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1 issue as well. The commission meets on the first, second, and fourth Thursdays of
2 every month. The commission's work is scheduled to be done by July 31.

3
4 Pete Kremen, County Executive, stated he is concerned about the number of
5 people in the room due to the fire code. He asked for volunteers go into the
6 rotunda.

7
8 Jean Freestone, property owner at 3286 Creasy Road, submitted information
9 (*on file, Exhibit A*), and read her testimony regarding the **ordinance amending**
10 **the Whatcom County Comprehensive Plan, Chapter 6 and 7 goals and**
11 **policies related to the Custer Provisional Growth Area (AB2004-396B).**
12 Rezone the site of the Custer intermodal facility to an urban growth area. The land
13 is not appropriate for rural residential. It is appropriate as a transportation hub.

14
15 Greg Anders, 2313 Northshore Road, submitted information (*on file, Exhibit*
16 *B*) and stated he is opposed to the **emergency moratorium to restrict growth in**
17 **the Lake Whatcom Watershed (AB2005-072A).** This action tramples his
18 constitutional rights. Seizing building rights is the same as seizing property. The
19 issues with the lake do not constitute an emergency or seizing his rights without
20 due process. He drinks the water from the lake once it has run through his filtration
21 system. It does not go through the City's treatment plant. He approves of the
22 Council's stewardship of the lake, but they must respect the citizens' rights to due
23 process.

24
25 Kris Ungern, 2095 North Shore Road, stated he is opposed to the
26 **emergency moratorium to restrict growth in the Lake Whatcom Watershed**
27 **(AB2005-072A)** and is opposed to the **resolution to remove the Whatcom**
28 **Connector from the Six-Year Transportation Improvement Plan (AB2005-**
29 **068).** He submitted and read from his testimony (*on file, Exhibit C*). These appear
30 to be anti-growth measures designed to limit the urban growth boundaries and
31 restrict development in the county. Housing costs are rising because of a reduced
32 housing supply. The Council must find a way to manage inevitable growth and also
33 affordable housing. Development restricts and anti-growth ordinances result in
34 decreased housing supply and higher housing prices.

35
36 Norm Chamberlin, 2532 Lake Whatcom Boulevard stated he is opposed to the
37 **emergency moratorium to restrict growth in the Lake Whatcom Watershed**
38 **(AB2005-072A)** and is opposed to **resolution to remove the Whatcom**
39 **Connector from the Six-Year Transportation Improvement Plan (AB2005-**
40 **068)** and is opposed to the **ordinance amending the Whatcom County**
41 **Comprehensive Plan, Chapter 8, Mineral Resource Lands (AB2004-400).** He
42 has taken measures to conserve the lake. The Council is taking his property rights.
43 He has lived in Whatcom County for 58 years, longer than the councilmembers have
44 probably lived here.

45
46 Dr. Frank James, 3511 Chuckanut Avenue, stated he is in favor of the
47 **emergency moratorium to restrict growth in the Lake Whatcom Watershed**

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1 **(AB2005-072A)**. He formerly was Whatcom County's health officer. He quit that
2 job because of a leukemia outbreak in children in the north part of the county.
3 They still don't know what caused the leukemia. He is embarrassed by the behavior
4 of the crowd. Women and children cannot eat the fish from Lake Whatcom right
5 now. There are contaminants in the lake that need to be taken care of. They know
6 what the constitution says. It's time to be responsible, positive, and care for
7 everyone.

8
9 Mike Kaufman, 1620 Huntley Road, thank Council for its unanimous vote on
10 the electric issue from this summer and for its work opposing the Georgia Strait
11 Crossing (GSX) pipeline.

12
13 Lynne Findley, Silver Beach, stated she is in favor of the **emergency**
14 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
15 **072A)**. She and her husband live in the watershed. This moratorium is hard for
16 developers. However, for people who simply own homes and live on the lake, the
17 homes will be worth more if there is a moratorium. There is a way to build in the
18 watershed, but it needs a lot more study before building is allowed.

19
20 Marion Beddill, 3600 Seeley Street, submitted information (*on file, Exhibit D*)
21 and stated she is in favor of the **emergency moratorium to restrict growth in**
22 **the Lake Whatcom Watershed (AB2005-072A)**. The moratorium is temporary.
23 During that moratorium, the County will do planning on how to respond to State
24 and federal regulations. Her information is a proposed solution to the dilemma that
25 will satisfy both sides. She read from the information she submitted. Once the
26 planning is done, the moratorium can be lifted. In the meantime, health and public
27 safety trumps personal property issues, happiness, and pleasure. A close friend is
28 currently suffering from ALS. One of the presumed causes is toxic pollution
29 contained in the treated water.

30
31 Jean Waight, 919 Coronado Avenue, stated she is in favor of the **emergency**
32 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
33 **072A)**. It is not a sudden proposal. The critical areas ordinance has not done
34 enough. This is about rethinking costs and adapting. The certainty builders operate
35 under is not a good thing and must fight to keep what they have. However, it's too
36 late for that fight. The situation with the lake has moved past a reasonable cost to
37 save it. Watershed construction is a part of the problem. Developers pay too small
38 a share for the impacts. Neighbors must pay through taxes for cleanup. A taking
39 could apply to the rest of the homeowners as well. They must act now.

40
41 Linda Franz, 6640 Trent Lane, Ferndale, submitted information (*on file,*
42 *Exhibit E*) and stated she is opposed to the **ordinance amending the**
43 **Comprehensive Plan and zoning maps to create a Mineral Resource Lands**
44 **designation near the corner of North Star and Brown Road (James Carr**
45 **application) (AB2004-082A)**. This application has an effect on six property
46 owners for a combined loss of \$413,000 in property value. This is property they
47 already live on. It is a residential area. This particular mineral resource land (MRL)

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1 is mostly sand, which is not in short supply. It is less than one-third of a percent of
2 the total supply. Balance the effects of this MRL area on the neighborhood versus
3 what they will get from the MRL area. MRL designations are intended to protect
4 significant resource areas from conflicting uses. Don't use MRL designations to spot
5 zone a small tract in an area where conflicting uses are already well-established.
6

7 Myron Wlaznak, 4215 E. Oregon Street, stated he supports the **emergency**
8 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
9 **072A)**. This is the last chance they have to protect the lake before the decline in
10 water quality requires more costly treatment methods. This action will have an
11 effect for 100 years and beyond. Clean water is vital to their economic, physical,
12 social, and community welfare. The Entranco report is the single source used to
13 contradict voluminous amounts of scientific data documenting the declining water
14 quality. He quoted from page two of the summary and paragraph one of the
15 overview of the report. There should be no debate that they need to protect the
16 lake and that water quality is declining. Take effective, comprehensive action now.
17

18 Jon Raney, 3040 Birchwood Court, stated he is in favor of the **emergency**
19 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
20 **072A)**. He commended Councilmember McShane for his courage to bring forward
21 the emergency moratorium. Degradation continues as watershed development
22 takes place. The only question is whether they formally plan now or wait for the
23 natural moratorium that will take place when the watershed reaches build out. It is
24 more reasonable to look at the projected state of the lake at build out and see if
25 that's what they want. The development community won't ever come to the table
26 on this issue until the choice is a workable plan or going out of business. The
27 citizens who don't live in the watershed don't want to be forced to pay for the
28 negative effects of development in the watershed. The right of those who don't live
29 in the watershed to have clean water is on par with the rights of those who
30 speculated on land in the watershed to make a profit. Figure out how to keep the
31 lake healthy. The alternative is not cheap.
32

33 Terry Prestlien, 2217 W. Birch Street, stated he is opposed to the
34 **emergency moratorium to restrict growth in the Lake Whatcom Watershed**
35 **(AB2005-072A)**. He works for Federal Express and his wife is a medical
36 technician. He owns five acres in the watershed that is waiting for a four-lot short
37 plat. The property has all the needed infrastructure. He is not a developer. If the
38 Council implements the moratorium, it will bankrupt him. It would trample his
39 property rights. Review the available science carefully. Give consideration to those
40 who have followed all the rules and made significant investments already.
41

42 Art Terpsma, 2166 Dellesta Drive, stated Lake Whatcom Boulevard is one of
43 the largest polluters in the watershed. Instead of trying to minimize pollution from
44 the road, the County straightened and widened the road and enlarged the bridge,
45 which encourages more traffic. The government wants to improve its assets and
46 stop the landowners from improving their assets. He is opposed to the **emergency**

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1 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
2 **072A).**

3
4 Jim Scerjanc, 556 Summit Place, stated he is opposed to the **emergency**
5 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
6 **072A).** He hasn't seen any proof that the lake is in jeopardy. The proposal is out
7 of line and uncalled for.

8
9 Bob Shipp, 3726 Fielding Avenue, stated the **emergency moratorium to**
10 **restrict growth in the Lake Whatcom Watershed (AB2005-072A)** was not on
11 the agenda. That promotes bad faith between the Council and the public. The
12 Council did not encourage public input on whether or not this is an emergency. This
13 should have been on the agenda and had a public hearing. This procedure
14 circumvented the Planning process. The Council has an ongoing responsibility to
15 the City urban growth areas. The County should have removed the watershed from
16 the Bellingham Urban Growth area. The County pledged to cooperate with the City.
17 However, the city is included in this moratorium. That is not an act of cooperation
18 with the City. Drop the portion of the watershed that includes the city and the
19 urban growth area. Pursue an alternative reservoir.

20
21 *(Clerk's Note: End of tape one, side A.)*
22

23 Bill Roessel, resident, stated he is opposed to the **emergency moratorium**
24 **to restrict growth in the Lake Whatcom Watershed (AB2005-072A).** If
25 people don't like the water, they can buy their water. He has five acres on south
26 side of Lake Whatcom at Strawberry Shores that has all the infrastructure to the
27 building site. He can take measures to protect Lake Whatcom through different
28 measures. Don't pass the moratorium, but use the regulations that work.

29
30 Kim Sutherland, 1767 Wildhaven Crest, stated she is opposed to the
31 **emergency moratorium to restrict growth in the Lake Whatcom Watershed**
32 **(AB2005-072A).** She owns a parcel of land in an established plat to build a home
33 for their retirement. They found a problem that would comply with all the zoning
34 restrictions. They did not buy land for speculation or future appreciation. They paid
35 for the security of buying into an established plat that has the necessary
36 infrastructure in place. Drinking water is an important issue but this is not the way
37 to handle it. Go through the public process and work with the affected landowners.

38
39 Joe McCaskill, 210 W. Smith Road, stated he is opposed to the **emergency**
40 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
41 **072A).** He owns a buildable lot with utilities. His home will cause little or no
42 impact to the lake. The moratorium would be unfair. It causes unfair
43 disadvantages to the economy. Developments in the watershed should have strict
44 guidelines, which they already have. If there is a problem, come up with the rules
45 and regulations needed to correct the mistakes that create the problem. The
46 moratorium is too extreme.

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1 Hank Mauer, 5745 Willow Springs Way, Ferndale, stated he is opposed to the
2 **emergency moratorium to restrict growth in the Lake Whatcom Watershed**
3 **(AB2005-072A)**. He plans to build a home to retire in on his five-acre parcel in
4 the watershed. The moratorium won't be temporary. It will be extended again and
5 again. They should explore other alternatives to the moratorium. Reduce or
6 eliminate the current sources of pollution makes more sense than stopping future
7 sources of pollution. Give them more than two weeks to submit their building plan.
8 It takes four weeks to three months just to get an appointment to submit a building
9 permit application.

10
11 Donna Clark, 2502 North Shore Road, stated she is opposed to the
12 **emergency moratorium to restrict growth in the Lake Whatcom Watershed**
13 **(AB2005-072A)** and is opposed to **resolution to remove the Whatcom**
14 **Connector from the Six-Year Transportation Improvement Plan (AB2005-**
15 **068)**. She has 33 acres in the watershed she doesn't want to build on, but the
16 County is forcing her to act. She already gave 13 ½ acres out of the center of her
17 property to Bonneville so everyone has power. That devalued her property. The
18 County downzoned her even more. She wants to give her grandchildren the land.
19 The connector has been on the books since 1965 when Sudden Valley was
20 developed. The traffic is terrible. If they take away the option for the connector,
21 there will never be another access road. If they are worried about the quality of the
22 water, take the traffic away from the lake.

23
24 Steve Hood, State Department of Ecology, stated he appreciates what the
25 Council has done on the downzone and overlay. They aren't enough. He will not
26 advocate for or against the **emergency moratorium to restrict growth in the**
27 **Lake Whatcom Watershed (AB2005-072A)**. Solving this problem is going to be
28 expensive. When they started, they knew that at least some areas around the lake
29 need zoning reductions. Since that time, the amount of development has grown.
30 They've confirmed that the highest amounts of pollution comes from the most
31 developed areas. Run models to see the amount of pollution that would occur given
32 certain levels of development, then decide where they want to be. Degradation is
33 happening farther and farther south in the lake. He's becoming less hesitant and
34 more confident about saying that they need reductions in the lake. That is likely
35 what the model is going to tell them. The trends noted by Dr. Matthews last year
36 are even more notable this year. The final report should be finished by December
37 2005.

38
39 Schuyler Durttt, 3129 Brandywine Court, stated he is opposed to the
40 **emergency moratorium to restrict growth in the Lake Whatcom Watershed**
41 **(AB2005-072A)**. He is in the construction industry. He has experience with
42 managing stormwater runoff. He is building homes in Sudden Valley. It is a very
43 desirable area that wants a native setting. Don't put a blanket prohibition on
44 everything. Because he takes steps to manage the runoff of his jobsite, he doesn't
45 have an effect on the lake.

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1 Barbara Ryan, Bellingham City Council Member, stated she supports the
2 **emergency moratorium to restrict growth in the Lake Whatcom Watershed**
3 **(AB2005-072A)**. She recognizes the Council's history of trying to protect the
4 water quality in Lake Whatcom. However, the water quality is getting lower and
5 lower each year. This year, they're seeing the same pattern in basin three that is in
6 basins one and two. As development increases, water quality decreases. They
7 need the information from the total maximum daily load (TMDL) study and to
8 understand what is possible before moving ahead with any more development.
9

10 Bill Quehrn, Building Industry Association (BIA) Executive Officer, stated he is
11 opposed to the **emergency moratorium to restrict growth in the Lake**
12 **Whatcom Watershed (AB2005-072A)**. He asked what has changed to warrant
13 an emergency moratorium. BIA has asked for a stormwater capture and treatment
14 system for Lake Whatcom. The County and City have purchased lots to reduce the
15 level of development. Runoff from existing development continues to flow to the
16 lake. Recent news coverage of a Department of Ecology study noted that the golf
17 course at Sudden Valley and the restroom facilities at the park need immediate
18 attention. The study did not suggest that new construction is the number one
19 problem for nutrient loading. The BIA has worked to teach builders to develop
20 responsibly. Houses that haven't been built yet are not what's polluting the lake.
21 He asked where buildable lots from the watershed will go so the County meets the
22 Growth Management Act requirements, reduces urban sprawl, and provides
23 affordable housing. They must begin to protect the drinking water resource from
24 what is actually polluting it.
25

26 Bill McCourt, 3495 Robertson Road, stated he supports the **emergency**
27 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
28 **072A)**. He is concerned about water quality. He retired from the City of
29 Bellingham Public Works as its operations superintendent last year. In that
30 position, he was responsible for the water system since 1983. He has worked with
31 many people over the years on monitoring and protecting water quality.
32

33 The lake is a fragile system, and continued urbanization will inevitably lead to
34 significant problems with the lake and ultimately the drinking water. The
35 Bellingham Herald reported that references to degradation are all speculative. It's
36 hard to believe they are still having that debate. The Environmental Protection
37 Agency listed the lake on its for impaired water bodies because of low dissolved
38 oxygen and fecal coliform at Silver Beach Creek. It proposes 12 additional listings
39 for things such as mercury, PCB's, phosphorus, dissolved oxygen, and others in the
40 lake and in fish tissue. The creeks feeding the lake are beginning to look like storm
41 drains in urban areas. The efforts to treat stormwater have had limited success.
42

43 The State Department of Ecology is finalizing its TMDL report, which
44 acknowledges that they will have to significantly reduce nutrients entering the lake.
45 He doesn't know why some people don't take this seriously. The City increased the
46 amount of alum needed to treat the water. The City has had to relax its standards
47 on the number of allowable particles in the drinking water, even with the increased

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1 chemicals, due to changes in the lake. This is an opportunity to say enough is
2 enough, and take this seriously. The moratorium is the only responsible way to act.
3 Evaluate where they are and the TMDL study. Come up with a plan for their future.
4

5 Bruce Kraig, 1904 - 18th Street, stated he supports the **emergency**
6 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
7 **072A)**. He empathizes with watershed property owners, but they must stop
8 building around the watershed. The lake should never have been developed.
9 Humans tend to do things piecemeal. People should think carefully about the
10 choices they make.
11

12 Dennis Jones, Sudden Valley, stated he supports the **emergency**
13 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
14 **072A)**. If they stop current development today, the lake water quality will continue
15 to degrade. The lake will need years to adapt to all the pollution that's been put
16 into it. Eventually, it should reach a stable state. However, they don't know what
17 the water quality will be at that point. The TMDL has teeth. Fairness and common
18 sense demand that they remediate the situation now. If not, the legacy will be
19 huge clean up costs that could have been avoided. Repealing the laws of economics
20 is not possible. One plan would be to completely build out Lake Whatcom and find
21 another water source. Another plan is to protect the lake. He thanked everyone for
22 showing up. The emergency started December 18, 2001 and continues to this day.
23

24 Jeff Hertz, 3507 Northwest Avenue, stated he is opposed to the **emergency**
25 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
26 **072A)**. The Council should take a more measured approach to the moratorium.
27 The situation is very important and contentious. It has been building up for quite
28 some time. However, many people have purchased lots in the watershed and have
29 begun building their homes. No one has mentioned the possibility of not being able
30 to build. The financial ramifications of an emergency moratorium could be
31 devastating. Have a more planned response to this issue. Allow those who have
32 started the development process to continue.
33

34 Forest Cat, 1099 Sudden Valley, stated he is opposed to the **emergency**
35 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
36 **072A)** for already platted lots. He purchased and permanently three lots in Sudden
37 Valley for wildlife and water quality conservation. Since the sewer moratorium
38 lifted, the degradation of riparian habitat and stream ecology of Austin and Beaver
39 creeks has accelerated. To preserve the water quality and riparian ecosystems,
40 impose a permanent ban on new subdivisions; increase the water utility surcharge;
41 double stream setbacks for new construction; work with the Sudden Valley
42 Community Association to retire the inventory of unrestricted lots that will be sold
43 for development; work with the Whatcom Transportation Authority WTA to increase
44 public transit; impose a ban on all pesticides, herbicides, and synthetic fertilizers;
45 increase County staff for enforcement of construction site stormwater control and
46 treatment measures; impose construction impact fees for watershed restoration and
47 land acquisition, and; ban all motorized water and land recreation.

1
2 Ted Hanson, 3105 Brandywine Way, stated he is opposed to the **emergency**
3 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
4 **072A)**. He owns property in the watershed. His son recently purchased a house
5 zoned for multi-family dwelling. An emergency moratorium smacks of panic, not
6 planning. He asked if new construction really is the problem or just a piece of the
7 equation. Is all for planning and for action but not for reaction. A temporary action
8 is a step to permanence. New construction is not the entire problem. Some of the
9 problem is old construction, including old systems that need upgrading. Take a
10 longer look.

11
12 Ken Murray, 22 Creek Side Lane East, Sudden Valley, stated he is opposed to
13 the **emergency moratorium to restrict growth in the Lake Whatcom**
14 **Watershed (AB2005-072A)**. Sudden Valley was originally platted to have about
15 4,500 lots. The community reduced that amount to about 3,000 lots. He invested
16 in some lots for his retirement. A moratorium could bankrupt him. Construction is
17 not the problem. Tonight is not enough time to give input on this issue. There has
18 not been one public forum since the last time a year ago the Council introduced a
19 moratorium. Table the moratorium so they can deal with the issue. They need a
20 forum of people and engineers. Sudden Valley is not being polluted by new
21 construction. It is a scapegoat.

22
23 *(Clerk's Note: End of tape one, side B.)*
24

25 Murray continued to state that the Council should make an intellectual
26 decision, not an emotional decision.
27

28 Paul Isaacson, Shallow Shore Road, stated he is opposed to the **emergency**
29 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
30 **072A)**. He has been on many committees regarding Lake Whatcom, Lake Samish
31 and water. Originally, they built an overlay to protect Lake Samish. Then they
32 downzoned Lake Whatcom and Lake Samish and created a tree retention regulation.
33 He has given up a lot of the density he owns and his ability to harvest his trees. He
34 is not giving up any more of his rights and land. The County has taken enough. He
35 has worked with the County for years, but the County has not worked with him.
36 There are many people who own homes and live on the lake who still fertilize their
37 lawns, drive their cars, and are not facing moratoriums on their property. He owns
38 raw property on the lake that does nothing to harm the lake, and he is the one who
39 is losing.
40

41 William Rink, 995 Lakeview Street, stated he is in favor of the **resolution to**
42 **remove the Whatcom Connector from the Six-Year Transportation**
43 **Improvement Plan (AB2005-068)**. The Whatcom connector should be removed
44 from the six-year transportation improvement plan because of financing and the
45 environmental impact. The State can't keep up with the roads and bridges it's built
46 already. The cost would be \$20 million to \$30 million so a few people can get into
47 town five or ten minutes quicker. There are environmental threats to the lake from

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1 the connector. It will cause more damage from increased runoff, erosion, and
2 chemical and sediment intrusion into the lakes. Now, the County has a 60-foot
3 easement right-of-way along the power lines along this route. The County will not
4 lose that right-of-way. The connector will lose the rural neighborhood.
5

6 Joan Casey, 1015 W. Toledo Street, Bellingham, stated she is in favor of the
7 **emergency moratorium to restrict growth in the Lake Whatcom Watershed**
8 **(AB2005-072A)**. She encouraged the Council to read and study the fact sheet
9 distributed by the People For Lake Whatcom. A byproduct of treating the water
10 creates a carcinogen. Vote for the emergency building moratorium, then
11 immediately convene a citizens group to make a fair and flexible ordinance that
12 everyone can live with in the next 60 days.
13

14 Mitch Valich, 47 Tumbling Water Drive, Sudden Valley, stated he is opposed
15 to the **emergency moratorium to restrict growth in the Lake Whatcom**
16 **Watershed (AB2005-072A)**. A moratorium would really hurt a first time builder
17 like he is. He's put a lot of money he's saved into this. Let people who have
18 started a project finish.
19

20 Vince LaLonde, 1317 Roland Street, stated he is in favor of the **emergency**
21 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
22 **072A)**. He thanked the Council for protecting the watershed. They must take a
23 long term view. Water degradation is a worldwide problem. Correct past errors
24 they've made. They need to protect the water for generations. Building begets
25 more building. He gave up driving and began riding the bus and his bike.
26

27 Mike Valich, 2501 E. Sunset Drive, stated he is opposed to the **emergency**
28 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
29 **072A)**. The newspaper stated an open forum wasn't called for because they were
30 worried about a rush of building permits. This seems like an underhanded way to
31 solve the problem. This issue needs a public discussion. Disregard the emergency
32 measure and allow a public discussion. Fewer people will feel like the Council is
33 doing something behind their backs.
34

35 Cary Kaufman, 2065 Squalicum Mountain Road, stated he is in favor of the
36 **emergency moratorium to restrict growth in the Lake Whatcom Watershed**
37 **(AB2005-072A)**. He doesn't want to drink polluted water, eat toxic food, or
38 breath toxic air. He is a physician and serves on professional associations. There is
39 cancer in many of the families that live near him by the lake. However, the cancer
40 rate is not any higher than normal. This isn't an emergency. The Council should
41 take a scientific and rational approach to all health concerns.
42

43 Dave Ewoldt, 1515 I Street, stated he is in favor of the **emergency**
44 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
45 **072A)**. Lake Whatcom is already over-built. Development has to stop somewhere.
46 He supports the moratorium. Humans are a part of nature, not masters of nature.
47 They are subject to the same biologic, evolutionary laws that the rest of the natural

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1 world is subject to. All living organisms expand to fill a niche. If they keep
2 increasing the niche, they will keep expanding. More population is caused by more
3 development. There aren't laws of economics, as someone said earlier. Economics
4 is a human-created system based on various assumptions, including the assumption
5 that prosperity is predicated by constant growth. That's against the law of nature in
6 a finite universe. The idea of a property rights taking is a red herring by those who
7 want to intimidate the Council. He feels compassion for those who have invested
8 money in property. Sometimes it doesn't work out. The government is not
9 responsible to protect people's investments.

10
11 Jake Smith, stated he is opposed to the **emergency moratorium to restrict**
12 **growth in the Lake Whatcom Watershed (AB2005-072A)**. He is a lifetime
13 Whatcom County resident. There is no emergency. Get water experts and
14 biologists to discuss this. This problem didn't hit all of a sudden. There won't be a
15 great catastrophe if they don't approve this emergency ordinance. The emergency
16 ordinance will have repercussions on many people in the county. Don't offend the
17 definition of an emergency.

18
19 Charles Rending, Sudden Valley Community Association President, stated he
20 is opposed to the **emergency moratorium to restrict growth in the Lake**
21 **Whatcom Watershed (AB2005-072A)** in a number of ways. Sudden Valley is
22 the most environmentally conscience community in the county. Sudden Valley and
23 the County agreed on a plan to deal with all of these environmental issues. The
24 association suffered a financial detriment when it agreed to the plan. This measure
25 will bankrupt a number of people who live in Sudden Valley.

26
27 Speaking as an individual, this is an arrogant and radical approach that is not
28 consultative and doesn't bring people to the table. They made a move at night with
29 no notice to pass a personal agenda.

30
31 Brenner stated some of the councilmembers had committee meetings during
32 the day and haven't gotten to their phone messages yet. They've been in
33 committee meetings.

34
35 Wayne Schwandt, 522 S. State Street, Trillium Corporation representative,
36 stated he is opposed to the **emergency moratorium to restrict growth in the**
37 **Lake Whatcom Watershed (AB2005-072A)**. Trillium is a significant landowner
38 in the watershed. This is not an emergency. Trillium is willing to work with the
39 County to do planning and develop concrete proposals to deal with water quality in
40 Lake Whatcom and the watershed. He would like to be notified of any meetings.
41 Trillium will provide staff and effort to assist the County in this issue. He supports a
42 long-term plan to address the issues in an equitable way.

43
44 Seth Norman, Sudden Valley, stated he is in favor of the **emergency**
45 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
46 **072A)**. He stands to lose a great deal from a permanent moratorium. However, a
47 species of insect, the May fly, is a bellwether species that is declining. It is a sign of

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1 serious problems. Most new development makes use of every allowable impervious
2 surface. He supports the moratorium. He would rather work extra years than sell
3 out his kids' futures for his advantage.
4

5 David Vis, Lynden, stated he is opposed to the **emergency moratorium to**
6 **restrict growth in the Lake Whatcom Watershed (AB2005-072A)**. He owns
7 three lots in Sudden Valley. He urged the Council to consider less drastic steps.
8 Maintain existing and failing septic systems. Control stormwater runoff. Place
9 restrictions on acceptable levels of herbicides and pesticides in the watershed.
10 Continue testing the water. The science is disputed. There are options other than
11 the emergency moratorium. Plan for true drinking water reservoir in a canyon
12 somewhere, despite the cost. Don't commit a taking. It's not a red herring. It's
13 real. There are 1,000 buildable lots in Sudden Valley. At a cost of \$40,000 each,
14 there is a \$40 million taking. There is another 2,100 lots to build on around the
15 lake.
16

17 Ann Soriano, Donald Avenue, stated she is in favor of the **emergency**
18 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
19 **072A)**. Bellingham and Whatcom County has degenerated since she moved from
20 Seattle 33 years ago. This measure is long overdue. People who live around the
21 lake now are legally allowed to put pesticides and other chemicals on their property.
22 Motor boats on the lake put bad chemicals in the drinking water. A new
23 development near her home cleared all the trees. When it rained, a 6-inch high
24 mudslide ran down the hill and ran across the road into the lake and other people's
25 houses. There is scientific evidence for this moratorium.
26

27 Mark Polin, 2125 Michigan Street, stated he is in favor of the **emergency**
28 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
29 **072A)**. He lives in the watershed and supports the moratorium. One gentleman
30 asked earlier when it is enough. He hoped common sense would dictate that a
31 foreign substance will degrade water quality. Boat owners and builders have both
32 said they are not the problem. Address the problems as they see them. The water
33 should be pristine. A foundation of the democracy is the seventh generation
34 philosophy. Elder statesmen made decisions based on how they would impact
35 seven generations down the road. Do the same. There are many people with
36 special interests. Take the time to create committees to discuss the issue.
37 Continuous urban sprawl must be regulated or they will lose their quality of life. If
38 they postpone saving the water, it will be beyond saving.
39

40 Russell Stolzoff, 1117 Lake View Street, Geneva, stated he is opposed to the
41 **emergency moratorium to restrict growth in the Lake Whatcom Watershed**
42 **(AB2005-072A)**. It is absurd that there are boats on the drinking water and they
43 build houses right up to the lake. He has serious concerns about water quality. He
44 has a small house on two and a half acres. He could have sold his property to a
45 developer who could build six houses on his property. He didn't do that because he
46 cares about the land he bought. He would like to build a house on his property that
47 he could live in. This reflexive decision would eliminate the opportunity for him to

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1 build a house on his property. Consider the level of each development proposal.
2 Don't approve the emergency ordinance. Instead, measure each proposal
3 individually.
4

5 Susan Templeton, Sudden Valley, Focus Northwest Co-Founder and President,
6 stated she is opposed to the **emergency moratorium to restrict growth in the**
7 **Lake Whatcom Watershed (AB2005-072A)**. Her organization is dedicated to
8 the service, education, and needs of new and transitional home owners. She is a
9 mortgage lender. She speaks for many investors, lenders and banks. If this
10 moratorium is approved, a \$40,000 would be devalued to less than \$10,000.
11 People seek to live a better life here. Quite a few people who live here bring assets
12 to the local economy. New homes mean jobs, which they need in this region.
13 Consider the green building movement.
14

15 *(Clerk's Note: End of tape two, side A.)*
16

17 Templeton continued to state her organization supports and encourages
18 responsible behavior and sustainable practices. Look at building practices, not
19 development itself. Growth is inevitable and change is unstoppable. Building and
20 homes are not bad. Education and higher standards may be the answer.
21

22 *(Clerk's Note: The Council took a break from 9:20 p.m. to 9:32 p.m.)*
23

24 Patrick Alesse, Alderson Road, Blaine, stated he is opposed to the
25 **emergency moratorium to restrict growth in the Lake Whatcom Watershed**
26 **(AB2005-072A)**. If they put a moratorium on Lake Whatcom, builders will go to
27 Birch Bay. They need a stormwater utility district in Birch Bay. Stormwater is
28 important, as the ancient Romans knew. Sudden Valley may need a stormwater
29 utility district, which isn't cheap.
30

31 Jim Dickinson, 2095 West Shore Drive, Lummi Island, stated the Lummi
32 Islanders have to be out of the meeting by 11:40 p.m. He urged the Council to stop
33 testimony on the emergency moratorium so the Lummi Island folks can do their
34 business.
35

36 Ed Brinson, 7 Strawberry Point, stated he is opposed to the **emergency**
37 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
38 **072A)**. He is a homeowner on the lake. They need more public input. The
39 emergency ordinance not being on the agenda is wrong. He has empathy for the
40 young people who are trying to get started and who would be hurt by the measure.
41

42 Sharon Crozier, Bellingham, stated she supports the **emergency**
43 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
44 **072A)**. No one wants to take away someone's rights or stifle someone's dreams.
45 Name-calling is destructive. This is not personal. It is about people. People need
46 air, water, food, and shelter. People would like better lifestyles, better property,
47 and economic sustainability. The \$40,000 lots in Sudden Valley cost \$5,000 three

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1 years ago. She doesn't know of any other business where people expect a 400
2 percent or more profit in three years. There's no guarantee on investments. Green
3 building in the watershed is an oxymoron. Owning land in the watershed doesn't
4 make anyone more knowledgeable than the scientists studying the watershed.
5 People make tricky statements that houses not yet built aren't polluting. When the
6 houses are built, they do pollute. It's past time to move on this matter. This
7 moratorium should probably not be temporary. They do try to fix things
8 incrementally. Do the right thing.
9

10 Betsy Brinson, 1811 C Street, stated she is opposed to the **emergency**
11 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
12 **072A)**. She is offended by this process. The failure of adequate public notice is
13 offensive. The two proposed moratorium ordinances are over-reaching because it is
14 on all building permits in the entire watershed. It is not for new dwellings, but for
15 all building permits. One can't even repair an existing leaking roof. Step back and
16 go through the regular land use regulation process. If the intent is to limit new
17 dwellings, then the language needs to be fixed.
18

19 DJ Vanweerdhuizen, North Coast Builders Inc. Founder and President, stated
20 he is opposed to the **emergency moratorium to restrict growth in the Lake**
21 **Whatcom Watershed (AB2005-072A)**. He is projected to build 15 homes in
22 Sudden Valley this year. Right now, he has contracts for 5 custom homes in
23 Sudden Valley. If this passes, he will be in breach of contract. This needs to go
24 slower and be better planned. Builders need 12 to 18 months of planning before
25 construction. They need some warning. He is afraid this temporary moratorium will
26 turn into a disaster.
27

28 Roger Ellingson, 3033 Alderwood, stated he is in favor of the **emergency**
29 **moratorium to restrict growth in the Lake Whatcom Watershed (AB2005-**
30 **072A)**. According to State case law, moratoria and interim zoning are generally-
31 recognized techniques designed to preserve the status quo so that new plans and
32 regulations will not be rendered moot by intervening development. The County
33 cannot take away the right to develop any vested lot. A temporary moratoria gives
34 the Council time to develop regulations short of taking away the right to build a
35 home. The Council has to allow people to build a home on a vested lot. However,
36 the Council can eliminate the hardship by purchasing development rights. This isn't
37 just about people going into bankruptcy. It's about the County itself going into
38 bankruptcy. The lake has moved past the point of reasonable cost.
39

40 This is a crisis of water quality and finances, which means taxes. The cost to
41 modify water treatment is estimated at \$43 million. The cost to retrofit for
42 stormwater treatment hasn't even been estimated because staff knows the money
43 isn't there. The cost to relocate stormwater discharge out of the watershed would
44 be astronomically expensive. There will be a cost to purchasing the most sensitive
45 properties. Finally there will be a cost to purchase development rights of
46 landowners. These are all things the County cannot afford. Eighty five thousand
47 people are relying on the Council to keep their drinking water safe.

1
2 Caskey-Schreiber stated this item will be on the Council's agenda in two
3 weeks.
4

5 **9. ORDINANCE IMPOSING AN EMERGENCY INTERIM MORATORIUM ON**
6 **THE ACCEPTANCE OF NEW APPLICATIONS FOR SUBDIVISIONS AND**
7 **NEW BUILDING PERMITS WITHIN THE LAKE WHATCOM WATERSHED**
8 **(AB2005-072A)**
9

10 Nelson stated he understands the motive for the ordinance. However, he
11 doesn't understand how this can be considered an emergency. He is concerned
12 about the process. Nowhere in the federal regulation does it recommend not having
13 public input and a public process. They've done a lot of work preparing for the
14 potential 303(d) listing. They are working toward a modeling process. An
15 emergency moratorium is not a remedy. The regulation does not expect changes in
16 economic activity and land uses until the designated uses have been achieved.
17 Form a citizens committee.
18

19 McShane stated yesterday was the first day other councilmembers saw this
20 ordinance. There was some concern about the word getting out, but it did get out
21 and that's good. It's important that this has generated the interest it has.
22

23 Last spring, the Council received a presentation that indicated the water
24 quality situation is the watershed is becoming severely degraded. The lake has
25 been listed on the federal 303(d) list for several years. The Council has worked
26 hard to protect Lake Whatcom. Three years ago, citizens approached him about a
27 building moratorium. At the time, he opposed it. At the time, he was a bit ignorant
28 about the science. Since then, there have been changed conditions and additional
29 information. There is a clear trend that the lake is in big trouble.
30

31 It took him time to get his mind around what a total maximum daily load
32 (TMDL) study result will mean for Whatcom County. This is more than a water
33 quality, drinking water issue. It doesn't matter whether or not they are drinking
34 water from the lake. They will be required to protect from future development.
35 They will also be required to reverse the degraded state of the lake. The cost
36 involved in that is frightening. That is a massive issue the community is facing as it
37 is today, without any more development in the watershed. He fears it enormously
38 for the fiscal well-being of the residents of Whatcom County.
39

40 There have been severe impacts to businesses in the city of Bellingham.
41 Every business in the city is paying a huge price for stormwater. A lot of business
42 friends have complained bitterly about it. every resident in his neighborhood has
43 seen their water bill increase dramatically because they are all paying a stormwater
44 fee on the water bill. Not only that, it's being taxed. Every single drinking water
45 user in the city of Bellingham, including those who are poorer and on fixed incomes,
46 is paying more for water that is lower quality.
47

1 He wants to know who is supposed to pay for this. It won't be fun whether
2 they do a moratorium or keep going the way they are. He is disappointed in himself
3 that he didn't think about this more and push harder for this several years ago. The
4 County has taken enormous strides. The Council has made many difficult, resistant
5 steps that should have happened 20 years ago. The problem is not going away, no
6 matter how they vote tonight.

7
8 **McShane moved** to adopt the ordinance.

9
10 **McShane moved** to amend:

- 11 • Page three of the ordinance, item three, "Transfer of development
12 standards rights"
- 13 • Page three of the ordinance, "NOW, THEREFORE, BE IT ORDAINED...unless
14 applications were (1) complete prior to ~~January 25, 2005~~, the effective
15 date of this ordinance; or (2) are submitted during a scheduled
16 appointment with the Planning and Development Services Department
17 that was made prior to the effective date of this ordinance; or (3) building
18 permits for remodels where the total impervious surface will remain the
19 same."

20
21 These amendments should address some of the concerns regarding things
22 he overlooked when he tried to write this as best he could.

23
24 Roy asked if this would prevent someone from building a porch or a roof
25 when a building permit is needed.

26
27 McShane stated that if a building permit is required, a person could not,
28 unless impervious surfaces were reduced elsewhere.

29
30 Roy stated she has gotten a lot of feedback implying it was already decided
31 how the councilmembers are going to vote on this and that she is anti-growth. One
32 gentleman accused the councilmembers of all being newcomers. She's been here
33 since 1944.

34
35 The County needs to do a better job of educating people. She is stunned at
36 the number of people who are saying the science doesn't support this. Every bit of
37 science they have says the lake is degrading, due to phosphorus loading from land
38 disturbance. The science is there. There is a relationship between land disturbance
39 and degradation of the lake. However, she cannot support this as an emergency
40 measure. She agrees that the process should be more open and public before they
41 make this decision. A moratorium is an option the Council should consider, but an
42 emergency is not the right option.

43
44 Transfers of development rights and seasonal land clearing are better
45 options. Some drainages are worse than others. Revisit the seasonal land clearing
46 restrictions, which they backed away from. County staff report that the

1 compromised point system in the seasonal land clearing regulations does not work.
2 Because of these reasons, she doesn't support the emergency nature of this.
3

4 Brenner stated they need to look at a moratorium. She is disappointed in
5 how this happened. The Council needs to work better with the community and each
6 other. She is opposed to the emergency moratorium at this time. She may support
7 some type of moratorium in the future.
8

9 People brought up other ideas of things the County should be doing. At least
10 twice, she's brought forward the idea of a ban on pesticides, chemicals, and
11 fertilizers on lawns in the watershed. She could never get the votes. There is not
12 one solution. People on both sides of this issue say the Council should be rational,
13 not emotional. It bothers her that people think the Council is being irrational if it
14 doesn't do what they want. This is polarizing the community more than she needs
15 to. They need to work together better.
16

17 Crawford stated he is against the emergency moratorium. The Council had a
18 good presentation of the data and its conclusions. Dr. Matthews has the task of
19 gathering data. That is separate from the task of drawing conclusions from that
20 data. Dr. Matthews uses folks to collect data. Any scientific study needs peer
21 review of the data. Individuals are going out to collect data and draw conclusions.
22 When questioned on why the dissolved oxygen level is improving, the Council was
23 told to not look at that as a trend. Her conclusions, when looking at everything, led
24 her to conclude that the water quality was still deteriorating.
25

26 Twice the Council has asked for some peer review of this data. One time was
27 the Entranco report. They could not draw any conclusions. The other time was a
28 consultant who is no longer working as an analyst of this kind of information. This
29 consultant sharply differed from that of Dr. Matthews. Tonight, Mr. McCourt said he
30 spent years working with Dr. Matthews to present a warning to the community. Dr.
31 Matthews and Mr. McCourt should come to the Council for more presentations.
32

33 However, they need peer review, which has been far from conclusive. He's
34 trying to understand the science and data, and is not reaching the same
35 conclusions. The moratorium is not the right way to go. Continue to be diligent
36 elected officials in understanding how important the water source is. Continue to
37 monitor and debate, but don't suddenly give notice that they will change people's
38 lifestyles and incomes. Have a reasoned discussion.
39

40 Fleetwood stated he is impressed by the range of authority of the scientists
41 who concluded that Lake Whatcom is impaired, which includes the federal
42 government, state government, and City of Bellingham. All the experts and
43 scientists associated with monitoring the lake concluded that the lake is impaired.
44 The preeminent scientific observer of the lake said the lake cannot withstand the
45 current levels of development and that they must deal with the stormwater from
46 current development. At some point, they have to acknowledge the marching
47 orders of what they have to do. By the definition many people would like them to

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1 take, they would never find an emergency because degradation is slow and
2 incremental. Sometimes emergencies can be present without reaction from people.
3 He is prepared to conclude that they should regard this as something of an
4 emergency. They've proposed a process to purge the temporary moratorium. A
5 permanent moratorium would require a taking. It's not true that this is an
6 unconstitutional taking because the moratorium is temporary.

7
8 *(Clerk's Note: End of tape two, side B.)*
9

10 Fleetwood continued to state this is going to have public process and
11 additional public hearings. No one can say that due process, according to the law
12 and the Fourteenth Amendment, will not be observed. Reversing a negative trend
13 line cannot occur by maintaining the status quo. He supports the ordinance.
14

15 Caskey-Schreiber stated Mr. McCourt spoke well about what is exactly going
16 on. The City is using higher doses of alum than ever before to treat the algae
17 problem in the lake. As a result of using the alum, they have to use chlorine so it
18 can serve the public. The City used to have the particulate at ten parts per million.
19 They are now going to 20 parts per million. The closer one is to the treatment
20 plant, the better the water. A byproduct of the chlorine mixing with the sediments
21 is a carcinogen. The federal limit on it is 80. The level at the Pacific Highway is
22 65.4. That is a drastic increase in the water degradation. This is science. People
23 can put out reports and still deny that something is wrong. They are setting up
24 future generations for disaster by not addressing the problem. There is no other
25 source of water. It would cost \$10 million to \$11 million to move the intake. She
26 questioned who would pay that cost. It will cost \$30 million to \$40 million to
27 upgrading the treatment system. The least they can do is approach the problem
28 prudently and cautiously. They cannot take away development rights, but they
29 need to know what the total maximum daily load (TMDL) study is going to require
30 they fix first before they add more development to the problem. She asked what it
31 would take for the policymakers to take action. She has sympathy for people's
32 concerns about the system. It has to happen. The TMDL results will cause big
33 changes in the county.
34

35 ***Caskey-Schreiber suggested a friendly amendment*** to amend the
36 ordinance, "NOW, THEREFORE, BE IT ORDAINED, ... applications for subdivisions
37 ~~and new building permits~~ in the Lake Whatcom watershed..." so this applies only to
38 subdivisions.
39

40 ***McShane accepted*** the friendly amendment. He doesn't want to get into a
41 debate about the science. He read an excerpt from the last Lake Whatcom Final
42 Report for 2002-2003 regarding the phosphorus levels. Bacteria that produces
43 cyanide have increased at all sites. Oxygen levels are higher at site one. The
44 trends are clear. He read quotes from Commissioner Doug Southerland, who said
45 they need to consider the impacts of development and land use in the watershed
46 and the community's responsibility for protecting its own watershed.
47

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1 He submitted to the record of this item and AB2005-072 the two last reports
2 of the Lake Whatcom Monitoring Plan, the minutes to the Natural Resource
3 Committee presentation by Dr. Robyn Matthews from June 1, 2004, and the June
4 15, 2004 special presentation to the County Council by Steve Hood, Department of
5 Ecology, regarding the TMDL for Lake Whatcom.
6

7 He hoped staff and Department of Ecology determine where the moratoriums
8 can be lifted as soon as possible. He hoped the Council will take interim steps for
9 development regulations so they can lift building moratoriums as soon as possible.
10

11 Nelson stated they have to take action, but disagrees on how they must take
12 action. There are other solutions that they need to look at that may be able to
13 solve the same problem.
14

15 Caskey-Schreiber stated she submitted to the record a 2004 report from the
16 City of Bellingham Watershed Advisory Board, which made recommendations about
17 the single primary source of non-point pollution being land clearing and residential
18 development.
19

20 Pete Kremen, County Executive, stated he has directed the Water Resources
21 Division to work on a proposal with the City of Bellingham to ban all phosphorous
22 containing nutrients for all landscaping purposes in the Lake Whatcom watershed.
23 That proposal is forthcoming in the near future. The dissolved oxygen in Lake
24 Whatcom is one of or the most important problem to deal with. Phosphorus is the
25 main contaminant.
26

27 ***Motion to adopt as amended failed 3-4 with McShane, Fleetwood, and***
28 ***Caskey-Schreiber in favor.***
29

30 Caskey-Schreiber stated that in two weeks, the Council will have another
31 public hearing, if it makes it out of committee, about the interim moratorium
32 (AB2005-072).
33

34 Brenner stated they won't be having another hearing. They'll be having the
35 first hearing. The people who just spoke did so in Open Session. This was no
36 hearing.
37

38 Roy stated she is open to the notion of a moratorium.
39

40 McShane stated he would like the interim ordinance include an amendment
41 regarding application timing and building permits. Have a hearing on that instead
42 of putting it in a committee.
43

44 Brenner stated she would like the hearing version to include the amendment
45 from Councilmember Caskey-Schreiber.
46

47 McShane stated he would not support that amendment.

1
2 Nelson asked the impact this will have on the permitting process.
3

4 Hal Hart, Planning and Development Services Director, stated his department
5 has already begun to receive calls. Any emergency ordinance has a direct and
6 immediate impact on the waiting line at his department.
7

8 McShane stated that's why he proposed an emergency.
9

10 Brenner stated it will be chaos for the staff at the Planning Department, but it
11 takes a while to get a building permit. They aren't handed out right away. Permit
12 applications have to be complete. She doesn't like it that they can't amend the
13 ordinance before it goes to a public hearing.
14

15 McShane stated this is an interim ordinance. It's a high priority, with the
16 intent of lifting the moratorium in areas as fast as possible. As they gain more
17 information, they can put forward a new interim ordinance with changes. This is
18 similar to what the Council did with the subdivision moratorium.
19
20

21 **INTRODUCTION ITEMS**

22 **Addenda:**

23

24

25 **5. ORDINANCE IMPOSING AN INTERIM MORATORIUM ON THE**

26 **ACCEPTANCE OF NEW APPLICATIONS FOR SUBDIVISIONS AND NEW**

27 **BUILDING PERMITS WITHIN THE LAKE WHATCOM WATERSHED**

28 **(AB2005-072)**

29

30 ***Brenner moved*** to amend so that it only affects properties with a density
31 greater than five acres.
32

33 McShane stated he would not approve of that amendment without significant
34 input from the State Department of Ecology.
35

36 Caskey-Schreiber stated they will schedule this item for a public hearing in
37 two weeks, and can discuss it further than.
38

39 McShane stated this item includes the amendments he offered on the
40 emergency ordinance.
41

42 Brenner asked for comments from staff about her proposal to not include
43 densities of five acres or greater.
44

45 ***Caskey-Schreiber moved*** to accept the introduction items, including
46 Introduction Item (addenda) number five with the following amendment, "NOW,
47 THEREFORE, BE IT ORDAINED,... unless applications were (1) complete prior to the

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1 effective date of this ordinance or (2) are submitted during a scheduled
2 appointment with the Planning and Development Services Department that was
3 made prior to the effective date of this ordinance, or (3) building permits for
4 remodels, where the total impervious surface will remain the same.”
5

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

8 ***Crawford moved*** to adjourn the meeting and continue next Tuesday night at
9 7:00 p.m. in the County Council Chambers.

10 ***Motion failed 1-6 with Crawford in favor.***
11

- 12
- 13 **1. APPEAL OF HEARING EXAMINER DECISION FILED BY SUMAS**
14 **MOUNTAIN PIPELINE SAFETY ASSOCIATION ON ADMINISTRATIVE**
15 **APPROVAL USE PERMIT #ADM1998-00053, REGARDING COMMERCIAL**
16 **SURFACE MINING OF APPROXIMATELY 75 ACRES WITHIN THE**
17 **MINERAL RESOURCE LANDS SPECIAL DISTRICT (AB2005-029)**
18
 - 19 **2. APPEAL OF HEARING EXAMINER DECISION FILED BY RICHARD**
20 **STEPHENS FOR DARCY GILL REGARDING REQUEST FOR REVOCATION**
21 **OF CUP96-0028 (AB2005-028)**
22
 - 23 **3. RESOLUTION TO SELL SURPLUS PROPERTY (AB2005-081A)**
24
 - 25 **4. RESOLUTION INITIATING THE 2005 COMPREHENSIVE PLAN AND**
26 **ASSOCIATED AMENDMENTS TO THE ZONING ORDINANCE (AB2005-**
27 **084)**
28

29 **Addenda:**
30

- 31 **6. INTERIM ORDINANCE AMENDING THE WHATCOM COUNTY**
32 **SHORELINE MANAGEMENT PROGRAM, SECTION 23.100.20.57,**
33 **AQUACULTURE REGULATIONS (AB2005-085)**
34

35

36 **CONSENT AGENDA** 37

38 ***Nelson*** reported for the Finance and Administrative Services Committee and
39 ***moved*** to approve Consent Agenda items one, two, and four. Item three was held
40 until after the presentation at the Public Works Committee.
41

42 ***Motion to approve Consent Agenda items one, two, and four carried***
43 ***unanimously.***
44

- 45 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
46 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND WHATCOM**
47 **VOLUNTEER CENTER TO PROVIDE VOLUNTEER SERVICES TO**

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1 **MULTIPLE COUNTY OFFICES AND SERVICES LOCATIONS, IN THE**
2 **AMOUNT OF \$35,000 (AB2005-074)**

3
4 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
5 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND WHATCOM**
6 **COUNCIL OF GOVERNMENTS FOR COSTS ASSOCIATED WITH THE**
7 **SERVICES OF A LEGISLATIVE SPECIALIST, IN THE AMOUNT OF**
8 **\$15,055 (AB2005-075)**

9
10 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
11 **PROFESSIONAL SERVICES AGREEMENT BETWEEN WHATCOM COUNTY**
12 **AND WILSON ENGINEERING, L.L.C. TO PROVIDE PERMITTING,**
13 **DESIGN AND CONSTRUCTION PHASE PROFESSIONAL SERVICES FOR**
14 **A PROPOSED PUBLIC PARKING LOT AT THE FERRY TERMINAL ON**
15 **LUMMI ISLAND, IN THE AMOUNT OF \$58,645 (AB2005-076)**

16
17 **Nelson** reported for the Finance and Administrative Services Committee.

18
19 Jeff Monsen, Public Works Director, stated that until the Council decides to
20 retain the house on the property, he can't give final direction to the consultant.
21 However, approve the contract so the contractor can immediately begin work when
22 the Council makes its decisions.

23
24 Fleetwood asked if this contract would limit the Council's ability to consider
25 the proposal brought forward today from the Lummi Island Community Land Trust.
26 Monsen stated the administration won't sign the contract until the issue is resolved.

27
28 Nelson ***moved*** to approve the request.

29
30 Brenner stated the Council should hold this in committee. Make sure the
31 people from Lummi Island are present.

32
33 Caskey-Schreiber asked the time issue. Monsen stated he won't debate
34 whether or not there is an issue with holding this item for two weeks. It's more
35 important to schedule the hearing to surplus the house.

36
37 Brenner stated that's fine.

38
39 Pete Kremen, County Executive, stated this item may be held over. He has a
40 meeting scheduled in one week with the project proponents. It is probably
41 appropriate to hold this item for two weeks.

42
43 **Nelson withdrew his motion.**

44
45 **Brenner moved** to hold in committee for two weeks.

46
47 **Motion to hold in committee carried unanimously.**

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1
2 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO**
3 **GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND THE OFFICE**
4 **OF JUVENILE JUSTICE – DSHS TO RECEIVE FUNDING FOR TECHNICAL**
5 **ASSISTANCE IN THE AREAS OF JUVENILE DETENTION**
6 **ALTERNATIVES, IN THE AMOUNT OF \$40,000 (AB2005-077)**
7
8

9 **PUBLIC HEARINGS**

10
11 **1. RESOLUTION AMENDING THE 2005-2011 SIX-YEAR**
12 **TRANSPORTATION IMPROVEMENT PROGRAM REGARDING THE LUMMI**
13 **ISLAND FERRY REPLACEMENT (AB2004-221A)**
14

15 Brenner asked if the Council can hold this item for two weeks.

16
17 Jeff Monsen, Public Works Director, gave a staff report and stated time is of
18 the essence on this item. They need to move ahead with preparing grant and other
19 financing applications, which they can't do until this is approved. The first federal
20 grant application due date is this Thursday. This must be approved to make that
21 application.
22

23 Caskey-Schreiber opened the public hearing and the following people spoke:
24

25 Dan Warner, 3854 Squalicum Lake Road, stated he is the chairman of Pro-
26 Whatcom. He is opposed to purchasing a new ferry. It will increase access to and
27 population of the island, which is already overpopulated. The environment is
28 deteriorating all over the county. It doesn't have to be that way. They can stop
29 this bloat. Growth is not inevitable. Deal with the problem now.
30

31 Art Thomas, 2620 Island View, Lummi Island, submitted and read from his
32 written testimony (*on file, Exhibit F*). He is a member of the Lummi Island
33 Transportation Committee, which supports the plan. He has not ever heard any
34 testimony from the community that the ferry system will degrade the community.
35 The community concerns are with parking, ferry capacity, and ferry schedules. He's
36 concerned they are putting this off again for another idea that has come forward.
37 There are safety concerns with the parking as it is.
38

39 McShane moved to allow comments for this item be entered into the record
40 for the next item, the **resolution amending the 2005 Annual Construction**
41 **Program regarding replacement of the Lummi Island Ferry (AB2004-335B).**
42

43 (*Clerk's Note: This motion was not voted on.*)
44

45 David Puck, 2515 Taft Road, Lummi Island, stated the ferry is over 40 years
46 old, doesn't meet current Coast Guard standards, and is aging. The community
47 doesn't have any other way off the island. He supports replacing the ferry.

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1
2 Bob Wiesen, 3314 Douglas Road, Ferndale, stated planning is planning. The
3 ferry isn't meeting the set level of service, so they need to plan for the future. It's
4 not a fact yet that a ferry will affect water availability on the island. There are
5 studies going on now about Lummi Island water. Allow a little bigger ferry.
6

7 Jim Dickinson, Lummi Island, stated he supports the purchase of a new ferry.
8 In addition, tear down the house on the property that will be used for parking. The
9 house was moved to that location in the 1960's from the Seattle freeway location.
10 It's not historic. It's just a house. If they don't surplus it, it will take up a large
11 piece of the parking lot and cost more money to develop the parking lot.
12 Eventually, it will have to be taken out because they will need more parking. A
13 number of residents want to be included in that discussion about the house.
14

15 Hearing no one else, Caskey-Schreiber closed the public hearing.

16
17 *(Clerk's Note: End of tape three, side A.)*
18

19 Roy stated the objective of the County is to build the parking lot this year.
20

21 Pete Kremen, County Executive, stated that the administration is committed
22 to building the parking lot this year. If the administration entertains the proposal
23 that was brought forward, it runs the risk of not getting the parking lot done this
24 year. There are merits to the proposal, but there are also things that may not make
25 it possible from a legal perspective.
26

27 ***Crawford moved*** to approve the resolution.
28

29 Brenner stated she understands they can still get the parking done if the
30 County engages in the proposal. Monsen stated the administration will discuss the
31 possibilities for the parking lot over the next two weeks. Amending the six-year and
32 annual construction programs allows the staff to deal with those matters. Including
33 the parking lot in both documents, specifically gives staff the ability to deal with
34 those matters. It doesn't make it happen.
35

36 ***McShane moved*** to amend the resolution to remove the addition of the
37 parking lot, item 68. He is opposed to parking expansion at Lummi Island.
38

39 ***Motion failed 1-6 with McShane in favor.***
40

41 ***Motion to approve carried unanimously.***
42

43 **2. RESOLUTION AMENDING THE 2005 ANNUAL CONSTRUCTION**
44 **PROGRAM REGARDING REPLACEMENT OF THE LUMMI ISLAND FERRY**
45 **(AB2004-335B)**
46

47 Caskey-Schreiber opened the public hearing and the following people spoke:

1
2 Art Thomas, 2620 Island View, Lummi Island, stated his testimony provided
3 during the previous public hearing applies to this item as well.
4

5 Bob Wiesen, 3314 Douglas Road, Ferndale, stated his testimony provided
6 during the previous public hearing applies to this item as well.
7

8 Caskey-Schreiber stated that all testimony given during the previous public
9 hearing would be included in the record for this item.
10

11 Hearing no one else, Caskey-Schreiber closed the public hearing.
12

13 **McShane moved** to approve the resolution.
14

15 **McShane moved** to remove item 39, the parking improvements to Lummi
16 Island.
17

18 **Motion failed 1-6 with McShane in favor.**
19

20 **Motion to approve the resolution carried unanimously.**
21

22 **3. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
23 **PLAN, CHAPTER 6 AND 7 GOALS AND POLICIES RELATED TO THE**
24 **CUSTER PROVISIONAL GROWTH AREA (AB2004-396B)**
25

26 Caskey-Schreiber opened the public hearing and the following people spoke:
27

28 Clarence Bob, Lummi Indian Business Council, Chairman, submitted a letter
29 (*on file, Exhibit G*), and stated the Lummi Development Authority requests the
30 county rezone the area to light industrial. They have been in discussions concerning
31 this property with the Confederated Tribes of the Grand Ronde for almost a year.
32 The Grand Ronde invested money with one of the developers, who went bankrupt.
33 The Lummi Nation is working out a deal with that tribe.
34

35 Jean Freestone, submitted (*on file, Exhibit H*) and read her testimony. Keep
36 the policies that have been deleted.
37

38 Louis Leclizio, 10021 NE 16th Place, Bellevue, stated he is a proponent of the
39 Custer urban growth area (UGA). The competent planning staff recommended
40 retaining the UGA, only for the Council to totally ignore the recommendation. The
41 Planning Commission asked pertinent questions and ultimately voted 7 to 1 to
42 support the staff's recommendation, only to have the Council reject the Planning
43 Commission's conclusions. He asked how the Council can show a glaring absence of
44 knowledge of the record to reach a conclusion based solely on feelings and
45 innuendos. To justify their decision, a number of the councilmembers had to level
46 damaging personal remarks to the proponents. One of his partners spelled out the
47 obvious benefits to keeping the area in a UGA. However, instead of addressing the

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1 important economic points his partner made, Councilmember Brenner chose to
2 belittle and discredit his testimony at a personal level. He was even more shocked
3 by Councilmember Caskey-Schreiber who stated she didn't know the Grand Ronde
4 Tribe and that she didn't know if she could trust them. That seems to be an
5 oxymoron. Councilmember Caskey-Schreiber also stated that if Burlington-
6 Northern (BN) had wanted this to happen, they would have made a statement on
7 the record. BN did make statements for the record, many times. They are on the
8 record again, tonight. Councilmember Roy made the same opinion. Both
9 councilmembers displayed either ignorance of the record or the capricious and
10 arbitrary nature of the Council decision to oppose staff and the Planning
11 Commission. There is abundant support in the record from the railroad and trucking
12 companies. Councilmember Roy had asked why there was no opinion in the record
13 from the railroad and trucking companies, after she listened to Bob Wiesen, a local
14 long time trucking company owner in Whatcom County. Considering the gross
15 mistakes made during the hearing, he recommended the Council reconsider. He
16 recommendation to his partners is to sue Whatcom County for an arbitrary and
17 capricious decision and to appeal the decision to the Growth Management Hearings
18 Board.

19
20 Gordon Rogers, Council of Governments (COG) Deputy Director, stated he
21 speaks for the COG full Council. He requests that the language that was amended
22 and changed at the previous hearing regarding the intermodal issues, actions, and
23 support, be replaced. The Council of Governments is the regional transportation
24 planning organization. As such, they are required to do specific transportation
25 planning and plan development. According to the Transportation Efficiency Act of
26 the 21st Century, seven planning factors must be incorporated in the metropolitan
27 transportation plan. He read the seven factors and mandates of the regional
28 transportation planning board. Demand for transportation is up. There is a need
29 for connections for trucks and rail to get together. The countywide planning policies
30 also call for intermodal attention. All the guidance from federal and state
31 government speak to the concept of intermodal transportation aspects.

32
33 Roy asked if intermodal is identified in the regional plan and if the location of
34 an intermodal facility is designated in the plan. Rogers stated the plan includes
35 intermodal transportation, but the location is not identified specifically. The plan
36 does need to be updated this next year.

37
38 Bob Wiesen, 3314 Douglas Road, Ferndale, stated this is the premier location
39 for this type of facility, north of Seattle. The location is similar to a natural
40 resource. It would be impossible to replace rail land and highway together in a
41 location that is accessible. Landowners in the area have complained about noise,
42 but that has been going on for years. An intermodal facility will have little impact
43 on noise. In the past years, land in the Custer area has been more affordable, so
44 those landowners have benefited by lower taxes and less costly parcels. If this
45 property is developed as an intermodal facility, it will have an impact on Interstate
46 5, south of Whatcom County. If they don't want trucks on Interstate 5, they have
47 to be given an option. Congestion on Interstate 5 is a problem. Companies like

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1 Burlington Northern and others are looking at alternatives. He's a trucker. There's
2 no sense for a trucker to drive from Blaine to Los Angeles. However, they've had a
3 hard time putting pieces together to make that route work efficiently.
4

5 Bob Tull, Homeport SSA attorney, stated his client is the proponent for the
6 Cherry Point dock project. The Council is considering a substitute ordinance. He
7 recommends slight changes to policy 6P-2, "Investigate Consider proposals for an
8 east/west rail freight corridor." And to policy 7C-6, "Investigate Consider proposals
9 for an east/west rail line between Cherry Point and Sumas, Abbotsford, B.C.
10 including stops in Custer, Lynden, and Sumas." Sylvia Goodwin submitted these
11 changes to the Council earlier in a substitute for Exhibit A. The substitute maintains
12 the thrust of the policies, and doesn't rely on Custer for the intermodal facility.
13

14 David Hunter, 819 Mason Street, Bellingham, stated he spoke as the sole
15 person on the Planning Commission against this recommendation. It had nothing to
16 do with the potential of this being a good business. It had to do with the duty to act
17 in good faith regarding rules established in the past. The rule for the provisional
18 urban growth area policy 2CC-3 provided a prompt resolution of issues surrounding
19 an intermodal center within five years. If no master plan for the overall site was
20 presented and processed within the five years, they are to examine whether the
21 Comprehensive Plan UGA designation is viable, or should return to rural. That is
22 clear instruction. A viable plan did not come forward within five years.
23

24 Hearing no one else, Caskey-Schreiber closed the public hearing.
25

26 Sylvia Goodwin, Planning Division Manager, recommended the Council adopt
27 the substitute version presented to the Council earlier that day.
28

29 Crawford stated he recused himself from Council discussion on this item a few
30 weeks ago because his employer developed a portion of this area a number of years
31 ago that the Grand Ronde Tribe has received. After that, he was contacted by
32 proponents, whose attorneys said it was not necessary for him to recuse himself.
33 After discussion with the Council's legal counsel. He is not a partner in the firm. He
34 was not working at the firm at the time it did this work. As long as he discloses the
35 fact he is an employee of the firm, on a fixed salary that has no potential benefit for
36 him to gain, he can participate in this discussion and the vote.
37

38 **Brenner moved** to approve the substitute version of the ordinance. She
39 asked if those few word changes will not warrant another hearing. Goodwin stated
40 they won't.
41

42 Roy stated they have already voted on the zoning issue. It's not what they
43 are discussing tonight. They are discussing amendments to parts of the
44 Comprehensive Plan so the plan is consistent with what the Council already did.
45 The Council will not vote on whether or not it should change this back to industrial.
46 Keep that in mind.
47

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1 Nelson stated the Custer facility is feasible, but that's been taken off the
2 table. He will support the substitute version of the ordinance. He'd rather see
3 language about Custer remain. Once it's gone, it will be hard to put back in. It was
4 a mistake to take it out.
5

6 ***Fleetwood moved*** to reinstate policy 6Q-3 to reinstate Custer. He initially
7 supported reinstating the designation to rural due to reasons similar to those stated
8 by Mr. Hunter. However, it's not inconsistent to support the language as a policy in
9 the Comprehensive Plan and also support the rural designation. This policy simply
10 says they will contemplate the potential. Much of the site is classic rural land, but
11 other portions of the site are not. The photos presented by Ms. Freestone made
12 that point.
13

14 Crawford stated he is in favor of the motion to amend. He is sympathetic to
15 the concerns of the Lummi Nation. There is some viability. The Council should
16 acknowledge the Lummi Nation's desire to discuss this issue on a government-to-
17 government basis by including Custer in the language. Ms. Freestone has much
18 information to support the property owners. From the property owner's standpoint,
19 the project is viable. Since this all occurred, this has been the hottest topic of
20 discussion at the Council of Governments executive board meetings. The regional
21 transportation planning organization wants to keep intermodal facilities in this plan.
22 The removal of the Custer language was probably intended to not identify a site, but
23 keep other references to intermodal. They should be more specific. He questioned
24 where an intermodal facility would happen if not at Custer. They won't find another
25 site that is like this site.
26

27 Brenner stated this language came from staff, not the Council. If the
28 language is changed, it will be inconsistent with what the Council already adopted.
29 She is against amendment.
30

31 Caskey-Schreiber stated she is also against the motion. They need to be
32 consistent. There is no reason to target Custer. If someone wants to put an
33 intermodal facility there, that person needs to bring forward a viable plan and go
34 through the Comprehensive Plan process like everything else. Until then, it's unfair
35 for the residents there to have it hanging over their heads. The area also has a lot
36 of wetlands. Creating a lot of impervious surfaces will impact a lot of neighbors.
37

38 ***Motion to amend failed 3-4 with Nelson, Fleetwood, and Crawford in***
39 ***favor.***
40

41 ***Motion to forward the substitute version to concurrency carried 5-2***
42 ***with Nelson and Crawford opposed.***
43

44 **4. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
45 **PLAN, CHAPTER 8, MINERAL RESOURCE LANDS (AB2004-400)**
46

47 Caskey-Schreiber opened the public hearing and the following people spoke:

1
2 Dan Warner, stated they need to maintain a viable farm economy. Don't
3 allow gravel extraction in farmland. He is trying to get Western Washington
4 University to use local food production to serve the campus. Gravel extraction is
5 not a sustainable industry. Farming is sustainable. A small reduction in viable
6 farms has a significant affect on ancillary industries that support the farm economy.
7 They want to increase the viable farming economy.

8
9 Linda Franz, 6640 Trent Lane, submitted information (*on file, Exhibit I*), and
10 stated they need to protect agriculture and water. Don't endanger the quality of life
11 and environment in Whatcom County.

12
13 (*Clerk's Note: End of tape three, side B.*)
14

15 Franz continued by reading from her handout. The MRL purpose is to identify
16 new resource areas, not expand current areas. Mines that can expand in
17 inappropriate areas without proper study. Allowing expansion does not encourage
18 looking for and developing new, more significant resources in appropriate areas. A
19 lack of criteria means a lack of oversight, which is a big problem locally. There is a
20 problem that the construction material must state standards for common borrow
21 criteria for road bridge and municipal construction. The requirements for MRL's are
22 aggregate and mineral resource lands. According to state definitions, common
23 borrow is not an aggregate or mineral resource. There is a difference between sand
24 and gravel and common borrow.

25
26 Lesa Starckenburg-Kroontje, 115 Front Street, Lynden, submitted information
27 (*on file, Exhibit J*) and stated she represents the Whatcom Sand and Gravel
28 Association. This is a Comprehensive Plan update. The purpose is for the Council to
29 consider new information and correct mistakes. Since 1997, they've learned there
30 is a mineral shortage, as shown by a number of studies. The proposal tonight limits
31 the reserves further rather than supplements the reserves. Importing a resource is
32 not viable. The cities planned their urban growth areas based on the fact that they
33 will build out, which requires material.

34
35 Expanding the wellhead protection area to the ten-year time of travel limit
36 extraction potential. The City of Everson aquifer study concluded that there is a
37 relatively low risk to water quality from gravel extraction activities, especially if
38 mining occurs above the water table. The State Department of Health's guidelines
39 say they should exclude medium- and high-risk activity, not low and moderate
40 risks.

41
42 Farming and mining activities have coexisted for years. They need to protect
43 not just the farm land, but the farming economy. The farm economy relies on the
44 construction industry.

45
46 It's been said that farmland can only be reclaimed to grow corn or grass.
47 There is lots of land out there right now where that's all that's being grown.

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1
2 Bill Quehrn, Building Industry Association (BIA) Executive Officer, stated
3 reliance on imported gravel will have an enormous impact on any future
4 construction. Imported gravel supplies will generate traffic, environmental,
5 shoreline management, and other concerns. The agricultural community wants to
6 ensure there is no net loss of farmland in Whatcom County. He agrees with that.
7 The community is less sure that a total band on gravel extraction is necessary.
8 Many in the farming community have realized a small, occasional profit from selling
9 their aggregate and returning their land to equal or superior crop productivity.
10 More study is needed. More stakeholders must be involved to craft a plan that
11 works for everyone. The Surface Mining Advisory Committee (SMAC) crafted such a
12 proposal. Review the SMAC work for further consideration. The BIA is willing to
13 find a more workable solution that works for everyone.
14

15 Roger Ellingson, stated the City of Sumas is concerned about the ten-year
16 time of travel zone. The City of Sumas is very susceptible. Making that distinction
17 will put the water associations at a disadvantage. The City of Sumas is concerned
18 that they preserve the best soil, Kickerville Loam soil. Everyone in the agricultural
19 community agrees about preserving that soil.
20

21 Art Anderson, Countywide Flood Control Zone District Advisory Committee
22 Vice-Chair and Gravel and Sediment Subcommittee Chair, stated the committee has
23 hired a consultant that will look at river gravel extraction. It's not a total answer,
24 but is a supplement to the supply that they can use. He asked for the Council's
25 support when the committee presents its findings. They need to do something with
26 the Nooksack River. They're losing capacity in the river system. He invited the
27 councilmembers to the next subcommittee meeting.
28

29 Caskey-Schreiber stated a goal in the Comprehensive Plan is to support
30 extraction of river gravel for flood control and market demands.
31

32 Fleetwood asked about losing capacity in the river. Anderson stated flood
33 events are occurring that haven't occurred before. The gravel bars are building up.
34 Fred Polinder can tell all about it. The last time gravel was extracted was in 1993.
35 Hundreds of thousands of yards of material is coming down the river on an annual
36 basis. The committee feels that the river bed is filling up.
37

38 Frank Imhof, Contractor, stated he uses gravel in his work. Whatcom County
39 has one of the most competitive gravel markets. Gravel is about \$5 per ton. Of
40 that, \$2 is the value of the pit and \$3 is in the cost to haul. Last year, three million
41 tons of gravel were mined in Whatcom County. That's 100,000 truck loads. If
42 every truckload took 20 minutes to haul the gravel, the total cost to haul annually is
43 \$9 million. If they don't use the gravel they have, they'll have to replace it from
44 someplace. If they have to import gravel, it will take a two- or three-hour haul.
45 Gravel is a huge cost that will hit everyone. A farmer with 20 feet of gravel per acre
46 will net about \$100,000 to \$125,000. When contractors import gravel, it has to
47 remove unsuitable soil. When that happens, they have to back-haul it to the pit, fill

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1 it in, put the topsoil back over the pit, and reclaim the farmland. That's the most
2 economical way to export gravel and get rid of waste soil. They do not destroy
3 farmland if a pit is properly reclaimed.
4

5 Bob Wiesen, 3314 Douglas Road, stated they are trying to fix the result of
6 poor planning. Designate MRL's as they would other natural resource lands. A
7 number of years ago, they should have designated and protected those resource
8 lands.
9

10 John Matzinger, Surface Mining Advisory Committee (SMAC) Chair, stated he
11 is also a consulting engineer. The SMAC wrestled with many facts and figures. The
12 Council instructed the SMAC to seek a 50-year supply. The estimate of 158 million
13 cubic yards is reasonable. Whatcom County has about 61 million cubic yards of
14 reserves and existing MRL's. That leaves a shortfall of about 100 million cubic
15 yards. If they become better stewards of the resource, the shortfall may diminish
16 to 48 million cubic yards. Experts think that importing the resource is what
17 everyone else does. He is skeptical of that because there is no control. They are
18 bound to do some importing. The commissioned report identified some potential
19 areas, many in agricultural zones. There is about 4,000 acres in MRL zoning
20 currently. About 75,000 acres in agricultural zoning. Of those, 73,000 acres are
21 classified as prime agricultural soils, which must not be touched. Given the size of
22 the potential pits in the agricultural zones, they could end up with a demand of
23 about 1,000 acres of that agricultural land to meet the 48 million cubic yard
24 shortfall. He appreciates the value of a farm. The SMAC made a recommendation.
25 An impact of 1,000 out of 75,000 acres is small. It's worthy of the Council's
26 reconsideration. Allow it as an alternative.
27

28 Crawford asked if the SMAC recommendation was to keep the door open for
29 developing a process for looking at mining in the agricultural zone. Matzinger
30 agreed. There is a rigorous process to develop a mine. The SMAC recommended
31 more controls in the agricultural area. Agricultural experts would act as advisors to
32 control the process.
33

34 Doug Campbell, Associated Project Consultants owner, submitted information
35 (*on file, Exhibit K*) and stated the Council should not reduce the planning period
36 from 50- to 20-years. Whatcom County uses about 100,000 cubic yards per year
37 for infrastructure. Without that resource, the taxpayer will have to pay higher
38 prices for its basic infrastructure needs.
39

40 Sand and gravel resources were used to make up about 7,000 tons of
41 concrete aggregate and concrete products. The demand for concrete almost equals
42 the demands for transportation needs in Western Washington. Restricting the use
43 of mineral resources will restrict the construction of buildings that require concrete
44 products. That will affect all citizens.
45

46 He contacted Dave Jennings, the State Department of Health Source Water
47 Protection Manager. His program makes people aware of the need to protect the

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1 wellhead protection zones. He indicated that there is no evidence that gravel
2 mining has caused significant groundwater problems. However the risk is present
3 and low. The State Department of Natural Resources representative indicated there
4 is no propensity of groundwater contamination for mining. Keep the MRL period to
5 50 years. Don't extend the burden of this change to concrete products. Trust the
6 agencies to act responsibly.
7

8 Robin Hitz, 4243 Hannegan Road, Bellingham, stated this decision will make
9 it so they have to import gravel. The projects being proposed for transportation in
10 the next six years are affected by the cost of petroleum and the cost of gravel. The
11 County will not be able to do as many projects if the cost of gravel increases. Put
12 more thought into this decision. Restricting this will help the agricultural
13 community, which is split on the issue. The agricultural community uses gravel to
14 access their fields and in their buildings. Increasing the cost of gravel will lower the
15 profit margin of their business. Farmers have told her that farms on top of gravel is
16 poor farming because the land requires too much irrigation and reclaimed land
17 retains water better. Give this more time so others can testify.
18

19 Steve Cowden, gravel producer, stated he submitted comments earlier in the
20 day. There is enough aggregate reserve in the county to sustain in-growth. The
21 resource needs to be protected and made accessible to the industry. Consider the
22 use of river gravel. The river system produces material every year. They're not
23 removing it now, so the system is getting full. The river removes the softer
24 material, which is the farmland. They are doing some import now, but it's not
25 economically feasible to do a lot of it. It may not be fair to take gravel from other
26 communities, because they are faced with the same situation. Protect what they
27 have locally. Manage it well.
28

29 David Davidson, City of Sumas City Administrator, stated it is important to
30 listen to the advice of agencies who have provided advice on this topic. He
31 disagrees with the description of what Dave Jennings from the Department of
32 Health thinks. Dave Jennings spearheaded the State's wellhead protection
33 program. He worked with the City of Sumas as it did its wellhead protection plan.
34 In written submission of the letter provided by Peter Willing, there were excerpts
35 from the State wellhead protection documents. Zone three, the ten-year time of
36 travel zone, should not allow moderate-risk activities, according to the Department
37 Health, which lists gravel mining as a moderate risk activity. The Department of
38 Health weighed in and said, in writing, that gravel mining is inappropriate within the
39 ten-year time of travel zone.
40

41 Hearing no one else, Caskey-Schreiber closed the public hearing.
42

43 **Crawford moved** to forward this item to concurrency.
44

45 **Crawford moved** to amend Council packet page 132 to remove the new
46 language at the top of the page, "...Mining in these areas can substantially
47 reduce...nonrenewable resource" and reinstate the old language.

1
2 **Motion failed 5-2 with Nelson & Crawford in favor.**

3
4 **Crawford moved** to amend item eight on Council packet page 144, “..within
5 the ~~10~~ **5** year zone of contribution...”

6
7 Brenner stated this was a tough decision for her. She was impressed that the
8 State Department of Health and State Department of Ecology (Ecology) and the
9 County Health Department contributed their opinions on this issue, which they don’t
10 often do. They’ve said there is a risk to water quality in areas where gravel mining
11 hasn’t existed before.

12
13 McShane stated he also struggled with this decision. He’s concerned about
14 lack of oversight from Ecology and the State Department of Natural Resources
15 (DNR). Permit requirements for mining regulations would have to be clarified
16 before he is comfortable with changing it back to five years. They’re too loose right
17 now.

18
19 Nelson stated he’d rather err on the side of the water purveyors. Have the
20 Surface Mining Advisory Committee (SMAC) put together a plan so they can reduce
21 the zone of contribution. A plan would address flow, how the contribution affects
22 the water, and whether or not there is a way to have gravel extraction that reduces
23 impairment of the water.

24
25 Brenner stated a plan should also include regulations that result in better
26 enforcement.

27
28 **Motion to amend failed 1-6 with Crawford in favor.**

29
30 **Crawford moved** to amend Council packet page 145 to replace the language
31 in the new item with the language in the old item 12.

32
33 Roy stated they can’t take away a sustainable resource and substitute a one-
34 crop resource. The sustainable resource is a part of the culture and economics of
35 the county. Agricultural land is more important.

36
37 Nelson stated he supports the motion. He would like to change language to
38 allow a process that it be looked at by the agricultural community.

39
40 Caskey-Schreiber stated there was a lengthy discussion about how to
41 quantify what agricultural lands they should protect. That’s how they decided to
42 identify the prime farmland soils.

43
44 Brenner stated she’s been told that land can be reclaimed to its former
45 quality and productivity, but no one has shown her that’s true. She will consider it
46 if someone can prove to her that reclamation to previous productivity can happen,
47 but no one has so far.

1
2 Fleetwood stated he's concerned about whether or not reclamation really
3 works. He's also concerned that they are putting forward something that isn't going
4 to work.

5
6 *(Clerk's Note: End of tape four, side A.)*
7

8 Fleetwood continued to state that if the difference is only 1,000 acres, they
9 could include language that would qualify it somehow.

10
11 Caskey-Schreiber stated she is against the motion. The committee discussed
12 this at length. The B.C. Ministry of Agriculture has never seen any successful
13 reclamation to a previous use, once drainage is removed. They don't have to make
14 this chapter perfect and always have a designated 50-year supply. They can maybe
15 change policies to reduce exportation and encourage conservation. After that, they
16 can open up more mineral resource lands if necessary.
17

18 Crawford stated he agrees with Councilmember Fleetwood. They're saying
19 they will seek to designate a supply, and then adopt policies that don't even
20 speculate on a 20-year supply. The new language is inconsistent. The Whatcom
21 Sand and Gravel Association would be happy to host a tour of successfully reclaimed
22 farmland or agricultural land. Continue to have an option available. Include
23 language that allows them to seek out a process to evaluate particular applications
24 in the agricultural areas.
25

26 McShane stated that through policy 8P-1, there was an effort to reduce the
27 50-year horizon to be in compliance with the Growth Management Act, which has a
28 shorter planning horizon. He is in favor of the longer planning horizon. The county
29 will not have a 50-year supply. It isn't there. They should think long-term about
30 making the shift to using the resource very differently or importing resource. They
31 don't need to worry about a lack of consistency in the language.
32

33 Fleetwood asked Councilmember McShane to further explain his statement
34 that the county does not have a 50-year supply of mineral resources.
35

36 McShane stated a study was done by a consultant, and SMAC also
37 demonstrated that fact.
38

39 ***Crawford amended his motion*** to replace the language in item 12 with the
40 language from SMAC to develop a process.
41

42 ***Motion to amend failed 2-5 with Crawford and Nelson in favor.***
43

44 ***Nelson moved*** to amend item 12 on Council packet page 145 that proposed
45 mineral resource land (MRL) designations shall be required to be approved by the
46 Agricultural Advisory Committee.
47

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1 Caskey-Schreiber stated she would rather address that through a specific
2 Comprehensive Plan amendment.

3
4 Brenner stated the Agricultural Advisory Committee approved the language
5 that is in item 12.

6
7 Caskey-Schreiber stated the Agricultural Preservation Committee also
8 supported this language.

9
10 Crawford stated he supports the motion only because it provides more
11 flexibility, but it's not the way they should go.

12
13 Caskey-Schreiber restated the motion to amend item 12 on Council packet
14 page 145, "...A Goldin (1983) unless approved by a majority of the Agricultural
15 Advisory Committee."

16
17 ***Motion to amend failed 2-4-1 with Nelson and Crawford in favor and***
18 ***Fleetwood abstaining.***

19
20 McShane stated there is a lack of broad perspectives on the SMAC. Not all
21 the positions on the committee have been filled. Going into agricultural land should
22 be considered, but initially considered by a group from the agricultural community
23 with limited input from the gravel community. The SMAC may need to spend time
24 working on the conditional use permit requirements regarding to the five- and ten-
25 year time of travel. He needs more assurance before making the shift.

26
27 Gravel in Whatcom County isn't that expensive. The market can bear an
28 increase. If that increase occurs, the agricultural community will put together an
29 attractive proposal of what can be done to protect the agricultural land.

30
31 ***Motion to forward to concurrency carried 5-2 with Nelson and***
32 ***Crawford opposed.***

33
34 **5. RESOLUTION AFFIRMING THAT THE COMPREHENSIVE PLAN**
35 **AMENDMENTS REVIEWED AND ADOPTED FOR 2002, 2003, AND 2004**
36 **COLLECTIVELY CONSTITUTE COMPLETION OF WHATCOM COUNTY'S**
37 **SEVEN-YEAR REVIEW AND UPDATE OF THE OFFICIAL WHATCOM**
38 **COUNTY COMPREHENSIVE PLAN PER RCW 36.70A.130 (AB2004-455)**

39
40 Caskey-Schreiber opened the public hearing and, hearing no one, closed the
41 public hearing.

42
43 *(Clerk's Note: Discussion continued, below.)*

44
45
46 **APPROVAL OF THE 2004 COMPREHENSIVE PLAN AMENDMENTS**

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

5
6 *Crawford moved* to adopt the ordinance.

7
8 *Motion carried 5-2 with Roy and Caskey-Schreiber opposed.*

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

13
14 *Crawford moved* to adopt the ordinance.

15
16 *Motion carried unanimously.*

- 17
18 **3. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
19 **PLAN, CHAPTER 2 – COLUMBIA VALLEY/KENDALL URBAN GROWTH**
20 **AREA (AB2004-340)**

21
22 *Crawford moved* to adopt the ordinance.

23
24 *Motion carried unanimously.*

- 25
26 **4. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
27 **PLAN, CHAPTER 2 – LAND USE, CITY OF EVERSON URBAN GROWTH**
28 **AREA (AB2004-343)**

29
30 *Fleetwood moved* to adopt the ordinance.

31
32 *Motion carried unanimously.*

- 33
34 **5. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
35 **PLAN, CHAPTER 2 – LAND USE, CITY OF NOOKSACK URBAN GROWTH**
36 **AREA (AB2004-346)**

37
38 *Crawford moved* to adopt the ordinance.

39
40 *Motion carried unanimously.*

- 41
42 **6. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
43 **PLAN, CHAPTER 2 – LAND USE, CITY OF SUMAS URBAN GROWTH**
44 **AREA (AB2004-347)**

45
46 *Crawford moved* to adopt the ordinance.

47

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

- 3 **7. ORDINANCE AMENDING THE CAPITAL FACILITIES CHAPTER AND**
4 **TRANSPORTATION CHAPTER OF THE WHATCOM COUNTY**
5 **COMPREHENSIVE PLAN (AB2004-338)**

6
7 ***Crawford moved*** to adopt the ordinance.

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

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

14
15 ***Crawford moved*** to adopt the ordinance.

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

- 18
19 **9. ORDINANCE AMENDING THE TRANSPORTATION CHAPTER OF THE**
20 **WHATCOM COUNTY COMPREHENSIVE PLAN ESTABLISHING POLICIES**
21 **TO IMPLEMENT THE BICYCLE PLAN AND CONSIDER UTILIZING ITS**
22 **TECHNOLOGY IN TRANSPORTATION PROJECTS (AB2004-355)**

23
24 ***Fleetwood moved*** to adopt the ordinance.

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

- 27
28 **10. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
29 **PLAN RELATING TO TRANSPORTATION IMPACT FEE BACKGROUND**
30 **INFORMATION (APPENDIX G OF THE WHATCOM COUNTY**
31 **COMPREHENSIVE PLAN) (AB2004-370)**

32
33 ***Crawford moved*** to adopt the ordinance.

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

- 36
37 **11. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
38 **PLAN, CHAPTER 9 – RECREATION (AB2004-352)**

39
40 ***Brenner moved*** to adopt the ordinance.

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

- 43
44 **12. ORDINANCE REVISING AND AMENDING THE WHATCOM COUNTY**
45 **COMPREHENSIVE PLAN, APPENDIX A (GLOSSARY), APPENDIX B**
46 **(LIST OF ACRONYMS) AND APPENDIX D (BIBLIOGRAPHY) (AB2004-**
47 **354)**

1
2 *Fleetwood moved* to adopt the ordinance.
3

4 *Motion carried unanimously.*
5

6 **13. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
7 **PLAN, CHAPTER 2 LAND USE, CITY OF FERNDALE URBAN GROWTH**
8 **AREA (AB2004-344)**
9

10 *Brenner moved* to adopt the ordinance.
11

12 *Motion carried unanimously.*
13

14 **14. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
15 **PLAN, CHAPTER 2 – LAND USE, CITY OF LYNDEN URBAN GROWTH**
16 **AREA (AB2004-345)**
17

18 *Fleetwood moved* to adopt the ordinance.
19

20 *Motion carried unanimously.*
21

22 **15. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
23 **PLAN, CHAPTER 2 – LAND USE, CITY OF BELLINGHAM URBAN**
24 **GROWTH AREA (AB2004-341)**
25

26 *Brenner moved* to adopt the ordinance.
27

28 *Motion carried unanimously.*
29

30 **16. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
31 **PLAN, CHAPTER 2 – SUDDEN VALLEY PROVISIONAL URBAN GROWTH**
32 **AREA (AB2004-339)**
33

34 *Crawford moved* to adopt the ordinance. There was a legal issue about
35 whether a legally binding contract could be entered into that says how they will
36 develop in the future, and whether they can legally bind the future City to do that.
37

38 Sylvia Goodwin, Planning Division Manager, stated the issue would have to be
39 resolved if Sudden Valley incorporates. Councilmember McShane added language
40 that the County will only support incorporation if a legally binding agreement is
41 reached. If an agreement isn't legally binding, then it wouldn't be reached. The
42 County would deal with it at that time.
43

44 Fleetwood stated the question is whether a government can enter into an
45 interlocal agreement with a private organization. He believes that the answer is no.
46

47 McShane stated State law can always be changed.

1
2 Crawford stated language was changed that the provisional UGA will be
3 designated as a limited area of more intense rural development (LAMIRD). Goodwin
4 stated that is the incorrect ordinance. The language needs to say that the area
5 would be re-designated as a recreational subdivision. Council already approved that
6 the incorrect ordinance is in the packet.

7
8 Caskey-Schreiber stated they found out that the zoning has to revert to what
9 it was previously.

10
11 **Crawford amended his motion** to adopt the ordinance with the provision
12 that the zoning revert back to a recreational subdivision. He asked if the
13 community association considered the drop-dead date at the end of 2006 as
14 opposed to a review at the end of 2006.

15
16 Caskey-Schreiber stated Steve Greiser told the community that the end of
17 2006 would be enough time for the association to figure it out.

18
19 Goodwin stated the date was supposed to be 2006 according to the State
20 Environmental Policy Act (SEPA). The association is aware of this change to a drop-
21 dead date.

22
23 **Motion carried 6-1 with Brenner opposed.**

24
25 **17. ORDINANCE AMENDING THE WHATCOM COUNTY COMP. PLAN,**
26 **CHAPTER 2 – CHERRY POINT URBAN GROWTH AREA (AB2004-395A)**

27
28 **Fleetwood moved** to adopt the ordinance.

29
30 **Motion carried unanimously.**

31
32 **18. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
33 **PLAN, CHAPTER 2 – CUSTER PROVISIONAL URBAN GROWTH AREA**
34 **(AB2004-396A)**

35
36 **McShane moved** to adopt the ordinance.

37
38 Crawford stated he works for a firm that did initial planning for some of the
39 properties in this area, but he doesn't have a pecuniary interest. He feels
40 comfortable voting on the item.

41
42 **Motion carried 5-2 with Nelson and Crawford opposed.**

43
44 **19. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
45 **PLAN, CHAPTER 3 – HOUSING (AB2004-353)**

46

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1 **Crawford moved** to adopt the ordinance, but he is against the motion
2 because it has inclusionary zoning, to which he is opposed.

3
4 **Motion carried 5-2 with Nelson and Crawford opposed.**

5
6 **20. ORDINANCE AMENDING THE COUNTY-WIDE PLANNING POLICIES,**
7 **ADOPTED AS APPENDIX C OF THE WHATCOM COUNTY**
8 **COMPREHENSIVE PLAN (AB2004-272A)**

9
10 **McShane moved** to adopt the ordinance.

11 **Motion carried unanimously.**

12
13
14 **21. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
15 **PLAN, CHAPTER 6 AND 7 GOALS AND POLICIES RELATED TO THE**
16 **CUSTER PROVISIONAL GROWTH AREA (AB2004-396B)**

17
18 **McShane moved** to adopt the ordinance.

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

20
21
22 **22. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**
23 **PLAN, CHAPTER 8, MINERAL RESOURCE LANDS (AB2004-400)**

24
25 **McShane moved** to adopt the ordinance.

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

27
28 **Nelson moved** approval of all 2004 Comprehensive Plan amendments.

29
30 **Motion carried unanimously.**

31
32
33
34 **PUBLIC HEARINGS**

35
36 **5. RESOLUTION AFFIRMING THAT THE COMPREHENSIVE PLAN**
37 **AMENDMENTS REVIEWED AND ADOPTED FOR 2002, 2003, AND 2004**
38 **COLLECTIVELY CONSTITUTE COMPLETION OF WHATCOM COUNTY'S**
39 **SEVEN-YEAR REVIEW AND UPDATE OF THE OFFICIAL WHATCOM**
40 **COUNTY COMPREHENSIVE PLAN PER RCW 36.70A.130 (AB2004-455)**

41
42 *(Clerk's Note: Discussion continued from earlier in the meeting.)*

43
44 **McShane moved** to amend the resolution to add two findings:

45 "26. Suburban enclaves in the Lake Whatcom watershed and Lake Samish
46 watershed areas have been amended since the adoption of the 1997 Whatcom
47 County Comprehensive Plan." and

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1 "27. The Chuckanut and Toad Lake suburban enclaves may be reviewed in
2 2005 based on additional information regarding these areas."
3

4 Fleetwood stated he is in favor of adding finding 26 because it is a statement
5 of what has happened. He is against finding 27. The resolution is about what has
6 happened in 2002, 2003, and 2004 collectively. What might happen in 2005 is not
7 before them.
8

9 McShane amended his motion to add one finding, "26. Suburban enclaves in
10 the Lake Whatcom watershed and Lake Samish watershed areas have been
11 amended since the adoption of the 1997 Whatcom County Comprehensive Plan."
12

13 ***Motion carried unanimously.***
14

15 ***Crawford moved*** to amend page four of the resolution, "NOW, THEREFORE,
16 BE IT RESOLVED...amendments are necessary have been revised to address
17 changed conditions..."
18

19 ***Motion carried 5-2 with Caskey-Schreiber and McShane opposed.***
20

21 ***Crawford moved*** to amend page four of the resolution, "NOW, THEREFORE,
22 BE IT RESOLVED...amendments are necessary have been revised to address
23 changed conditions..."
24

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

27 ***Caskey-Schreiber moved*** to approve the resolution as amended.
28

29 ***Motion to approve the resolution as amended carried unanimously.***
30

31
32 **OTHER ITEMS**
33

34 **1. REPORT ON COMMITTEE DISCUSSION WITH THE ACME/VANZANDT**
35 **SUB FLOOD CONTROL DISTRICT REGARDING CONCERNS WITH WORK**
36 **BEING DONE ON THE NOOKSACK RIVER (AB2005-083)**
37

38 Roy reported for the Natural Resources Committee and stated the committee
39 recommends that the Council request a legal analysis of liability and write a letter
40 asking the Executive to request that the Council's deliberations and concerns be
41 considered on this issue when the decision is made
42

43 ***Roy moved*** to ask the Council's legal counsel to see who is liable if the dam
44 and rip rap fail.
45

46 ***Motion carried unanimously.***
47

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1 **Roy moved** to write a letter to the Executive to request that the Council's
2 deliberations and concerns be considered on this issue when the administration
3 makes its decision on the plan.

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

7 Roy stated all they are asking is that the Council's opinions be considered
8 when the final decision is made. She assumes these people will come back to the
9 Council.

10
11 **Motion carried 6-1 with Crawford opposed.**
12

13 Roy stated Councilmember McShane will go to the Solid Waste Advisory
14 Committee with photographs the councilmembers received of dumping that is going
15 on along the Nooksack River.

16
17 **2. ORDINANCE AMENDING THE 2005-2006 WHATCOM COUNTY BUDGET,**
18 **FIRST REQUEST (AB2005-067)**
19

20 **Nelson** reported for the Finance and Administrative Services Committee and
21 **moved** to adopt the ordinance.
22

23 **Motion carried unanimously**
24

25 **3. RESOLUTION REMOVING THE LAKE WHATCOM CONNECTOR FROM**
26 **THE WHATCOM COUNTY SIX-YEAR ROAD PLAN (AB2005-068)**
27

28 Brenner reported for the Public Works and Safety Committee and stated the
29 committee failed to recommend approval.
30

31 **Brenner moved** to approve the resolution.
32

33 Crawford stated a study concluded that the alignments are feasible and future
34 traffic demand will require additional east-west service. Despite the downzones that
35 have occurred, there is a need for this corridor that will continue to grow. It costs
36 the County nothing to leave this as a placeholder for future generations.
37

38 Fleetwood stated the priority is so low that it won't happen realistically. It
39 can be put back in if removed or remain in. It doesn't matter.
40

41 Brenner asked why the County's easements would go away if the connector is
42 removed from the list.
43

44 Jeff Monsen, Public Works Director, stated past subdivision proposals in this
45 area have reserved part of the property for this corridor. The County has not
46 actually acquired those easements. This resolution gives him direction to exclude
47 the corridor from the next six-year program that comes forward in May. In May, if

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1 the Council adopts the program without the corridor, the County would stop
2 reserving for the corridor.

3
4 Crawford asked if the areas they are reserving are the areas in the options
5 known as 3A and 3B from the Reed Middleton study. Monsen stated the County is
6 reserving property in the only one alignment.

7
8 Crawford asked if a corridor was selected. Monsen stated there are different
9 options for the corridor. However, most of the corridor length is the same in all the
10 options. It is in that stretch of the corridor where the County is reserving property.

11
12 ***Motion carried 5-2 with Nelson and Crawford opposed.***

13
14 **4. RESOLUTION SETTING A PUBLIC HEARING TO DECLARE PROPERTY**
15 **SURPLUS (AB2005-081)**

16
17 ***Brenner*** reported for the Public Works and Safety Committee and ***moved*** to
18 approve the resolution with the substitute Exhibit A submitted earlier in the day that
19 surplus be done by the Treasurer, not the Public Works Department.

20
21 ***Motion carried unanimously.***

22
23 **5. REQUEST CONFIRMATION OF THE EXECUTIVE'S REAPPOINTMENT OF**
24 **CYNTHIA BAULEKE TO THE BELLINGHAM-WHATCOM COUNTY**
25 **COMMISSION AGAINST DOMESTIC VIOLENCE (AB2005-079)**

26
27 ***Brenner moved*** to confirm the appointment.

28
29 ***Motion carried unanimously.***

30
31 **6. REQUEST CONFIRMATION OF THE EXECUTIVE'S REAPPOINTMENT OF**
32 **MICHAEL WERNER TO THE LAKE MANAGEMENT DISTRICT #1**
33 **COMMITTEE (AB2005-080)**

34
35 ***Nelson moved*** to confirm the appointment.

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

38
39 **7. JOINT RESOLUTION ADOPTING THE LAKE WHATCOM 2005-2009**
40 **WORK PLAN (AB2005-082)**

41
42 This item was withdrawn from the agenda.

43
44 **Addenda:**

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1 **8. JOINT CITY OF BELLINGHAM AND WHATCOM COUNTY COUNCIL**
2 **RESOLUTION FOR UPDATING THE WHATCOM COUNTY URBAN FRINGE**
3 **SUBAREA COMPREHENSIVE PLAN (AB2005-086)**
4

5 ***Brenner moved*** to approve the resolution.
6

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

10 **OTHER BUSINESS**
11

12 Caskey-Schreiber requested **approval of letter to Senators and**
13 **Representatives regarding North Fork Regional Resource Center (AB2005-**
14 **071).**
15

16 Crawford stated that the letter should be sent to Kelli Linville and Governor
17 Gregoire. In addition, the name has been changed from North Fork to East
18 Whatcom.
19

20 Caskey-Schreiber stated she already received approval from the resource
21 center staff to use the North Fork name. She would also like to send this letter to
22 all the other state representatives that are on the committees to approve capital
23 expenses.
24

25 ***Crawford moved*** to send the letter to all appropriate legislators.
26

27 ***Motion carried unanimously.***
28
29

30 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**
31

32 There were no reports or other items.
33
34

35 **ADJOURN**
36

37 The meeting adjourned at 1:32 a.m.
38
39
40

41 _____
42 Jill Nixon, Minutes Transcription

43 The Council approved these minutes on February 22, 2005.
44

45 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON
46
47

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2
3
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6

Dana Brown-Davis, Council Clerk

Laurie Caskey-Schreiber, Council Chair