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WHATCOM COUNTY COUNCIL
Regular County Council

March 29, 2005

Council Chair Laurie Caskey-Schreiber called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Barbara Brenner
Dan McShane
Sam Crawford
Seth Fleetwood
Sharon Roy

Absent:

L. Ward Nelson

FLAG SALUTE

ANNOUNCEMENTS

Caskey-Schreiber announced there was **consideration of an appeal of the Hearing Examiner's decision on CUP96-0028, filed by Richard Stephens, attorney for Darcy Gill, regarding Request for Revocation of a Zoning Conditional Use Permit (AB2005-028)** in executive session during the Committee of the Whole meeting.

Crawford moved that the Conditional Use Permit Revocation Appeal (CUP96-0028), Agenda Bill 2005-028, be remanded back to the Hearing Examiner, for the purpose of developing a record to indicate that the Hearing Examiner has, in fact, reviewed the correct permit file.

McShane stated he doesn't support the motion. He believes the Hearing Examiner was correct and had no decision to make because there was no permit to make a decision on. The Council shouldn't make a decision on something on which the Hearing Examiner had no authority.

Brenner stated this is exactly the type of issue on which the Hearing Examiner has the authority to make a decision. She supports the motion.

Motion carried 4-2 with McShane and Fleetwood opposed.

Caskey-Schreiber announced there was also **consideration of appeal of Hearing Examiner's decision on an Administrative Use Permit issued to Trillium Corporation for proposed surface mining within the MRL Special**

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1 **District, filed by Sumas Mountain Pipeline Safety Association (AB2005-**
2 **029)** in executive session during the Committee of the Whole meeting.

3
4 **Roy moved** to approve consideration of the material from Trillium. Trillium
5 met the timeline, and the Hearing Examiner should have considered the material.

6
7 Brenner stated she doesn't believe Trillium met the timeline. She doesn't
8 support the motion.

9
10 McShane stated the Trillium materials in question were sent as a response to
11 the County Council. They weren't materials for the Hearing Examiner.

12
13 **Motion carried 5-1 with Brenner opposed.**

14
15 **Roy moved** to affirm the Hearing Examiner's decision on the appeal.

16
17 **Motion carried 5-1 with Brenner opposed.**

18
19
20 **SPECIAL PRESENTATION**

21
22 **WRIA 1 WATERSHED MANAGEMENT PROJECT RECOGNITION CEREMONY**
23 **(AB2005-017)**

24
25 Pete Kremen, County Executive, gave a presentation to the Council.
26 Whatcom County is blessed with an abundance of natural resources, particularly
27 water resources, which make Whatcom County a vibrant and healthy community.
28 However, the community has experienced significant and rapid growth, which
29 threatened salmon runs. It became evident that the community must develop a
30 plan to ensure the wise use of all water resources.

31
32 In 1998, House Bill 2514 gave the community the opportunity to develop the
33 Comprehensive Water Resources Plan. Since then, hundreds of citizens
34 participated in the development of the water resource inventory area (WRIA) 1
35 Watershed Management Plan.

36
37 He recognized the WRIA 1 project participants. The WRIA 1 Planning Unit
38 worked tirelessly to craft a Water Resources Management Plan to meet the
39 community's needs. Eighteen government and water interest groups worked
40 together to develop a water resources strategy to meet the needs of current and
41 future generations. Last Wednesday, the Planning Unit approved the WRIA 1
42 Watershed Management Plan, which represents the many diverse interest groups in
43 Whatcom County.

44
45 This plan is created by the community for the benefit of all citizens. The plan
46 is carefully crafted to emphasize the need for sufficient quantities and quality of

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1 water for current and future needs for the citizens and for salmon and shellfish
2 recovery.

3
4 He thanked the County Council, Lummi Nation, and Nooksack Tribe. It's not
5 easy to bring together so many interests with an outcome that recognizes and
6 respects their diverse interests. No single person can be credited with making this
7 plan reality. The efforts of all participants working together to make this plan
8 possible.

9
10 In recognition of everyone's efforts the past six years, he presented each
11 water interest group with tokens of his appreciation. This is a historic moment in
12 the county that will set a course to benefit future generations and ensure the
13 protection and enhancement of the county's water resources.

14
15 Caskey-Schreiber thanked Executive Kremen on behalf of the full Council.
16 The Council is also grateful for all the volunteers who took time out of their lives to
17 make this project successful.

18
19 Kremen stated the State of Washington is using Whatcom County as a model
20 for how House Bill 2514 is supposed to work. He's very proud of this county and
21 it's collective efforts. He read the list of interest groups that have been issued
22 awards. He thanked the dedication and hard work of Whatcom County staff,
23 including Dr. Bruce Roll, Sue Blake, and Linda Sterling, who did a remarkable job
24 and really did make a difference and was able to get even a greater project out of
25 all these interest groups working together.

26
27 This recognition is indicative of how this community, more than any other
28 community, works together for the good of all. That's what makes Whatcom
29 County a special place to be.

30
31 Caskey-Schreiber thanked Planning Division Manager Sylvia Goodwin, who
32 has been a lead planner in the Planning Department. The Port of Bellingham hired
33 her away from the County. The County Council recognizes Ms. Goodwin's efforts
34 with the County, and wishes her well in her future career. The Council will miss
35 her.

36
37
38 **MINUTES CONSENT**

39
40 **1. REGULAR COUNCIL FOR MARCH 15, 2005**

41
42 This item was withdrawn from the agenda.

43
44
45 **OPEN SESSION**

46
47 The following people spoke:

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1
2 Leonard Lindstrom, Bellingham, stated they have to finish the job. It's
3 heartbreaking to watch people like Terry Schiavo die in the middle of social hatred.
4 Super Christians are dying. Prevention is the only real cure. Teach them how to
5 stay out of anger and grief ruts. Have a loving attitude towards other people.
6

7 Chris Ungern, 2095 Northshore Road, submitted and read from his written
8 testimony (*on file*). The County is in compliance with State stormwater
9 management guidelines. Lake monitoring studies fail to consider the impact of
10 temperatures, which can accelerate biological processes behind the observed
11 seasonal low dissolved oxygen levels. There are data gaps that may invalidated the
12 lake response model. Phosphorus in lawn fertilizer should be banned in the
13 watershed.
14

15 Bill Boyd, Bellingham Fire Department Chief, stated the Council should
16 approve the **resolution of support for a countywide emergency medical**
17 **system (AB2005-155)**. Maintaining the current system in partnership with other
18 county fire service ambulance transport agencies is the most cost effective way to
19 provide this lifesaving service. The City of Bellingham will continue to work with
20 the County to craft a long-term solution. He acknowledged the hard work,
21 commitment, and leadership of Executive Kremen, Deputy County Administrator,
22 Dewey Desler, Bellingham Mayor Mark Asmundson, and the Bellingham City
23 Council.
24

25 Gary Lysne, 2472 Northshore Road, stated a portion of this Council is not
26 interested in lake quality, but in limiting growth. The Council received a letter
27 recently from Dr. Don Easterbrook regarding the misconceptions and issues with
28 Lake Whatcom, dissolved oxygen, and phosphorus. None of the solutions and
29 issues presented by three different groups agree. Citizens are frustrated. County
30 staff said the lake meets all Department of Ecology requirements. Put the brakes
31 on Council actions to limit growth in the watershed. He suggested an independent,
32 third party, objective study be done on the Lake Whatcom water quality. Whether
33 this is a real or perceived problem, they need independent guidance because there
34 is no trust.
35

36 Tom Hollott, 380 West Bluff Road, Point Roberts, referenced **ordinance**
37 **amending the official Whatcom County Zoning Ordinance, Title 20,**
38 **Chapters 20.37, Point Roberts Transitional Zone District, Chapter 20.71,**
39 **Water Resource Protection Overlay District, and Chapter 20.97, Definitions,**
40 **to clarify requirements and standards for cluster subdivision (AB2005-**
41 **149)**. He suggested that the Council obtain input from some people. These
42 buildings should be placed on the land to allow view corridors. Special interest
43 groups in Point Roberts lead the Council to believe that the groups represent the
44 majority in Point Roberts, but those groups do not. Get information out to people
45 in Point Roberts so the residents know what is going on.
46

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1 Brenner stated there needs to be a contact person at the Point Roberts
2 newspaper who knows about the issues. This ordinance has been going on for
3 awhile. There has been plenty of time for people to get involved. Point Roberts is
4 part of Whatcom County. The Point Roberts paper is responsible to give the Point
5 Roberts citizens information on what is happening with the Council, just as much as
6 the Council is responsible to try and make sure the community gets the
7 information. The Council can't send out notification to everyone who lives on the
8 Point.

9
10 Hollott stated the process is not working. The Council is being influenced by
11 the special interest groups.

12
13 Caskey-Schreiber stated that's why the Council appointed a Planning
14 Commissioner from Point Roberts. The Council is aware of the problem. Hollott
15 stated he will speak to the owner of the newspaper.

16
17 Duncan McLane, Lummi Island Fire District 11 Fire Chief, asked the Council
18 to approve the **resolution of support for a countywide emergency medical**
19 **system (AB2005-155)**. The EMS working group has explored different models.
20 For 30 years, the current system has been tried and proven. The working group
21 needs County Council support to continue developing recommendations to maintain
22 this service. The resolution will provide the needed support and leadership to
23 commit to pursuing the long-term operation of Medic One.

24
25 Dennis Jones, Sudden Valley, stated a letter is coming from the Sudden
26 Valley Community Association on the results of their findings on Lake Whatcom.
27 Sudden Valley was found to not have significant impact on oxygen depletion in the
28 lake, to date. He cannot believe that is true. He thanked Mr. Crawford for his work
29 on EMS. He thanked all the planners for their work. Get together on the Title 20
30 ordinances. They don't need a lot more regulation. They just need to enforce what
31 they have now.

32
33 Richard Gilda, Jensen Road, stated Sylvia Goodwin has done a real good job,
34 is a good listener, and makes good decisions.

35
36 Dave Ernst, 7802 Lankhaar Road, Lynden, stated the Council should docket
37 **Comprehensive Plan item 2005-R. Do not docket items 2005-O and 2005-P**
38 **(AB2005-084)**. Those three items are related. They all impact prime agricultural
39 soils. Items O and P are counterproductive and will weaken the agricultural
40 resource base and ability to sustain the agricultural economy. They cannot
41 continue to drive up the cost of agricultural land without serious impacts to the cost
42 of being a farmer and producing food. Don't be seduced by promises of cheaper
43 gravel and cheaper land. Few people eat sand and gravel. Get the priorities
44 straight.

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1 Patrick Davis, Terasen Pipelines, submitted and read from information (*on*
2 *file*). Terasen Pipeline is proposing an above-ground pipeline. Support
3 **Comprehensive Plan docket item 2005-F, Cherry Point (AB2005-084).**
4

5 Bob Bush, Whatcom County Fire Commissioners Association President,
6 stated all members of his association voted to approve the **resolution of support**
7 **for a countywide emergency medical system (AB2005-155).**
8

9 Bob Love, Terasen Pipeline, stated he supports **Comprehensive Plan**
10 **docket item 2005-F, Cherry Point (AB2005-084).** The entire site doesn't need
11 to be rezoned. Terasen Pipeline is not a land developer. If there are additional
12 conditions that come forward in the process to handle concerns, he is willing to
13 work with the County. They just need to be able to do the company's business,
14 and is not going to get into the game of land development.
15

16 Patrick Alesse, 4825 Alderson Road, Birch Bay, stated he supports the
17 **resolution of support for a countywide emergency medical system**
18 **(AB2005-155).** He is not in favor of the triage arrangement. There is some level
19 of service in the area he lives. Other areas without service might suffer. Medical
20 service is expensive. People in this county want to live in the rural areas. Those
21 people should be able to pay for the services they need. Emergency medical
22 services are far more important than any other services. It will cost more money,
23 but take the next step.
24

25 Darlyn DelBoca, Ferndale, submitted and read from her testimony (*on file*).
26 The Council should docket **Comprehensive Plan item 2005-R. Do not docket**
27 **items 2005-O and 2005-P (AB2005-084).**
28

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

31 DelBoca continued to read from her testimony.
32

33 Gary Russell, Ferndale Fire District 9 Chief, stated he supports the
34 **resolution of support for a countywide emergency medical system**
35 **(AB2005-155).** The resolution came about over a number of months of work and
36 a number of years of failure to achieve consensus on what type of a system the
37 community should have. He thanked the County Executive, Deputy Administrator,
38 and the staff who worked with the working group. It's not easy to work together,
39 but they've fully evaluated the system and come back to where they started.
40

41 John Lesow, 317 Madrona Place, Point Roberts, asked the Council to adopt
42 **ordinance amending the official Whatcom County Zoning Ordinance, Title**
43 **20, Chapters 20.37, Point Roberts Transitional Zone District, Chapter**
44 **20.71, Water Resource Protection Overlay District, and Chapter 20.97,**
45 **Definitions, to clarify requirements and standards for cluster subdivision**
46 **(AB2005-149).** The inclusion of community drain fields are necessary for Point
47 Roberts to participate in the upswing in home construction. From 1992 to 2002,

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1 the real estate market was flat. With an appreciating Canadian dollar, the 2010
2 Olympics, and general upswing in the real estate market, Point Roberts is finally
3 experiencing a healthy increase in property values in Point Roberts. The proposal
4 will allow community wastewater facilities to be included as part of a cluster
5 subdivision. These systems are a necessary option for developers. The Point
6 Roberts water district has the capability, experience, and personnel to manage
7 community wastewater systems. Half of Point Roberts is zoned rural residential.
8 There is no urban growth area. Cluster housing, community drain fields, and a
9 dedicated reserve area lend themselves well to this market reality. The average
10 price of a single family home in Vancouver B.C. is \$480,000. Many Vancouver
11 empty nesters can afford to sell their homes, buy a condominium, and still afford a
12 second home in Point Roberts. They are not looking to buy a five-acre ranchette or
13 residences that require a lot of upkeep. Cluster housing is a practical and more
14 affordable option for the perspective Point Roberts homeowner.

15
16 Dave Ralston, Geneva/Sudden Valley Fire District 2 Chief and Fire Chief's
17 Association Commissioner, stated he supports the **resolution of support for a**
18 **countywide emergency medical system (AB2005-155)**. The resolution begins
19 to show unification between the City and County councils. With the coordination of
20 the County administration, there have been many meetings. They have come
21 around to support the direction they need to go forward with EMS in the county.
22 This resolution is the first step to get this moving forward. They need the County
23 Council's support to move forward successfully. He thanked everyone for their
24 support.

25
26
27 **PUBLIC HEARINGS**

28
29 **1. ORDINANCE REMOVING AN EXISTING SCHOOL SPEED LIMIT ON**
30 **SILVER LAKE ROAD (AB2005-148)**

31
32 Caskey-Schreiber opened the public hearing and, hearing no one, closed the
33 public hearing.

34
35 ***Fleetwood moved*** to adopt the ordinance.

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

38
39 **2. ORDINANCE ACCEPTING AND ADOPTING THE SOUTH PORTION OF**
40 **LAKEVIEW STREET AS A WHATCOM COUNTY ROAD (AB2005-150)**

41
42 Caskey-Schreiber opened the public hearing and, hearing no one, closed the
43 public hearing.

44
45 ***Roy moved*** to adopt the ordinance.

46
47 Crawford asked if this development is past Water District 10.

1
2 Joe Rutan, County Road Engineer, stated this is at the very end of the road,
3 before the gate. It doesn't quite go all the way to the gate.
4

5 Crawford stated he wanted to make sure they aren't taking over the
6 privately maintained road. Rutan stated there is an obvious break between the
7 public and private road sections.
8

9 ***Motion carried unanimously.***

10
11 **3. RESOLUTION REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT**
12 **FUNDING APPLICATION (AB2005-152)**
13

14 *(Clerk's Note: The CDBG required handouts are included in the Council's*
15 *packet.)*
16

17 Caskey-Schreiber opened the public hearing and the following people spoke:
18

19 John Martin, Opportunity Council Development Manager, submitted
20 information (*on file*). He thanked the County Council and County Executive for
21 considering this application. He is available to answer questions. This is an effort
22 the Opportunity Council is making to preserve affordable housing in Whatcom
23 County.
24

25 Fleetwood asked the number of houses that would be subject to repair if this
26 were awarded. Martin stated the program could serve up to seventeen houses for
27 minor repairs and up to 40 houses for emergency repairs.
28

29 Brenner stated there is no reason to vote against the proposal.
30

31 Caskey-Schreiber stated she is also in favor of the program.
32

33 Crawford stated he is on the board of the Opportunity Council. There are
34 administrative costs to community development block grants. It may be a noble
35 thing for a community to wean itself from federal dependency. However, he will
36 vote for this resolution. If the money is available, they should go for it. Working in
37 the administrative arena to support these things is the least the County can do. In
38 the long-term, they need to have a dialog about developing support mechanisms
39 for programs like this within the community.
40

41 Brenner stated the County shouldn't wean the community from accepting
42 federal funding. Citizens pay federal taxes as well as State and local taxes. That
43 money is the citizens' money. The County needs to get a permanent source of
44 federal funding, rather than the grants that are doled out to the County.
45

46 Martin stated the majority of these funds will be used in a revolving loan
47 fund for homeowner occupied-housing rehabilitation. The interest is low and the

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1 terms are good. The fund continues to make the money work more than one time.
2 He's very committed to looking at different models that stretch funds as far as
3 possible.
4

5 Caskey-Schreiber stated the Opportunity Council was in charge of the wood
6 stove upgrade program. She asked if they have gotten the funds and participation
7 for that program. Martin stated he will provide information to the Council.
8

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

10 ***Caskey-Schreiber moved*** to approve the resolution.
11

12 ***Motion carried unanimously.***
13

14
15 **4. ORDINANCE AMENDING WHATCOM COUNTY CODE, TITLE 16, ON AN**
16 **INTERIM BASIS TO PROVIDE ADDITIONAL REGULATORY**
17 **PROTECTION FOR WETLANDS AND GEOLOGICAL HAZARD AREAS**
18 **(AB2005-127)**
19

20 Caskey-Schreiber opened the public hearing and the following people spoke:
21

22 Fred Moremeyer, 2295 Loomis Trail Road, stated he is a banker and small
23 time family farmer. The wetland ordinance has mitigation guidelines. He would
24 like to give back three of his wetland acres to wildlife habitat. The Planning
25 Department says the County Council has given no leeway for anyone to use
26 mitigation. He must move his house into his prime agricultural land. His proposal
27 is to actually improve the wetland.
28

29 McShane stated this is a temporary ordinance. The County has begun work
30 on the critical areas ordinance to provide clearer guidelines. The guidelines on
31 wetlands will be greatly improved. There was concern about development in the
32 Birch Bay area going in rapidly. The Council considered not allowing offsite
33 mitigation on an interim basis until the final critical areas ordinance is adopted. He
34 anticipates getting the final ordinance soon. This interim rule will go away, and Mr.
35 Moremeyer can follow the new critical area ordinance. Moremeyer stated he
36 interprets the current ordinance to allow mitigation, but the Planning staff says it's
37 not. His building permit is on the April 13th. If it doesn't go forward then, he can't
38 develop his land until next fall. He's been very above-board on everything. He's
39 being told that there is no way he can do mitigation. Moving his house will cost
40 about \$10,000.
41

42 Brenner stated the ordinance allows onsite mitigation. There is something
43 about a reduced buffer width under certain conditions. Moremeyer stated Planning
44 staff told him that it's not critical to put his house in the buffer area because he
45 owns 24 acres. That's a hardship.
46

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1 Brenner stated the ordinance allows reducing the buffer if certain conditions
2 are met.

3
4 Roy stated it is very awkward for the Council to analyze a specific project.
5 The person needs to talk with someone in the Planning Department. There is a lot
6 that the councilmembers don't know. She's not hearing the Planning staff's version
7 of the story. It's not appropriate for the Council to get into an argument about land
8 use. Moremeyer stated staff told him there was nothing he could do.

9
10 Sylvia Goodwin, Planning Division Manager, stated that Mr. Moremeyer
11 should go to Planning Director Hal Hart if he is not satisfied with what the wetland
12 administrator said. Mr. Hart will make a determination. If Mr. Moremeyer is not
13 happy with Mr. Hart's decisions, then Mr. Moremeyer can appeal Mr. Hart's decision
14 to the Hearing Examiner. The Hearing Examiner makes a decision, which can be
15 appealed to the County Council. That's the process.

16
17 Crawford stated Mr. Moremeyer could also have Executive Kremen talk to
18 County staff to find out what is not working.

19
20 McShane asked if Mr. Moremeyer wanted to speak to this interim ordinance
21 at all. Moremeyer stated he is trying to get clarification on this ordinance. He
22 indicated the location of his property.

23
24 Goodwin stated this ordinance doesn't apply to Mr. Moremeyer.

25
26 McShane stated Mr. Moremeyer is saying that the current ordinance, which
27 has been in place since 1997, applies. He would be interested in hearing about the
28 proposed ordinance before the Planning Commission right now and these things as
29 they come up.

30
31 Hearing no one else, Caskey-Schreiber closed the public hearing.

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

34
35 Crawford stated he is against the ordinance. They've heard from at least
36 one wetland expert that believes offsite mitigation is practical, environmentally
37 sound, and should occur in this area.

38
39 McShane stated he is in favor of the ordinance. The current wetlands rules
40 lack clarity on what people are allowed to do. It's important to wait until they have
41 a final critical area ordinance. Protect Birch Bay as thoroughly as possible. This is
42 one way to protect the bay until there is a final ordinance that includes appropriate
43 mitigation.

44
45 Brenner stated she is in favor of the ordinance. She would like to hear from
46 Bill Cantrell again.

47

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1 Roy stated she is in favor of the ordinance. She thought there were
2 provisions in this ordinance for offsite mitigation under certain circumstances. She
3 would like to hear from the Planning Department about how well this interim
4 ordinance goes. The Council has been getting a lot of water quality information on
5 Birch Bay. It seems the trend is not going the way they want. She will support
6 anything that deals with stormwater runoff.
7

8 Goodwin stated it hasn't been a big issue in Birch Bay. Most people have
9 been able to mitigate onsite. There may be instances where a site is wet, and it
10 may be appropriate to mitigate offsite in the same watershed.
11

12 ***Motion to adopt the ordinance carried 5-1 with Crawford opposed.***
13

14
15 **CONSENT AGENDA**
16

17 ***Crawford*** reported for the Finance and Administrative Services Committee
18 and ***moved*** to approve Consent Agenda items one through seven.
19

20 ***Motion to approve Consent Agenda items one through seven carried***
21 ***unanimously.***
22

- 23 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
24 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND THE ARC**
25 **OF WHATCOM COUNTY TO FUND PARENT COALITION ACTIVITIES,**
26 **INCLUSION ADVOCACY, AND TRAINING AND TECHNICAL**
27 **ASSISTANCE IN THE AMOUNT OF \$41,200 (AB2005-157)**
28
- 29 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
30 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND REGION 3**
31 **AIDS SERVICE NETWORK TO PROVIDE FUNDING FOR**
32 **INTERVENTION, COUNSELING AND TESTING, AND SYRINGE**
33 **EXCHANGE FOR HIGH-RISK INDIVIDUALS FOR HIV/AIDS IN THE**
34 **AMOUNT OF \$129,203 (AB2005-158)**
35
- 36 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
37 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND VP**
38 **CONSULTING, INC. FOR LASERFICHE DOCUMENT IMAGING**
39 **SOFTWARE AND SERVICES IN THE AMOUNT OF \$130,050 FOR A**
40 **TOTAL AMENDED CONTRACT IN THE AMOUNT OF \$360,050 (AB2005-**
41 **159)**
42
- 43 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
44 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND KERR**
45 **WOOD LEIDAL ASSOCIATES LIMITED FOR COMPLETION OF THE**
46 **FIRST PHASE OF THE NOOKSACK RIVER SEDIMENT MANAGEMENT**

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1 **PLAN IN THE AMOUNT OF \$143,820 FOR A TOTAL AMENDED**
2 **CONTRACT IN THE AMOUNT OF \$183,685 (AB2005-160)**

3
4 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
5 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND KERR**
6 **WOOD LEIDAL ASSOCIATES FOR SWIFT CREEK MANAGEMENT PLAN**
7 **IMPLEMENTATION IN THE AMOUNT OF \$48,100 (AB2005-161)**

8
9 **6. RESOLUTION TO ORDER THE CANCELLATION OF WARRANTS MORE**
10 **THAN A YEAR OLD FOR WHATCOM COUNTY JAIL INMATE TRUST**
11 **FUND OUTSTANDING CHECKS (AB2005-162)**

12
13 **7. REVIEW OF JUSTICE ASSISTANCE GRANT APPLICATION (AB2005-**
14 **172)**

15
16
17 **OTHER ITEMS**

18
19 **1. ORDINANCE AMENDING 2005 WHATCOM COUNTY BUDGET, REQUEST**
20 **NO. 3 (AB2005-147)**

21
22 **Crawford** reported for the Finance and Administrative Services Committee
23 and **moved** to adopt the ordinance. His support for the \$15,000 green building
24 program is based solely on the recommendation of the Executive's Office. He has
25 doubts about the wisdom of spending that money.

26
27 Brenner stated she attended many green building workshops. She is
28 delighted to see this item. It will save the County money in the end.

29
30 Caskey-Schreiber stated she also supports the green building item.

31
32 Crawford stated the motion is to adopt the substitute version submitted
33 earlier in the day that includes Exhibit B.

34
35 Dewey Desler, Deputy Administrator, stated the substitute version includes
36 technical corrections to add the prosecutor and public defender positions.

37
38 **Motion to carried unanimously.**

39
40 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
41 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND**
42 **WASHINGTON STATE UNIVERSITY, WSU EXTENSION FOR PILOT**
43 **WATER QUALITY TELEMTRY TO SUPPORT STEWARDSHIP FOR**
44 **CENTENNIAL GRANT, IN THE AMOUNT OF \$30,000 (AB2005-135)**

45
46 Crawford reported for the Finance and Administrative Services Committee
47 and stated the administration withdrew this item from the agenda.

1
2 **3. CONSIDERATION OF HEARING EXAMINER'S RECOMMENDATION ON**
3 **PLANNED UNIT DEVELOPMENT "BAY CREST SOUTH" (PUD04-0002**
4 **AND LSS04-0013) AS PROPOSED BY APPLICANT JIJ CORPORATION**
5 **(AB2005-153)**
6

7 *Fleetwood* reported for the Planning and Development Committee and
8 *moved* to approve the planned unit development as presented.
9

10 *Motion carried unanimously.*

11
12 **4. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING**
13 **ORDINANCE, TITLE 20, CHAPTERS 20.37 - POINT ROBERTS**
14 **TRANSITIONAL ZONE (TZ) DISTRICT, 20.71 - WATER RESOURCE**
15 **PROTECTION OVERLAY DISTRICT, AND 20.97 - DEFINITIONS TO**
16 **CLARIFY REQUIREMENTS AND STANDARDS FOR CLUSTER**
17 **SUBDIVISIONS (AB2005-149)**
18

19 *Fleetwood* reported for the Planning and Development Committee and
20 stated that since the Planning Committee made significant changes to the
21 ordinance, a public hearing will be held on April 12 or a later date.
22

23 **5. ORDINANCE AMENDING THE TEXT OF THE RESIDENTIAL RURAL,**
24 **RURAL AND RESORT COMMERCIAL ZONING DISTRICTS AND THE**
25 **DEFINITION OF "PUBLIC WATER" IN THE OFFICIAL WHATCOM**
26 **COUNTY ZONING ORDINANCE (TITLE 20) (AB2005-151)**
27

28 *Fleetwood* reported for the Planning and Development Committee and
29 *moved* to adopt the ordinance.
30

31 *Motion carried 5-1 with Crawford opposed.*

32
33 *(Clerk's Note: This item continued after Introduction Items, below.)*
34

35 **6. CONSIDERATION OF AN APPEAL OF THE HEARING EXAMINER'S**
36 **DECISION ON CUP96-0028, FILED BY RICHARD STEPHENS,**
37 **ATTORNEY FOR DARCY GILL, REGARDING REQUEST FOR**
38 **REVOCAION OF A ZONING CONDITIONAL USE PERMIT (AB2005-**
39 **028)**
40

41 See Announcements.
42

43 **7. CONSIDERATION OF APPEAL OF HEARING EXAMINER'S DECISION**
44 **ON AN ADMINISTRATIVE USE PERMIT ISSUED TO TRILLIUM**
45 **CORPORATION FOR PROPOSED SURFACE MINING WITHIN THE MRL**
46 **SPECIAL DISTRICT, FILED BY SUMAS MOUNTAIN PIPELINE SAFETY**
47 **ASSOCIATION (AB2005-029)**

1
2 See Announcements.
3

4 **8. RESOLUTION OF SUPPORT FOR A COUNTYWIDE EMERGENCY**
5 **MEDICAL SYSTEM (AB2005-155)**
6

7 **Crawford moved** to approve the resolution. He appreciates all the work
8 being put into this issue. They're headed in the right direction. The fire chief said
9 it's important for the Council to send a message to the community. The
10 community's concerns are with the amount of response that goes into a particular
11 call and how well the system triages the calls. The group has worked out a 62 to
12 38 ratio of advanced life support (ALS) to basic life support (BLS). That is
13 something that is worth further examination. Figure out if there are other ways to
14 provide the quality of ALS care while using the resources more efficiently to get ALS
15 where it is needed. Other areas have successful emergency medical services with
16 20 to 30 percent ALS response, not 62 percent. That indicates to him there is a
17 way to go. One entity in King County provides 28 percent ALS, and is proud of that
18 level of care.
19

20 Another issue is cost. One proposal is a fee of \$.17 per \$1,000 of property
21 tax value. He suspects that is an added amount from other general fund money
22 from the City and County. They can't run a system for only \$.17 per \$1,000. Make
23 sure the community knows the real costs before going to the community for
24 funding. His goal for five years has been to get EMS funding completely out of the
25 general fund. Other counties fund EMS without general fund dollars. They have
26 inherited a system that is challenging. Someone should propose a number that
27 really does cover the cost. Do an honest evaluation of the real cost and a
28 reasonable inflation figure. If the number is real and includes efficiencies, he will
29 support that number.
30

31 Caskey-Schreiber stated the administration laid out a detailed plan about
32 how to address the future impacts to the general fund and what the triage system
33 would look like.
34

35 Fleetwood stated he will support the resolution.
36

37 Roy stated she will support the resolution. The administration has worked
38 hard on this tough issue. She assumes there will be continued discussions.
39 Communities that have a fire station with people capable of providing BLS will have
40 that level of support. Communities without a BLS trained fire staff will still get the
41 ALS service from Medic One. In a sense, those areas will get a better service. That
42 is an interesting issue.
43

44 Caskey-Schreiber stated that with the growing population in the rural areas,
45 it is a scary issue. Those remote areas in the county will receive ALS support, but
46 the service provider can't guarantee response times.
47

1 Brenner stated those remote areas might not always get ALS. The private
2 ambulance companies may provide BLS support to those areas. There is also
3 potential for those remote areas to contract with other fire districts that could
4 provide BLS support. She will push for those options. Everyone should get the
5 same percentage of service. The Council may have to put pressure on certain
6 areas of the county to have these contracts to provide BLS.

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

9
10 **9. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
11 **GILLIAN BRIGHTWATER TO THE ANIMAL CONTROL ADVISORY**
12 **COMMITTEE (AB2005-164)**

13
14 ***McShane moved*** to confirm the appointment.

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

17
18 *(Clerk's Note: End of tape one, side B.)*

19
20 **10. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
21 **MARCY MJELDE TO THE SUBSTANCE ABUSE ADVISORY BOARD**
22 **(AB2005-165)**

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

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

27
28 **11. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
29 **NIKKI FINKBONNER AND DR. CHI-NA KIM TO THE BELLINGHAM-**
30 **WHATCOM COUNTY COMMISSION AGAINST DOMESTIC VIOLENCE**
31 **(AB2005-166)**

32
33 ***Crawford moved*** to confirm the appointments. Dr. Chi-Na Kim has worked
34 with the Interfaith Community Health Center and victim's of domestic violence.
35 Stepping up to serve on this commission, with all of Dr. Kim's obligations, is a great
36 statement of his desire to help the community and a great endorsement of the
37 Domestic Violence Commission.

38
39 ***Motion carried unanimously.***

40
41 **12. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
42 **JOE JOHNSON TO THE NORTHWEST SENIOR SERVICES BOARD**
43 **(AB2005-167)**

44
45 ***McShane moved*** to confirm the appointment.

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

1
2 **13. REQUEST CONFIRMATION OF THE EXECUTIVE'S CONCURRENT**
3 **REAPPOINTMENT OF MAYNARD SVOR, CITY APPOINTMENT, TO THE**
4 **BELLINGHAM-WHATCOM COUNTY HOUSING AUTHORITIES BOARD OF**
5 **COMMISSIONERS (AB2005-168)**

6
7 *Brenner moved* to confirm the appointment.

8
9 *Motion carried unanimously.*

10
11 **14. RESOLUTION INITIATING COMPREHENSIVE PLAN AND ZONING**
12 **AMENDMENTS FOR 2005 (AB2005-084)**

13
14 Docket # 2005-A: Bellingham UGA Expansion

15
16 *McShane moved* to docket the application.

17
18 Fleetwood asked if staff recommended approval of this item.

19
20 Sylvia Goodwin, Planning Division Manager, stated they did. Staff is working
21 on the Bellingham Urban Fringe Plan this year. There are a number of related
22 properties. This area is not in the five-year review area. It is north of the city in
23 an area that makes sense to look at while they look at the Urban Fringe Plan.

24
25 *Motion carried unanimously.*

26
27 Docket # 2005-B:Blaine UGA Reduction

28
29 *McShane moved* to docket the application.

30
31 Roy stated this is difficult for her. She cannot support it. She would like to
32 see a proposal that includes the City of Blaine, which is working very hard on
33 responding to the proposed development on the spit. She's very encouraged by
34 the City's involvement with the Drayton Harbor Shellfish Protection District Advisory
35 Committee. The City's heart is in the right place. Give the City a chance to work
36 on a proposal.

37
38 McShane stated there are some opportunities involved here with
39 development in the area. It is timely to move this forward. The urban growth area
40 (UGA) is too large. Don't delay this issue. The City will eventually address the
41 issue, but they must address the issue sooner, given the growth their seeing. The
42 growth is not being directed the way the land says it should be. The City is ready
43 to take this on, given the information he's heard from a number of people.

44
45 Fleetwood stated he understands that the City is ready to take this on, but
46 its planning process will carry on through this year. He made a representation to
47 the Mayor and City Council that he would honor the City's process. He asked if it's

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1 likely that any substantial development would occur before then and if most of this
2 land is in the long-term planning area. Goodwin stated a large portion of the Blaine
3 UGA is a short-term planning area. The City is firm in that it will not put water and
4 sewer out to that area, so that area is not likely to develop without annexation.
5 The Loomis Trail area is a short-term planning area and developing rapidly. The
6 area around Drayton Harbor is a long-term planning area, and will require County
7 Council approval to make it a short-term planning area. The one area that can
8 develop is Semiahmoo Point, which is a short-term planning area.
9

10 Brenner stated she would support the motion. The process taken on by the
11 City of Blaine will take a certain amount of time. If the Council docket this item,
12 then by the time the Council receives the application for approval, there will be
13 more information from the City. Work with the City on this issue at the same time
14 rather than put it off another year.
15

16 Roy stated the City of Blaine is not happy about this coming forward without
17 its input. The Council has to respect this other governmental body. If the City
18 wanted to work with the County on this issue, she would support the application.
19 She hasn't had any indication that's what the City wants.
20

21 Brenner stated this isn't a question of whether or not the County works with
22 the City of Blaine. The County may come up with the same ideas and decisions as
23 the City. The County will work with the City. Approval won't disallow the County
24 from working with the City. The City's process is slower. Approval today is just to
25 docket and discuss the issue.
26

27 Caskey-Schreiber stated Deiter Schugt promised to pull out Birch Point if the
28 County did the same. That area could be developed shortly. It's not a place for
29 high density. She will support the motion.
30

31 McShane asked if staff has talked further about this with groups interested in
32 participating.
33

34 Hal Hart, Planning and Development Services Director, stated they are trying
35 to develop an alternative futures process that would create a two- or three-year
36 process of review to let the land tell them what development belongs out there.
37 There is a lot of development activity going on. He will continue to work more
38 closely with the City of Blaine. The City staff want to work cooperatively with the
39 County. The City, by not completing its urban growth area work, is out of
40 compliance with the Growth Management Act. At a recent meeting with the City
41 staff, the City staff said that having an outside group review the issue will create a
42 tough relationship to work with. Both staffs agreed they need to work together to
43 figure this out. A question is whether docketing this item forces the City staff to
44 work with the County this year.
45

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1 Fleetwood asked in what document short- and long-term planning areas are
2 designated. Hart stated those areas are designated in the Comprehensive Plan.
3 The Council would have to act to change a designation.
4

5 Roy stated the City's plate must be full with the seagrass stuff going on. She
6 would like to hear that the City Manager and head of the City Planning Department
7 are semi-enthusiastic about the County moving forward with this. Last she heard,
8 the City was unhappy with the County working on this issue. Hart stated the City
9 staff feel like the County is putting the cart before the horse.

10
11 Brenner stated that if they are going to wait this out, then designate all the
12 land back to long-term planning areas.
13

14 McShane stated it was suggested as part of the review to reduce certain
15 areas. He would not support that and neither would the City. That's probably what
16 fired up the City. He doesn't necessarily want to make that decision now. He also
17 does not want to drop the entire area out of the UGA, either. This process will help
18 the City decide what areas should be left in or taken out. Leave in the north part of
19 the UGA. He is mainly concerned with areas immediately south of the bay. Have a
20 more healthy discussion about what is going on west of Semiahmoo. If enough
21 time goes by, given the growth that is occurring out there, they run the risk of
22 development occurring because everyone is waiting for someone else to go first.
23

24 Brenner stated that's a great argument for putting this item back in
25 committee and just taking out the portions of the UGA that are of concern. Not
26 designating all the areas as long-term planning areas shows the County's good
27 faith.
28

29 McShane asked if it's necessary to put this back in committee. It's a docket
30 item, not a public hearing.
31

32 Caskey-Schreiber asked if the Council could pull out certain areas from the
33 application. Goodwin stated staff or Council applications can be amended. The
34 Council must accept or reject the application from a private applicant. The Council
35 could docket the item and send the Planning Commission instructions on what it
36 wants, but the purpose of the Planning Commission is to advise the Council. Telling
37 the Planning Commission what the Council wants defeats the purpose of an
38 advisory committee. Either don't docket the item or docket the item and let it go
39 through the public process.
40

41 Brenner stated the Council could postpone the vote, put the item back in
42 committee, and ask Geoff Menzies if he would be comfortable amending the
43 application.
44

45 ***Motion failed 3-3 with Roy, Fleetwood, and Crawford opposed.***
46

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1 Docket # 2005-C:Lynden UGA Reduction

2
3 **Brenner moved** to docket the application.

4
5 **Motion carried unanimously.**

6
7 Docket # 2005-D:Nooksack UGA Modifications

8
9 **Caskey-Schreiber moved** to docket the application with the amended map.

10
11 **Motion carried unanimously.**

12
13 Docket # 2005-E:Columbia Valley/Kendall UGA Modifications

14
15 **Caskey-Schreiber moved** to docket the application.

16
17 McShane stated he would abstain due to a conflict.

18
19 **Motion carried 5-0 with McShane abstaining.**

20
21 Docket # 2005-F:Cherry Point UGA Expansion

22
23 **Roy moved** to docket the application. The building will have minimal
24 environmental impact. It's a safety issue. If the applicant is allowed to go forward
25 with this, there will be a human being there reading the gauges. Now, there is no
26 one at this station. It enhances the safety of the industrial area.

27
28 Brenner stated it's appropriate to have light industrial zoning next to heavy
29 industrial zoning as a buffer. The applicants took the time to talk to all the
30 neighbors, who approved of the change. The Council is changing so many areas
31 back to agriculture. Make sure the one real heavy industrial area in the county has
32 adequate uses. The proposal is environmentally sensitive. At least docket the item
33 so they can talk about it.

34
35 McShane stated that during the committee meeting, he proposed looking at
36 this request through the conditional use process. Whenever the company wants to
37 make an improvement, it has to go through a conditional hearing to get approval.
38 Now, he's convinced that this fits with the Comprehensive Plan, except the
39 buffering part. This makes sure the pipelines operate safely. He's concerned about
40 opening the door to a much larger site than the applicant needs for industrial use.
41 Have a concomitant agreement that the purpose of the light industrial designation
42 would be for the sole purpose of the pipeline, and don't allow more light industrial
43 jobs in this rural area. He agrees that the agreement will limit the number of
44 conditional use permits and make the company upgrade safety features more
45 quickly.

46
47 Brenner stated there are many jobs in that area.

1
2 ***Motion carried 5-1 with Fleetwood opposed.***
3

4 Docket # 2005-G:Toad Lake Area Rezone
5

6 ***McShane moved*** to docket the application. This is a suburban enclave, also
7 called a limited area of more intense rural development (LAMIRD). The area
8 encompassed by the suburban enclave designation is far beyond the area built and
9 developed already. The proposal is to take a good, hard look at that LAMIRD and
10 pull it back so it's in compliance with the Growth Management Act (GMA). Whether
11 or not one is thrilled with GMA and LAMIRD rules, it is a formula for sprawl. An
12 area twice the size of what is built out is zoned rural, one house per two acres,
13 (R2A) or rural residential, two houses per acre (RR2). That zoning doesn't make
14 sense in that area. The County is already having trouble providing sheriff service.
15 The zone goes against everything that the GMA is about.
16

17 Roy asked if this is the LAMIRD that Thousand Friends is concerned about.
18

19 Karen Frakes, Senior Civil Deputy Prosecutor, stated she received an appeal
20 from Futurewise, formerly known as Thousand Friends, challenging everything. The
21 County will be dealing with that in the near future.
22

23 Goodwin stated this is one of the areas the organization was concerned
24 about.
25

26 Brenner stated this was adopted originally as a suburban enclave, not an
27 LAMIRD. It held up in court. They don't want to create more of this zoning, but
28 this particular land has access to water. It may end up being part of Bellingham's
29 UGA. If not, it's a perfect area for small acreage zoning.
30

31 Fleetwood stated he initially supported not docketing this item, and keeping
32 the current designation. After applying the LAMIRD criteria, especially the criterion
33 that there be a logical outer boundary of a built environment, he sees that this area
34 fails to meet the criteria. If, in the future, the City of Bellingham decides to extend
35 a growth boundary out to this area, he will reconsider. At this time, he will support
36 docketing this item.
37

38 McShane stated Futurewise filed an appeal. He vehemently disagrees with
39 Futurewise, who is asking the County to review everything. It's up to Futurewise to
40 review and point out areas it believes are out of compliance, rather than just telling
41 the County to review everything. The County has reviewed these areas. He's
42 reviewed the areas looking for problems. This area is clearly a problem. Other
43 areas aren't a problem. It's ridiculous that the Council should review the areas any
44 more than it has already. He's not happy that Futurewise has filed this appeal. He
45 will do everything he can to make their lives miserable politically or financially using
46 whatever influence he can. He's spoken to them about doing that, and they went
47 ahead and did it with a tremendous amount of arrogance. He's offended by that.

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1 He's disappointed in them individually and personally. He will speak out against
2 them as a group and an organization for that very reason.
3

4 Regarding the Bellingham UGA issue, the worst thing the Council can do is
5 allow this area to develop at this zoning if it should be in the UGA. If it should be in
6 the UGA, the density will have to go higher.
7

8 Brenner stated the applicant is not planning to develop anything. The
9 applicant is planning to work with the City of Bellingham and the County to see if
10 there is potential for a UGA there. Don't take away the suburban enclave if the
11 UGA doesn't occur there. She agrees with Councilmember McShane's comments on
12 Futurewise.
13

14 ***Motion to docket carried 4-2 with Brenner and Crawford opposed.***

15
16 Docket # 2005-H:Chuckanut Area Rezone
17

18 ***Caskey-Schreiber moved*** to docket the application with the new map,
19 showing only the area near the Skagit-Whatcom County line.
20

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

23 Docket # 2005-I:Rural to Agriculture Rezone
24

25 ***McShane moved*** to docket the application. The Council received a letter
26 from the Agricultural Advisory Committee recommending that this item be docketed
27 so development rights be maintained within these areas. He supports the concept.
28 It's appropriate to leave development rights available if the Council is going to
29 change from rural zones to agricultural zones.
30

31 Brenner stated she disagrees that everything has to be agricultural zoning
32 instead of rural. They can handle the areas being developed with development
33 standards and through the Comprehensive Plan rather than downzoning.
34

35 Fleetwood stated no one is suggesting that everything should be agriculture.
36 The amendment would preview certain rural areas. The Agricultural Advisory
37 Committee recommended that the docket items I and J be looked at as one item.
38 His decision to not docket is based in part on the fact that the Agricultural Advisory
39 Committee does not want to consider this item this year. However, the Council
40 received a letter from the advisory committee today proposing that the Council
41 should initiate these two docket items. He's concerned with the staff's position that
42 they are too busy to take up the issues this year.
43

44 Hart stated the Executive asked him to be tough on the Council. The
45 Planning staff is swamped. The less the Council docket, the better the staff can do
46 on the items the Council does docket. However, if the Council docket more items,
47 he has to ask for more resources or drop off work items this year.

1
2 Roy stated these two items and the DelBoca item would take a tremendous
3 amount of time. It is a downzone. They're looking at a problem and deciding that
4 the solution is a downzone before really analyzing the problem. She's not
5 comfortable with that. She can support reviewing how to preserve agricultural land
6 and looking at all their options. There are many options. Don't have the solution
7 as a downzone built into the analysis.

8
9 McShane stated the Comprehensive Plan is clear about agriculture and the
10 amount of acreage that needs to be protected. The Comprehensive Plan is clear
11 about the projected population that would go into the rural areas. This and
12 previous councils supported that projection. On paper, there's been no action to
13 reverse the trend, other than having an agricultural zone that doesn't meant the
14 Comprehensive Plan language.

15
16 *(Clerk's Note: End of tape two, side A.)*
17

18 McShane continued to state that he's not seeing any actions from the Council
19 to reverse the trend of losing farmland. He's sensitive to the staff's workload, but
20 it's not an excuse to not take on this issue. He would support increases to
21 Planning's resources to deal with an issue very important to the community. It's of
22 utmost importance from the community, including the agricultural community. He
23 had a meeting with the agricultural community, which recommended that the
24 Council docket this item. This proposal is not the end-all solution. It's a place to
25 start the conversation. Not acting will not preserve farmland.

26
27 Brenner stated the Growth Management Act is clear that five-acre zoning is
28 rural, allowed, and fine. It's incorrect to say the Council hasn't done anything to
29 preserve agricultural land. The Council approved the agricultural protection
30 overlay, is working on transfers of development rights, and is buying up
31 development rights from willing sellers. The Council should set building standards
32 in rural, five-acre zoning. The Council can solve a lot of problems, especially with
33 the agricultural protection overlay. She won't support a downzone. A huge area
34 has R5A zoning, which is just fine. Work on the standards.

35
36 Fleetwood stated he didn't intend to amend the Comprehensive Plan to
37 forecast what should or should not happen. He wanted to stimulate a policy
38 discussion amongst all on the question of whether or not it's appropriate in certain
39 areas to consider whether there should be changes to agriculture zones. The
40 Council never considers asking for compensation when landowners get an upzone.
41 He will support the motion to stimulate a policy discussion. It's appropriate.

42
43 Brenner stated many people think the County is over-regulating and doing a
44 lot of complex regulations because they have to. Using downzoning as a tool is
45 extremely unfair to the citizens.

46
47 Fleetwood stated this is one tool. This is not the only mechanism.

1
2 Caskey-Schreiber asked if there is another way to make sure the prime
3 agricultural soils in rural zones can be protected. Hart stated the rural-by-design
4 presentation talks about efforts that are out there. There is a menu of efforts to
5 address that issue. Staff evaluates the Comprehensive Plan and asks how the
6 County is doing in those zones. The County is growing like crazy. The question is
7 whether this is the time to look at how the rural lands are developing.

8
9 Caskey-Schreiber stated areas like the East Smith Road are troublesome.
10 It's ugly and not a good use of the land. Hart stated that is a design issue.

11
12 Caskey-Schreiber stated the development currently doesn't respect the land.
13 It takes away opportunities in the future to have small farming operations on those
14 lands.

15
16 Roy stated the Council really wanted more information on rural-by-design.
17 She asked which County staff will bring that information forward. Hart stated a
18 recommendation will come forward from the Parks Department. Planning staff
19 won't act on it until next year.

20
21 McShane stated it sounds like some councilmembers are willing to increase
22 regulations in the rural areas in order to accomplish the same thing. He's not sure
23 more regulations will solve the problem. The issue is about more than agricultural
24 land. Rural five-acre zoning is a financial burden to public service providers, such
25 as the fire districts. There are fiscal issues the Council must consider regarding this
26 level of development.

27
28 ***Motion failed 2-4 with Fleetwood and McShane in favor.***

29
30 Docket # 2005-J:Rural to Agriculture Rezone

31
32 ***Caskey-Schreiber moved*** to docket the application.

33
34 ***Motion failed 2-4 with Fleetwood and McShane in favor.***

35
36 Docket # 2005-K:Toad Lake Area, R5A to RR2

37
38 ***McShane moved*** to docket the application.

39
40 ***Motion failed unanimously.***

41
42 Docket # 2005-L:Toad Lake Area, RR2 to R5A

43
44 ***Caskey-Schreiber moved*** to docket the application.

45
46 ***Motion failed unanimously.***

47

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1 Docket # 2005-M:Point Roberts Rural to Commercial

2
3 Crawford asked if the issue is of access, and that the applicant may not have
4 legal access. He asked if the Planning Department was not able to give the
5 applicant that information.
6

7 Brenner stated staff felt the applicant didn't have access. Staff told the
8 committee that the applicant was still trying to work out the access.
9

10 **Caskey-Schreiber moved** to docket the application.

11
12 **Motion failed unanimously.**
13

14 Docket # 2005-N:Pt. Roberts Resort/Rec. Subdivision to Small Town

15
16 Caskey-Schreiber stated this application was withdrawn from consideration.
17

18 Docket # 2005-O:Agriculture to R2A, Van Dyk Road

19
20 **Crawford moved** to docket the application.
21

22 **Motion failed 1-5 with Crawford in favor.**
23

24 Docket # 2005-P:Agriculture to MRL, Pole Road

25
26 **Caskey-Schreiber moved** to docket the application.
27

28 **Motion failed 1-5 with Crawford in favor.**
29

30 Docket # 2005-Q:Agriculture to Industrial, Jones Road

31
32 **Caskey-Schreiber moved** to docket the application.
33

34 Brenner stated she's not sure if this area has agricultural soils. The area is
35 where many pipelines come together. Work needs to be done there. It is an area
36 that will probably never be farmed. It needs to be used for heavy industrial issues.
37

38 Caskey-Schreiber stated the Agricultural Advisory Committee recommends
39 the Council docket this item.
40

41 **Motion carried unanimously.**
42

43 Docket # 2005-R:Resource Lands Comprehensive Plan Text Amendments

44
45 **McShane moved** to docket the application.
46

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1 Brenner stated this is not concrete enough. Docketing this amendment
2 would create a tremendous amount of work for staff, who would have to create the
3 Comprehensive Plan amendment.
4

5 Crawford stated the Agricultural Advisory Committee has reservations on a
6 number of issues and prefers to see staff time spent on other items.
7

8 Caskey-Schreiber stated this item is worth a look at the policy to see if it can
9 be influenced through policies.
10

11 Roy stated this proposal asks the Planning staff to start all over. The Council
12 went through a review of this two years ago. However great the suggested
13 amendments may be, it's not fair to make staff go over it again. She is concerned
14 that staff will have to start all over on something they just did two years ago.
15

16 McShane stated he will vote against the motion at this time because it will
17 take a lot of effort. The Council just put in a lot of effort into the rural chapter and
18 population projections for the rural area. Don't go through an effort to amend
19 Comprehensive Plan policies if they aren't going to act on them.
20

21 ***Motion failed 2-4 with Fleetwood and Caskey-Schreiber in favor.***
22

23 Docket # 2005-S:Appendix G, Transportation Impact Fee Background
24

25 ***Caskey-Schreiber moved*** to docket the application. She's happy to see
26 this amendment.
27

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

30 Docket # 2005-T:Hazardous Material Policies
31

32 ***Caskey-Schreiber moved*** to docket the application.
33

34 ***Motion failed 2-4 with Brenner and Fleetwood in favor.***
35

36 Roy stated this looks like a time consuming item. The Council has to
37 prioritize what the staff does. The land use items may be more important. She
38 asked why people voted in favor of this item.
39

40 McShane stated that according to federal law, industries with certain volumes
41 of hazardous materials on site must do an evaluation of health and safety for the
42 public and workers. This proposal creates another layer of review. The County
43 doesn't have staff to do this review. The County would need industrial experts to
44 track what is happening at each site, release that information to the public, and
45 report on how well the current federal law works. The proposal gets the County
46 involved in something it shouldn't and can't get involved in. The proposal is from a
47 worker's union that wants to make sure its workers are safe. This is a Labor &

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1 Industries (L&I) issue. This amendment would apply to Cherry Point and Intalco.
2 He's not comfortable with it.

3
4 Brenner stated that is not the proposal. The proposal is to have the
5 reporting information on record. The reports would only be required when there is
6 a major change to or upgrade of the facility. All the company does is report on
7 what it's done to make the facility safer. The County doesn't have anything to do
8 with review. The County just holds on to the records if anyone wants to check and
9 see what the industry has done.

10
11 Crawford stated he is against the motion, and agrees with Councilmember
12 McShane.

13
14 **Caskey-Schreiber moved** to approve the resolution to docket
15 Comprehensive Plan amendments, as amended.

16
17 **Motion carried unanimously.**

18
19
20 **LETTERS SENT BY COUNCIL**

21
22 Caskey-Schreiber presented a letter written by the County's lobbyist to
23 clarify information on the landscape plan. Executive Kremen will support the letter
24 also. The letter will be a joint letter with the Executive.

25
26 **McShane moved** to send the letter.

27
28 Crawford stated he doesn't disagree with the County's perspective.
29 However, the tone of the letter goes to far in characterizing the perspective of the
30 State Department of Natural Resources (DNR). The DNR has taken time to explain
31 some of this. He doesn't like the tone of the letter.

32
33 Brenner stated she's not crazy about the tone of the letter. That's why she
34 wanted to make sure the Executive supports the letter, also.

35
36 Dewey Desler, Deputy Administrator, stated the County Executive has hired
37 a lobbyist for this legislative session to work on the landscape plan and stormwater
38 issues in Lake Whatcom.

39
40 Brenner asked if time is critical on this issue.

41
42 Caskey-Schreiber stated it is.

43
44 Brenner stated she has some amendments to the letter.

45
46 Caskey-Schreiber stated staff can make Councilmember Brenner's changes
47 when they finalize the letter.

1
2 Brenner asked Councilmember Crawford to amend some of the subjective
3 language.

4
5 Crawford stated he's not going to start editing a letter he doesn't even
6 support.

7
8 Roy stated she agreed that the tone was judgmental and best not put in this
9 letter. She trusts that the letter will be revised to sound better.

10
11 Crawford asked the amount of the contract with the lobbyist and the issues
12 the lobbyist will work on. Desler stated the contract amount is \$7,000 to work also
13 on Lake Whatcom stormwater engineering.

14
15 Brenner asked for the Council's trust and permission to tone down the
16 subjective language. She won't change the facts.

17
18 McShane stated the changes to the letter should not lose its accuracy. The
19 lobbyist worked for DNR for 20 years. The DNR put together a report to the
20 legislature and the environmental impact statement. The DNR's willingness to
21 change the numbers less than a year later created a reaction. It's hard to tone
22 down the letter. The letter is actually pretty restrained. The DNR's information
23 presented to the legislature was very aggressive and unkind toward Whatcom
24 County. Tone down the language without changing the accuracy.

25
26 The Council concurred.

27
28 Crawford stated every paragraph in the letter tries to characterize an
29 adversarial relationship between the DNR and the County. That's inappropriate.

30
31 Caskey-Schreiber stated Councilmember Brenner has the Council's
32 permission to tone down the letter.

33
34 ***Motion carried 5-1 with Crawford opposed.***

35
36 **1. LETTER SENT MARCH 16, 2005, REGARDING ESSHB 1290**

37
38 Caskey-Schreiber presented the letter.

39
40
41 **INTRODUCTION ITEMS**

42
43 ***Brenner moved*** to accept the Introduction Items.

44
45 ***Motion carried unanimously.***

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- 1 **1. ORDINANCE TO AMEND A PORTION OF THE OFFICIAL WHATCOM**
2 **COUNTY ZONING MAP UGA-7, SUMAS URBAN GROWTH AREA, FROM**
3 **LONG-TERM PLANNING AREA TO SHORT-TERM PLANNING AREA**
4 **(AB2005-169)**
5
- 6 **2. ORDINANCE AMENDING THE LOT CLUSTERING PROVISIONS OF THE**
7 **URBAN RESIDENTIAL, URBAN RESIDENTIAL MEDIUM DENSITY, AND**
8 **RURAL ZONING DISTRICTS IN THE OFFICIAL WHATCOM COUNTY**
9 **ZONING ORDINANCE (TITLE 20) (AB2005-170)**
10
- 11 **3. ORDINANCE FOR THE ADDITION OF CHAPTER 16.32 TO THE**
12 **WHATCOM COUNTY CODE, ESTABLISHING REGULATIONS FOR**
13 **FERTILIZER APPLICATION ON RESIDENTIAL LAWNS AND PUBLIC**
14 **PROPERTIES WITHIN THE LAKE WHATCOM WATERSHED (AB2005-**
15 **171)**
16
- 17 **4. ORDINANCE CONTINUING THE INTERIM CONDITIONAL USE**
18 **CRITERIA ADOPTED BY ORDINANCE 2004-053 FOR THE SITING OF**
19 **MUSHROOM COMPOSTING AS A CONDITIONAL USE WITHIN THE**
20 **AGRICULTURAL ZONING DISTRICT (AB2005-154)**
21

22 23 **OTHER ITEMS**

- 24
- 25 **5. ORDINANCE AMENDING THE TEXT OF THE RESIDENTIAL RURAL,**
26 **RURAL AND RESORT COMMERCIAL ZONING DISTRICTS AND THE**
27 **DEFINITION OF "PUBLIC WATER" IN THE OFFICIAL WHATCOM**
28 **COUNTY ZONING ORDINANCE (TITLE 20) (AB2005-151)**
29

30 *(Clerk's Note: This item continued from above.)*
31

32 ***Fleetwood moved*** to amend Council packet page 242, section 20.64.260,
33 "...by the Bellingham Whatcom County Health Department..."
34

35 ***Motion carried unanimously.***
36

37 38 **OTHER BUSINESS**

39
40 There was no other business.
41

42 43 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

44
45 Crawford stated he spoke to the Charter Review Commission. The
46 Commission may benefit from more input from the councilmembers. Proposed
47 amendments to the Charter will come from the discussion.

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1
2 Brenner stated the letter in the newspaper made it look like she supports
3 Councilmember Crawford's suggested changes to the Charter, as he presented
4 them to the Commission. She made it clear to the Commission that she didn't
5 support those changes. Even though she has some problems with the system, she
6 supports the system the way it is.

7
8 Caskey-Schreiber stated the Council has a special meeting next Tuesday at
9 10:00 a.m. to continue discussing the moratorium response.

10
11
12 **ADJOURN**

13
14 The meeting adjourned at 10:00 p.m.

15
16
17 _____
18 Jill Nixon, Minutes Transcription

19
20 The Council approved these minutes on April 12, 2005.

21
22 ATTEST: WHATCOM COUNTY COUNCIL
23 WHATCOM COUNTY, WASHINGTON

24
25
26
27 _____
28 Dana Brown-Davis, Council Clerk

27 _____
28 Laurie Caskey-Schreiber, Council Chair