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1 The following people spoke:  
2

3 P. Huck, 1407 Iris Lane, submitted information (*on file, exhibit A*) and stated  
4 the Council has not addressed his citizens complaint. It was forwarded to the  
5 Attorney General, who said the Council should have sent it to the Washington Bar  
6 Association for judicial misconduct. The complaint concerns the charges of hit and  
7 run filed against Adrian Sassen in an accident resulting in the death of Deputy Matt  
8 Herzog on Samish Way. Mr. Sassen was never at the scene of the crime and  
9 should not have been convicted of hit and run. One must be at the scene of the  
10 crime to be charged with hit and run. He asked the Council to address the issue.  
11 In addition, the Council has all the powers of any judicial system in the United  
12 States. The Council should investigate this. They should not put a citizen in jail  
13 who wasn't involved in a situation.  
14

15 Elizabeth Kilanowski, Bellingham, stated she is opposed to fish farms in  
16 Whatcom County. In Vancouver, the fish farms have negative impact on the  
17 environment and little positive return for residents. Fish farms are a blight.  
18 Because they are located in remote areas, most people don't know they exist.  
19 Reasons to oppose fish farms include concentrations of fecal matter, sea lice, bio-  
20 mass taken to feed the fish, escaped salmon into non-native habitat, and many  
21 more reasons. Support the moratorium on fish farms in Whatcom County  
22

23 John Lesow, 317 Madrona Place, Point Roberts, submitted information (*on*  
24 *file, exhibit B*) and stated he is an applicant for a position on the Planning  
25 Commission. He asked the Council to appoint him. He's been a resident of the  
26 Pacific Northwest for 34 years. He's been active in environmental and land use  
27 issues. His reason for applying is to ensure the concerns of unincorporated areas  
28 are represented by someone who actually lives there. He's the only applicant with  
29 Canadian and American citizenship, and is involved in cross-border commerce daily.  
30 Population growth in Vancouver, British Columbia will present challenges to  
31 Whatcom County. Future land use considerations will have a cross-border  
32 component. He has served on elected and appointed boards. He's familiar with  
33 problems, processes, and politics of both regions.  
34

35 Bob Wiesen, 3314 Douglas Road, stated the public process is hard for the  
36 public to keep track of. Often, people participating in a public hearing aren't aware  
37 of changes proposed that day during a work session.  
38

39 McShane thanked Mr. Wiesen for his volunteer service on the Planning  
40 Commission.  
41

42 Maggie Matheson-Hanson, 206 Bayside Road, Bellingham, stated the Council  
43 should not to be too fast to shut down poll voting. All over the nation, they are  
44 looking at voting patterns. It would be premature to shut down poll voting at this  
45 time. That's been the intention of the County for six years. She thanked the  
46 Council for putting the name of precinct committee officers on the ballot. Don't  
47 take away the privacy of the voting booth.

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1  
2           Jeremy Brown, 3217 Greenwood Avenue, Bellingham, asked the Council to  
3 enact legislation banning fin fish farms for any species in Whatcom County.  
4

5           Darrell Pope, 3106 Edward Street, Bellingham, stated he is opposed to fish  
6 farms in Whatcom County. If there were a fish farm in Whatcom County, and some  
7 kind of disease got loose, it would be difficult to combat. They won't see it or can't  
8 find it. The salmon runs are starting to rebound. They don't need a disease  
9 outbreak.  
10

11           Anne Mosness, 1081 Sudden Valley, submitted information (*on file, exhibit*  
12 *C*) and stated the Council should pass a moratorium on fish farming in Whatcom  
13 County. There are incredible impacts to native wild fish, coastal communities, and  
14 the marine environment. Sea lice infestations affect the wild species. When fish  
15 lose their value, coastal fishing communities have to find other industries. There  
16 are ramifications to a monoculture crop raised in pens. These pens are not closed  
17 containment. They are open pens that flush everything into the marine  
18 environment.  
19

20           Adam Prince, 4559 Orcas Way, Ferndale, stated he is an applicant for the  
21 Sewage Appeals Board. He's designed septic systems in Whatcom County for nine  
22 years. He teaches for Washington On-Site Sewage Association (WOSSA). He  
23 wants to give a fair look at appeals and to interpret the code. He's gone through  
24 appeals in the past. Some of the depth of knowledge wasn't right there. He  
25 installs, designs, and teaches about septic systems.  
26

27           Dave Grant, Senior Civil Deputy Prosecutor Attorney, stated this is his last  
28 night as the Council's attorney. He thanked the Council for his appointment to the  
29 District Court seat as judge. He promised to work as hard as he can to live up to  
30 the Council's trust. He recited a history of his work history with the County.  
31 Whatcom County has hard-working public officials and staff.  
32  
33

## 34 **CONSENT AGENDA**

35  
36           **Crawford** reported for the Finance and Administrative Services Committee  
37 and **moved** to approve Consent Agenda items two through 25. Item one is held in  
38 committee.  
39

40           **Brenner withdrew** item eight.  
41

42           **Motion to approve Consent Agenda items two through seven and nine**  
43 **through 25 carried unanimously.**  
44

- 45 **1. REQUEST AUTHORIZATION TO ENTER INTO A CONTRACT WITH**  
46 **MICHAEL BOBBINK FOR HEARING EXAMINER SERVICES (AB2004-**  
47 **414)**

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- 1  
2 **2. REQUEST AUTHORIZATION TO ENTER INTO THE PROPOSED 2004-**  
3 **2006 CORRECTIONS OFFICERS COLLECTIVE BARGAINING**  
4 **AGREEMENT (AB2004-439)**  
5
- 6 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
7 **PROFESSIONAL SERVICES AGREEMENT BETWEEN WHATCOM COUNTY**  
8 **AND WILSON ENGINEERING, LLC FOR ON-CALL SURVEYING**  
9 **SERVICES IN THE AMOUNT OF \$75,000 (AB2004-416)**  
10
- 11 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
12 **PROFESSIONAL SERVICES AGREEMENT BETWEEN WHATCOM COUNTY**  
13 **AND COMPASS POINT SURVEY GROUP, INC. FOR ON-CALL**  
14 **SURVEYING SERVICES IN THE AMOUNT OF \$75,000 (AB2004-417)**  
15
- 16 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
17 **PROFESSIONAL SERVICE CONTRACT BETWEEN WHATCOM COUNTY**  
18 **AND SHEARER DESIGN, LLC FOR THE STRUCTURAL DESIGN OF E.**  
19 **SMITH RD. ANDERSON CREEK BRIDGE NO. 277 IN THE AMOUNT OF**  
20 **\$44,534 (AB2004-418)**  
21
- 22 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
23 **SUPPLEMENTAL CONTRACT AGREEMENT BETWEEN WHATCOM**  
24 **COUNTY AND NICHOLLS ENGINEERING FOR TECHNICAL ASSISTANCE**  
25 **WITH THE DESIGN AND CONSTRUCTION OF HUTCHINSON CREEK**  
26 **BRIDGE #157 REPLACEMENT PROJECT IN THE AMOUNT OF \$12,630,**  
27 **FOR A TOTAL AMENDED CONTRACT IN THE AMOUNT OF \$51,300**  
28 **(AB2004-419)**  
29
- 30 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**  
31 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE**  
32 **BERTRAND WATERSHED IMPROVEMENT DISTRICT FOR**  
33 **DEVELOPMENT OF FISH PASSAGE PROJECTS, HABITAT/RIPARIAN**  
34 **ENHANCEMENTS AND DEVELOPMENT OF INSTREAM FLOW**  
35 **RECOMMENDATIONS IN THE AMOUNT OF \$69,945.52 (AB2004-420)**  
36
- 37 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**  
38 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND PUBLIC**  
39 **UTILITIES DISTRICT NO. 1 OF WHATCOM COUNTY FOR**  
40 **IMPLEMENTATION OF WRIA 1 WATERSHED PLANNING ACTIVITIES**  
41 **INCLUDING COMMUNITY OUTREACH, DEVELOPMENT OF INSTREAM**  
42 **FLOW RECOMMENDATIONS FOR THE BERTRAND WATERSHED, AND**  
43 **TENMILE WATERSHED IMPROVEMENT EFFORTS IN THE AMOUNT OF**  
44 **\$226,655 (AB2004-421)**  
45

46 Brenner stated she objects to Public Utility District (PUD) 1 being in charge of  
47 this. The program includes many activities that deal with the public. The PUD

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1 management does not do a good job of reaching out to the public. There has been  
2 a lot of criticism of that lack of ability in the past. People who deal with the public  
3 need to be able to deal well with the public. This is a major contract. When the  
4 County is spending that kind of money, make sure the people in these positions  
5 have proper people skills.  
6

7 Caskey-Schreiber asked if there was any explanation during committee about  
8 who would facilitate the outreach efforts.  
9

10 Crawford stated the committee did not ask that question and get to that level  
11 of detail. The PUD is being hired in the contract to produce specific deliverables.  
12

13 Roy stated one of the goals with the water resources inventory area (WRIA)  
14 was to try to get responsibility for this program spread out through other agencies  
15 so it's not perceived as a County activity. Here is an instance of another agency  
16 providing services, but the County is paying for it. This is an agency that can raise  
17 its own revenue. She asked if they are ready to wean the County away from the  
18 financial responsibility of WRIA.  
19

20 Bruce Roll, Assistant Director, stated 2004 is the end of the Water Resources  
21 fund. The fund is eliminated. That capacity no longer exists in the County. In the  
22 future, the Council will need to consider its priorities in terms of County staff and  
23 financing.  
24

25 These are activities that the Planning group felt should move forward as they  
26 finalize the final draft of the plan because they embody what the collective group  
27 wants to implement at this point in time. As the plan comes out, there may be  
28 other requests or needs identified.  
29

30 ***Crawford moved*** to approve the request.  
31

32 ***Motion carried 6-1 with Brenner opposed.***  
33

34 **9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
35 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND**  
36 **PARAMETRIX, INC. TO COMPLETE THE REVIEW OF THE**  
37 **COMPREHENSIVE PLAN FOR COMPLIANCE WITH THE REQUIREMENTS**  
38 **OF THE GROWTH MANAGEMENT ACT AND AMEND, AS NEEDED, THE**  
39 **COMPREHENSIVE PLAN AND CRITICAL AREAS ORDINANCE IN THE**  
40 **AMOUNT OF \$15,275, FOR A TOTAL AMENDED CONTRACT IN THE**  
41 **AMOUNT OF \$90,275 (AB2004-422)**  
42

43 **10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
44 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND FLEX-**  
45 **PLAN SERVICES, INC. FOR THE DIRECT REIMBURSEMENT DENTAL**  
46 **PROGRAM ADMINISTRATION FOR UNREPRESENTED EMPLOYEES IN**  
47 **AN ESTIMATED AMOUNT OF \$24,500 (AB2004-423)**

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- 1  
2 **11. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
3 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND COMPU-**  
4 **TECH, INC. FOR THE DEVELOPMENT AND IMPLEMENTATION OF**  
5 **PHASE 1, PARTS 1-3, OF THE WENET DATA INTEGRATION PROJECT**  
6 **IN THE AMOUNT OF \$279,200 (AB2004-424)**  
7
- 8 **12. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
9 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND COMPU**  
10 **WORK PACIFIC, INC. FOR THE DEVELOPMENT AND IMPLEMENTATION**  
11 **OF PHASE 1, PARTS 1-3, OF THE WENET DATA INTEGRATION**  
12 **PROJECT IN THE AMOUNT OF \$192,150 (AB2004-425)**  
13
- 14 **13. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO**  
15 **CONTRACT ADDENDUM #5 BETWEEN WHATCOM COUNTY AND DR.**  
16 **GRANT DEGER TO RENEW THE JAIL PHYSICIAN'S SERVICE CONTRACT**  
17 **FOR AN ADDITIONAL YEAR IN THE AMOUNT OF \$44,000 (AB2004-**  
18 **426)**  
19
- 20 **14. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO**  
21 **CONTRACT ADDENDUM #5 BETWEEN WHATCOM COUNTY AND**  
22 **WHATCOM COUNSELING AND PSYCHIATRIC CLINIC TO RENEW THE**  
23 **JAIL PSYCHIATRIC SERVICES AGREEMENT FOR AN ADDITIONAL**  
24 **YEAR IN THE AMOUNT OF \$29,040 (AB2004-427)**  
25
- 26 **15. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
27 **CONTRACT ADDENDUM BETWEEN WHATCOM COUNTY AND VISITING**  
28 **NURSE PERSONAL SERVICES FOR RENEWAL OF CURRENT CONTRACT**  
29 **AND TO PROVIDE FOR INCREASED LEVELS OF SERVICE, PERSONNEL**  
30 **ADJUSTMENTS, AND EXPANDED COVERAGE IN THE AMOUNT OF**  
31 **\$89,704 FOR A TOTAL AMENDED CONTRACT IN THE AMOUNT OF**  
32 **\$536,550 (AB2004-428)**  
33
- 34 **16. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO**  
35 **CONTRACT ADDENDUM #4 BETWEEN WHATCOM COUNTY AND**  
36 **HOAGLAND PHARMACY TO RENEW THE JAIL PHARMACY AGREEMENT**  
37 **FOR AN ADDITIONAL YEAR IN AN ESTIMATED AMOUNT OF \$189,778**  
38 **(AB2004-429)**  
39
- 40 **17. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**  
41 **INTERDEPARTMENTAL AGREEMENT BETWEEN WHATCOM COUNTY**  
42 **JAIL AND PUBLIC WORKS, RIVER AND FLOOD FOR WORK CREW**  
43 **SERVICES IN THE AMOUNT OF \$68,237.50 (AB2004-430)**  
44
- 45 **18. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**  
46 **AWARD OF BID #04-89 FOR REPAIR OF THE RAINWATER LEADERS**

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1           **AT THE COURTHOUSE TO THE LOW BIDDER, DIAMACO, INC. IN THE**  
2           **AMOUNT OF \$64,551.04 (AB2004-431)**

3  
4   **19.   REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**  
5           **AWARD OF BID #04-90 FOR ADDITIONS TO THE PUBLIC WORKS**  
6           **CENTRAL SHOP TO THE LOW BIDDER, EBENAL GENERAL IN THE**  
7           **AMOUNT OF \$258,305.86 (AB2004-432)**

8  
9   **20.   REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**  
10           **AWARD OF BID #04-94 FOR A REPLACEMENT MULTIPURPOSE**  
11           **DITCHING MACHINE TO THE LOW BIDDER, FARMERS EQUIPMENT IN**  
12           **THE AMOUNT OF \$164,800.21 (AB2004-433)**

13  
14   **21.   REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**  
15           **AWARD OF BID #04-95 FOR THE SUPPLY OF PRECAST CONCRETE**  
16           **GIRDERS TO THE LOW BIDDER, PACIFIC CONCRETE, INC. IN THE**  
17           **AMOUNT OF \$140,005.39 (AB2004-434)**

18  
19   **22.   REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**  
20           **PURCHASE OF TWO POLICE MOTORCYCLES USING THE WASHINGTON**  
21           **STATE CONTRACT IN THE AMOUNT OF \$40,715 (AB2004-435)**

22  
23   **23.   REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**  
24           **PURCHASE OF TEN POLICE VEHICLES USING THE WASHINGTON**  
25           **STATE CONTRACT IN THE AMOUNT OF \$235,000 (AB2004-436)**

26  
27   **24.   REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**  
28           **PURCHASE OF FOUR FULL SIZE UTILITY VEHICLES USING THE**  
29           **WASHINGTON STATE CONTRACT IN THE AMOUNT OF \$112,600**  
30           **(AB2004-437)**

31  
32   **25.   REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
33           **RESIDENTIAL LEASE AGREEMENT BETWEEN WHATCOM COUNTY AND**  
34           **RONALD MORGAN TO LEASE THE HOUSE LOCATED AT 3211 NORTH**  
35           **SHORE ROAD, BELLINGHAM IN THE AMOUNT OF \$1,350 PER MONTH**  
36           **(AB2004-438)**

37  
38  
39   **OTHER ITEMS**

40  
41   **16.   INTERLOCAL AGREEMENT FOR LAKE WHATCOM TRIBUTARY**  
42           **MONITORING – CITY OF BELLINGHAM (AB2004-311A)**

43  
44           **Crawford** reported for the Finance and Administrative Services Committee  
45 and **moved** to approve the correct amount of \$28,693.13.

46  
47           **Motion carried unanimously.**

1  
2  
3 **PUBLIC HEARINGS**  
4

5 **1. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**  
6 **PLAN, CHAPTER 2 – CHERRY POINT URBAN GROWTH AREA (AB2004-**  
7 **395A)**  
8

9 Caskey-Schreiber opened the public hearing and, hearing no one, closed the  
10 public hearing.

11  
12 ***Fleetwood moved*** to forward to the concurrency meeting.

13  
14 ***Motion carried 6-0 with McShane out of the room.***  
15

16 **2. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**  
17 **PLAN, CHAPTER 2 – CUSTER PROVISIONAL URBAN GROWTH AREA**  
18 **(AB2004-396A)**  
19

20 Crawford stated he works for the firm that did the initial land use work on  
21 this project. If this project were to go through, it's likely the firm he works for will  
22 have considerable additional work to do. Therefore, he will recuse himself from  
23 participating in the hearing or voting on the matter.  
24

25 *(Clerk's Note: Councilmember Crawford left the room.)*  
26

27 Sylvia Goodwin, Planning Division Manager, gave a staff report. The staff  
28 recommendation is to continue the urban growth area (UGA) designation for two  
29 more years, until 2006. She also recommends adding more policies to make  
30 wetland mitigation and delineation clearer in the master plan. The Department of  
31 Transportation says the area would be valuable for passenger rail facilities in  
32 addition to freight facilities. The Planning and Development Committee introduced  
33 an alternate ordinance to eliminate the UGA altogether and return the area to a  
34 rural designation. That is the subject of this public hearing. She identified related  
35 Comprehensive Plan policies in other chapters that would have to be modified.  
36

37 McShane opened the public hearing and the following people spoke:  
38

39 Dana Feldmann, 3161 Arnie Road, Custer, submitted *(on file, exhibit D)* and  
40 read his testimony. Remove the UGA designation and revert the area back to a  
41 rural, one unit per ten acre (R10A) zone.  
42

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

45 Feldmann continued to read his testimony.  
46

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1 Jim Trull, 7878 Birch Bay Drive, Birch Bay, submitted information (*on file,*  
2 *exhibit E*) and stated that Custer is unique. The Custer project fulfills national  
3 mandates, State law, and County policies and goals for intermodal transfer  
4 facilities. Local people need this facility to move goods throughout the state. The  
5 Growth Management Hearings Board deemed the facility as an essential public  
6 facility. A delay in the process had to do with water availability. Water is now  
7 available from the Public Utility District (PUD). Over 200 surrounding neighbors  
8 support the project. California Creek is a valuable asset, which they've talked  
9 about. Custer Creek flows through his property at 20 cubic feet per second (cfs).  
10 It's been seriously degraded from cattle, horses, herbicides, and fertilizers. They  
11 will correct this problem. Support the facility.  
12

13 Gordon Rodgers, Whatcom Council of Governments (COG), stated COG has  
14 developed a regional transportation model with a cross-border component. They've  
15 recently run scenarios based on the County Comprehensive Plan that relate to  
16 cross-border movement. In 2000, 1.3 million trucks moved across the border. In  
17 the year 2030, 3.7 trucks will move across the border. That movement includes  
18 about \$13.5 billion in goods traveling back and forth across the border. It's not a  
19 small thing. Everyone is talking about the doubling of freight in the next ten to 20  
20 years.  
21

22 The property is unique because of its proximity of the highway and the rail  
23 service to the site. People are looking to get trucks and autos off the highways.  
24 It's hardest to say today what the highest and best transportation use for the  
25 property is. Two years for a project may not be enough. Support the intermodal  
26 transfer facility.  
27

28 Bill Campin, 3101 Arnie Road, Custer, stated he agrees with Mr. Dana  
29 Feldmann. He lives directly across from transfer facility site in Custer. The transfer  
30 facility has not been viable. The people who live there don't know what to do with  
31 their properties. The proponents have had long enough. Returning the zoning to  
32 rural doesn't close the door for the applicants. They can still produce a viable  
33 project. Return the zone to rural.  
34

35 Louis Leclzio, Bellevue, submitted (*on file, exhibit F*) and read his testimony.  
36 Allow a two year extension of the UGA.  
37

38 William Popp, William Popp Associates, 14400 Bel Red Road, Bellevue, stated  
39 he is a transportation planning engineer who conducted the original traffic impact  
40 study in 1991 for the site currently owned by the Grand Ronde Tribe. This site fits  
41 into the interest of intermodal facility. Burlington-Northern approached Louis  
42 Leclzio in 1991 to intercept truck traffic for deliver to rail service north of the  
43 Seattle facility. He became an investor in a companion 60-acre site when  
44 convinced of the project's viability. The north-south traffic is huge in California and  
45 Oregon. An intermodal site near the border is ideal to intercept Canadian truck  
46 traffic. This site is unique because it has 440 acres and because of the  
47 configuration of the site.

1  
2 Mark Aamot, 3225 Arnie Road, stated he is opposed to the intermodal  
3 facility. He's lived where he does for many years. They didn't choose to live next  
4 to an industrial site. If the UGA zone goes through, it will destroy their property.  
5 Government should be for the people.  
6

7 Eric Laschever, 600 University Street, Suite 3600 Seattle, submitted  
8 information (*on file, exhibit G*) and stated he represents the Confederated Tribes of  
9 Grand Ronde. The tribes acquired 290 acres in a Sheriff's auction due to the Trulls'  
10 foreclosure. The tribes are not in partnership with the Trulls. The tribes asked the  
11 Planning Commission to extend the deadline for a master plan, which the Planning  
12 Commission granted. It spent a lot of time talking about viability. Viability is about  
13 the designation, not the viability of any one entity. They can't assess viability by  
14 the fact that seven years have passed and one person has not succeeded.  
15

16 Some people view a Sheriff's auction as a market test of whether a project is  
17 viable. It's very unusual for people other than those holding the paper to bid at an  
18 auction. Look at the viability in terms of the site's characteristics.  
19

20 There is an opportunity through one ownership and master planning to  
21 create a better environmental solution for this property than if the property is  
22 developed by a lot of residential units. Planning Commission Member Menzies  
23 supports the UGA deadline extension because he recognizes, as a shellfish grower,  
24 the better environmental solution through the master plan. He asked the Council to  
25 adopt the Planning Commission proposal.  
26

27 Daneen Aubertin-Keller, 9615 Grand Ronde Road, Grand Ronde, Oregon,  
28 stated she represents the Confederated Tribes of the Grand Ronde. The tribes  
29 acquired the property through a Sheriff's sale on November 5, 2004. The property  
30 has a one year redemption period in which the borrower can redeem the property.  
31 The property is 209 acres. The tribes are discussing possible development of the  
32 property with the Lummi Tribe. The Tribe is a good steward of the land. If  
33 developed, it will be developed consistent with the preservation and environmental  
34 needs of the property. The Tribe asks the Council to adopt the Planning  
35 Commission proposal to allow the Grand Ronde and Lummi Tribes to work together  
36 to develop the property.  
37

38 Caskey-Schreiber asked what the Tribe has in mind for the property.  
39 Aubertin-Keller stated the plan for the property when purchased was for an  
40 intermodal property. At this time, that appears to be the best use of the property  
41 given the railway and connection to Interstate 5. At this time, the Grand Ronde  
42 Tribe has only had ownership for four weeks, and is in the process of doing that  
43 planning.  
44

45 Henry Cagey, Lummi Nation Economic Director, and Lummi Council Member,  
46 stated the Tribe looks at this as an economic opportunity. There are some  
47 problems to work through. They are interested in acquiring property off-

1 reservation because most of the reservation is in the floodplain. He asked the  
2 Council to adopt the Planning Commission recommendation.  
3

4 Caskey-Schreiber asked if the Lummi Nation would share ownership with the  
5 Grand Ronde Tribe. Cagey stated they haven't begun official discussions yet. The  
6 Lummi Council will meet with the Grand Ronde representatives tomorrow.  
7

8 Dwayne Schaffner, 3501 North Shore Boulevard NE, Tacoma, stated he owns  
9 a small parcel in the 440 acre Custer site. He is recently retired, and may retire in  
10 the Bellingham area. One aspect he's interested in is a community with a  
11 reasonable residential tax base. A community in a county that participates in a  
12 project such as this would be a good place to live.  
13

14 He estimates that 60 percent of the 440 acres could be developed. The other  
15 40 percent would be preserved for environmental purposes. The tax base of the  
16 developed area would be between \$23 million and \$57.5 million. That's a valuable  
17 asset in the county. The site would also be valuable because of the transportation  
18 and B&O taxes collected from a developed site. Those taxes are more stable than  
19 sales taxes, for example.  
20

21 A second aspect of the economic value of the site would be the living wage  
22 jobs that would be developed. Tacoma announced a new terminal site of 160 acres  
23 will provide 650 full-time jobs. Out of those, it appears about 400 of those jobs are  
24 not related to the maritime industry. The investors assume a similar amount of job  
25 development would occur on the Custer site. The average wage for the Tacoma  
26 jobs would be \$53,000 per year. The site has many economic advantages for the  
27 County. He asked the Council to adopt the Planning Commission recommendation.  
28

29 Charla Wilder, 7931 Valley View Road, Custer, stated she supports the  
30 project. It is a very viable project for Whatcom County.  
31

32 Tom Carpenter, 5391 Northwest Road, stated he owns a piece of the 440  
33 acres. He bought the property to build a house. After listening to both sides, it's a  
34 good idea to develop an intermodal facility. The traffic on Interstate 5 is getting  
35 worse and worse. It would benefit Whatcom County.  
36

37 Jack Philbert, Puyallup, stated he is part owner in the property. His expertise  
38 in biology and medicine. He has access to the head of the Water Quality Division in  
39 King and Pierce Counties. He asked them about the situation as it pertains to this  
40 site. The Council has two alternatives tonight. The Whatcom County Conservation  
41 District will work actively with farmers to make sure the water quality and runoff  
42 from animals is controlled, but it's voluntary. If an intermodal went in, the  
43 permitting process would be stringent and held to a higher standard. From an  
44 environmental standpoint, the proposal is a positive, not a negative. Also, they're  
45 trying to get trucks off the road by using rail. Rail uses about one-third the amount  
46 of hydrocarbons. He supports the intermodal facility.  
47

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1 Bob Wiesen, 3314 Douglas Road, Ferndale, stated this issue has two  
2 components: planning and transportation. Location is the most important thing.  
3 This location is the best site for an intermodal facility because of the close proximity  
4 of the highway and rail.  
5

6 His educational background is a degree in transportation from the University  
7 of Washington. He operated a trucking service serving local, small businesses that  
8 are locally owned. He established an intermodal transportation service serving  
9 customers all over the United States. This facility would reduce truck traffic on  
10 Interstate 5. The congestion on Interstate 5 is costing local businesses money. He  
11 supports the intermodal facility. It took his trucks at least two hours per day or  
12 longer to go back and forth from Seattle.  
13

14 These types of facilities take years to establish. Time is of the essence. If,  
15 when first proposed, there hadn't been so many obstacles, the facility would have  
16 been up and running by now. However, there was so much contention from the  
17 beginning that they missed that window. When the next window comes up, it  
18 would be unfortunate if they weren't ready.  
19

20 JoAnne Creasey, 7650 - 4<sup>th</sup> Street, Custer, stated she lives a little over a mile  
21 from the site. She has fought against this proposal for the past 15 years. They  
22 have waited through one process after another. The proponents have had 15 years  
23 to put together their plan. Nothing has happened in that time. Now, they're asking  
24 to be put on hold for another two years. These people should have decided to get  
25 the project underway in this time. Don't put the residents on hold for another 15  
26 years while they do nothing. Put the zoning back to rural.  
27

28 Win Wilson, 3015 Arnie Road, Custer, stated this proposition started when  
29 Councilmembers Nelson and Brenner were on the Council. They've heard the  
30 arguments. The proponents of the operation have borrowed money to develop a  
31 master plan. They blew the money. They were forced into foreclosure. Now, they  
32 have tried to join with the Lummi Tribe. They don't know what an intermodal  
33 transfer facility is. They have no concept of it at all. In addition, the truck drivers  
34 from Vancouver get paid by the mile. A facility here won't work. The Burlington  
35 Northern has a facility in North Vancouver that handles intermodal facility work  
36 every hour.  
37

38 *(Clerk's Note: End of tape one, side B.)*  
39

40 Wilson continued to state that if the railroads had wanted this facility, they  
41 would have gotten it going. The Council should revert the area back to its rural  
42 designation. After that, someone can apply for the proper zoning when they come  
43 up with a master plan.  
44

45 Chris Smith, 8528 Custer School Road, Custer, stated he's attended every  
46 meeting on this issue in the past 11 years. If the railroads really wanted this  
47 project, they would be here to make their voices heard. They never have. The

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1 only time he's heard anything about the railroads was second-hand information,  
2 which is hearsay. There's no document that says the railroad is behind this  
3 intermodal facility. The railroads don't want the intermodal facility. It isn't one of  
4 their needs. This whole thing is a giant red herring. Don't extend the UGA zone.  
5

6 John Hruby, 7401 Valley View Road, stated he has been involved in the  
7 process from the beginning. The people who oppose the project are concerned  
8 about this project not paying for its infrastructure. The Growth Management Act  
9 came at the right time. From the beginning, the idea was to develop the project  
10 and then services will come. He supported the idea of the provisional growth area  
11 because it forced the master plan concept. That is always an option for any piece  
12 of land. This is not a viable concept. Truck drivers are paid by the miles. If  
13 someone wants to, they can develop a master plan for something else. He is  
14 against the intermodal facility.  
15

16 Jack Petree, 2995 Sunset, stated 14 hears ago, he developed most of the  
17 public policy arguments supporting this facility. He's had no contact at all with it  
18 since. It seems that they have three things to consider. First, the project has the  
19 potential to take several thousand trucks off of Interstate 5. That's a huge  
20 environmental benefit.  
21

22 Second, two nations, the Lummi Nation and the Grand Ronde Nation, are  
23 willing to look at this and decide what may be done. If the zone stays UGA for a  
24 couple of years, they've lost nothing. The land has remained vacant for 14 years.  
25 That's what the opponents want. If the land stays vacant for two more years, then  
26 stays vacant forever, there's not problem. If a viable facility that meets the  
27 Council's standards can be developed, they have benefited greatly. By continuing  
28 the UGA zoning designation, they lose nothing and potentially gain a lot.  
29

30 Doug Worthington, 7811 Hamm Road, Custer, stated the proposed site is in a  
31 flood plain. There's no way to get the water out because beaver dams are  
32 downstream. Look at the fact that there is potential for flooding.  
33

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

36 ***Nelson moved*** to continue the provisional urban growth area for two more  
37 years. In 1997, the Council worked extensively on this. There was a five-year  
38 window for this project to happen, which was extended to seven years. He asked if  
39 the County has any information on whether water is an issue for the project. An  
40 environmental impact statement (EIS) may be required for the project.  
41

42 Sylvia Goodwin, Planning Division Manager, stated there is nothing from the  
43 water district. The Public Utility District (PUD) 1 sent a letter saying it now has the  
44 ability to serve the area with the necessary water. The County also has a master  
45 plan submitted by Mr. Trull. It has some detail about the water, sewer, and  
46 infrastructure needed, but it wasn't detailed enough about where the water would  
47 come from and how it would be laid out. That plan was done in 2000. It's got a lot

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1 of information, but not to the level of detail for the staff to decide whether or not  
2 the project is viable. The 2000 plan didn't say where the water would come from,  
3 what would happen with the stormwater, and what would be done with the  
4 wetlands. Of the 450 acres, about 57 percent is wetlands or stream buffers. Only  
5 191 acres, which is 43 percent, is likely to be developable. The hearing tonight is  
6 just on eliminating the urban growth area (UGA).

7  
8 **Nelson amended his motion** to forward to the concurrency meeting.

9  
10 McShane stated that if the Council approves this ordinance, it would move  
11 forward to the concurrency hearing. If the Council does not approve this ordinance,  
12 it would need to vote on the version recommended by the Planning Commission,  
13 which already had a public hearing.

14  
15 **Nelson withdrew his motion** and **moved** to remove the overlay zone from  
16 the Custer area.

17  
18 Brenner stated she is in favor of the ordinance. Nothing has changed except  
19 the people in the area have had to wait seven years. The proposal hasn't ever  
20 been viable. The owners are trying to get the Lummi Nation to buy into this  
21 scheme, but most of the investors are from out of the area. It's time to let the  
22 residents get back to their lives. They must respect the residents. This project is  
23 not for the greater good of the community. She's disappointed that staff felt  
24 flooding, stormwater detention, and wetlands weren't significant. Those issues  
25 should be at the forefront of their decisions.

26  
27 Caskey-Schreiber stated she is in favor of the ordinance. She initially  
28 supported this project because it's hard to find industrial land and thought the  
29 project had been given the green light. Now, they don't know the intent of the new  
30 owners. They could do something other than an intermodal facility. This may not  
31 be the best place for an intermodal facility. She doesn't agree that Burlington-  
32 Northern has its site on this. She used to work for Burlington-Northern and knows  
33 that the company can get things done quickly when it wants to. She would feel  
34 better if it was a Lummi owned project. She's leery about turning over their natural  
35 resource areas to outsiders. She's also concerned about the low lands subject to  
36 flooding. Adding impervious surfaces can increase that problem. The owners have  
37 had 14 years to make this happen.

38  
39 Roy stated she is in favor of the ordinance. This project is a fantasy. There  
40 are no letters of support from the truckers, railroads, or others who would actually  
41 use this. If the new owners want to come forward with a proposal, they can.  
42 California Creek, which drains into Drayton Harbor, runs right through the middle of  
43 this property. A light industrial site is not necessarily more environmentally healthy  
44 for the water. Until they see a plan and the project becomes a reality.

45  
46 Goodwin stated she has a letter from Burlington-Northern Railroad dated  
47 September 2004 supporting the continuation of zoning for the site. She read a

1 portion of the letter. There is also a similar letter from the Columbia Rail  
2 Intermodal Systems.

3  
4 Fleetwood stated he is in favor of the ordinance. This was a tough decision.  
5 The neighbors are against the project and those with a financial interest are in favor  
6 of the project. They're balancing two important values expressed in the  
7 Comprehensive Plan, which are the value of industry and the value of rural lands.  
8 He is impressed by findings in the ordinance regarding rural land protection and the  
9 industrial land analysis. He questions the actual benefit to Whatcom County. The  
10 applicant has been on notice for years that he had to comply with conditions. He  
11 didn't comply. Hopefully, redemption will afford people recovery of some of their  
12 investments. At the end of the day, the lands should be rural because they are  
13 beautiful. Nothing precludes an applicant from coming forward with a  
14 Comprehensive Plan amendment in the future.

15  
16 Nelson stated this is a tough decision. They must also look at the positive  
17 economic impacts of this to the community. He asked if there has been a public  
18 process on this project, which was promised in 1997. Goodwin stated there hasn't  
19 been any public process. The owner of the 209 acres submitted an inadequate  
20 master plan in 2000. If they had submitted a complete master plan, the staff  
21 would have forwarded it to the Hearing Examiner for the public process. The plan  
22 submitted in 2000 wasn't detailed enough to proceed with. If the plan were  
23 completed, all the issues would be discussed during the public hearing process.

24  
25 Nelson asked if there is a detriment to leaving the designation for two more  
26 years. Goodwin stated the only detriment is that the adjacent and surrounding  
27 property owners are uncertain about what will be next door. The advantage is that  
28 the acreage isn't divided and developed into ten-acre "ranchettes," which can't be  
29 recovered. Another option is to designate the acreage agriculture so it stays in  
30 large parcels.

31  
32 Brenner stated it's easy to say they have an incomplete master plan.  
33 However, the details missing are the ones they need to determine if there is a  
34 viable plan. There is no viable plan. Custer is not just an area of rural resources.  
35 It's also a community. Stop destroying small communities in the name of some  
36 far-fetched progress. Whatcom County seems so open to outsiders coming here  
37 and making promises that aren't viable. Protect the rights of the people who  
38 already live here.

39  
40 Fleetwood asked if a yes vote on this item is a vote to return the land to a  
41 rural designation.

42  
43 Nelson stated his concern is that a change to the rural zone could have an  
44 adverse affect on the economy. It is important to allow two years for the  
45 proponents to complete the process. Transportation is a critical issue they must  
46 not ignore. This is a possible east-west corridor. Bringing outsiders into the  
47 community is not a negative. If it were, the community wouldn't have Intalco,

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1 British Petroleum (BP), and many other businesses that provide an economic base  
2 for the community. They have to allow flexibility for proposals. He will support  
3 extending the zoning for two years.  
4

5 McShane stated the Transportation Chapter goals and policies may need to  
6 change if this ordinance were to pass. Goodwin stated the Council should vote on  
7 whether or not it intends to revert the designation to rural. If it does, continue to  
8 the next meeting to decide which of the policies should be stricken for consistency.  
9 At the least, strike or modify policy 6Q-3 in the Transportation Chapter and 7C-6 in  
10 the Economics Chapter. The Council can do that tonight.  
11

12 Brenner stated it's not right for people from the outside to destroy  
13 communities of people who already live here. They keep saying that the two-year  
14 deadline is a drop-dead date. However, that could change given a different council.  
15 Let the people who live in the community get back to their lives.  
16

17 **McShane** stated he heard good arguments about the transportation issue,  
18 but it's a statewide issue. He wants to see a broader view of transportation. He  
19 doesn't see the project being good for Whatcom County overall. He supports the  
20 ordinance. He **restated the motion** to forward the ordinance to the concurrency  
21 meeting as it is, to remove the provisional UGA designation for the Custer area.  
22

23 **McShane moved** to amend the Transportation Chapter by deleting goal 6Q  
24 and it's policies completely. In the future, people may want to come forward with  
25 an intermodal idea. He questions whether having that as a goal of the County is  
26 necessary.  
27

28 Fleetwood stated Goal 6Q isn't inconsistent with what they are doing with  
29 Custer. The goal specifies supporting facilities where feasible. They can keep the  
30 goal and be consistent with this ordinance.  
31

32 Brenner stated she is against the motion to amend. These goals don't bother  
33 her. They have a positive aspect for county residents in general.  
34

35 Nelson stated he doesn't support the motion to amend. There are few places  
36 where they can develop an east-west corridor. This is one of those places. The  
37 county has a unique deep-water port and may be the only remaining deep-water  
38 port with significant land area and a rail line that can go to the area. If they are  
39 going to remove this goal, they won't talk about any intermodal facilities.  
40

41 McShane stated he questions why Whatcom County needs to be an  
42 intermodal location. A good intermodal location is good for the nation and state.  
43

44 Brenner asked if the county could have a different kind of intermodal facility  
45 for shipping things within the county.  
46

47 McShane stated that if they want to do that, they can. The County doesn't  
need to support it specifically.

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1  
2 Caskey-Schreiber stated she is most afraid of developing the port at Cherry  
3 Point for shipping purposes. It is a vulnerable shoreline for habitat and a state  
4 significant herring bed. Don't allow deep water shipping going on out there.  
5 Seattle and Vancouver are doing that job. It will lead to rapid deterioration of the  
6 county.

7  
8 ***Motion to amend carried 4-2 with Nelson and Fleetwood opposed and***  
9 ***Crawford out of the room.***

10  
11 Caskey-Schreiber stated it should be the railroad's burden to make  
12 connections between the communities. Don't drive a railroad through farmland and  
13 rural land.

14  
15 ***Roy moved*** to amend the Economics Chapter by deleting policy 7C-6. She  
16 questioned why the County is in the business of transportation planning. It's a  
17 state or federal issue. It's also an issue for private companies. She'd vote for an  
18 intermodal facility if it would reduce truck traffic on Interstate 5 between the border  
19 and Bellingham. It won't.

20  
21 *(Clerk's Note: End of tape two, side A.)*

22  
23 Nelson stated the reason they get involved in these things, as they do with  
24 all-weather roads, is to facilitate commerce, which creates jobs.

25  
26 Fleetwood stated the language says they will investigate the option. It  
27 doesn't obligate the County to anything. He won't support the motion to amend.

28  
29 McShane stated that if someone wants to develop the Cherry Point port  
30 facility, they can convince the Council it's a good thing to do.

31  
32 ***Motion to amend carried 4-2 with Nelson and Fleetwood opposed and***  
33 ***Crawford out of the room.***

34  
35 ***McShane moved*** to amend the Transportation Chapter to delete policy 6P-  
36 2.

37  
38 ***Motion to amend carried 4-2 with Nelson and Fleetwood opposed and***  
39 ***Crawford out of the room.***

40  
41 ***McShane moved*** to amend the Transportation Chapter to delete policy 6P-  
42 3.

43  
44 Brenner stated that this policy should remain.

45  
46 Caskey-Schreiber asked if this policy mandates the County to do this. She's  
47 never worked on something like this.

1  
2 Nelson stated these are policies and goals. It doesn't mean they will happen.

3  
4 Caskey-Schreiber stated she's fine with the language.

5  
6 McShane stated there is no need to go forward with developing incentives for  
7 these facilities.

8  
9 ***Motion to amend failed 3-3 with Nelson, Fleetwood, and Brenner***  
10 ***opposed.***

11  
12 McShane stated the Council needs to have a public hearing on these changes  
13 to the Transportation Chapter.

14  
15 Brenner stated the Council would have a public hearing on those issues, not  
16 on the Custer rezone.

17  
18 Nelson stated Councilmember Crawford should be voting on some of these  
19 transportation issues. He doesn't have a conflict on the transportation issues.

20  
21 Dave Grant, Senior Civil Deputy Prosecutor, stated Councilmember Crawford  
22 may vote on that particular issue. Because of the tie vote, circumstances allow him  
23 to cast his vote in spite of a conflict.

24  
25 *(Clerk's Note: Councilmember Crawford returned to meeting to break the tie*  
26 *vote.)*

27  
28 ***McShane restated the motion that just received a tie vote*** to amend  
29 the Transportation Chapter to delete policy 6P-3.

30  
31 ***Motion to amend failed 3-4 with Roy, Caskey-Schreiber, and McShane***  
32 ***in favor.***

33  
34 Nelson asked why the Council would not redo any of the votes on the  
35 Transportation Chapter, for which there is not conflict, if Councilmember Crawford  
36 wants his vote cast.

37  
38 Crawford stated his vote would have no impact on the outcome of the votes.

39  
40 Goodwin suggested:

- 41 • Approving the original ordinance to go forward to the concurrency
  - 42 meeting, and
  - 43 • Drafting a new ordinance to be Introduced, with the changes to the
  - 44 Transportation Chapter for consistency.
- 45

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1           ***Motion to forward the ordinance to the concurrency meeting carried***  
2 ***5-1 with Nelson opposed and Crawford recusing himself and absent from***  
3 ***the room.***  
4

5           The Council will introduce an ordinance with the amendments to the  
6 Transportation and Economics Chapter on January 11, 2005.  
7

8           *(Clerk's Note: The Council took a break at 9:33 p.m. The following portion of*  
9 *the minutes is recorded on the last half of side B of tape two and the beginning of*  
10 *side A of tape three.)*  
11

12 **3.     ORDINANCE AMENDING THE WHATCOM COUNTY COMP. PLAN,**  
13 **CHAPTER 3 – HOUSING (AB2004-353)**  
14

15           McShane opened the public hearing and the following people spoke:  
16

17           Mary Dickinson, Building Industry Association (BIA) Governmental Affairs,  
18 stated the ordinance needs some work. She's objected to portions of the ordinance  
19 from the beginning. The members of her association have been working for years  
20 on lot clustering, varied lot sizes, small family dwellings, accessory dwellings,  
21 minimizing permit times, and minimizing other delays that add to the cost of the  
22 housing. The latter part of this chapter is radical. The chapter as a whole is  
23 incomplete. It advocates for housing redistribution methods will make homes more  
24 unaffordable. The Housing Advisory Committee from the 1990's was not used for  
25 this update. There should be creative choices for low income housing. Land trusts  
26 and cooperative housing should not be the only choices in the housing plan.  
27

28           She is most concerned about inclusionary zoning, which will mandate setting  
29 aside housing units for low-income housing as a condition of the building permit. In  
30 reality, it will create greater housing un-affordability, according to a study.  
31

32           Paul Schissler, Kulshan Community Land Trust Executive Director, stated he  
33 helped update the Housing Chapter. Fifty percent of the community cannot afford  
34 housing unless they already have housing or a large down payment from  
35 somewhere else. The rents are out of sync with wages. Home prices in the last  
36 nine months have climbed more quickly than wages. Home prices have increased  
37 an average of 10 percent per year. Wages have increased an average of three  
38 percent per year.  
39

40           Kulshan Community Land Trust received grant money to find alternatives,  
41 which it brought to the County staff. Much of the Housing Chapter remains as it  
42 was in 1997. There is one major new goal. The action items remain mostly  
43 unchanged. The commission added the last 12 action items that are used  
44 elsewhere. The inclusionary zoning information cited by Ms. Dickenson doesn't  
45 represent the best practices. There are many other factors that play in the area  
46 cited that are causing housing prices to be as high as they are. There are ways to  
47 adopt inclusionary zoning proposals that don't require builders to give up anything

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1 and that allow builders to make a profit. As a housing advocate, he's willing to  
2 work with the BIA and anyone else on this challenging problem. He asked the  
3 County to find more time and money to work on these issues next year.  
4

5 Jack Petree, 2955 Sunset, Bellingham, stated he is in favor of the ordinance.  
6 Remember that this chapter requires land supply to achieve affordable housing.  
7 Keep those things in mind. The state has information to allow cities and counties to  
8 address affordable housing and special-needs housing. Affordability is as much an  
9 issue of where the home is as how the home is built. Many of the future jobs will  
10 be in Bellingham. Bellingham has to be a focus of affordability. Address  
11 affordability efficiently and well in the places where people who need affordability  
12 live.  
13

14 Brien Thane, 218 Bayside Road, Bellingham, stated he supports the proposed  
15 Housing Chapter. He moved to the community six years ago, and was lucky  
16 enough to find a house that works for him. Today, he wouldn't be able to qualify  
17 for a mortgage to buy his home. The job market isn't overflowing with high-paying  
18 jobs. Adopt this chapter. Implement as many recommendations as possible so  
19 they can have a healthy community for everyone.  
20

21 Hearing no one else, McShane closed the public hearing.  
22

23 **Brenner moved** to forward to the concurrency meeting. The BIA had some  
24 valid comments. However, the inclusionary zoning recommended in the chapter is  
25 as an incentive, not a requirement. She would never support a requirement as a  
26 part of the building permit. Land owners and builders should not be forced to  
27 subsidize others' housing.  
28

29 **Brenner moved** to amend action item 34, "Develop inclusionary zoning  
30 incentives and requirements that integrate affordable housing...."  
31

32 McShane stated he is against the motion to amend. This applies only to  
33 inclusionary zoning, which won't be everywhere.  
34

35 **Motion to amend failed 3-4 with Crawford, Nelson, and Brenner in**  
36 **favor.**  
37

38 **Crawford moved** to amend action item 32, "Allocate to each UGA and city a  
39 "fair share allocation" that specifies the number of **When determining UGA's, look at**  
40 **the options to create** affordable housing units that are needed...."  
41

42 McShane stated he is against the amendment. They have established urban  
43 growth areas. They know that there will be a problematic affordable housing issue  
44 in the county, no matter what the land supply is. Market forces alone will create an  
45 issue. There are UGA's that have not yet been upzoned. As they work with the  
46 cities, address the issue as much as they can now, before they need to expand the  
47 UGA's in the future.

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1  
2 Crawford stated UGA size has a lot to do with housing cost. Make sure there  
3 is an inventory of buildable land that assures and adequate supply. How much of  
4 that buildable land exists will have a direct correlation to housing affordability.  
5

6 Brenner stated she agrees that land supply has something to do with  
7 affordability. She asked at what point they stop. Land supply has something to do  
8 with affordability, but so do market forces. If they keep expanding UGA's,  
9 eventually the cities will be totally enmeshed in each other. She asked how they  
10 solve the problem of keeping adequate separations between the cities and still keep  
11 people from bumping up to each other.  
12

13 Caskey-Schreiber stated they can't build their way to affordable housing.  
14 Housing prices are created by market demand. Eventually, they will run out of  
15 buildable lands and housing prices skyrocket. People want to come to this area  
16 because the County is protecting its amenities. If they keep building for growth,  
17 they will eventually lose their quality of life. It's better to incorporate affordable  
18 housing into any development they approve. Houses are not going to drop in price.  
19

20 Fleetwood stated the notion of allocating land supply for single tract housing  
21 only works for so long. The Comprehensive Plan, visioning process, and the Council  
22 is committed to preserving rural lands. That means that at some point in time,  
23 they have to alter their perceptions of things and they must alter from business as  
24 usual. They know that incremental expansion of growth boundaries over time  
25 result in cities that bounce against each other. Having to build up will happen when  
26 the entire county becomes urbanized. They may as well contemplate and  
27 implement that now so they can preserve amenities.  
28

29 Crawford stated the councilmembers have a fundamental disagreement  
30 about growth. With the current policies, they are urbanizing the entire county by  
31 not having enough urban growth area so people build on five- and ten-acre parcels  
32 all over.  
33

34 McShane stated the cities should allocate affordable housing in the current  
35 UGA's because they are the areas close to jobs.  
36

37 ***Motion to amend failed 2 -5 with Crawford and Nelson in favor.***  
38

39 ***Crawford moved*** to eliminate Action Item 33 and the header above it on  
40 chapter page 3-24, "~~Policy Priority in Favor of Permanent Community Benefit~~" It  
41 has been said that the proposals are so vaguely written that they are nearly  
42 meaningless. The idea of solving the growth and housing affordability issues with  
43 this action item does not represent the ultimate solution. Folks still want to own  
44 their own homes as an investment strategy that compounds the investment.  
45

46 Brenner suggested a friendly amendment to delete the heading, but leave  
47 the action item.

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1  
2 **Crawford amended his motion** to amend action item 33, "As an option for  
3 home ownership affordability, Sseek perpetual affordability..." and to amend the  
4 heading, "Policy Priority in Favor of Permanent Community Benefit Nonprofit Rental  
5 Housing and Community Land Trusts"  
6

7 Caskey-Schreiber stated she is against the motion to amend. She likes the  
8 existing language and how it highlights the Kulshan Community Land Trust. She  
9 explained the Kulshan Community Land Trust program.

10  
11 Nelson stated he doesn't agree with having just one tool in the toolbox, and  
12 the program offered by the Kulshan Community Land Trust, as just described, is  
13 frightening and is almost like a Soviet communal system.  
14

15 Brenner stated the amendment doesn't make it the highest priority. It's one  
16 of all the option.  
17

18 McShane stated he is against the motion. The policies regarding affordable  
19 housing should be viewed as in favor of a permanent community benefit. The  
20 action item is one tool in the toolbox. It will work for some and is already working  
21 for some people now. It's a good program to achieve affordable housing for some.  
22

23 Roy stated the priority is community benefit. She won't support the motion.  
24

25 **Motion to amend failed 3-4 with Crawford, Brenner, and Nelson in**  
26 **favor.**  
27

28 **Crawford moved** to eliminate the heading "Inclusionary Zoning" and Action  
29 Items 34 and 35. Studies looked at advocacy issues brought up by inclusionary  
30 housing from a national database, not just the Bay Area of California. The study is  
31 legitimate. He read from the conclusion that inclusionary zoning only makes  
32 housing more expensive.  
33

34 Brenner stated that could happen if it was just a requirement, but not if they  
35 provide incentives. When they give people extra units, it offsets the costs.  
36

37 McShane stated the authors of the study is a nonpartisan public policy think  
38 tank promoting choice competition and a dynamic market economy, with a mission  
39 to promote libertarian principles and individual liberty free markets. The study may  
40 be skewed. This action item will require careful review to move forward. If they  
41 find that the tools aren't useful, the County won't move forward with them.  
42

43 Roy stated they don't have to do the same system that is not working in  
44 California. They can be creative and make it work. Look at every option they can  
45 to increase the range of affordable options in the community. She heard the same  
46 report about the system from National Public Radio (NPR), which has a different  
47 slant than the study.

1  
2 **Motion to amend failed 2-5 with Nelson and Crawford in favor.**

3  
4 **Crawford moved** to delete Action Items 36, 37, and 44. They all deal with  
5 tax policy, tax credits, and tax revenue. The language is vague and interpretation  
6 is difficult.

7  
8 Brenner stated Action Item 37 uses the term 'incentive,' which is a good  
9 thing. Consider anything that provides affordable housing. Policies tend to be  
10 vague so they can have a broad approach. One incentive she'd consider is tax  
11 breaks for people who have affordable housing.

12  
13 **Nelson** stated there are a lot of ramifications to the tax code and the  
14 County's financial well-being. The Council needs to consider the financial impacts.  
15 He **suggested a friendly amendment** to amend Action Items 36 and 37, "Seek  
16 and adopt **Explore....**"

17  
18 **Crawford accepted** the friendly amendment and **withdrew** his motion to  
19 delete Action Item 44.

20  
21 Fleetwood stated he supports the amendment. 'Seek' and 'adopt' don't  
22 necessarily go together.

23  
24 McShane stated he is opposed to the amendment. There is a serious  
25 affordability issue currently. If they can seek out and find legislative authority to  
26 put forward these policies in a meaningful way, they should commit to doing that  
27 now as an action item. If it doesn't work, it won't be adopted in the end. Making  
28 the statement to pursue this now is important.

29  
30 *(Clerk's Note: End of tape three, side A.)*

31  
32 Brenner stated she agreed with Councilmember Fleetwood.

33  
34 **Motion carried 4-3 with Nelson, McShane, and Caskey-Schreiber**  
35 **opposed.**

36  
37 **Crawford moved** to amend Action Item 40, "Create **Consider the creation of**  
38 a housing trust fund..."

39  
40 McShane asked if there is currently a housing trust fund available through  
41 fees charged in the Auditor's Office. The fund is already there. Keeping it as an  
42 action item would be a good thing.

43  
44 Brenner stated that if the fund is already there, say they will use the housing  
45 trust fund.

46

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1 Crawford stated they are currently using 20/60 dollars for the assistance of  
2 homeless populations in shelters. There might be a way to create a housing trust  
3 fund for home ownership. Schissler stated that's what this was intended to do.  
4 The 20/60 money is prescribed by State legislation only for extremely low income  
5 housing needs. This housing trust fund concept is used, for example, on the east  
6 side of King County. They are not 20/60 dollars. They are other funding sources.  
7 About 12 jurisdictions in east King County pool their funds to have a better impact.

8  
9 **Fleetwood suggested** a friendly amendment to amend Action Item 40,  
10 "Consider and, if viable, create a housing trust fund...."

11  
12 **Crawford accepted** the friendly amendment.

13  
14 McShane stated he is opposed to the motion. Make a commitment to these  
15 types of actions, which are critical to the issue of affordable housing. Having a  
16 trust fund is a commitment they should make.

17  
18 Fleetwood stated he is persuaded by Councilmember McShane.

19  
20 Nelson stated they are not going to create affordable housing simply with  
21 these tools. Jobs will also have to be created.

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

24  
25 **Crawford moved** to amend Action Items 42 and 43, which are from the  
26 Revised Code of Washington (RCW) 84.52.105. It's a levy that is allowed by State  
27 law, up to \$.50 per \$1,000 of assessed value. It has to go to very low income  
28 households, with the determination there is an emergency. It was designed to deal  
29 with a federal matching requirement. This was a property tax levy created for an  
30 extremely distressed area. Whatcom County, in its current Comprehensive Plan,  
31 should not talk about this levy. Whatcom County's situation wasn't the intent of  
32 the State legislature.

33  
34 Brenner stated the action items say they will consider the option. The  
35 County should consider every option it can. Councilmember Crawford may be  
36 wrong in his interpretation. Include the action item in case the County can use the  
37 option.

38  
39 **Motion to amend failed 1-6 with Crawford in favor.**

40  
41 **Motion to forward to concurrency as amended carried 6-1 with**  
42 **Crawford opposed.**

43  
44 **4. ORDINANCE AUTHORIZING THE 2005 WHATCOM COUNTY UNIFIED**  
45 **FEE SCHEDULE (AB2004-410)**

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1 Brad Bennett, Finance Division Manager, stated the Unified Fee Schedule  
2 implements the County Council's instructions to recover the cost of services  
3 wherever possible. It identifies changes to fees mostly in the Parks Department  
4 and Health Department.

5  
6 McShane opened the public hearing and, hearing no one, closed the public  
7 hearing.

8  
9 ***Caskey-Schreiber moved*** to adopt the ordinance.

10  
11 Crawford stated that at some point in the future, consider giving a better  
12 rate to county residents who already contribute to the parks through their property  
13 taxes. Encourage the folks who are paying taxes for the parks to use the parks.

14  
15 ***Motion carried unanimously.***

16  
17 **5. ORDINANCE ADOPTING AMENDMENTS TO THE COUNTY-WIDE**  
18 **PLANNING POLICIES, ADOPTED AS APPENDIX C OF THE WHATCOM**  
19 **COUNTY COMPREHENSIVE PLAN (AB2004-272A)**

20  
21 Sylvia Goodwin, Planning Division Manager, gave a staff report and stated  
22 this is part of the County's seven year review. She recommends adopting these as  
23 an appendix to the Comprehensive Plan, then revisit the amendments next year if  
24 the cities make changes.

25  
26 McShane opened the public hearing and the following people spoke:

27  
28 Roland Harper, Sehome Planning and Planning Consultant for the cities of  
29 Everson and Nooksack, stated the City of Nooksack accepted the amendments. The  
30 City of Everson has not taken action. The City of Everson referenced policy N.6  
31 prefers that the language be, "All jurisdictions **should** ~~shall~~ maximize...." 'Should' is  
32 more realistic. It may be a good goal, but is not particularly achievable.

33  
34 The origin of bringing this forward tonight was to get all the same  
35 jurisdictions on the same page. The original Countywide Planning Policies was later  
36 amended by Whatcom County unilaterally. Not all the jurisdictions have approved  
37 the same version. The Growth Management Act (GMA), in RCW 36.70A.210, lays  
38 out the procedure for adopting countywide planning policies. He's not sure  
39 Whatcom County ever established the procedure initially. Ferndale did not adopt  
40 the policies. It's ambiguous whether they are on solid ground for the GMA.  
41 Consider whether it is appropriate to take action or go back and try to achieve  
42 consensus.

43  
44 Hearing no one else, McShane closed the public hearing.

45  
46 McShane stated the procedures are difficult. Also, they have debated many  
47 times the difference between 'shall' and 'should.'

1  
2 Brenner asked Mr. Grant if Mr. Harper is correct.  
3

4 McShane stated staff recommends a procedure of how to deal with the issue  
5 for the time being. Staff recommends conditional adoption, with provisions to  
6 revisit them next year. It's a struggle to get all cities to work together.  
7

8 Dave Grant, Senior Civil Deputy Prosecutor, stated the County shall not and  
9 should not leave the hearing open until the other jurisdictions adopt.  
10

11 **McShane moved** to forward the ordinance to the concurrency meeting, with  
12 the provision that the County will revisit them next year.  
13

14 Nelson asked about the Countywide Transportation Facilities Strategies  
15 section. He read item five and asked if the County can zone heavier densities that  
16 can affect the level of service (LOS) and then ask new development to pay for it, or  
17 if everyone shares equally in the benefit as new development occurs.  
18

19 Hal Hart, Planning and Development Services Director, stated this is a  
20 concurrency requirement that the cities and counties should agree on  
21 transportation systems, who should pay, and when they should pay. An example is  
22 if a very large shopping mall is developed and impacts a neighborhood. The  
23 development would pay for the impacts to LOS.  
24

25 Brenner stated they want development to pay its share of the cost of  
26 maintaining LOS. Hart stated they are moving toward regional modeling.  
27

28 **Motion carried unanimously.**  
29

30 **6. ORDINANCE ADOPTING A ONE-TENTH OF ONE-PERCENT SALES AND**  
31 **USE TAX FOR THE PURPOSE OF FUNDING JAILS (AB2004-412)**  
32

33 Brad Bennett, Finance Division Manager, gave a staff report and stated this is  
34 an important step in the process of establishing the fund for the voter-approved  
35 tax.  
36

37 Fleetwood asked what the 'use' part of the sales and use tax is for. Bennett  
38 stated that someone purchasing goods out-of-state without paying for a sales tax  
39 must pay a use tax. It's difficult to enforce on individuals. Corporations and  
40 governments that are audited do pay use taxes.  
41

42 McShane opened the public hearing and, hearing no one, closed the public  
43 hearing.  
44

45 **Caskey-Schreiber moved** to adopt the ordinance.  
46

47 **Motion carried unanimously.**

1  
2  
3 **OTHER ITEMS**  
4

5 **1. ORDINANCE AMENDING THE 2004 WHATCOM COUNTY BUDGET,**  
6 **FIFTEENTH REQUEST (AB2004-411)**  
7

8 *Crawford* reported for the Finance and Administrative Services Committee  
9 and *moved* to adopt the ordinance.

10  
11 *Motion carried unanimously.*  
12

13 **2. APPOINTMENT TO CONSOLIDATED DRAINAGE IMPROVEMENT**  
14 **DISTRICT NUMBER ONE BOARD OF SUPERVISORS – APPLICANT IS**  
15 **JOHN DICKINSON (AB2004-379)**  
16

17 *McShane moved* to appoint John Dickinson.

18  
19 *Motion carried unanimously.*  
20

21 **3. APPOINTMENTS TO THE FLOOD CONTROL ZONE DISTRICT ADVISORY**  
22 **COMMITTEE, SPECIAL DISTRICTS AND IMPACTED CITIES POSITIONS**  
23 **– SPECIAL DISTRICT APPLICANTS ARE ART ANDERSON AND RON**  
24 **BRONSEMA; IMPACTED CITIES APPLICANTS ARE CARNELIA FOSTER**  
25 **AND FRED POLIDER (AB2004-304A) (COUNCIL ACTING AS FLOOD**  
26 **CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)**  
27

28 *Caskey-Schreiber moved* to appoint all applicants.

29  
30 *Motion carried unanimously.*  
31

32 **4. YEAR END APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS**  
33 **IN PREPARATION FOR THE YEAR 2005 (AB2004-304)**  
34

35 Board of Equalization  
36

37 *Fleetwood nominated* Gary Harris.  
38

39 *Nelson nominated* David Parsons.  
40

41 McShane closed the nominations.  
42

43 Crawford voted for Parsons.  
44

45 Caskey-Schreiber voted for Parsons.  
46

47 Fleetwood voted for Harris.

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1  
2 McShane voted for Parsons.

3  
4 Brenner voted for Parsons.

5  
6 Nelson voted for Parsons.

7  
8 Roy voted for Parsons.

9  
10 ***The Council appointed David Parsons.***

11  
12 Whatcom Community Network

13  
14 ***Brenner nominated*** Joan Myers.

15  
16 ***The nomination carried unanimously.***

17  
18 Noxious Weed Control Board - District 1

19  
20 ***Nelson moved*** to appoint Dale Yoder.

21  
22 ***Motion carried unanimously.***

23  
24 Planning Commission - District 2

25  
26 ***Crawford moved*** to appoint Ron Roosma and John Belisle by acclamation.

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

29  
30 Planning Commission - District 3

31  
32 Brenner nominated all applicants.

33  
34 Crawford voted for Simms.

35  
36 Caskey-Schreiber voted for Lesow.

37  
38 Fleetwood voted for Lesow.

39  
40 McShane voted for Lesow.

41  
42 Brenner voted for Lesow.

43  
44 Nelson voted for Lesow.

45  
46 Roy voted for Friedlob.

47

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1           ***The Council appointed John Lesow.***  
2

3           Sewage Control Appeals Board - Unincorporated Area  
4

5           ***McShane moved*** to appoint Adam Prince.  
6

7           Brenner stated Mr. Lesow said he was willing to give up this position if he is  
8 appointed to the Planning Commission. Mr. Prince has incredible qualifications.  
9

10           ***Motion carried unanimously.***  
11

12           Utilities Planning and Advisory Committee - District 1  
13

14           ***McShane moved*** to appoint Paul Stephensen.  
15

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

18           **5. REQUEST CONFIRMATION OF THE EXECUTIVE'S REAPPOINTMENT OF**  
19           **TODD JONES, WILLIAM DEGROOT AND CHARLES ANTHOLT TO THE**  
20           **AGRICULTURAL ADVISORY COMMITTEE (AB2004-442)**  
21

22           ***Caskey-Schreiber moved*** to confirm the appointments.  
23

24           ***Motion carried unanimously.***  
25

26           **6. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**  
27           **PAUL STEPHENSON AND MARK POLHAMUS AND THE**  
28           **REAPPOINTMENT OF ELLEN BARTON AND JEFF MARGOLIS TO THE**  
29           **BICYCLE/PEDESTRIAN ADVISORY COMMITTEE (AB2004-443)**  
30

31           ***Fleetwood moved*** to confirm the appointments.  
32

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

35           **7. REQUEST CONFIRMATION OF THE EXECUTIVE'S REAPPOINTMENT OF**  
36           **DAVE RALSTON TO THE COUNTY APPEALS BOARD (AB2004-444)**  
37

38           ***Roy moved*** to confirm the appointment.  
39

40           ***Motion carried unanimously.***  
41

42           **8. REQUEST CONFIRMATION OF THE EXECUTIVE'S REAPPOINTMENT OF**  
43           **DOUGLAS DOSTAL TO THE PURCHASE OF DEVELOPMENT RIGHTS**  
44           **OVERSIGHT COMMITTEE (AB2004-445)**  
45

46           ***Caskey-Schreiber moved*** to confirm the appointment.  
47

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

- 3    **9.    REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**  
4    **SYLVIA THORPE AND PHILIP SHARPE, JR. TO THE WHATCOM**  
5    **COUNTY ETHICS COMMISSION (AB2004-446)**

6  
7            ***Brenner moved*** to confirm the appointments.

8  
9            ***Motion carried unanimously.***

- 10  
11   **10.   REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**  
12   **TOM RICHARDSON AND THE REAPPOINTMENT OF JAMES HARLE TO**  
13   **THE WHATCOM COUNTY MENTAL HEALTH ADVISORY BOARD**  
14   **(AB2004-447)**

15  
16           ***Brenner moved*** to confirm the appointments.

17  
18           ***Motion carried unanimously.***

- 19  
20   **11.   REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**  
21   **GARY CHADWICK TO THE WHATCOM COUNTY PARKS AND**  
22   **RECREATION COMMISSION (AB2004-448)**

23  
24           ***Nelson moved*** to confirm the appointment.

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

- 27  
28   **12.   REQUEST CONFIRMATION OF THE EXECUTIVE'S REAPPOINTMENT OF**  
29   **BRET BEAUPAIN, DEREK HOLZL AND LARRY STEELE TO THE**  
30   **DEVELOPMENT STANDARDS TECHNICAL ADVISORY COMMITTEE**  
31   **(AB2004-449)**

32  
33           ***Crawford moved*** to confirm the appointments.

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

- 36  
37   **13.   REQUEST CONFIRMATION OF THE EXECUTIVE'S REAPPOINTMENT OF**  
38   **ANDREA OLAH AND CHRIS FAIRBANKS TO THE MARINE RESOURCE**  
39   **COMMITTEE (AB2004-450)**

40  
41           ***McShane moved*** to confirm the appointments.

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

- 44  
45   **14.   REQUEST CONFIRMATION OF THE EXECUTIVE'S REAPPOINTMENT OF**  
46   **JAN HUNTER TO THE RURAL LIBRARY BOARD (AB2004-451)**  
47

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1            *Fleetwood moved* to confirm the appointment.  
2

3            *Motion carried unanimously.*  
4  
5

6            **2004 COMPREHENSIVE PLAN AMENDMENTS**  
7

8            **1.     ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY**  
9            **COMPREHENSIVE PLAN, CHAPTER 8, MINERAL RESOURCE LANDS**  
10           **(AB2004-400)**  
11

12           Roy reported for the Natural Resources Committee and stated this item was  
13 held in committee.  
14

15           **OTHER ITEMS**  
16

17           **15.    RESOLUTION DECLARING THE POINT ROBERTS PUBLIC HOSPITAL**  
18           **DISTRICT ELECTION AS A VOTE-BY-MAIL ELECTION (AB2004-377A)**  
19  
20

21           *Brenner moved* to approve the resolution.  
22

23           *Motion carried unanimously.*  
24

25           **17.    EMERGENCY ORDINANCE AMENDING THE WHATCOM COUNTY**  
26           **SHORELINE MANAGEMENT PROGRAM, SECTION 23.100.20.57,**  
27           **AQUACULTURE REGULATIONS (2004-456)**  
28

29           *Brenner moved* to approve the resolution.  
30

31           Crawford asked what the emergency is. It sounds like one can't really do  
32 aquaculture within 12 miles of any shoreline in Whatcom County. He asked if the  
33 salmon bearing streams count.  
34

35           McShane stated it's only the Nooksack River.  
36

37           Crawford asked if a fish-farming operation is being proposed.  
38

39           McShane stated there are inquiries around Puget Sound, the Strait of Juan de  
40 Fuca, and the inlets in Jefferson County. The Council passed a resolution to  
41 implement an ordinance for the shoreline program. The County is in the process of  
42 updating its shoreline program, but it will take some time to get the updates  
43 adopted. This will be done on an emergency bases. An interim ordinance will have  
44 to be done within 61 days.  
45

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1 Crawford asked the permitting process if an aquaculture farmer could find a  
2 place to farm more than 12 miles from the mouth of the Nooksack River. He asked  
3 who controls those waters.

4  
5 *(Clerk's Note: End of tape three, side B.)*  
6

7 McShane stated there are a variety of permits that would have to be  
8 obtained. One of the permits would be a County shoreline permit. There are  
9 several aquaculture requirements.

10 Crawford asked if there is a farming activity near the Columbia River.

11  
12  
13 McShane stated there is not. There is a net pen in Cypress Island in San  
14 Juan County. There are others south of Puget Sound. Currently, the aquaculture  
15 farms are being permitted.

16  
17 Roy stated she supports the motion. They should consider at some point  
18 farms for fish other than salmon.

19  
20 Caskey-Schreiber stated this is a placeholder to let the County draft  
21 regulations if it does want aquaculture. She would like to see regulations on where  
22 it would be allowed, which should be away from any tributary.

23  
24 McShane stated the aquaculture section of the shoreline program is lengthy.  
25 Thinking about other species can be done through the shoreline program update.

26  
27 Crawford stated they need to make sure they are objective and open-  
28 minded. Get good testimony on both sides of the issue.

29  
30 ***Motion carried 6-1 with Nelson opposed.***

31  
32  
33 **INTRODUCTION ITEMS**

34  
35 ***Caskey-Schreiber moved*** to accept the Introduction Items.

36  
37 ***Motion carried unanimously.***

- 38  
39 **1. ORDINANCE AMENDING THE COUNTY CODE CHAPTER 2.108**  
40 **WHATCOM COUNTY COMMISSION AGAINST DOMESTIC VIOLENCE**  
41 **(AB2004-452)**  
42  
43 **2. ORDINANCE ADOPTING AMENDMENTS TO THE WHATCOM COUNTY**  
44 **ZONING MAP ESTABLISHING TRANSFER OF DEVELOPMENT RIGHTS**  
45 **SENDING AREAS AND AMENDING WHATCOM COUNTY ZONING**  
46 **ORDINANCE (TITLE 20) CHAPTER 20.89 DENSITY TRANSFER**  
47 **PROCEDURE (AB2004-453)**

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- 1  
2 **3. RESOLUTION LIMITING THE SIZE OF ALL VOTING PRECINCTS TO**  
3 **LESS THAN 200 REGISTERED VOTERS EACH, THUS ALLOWING THE**  
4 **COUNTY AUDITOR TO DESIGNATE ALL WHATCOM COUNTY**  
5 **PRECINCTS AS "VOTE BY MAIL" (AB2004-454) (HEARING TO BE**  
6 **SCHEDULED)**  
7  
8 **4. RESOLUTION AFFIRMING THAT COMPREHENSIVE PLAN**  
9 **AMENDMENTS REVIEWED AND ADOPTED IN 2002, 2003, AND 2004**  
10 **COLLECTIVELY CONSTITUTE COMPLETION OF WHATCOM COUNTY'S**  
11 **SEVEN-YEAR REVIEW AND UPDATE OF THE OFFICIAL WHATCOM**  
12 **COUNTY COMPREHENSIVE PLAN PER RCW 36.70A.130 (AB2004-455)**  
13

14  
15 **OTHER BUSINESS**

16  
17 ***Roy nominated*** Councilmember Nelson to resume his representation on the  
18 North Sound Regional Mental Health Board.

19  
20 ***Nomination carried unanimously.***  
21

22  
23 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

24  
25 The councilmembers thanked each other and Dave Grant for work  
26 contributed during the year and wished everyone a happy holiday.  
27

28  
29 **ADJOURN**

30  
31 The meeting adjourned at 11:22 p.m.  
32

33  
34  
35 \_\_\_\_\_  
36 Jill Nixon, Minutes Transcription

37 The Council approved these minutes on January 11, 2005.  
38

39 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

40  
41  
42  
43  
44 \_\_\_\_\_  
45 Dana Brown-Davis, Council Clerk

\_\_\_\_\_ Dan McShane, Council Chair