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1 Dennis Jones, Sudden Valley, stated people should think about the local
2 resources that went into the Hiroshima incident 60 years ago. Crown Pacific
3 logging activities on Stuart Mountain have eroded the topsoil. Nielson Brothers
4 logging activity was done in hopes of creating a development. The people who
5 platted Sudden Valley in 1968 didn't know the effects. Now they know. It's
6 reprehensible to have citizen representative to the State Department of Natural
7 Resources (DNR) who works for Nielson Brothers. Tell the truth about the lake.
8 It's been said that it will take a disaster for government to know they have to
9 protect the lake. It will cost \$300 million to find a new water supply. It will cost
10 \$150 million to have secondary and tertiary treatment. Realize that restrictive
11 zoning and covenants aren't enough. First, do no more wrong. Use the 110
12 percent solution. Save the lake for the children.

13
14 Sharon Crozier, Bellingham, stated the Council should make its decisions for
15 the watershed. Restrain growth until it can be considered appropriately. Don't
16 loosen the controls they already have. Reexamine the Council's position on the
17 Sudden Valley urban growth area (UGA).

18
19
20 **PUBLIC HEARINGS**

21
22 **1. RESOLUTION VACATING A PORTION OF MOSQUITO LAKE ROAD**
23 **(AB2005-283)**

24
25 Caskey-Schreiber opened the public hearing and, hearing no one, closed the
26 public hearing.

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

29
30 Brenner stated the Council is only vacating a portion of the road that has
31 fallen toward the river and has been replaced.

32
33 ***Motion carried unanimously.***

34
35 **2. ORDINANCE AMENDING WHATCOM COUNTY CODE 20.71 – WATER**
36 **PROTECTION OVERLAY DISTRICT (ON AN INTERIM BASIS), TO**
37 **PROVIDE ADDITIONAL REGULATORY PROTECTION FOR THE LAKE**
38 **WHATCOM WATERSHED (AB2005-072C)**

39
40 Caskey-Schreiber opened the public hearing and the following people spoke:

41
42 Dennis Jones, Sudden Valley, stated there is no excuse for an urban growth
43 area (UGA) in Sudden Valley. Let the UGA die a slow withering death. Whatcom
44 County Code (WCC) 20.71.350 didn't go far enough. They know that Sudden
45 Valley was clear-cutting lots. Their catch basins silt up after about three years.
46 Close the exemption of 200 square feet to houses. Cluster subdivisions approved
47 after the moratorium are out of code.

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1
2 Marian Beddill, 3600 Seeley, Bellingham, stated the Council has to do what
3 has to be done to protect the water supply. Urban development is the problem. He
4 understands the others' point of view. However, nothing else matters more to
5 human health than clean drinking water. Don't allow a City of Sudden Valley in the
6 watershed. Don't give control over to those who have real estate profits as their
7 principal interests. Adopt the ordinance with increased protection and control over
8 the sole source of potable drinking water.
9

10 Dave Ewoldt, 1811 Eldridge Avenue, Bellingham, stated a development
11 moratorium without loopholes should be extended until growth threshold standards
12 are established that would preserve or improve the quality of life in Whatcom
13 County. Those standards are important. Courts will insist on justifiable rationales
14 for stopping growth. Many other cities have capped growth in ways that were
15 upheld by the courts. In the absence of a moratorium, land developers can impose
16 additional growth by vesting their right to develop under existing lax land use
17 regulations. Courts have allowed moratoria to block development during the time
18 required to amend plans and regulations when ongoing development would defeat
19 the stated intent of revising the public documents to ensure environmental health
20 and quality of life. Change the comprehensive plans to reflect the studies justifying
21 a growth cap, before regulatory actions can be legally undertaken to curb land
22 development. Once comprehensive plans are changed to reflect no-growth policies,
23 a community can legally change zoning and subdivision ordinances that ensure
24 ongoing growth. There is no legal guarantee to allow the most profitable use of any
25 particular property. Preserve the amenities of Whatcom County. People are
26 moving to Whatcom County to escape the problems caused by development.
27

28 Steve Hood, Washington State Department of Ecology (Ecology), 1204
29 Railroad Avenue, stated he is pleased to see that the Council has recognized the
30 impact from impervious surfaces that are less than 100 percent. Development has
31 an impact, beyond the roof. The gravel driveways have an impact. He is happy
32 with focus on redevelopment and triggering things that will start making
33 improvements in existing development. Ecology is doing its best to get information
34 to the County. There should be some information in another month or so.
35

36 Brenner asked if Ecology or the Department of Fish and Wildlife requires the
37 hydraulic permit approval (HPA). Hood stated that approval is required by the
38 Department of Fish and Wildlife.
39

40 Cal Leenstra, Birch Bay, stated the Council should keep the impervious
41 surface limit at 2,500 square feet. The limit is already unnecessarily low. If the
42 footprint is too low, it becomes an obstacle to sensible design. It discriminates
43 against older people who can afford homes on the lake and who want a one-story
44 home. A smaller footprint forces an ugly two to three story design and is not
45 harmonious with the site. The percentages are unfair and deny privileges granted
46 to existing homeowners. It would be troublesome to prove there is a proportional
47 relationship between a limitation being imposed on landowners who want to build a

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1 new home and the resulting benefit to the lake. A 500 square foot reduction in
2 impervious surfaces allowed would not make a measurable difference in water
3 quality.
4

5 Roger Ellingson, 3033 Alderwood Avenue, Bellingham, submitted and read
6 from information (*on file*). This is a piecemeal approach. The real approach would
7 be a comprehensive stormwater management plan. The Council needs to force the
8 County Executive to do a comprehensive stormwater management plan. He
9 suggested a building moratorium until that has happened. A building moratorium
10 should be kept in place until the transfer of development rights (TDR) program
11 bank is working. Have Rick Pruetz develop the program. Impose a tax on
12 impervious surfaces.
13

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

16 ***Fleetwood moved*** to adopt the ordinance.
17

18 Brenner stated this is an interim ordinance. The Council has discussed it
19 previously. This is the same ordinance as before.
20

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

23 **3. ORDINANCE DECLARING INTENT TO ACCEPT A NEW SECTION OF**
24 **DELTA LINE ROAD AS A WHATCOM COUNTY ROAD (AB2005-315)**
25

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

28 Klaus Klix, 5563 Hillard Road, Everson, stated the road connector is
29 complete. It is safer and provides easier access for trucks. They've sold eight lots
30 to local growing companies, which will produce 60 to 80 jobs. He thanked the
31 Council, Executive Kremen, and the County staff for their support.
32

33 Hearing no one else, Caskey-Schreiber closed the public hearing.
34

35 ***Brenner moved*** to adopt the ordinance. She thanked Mr. Klix. This is a
36 great example of how environmentally sensitive industrial development can work.
37

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

40 **4. RESOLUTION AUTHORIZING THE SALE OF WHATCOM COUNTY**
41 **SURPLUS PROPERTY (AB2005-310A)**
42

43 Caskey-Schreiber opened the public hearing and, hearing no one, closed the
44 public hearing.
45

46 ***Nelson moved*** to approve the resolution.
47

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1 *Motion carried unanimously.*
2
3

4 **CONSENT AGENDA**
5

6 *Nelson* reported for the Finance and Administrative Services Committee and
7 *moved* to approve Consent Agenda items one through 14.
8

9 *Nelson withdrew* item 12.
10

11 *Motion to approve Consent Agenda items 1 through 11, 13, and 14*
12 *carried unanimously.*
13

- 14 1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
15 CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND THE
16 OPPORTUNITY COUNCIL FOR MOBILE HOME REPAIR AND
17 REHABILITATION PER COUNTY 2060 ADVISORY COMMITTEE
18 RECOMMENDATIONS, IN THE AMOUNT OF \$83,482 (AB2005-319)
19
20 2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
21 COOPERATIVE AGREEMENT BETWEEN WHATCOM COUNTY AND THE
22 UNITED STATES OF AMERICA COMMODITY CREDIT CORPORATION
23 AND WHATCOM LAND TRUST FOR THE FARM AND RANCH LANDS
24 PROTECTION PROGRAM, IN THE AMOUNT OF \$405,013 (AB2005-320)
25
26 3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
27 CONTRACT EXTENSION BETWEEN WHATCOM COUNTY AND BOSMAN,
28 INC. FOR TRUCK AND TANKER VEHICLE PETROLEUM FUEL SERVICE,
29 IN THE AMOUNT OF \$545,007, FOR A TOTAL AMENDED CONTRACT IN
30 THE AMOUNT OF \$1,134,161.10 (AB2005-321)
31
32 4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN
33 AGREEMENT BETWEEN WHATCOM COUNTY AND THE WASHINGTON
34 STATE DEPARTMENT OF TRANSPORTATION TO ALLOW MUTUAL USE
35 OF EACH PARTY'S PROPERTY DURING THE DEVELOPMENT OF A
36 BICYCLE PEDESTRIAN LANE ON A REPLACEMENT BRIDGE OVER
37 BOULDER CREEK ON SR542 (AB2005-322)
38
39 5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
40 CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND THE
41 DEPARTMENT OF SOCIAL AND HEALTH SERVICES FOR TECHNICAL
42 ASSISTANCE IN THE AREA OF JUVENILE DETENTION ALTERNATIVES
43 THROUGH THE ANNIE E. CASEY FOUNDATION, IN THE AMOUNT OF
44 \$46,475, FOR A TOTAL AMENDED CONTRACT IN THE AMOUNT OF
45 \$86,475 (AB2005-323)
46

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- 1 6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
2 CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND THE
3 WASHINGTON STATE DEPARTMENT OF COMMUNITY, TRADE AND
4 ECONOMIC DEVELOPMENT FOR PAYMENT OF WAGES FOR ONE
5 WHATCOM COUNTY SHERIFF'S DETECTIVE AND ONE BELLINGHAM
6 POLICE DEPARTMENT DETECTIVE, IN THE AMOUNT OF \$94,445
7 (AB2005-324)
8
- 9 7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
10 CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND RE
11 SOURCES TO PROVIDE CLASSROOM EDUCATION PROGRAMS TO
12 PROMOTE WASTE REDUCTION, RECYCLING AND PROPER HOUSEHOLD
13 HAZARDOUS WASTE MANAGEMENT, IN THE AMOUNT OF \$75,000
14 (AB2005-325)
15
- 16 8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
17 CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND
18 ARCHDIOSEAN HOUSING FOR 2060 REPAIR AND RETENTION
19 FUNDING FOR REPAIRS AT MT. BAKER APARTMENT BUILDING, IN
20 THE AMOUNT OF \$48,505 (AB2005-326)
21
- 22 9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN
23 ECONOMIC DEVELOPMENT INVESTMENT PROGRAM INTERLOCAL
24 GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF
25 SUMAS FOR FUNDING A PORTION OF THE HAUL ROAD EXTENSION
26 PROJECT IN THE CITY OF SUMAS, IN THE AMOUNT OF \$225,000
27 (AB2005-327)
28
- 29 10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #05-
30 57 FOR A CHIP SPREADER TO WESTERN POWER EQUIPMENT, IN THE
31 AMOUNT OF \$198,787.93 (AB2005-328)
32
- 33 11. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
34 RESIDENTIAL LEASE AGREEMENT BETWEEN WHATCOM COUNTY AND
35 MICHAEL HILTI TO LEASE THE HOUSE LOCATED AT 2723 BROADWAY,
36 BELLINGHAM, IN THE AMOUNT OF \$895.00 PER MONTH (AB2005-
37 329)
38
- 39 12. RESOLUTION AUTHORIZING THE EXECUTIVE TO ENTER INTO A
40 PURCHASE AND SALE AGREEMENT WITH THE LUMMI ISLAND
41 COMMUNITY LAND TRUST TO PURCHASE PARCEL #370104 539091
42 0000 FOR FERRY PARKING, IN THE AMOUNT OF \$110,000 PLUS
43 COSTS (AB2005-330)
44

45 *Nelson* reported for the Finance and Administrative Services Committee and
46 *moved* to approve the resolution.
47

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1 Crawford stated he has changed his mind on this item after a discussion with
2 the County Executive and a constituent on Lummi Island who is concerned about
3 this item.

4
5 *Motion carried unanimously.*

6
7 **ADDENDA:**

8
9 **13. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
10 **CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND ANVIL**
11 **CORPORATION FOR REPLACEMENT OF THE HVAC SYSTEM IN**
12 **SUPERIOR COURT #2 AND COMMISSIONERS COURTROOM #3, IN THE**
13 **AMOUNT OF \$24,000 (AB2005-338)**

14
15 **14. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
16 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND EBENAL**
17 **GENERAL FOR WORK ON THE NORTHWEST ANNEX BUILDING, IN THE**
18 **AMOUNT OF \$31,671.84, FOR A TOTAL AMENDED AMOUNT OF**
19 **\$257,809.84 (AB2005-339)**

20
21
22 **OTHER ITEMS**

23
24 **1. ORDINANCE AMENDING THE 2005 WHATCOM COUNTY BUDGET,**
25 **EIGHTH REQUEST (AB2005-314)**

26
27 *Nelson* reported for the Finance and Administrative Services Committee and
28 *moved* to adopt the ordinance.

29
30 *Motion carried unanimously.*

31
32 **2. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING**
33 **CODE, CHAPTER 20.80.800 – LIVESTOCK REGULATIONS (AB2005-**
34 **316)**

35
36 *Fleetwood* reported for the Planning and Development Committee and
37 *moved* to adopt the ordinance. He *moved* to amend 20.80.805(3), "...calves
38 under six 12 months...." There wasn't sufficient reason for keeping it at six months.

39
40 Brenner stated calves at six months have not yet been weaned.

41
42 *Motion to amend carried unanimously.*

43
44 *Fleetwood moved* to amend 20.80.805(4), "...The land area remaining for
45 livestock use is the "net acreage," which can include leased land, is used in the
46 above table to determine stocking rate."

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1 Brenner stated staff brought up the fact that someone with acreage bigger
2 than the lot will be fined if it meets these requirements. Don't have a lot of people
3 coming in thinking they are violating the law when they are not.

4
5 ***Motion to amend carried unanimously.***

6
7 ***Fleetwood moved*** to amend 20.80.805(5), "...animal unit equivalent ~~but in~~
8 ~~no case shall livestock be kept on a net acreage of ¼ acre or less in size."~~

9
10 Brenner stated this section is talking about anything that weighs 50 pounds
11 or less. A .05 animal unit equals 50 pounds. The purpose of the amendment is to
12 allow anything that weighs 50 pounds or less.

13
14 Crawford stated there is a problem with the table. According to the table, a
15 duck equals a .2 animal unit.

16
17 Brenner stated the section as it is doesn't allow any livestock on a parcel that
18 is ¼ of an acre or smaller. This amendment will allow livestock on smaller parcels.

19
20 Roy stated it sounds reasonable to not allow livestock on lots that small.

21
22 Brenner stated there are dogs that weigh more than 50 pounds.

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

25
26 Brenner continued to state that there are other laws, such as nuisance laws,
27 if the animals are a problem. Don't deny someone from having a chicken, rabbit, or
28 duck.

29
30 ***Motion to amend carried unanimously.***

31
32 Caskey-Schreiber stated this item will go back to the Planning Committee
33 and a public hearing may be held in September.

34
35 Nelson asked the purpose for this ordinance.

36
37 Brenner stated the reason for the ordinance was to clarify the work the
38 Council had done about animal units. It wasn't clear before. She's not sure the
39 animal unit amounts have been clarified correctly.

40
41 Crawford stated the correct animal unit for ducks and geese is probably
42 supposed to be .02, not .2. Someone expressed a concern about the regulation
43 because it does not include the living area. He needs to know the evidence that
44 five cows on five acres has been a problem that requires the regulation be four
45 cows. It will affect some people.

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1 **3. APPOINTMENT TO THE SURFACE MINING ADVISORY COMMITTEE -**
2 **APPLICANT: KENT NIELSEN (AB2005-317)**

3
4 *Brenner moved* to appoint Kent Nielsen.

5
6 *Motion carried unanimously.*

7
8 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE AN**
9 **APPLICATION FOR A NEW LIQUOR LICENSE FOR DAKOTA CREEK**
10 **WINERY, 3575 HAYNIE RD., BLAINE (AB2005-331)**

11
12 *Roy moved* to approve the request.

13
14 *Motion carried unanimously.*

15
16 **5. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
17 **DONNA DAVIS TO THE DEVELOPMENTAL DISABILITIES BOARD**
18 **(AB2005-332)**

19
20 *Brenner moved* to confirm the appointment.

21
22 *Motion carried unanimously.*

23
24 **6. REQUEST CONFIRMATION OF THE EXECUTIVE'S APPOINTMENT OF**
25 **DAC JAMISON TO THE SUBSTANCE ABUSE ADVISORY BOARD**
26 **(AB2005-333)**

27
28 *Brenner moved* to confirm the appointment.

29
30 *Motion carried unanimously.*

31
32 **7. REQUEST CONFIRMATION OF THE EXECUTIVE'S REAPPOINTMENT OF**
33 **DAVID WARREN TO THE JOINT PUBLIC FACILITIES DISTRICT BOARD**
34 **(AB2005-334)**

35
36 *Nelson moved* to confirm the reappointment.

37
38 *Motion carried unanimously.*

39
40
41 **INTRODUCTION ITEMS**

42
43 *Nelson moved* to accept the Introduction Items, including the substitute for
44 AB2005-336.

45
46 *Motion carried unanimously.*

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- 1 **1. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY**
2 **COMPREHENSIVE PLAN MAP AND THE WHATCOM COUNTY ZONING**
3 **MAP FROM SUBURBAN ENCLAVE/RR2 TO PUBLIC RECREATION/ROS**
4 **FOR APPROXIMATELY 47 ACRES WITHIN THE CHUCKANUT-LAKE**
5 **SAMISH SUBAREA (AB2005-335)**
6
- 7 **2. RESOLUTION AUTHORIZING APPROVAL BY THE WHATCOM COUNTY**
8 **COUNCIL TO PROVIDE FOR SUBMISSION TO THE QUALIFIED VOTERS**
9 **OF THE COUNTY A PROPOSITION AUTHORIZING A LOCAL SALES AND**
10 **USE TAX OF ONE-TENTH OF ONE PERCENT AS ALLOWED UNDER RCW**
11 **82.14.450, WITH TWO-THIRDS OF THE PROCEEDS TO BE USED FOR**
12 **FUNDING COUNTYWIDE EMERGENCY MEDICAL SERVICES AND ONE-**
13 **THIRD OF THE PROCEEDS TO BE USED FOR CRIMINAL JUSTICE**
14 **PURPOSES (AB2005-336)**
15
- 16 **3. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY CRITICAL**
17 **AREAS ORDINANCE, WCC CHAPTER 16.16 – CRITICAL AREAS AND**
18 **ASSOCIATED PROVISIONS OF WCC TITLE 2, CHAPTER 2.33, AND WCC**
19 **TITLE 20 (AB2005-226)**
20
- 21 **4. ORDINANCE AMENDING WHATCOM COUNTY CODE TITLE 11,**
22 **BOATING AND SWIMMING, TO LIMIT THE USE OF LIMB-PROPELLED**
23 **FLOTATION DEVICES ON THE SOUTH FORK OF THE NOOKSACK RIVER**
24 **FROM JUNE 1 THROUGH OCTOBER 31 (AB2005-173A)**
25

26
27 **OTHER BUSINESS** and **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

28
29 Roy stated native salmon were seen returning to Terrell Creek a couple of
30 weeks ago. They haven't been seen in years.
31

32 Nelson stated there are State-proposed changes to contract mental health
33 services to a third-party provider. The region has been doing a very good job, and
34 appealed the proposal to court. The judge will rule next week. They are concerned
35 about losing about \$800,000 in services locally. If the decision is negative, he
36 would like the Council to write a letter to appeal the decision and in support of the
37 North Sound mental health agency. He moved to send a letter.
38

39 Caskey-Schreiber asked if the Council will want to intervene legally if the
40 decision is negative.
41

42 Nelson stated the Council will want to intervene.
43

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

46 Brenner stated there was a meeting in Kendall regarding the proposal for 750
47 homes. After the meeting, most people changed their views on the proposal, at

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1 least in part. The idea is interesting, but the question is whether that is the right
2 place. She appreciated the comments and the way the people presented
3 themselves.

4
5 Crawford stated the Farm Friends picnic is on Saturday. It is a fun and tasty
6 event. He encouraged the councilmembers to attend.

7
8

9 **ADJOURN**

10
11 The meeting adjourned at 7:58 p.m.

12
13
14 _____
15 Jill Nixon, Minutes Transcription

16
17 The Council approved these minutes on _____, 2005.

18
19 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

20
21
22
23 _____
24 Dana Brown-Davis, Council Clerk

Laurie Caskey-Schreiber, Council Chair