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1
2 The commission is developing a domestic violence screening tool for
3 physicians in the community as a part of a routine risk assessment.

4
5 The commission members present presentations to groups in the community
6 in the hopes of positive community change.

7
8 The commission supports implementing the recommendations from the 2002
9 Domestic Violence Safety and Accountability Audit. The audit recommends forming
10 focus groups with domestic violence survivors to develop best practices for law
11 enforcement; developing a new risk assessment for law enforcement personnel to
12 use, and; a discussion among service providers related to on-scene advocacy.

13
14 Sue Parrott, Commission Against Domestic Violence Director, stated the
15 second annual Domestic Violence Indicators Report presented findings. Data from
16 the past five years was adjusted to population changes and used to run statistical
17 analyses. The data is being collected in Whatcom County. During those years,
18 there were increases in felony case filings for domestic violence. There have also
19 been increases in domestic violence protection order filing, referrals for domestic
20 violence-related charges, and the use of Womenscare Shelter and domestic violence
21 and sexual assault services.

22
23 There has been a decrease in the incidences where law enforcement respond
24 to a call and determine nothing has occurred that warrants an arrest.

25
26 Three areas have had no change: jail bookings, misdemeanor charges, and
27 offenses as reported by law enforcement, all related to domestic violence. The
28 domestic violence offenses per capita are consistent with the state figures.

29
30 New data was collected over one year on misdemeanor charge dispositions,
31 felony case dispositions, and information on individuals who have been ordered to
32 domestic violence perpetrator treatment. The number of perpetrators convicted
33 was significantly higher than the number of perpetrators who are referred to
34 treatment.

35
36 Crawford asked if low referrals is because there is a limited amount of
37 treatment available. Parrott stated it is not. They don't have data available on why
38 those people aren't referred to treatment.

39
40 Brenner asked the re-offending rate of people who finish treatment. Parrott
41 stated no one has that information yet. They hope to begin working on recidivism
42 data.

43
44 **2. PROCLAMATION BY EXECUTIVE PETE KREMEN DECLARING MAY AS**
45 **BETTER HEARING AND SPEECH MONTH (AB2005-017)**

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1 Dewey Desler, Deputy Administrator, read a proclamation into the record (*on*
2 *file*). May 2005 is Better Hearing and Speech Month in Whatcom County. He
3 presented the proclamation to Kathy Mason of Better Hearing.
4

5 Kathy Mason, Better Hearing, submitted information (*on file*) and gave a
6 PowerPoint presentation on hearing loss. Hearing loss robs a sufferer of many
7 things. Hearing loss develops slowly and restricts communication. She listed
8 common causes of hearing loss. It is the most preventable disability in the world.
9 Only a fraction of the people who need hearing aids own them. She listed the
10 physical indicators of hearing loss and the types of hearing loss. Uncorrected
11 hearing loss will cause a decline in the ability to understand speech at a rate of five
12 percent per year. With correction, the decline can be one percent or less per year.
13 Most hearing losses can be treated with hearing aids. She listed the benefits of
14 wearing a hearing aid. Hearing aid technology has increased greatly over the
15 decades. Everyone should get their hearing tested during May's Better Hearing and
16 Speech Month, and follow up if necessary.
17

18 Charlene MacKenzie, Self Help for the Hard of Hearing, Inc., stated Self Help
19 for the Hard of Hearing is a new support group in Whatcom County. The mission is
20 to support, educate, inform, and advocate for people with hearing loss.
21

22 Desler read a **proclamation by Executive Kremen declaring May 9 to**
23 **May 15 as Wildfire Awareness Week** and presented the proclamation to
24 Whatcom County Fire Marshal Warner Webb.
25

26 Warner Webb, Fire Marshal, stated the County, the State Department of
27 Natural Resources (DNR), and the Conservation District will target the building
28 departments for home construction materials and the local landscapers for the low-
29 risk vegetation available to homes. He will go to Lummi Island and Sudden Valley
30 to do chipping projects, in lieu of burning.
31

32 **3. FIRST QUARTER UPDATE ON ECONOMIC DEVELOPMENT PROGRAMS**
33 **AND PROJECTS AND PREVIEW OF WEBSITE FROM THE EDC (AB2005-**
34 **017)**
35

36 Rob Pochert, Economic Development Council (EDC) Executive Director,
37 submitted information (*on file*). The marketing plan included a new logo, new
38 brochures, new regional information, and an upgrade of the website. The EDC is
39 working on web marketing strategy now. Whatcom County did not have an
40 effective business recruitment website.
41

42 After doing some research, they found that corporate executives believe
43 dialog with industry peers is the number one source of information. That is key to
44 the marketing strategy. The web is the number one place for research and
45 information collection. The internet is the first place companies turn to when
46 developing an interest in a community for expansion and relocation. A knowledge
47 based website is necessary.

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1
2 A successful website must provide accurate information, not propaganda. It
3 must maintain regular updates and link to other relevant websites. The EDC
4 committed to completely revising the existing website. He showed examples of the
5 new website. Several County staff personnel put work into the website. The total
6 concept includes using peer messages on direct mail that goes directly to corporate
7 executives and real estate brokers. The website is a public/private partnership with
8 many agencies in the county. He thanked the County for its support.
9

10 Fleetwood asked who designed the logo. Pochert stated the agency that put
11 together the logo is Cartwright Creative Group.
12

13 *(Clerk's Note: End of tape one, side A.)*
14

15 Pochert stated Cartwright Creative Group also put together the website
16 design and worked with the County's geographic information system (GIS) staff.
17

18 Roy asked the number of hits on the website compared to the new website.
19 Pochert stated he hasn't looked at that data yet. He just approved the artwork for
20 the first mailing, which will go out in May. Data is being collected, but they haven't
21 analyzed it yet.
22
23

24 **MINUTES CONSENT**

25
26 *Nelson moved* to approve Minutes Consent items one through three.
27

28 *Motion carried unanimously.*
29

- 30 **1. SPECIAL COUNTY COUNCIL FOR APRIL 5, 2005**
31
32 **2. COMMITTEE OF THE WHOLE FOR APRIL 12, 2005**
33
34 **3. REGULAR COUNTY COUNCIL FOR APRIL 12, 2005**
35
36

37 **OPEN SESSION**

38
39 The following people spoke:
40

41 Marion Beddill, People for Lake Whatcom Vice-President, submitted and read
42 from information (*on file*) on the **ordinance imposing an interim moratorium**
43 **on the acceptance of new applications for subdivisions within the Lake**
44 **Whatcom watershed (AB2005-187)**. Do not lift the moratorium until the total
45 maximum daily load (TMDL) study is received and implemented.
46

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1 Dennis Jones, 1487 Sudden Valley, Bellingham, stated the Sudden Valley
2 Community Association adopted 21 goals for Lake Whatcom Management Plan. The
3 cost of a plan will be expensive. However, it will cost much more to do nothing. He
4 has tried to get the Charter Review Commission to define a district. There are
5 many kinds of districts. Planning by watershed district is one of the most practical
6 ways to do watershed planning.

7
8 Tim Paxton, 2120 Ellis, Bellingham, stated he is opposed to the formation of
9 a City of Sudden Valley. Superior Court ruled that there was no State
10 Environmental Protection Act (SEPA) comments because the County threw them all
11 out. Now, the issue is before the Supreme Court. Sudden Valley is pushing this
12 forward. If Sudden Valley becomes a city, it becomes out of the control of the
13 County. Any controls for growth around Lake Whatcom go out the door. Given the
14 City of Bellingham's opposition to the area becoming a city, given the money the
15 County will spend at the Supreme Court, and given the fact that growth will go out
16 of control, he encouraged the Council to rescind the 2001 ordinance that would
17 allow Sudden Valley to eventually become a city.

18
19 He recently took a picture of how the public is viewing the health issues in
20 Whatcom County. Every week, the County employees are delivered bottled
21 drinking water. This gives an impression of how the people in this building view the
22 efforts to protect water quality and public health. If the employees of the building
23 think the water is so bad that they will buy bottled water, it's time to get a public
24 health specialist in to look at the total picture.

25
26 Roy asked the ordinance number Mr. Paxton referenced. Paxton stated he
27 will provide that information. It is a 2001 ordinance.

28
29 Richard Severson, 3435 Robertson Road, Bellingham, stated he supports the
30 County law enforcement and jails. It is the most important thing the County does.
31 The response time is too long. He is opposed to a City jail. The County interests
32 are out-voted by city voters.

33
34 In addition to the hearing presentation, loss of hearing can be caused by
35 malpractice and mumps.

36
37
38 **PUBLIC HEARINGS**

39
40 **1. ORDINANCE IMPOSING AN INTERIM MORATORIUM ON THE**
41 **ACCEPTANCE OF NEW APPLICATIONS FOR SUBDIVISIONS WITHIN**
42 **THE LAKE WHATCOM WATERSHED (AB2005-187)**

43
44 Caskey-Schreiber opened the public hearing and the following people spoke:

45
46 Marion Beddill, People for Lake Whatcom Vice-President, stated her
47 comments during the Open Session apply to this issue.

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1
2 Steve Hood, Department of Ecology, stated he was encouraged by the
3 Council's work to find incentives to do retrofitting. When the Council originally
4 passed the moratorium, it wanted to work toward comprehensive stormwater
5 programming. Keep that in mind every time a 5,000 square feet of impervious
6 surface and another ¾-acre lawn goes in. Meet with the Puget Sound Action Team
7 and Ecology to put together a reasonable plan. Get those things addressed sooner
8 rather than later.
9

10 Tim Paxton, 2120 Ellis Street, Bellingham, stated he encourages the Council
11 to adopt the ordinance. Look at the health effects as the Board of Health. The
12 subdivisions and development out there cause toxic algae blooms. The City is using
13 more and more alum to treat the water. Reduce development and put in a
14 permanent moratorium.
15

16 Richard Severson, 3435 Robertson Road, Bellingham, stated the County
17 should use a reservoir on the other side of the mountains for drinking water.
18

19 Hearing no one else, Caskey-Schreiber closed the public hearing.
20

21 **McShane moved** to adopt the ordinance.
22

23 **Brenner moved** to amend the ordinance to add language, "Be it further
24 ordained that parcels may be cluster-divided, provided that:

- 25 • The net density of the division shall not exceed one unit per 5 acres;
- 26 • The total amount of impervious surface permitted on the resulting
27 cluster lots would be less than that which would otherwise be
28 permitted on 5-acre or greater parcels; and
- 29 • The cluster division shall result in a greater percentage of open space
30 preservation than conventional 5-acre lots."
31

32 Crawford stated one resident has 20 acres in the rural, one unit per five acre
33 (R5A) zone. The parcel would allow four five-acre parcels. For purposes of limiting
34 impervious surface and road construction to get four perfect five-acre parcels, the
35 resident was encouraged by County staff to cluster to create three two-acre parcels
36 and a remainder tract with a buildable lot on the remaining 14 acres. Staff will
37 interpret this proposed language, if adopted, to mean that this resident will not be
38 able to cluster the development. All the resident can do is turn the 20 acres into
39 four even five-acre parcels.
40

41 There are options to make this language work for this resident. One option
42 would be to remove the words "that remain" from the second "Be it further
43 ordained" statement. Another option would be to add language that says folks
44 could still cluster if they are going to subdivide anyway if there is an environmental
45 benefit to the cluster development.
46

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1 He asked Councilmember McShane the intent of the words "lots that remain
2 5 acres or greater" and if there is a fix.
3

4 McShane stated the intent was to reflect the will of the Council that amended
5 the original moratorium in January to exempt the five acres. He opposed that
6 intent, but he didn't think he would bring that fight up again.
7

8 Regarding the clustering, Councilmember Crawford and Councilmember
9 Brenner's point is fine, but the Council is in the midst of refining Whatcom County
10 Code (WCC) 20.71. Part of that process is related to cluster subdivision rules. If
11 they are concerned about one individual, or others in similar situations, then allow
12 clustering to go forward after they complete the amendments to WCC 20.71. It
13 also creates a more even playing field for everyone. That section of the code could
14 be done in a couple of months. They are close to being completed.
15

16 Brenner stated Councilmember Crawford's recommended change to the
17 second "Be it further ordained" statement would not allow cluster developments. It
18 would just allow development of lots in the watershed less than five acres. They
19 won't have to be clustered.
20

21 She worked on her proposed language with staff. It would be nice if they
22 could wait until things are perfect, but allowing clusters to happen during the time
23 they are working on this ordinance is better than having more five-acre lots going
24 in. This change would require the development to be better environmentally.
25

26 Roy stated much of the Council's work session discussion has been related to
27 this one resident. If she supports the amendment, it's not because of one
28 individual. She will support the amendment because it provides more protection for
29 the watershed. It reduced impervious surface and increases open space. She
30 knows Mr. Hart was concerned about the same issue as Councilmember McShane.
31 The Council has given the Planning Department all sorts of work. She hates to add
32 more, but it's hard not supporting something that will reduce impervious surfaces
33 and increase open space.
34

35 McShane stated there is a financial advantage to clustering. It won't take
36 that long before the cluster subdivision rules are finalized. This individual called
37 him two and a half years ago to talk about subdivisions in general. Clustering
38 would be to her advantage. The Council is not forcing people to avoid clustering.
39 The Council wants to make sure the open space tract is designated for the purpose
40 of watershed protection versus something else. Now, the open space tract is not
41 designated for watershed protection. The reason they've talked about changing the
42 cluster rules for the watershed is to make the purpose of open space clear.
43

44 Crawford stated Mr. Martin indicated to him that there is not a lot of large
45 acreage proposals out there for subdivisions in the watershed, although they're
46 dealing with an individual who has been working on a project for eight years. Mr.
47 Martin also indicated that most large acreage subdivisions do involve clustering in

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1 one form or another. There is an economic advantage to building fewer roads.
2 The Council is 99 percent of the way there. He will support the motion to amend.

3
4 Roy asked if the cluster lot work that is in progress now will provide more
5 specific criteria for open space use.

6
7 McShane stated the purpose of the reserve tract is to work on vegetation
8 issues. Currently, it just refers to the landscape rules. The landscape rules are the
9 same as anywhere else. The purpose can be other than water quality protection.
10 Language was added about native coniferous trees.

11
12 Roy asked Mr. Hart's concerns.

13
14 Hal Hart, Planning and Development Services Department Director, stated
15 the concern is that they're creating a series of regulations that apply to different
16 people in time that they have to track. He will do an interpretation that will only
17 last a month, before the final regulations. There may be seven or eight applications
18 that come forward in the interim. At the front counter, the staff will explain the
19 differences among the way regulations were before, the way they are during the
20 interim, during the temporary interim, and then the final. From his perspective, the
21 fewer the differences, the better.

22
23 Brenner stated it won't be that many. She's not talking about creating an
24 interim cluster ordinance. The cluster ordinance already exists. They're not talking
25 about a third iteration, but using the iteration that exists. When they can get less
26 impervious surface and a greater percentage of open space preservation, it's worth
27 the effort. Convenience went out the window with the moratorium. Allowing
28 cluster development is a minor thing.

29
30 Nelson stated clustering is allowed in the agricultural overlay. The staff is
31 administering clustering now in the county. It wouldn't make that much difference
32 to add the Lake Whatcom watershed. Staff still has to explain clustering. He hoped
33 the clustering ordinances includes other sensitive areas in the county.

34
35 McShane stated that when clustering occurs in farmland, the purpose of the
36 reserve tract is clearly defined. The purpose of the reserve tract is not clear in the
37 case of Lake Whatcom.

38
39 Nelson asked if the clustering amendment can be conditioned. He's hearing
40 a concern about the reserve tract reflecting a certain perspective. He asked if the
41 cluster can be conditioned on the conditions. The reserve tract would be held to
42 any conditions established in the future.

43
44 Karen Frakes, Senior Civil Deputy Prosecutor, stated the Council could do
45 that.

46

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1 Nelson suggested a friendly amendment that the purpose of reserve tracts be
2 for watershed protection.

3
4 Caskey-Schreiber stated she is not comfortable with this. It feels like they're
5 trying to do this on the fly. She agrees with the issue, but staff is saying the
6 Council will create another set of rules, and in the future the Council will fine-tune
7 the rules. It gets confusing for the landowners who have different rules apply.
8 Adopt this as it is. Within 30 days, they will have the permanent regulations done.
9 It's a better way for staff and the county. It won't cause that much of an
10 inconvenience for someone to wait 30 to 60 days.

11
12 Brenner stated the Council can add amendments if they don't further restrict
13 property. Frakes stated that's not the criterion. The criterion for a public hearing
14 requirement is whether there is a significant change one way or the other so the
15 public can weigh in on the issue, no matter what side they're on.

16
17 Nelson withdrew his friendly amendment.

18
19 Crawford stated the clustering ordinance now says that clustering promotes
20 energy efficiency. That's ambiguous and doesn't reflect the Council's intent to
21 protect Lake Whatcom. The Council shouldn't pass an interim law just because it is
22 the same as what the final law will be. The Council could say that about
23 everything.

24
25 ***Motion to amend failed 3-4 with Nelson, Brenner, and Crawford in***
26 ***favor.***

27
28 ***Brenner moved*** to amend, "**Be it further ordained that this moratorium shall**
29 **be lifted in 30 days.**" They claim the clustering rules will be done then.

30
31 Roy stated this moratorium covers more than the clustering concept. There
32 is a natural life to this ordinance. She is not comfortable with the 30-day limit
33 because there is more to this than the one issue.

34
35 McShane stated the City of Bellingham and Whatcom County planning
36 commissions are currently looking at the urban growth areas in the watershed
37 regarding zoning and boundaries. At the minimum, they need to go through that
38 process before the subdivision moratorium is lifted.

39
40 ***Brenner withdrew the motion.***

41
42 Brenner requested that cluster subdivision on lots five-acres or greater be
43 introduced tonight for a hearing in two weeks. Use the same "whereas" statements
44 and the wording she read into the record.

45
46 Caskey-Schreiber stated the committee must continue to work it out.
47

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1 ***Motion failed 1-6 with Brenner in favor.***

2
3 *(Clerk's Note: End of tape one, side B.)*

4
5 Nelson asked how much this would affect people in Water District 10 in terms
6 of sewer and water if the Council changes the zoning. Pederson stated she isn't
7 prepared to answer that question. The 2001 subdivision moratorium affected many
8 who hoped for future connections to develop. Now, many of those people have
9 committed to connections or a 25-year moratorium. At this point, a rezone
10 wouldn't necessarily affect them unless they were holding out to divide later.

11
12 Caskey-Schreiber stated the water district said it is able to make the loan
13 payments based on the number of connections it has now.

14
15 McShane stated there wouldn't be a direct impact to the water district. They
16 may want to consider people with sub-dividable land who have paid the fee but who
17 have not submitted a subdivision application. That consideration will be done by
18 the planning commissions and councils of both the City and Council. It will affect
19 mostly Geneva and Hillsdale.

20
21 Pederson stated there are areas of Hillsdale that don't have city water.
22 There are proposals to shrink the urban growth area numbers in those areas. Her
23 estimates in her memo are gross estimates, and do no factor out critical area
24 limitations or other things. The buildout estimate she distributed previously is a
25 more refined, accurate buildout estimate, but doesn't give numbers of potential
26 sub-dividable lots.

27
28 Nelson stated he will support the ordinance with the understanding that they
29 have only a six month moratorium. He hopes all concerns raised will be clearly
30 identified and have stronger numbers to support what they're talking about. Work
31 closely with other jurisdictions in the watershed that can be affected by this
32 ordinance.

33
34 Roy asked the timeline for looking at the Bellingham urban growth areas and
35 doing the necessary evaluations. She asked if it is possible that it can be done
36 within six months. Hart stated that is possible. Community meetings are
37 happening now.

38
39 Brenner asked the process to change the ordinance to allow for cluster
40 development.

41
42 Caskey-Schreiber stated that as soon as they adopt WCC 20.71, they adopt
43 to everyone except those who are vested.

44
45 McShane stated the County had a subdivision moratorium a few years ago.
46 It lasted about a year and a half before the zoning was finalized. During that time,
47 a number of amendments were made to the moratorium to lift certain conditions as

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1 information came forward. That is an approach they can take with this moratorium.
2 There are a lot of ways to make changes to the ordinance as information comes
3 forward.

4
5 *Motion to adopt the ordinance carried 6-1 with Crawford opposed.*
6

7
8 **CONSENT AGENDA**
9

10 *Nelson* reported for the Finance and Administrative Services Committee and
11 *moved* to approve Consent Agenda items one through four.

12
13 *Motion to approve Consent Agenda items one through four carried*
14 *unanimously.*
15

- 16 1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
17 PROFESSIONAL SERVICES CONTRACT BETWEEN WHATCOM COUNTY
18 AND SHEARER DESIGN, LLC FOR DESIGN OF PREFABRICATED BRIDGE
19 SYSTEM, IN THE AMOUNT OF \$60,506 (AB2005-192)
20
- 21 2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
22 PROFESSIONAL SERVICES CONTRACT AMENDMENT BETWEEN
23 WHATCOM COUNTY AND ART ANDERSON ASSOCIATES TO PROVIDE
24 ADMINISTRATIVE SUPPORT IN BUILDING THE PROGRAM TO
25 SUSTAIN AND IMPROVE THE LUMMI ISLAND FERRY SYSTEM, IN THE
26 AMOUNT OF \$100,000, FOR A TOTAL AMENDED CONTRACT IN THE
27 AMOUNT OF \$115,000 (AB2005-193)
28
- 29 3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
30 PROFESSIONAL SERVICES CONTRACT AMENDMENT BETWEEN
31 WHATCOM COUNTY AND ELLIOTT BAY DESIGN GROUP FOR
32 ENGINEERING SUPPORT SERVICES IN THE DESIGN AND
33 CONSTRUCTION SUPERVISION OF A NEW PASSENGER VEHICLE
34 FERRY, IN THE AMOUNT OF \$222,940, FOR A TOTAL AMENDED
35 CONTRACT IN THE AMOUNT OF \$237,940 (AB2005-194)
36
- 37 4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID NO.
38 05-29 TO THE LOW BIDDER, WHATCOM BUILDERS, INC., FOR
39 ANNUAL MISCELLANEOUS OVERLAY AND PRELEVEL PROJECTS, IN
40 THE AMOUNT OF \$439,234.20 (AB2005-195)
41

42
43 **OTHER ITEMS**
44

- 45 1. ORDINANCE AMENDING 2005 WHATCOM COUNTY BUDGET, REQUEST
46 NO. 4 (AB2005-182)
47

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1 **Nelson** reported for the Finance and Administrative Services Committee and
2 **moved** to adopt the ordinance.

3
4 Caskey-Schreiber stated this seems like a lot of money.

5
6 Dewey Desler, Deputy Administrator, stated the parcel is 5.7 acres with 670
7 feet of waterfront along the east shore of the lake and a small stream. Currently,
8 the property is platted for three building sites, and has septic systems and wells
9 already installed.

10
11 Nelson stated these types of lots were deemed a high priority in the initial
12 conservation planning with the city because they are on the shoreline and near
13 streams. This property is being purchased below the assessed valuation. He
14 strongly urged the Council to support the purchase.

15
16 Desler stated the purchase price is about half the assessed value.

17
18 Caskey-Schreiber stated she recently visited Point Roberts. She was amazed
19 by how beautiful it is. The whole property is for sale for \$1.5 million. It has about
20 five or ten acres. At some point, they have to begin weighing the equity of these
21 properties.

22
23 **Motion carried unanimously.**

24
25 **2. ORDINANCE ESTABLISHING A \$50.00 PETTY CASH REVOLVING FUND**
26 **FOR JUVENILE COURT ADMINISTRATION (AB2005-184)**

27
28 **Nelson** reported for the Finance and Administrative Services Committee and
29 **moved** to adopt the ordinance.

30
31 **Motion carried unanimously.**

32
33 **3. ORDINANCE ESTABLISHING A \$200.00 PETTY CASH REVOLVING**
34 **FUND FOR THE COUNTY CLERK (AB2005-185)**

35
36 **Nelson** reported for the Finance and Administrative Services Committee and
37 **moved** to adopt the ordinance.

38
39 **Motion carried unanimously.**

40
41 **6. RESOLUTION ADOPTING RECOMMENDATIONS FOR OPEN**
42 **SPACE/FARM AND AGRICULTURAL CONSERVATION AND OPEN**
43 **SPACE/TIMBER APPLICATIONS (AB2005-186)**

44
45 **Fleetwood** reported for the Planning and Development Committee and
46 **moved** to approve the resolution.

47

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1 *Motion carried unanimously.*

2
3 4. **ORDINANCE AMENDING TEXT OF THE OFFICIAL WHATCOM COUNTY**
4 **ZONING ORDINANCE, SPECIFICALLY THE ADDITION OF CHAPTER**
5 **20.15 – MUSHROOM SUBSTRATE PRODUCTION FACILITIES SITING**
6 **REQUIREMENTS, ESTABLISHING LOCATIONAL CRITERIA AND**
7 **ZONING DISTRICTS IN WHICH SUCH FACILITIES WILL BE ALLOWED**
8 **(AB2005-105)**
9

10 Fleetwood reported for the Planning and Development Committee and stated
11 the committee made amendments and recommends that the Council schedule a
12 public hearing.

13
14 Roy asked if the Planning Committee considered the community's input.

15
16 Fleetwood stated the Hopewell Neighborhood Association had three proposed
17 additions. Representatives of the association met with County staff and negotiated
18 a number of issues. The committee considered only three remaining issues. The
19 committee did not support those three remaining issues.

20
21 *Brenner moved* to amend Whatcom County Code (WCC) section 20.15.040
22 to strike the last sentence, "...standards shall apply. ~~Mushroom substrate~~
23 ~~production facilities in operation...as found in 20.15.070(1) and (2).~~"

24
25 Crawford stated he wants them to be exempt if it means they're not
26 expanding.

27
28 Brenner stated this is only removing the exemption if there is an expansion.

29
30 Roy asked if existing facilities have to retrofit their facilities.

31
32 Brenner stated they do not.

33
34 McShane stated he is opposed to the motion. People are not happy with the
35 existing facility, which is a nonconforming use and not operating under the current
36 health code rules. If the owner decides to improve the facility to make it better, it
37 might require expansion. The expansion is only limited to 3,250 cubic yards.
38 Everything they would have to do would follow all the health code rules. With the
39 exemption, the current facility would be able to operate in a better way than it is
40 now, more in keeping with the wishes of the neighborhood association. The only
41 thing the facility is exempt from is the buffer and setback rules, not the other rules
42 in WCC 20.15.070. Also, production is limited to 3,250 cubic yards per month.

43
44 Brenner stated the facility may also not expand. This is what the
45 neighborhood association wanted. There won't be an expansion. This language
46 makes the facility adhere to all the buffer and setback requirements, like everyone
47 else. Also, the attorney for the neighborhood association raised a concern. If the

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1 facility is allowed to expand its nonconforming use, it is no different than building a
2 new facility. An exemption would, in effect, give special treatment to one over
3 another.

4
5 ***Motion to amend carried 5-2 with Fleetwood and McShane opposed.***

6
7 ***Brenner moved*** to amend WCC 20.15.070(a) to add rural zoning and to
8 remove rural zoning from WCC 20.15.070(b).

9
10 McShane stated he is against the motion. The neighborhood association
11 submitted similar ordinance from around the country, but they had to do with hog
12 farm operations. The mushroom substrate facility is only allowed in the industrial
13 and agricultural zones. The size of the facility will be limited. The use will be
14 enclosed in a building and fully compliant with the health codes. The Council should
15 not equate a mushroom substrate facility, which is entirely contained and follows
16 extremely good, stringent rules, with giant hog farm operations. The two are not
17 the same. If the health code doesn't hold up, the Council can quickly change the
18 distance criteria. He's not comfortable equating the use with that kind of impact.

19
20 Caskey-Schreiber stated that Recomp was an indoor facility with a bio-filter
21 that should have done its job. It only worked as well as it's maintained. She will
22 err on the side of the citizens.

23
24 ***Motion to amend carried 4-3 with Nelson, Fleetwood, and McShane***
25 ***opposed.***

26
27 Brenner stated the last issue from the neighborhood association was to
28 require a performance bond. The County does enforcement, not performance
29 bonds. Also, a performance bond must equate to the value of a cost. If they end
30 up cleaning up the site, there won't be a huge cost.

31
32 Caskey-Schreiber stated that the Council will schedule a public hearing on
33 May 24 and will introduce the new amended ordinance in two weeks.

34
35 **5. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING**
36 **ORDINANCE, TITLE 20, CHAPTERS 20.37 – POINT ROBERTS**
37 **TRANSITIONAL ZONE (TZ) DISTRICT, 20.71 – WATER RESOURCE**
38 **PROTECTION OVERLAY DISTRICT, AND 20.97 – DEFINITIONS TO**
39 **CLARIFY REQUIREMENTS AND STANDARDS FOR CLUSTER**
40 **SUBDIVISIONS (AB2005-149)**

41
42 Fleetwood reported for the Planning and Development Committee and stated
43 the committee made amendments to the proposed ordinance. The new version will
44 be before the Council for introduction on May 10 and the Council will hold a public
45 hearing on May 26.

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- 1 **7. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
2 **VICKI HAWLEY TO THE AGRICULTURE ADVISORY COMMITTEE**
3 **(AB2005-196)**

4
5 *Brenner moved to* confirm the appointment.

6
7 *Motion carried unanimously.*

- 8
9 **8. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
10 **CAROLE MACDONALD, RENEE REIMER, DREW SCHMIDT AND MARK**
11 **SIMPSON TO THE LODGING TAX ADVISORY COMMITTEE (AB2005-**
12 **197)**

13
14 *Brenner moved to* confirm the appointments.

15
16 *Motion carried unanimously.*

- 17
18 **9. RESOLUTION APPROVING A SALARY SCHEDULES FOR THE WHATCOM**
19 **COUNTY COUNCIL FOR THE YEARS 2006, 2007, 2008, AND 2009**
20 **(AB2005-089)**

21
22 *Fleetwood moved* to approve the resolution.

23
24 *Motion carried unanimously.*

25
26 **Addendum:**

- 27 **10. ACCEPTANCE OF THE WHATCOM COUNTY 14-YEAR FERRY PROGRAM**
28 **FOR THE YEARS 2005-2018 (AB2005-163A)**

29
30 *Nelson moved* to accept the plan.

31
32 *Motion carried unanimously.*

33
34
35 **INTRODUCTION ITEMS**

36
37 *Brenner moved* to accept the Introduction Items.

38
39 *Motion carried unanimously.*

- 40
41 **1. PRESENTATION BY THE BELLINGHAM-WHATCOM COUNTY**
42 **CONVENTION AND VISITORS BUREAU, SUSTAINABLE CONNECTIONS,**
43 **AND FARM FRIENDS REGARDING PLACEMENT OF DIRECTIONAL AND**
44 **EDUCATIONAL AGRICULTURAL SIGNS ON COUNTY ROADS**
45 **(PRESENTATION SCHEDULED FOR PUBLIC WORKS AND SAFETY**
46 **COMMITTEE ON MAY 10) (AB2005-191)**

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1 2. RESOLUTION APPROVING BIRCH BAY WATER AND SEWER
2 DISTRICT'S COMPREHENSIVE SEWER SYSTEM PLAN, AMENDMENT
3 NO. 2 (AB2005-198)
4

5 3. ORDINANCE ADDRESSING PARKING RESTRICTIONS ON THE BEACH
6 SIDE OF BIRCH BAY DRIVE (AB2005-199)
7

8
9 **OTHER BUSINESS**

10
11 Caskey-Schreiber stated the Council will meet on May 3 from 2:00 p.m. to
12 4:00 p.m. for another work session on moratorium response.
13

14
15 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**
16

17 Fleetwood stated he agreed with Councilmember Caskey-Schreiber about Lily
18 Point in Point Roberts. They went on a tour of the property last week. It is very
19 beautiful. It would make a good use of the Conservation Futures funds at some
20 point.
21

22 Caskey-Schreiber agreed.
23

24 McShane stated the erosion rate at Lily Point is high, which is why it hasn't
25 been developed.
26

27 Roy stated it is an important Native American site. There are other unique
28 and beautiful sites in the county, such as Semiahmoo Spit. The Council needs to
29 talk about having more Conservation Futures funds at its disposal.
30

31 Dewey Desler, Deputy Administrator, stated the Council will discuss next
32 week the Comprehensive Parks and Recreation Open Space Plan. It's apropos to
33 have these kinds of discussions for the plan.
34

35
36 **ADJOURN**
37

38 The meeting adjourned at 9:12 p.m.
39
40

41 _____
42 Jill Nixon, Minutes Transcription
43

44 The Council approved these minutes on _____, 2005.
45

46 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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7

Dana Brown-Davis, Council Clerk

Laurie Caskey-Schreiber, Council Chair