echo Associations. The Council is now in position to protect Whatcom County  
32 and its residents. According to import estimates, \$43 million of mushrooms come  
33 over the border to Seattle annually. This is not about growing them here. It's  
34 about substrate. No one wants to live adjacent to a mushroom farm. Nor should  
35 they have to. Everson is a farming community. They love to live around true  
36 farmland. They feel differently about the express purpose of making ammonia. He  
37 thanked the Council for letting them be a part of the process.  
38

39 Harold Swanson, 6770 Goodwin Road, Everson, stated this isn't about  
40 nuisance. His wife's family are dairy farmers. They don't mind normal farming.  
41 The Council has seen a great deal of material from the Hopewell and Glen Echo  
42 Associations that refute what Mr. Meyers said. The Council should doubt the effects  
43 of commercial substrate production on the community's health. In the face of  
44 doubt, it's reasonable to act to protect public health. He hasn't seen anything  
45 relating to the effects of mushroom substrate production on veterinary health.  
46 They need to know more. He supports the ordinance. He is not willing to have an

1 industry self-regulate. There is an unfortunate tendency of industry to export its  
2 problems to areas where there is no regulation or where regulation is lax.

3  
4 Hearing no one else, McShane closed the public hearing.

5  
6 ***Caskey-Schreiber moved*** to adopt the ordinance as written.

7  
8 Brenner stated she is in favor of the motion. As someone who dealt with a  
9 mushroom composting operation for many years, she knows there were many sick  
10 people around that operation. Deciding when a nuisance becomes a public health  
11 threat is a matter of degree. People were sneezing and coughing all the time.  
12 Residents couldn't keep their windows open at all. She's appalled that anyone  
13 would say it's a nuisance, but not a health threat.

14  
15 Crawford asked the Health Department's position on the health issue and  
16 whether odors from other farming operations, such as dairies and manure  
17 spreading are compared to this particular operation.

18  
19 Regina Delahunt, Health Department Director, stated the mushroom  
20 composting operations give off emissions and odors. The main component of those  
21 odors are ammonia and hydrogen sulfide. Those are the components that cause  
22 people to have health effects. The concentrations are significant enough to cause  
23 health effects in the area. Councilmember Brenner expressed that neighbors have  
24 experienced symptoms where the odors are overwhelming and cause significant  
25 discomfort. The speaker from Ostrom's talked about there haven't been studies  
26 that have linked disease to emissions from mushroom composting facilities. It is  
27 always very difficult to link specific disease states to emissions. However, the  
28 Board of Health must determine whether the health discomfort are public health  
29 problems. They all believe the people are experiencing the health symptoms. The  
30 question is whether this is just a nuisance or whether emissions can be significant  
31 enough, if uncontrolled, to cause people actual symptoms of disease.

32  
33 Crawford asked if that level of discretion of the Board of Health is within the  
34 authority of the Board of Health as vested by the State of Washington.

35  
36 Dave Grant, Senior Civil Deputy Prosecutor, stated it is.

37  
38 Delahunt state that if they also look at the authority, it's not only to remedy  
39 situations, but to also prevent situations that are a public health threat, which is  
40 specified in the language of the ordinance.

41  
42 Nelson stated he's concerned about the spiraling problem of regulatory  
43 practices when dealing with nuisance health effects, which are ambiguous. He truly  
44 believes that the citizens of the Hopewell community are having problems with this,  
45 but this isn't the mechanism to solve the problems. It is a nuisance. Many smells  
46 from the agricultural community can be a nuisance. He's afraid of setting a  
47 precedent. A pro-development Council that wants to make more land available for

1 development may apply the argument of health effects. He asked if the statement  
2 about health effects refers to physiological effects documented by a physician.  
3 Delahunt stated the effects are documented by a physician, but not necessarily  
4 directly linked to the mushroom composting operations. Direct linkage is difficult.  
5

6 McShane asked if the human physiological response to hydrogen sulfide gas  
7 can be detected, and what happens when exposed over time. He did research in a  
8 volcanic area in the past and had to be aware of the effects of hydrogen sulfide.  
9 After a time, one loses the ability to detect the odor. It's interesting that one can  
10 be around that odor and then not detect it anymore after a few minutes.  
11

12 Roy stated she experienced a health effect of involuntary gagging while  
13 driving by the facility in Ferndale. There is a difference in physiological response to  
14 this stuff than from other agricultural odors such as dairy manure. Involuntary  
15 gagging is a health effect. The Whatcom County Agricultural Preservation  
16 Committee has said it is concerned about declaring odor a risk, but recognizes that  
17 producing mushroom compost beyond what is needed for the growing of  
18 mushrooms on sight is not something they want to protect under the Right-to-Farm  
19 ordinance, and that trying to defend such a controversial practice would weaken  
20 the Right-to-Farm ordinance. This is an operation that can be done anywhere in  
21 the county, including the middle of a city. It doesn't require agricultural land. The  
22 Agricultural Preservation Committee seems to want to disassociate itself from it.  
23 She resents the notion that they aren't discriminating between normal farming,  
24 which the Council supports, and something that creates involuntary gagging. There  
25 is a difference. They know the difference.  
26

27 Caskey-Schreiber stated there are documented complaints from their past  
28 experience with IMS. The Northwest Air Pollution Authority received 1,100  
29 complaints about that operation since 1999. The majority of the complaints result  
30 in headache, burning eyes, vomiting, and an inability to be outdoors. Those are  
31 true, measurable effects. The Monies Mushroom case in British Columbia included  
32 the exact same set of complaints. First and foremost, it is the Board of Health's  
33 duty to protect the citizens of Whatcom County. They know these kinds of  
34 operations, when operate to export compost, becomes vile. No one has a problem  
35 with Ostrom's creating compost for its own use, only when it gets in the business of  
36 exporting the material. The ordinance is reasonable. Ostrom can continue to  
37 operate in the fashion it has been. If they want to increase production levels, they  
38 need to go through the process and minimize effects. Ostrom's did this already at  
39 its Lacey facility, which is a closed facility.  
40

41 Brenner stated there is a difference between farming smells and the stench  
42 from the IMS facility. Ostrom's has done a good job and can continue to do a good  
43 job. The regulation is only if Ostrom's expands. If it expands, it's just like any  
44 other big facility that would come into the community. Now, the Council is giving  
45 Ostrom's special treatment by exempting them.  
46

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1 Crawford read from the ordinance about exempting existing facilities. It  
2 refers to a good local employer, which contributes to the community in a positive  
3 way. The community doesn't want Ostrom's to leave the community. They  
4 appreciate what Ostrom's does. From the first day this came up three years ago,  
5 he stipulated they cannot punish someone who has not created the problem.  
6 Ostrom's has had a good working relationship with the neighborhood. In turn, local  
7 government can do whatever it can to support it's continued operation in the  
8 Whatcom County.

9  
10 Nelson stated he didn't say this Council hasn't acknowledged agricultural  
11 practices. This Council does protect agricultural practices. He's concerned about  
12 this ordinance having impacts such that future councils may use it to restrict  
13 regular agricultural practices.

14  
15 The odors of hydrogen sulfide are naturally occurring in some areas such as  
16 Harrison Hotsprings. People do things every day that are around odors and smells  
17 that impact health. There needs to be something in place to protect against these  
18 smells. He would rather do something in terms of a nuisance rather than a public  
19 health. Anecdotal gagging can honestly be used against any odor. This has to be  
20 done in a way to protect agricultural practices. This has been a good company in  
21 Whatcom County. He asked why Whatcom County hasn't worked with this  
22 company in this process.

23  
24 McShane stated he would support the ordinance as a health issue. He  
25 regrets that the exemption for expansion was removed. He won't make the motion  
26 now, because it won't pass. If they allow expansion, some of the design standards  
27 could apply. Expansion would be an opportunity to improve health risks if the  
28 operation isn't going well. He supports this being a health issue over a nuisance  
29 issue.

30  
31 Brenner stated the examples that Councilmember Nelson gave about  
32 Harrison Hotsprings is true, but the difference is that he made the choice to go  
33 there. These are not choices the neighbors are making. When not run properly,  
34 production causes public health problems for the community.

35  
36 Fleetwood stated he agreed with Councilmember McShane. He would  
37 support this as a health ordinance. He was also in favor of allowing Ostrom's to  
38 permit to some expansion. This is one of the most stringent ordinances of its kind  
39 in the country. The performance standards are what is important. If the Council  
40 allows expansion of some amount, the neighbors would still have a right to enforce  
41 the performance standards.

42  
43 ***Motion to adopt the ordinance carried 6-1 with Nelson opposed.***

44  
45  
46 **CONSENT AGENDA**

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1           **Crawford** reported for the Finance and Administrative Services Committee  
2 and **moved** to approve Consent Agenda items one through four.

3  
4           Nelson withdrew item two.

5  
6           **Motion to approve Consent Agenda items one, three, and four carried**  
7 **unanimously.**

8  
9           **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
10 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND**  
11 **NORTHWEST HYDRAULIC CONSULTANTS FOR THE DEVELOPMENT OF**  
12 **A HYDRAULIC MODEL OF THE SOUTH FORK NOOKSACK RIVER FROM**  
13 **SAXON TO THE CONFLUENCE WITH THE NORTH AND MIDDLE FORKS**  
14 **AND FOR EVALUATION OF ALTERNATIVES FOR THE POTTER ROAD**  
15 **BRIDGE REPLACEMENT PROJECT, IN THE AMOUNT OF \$200,000**  
16 **(AB2004-362)**

17  
18           **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
19 **PROFESSIONAL SERVICES AGREEMENT BETWEEN WHATCOM COUNTY**  
20 **AND BECKWITH CONSULTING GROUP TO REVIEW AND UPDATE THE**  
21 **COMPREHENSIVE PARKS AND RECREATION OPEN SPACE PLAN, IN**  
22 **THE AMOUNT OF \$155,416 (AB2004-363)**

23  
24           **Nelson moved** to approve the request. He asked the administration what  
25 they need for future population growth. He hoped they look for a clear objective  
26 they need to achieve in the future to meet the needs of the community. That  
27 information should come from community input, not from the County.

28  
29           Dewey Desler, Deputy Administrator, stated the County has certain service  
30 and standards in its capital improvement plan. The various groups who have been  
31 working on this plan will review it carefully and use that information as a basis for  
32 examining that issue. If the group finds that there needs to be a different  
33 standard, it will talk to the County Council about it.

34  
35           Mike McFarlane, Parks and Recreation Department Director, stated  
36 determining the answer to the question of levels of service will be part of the  
37 planning process. Those are policy decisions that need to come before the Council.  
38 Once those decisions are made, they can move ahead with the next step.

39  
40           Nelson asked how they get the public involved in deciding what it wants in  
41 the future. He's looking for a level-of-service policy decision based upon public  
42 input. There are no policies to guide the Council in buying open space. The  
43 question is how much open space they should buy. The public wants parks, but the  
44 question is how many and what type of parks the public wants and needs.  
45 McFarlane stated there is a mechanism in the scope-of-work for public input. It  
46 asks for a minimum of ten public open houses or workshops to work directly with  
47 the public on various aspects of the plan. There is also a minimum of two

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1 stakeholder meetings, which will be public meetings where parts of the plan will be  
2 introduced. In addition, a steering committee will specifically address level of  
3 service. That question is left open purposefully because there are a number of  
4 different user groups and different aspects to the plan.  
5

6 Caskey-Schreiber stated all the councilmembers want and expect to know  
7 what the public wants, what areas need more parkland, and to prioritize areas for  
8 future acquisition.  
9

10 ***Motion carried unanimously.***

11  
12 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #04-**  
13 **70 TO THE LOWEST BIDDER, EBENAL GENERAL, FOR THE ONE-STOP**  
14 **PERMIT CENTER AND REMODEL AT THE NORTHWEST ANNEX, IN THE**  
15 **AMOUNT OF \$226,138 (AB2004-364)**  
16

17 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #04-**  
18 **71 TO THE LOWEST BIDDER, MILLER'S PAINTING, FOR**  
19 **MISCELLANEOUS PAINTING WITHIN COUNTY BUILDINGS, IN THE**  
20 **AMOUNT NOT TO EXCEED \$60,000 (AB2004-365)**  
21

22 **Addendum:**

23  
24 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO COMPLETE THE**  
25 **PURCHASE OF THE ANDERSON PROPERTY UP TO A TOTAL AMOUNT**  
26 **OF \$382,500 (AB2004-378)**  
27

28 ***Crawford moved*** to approve the request.  
29

30 ***Motion carried unanimously.***  
31  
32

33 **OTHER ITEMS**

34  
35 **1. ORDINANCE AMENDING THE 2004 WHATCOM COUNTY BUDGET,**  
36 **THIRTEENTH REQUEST (AB2004-356)**  
37

38 ***Crawford*** reported for the Finance and Administrative Services Committee  
39 and ***moved*** to adopt the ordinance.  
40

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

43 **2. ECONOMIC DEVELOPMENT INVESTMENT PROGRAM FUNDING**  
44 **APPLICATIONS AND RECOMMENDATION OF THE EDI BOARD**  
45 **(AB2004-361)**  
46

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1 Crawford reported for the Finance and Administrative Services Committee  
2 and ***moved*** to recommend that the full Council authorize the County Executive to  
3 sign an interlocal agreement with the City of Bellingham for the implementation of  
4 the grant award of \$214,000.

5  
6 Roy stated this is a wonderful project that blends the rural and the urban.

7  
8 ***Motion carried unanimously.***

9  
10 ***Crawford moved*** to recommend to the full Council to authorize the County  
11 Executive to enter into a developer agreement process for the Delta Line Road  
12 project for \$170,000.

13  
14 McShane asked what was discussed about the developer agreement. He  
15 asked if there is a latecomer's agreement.

16  
17 Dewey Desler, Deputy Administrator, stated there was some discussion in  
18 committee about a latecomer's agreement, but there wasn't any formal action by  
19 the committee. There is a question by legal counsel that this would not qualify as a  
20 latecomer's agreement because it is really a grant. In this case, it's a grant to the  
21 County. This is not like a road project, where they've invested road fund money in  
22 a road, and then watched the money get transferred to another fund. In this case,  
23 the County is making a grant to the entire community.

24  
25 Crawford stated the context of the discussion in committee was around  
26 whether the County could be reimbursed if the City of Ferndale annexed the area.  
27 Because this is a grant and not a collected road fund, it would not be reimbursable.

28  
29 Desler stated it is an issue the County can discuss with the City if the City  
30 decides to annex the area. It could be an issue the County discusses as part of the  
31 exchange. A definite reimbursement is not a condition of this program.

32  
33 Caskey-Schreiber stated that because funding is from the sales and use tax,  
34 it is a benefit to everyone in the county. It is not something that is only the  
35 County's. The developer has already put forth a lot of his own money to this  
36 project. It's not necessary to require a reimbursement.

37  
38 McShane stated he is against the motion. This sets a precedent. The County  
39 requires developers to improve public County roads all the time. The property  
40 owners in the vicinity who will financially benefit from this, at the expense of  
41 taxpayers. Other developers have an opportunity to get reimbursed through a  
42 latecomer's agreement. There is an opportunity for a latecomer on this particular  
43 project.

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

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1           McShane continued to state that he doesn't see a benefit of economic  
2 development. He's not comfortable with creating this precedent.

3  
4           Brenner stated she is in favor of the motion. It won't set a precedent. The  
5 name of the program is the Economic Development Investment program. It's a  
6 risky business for everyone. The developer will make that road a lot safer, which is  
7 what the County needs to do anyway. The developer has already done all the  
8 engineering and negotiated an easement. The safety value alone makes it worth  
9 the County's while. She's very impressed with the environmental work that has  
10 gone into the project.

11  
12           Caskey-Schreiber stated she is in favor of the project. It is an economic  
13 investment in future jobs. The developer has done work in good faith. The  
14 development is laid out nicely. It will be an attractive place for businesses to  
15 locate. The County Road Engineer said the developer will do the work to County  
16 standards at a cost no more than what the County would pay, and the County  
17 would assume responsibility.

18  
19           Nelson stated the councilmembers talked about supporting good paying jobs  
20 and infrastructure. This meets all the criteria.

21  
22           McShane stated he doesn't see any assurance in the application that these  
23 jobs would happen and to the benefit of the local community. That's his concern.

24  
25           Brenner stated there's no assurance about the farmer's market proposal or  
26 anything. She's glad this developer was willing to take this risk.

27  
28           McShane stated the farmer's market proposal has assurances and is based  
29 on a record of providing local jobs. The local venue is a benefit to local businesses  
30 and the community, which makes purchases at the market.

31  
32           Caskey-Schreiber stated the developer provides local jobs in his steel  
33 fabrication business. His intent is to provide that atmosphere.

34  
35           ***Motion carried 6-1 with McShane opposed.***

36  
37           **3. CONSIDERATION OF HEARING EXAMINER'S FINDINGS OF FACT,**  
38           **CONCLUSIONS OF LAW AND RECOMMENDATION TO THE WHATCOM**  
39           **COUNTY COUNCIL REGARDING GEORGIA STRAIT CROSSING**  
40           **PIPELINE'S REQUEST FOR SHORELINE SUBSTANTIAL DEVELOPMENT**  
41           **AND SHORELINE CONDITIONAL USE (AB2004-360)**

42  
43           ***Fleetwood*** reported for the Planning and Development Committee and  
44 ***moved*** to remand to the Hearing Examiner pending application of a major  
45 development permit.  
46

1           Crawford asked if there is an issue of fairness because staff originally told  
2 the applicant that the major development permit was not required.  
3

4           Dave Grant, Senior Civil Deputy Prosecutor, stated this was a point in time  
5 when the employee and the applicant was unaware the project would require a  
6 State environmental review process, which is what brings it under the umbrella of  
7 the major development permit process. At that point, State Environmental  
8 Protection Act (SEPA) review wasn't required. The employee's instructions were  
9 correct at the time.

10           ***Motion carried unanimously.***

11  
12  
13 **4. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**  
14 **JAEK KOMAC TO THE AMERICAN'S WITH DISABILITIES ACT**  
15 **COMPLIANCE COMMITTEE (AB2004-366)**

16  
17           ***Roy moved*** to confirm the appointment.

18  
19           ***Motion carried unanimously.***

20  
21 **5. RESOLUTION APPROVING THE 2005 WHATCOM COUNTY COUNCIL**  
22 **MEETING SCHEDULE (AB2004-375)**

23  
24           ***Brenner moved*** to approve the resolution.

25  
26           ***Motion carried unanimously.***

27  
28 **6. RESOLUTION OPPOSING ANY CONSIDERATION OF A "FOOTHILLS**  
29 **ELEMENT" IN FUTURE WASHINGTON STATE COMMERCE CORRIDOR**  
30 **PLANNING (AB2004-376)**

31  
32           ***Fleetwood*** stated he had been asked to prepare a resolution by some folks  
33 in the South Fork Valley, which he did. He wrote the resolution, submitted the  
34 resolution for introduction, and the next day the State changed its mind. At the  
35 urging of others, he continued to bring this resolution forward because the issue  
36 isn't dead. The citizens want the County Council on record as being opposed. He  
37 ***moved*** to approve the resolution.

38  
39           Crawford stated he is opposed to the motion. He asked if this is just a  
40 political statement.

41  
42           Fleetwood stated it is not. The concern of a number of neighbors in the  
43 Foothills is that this could come back. It's entirely appropriate for the Council to  
44 state its opinion.

45  
46           Crawford stated he is the Council representative to the Council of  
47 Governments, which has been fully aware of this issue since February. He brought

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1 the issue forward to the Foothills Economic Development Association, which wasn't  
2 aware of it.

3  
4 He did his best at the time to explain what this was. It's been politicized to a  
5 point where the study is exaggerated and distorted. The State does need to do  
6 transportation planning. This was never about a transportation corridor going  
7 through the Highway 9 valley. If there was any reason or concern, it has been  
8 validated that this will never happen in Whatcom County. The positive aspect is  
9 that the future of large transportation planning will be along the existing I-5  
10 corridor. This allows the State transportation planners to understand that heavy  
11 transportation is not as viable in the foothill areas. The local legislators also made  
12 it clear that this isn't wanted. It seems the purpose of continuing with this is to  
13 breathe political life into an issue that was bogus from the start.

14  
15 Brenner stated she's being guilt-tripped into believing this is over or that  
16 she's just trying to politicize this. She's truly concerned about it. If  
17 Councilmember Crawford is not concerned, he should respect that others are  
18 concerned. It's important for the Council to make a statement. Their taxpayer  
19 dollars are being spent on this study. This resolution just says the Council opposes  
20 any future consideration. If Councilmember Crawford is opposed to the corridor,  
21 then he shouldn't want any future dollars spent on the corridor anyway. This is a  
22 real issue she's concerned about.

23  
24 Caskey-Schreiber stated she is in favor of the resolution. This is not  
25 politically motivated. Councilmember Fleetwood is trying to represent their  
26 constituents, who have said loud and clear that they do not want a freeway going  
27 through the eastern part of the county. From now on, the legislature will know how  
28 the Council feels about the issue.

29  
30 Crawford stated the rhetorical question is how the Council would have the  
31 State plan for future large scale transportation improvements. The State must be  
32 able to study and plan. It's not appropriate to say that the State is not to look to  
33 the future. The needs will be there. I-5 in its current condition will not carry the  
34 projected traffic burden in 2040 or 2050.

35  
36 ***Motion carried 5-2 with Crawford and Nelson opposed.***

37  
38  
39 **2004 COMPREHENSIVE PLAN AMENDMENTS**

40  
41 **1. ORDINANCE ADOPTING AMENDMENTS TO THE CAPITAL FACILITIES**  
42 **CHAPTER AND TRANSPORTATION CHAPTER OF THE WHATCOM**  
43 **COUNTY COMPREHENSIVE PLAN (AB2004-338)**

44  
45 Brenner reported for the Public Works and Safety Committee and stated the  
46 committee recommends approval, as amended and distributed to the Council before  
47 the meeting. She ***moved*** forward to the concurrency meeting and ***moved*** to

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1 amend policy 4L-2, page 255, "Projects selected for the six-year capital  
2 improvement program shall not degrade **result in a net degradation of** habitat for  
3 threatened and endangered species."

4  
5 ***Motion to amend policy 4L-2 carried unanimously.***

6  
7 ***Motion to forward to the concurrency meeting carried unanimously.***

8  
9 Sylvia Goodwin, Planning Division Manager, stated this item must have a  
10 public hearing if amended.

11  
12 ***Nelson moved*** to reconsider the motion to amend. The change isn't  
13 significant.

14  
15 Crawford asked why this must go to a public hearing. The change is not  
16 substantive.

17  
18 Dave Grant, Senior Civil Deputy Prosecutor, stated the amendment doesn't  
19 have to be substantive. The Whatcom County Code says the Council must hold a  
20 public hearing if it changes the Planning Commission recommendation. The only  
21 way to not have a hearing is to accept the Planning Commission's recommended  
22 language. The ordinance cannot go to the concurrency meeting until after there is a  
23 public hearing.

24  
25 McShane asked if the administration has concerns about implementation of  
26 the policy.

27  
28 Crawford explained the discussion during committee. Staff indicated during  
29 committee that his suggested amendment is fine.

30  
31 Goodwin stated staff is happy with the language as amended. Staff was  
32 originally concerned with the Planning Commission's recommended term "shall,"  
33 which is generally reserved for regulations, not policy guidelines.

34  
35 ***Nelson withdrew his motion.***

36  
37 McShane stated this would go to a public hearing.

38  
39 ***McShane moved*** to rescind the vote on the motion to amend.

40  
41 ***Motion carried 4-3 with Nelson, Crawford, and Brenner opposed.***

42  
43 ***McShane moved*** to forward the Planning Commission's recommended  
44 ordinance to the concurrency meeting.

45  
46 Crawford stated he is against the motion.

47

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1 Brenner stated she liked the amendment, but they need to move this on, so  
2 she will support the motion.

3  
4 Roy stated she liked the word "shall." She liked being firm about these sorts  
5 of protection. She likes the Planning Commission's recommended language.

6  
7 ***Motion carried 6-1 with Crawford opposed.***

8  
9 **2. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**  
10 **PLAN, CHAPTER 2 – LAND USE, CITY OF BLAINE URBAN GROWTH**  
11 **AREA (AB2004-342)**

12  
13 ***Fleetwood*** reported for the Planning and Development Committee ***moved*** to  
14 forward to the concurrency meeting.

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

17  
18 **3. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**  
19 **PLAN, CHAPTER 2 – LAND USE, CITY OF FERNDAL URBAN GROWTH**  
20 **AREA (AB2004-344)**

21  
22 ***Fleetwood*** reported for the Planning and Development Committee and  
23 stated the committee ***moved*** to amend the ordinance to remove the underlined  
24 language at the top of Council packet page 317.

25  
26 Caskey-Schreiber stated the reason for the amendment was to just focus on  
27 areas in the urban growth area (UGA).

28  
29 ***Motion to amend carried unanimously.***

30  
31 McShane stated this item would require a public hearing.

32  
33 **4. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**  
34 **PLAN, CHAPTER 2 – LAND USE, CITY OF LYNDEN URBAN GROWTH**  
35 **AREA (AB2004-345)**

36  
37 ***Fleetwood*** reported for the Planning and Development Committee and  
38 stated the committee ***moved*** to amend the net densities from five to seven units to  
39 six to eight units, to be equivalent to Ferndale and Bellingham.

40  
41 Brenner stated the language talked about the larger cities growing to a  
42 density of six to eight units per acre. Lynden is now the second largest city in the  
43 county. It shouldn't be treated differently from Ferndale and Bellingham. Lynden  
44 should accommodate more growth.

45  
46 Nelson asked if Lynden still has one of the greatest densities of any city in  
47 the County, as it did years ago. Goodwin stated it is not still correct. Bellingham,

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1 Ferndale, and Blaine have more density. Lynden still has quite a few areas that are  
2 zoned for 10,000 square foot lots. However, Lynden has the Homestead area and  
3 other areas with townhouses. Lynden has a mix of density.  
4

5 Nelson stated Lynden used to be at a density of six units per acre, and have  
6 since expanded its UGA.  
7

8 Crawford asked if the staff could concur with changing the density. Goodwin  
9 stated the argument for the change was to make Lynden's density consistent with  
10 Ferndale, which is logical. Lynden might have some concerns about it.  
11

12 Caskey-Schreiber suggested that the change be five to eight units. It would  
13 provide more flexibility.  
14

15 ***Fleetwood withdrew*** his motion.  
16

17 ***Caskey-Schreiber moved*** to amend the net densities on packet page 360,  
18 "...at average net densities of five to seven **eight** units per developable acre..." The  
19 goal of this was to slow the spread of sprawl into farmland and flood plain. She  
20 hoped Lynden grows responsibly.  
21

22 Crawford asked the purpose of this language.  
23

24 McShane stated the County has goals for areas where it has land use control.  
25 It would like to see the cities go to some level of density. If the cities help the  
26 County in that regard, then the County may be more receptive to expanding the  
27 urban growth area.  
28

29 Crawford stated this language sounds like it is referring to something else  
30 when it refers to County goals. He asked if there is a list of goals.  
31

32 McShane stated the goals begin on the next page.  
33

34 Goodwin stated a goal on page 404 of the Council packet, regarding  
35 Bellingham, also needs to be amended for consistency.  
36

37 *(Clerk's Note: End of tape three, side B.)*  
38

39 Crawford asked if this relates to the population projections and if there is a  
40 valid reason to do this, substantiated by the concurrency of all of these projections.  
41 Goodwin stated there are enough valid reasons in the agricultural chapter, which  
42 says they should not encourage cities to expand into agricultural land.  
43

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

46 McShane stated the Council would schedule a public hearing on this item.  
47

1 **5. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**  
2 **PLAN, CHAPTER 2 – LAND USE, CITY OF BELLINGHAM URBAN**  
3 **GROWTH AREA (AB2004-341)**  
4

5 **Fleetwood** reported for the Planning and Development Committee and  
6 stated the committee **moved** to amend and recommended sending to the  
7 concurrency meeting.  
8

9 Goodwin submitted a substitute Exhibit A that includes the amendments from  
10 committee earlier in the day (*on file*).  
11

12 **Fleetwood moved** to amend Goal 2P, "Encourage Bellingham to establish  
13 new residential developments at densities averaging six to eight **twelve** units per  
14 net residential acre..."  
15

16 **Motion to amend carried unanimously.**  
17

18 **McShane moved** to amend Goal 2P, "...encourage Ferndale and Lynden to  
19 establish new residential developments at densities averaging five **six** to seven **eight**  
20 units net residential acre; ...." It's not consistent with what the committee did.  
21

22 Brenner stated the language for Ferndale was fine when the language said six  
23 to eight units per acre because that is what the Ferndale ordinance said. The  
24 Council didn't change the ordinance for Ferndale to five to eight densities. They  
25 have to amend the Ferndale ordinance.  
26

27 **McShane withdrew his motion.**  
28

29 **Brenner moved** to amend Goal 2P, "...encourage Ferndale and Lynden to  
30 establish new residential developments at densities averaging five to eight units per  
31 net residential acre..."  
32

33 **Motion carried unanimously.**  
34

35 **McShane moved** to amend Goal 2P, "Encourage Bellingham to establish new  
36 residential developments at densities averaging six to eight **twelve** units per net  
37 residential acre; **encourage Ferndale to establish new residential developments at**  
38 **densities averaging six to eight units per net residential acre;** encourage Ferndale  
39 and Lynden to establish new residential developments at densities averaging five to  
40 eight units per net residential acre; and encourage..."  
41

42 **Motion to amend carried unanimously.**  
43

44 Crawford asked if there is a definition for "net residential acre." Goodwin  
45 stated the language could be clearer, but if the area is residentially zoned, and the  
46 net developable acre would be within the residentially zoned area.  
47

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1           Crawford asked if the language is clear enough on the definition to use the  
2 terms interchangeable. Goodwin stated it is.

3  
4           *(Clerk's Note: Councilmembers McShane and Nelson left the meeting at*  
5 *10:15 p.m. Council Vice-Chair Caskey-Schreiber took up the chair's duties.)*

6  
7           **Fleetwood** stated there are a number of scrivener's errors that the staff will  
8 correct. He **moved** to amend Policy 2T-1 as shown in the handout with the  
9 amendments from committee (*on file*), "Establish and periodically review **update**  
10 procedures for joint City/County review of development proposals in the UGA prior  
11 to annexation."

12  
13           **Motion carried 5-0 with Nelson and McShane absent.**

14  
15           **Fleetwood moved** to amend Policy 2T-4 as shown in the handout with  
16 amendments from the committee (*on file*), "Review land supply analysis and set  
17 appropriate urban growth area boundaries consistent with the Growth Management  
18 Act, Bellingham Comprehensive Plan, County Comprehensive Plan, County-wide  
19 Planning Policies and the Urban Fringe Subarea Plan."

20  
21           **Motion carried 5-0 with Nelson and McShane absent.**

22  
23           Crawford asked if Bellingham's Comprehensive Plan is always current with  
24 the County Comprehensive Plan, or if this restricts the County from adopting a  
25 Comprehensive Plan change if the County were to disagree with the City of  
26 Bellingham on a particular issue. Goodwin stated that's a good point. This new  
27 language doesn't tie the County's hands, but it says that the County's UGA  
28 boundaries has to be consistent with the City's UGA boundaries. The question is if  
29 the County would have to amend its Comprehensive Plan to be consistent with the  
30 City's Comprehensive Plan.

31  
32           **Fleetwood moved** to amend Policy 2T-4 as shown in the handout with  
33 amendments from the committee (*on file*), "Review land supply analysis and **set**  
34 **consider** appropriate urban growth area boundaries consistent with the Growth  
35 Management Act, Bellingham Comprehensive Plan, County Comprehensive Plan,  
36 County-wide Planning Policies and the Urban Fringe Subarea Plan."

37  
38           **Motion to amend carried 4-1 with Nelson and McShane absent and**  
39 **Crawford opposed.**

40  
41           Crawford asked if that language is acceptable. Goodwin stated the Council  
42 could consider boundaries consistent with the Comprehensive Plan, and then adopt  
43 something else.

44  
45           **Fleetwood moved** to amend Policy 2T-10 as shown in the handout,  
46 "Annexation should be considered prior to or concurrently with the extension of City

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1 sewer and water and prior to urban development. Annexations should be a logical  
2 extension of the city boundaries and not create unincorporated islands.”

3  
4 Crawford stated this language finishes the sentence that was left unfinished  
5 in the Council packet.

6  
7 ***Motion carried 5-0 with Nelson and McShane absent.***

8  
9 Caskey-Schreiber stated the Council would schedule a public hearing on this  
10 item.

11  
12  
13 **INTRODUCTION ITEMS**

14  
15 ***Brenner moved*** to accept the Introduction Items.

16  
17 ***Motion carried unanimously.***

- 18  
19 **1. ORDINANCE ADOPTING THE WHATCOM COUNTY 2005-2006 BUDGET**  
20 **(AB2004-027B)**
- 21  
22 **2. ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY**  
23 **CONSERVATION FUTURES PURPOSES FOR 2005 (AB2004-367)**
- 24  
25 **3. ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY ROAD**  
26 **PURPOSES FOR 2005 (AB2004-368)**
- 27  
28 **4. ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY AND**  
29 **STATE PURPOSES IN WHATCOM COUNTY FOR THE YEAR OF 2005**  
30 **PURSUANT TO HOME RULE CHARTER SECTION 6.10 (AB2004-369)**
- 31  
32 **5. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY**  
33 **COMPREHENSIVE PLAN RELATING TO TRANSPORTATION IMPACT FEE**  
34 **BACKGROUND INFORMATION (APPENDIX G OF THE WHATCOM**  
35 **COUNTY COMPREHENSIVE PLAN) (AB2004-370)**
- 36  
37 **6. ORDINANCE REGARDING ESTABLISHMENT OF SPEED LIMIT ON**  
38 **LUMMI VIEW DRIVE FOR A SCHOOL ZONE (AB2004-371)**
- 39  
40 **7. ORDINANCE EXTENDING THE SUNSET DATES FOR DRAYTON HARBOR**  
41 **AND PORTAGE BAY SHELLFISH DISTRICTS (AB2004-372)**
- 42  
43 **8. ORDINANCE REVISING THE WHATCOM COUNTY CODE CHAPTER**  
44 **3.28.010, OPEN SPACE CLASSIFICATION PROCEDURE (AB2004-373)**  
45



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1 Dana Brown-Davis, Council Clerk

Dan McShane, Council Chair

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