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WHATCOM COUNTY COUNCIL
Regular County Council

July 12, 2005

Council Chair Laurie Caskey-Schreiber called the meeting to order at 7:10 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Barbara Brenner
Dan McShane
Sam Crawford
Seth Fleetwood
Sharon Roy
L. Ward Nelson

Absent:

None

FLAG SALUTE

ANNOUNCEMENTS

Caskey-Schreiber announced that the Committee of the Whole discussed three items in executive session:

- **Update on Collective Bargaining negotiations, open and soon-to-expire agreements (AB2005-062)**
- **Discussion with Senior Deputy Prosecutor Karen Frakes regarding pending litigation (AB2005-105)**
- **Discussion with Public Works Director Jeff Monsen regarding a land acquisition (AB2005-018)**
- **Discussion regarding a possible land acquisition (AB2005-018)**

Nelson moved to approve a land acquisition by the heron colony at Birch Bay, with British Petroleum and the Whatcom Land Trust.

Motion carried unanimously.

MINUTES CONSENT

Nelson moved to approve the Minutes Consent items.

Motion carried unanimously.

1. **BOARD OF HEALTH FOR JUNE 14, 2005**
2. **REGULAR COUNTY COUNCIL FOR JUNE 21, 2005**

1
2 **3. WATER RESOURCES WORK SESSION FOR JUNE 28, 2005**

3
4
5 **OPEN SESSION**

6
7 The following people spoke:

8
9 Dennis Jones, 1487 Sudden Valley, stated he advocates for the Lake
10 Whatcom Management Plan. Nineteen of the 21 goals are easy. He's happy the
11 County, City of Bellingham, and the water and sewer district have cooperated. The
12 two contentious items are the cost of green building and the flow through of the
13 Middle Fork diversion. It's a cool water source. If they don't supply management,
14 money, models, and manpower, nothing will happen. Goal 12 is transportation.
15 Surface and stormwater runoff is the number one pollutant. Consider a plan to do
16 something special for the buffer area between the wild lands and the city. Let the
17 people in the watershed pay more for a more convenient and direct transportation
18 system. It's time for the people in the watershed to pay at least what the people in
19 the City of Bellingham are paying to protect that watershed. The County must play
20 a role, also.

21
22 Arlene Coppin, 4720 Morgan Street, stated she was told by someone in the
23 Public Works Department that there would be a discussion tonight about
24 stormwater runoff management in Geneva. The County must have meetings and
25 advise the people in the community of what is going on. She heard there was a
26 consideration of downsizing. She doesn't know the plans for Cable Street or for a
27 solution to water runoff. They can't keep funneling Sudden Valley residents on
28 Lake Whatcom Boulevard and Cable Street forever.

29
30 Leonard Lindstrom, resident, stated he spent 20 years in the Navy. People
31 must speak civilly so all can get along. Honor others feelings at all times. Feelings
32 are our most valuable possessions. People must work as a family, not as
33 individuals.

34
35
36 **PUBLIC HEARINGS**

37
38 **1. ORDINANCE AMENDING WCC TITLE 24, HEALTH CODE, TO CREATE**
39 **WCC 24.13, DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING**
40 **AND STORAGE SITES, AND TO AMEND WCC 24.07, ADMINISTRATIVE**
41 **NOTICE PROCEEDINGS, CIVIL PENALTIES AND ABATEMENT (AB2005-**
42 **266) (COUNCIL ACTING AS THE HEALTH BOARD)**

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

45
46 Bruce Siren, 3844 Gala Loop, stated the proposal is a good idea, but he
47 would like to see it extended to all drug houses. There is a drug house in his

1 neighborhood. The Drug Task Force performed a raid in his neighborhood in April
2 and again in June. Expand this ordinance.

3
4 Hearing no one else, Caskey-Schreiber closed the public hearing.

5
6 **Brenner moved** to adopt the ordinance.

7
8 **Brenner moved** to amend section 24.13.080, "Violations of this chapter are
9 subject to WCC 24.07, as per 24.07.140, decontamination of properties used as
10 illegal drug manufacturing or storage sites that are abated by the County shall be
11 foreclosed." She is worried there isn't a strong emphasis on making sure those
12 responsible pay for cleanup. The County cannot afford to tie up public money
13 indefinitely. The ordinance allows foreclosure, but the language was vague. Banks
14 or mortgage lenders are not special assessment liens. They are a general lien. The
15 County would be able to recoup its money before any lending institution would be
16 able to get the property back at foreclosure. It gives the County the ability to
17 protect the public's dollars.

18
19 Nelson thanked Councilmember Brenner for her hard work on this ordinance.
20 More than 50 percent of the citizens in the community rent. Another small
21 percentage are property holders. He asked if there are liability insurance groups
22 from property owners and property managers in case a renter engages in this
23 activity.

24
25 Jeff Hegedus, Environmental Health Supervisor, stated that some property
26 management companies have been reimbursed by the insurance companies.

27
28 Brenner stated it's more expensive than insurance for a regular homeowner.
29 Landlords take on certain liabilities. Many landlords do expensive background
30 checks, and still end up with people who commit crimes on their properties. It's not
31 the landlord's fault, but the law does stipulate that landlords are liable. Insurance
32 is available for landlords who want to make sure they're covered.

33
34 Crawford asked if the amendment strengthens the violation portion of the
35 ordinance. He asked how the amendment changes the ordinance. He asked if the
36 amendment suggests that the amendment will speed up the legal process, and if
37 legal counsel has vetted the amendment.

38
39 Brenner stated the amendment requires the property to be foreclosed. The
40 previous language gives the County the option for foreclosure. If the County is not
41 reimbursed, the property will be foreclosed.

42
43 Crawford stated it already provides that there will be foreclosure.

44
45 Brenner stated foreclosure is one of many options.

46

1 Crawford stated that if there is a lien on a property, and the lien is not
2 satisfied, then foreclosure is the next step. Subsection provides for the process of
3 lien and foreclosure.

4
5 Brenner stated the wording wasn't clear.

6
7 Caskey-Schreiber asked if there is a current law that is the same as
8 Councilmember Brenner's amendment, and if the amendment will require another
9 hearing. Hegedus stated Councilmember Brenner is attempting to add emphasis to
10 the foreclosure process. The current language in subsection .140 says the County
11 may foreclose in one year. The proposed language is to "shall."

12
13 Caskey-Schreiber asked if the County will be in violation of the ordinance if it
14 doesn't foreclose in one year.

15
16 Karen Frakes, Senior Civil Deputy Prosecutor, stated she pointed that out
17 earlier. The County is the entity that would enforce that ordinance. If the County
18 doesn't foreclose, no one else will penalize the County. The County makes that
19 decision anyway. That language doesn't make a big difference. It's not a
20 significant change.

21
22 Roy stated this clearly communicates to landlords and property owners what
23 the County's actions will be. This provision is the last resort, after the County asks
24 for reimbursement. The amendment clarifies the process. The County should not
25 take on the financial burden, and make that clear to the citizens.

26
27 Fleetwood asked if there is a good reason to not foreclose right away.
28 Hegedus stated the County would foreclose only if it funded abatement and placed
29 a lien on the property. That is the last resort. One home in Ferndale has been
30 boarded up for two years. This ordinance will give the County the authority to go
31 to the bank, in addition to the owner. The County can use the foreclosure option to
32 entice the landowner to pay for cleanup.

33
34 Crawford stated the County wants that option. Subsection .140 has defined
35 that process. The County will take that process to whatever extent it needs. The
36 filing of a lien, in most cases, will motivate and stimulate those who have a financial
37 interest reimburse the County. For those who choose not to reimburse the County,
38 the County will take the next step, which is foreclosure. He's not sure it's prudent
39 to say the County will foreclose in every case.

40
41 Brenner stated cleanup is not cheap. The County doesn't have any right to
42 tie up public funds indefinitely. The language must make it clear that foreclosure is
43 what the County will do if not reimbursed.

44
45 Roy stated they're talking about foreclosure, after the County has exhausted
46 every other means of collection, to be reimbursed public money that was spent on
47 cleanup. The Council needs to get that public money back. She asked if Mr.
48 Hegedus recommends this language to make it easier for the staff to deal with the

1 Ferndale property. Hegedus stated he can be effective with the current language.
2 The added emphasis is slight. It is a benefit if there is a landlord who takes the
3 time to study and read about the potential liability of having a meth lab on their
4 property. Those landlords will notice the topic of foreclosure in Whatcom County
5 Code (WCC) 27.13, not WCC 24.07.

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

8
9 ***Motion to adopt the ordinance as amended carried unanimously.***

10
11 **2. ORDINANCE REGARDING THE CLOSURE OF A PORTION OF YORK**
12 **STREET (AB2005-268)**

13
14 Caskey-Schreiber opened the public hearing and the following people spoke:

15
16 Karen Anastasio, 3929 Cedarbrook Court, stated her house backs up to the
17 street in question. She appreciates the acknowledgement that this road has been
18 closed for 15 years. Her only concern is that the ordinance does not give a specific
19 location of where the barrier will be on the street.

20
21 Carol Wilkinson, 3951 York Street, stated she wants the road to remain
22 closed because of the large dip in the road. If the road were to go through, the
23 County would have to coordinate with the City where it becomes a city road.
24 Emergency access should be at the bottom of the hill. On the other side, cars will
25 still speed on the road. Make the emergency access adequate enough so cars can't
26 get through.

27
28 John Wolfe, 1610 Brookview Place, stated he lives in the area and wants the
29 road to remain closed to regular traffic but open to emergency vehicles. The
30 impact of traffic revisions will affect the quality of life in the neighborhood. One
31 concern is the limited site distance from two hills coming together. He is concerned
32 about creating a short cut from Sudden Valley to Bellingham. Another issue is that
33 it is the only route where a kid can walk to catch the bus to school.

34
35 There would be two motivations for putting the street through. One is to
36 create emergency access. The other is to unload Lakeway Drive traffic. If the fire
37 department feels it needs that access point, it should be created. However, don't
38 sacrifice the quality of life of the neighborhood by doing that. As new homes go up
39 in Sudden Valley, unloading traffic from Lakeway Drive should be an issue. There
40 should be things the County is willing to do and give up to unload that traffic.
41 Quality of life should not be one of the things they give up for unloading traffic.

42
43 Richard Higgs, Angela Court, stated traffic going through the neighborhood
44 would create a dangerous backup on Lakeway Drive. Because of limited site
45 distance on a hill, cars won't see that other cars are stopped. It's a safety factor.

46
47 Mark Sefrit, 3812 York Street, stated he was shocked when the road was
48 paved last month. He thought the issue was closed ten years ago. Fifty to 100

1 people use the road, including kids going to the park. It's a dangerous road. Some
2 cars speed up there. There is limited site distance. Keep the road closed.

3
4
5
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7

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

Nelson moved to adopt the ordinance.

8 Brenner asked for an explanation about the barrier and the limited site
9 distance.

10
11 Joe Rutan, County Road Engineer, stated the map on Council packet page
12 288 shows the approximate location of the barrier. The barrier will be similar to the
13 barrier that exists currently on Lowell Street. It will be placed appropriately on
14 York Street to the east of the Lowell Street intersection, to allow for frequent turns.
15 They will do it in conjunction with the Fire Marshal. They will find a location that
16 limits the ability of people to cut around it. The barrier will be a crash-through
17 barrier. It is designed so emergency vehicles to go through it. With that type of
18 barrier, other people can go through it. He is concerned about people coming off
19 Oriental Street to go westbound on Lakeway. It is an acute corner. There is poor
20 site distance for people going eastbound on Lakeway. There are site distance and
21 safety issues that speak toward making the road emergency access only.

22
23 Brenner asked if the County can put up signage and reduce the speed limit.
24 Rutan stated he can look at that option. He doesn't expect this road closure to
25 exacerbate the issue.

26
27 Roy stated the testimony was about what would happen if the barrier was
28 not put in. She asked if the County paved the road. Rutan stated the road was
29 paved as short-plat requirement of an adjoining frontage property, which was the
30 remaining portion to be paved, to allow emergency access. It has not been opened
31 to the public.

32
33 Roy asked if people actually crash through the crash barriers. Rutan stated
34 that people have driven around and through the barrier on Lowell Street. That's
35 why the location of the barrier on York Street would limit the ability for people to
36 drive around it. This route could be a viable alternate to Lakeway in the future,
37 when Lakeway is a standstill. At it's current capacity, it's not a huge draw.

38
39 Roy stated they would need to have a thorough community discussion before
40 that would happen.

41
42 Brenner asked if the Council is required to pave the road by law. Rutan
43 stated it is not. The County must provide good, all-weather pavement year 'round.
44 The pavement was required of the developer. Essentially the road went through, as
45 a dirt road. About 15 years ago, a barrier was placed to prevent the use as a
46 through-route.

47

1 Brenner asked if there can be adequate emergency vehicle access without
2 pavement. Rutan stated the developer already paved the road.

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

5
6 Rutan stated that to have appropriate access, paving was a requirement of
7 the short-plat.

8
9 ***Motion to adopt carried unanimously.***

10
11 **3. ORDINANCE AMENDING TEXT OF THE OFFICIAL WHATCOM COUNTY**
12 **ZONING ORDINANCE, SPECIFICALLY THE ADDITION OF CHAPTER**
13 **20.15 – MUSHROOM SUBSTRATE PRODUCTION FACILITIES SITING**
14 **REQUIREMENTS, ESTABLISHING LOCATIONAL CRITERIA AND**
15 **ZONING DISTRICTS IN WHICH SUCH FACILITIES WILL BE ALLOWED**
16 **(AB2005-105)**

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

19
20 Bill Street, Ostrom Company Chief Executive Officer (CEO), stated Ostrom is
21 not at all like IMS and Canadian facilities. Ostrom is one-eighth the size of IMS.
22 Ostrom makes their compost to grow mushrooms on a farm in Whatcom County.
23 Ostrom supports 40 farming families with a \$1 million payroll. IMS had four or five
24 people on its payroll. Ostrom supports local businesses by spending over \$4 million
25 per year in Whatcom County. Before the IMS problem in Ferndale, there were no
26 complaints about odor in 20 years. Ostrom doesn't have grandiose plans for
27 expanding the facility, but they do want to reserve the right to grow so that they
28 can continue to compete in the market they serve. Ostrom intends to continue.
29 They have been responsible business people in this community. Ostrom had a
30 permit to build a large facility, but walked away from it when all this happened.

31
32 Patrick Mullaney, Ostrom Company attorney, stated Ostrom requests that the
33 current version not be approved because the variance tool is not appropriate. The
34 conditional use permit (CUP) process is a better process and should be
35 implemented instead. Ostrom is just looking for modest and responsible expansion.
36 It wants to be a good neighbor and to address the concerns of the Council and the
37 neighborhoods. He read item six in Whatcom County Code 20.84.220. There is
38 already a provision in the code that prevents nuisance items. Also, the CUP process
39 provides for case-by-case findings, oversight, and public input from individuals and
40 regulatory agencies.

41
42 The variance is a safety valve used when a government regulation doesn't
43 make sense for a particular piece of property. It's to be used rarely. It's only used
44 when the regulations render the property unsuitable for any permitted or
45 conditional use. In this case, no court would uphold a court for variance for Ostrom
46 because the variance process only allows for something that is out of the
47 applicant's control makes the general application of the statute a constitutional
48 taking. Instead, use the CUP process.

7/12

1
2 Greg Barlean, Hopewell Neighborhood Association, stated that at one time,
3 Ostrom had in hand a building permit for a 10,500 cubic yard per month expansion,
4 all destined for offsite use in British Columbia. The fact is that Ostrom wants to
5 produce substrate for off-site use. It's very difficult for Ostrom to compete against
6 the growers in British Columbia, but Whatcom County should not sacrifice the
7 health, safety, and welfare of its citizens to give the company an advantage in the
8 competitive market. The variance language, as proposed by Councilmember
9 Brenner in this ordinance, is very fair to existing nonconforming uses. Adopt this
10 ordinance, and then monitor the process through the State Department of
11 Community, Trade, and Economic Development (CTED) to make sure no more
12 unnecessary delays are incurred.

13
14 Bob Carmichael, 1700 D Street, Bellingham, referenced the case of Hoberg
15 vs. the City of Bellevue. It says that an area variance does not become a use
16 variance, forbidden by criterion A merely because it is conditioned on obtaining a
17 further permit that depends on the stability of the soils at the building site. The
18 ordinance is for an area variance that is dependent also on a conditional use permit,
19 which is expansion of a nonconforming use. When one looks at the provisions in
20 the County code, they mirror provisions in State law on what should be considered
21 in a variance process. The very first provision, which is criterion A, was that there
22 not be a special privilege granted to the property owner for the use of the property.
23 This is an area variance, which are much more easily granted than a use variance.
24 Area variances are with respect to setbacks, bulk, and dimensional type
25 requirements. That doesn't require an unconstitutional taking of a property to get a
26 variance. There are many cases where area variances have been granted in the
27 State of Washington. There is nothing inconsistent about the dual permitting
28 process with the area variance and the conditional use process. One process
29 determines whether the use should be expanded. The other process allows any
30 adjustments in terms of setbacks. The alternative, without the variance, is that the
31 Hearing Examiner can't respond to setbacks. The variance is a reasonable
32 compromise.

33
34 Dave Bader, Environmental Consultant, stated he is working with Ostrom. A
35 large commercial facility would not be allowed on agricultural property unless the
36 Hearing Examiner granted a variance to locate a large commercial facility on
37 agricultural land. Now, it's only allowed in a heavy impact industrial zone. They
38 can't turn the facility into a huge commercial substrate farm. It's not allowed.

39
40 Christopher Street, Ostrom, stated there was a permit years ago for a large
41 expansion. Mr. Barlean is correct. At that time, Ostrom was unaware of what was
42 going on in Ferndale. At the time, it was a business venture not meant to upset
43 anyone. They backed down because they realized it had become a very
44 contentious issue. The issue was originally about odor. If there wasn't any odors,
45 it wouldn't matter where it was produced and where the mushrooms grew. He is
46 resigned to the fact that the economic model won't work here. Ostrom would like
47 to be able to grow modestly.

48

7/12

1 Gloria Shannon, 6424 Goodwin Road, stated she just moved here and found
2 her dream home. She is afraid that her property value is going to go down. No
3 one wants to live by a farm like that because it pollutes the water and air. She
4 wasn't informed that this was taking place when she bought the property. If she
5 had known, she wouldn't have purchased her property. Consider the people who
6 live there.

7
8 Hearing no one else, Caskey-Schreiber closed the public hearing.

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

11
12 Brenner stated she submitted a memo to the Council. She included her
13 research on this issue. She was shocked to hear the Ostrom attorney say that it
14 could only be used when property is rendered unusable. That is not true. There is
15 plenty of case law about it. What is required for a variance is clear. If one can't do
16 anything with the property, there may be a taking. That's a completely different
17 issue. The area variance is for setbacks and things that make it more difficult.
18 Hardship has to be shown, but it doesn't have to be an enormous hardship.
19 However, the process is not totally flexible. It shouldn't be easy for Ostrom to vary
20 from the setbacks set in law. This ordinance is fair and legal. She hoped the
21 Council would support the ordinance.

22
23 McShane stated he is against the ordinance. The variance language in
24 subsection .210 prohibits a variance for financial purposes. He gives deference to
25 County staff and County legal counsel. If the desire is to provide opportunity to
26 allow for a modest expansion, be specific about what that entails. If
27 Councilmember Brenner is correct, and the variance procedure would work, it would
28 open up the opportunity for the variance procedure to be used for other small
29 mushroom operations, even though this is for existing uses. It doesn't accomplish
30 the intent, which is to allow for a modest expansion and an improvement that
31 would make the Ostrom operation better than it currently is and make less of an
32 impact. Ostrom is still required to follow the Health Code, which it currently is not
33 following.

34
35 Caskey-Schreiber asked if Ostrom can expand somewhat.

36
37 Brenner stated that if Ostrom expands substrate production, it must go
38 indoors. If production is expanded beyond the limit they are no longer eligible to
39 be an on-farm operation, and they become a commercial operation.

40
41 This ordinance would not affect other new operations because it is about a
42 nonconforming use variance.

43
44 Fleetwood stated he agreed with Councilmember McShane. When the
45 Council considered the variance procedure, it was with the idea of coming up with a
46 compromise that would permit some expansion. Councilmember Brenner's memo
47 was filled with relevant information. However, the language in the code indicates
48 that a variance will not be granted for financial reasons alone. The code is very

1 clear. It's difficult to conceive of any other reason why Ostrom would expand.
2 Therefore, the compromise as expressed is illusory. He is concerned that the
3 Council will start all over again. He suggested that the Council consider putting it
4 back to committee to craft a compromise, if the ordinance has a chance of failing.

5
6 McShane stated the attorneys for both side said the CTED review is required
7 before action is taken.

8
9 Brenner stated the variance procedure states that the County ensure that the
10 applicant be allowed to do the same as others in the same vicinity and zone. There
11 is not just a financial reason. It is also a fairness issue so everyone is treated the
12 same. That would be taken into consideration for a variance.

13
14 Fleetwood stated the code language stands alone in saying that a variance
15 may not be granted for pecuniary reasons.

16
17 McShane stated the issue is challenging and confusing. To accomplish this,
18 take a little more time to get it right. If they want to grant an opportunity for a
19 nonconforming mushroom grower to expand in a manner that protects the
20 community and improves the operation so it is less noxious, there is a way to do
21 that. He doesn't think the variance issue is the way to do that. They can come up
22 with language on which they all can agree. This is a good ordinance. The health
23 ordinance is a good one. However, the variance tool is not the tool to use. It will
24 be harmful to the goal they're trying to reach and to the neighbors.

25
26 Nelson asked how a bulk variance, which tries to accommodate restrictive
27 topography, can help a person accomplish an expansion. It's not a pecuniary gain.
28 It accommodates the growth factor. He asked why this may not be allowed
29 because of the pecuniary term.

30
31 Karen Frakes, Senior Civil Deputy Prosecutor, stated the reason a variance
32 would be sought would be for pecuniary reasons.

33
34 Nelson stated any type of variance would be requested for pecuniary
35 reasons.

36
37 Brenner stated a variance can be necessary because of special circumstances
38 affecting the subject property, including size, shape, topography, location, or
39 surroundings that deprive it of rights and privileges enjoyed by other properties in
40 the vicinity and zone. Ostrom's falls under that allowance. Therefore, it is more
41 than just a financial reason. Ostrom's has rights and privileges to do the same
42 amounts of work that others can do in the area. Frakes stated that relates to the
43 topography of the property. The problem is created because they have an existing
44 facility on the property.

45
46 Caskey-Schreiber asked what happens if they are the only one in the area.
47 She asked how an area is defined.

7/12

1 Brenner stated another applicant can come into that area and zone. It is an
2 allowed use. That new person would not have to get a variance to change the
3 setback requirements. A new operation would have to get a conditional use permit.
4

5 Crawford stated Councilmember Fleetwood could move to hold in committee.
6 He asked if Councilmember McShane is suggesting that review by CTED would
7 preclude a vote tonight. He asked the process to get it to CTED for comment
8 before the Council takes a vote.
9

10 **McShane** stated that if the ordinance goes into committee, and the Council
11 were happy with the language, the Council would have to send it to CTED for
12 review. Instead, refer the item to a Committee of the Whole meeting. It was
13 already in the Planning Committee, which came up with a recommendation 2-1. He
14 predicts that the Planning Committee may not go the direction that the full Council
15 wants to go. This is the only remaining issue. No matter what the Council does,
16 the ordinance needs to go to CTED. He **moved** to refer to the Committee of the
17 Whole for discussion to allow very limited expansion, with criteria on the expansion
18 defined so the neighbors are protected and the operation is better if an expansion
19 occurs. Then, forward to CTED before adoption.
20

21 Brenner stated the Council can vote on this ordinance and ask for an
22 expedited review by CTED.
23

24 Roy stated she would like to vote on it. The citizens need to know where the
25 Council stands on this. She doesn't necessarily agree with Councilmember
26 McShane's premise. She wants to protect the neighborhood. Substrate production
27 is what smells bad. The purpose of expanding the operation is to expand the
28 substrate production. The issue is not where the substrate is sent. The issue is the
29 increase in substrate production. The health ordinance handles that. This is a very
30 strict ordinance. She would like to vote on it. Maybe the courts need to decide.
31 She's not convinced that this would be as terrible as they are told it would be.
32

33 McShane stated he is arguing for the same thing he's argued before. The
34 majority clearly wanted to break for the nonconforming use. Councilmember
35 Brenner wanted to reverse direction from her original position. That's why the
36 Council is talking about this tonight. He's grateful she took that position. If the
37 Council wants to allow no break for a nonconforming use, the Council can go that
38 route. If that's the case, vote to send the amended version of the ordinance to
39 CTED. His motion is to send this to Committee of the Whole and work on it more.
40 If that doesn't pass, then vote to send a version to CTED.
41

42 Caskey-Schreiber asked if the Council is under a legal obligation to adopt the
43 recommendation of CTED. Frakes stated it does not. CTED only comments. The
44 Council should consider those comments.
45

46 Hal Hart, Planning and Development Services Director, stated CTED reserves
47 the right to comment on all ordinances prior to their adoption. The County can ask
48 for expedited review.

1
2 Crawford asked if all Title 20 items go to CTED. CTED chooses to comment
3 on some items and not others. He asked if CTED has received this ordinance. Hart
4 stated he believes the notice has not been sent to CTED in this case. The ordinance
5 has been at the County Council since April.
6

7 **Motion to refer to the Committee of the Whole failed 3-4 with**
8 **Crawford, McShane, and Fleetwood in favor.**
9

10 *(Clerk's Note: End of tape one, side B.)*
11

12 Caskey-Schreiber stated she is divided on this issue. She recognizes and
13 respects their legal counsel, however she remembers Mr. Carmichael's comments,
14 also. She will assume that Councilmember Brenner has done her research. She
15 trusts that Mr. Carmichael and Councilmember Brenner have worked out a good
16 compromise. The fairness issue could be a reason they could get this variance, if
17 they were to compare themselves with any other entity that came into town. She
18 is comfortable with that.
19

20 McShane stated the variance language doesn't talk about fairness.
21

22 Crawford stated he will reluctantly vote no. Based on the concerns he's
23 expressed in past meetings, they are challenged with the variance language. It
24 could be the ruination, from a legal perspective, of what could otherwise be a good
25 ordinance. It's regrettable they are not willing to continue working on this.
26

27 Fleetwood stated this is an excellent ordinance, but he won't vote for it
28 today. He had hoped to vote for something that was good for both sides. Because
29 there is not the balance he'd hoped to see, he won't support it.
30

31 **Motion to adopt the ordinance carried 4-3 with Crawford, Fleetwood,**
32 **and McShane opposed.**
33

34 **Brenner moved** to send the ordinance to the State Department of
35 Community, Trade, and Economic Development (CTED) and request an expedited
36 review.
37

38 **Motion carried unanimously.**
39

40 **4. RESOLUTION APPROVING THE WHATCOM COUNTY SIX-YEAR**
41 **TRANSPORTATION IMPROVEMENT PROGRAM FOR THE YEARS 2006**
42 **THROUGH 2011 AND THE 14-YEAR FERRY PLAN 2006-2019 (AB2005-**
43 **246)**
44

45 Caskey-Schreiber opened the public hearing and the following people spoke:
46

47 Fred Bovenkamp, 700 Fern Drive, Lynden, stated he is a proponent for a
48 development in Semiahmoo. The Birch Point connector road and the Lincoln Road

1 extension to Blaine Road are very important to his development. He would like the
2 construction of these roads accelerated by at least a year. Developers are willing
3 and eager to donate the right-of-way for the connector and will pay the
4 engineering. These projects will also benefit the entire community.
5

6 Jo Slivinski, 6163 Semiahmoo Lane, stated the Council should mandate the
7 immediate prioritization and implementation of three projects: Drayton Harbor
8 Road, Lincoln Road, and the Birch Point connector road. Infrastructure should
9 precede development. An accident on Lincoln Road could close that road for hours.
10 Without the repairs to Drayton Harbor Road, a section of the community would be
11 without access to emergency services. The developers are willing to work with the
12 community. If necessary, they will have to have a moratorium on building because
13 citizens won't have access to emergency services. New development is bringing in
14 hundreds of new residents to the area, which exacerbates the problem.
15

16 John Bennett, 5426 Quail Run, Semiahmoo, stated he agreed with the
17 previous speaker. He thanked Executive Kremen and Mr. Rutan for making the
18 intersection at Lincoln Road and Harborview Road a little safer. He hoped they can
19 fill in more ditches so they don't have accidents.
20

21 Lee Alexander, 5296 Birch Point Road, asked the Council to please prioritize
22 Lincoln Road, Drayton Harbor Road, and the Birch Point connector. Provide an
23 efficient and safe way for people to get to work. It is one of the fastest growing
24 areas in the county. People want to walk, bike, and visit there. The area is very
25 safe. There is liability to the County for not providing another outlet.
26

27 Doralee Booth, 8188 Birch Bay Drive, stated she represents the Birch Bay
28 Transportation and Public Safety Implementation Committee. She agrees with the
29 previous speakers. Many developments are underway or planned. She is
30 concerned about the transportation infrastructure to accommodate such growth.
31 She is grateful that the Lincoln Road construction has funding and a construction
32 date. She thanked Executive Kremen for making it a reality. It will positively affect
33 safety on Birch Bay Drive.
34

35 She asked if the six year road improvement plan process works and if it can
36 be less mysterious; how the road improvement decisions are made; whether the
37 public has an opportunity to provide input before it goes to the Council; whether
38 the County could develop a website for public information and public input
39 regarding transportation decisions and planning; whether the County Council has a
40 realistic opportunity to give their input before a public swapping projects occurs;
41 whether the needs of the urban growth areas are considered; whether there are
42 plans to collect transportation impact fees, and; whether traffic impact fees are
43 equitable. They can't wait another ten years for road improvements. She hoped
44 the Planning Department will work with the Public Department so infrastructure can
45 be properly funded and planned.
46

47 Claudia Hollod, 8240 Birch Bay Drive, stated the Council should approve the
48 plan, particularly Lincoln Road. Also, approve traffic impact fees. Construct the

1 connector road before Mr. Bovenkamp's development is constructed. The Birch Bay
2 community needs the connector to enhance safety, to prevent further pollution of
3 the bay, and for economic purposes. She thanked Sheriff Elfo, who has helped the
4 community with safety issues in the community. She thanked the road department
5 for painting double lines on the road. She thanked Hal Hart for his continued
6 presence at their meetings, sharing information, and supporting the community.
7 She thanked the Council for supporting the Lincoln Road issue. She thanked
8 Executive Kremen for coming up with funding.

9
10 John Sand, 4191 Loomis Trail Road, stated he agrees with what has been
11 said so far. Once traffic gets to Blaine Road and the new Lincoln Road, there will be
12 a problem there. If they funnel traffic toward the Blaine Road and Birch Bay
13 Lynden Road, it will become a major congested, commercial area. They need to
14 consider another connector road to angle from the intersection of Blaine Road and
15 Lincoln Road toward Birch Bay Lynden Road and the freeway. Protect that corridor
16 so it's not so developed.

17
18 Peter Horn, Tanager Lane, Semiahmoo, stated he is a proponent on the
19 development with Mr. Bovenkamp. There is a big increase in traffic in that area.
20 The Birch Bay Water and Sewer District has approved 1,283 lots to be served in the
21 next two or three years. The density of people traveling the roads will increase by
22 30 or 40 percent. He supports expediting the process and asked that projects 17
23 and 22 be moved up to projects seven and 12 on the list.

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

26
27 **Roy moved** to approve the resolution.

28
29 McShane stated the funding has not yet been secured. Hopefully the
30 suggestions of the community will be carried forward if they are going to move
31 forward on some of these projects.

32
33 Brenner stated that people who want the County to develop Lincoln Road
34 need to understand that there isn't any way to do it sooner.

35
36 Roy stated that in talking about extending Lincoln Road, the issue that gets
37 lost in the discussion is that the population has more than doubled in the last few
38 years. There are impacts to Birch Bay Drive, which is a residential and recreational
39 road that runs along the bay. Now, 2,700 people live in Birch Bay Village, at the
40 end of Birch Bay Drive. There are 3,400 commuter trips per day on Birch Bay
41 Drive. The connector is to get those commuters up to Lincoln Road. The extension
42 of Lincoln Road would get the commuters out of the area. The traffic is from
43 commuters. Look at all ways to get traffic off the shoreline. That's what people are
44 interested in. The issue isn't just to have a nicer road at Lincoln Road. The issue is
45 close to a crisis point. It's not unusual for ten cars to line up at the Lincoln Road
46 and Harborview Road intersection. They're going to have to think of new solutions.
47 Many of the new developments are going in at the end of the Birch Bay Lynden
48 Road.

1
2 Caskey-Schreiber stated that when the County adopted the population
3 projects, they didn't realize that some of it would happen so quickly. Try some sort
4 of tiered approach for some of these areas. They are already close to 1,300 units,
5 which is another 4,000 people. Already, there were 2,000 units pending. She
6 doesn't know how this community will hold up. Talk about that in the Planning
7 Committee.

8
9 Roy stated the Kendall and Sudden Valley areas are also dealing with this
10 growth.

11
12 Brenner stated the entire Interstate 5 corridor is feeling this pressure.

13
14 Joe Rutan, County Road Engineer, referenced Council packet page 306,
15 project 15, about the Slater Road Bridge. The Lummi Nation has verbal approval
16 from the Federal Emergency Management Agency (FEMA). Change the project
17 status of funding from planned to secured, and the federal funding source should be
18 changed from Bureau of Indian Affairs (BIA) to FEMA. Also, amend project 21 to
19 add '12' and '5,' which are traffic and channelization to the improvement types(s)
20 column. He thanked the Public Works Department staff and the Executive for his
21 leadership and funding. He also thanked the Council, who turned out entirely at the
22 committee meeting.

23
24 Caskey-Schreiber thanked Mr. Rutan for making this plan more realistic than
25 ever before.

26
27 ***Brenner moved*** to amend project 15, the Slater Road Bridge, the project
28 status of the funding from planned to secured, and the federal funding source
29 should be changed from Bureau of Indian Affairs (BIA) to FEMA. Also, amend
30 project 21 to add '12' and '5,' which are traffic and channelization, to the
31 improvement types(s) column.

32
33 ***Motion to amend carried unanimously.***

34
35 Crawford stated this will complete the final stretch of the all-weather road
36 plan that was adopted 20 or 30 years ago. It's a big deal. Those roads are critical
37 for emergency use and economic development in the county. It's worth noting that
38 this final stretch of road is important.

39
40 Caskey-Schreiber stated her recommendation of a tiered approach would not
41 affect Mr. Bovenkamp.

42
43 ***Motion to approve the resolution as amended carried unanimously.***

44
45 **5. RESOLUTION TO AMEND RESOLUTION 2003-041: WASHINGTON**
46 **COMMUNITY ECONOMIC REVITALIZATION TEAM (WA-CERT) TO**
47 **PROVIDE ANNUAL PRIORITIZATION OF WA-CERT PROJECTS**
48 **(AB2005-269)**

1
2 Caskey-Schreiber opened the public hearing and the following people spoke:
3

4 Georgina Head, 6733 Greystone Lane, Deming, North Fork Community
5 Resource Center President, asked the Council to keep her project at the top of the
6 list for one more year. They are still working hard on the project. They're close to
7 finalizing the site and getting the second part of funding for the project.
8 Maintaining number one position on this list will illustrate to the citizens and the
9 Department of Community, Trade, and Economic Development (CTED) in Olympia
10 that Whatcom County does not falter in its commitment to this project. This project
11 exemplifies the heart of the Washington Community Economic Revitalization Team
12 (WA-CERT) program, to assist communities that have been affected by the
13 downturn in the timber industry. This is an important project that involves many
14 agencies and individuals. It will benefit many citizens in the county.
15

16 Anthony Kelley, 6036 South Pass Road, Maple Falls, stated he supports the
17 number one ranking of the regional North Fork Community Resource Center. There
18 will be 25 agencies under one roof. He hopes infrastructure will accompany the
19 project for the North Fork Region. He thanked the Council for its continued support
20 of the North Fork region.
21

22 Valerie McAloon, 5784 Saxon Road, stated she is a special education teacher
23 at Kendall School. Keep the North Fork Community Resource Center project at the
24 top of the list for one more year. It will send a clear message of support and will
25 not diminish the community's perception of the importance of this project and its
26 momentum.
27

28 Duane Jager, ReUse Works Executive Director, stated he appreciates the
29 Council's past support of ReUse Works. The project is up and running now. It was
30 selected by the Public Works Department to divert appliances from the waste
31 stream. Funding for 2005 is in place.
32

33 He recently attended the Economic Development Investment (EDI) Board
34 meeting when the WA-CERT projects were to be prioritized. However, none of the
35 projects were discussed and no vote took place. At the end of the meeting, several
36 members of the Board expressed confusion about their role. They asked how they
37 were supposed to prioritize the projects. At least one member said he didn't feel
38 qualified to prioritize the projects. None of the concerns were addressed. Just as
39 the meeting ended, Board members were told to go home and submit their vote by
40 email. Today, his Jobs project received a low ranking and two votes to be
41 eliminated from the list. Because these votes were not taken in public, no one
42 knows who voted that way or why. Several other projects were given the same
43 treatment. He's disturbed that the process was not done in public, that the
44 members of the EDI Board had little interest or investment in the process, and that
45 the EDI Board doesn't represent the community at large. He respects the individual
46 members of the board, but the process is terrible.
47

1 Caskey-Schreiber stated the County Council does its own ranking process.
2 She may not have even look at what the EDI Board did. The Council gives the
3 applications great scrutiny, and evaluates them without reference to anyone else.
4

5 Jager asked why they would send it to a group for a recommendation that is
6 not meaningful. He urged a more open process.
7

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

10 **Crawford moved** to approve the resolution and list as ranked by the County
11 Council, as shown in the memo from Executive Kremen dated June 14, 2005 (*on*
12 *file*).
13

14 **McShane moved** to amend the motion to approve the Executive's
15 recommendation. The Kendall Community Resource Center has been ranked
16 number one for the last two years. Because of that ranking, the administration's
17 efforts have been exemplary in getting federal, state, and local funding. There is a
18 significant commitment to that project that won't go away if it's ranked number
19 two. The Lake Whatcom stormwater project is a new project that needs the
20 administration's attention. Also, the County relies heavily on making these projects
21 happen. The administration is committed to that project. The Council should back
22 up the administration so it really happens. The other projects won't fall off the
23 table.
24

25 Crawford stated he is against the motion, but he would vote for that project
26 being number two. The intent of the community center is economic revitalization of
27 the timber communities. This project doesn't yet have full funding. The
28 consistency of keeping the project ranked number one is important.
29

30 (*Clerk's Note: End of tape two, side A.*)
31

32 Nelson stated he agreed with Councilmember Crawford. Councilmembers
33 went to Washington D.C. and lobbied heavily for this project. Changing priorities
34 mid-stream would be detrimental. This project is important to the community.
35 This program is for areas affected by the timber industry. The Kendall area is
36 growing. These resources are needed in Kendall. There is already activity in Lake
37 Whatcom.
38

39 Caskey-Schreiber stated she is against the motion to amend. The
40 stormwater project is important, but the resource center is close to being a reality.
41 The Council must stay the course through one more phase. Once the site is
42 secured, the project will secure funding for construction. Recently, she spent time
43 in Kendall trying to come up with summer programs for the kids there. There are
44 no opportunities there for kids in the community to do anything to better
45 themselves. This is where affordable housing in the county is and where kids are.
46 The parents are spending a lot of time commuting. It's the Council's responsibility
47 to take care of people who don't have the same opportunities as others in the

1 county. The stormwater already has a source of funding, the flood fund, which has
2 \$8 million.

3
4 Fleetwood asked about the practical difference of being ranked one or two.

5
6 Pete Kremen, County Executive, stated there is no funding attached to the
7 list. It used to be that the top three projects would generally be fully funded.
8 However, there is no State money for WA-CERT projects today. It is purely a
9 priority ranking sent to the State. No funding is attached to the list. The North
10 Fork Community Resource Center is important and critical. However, compare the
11 two issues. Protecting the drinking water of 85,000 people, the environment, and
12 the quality of life is more critical than a resource center that will serve maybe
13 20,000 people.

14
15 McShane asked the amount of money the County has obtained from the
16 State and federal governments to the community center already. Kremen stated
17 the County has committed more than \$1 million. The County obtained State
18 funding in the amount of \$1.75 million. The project may get an additional amount
19 next year from the State. The community and legislative delegation to Olympia will
20 need to help.

21
22 Putting the stormwater project number one says something about the
23 importance of Lake Whatcom to the County. This is the first real project the County
24 will implement. The County has done a lot of planning and studying. This is an
25 opportunity to implement the plan, which the County hasn't done before. He
26 doesn't mean to slight the resource center project. He worked very hard to realize
27 the community center project. However, Lake Whatcom is more important. The
28 County needs to step up and let the public know how high a priority Lake Whatcom
29 is.

30
31 Brenner stated they won't get any more State funding with this. She asked if
32 a Kendall Resource Center ranking of number two will have an effect on funding for
33 the center. Kremen stated it doesn't make a difference. They will get what funding
34 they will get. An active community delegation is working to get private funding.
35 He will continue to see that project to fruition. When he talks to the delegates in
36 Washington D.C. about getting federal money for the Lake Whatcom stormwater
37 project, it helps slightly when it is the number one priority. A number one priority
38 speaks about what the Council's and administration's priorities are.

39
40 Caskey-Schreiber stated she's glad that Executive Kremen finally agrees that
41 Lake Whatcom is important. However, a brand new project doesn't have to trump
42 a number one slot, when the number one project is almost to fruition. The
43 legislators of the state know that Whatcom County is unwavering in this project.
44 Moving the project down on the list sends a message.

45
46 Brenner stated another option is to make the two projects both number one,
47 as a tie. They are both extremely important. Since they are not getting State

1 funding that goes with this list, the Council should be able to say the projects are
2 equally important.

3
4 Nelson stated everyone knows that both of these projects are the top two
5 priorities for the community. He prefers that the community stay at number one
6 until it's complete. Complete projects before moving another project to number
7 one. He will continue to support the stormwater project.

8
9 **Motion to amend failed 2-5 with Fleetwood and McShane in favor.**

10
11 **Crawford moved** to amend the Council priority list to move Lake Whatcom
12 stormwater project to number two, and renumber all other items accordingly.

13
14 **Motion to amend carried unanimously.**

15
16 **Motion to approve the resolution as amended carried unanimously.**

17
18
19 **CONSENT AGENDA**

20
21 **Nelson** reported for the Finance and Administrative Services Committee and
22 **moved** to approve Consent Agenda items one through seven.

23
24 **Motion to approve Consent Agenda items one through seven carried**
25 **unanimously.**

26
27 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
28 **SUB-RECIPIENT AGREEMENT BETWEEN WHATCOM COUNTY AND THE**
29 **NOOKSACK INDIAN TRIBE NATURAL RESOURCES DEPARTMENT FOR**
30 **WRIA 1 FISH PASSAGE BARRIER INVENTORY – PHASE 2, IN THE**
31 **AMOUNT OF \$169,400 WITH THE WHATCOM COUNTY SHARE FROM**
32 **COUNTY ROAD FUNDS IN THE AMOUNT OF \$42,350 (AB2005-271)**

33
34 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO**
35 **COOPERATIVE AGREEMENTS BETWEEN WHATCOM COUNTY AND THE**
36 **U.S. ARMY CORPS OF ENGINEERS FOR REHABILITATION OF NON-**
37 **FEDERAL FLOOD CONTROL WORK FOR THE SANDE-WILLIAMS LEVEE**
38 **NEAR DEMING, AND THE BLYSMA AND HANNEGAN LEVEES NEAR**
39 **LYNDEN, IN THE AMOUNT OF \$126,500 WITH THE WHATCOM**
40 **COUNTY SHARE IN THE AMOUNT OF \$25,300 (AB2005-272)**

41
42 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
43 **STOP GRANT BETWEEN WHATCOM COUNTY AND DOMESTIC**
44 **VIOLENCE AND SEXUAL ASSAULT SERVICES (DVSAS) ADVOCACY**
45 **SERVICES TO PROVIDE SERVICES IN THE COURT'S CIVIL DOMESTIC**
46 **VIOLENCE PROTECTION ORDER OFFICE, IN THE AMOUNT OF \$20,000**
47 **(AB2005-273)**

48

- 1 4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
2 FIVE-YEAR CONTRACT FOR SERVICES AGREEMENT BETWEEN
3 WHATCOM COUNTY AND SIEMENS BUILDING TECHNOLOGIES, INC.
4 FOR ENERGY SYSTEMS TECHNICAL SUPPORT, IN THE AMOUNT OF
5 \$87,360 (AB2005-274)
6
7 5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN
8 AMENDMENT TO AGREEMENT BETWEEN WHATCOM COUNTY AND
9 WASHINGTON STATE DEPARTMENT OF HEALTH FOR DELIVERY OF
10 PUBLIC HEALTH SERVICES IN WHATCOM COUNTY, IN THE AMOUNT
11 OF \$196,769, FOR A TOTAL AMENDED AMOUNT OF \$1,630,200
12 (AB2005-275)
13
14 6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE
15 PURCHASE OF MAIL BALLOTS FROM THE SOLE SOURCE PROVIDER,
16 K&H INTEGRATED, IN THE APPROXIMATE AMOUNT OF \$54,000
17 (AB2005-276)
18
19 7. RESOLUTION ESTABLISHING COUNTY ROAD PROJECT NO. 902011,
20 HUTCHINSON CREEK BRIDGE NO. 157 REPLACEMENT, AND REQUEST
21 AUTHORIZATION FOR THE EXECUTIVE TO AWARD CONTRACT TO
22 WILDER CONSTRUCTION COMPANY AS LOW BIDDER IN THE AMOUNT
23 OF \$573,672.50 (AB2005-277)
24
25

26 **OTHER ITEMS**

- 27
28 1. ORDINANCE CREATING A FUND TITLED "REAL ESTATE EXCISE TAX
29 ELECTRONIC TECHNOLOGY FUND" (AB2005-267)
30

31 *Nelson* reported for the Finance and Administrative Services Committee and
32 *moved* to adopt the ordinance.
33

34 *Motion carried unanimously.*
35

- 36 2. REVIEW AND APPROVAL OF THE 2005/2006 INTEGRATED ROADSIDE
37 VEGETATION MANAGEMENT PROGRAM (AB2005-278)
38

39 Brenner reported for the Public Works and Safety Committee and stated the
40 committee approved the program.
41

- 42 3. APPOINTMENT TO THE LAKE WHATCOM WATER & SEWER DISTRICT
43 BOARD OF COMMISSIONERS - APPLICANT: THOMAS HADD (AB2005-
44 231)
45

46 *Brenner moved* to appoint Thomas Hadd. She asked the Council's
47 relationship with water and sewer districts. She asked if the Council creates and
48 appoints all.

1
2 Karen Frakes, Senior Civil Deputy Prosecutor, stated she would have to look
3 at the statutes, but she believes it is usually or always the case.
4

5 Thomas Hadd, candidate, stated that if there is a vacancy on a district, the
6 remaining members of the district have the authority to appoint a replacement.
7 That authority expires at the end of 90 days. At that time, the County Council
8 makes the appointment, or the Governor may be petitioned to make the
9 appointment. In this instance, the commissioner passed away about a year ago.
10 The remaining members could not find a volunteer to come forward and be
11 appointment. In that time, he moved in Sudden Valley and is now living in the
12 district the former commissioner served.
13

14 Brenner asked if the County Council has any authority to deal with issues of
15 malfeasance or violations of law. Hadd stated the Council does not. It is an
16 independent jurisdiction that operates within the framework of the State statutes.
17

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

20 **4. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
21 **ANDREW DAVIS TO THE WHATCOM COUNTY MENTAL HEALTH**
22 **ADVISORY BOARD (AB2005-279)**
23

24 ***Brenner moved*** to confirm the appointment.
25

26 ***Motion carried unanimously.***
27

28 **5. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
29 **KEITH HYATT TO THE WHATCOM COUNTY DEVELOPMENTAL**
30 **DISABILITIES BOARD (AB2005-280)**
31

32 ***Nelson moved*** to confirm the appointment.
33

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

36
37 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE A NEW**
38 **LIQUOR LICENSE APPLICATION FOR SMOKIN SAM'S #1, 7160 GUIDE**
39 **MERIDIAN, LYNDEN (AB2005-281)**
40

41 ***Nelson moved*** to approve the request.
42

43 ***Motion carried unanimously.***
44

45
46 **LETTERS SENT BY COUNCIL**
47

- 1 **1. LETTER SENT JUNE 28, 2005, REGARDING THE USDA'S**
2 **RECOMMENDED DECISION ON THE REGULATION OF PRODUCER-**
3 **HANDLER DAIRIES IN THE PACIFIC NORTHWEST AND ARIZONA/LAS**
4 **VEGAS MILK MARKETING ORDERS (AB2005-071)**

5
6 Caskey-Schreiber stated this letter is scheduled, for information only.
7

8
9 **INTRODUCTION ITEMS**

10
11 *Nelson moved* to accept the Introduction Items, including the addenda
12 items.
13

14 *Motion carried unanimously.*
15

- 16 **1. ORDINANCE REGARDING INSTALLING STOP SIGNS ON MILL ROAD**
17 **(AB2005-282)**
- 18
19 **2. RESOLUTION VACATING A PORTION OF MOSQUITO LAKE ROAD**
20 **(AB2005-283)**
- 21
22 **3. ORDINANCE ESTABLISHING A HOMELESS HOUSING FUND (AB2005-**
23 **284)**
- 24
25 **4. ORDINANCE ESTABLISHING A TRIAL COURT IMPROVEMENT FUND**
26 **(AB2005-285)**
- 27
28 **5. ORDINANCE AMENDING 2005 WHATCOM COUNTY BUDGET , SEVENTH**
29 **REQUEST (AB2005-286)**
- 30
31 **6. ORDINANCE (INTERIM) AMENDING THE WHATCOM COUNTY**
32 **SHORELINE MANAGEMENT PROGRAM, SECTION 23.100.20.57,**
33 **AQUICULTURE REGULATIONS (AB2005-085A)**
34

35 **ADDENDA:**

- 36 **7. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY CRITICAL**
37 **AREAS ORDINANCE, WCC CHAPTER 16.16 - CRITICAL AREAS AND**
38 **ASSOCIATED PROVISIONS OF WCC TITLE 2, CHAPTER 2.33, AND WCC**
39 **TITLE 20 (AB2005-226)**
40
- 41 **8. ORDINANCE AMENDING WHATCOM COUNTY CODE (WCC) TITLE 20,**
42 **SECTION 20.80.735 (ON AN INTERIM BASIS) TO IMPLEMENT A**
43 **SEASONAL RESTRICTION ON LAND CLEARING ACTIVITIES WITHIN**
44 **THE LAKE WHATCOM WATERSHED WATER RESOURCE SPECIAL**
45 **MANAGEMENT AREA BETWEEN SEPTEMBER 1 AND APRIL 30**
46 **(AB2005-125A):**
47

1 **9. ORDINANCE AMENDING WHATCOM COUNTY CODE (WCC) TITLE 20,**
2 **CHAPTER 20.71 - WATER RESOURCE PROTECTION OVERLAY DISTRICT**
3 **(ON AN INTERIM BASIS), TO PROVIDE ADDITIONAL REGULATORY**
4 **PROTECTION FOR THE LAKE WHATCOM WATERSHED (AB2005-072B):**
5
6

7 **OTHER BUSINESS and REPORTS AND OTHER ITEMS FROM**
8 **COUNCILMEMBERS**
9

10 Crawford stated the Council ought to get together for a softball game.
11

12 Caskey-Schreiber stated there was discussion about taking away the line of
13 credit for a fundraising team to come to town. After much discussion, it was voted
14 down 9-5. They are going back to the table to see what's next. She will keep the
15 Council informed.
16

17 Brenner stated the Council received a letter from a group concerned about
18 the proposed mega-mall for Ferndale. The least the Council should do is put this in
19 the Planning and Development Committee to see if councilmembers are interested
20 in doing anything.
21
22

23 **ADJOURN**
24

25 The meeting adjourned at 9:52 p.m.
26


27 
28 _____
29 Jill Nixon, Minutes Transcription
30

31 The Council approved these minutes on July 26, 2005.
32

33 ATTEST

34 WHATCOM COUNTY COUNCIL
35 WHATCOM COUNTY, WASHINGTON
36



36 
37 _____
38 Laurie Caskey-Schreiber, Council Chair
39