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1 trying to enforce federal immigration law. Federal immigration law should be  
2 enforced by law enforcement officers who are trained to perform those duties and  
3 who are required by the Constitution to respect those laws. There is much potential  
4 for profiling by these individuals. They've seen President Bush say these individuals  
5 are vigilantes and do not act under federal immigration laws. She asked the  
6 Council to approve a resolution making a strong statement against the Minutemen  
7 and their activities, against these vigilante activities, and in favor of a safe  
8 environment for all individuals to have due process of law without harassment,  
9 intimidation, or unlawful detention by the Minutemen.

10  
11 David Conn, 1215 High Street, Bellingham, stated he asks the County  
12 Council to approve the resolution opposed to vigilantes in Whatcom County. The  
13 Bellingham City Council approved the resolution at its meeting last night. Countless  
14 other cities, counties, and state legislative representatives from the Southwest have  
15 approved the resolution. Even the President has shown the Minutemen for what  
16 they are. The Minutemen entity may not be a threat, but they bring along splinter  
17 groups that can cause a lot of trouble. They can lead to a resurgence of the militia  
18 trouble in the 1990's.

19  
20 Elizabeth Jennings, 510 E. Laurel, Bellingham, stated she encourages the  
21 Council to approve a resolution opposing vigilante groups operating in Whatcom  
22 County. This is a national and international issue. Show that Whatcom County  
23 values individual human dignity and human rights.

24  
25 Ian Morgan, 916 E. Maple, Bellingham, stated he represents the Anti-Racist  
26 White Student Union at Western Washington University and the Whatcom County  
27 Farm Worker Solidarity Committee. Support the resolution opposing the  
28 Minutemen. They are organizing and mobilizing right now. Putting off a vote on  
29 this resolution gives them more time to scare and possibly hurt people. Although  
30 the Minutemen may not seem extreme, white supremacist splinter groups, which  
31 have executed people, follow them wherever they go.

32  
33 Magdeleno Rose-Avila, Northwest Immigrant Rights Project, submitted  
34 testimony (*on file, Exhibit A*) and stated he is from a law firm that represents  
35 immigrants throughout the state and all over the world. He speaks for a number of  
36 organizations around the state and country that couldn't be here. They are  
37 concerned about the actions of Minutemen. Many legislators have spoken out  
38 against these vigilante groups. Almost everyone here except Native Americans  
39 have historical roots in their immigrant past. Historically, vigilante groups went  
40 after Irish, Italian, Polish, and German immigrants. America does not need this  
41 vigilante group in its borders. People pay for the proper protection on their  
42 borders. The press and some politicians have led them to believe that the borders  
43 are insecure from terrorists and waves of immigrants. He would like to talk to the  
44 Council in the future about immigration in the State of Washington. Immigration  
45 and refugees are complex issues. The Canadians who are legal are afraid to come  
46 across the border. Ethnic American citizens are afraid to come to this border

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1 because they don't know whether these people, of whom some are armed, would  
2 injure them. They don't need this fear.

3  
4 Paul de Armond, 1344 Humboldt Street, Bellingham, submitted testimony  
5 (*on file, Exhibit B*) and stated this is the fifth outbreak in the last forty years. It  
6 happens regularly every decade. He expects to see it again ten years from now.  
7 Sheriff Elfo made an unfortunate misstep early in the process. Sheriff Elfo may  
8 want to inform the Council in executive session at some point.

9  
10 He spent last Sunday on the border. There is no militia activity up there.  
11 There was one report of guys driving around in a pickup truck. The map drawn up  
12 in the Seattle Times was bogus. They aren't there. He expects they will fizzle out  
13 quickly. The Council's action will assist that somewhat. Consider the resolution  
14 opposing vigilante groups at the border. Have as much of a debate as they need to  
15 put together the wording the Council needs to achieve a unanimous vote. The  
16 public organizing will eventually fail. Some of the people on the fringes of this  
17 group will turn to criminal activity. If they are extremely unlucky, the Minutemen  
18 will also have drawn some people who are committed to violent domestic terrorism,  
19 just like they had ten years ago. If that's the case, he is confident the Federal  
20 Bureau of Investigation (FBI) will be on top of things. These groups attract people  
21 who tend to want to be cops. The FBI is willing to pay to have informants inside  
22 the operation. When necessary, criminal prosecution will take place at the federal  
23 level.

24  
25 Maru Villalpando, Seattle, St. James Cathedral, stated she is a Latino  
26 community member that works with Latino immigrants and refugees. Approve the  
27 resolution regarding the Minutemen. The Minutemen are not doing a good job and  
28 should not be doing this job. The people already have the Border Patrol. At the  
29 Southern border, the job they did was against Latinos, specifically Mexicans. She  
30 worked with and is one of those Latinos. She and the Latino community are afraid.  
31 The Minutemen are a racist group. They won't stop people who look white. They  
32 will stop people who look brown, have an accent, or unusual names. Please stop  
33 these people.

34  
35 Peter Brown, 1631 Dale Street, San Diego, California, stated he is a public  
36 school teacher in San Diego. He works with school systems in southern Mexico.  
37 The Minutemen is a very scary organization. The Council can make it clear that the  
38 government and people of this country and who are responsible for maintaining  
39 order do not support this type of thing. He's worked with immigrant families for  
40 years. Outbreaks of this racist organization is frightening to those communities and  
41 children. In this case, this organization has gotten much national and international  
42 press. It's important that local people take a stand.

43  
44 Mary Dickinson, Building Industry Association (BIA) of Whatcom County  
45 Governmental Affairs Director, stated the Built Green trade show is Thursday at the  
46 ferry terminal. If councilmembers choose to come, they will be invited guests of  
47 the BIA.

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1  
2 Dr. Susan Beattie, Clinical Psychologist, Battleground, Washington, asked the  
3 Council to condemn this newest threat on the borders and to the foreign people  
4 who are in real fear of this group. The Minutemen seem to be an attempt to  
5 sanitize vigilantism, to give people a chance to arm themselves, and to be  
6 threatening. A failure to act appears to be condoning, which is tacit approval of this  
7 behavior. This is racism masked as patriotism. It is a way for racism to gain entry  
8 to a mainstream agenda. It is simply not healthy.  
9

10 Mary Dumas, 8415 Carl Road, Everson, stated silence regarding the  
11 Minutemen sounds like permission. There are federal agency reports on cost to  
12 communities due to organizations like the Minutemen and attached entities. When  
13 they stand aside and say nothing, they condone the bully.  
14

15 Charles Law, 1213 Whatcom Street, Bellingham, stated they are overlooking  
16 the economic issue of the Minutemen. The labor force of migrant workers are  
17 thinking of moving to Canada where they can get better guest worker benefits.  
18 American guest worker benefits are very bad. This is very big economic issue. This  
19 country needs this workforce. No other person will do work in the fields that farm  
20 workers will do. Keep their labor force in this country. That is the reason the  
21 President has made his statements.  
22

23 Sharon Monteiro, Bellingham, submitted a petition opposing the Minutemen  
24 Project (*on file, Exhibit C*), an article authored by Salim Jiwa (*on file, Exhibit D*) and  
25 comments from Representative Rick Larsen (*on file, Exhibit E*). Approve the  
26 resolution opposing Minutemen. The Bellingham City Council approved a resolution  
27 last night, which the City of Blaine and City of Sumas will soon consider (*on file,*  
28 *Exhibit F*). People who live on the border in Sumas have been upset because  
29 they've seen people with flashlights wandering around their property at night. They  
30 are concerned about splinter group vigilantes. The Minutemen have stated they will  
31 do static patrols at set locations. Therefore, the people who are wandering around  
32 private property in Sumas are not affiliated with the Minutemen. Last week, there  
33 was a large pickup downtown across from the peace vigil. The truck had a metal  
34 confederate flag with an eagle in the middle, dark tinted windows, search lights and  
35 racks. The truck was from Montana, which has a very active militia. She doesn't  
36 know if the owner of the truck is drawn to this area because of the Minutemen  
37 activities. The Minutemen have assaulted the Lummi Nation in a room full of  
38 County, federal, and city law enforcement. The Minutemen stated three times that  
39 the Lummi Nation invited the Minutemen to camp and train at Stommish. That isn't  
40 true. The person who invited them was not a tribal member. Approve the  
41 resolution.  
42

43 David Robison, 3954 Byron Avenue, stated he is concerned about the  
44 Minutemen. The County Council should say how it feels about the group being in  
45 the community. He is the local group coordinator for Amnesty International.  
46 Amnesty International's western regional office is very concerned about the  
47 Minutemen. If one of the largest human rights groups in the world can see the

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1 danger in the Minutemen, he hoped the community can see that danger also. He  
2 would appreciate a resolution against the Minutemen.

3  
4 Caskey-Schreiber stated Mr. Robison used to be one of her employees at  
5 Western Washington University. He was a fine employee.

6  
7 Dennis Jones, 122 Sudden Valley Drive East, stated 2,400 homes have been  
8 built in Sudden Valley. There are 476 homes in the permit process. There are 521  
9 still open. Interceptor one saved Lake Whatcom County during the December 14  
10 flood. He thanked Water District 10. That interceptor and the second sewer line  
11 allowed for growth now platted for 3,470 homes. That's 330 beyond the  
12 Comprehensive Plan and Sudden Valley's own objectives. Look for alternative ways  
13 to fund the down-platting of those 330 lots. They don't have the money to buy 330  
14 lots. There are ways to do it. Since 1992 and 1988, the vision of that watershed  
15 being a sustainable model for forestry, housing, and recreation has been out there.  
16 Fund that vision. Establish a parks and recreation or greenway district out there. A  
17 levy would pass.

18  
19 Debbie Covert-Bowlds, 5967 Abbey Road, Ferndale, stated she opposes the  
20 Minutemen. It is a black mark on the county. This is also a statewide issue. She is  
21 part of the Coalition for Professional Law and Border Enforcement. The law should  
22 be kept in the hands of the professionals, not vigilantes. She also represents Christ  
23 the Servant Lutheran Church. The church council passed its own resolution. The  
24 church's executive board in Seattle also passed a resolution supporting her church's  
25 efforts to oppose the Minutemen activity. The Washington Association of Churches  
26 board is taking up this issue at its next meeting. The Lutheran Public Policy Office  
27 supports their resolution also. This is an important issue to the state of  
28 Washington. Approve the resolution opposing the Minutemen. It is also important  
29 for tourism. She opposes Minutemen activities.

30  
31 Steven Schuck, 1213 Whatcom Avenue, Bellingham, submitted and read  
32 from his testimony (*on file*). Government is and should be answerable to the  
33 voters. Self-appointed police forces not accountable to the voters is undemocratic,  
34 anti-American, and immoral. There are increased hazards and negative effects.  
35 Take action to protect the safety of him and his friends and the reputation of  
36 Whatcom County from these uncontrolled and lethally armed people.

37  
38 Rosalinda Guillen, 1800 - 20<sup>th</sup> Street, Bellingham, stated she believes in the  
39 public process to deal with issues in the community. She is opposed to the  
40 Minutemen project. According to the media, Minuteman Richard Humphries said  
41 that the problem is the number of illegal immigrant and that the United States is  
42 becoming too diverse and losing its core culture. Another official spokesperson for  
43 the Minutemen Project based in Arizona said Canada has lax laws that allow people  
44 from Middle Eastern countries to live there, and someone from the Middle East  
45 might belong to a Middle East terror cell. A flyer for a Minutemen rally in Oregon  
46 says that they are heroes and Oregon State is aiding and abetting illegal aliens by  
47 providing welfare, healthcare, and housing. These people are calling themselves

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1 heroes. They are coming into Whatcom County and guarding against the Latinos in  
2 the community. They are the targets of the Minutemen Project. Approve the  
3 resolution opposing the Minutemen Project and other border militias. See that the  
4 border officials and law enforcement do their jobs properly. Immigrant citizens will  
5 help the county secure its borders in any way necessary, but not this way. These  
6 are not heroes. They are people taking their law into their own hands.

7  
8 Joe Deeny, 2104 Wilson Avenue, Bellingham, asked the Council to approve  
9 the resolution opposing the Minutemen in Whatcom County. Encourage the Sheriff  
10 to look seriously at these folks. He is a member of the Whatcom County Human  
11 Rights Task Force. The Minutemen remind him of the militia that was here in the  
12 1990's. Take this very seriously. These are armed people running their own show  
13 on the citizens' lands. They are an anti-immigrant group. Their comments have  
14 been blatantly racist. There are criminal elements in their group. They encourage  
15 criminal elements. He believes one of the fellows profiled in the Bellingham Herald  
16 may be a convicted felon. Their actions, even if they are within the law, incite  
17 extremists who follow them. They will raise the danger level in this county. There  
18 is danger from people carrying weapons after dark in rural areas. These people will  
19 not be able to tell who are citizens of the United States. Show strong support for  
20 all Whatcom County, including immigrants and law enforcement.

21  
22 Alfred Dale, 741 Chuckanut, Bellingham, stated problem is not new. This  
23 issue has been exacerbated by the North American Free Trade Agreement (NAFTA).  
24 When NAFTA was passed, many farmers were forced off the land. Many farmers  
25 have illegally immigrated into the United States. NAFTA has given Whatcom  
26 County more jobs from Canada.

27  
28 *(Clerk's Note: End of tape one, side A.)*

29  
30 Ricardo Sanchez, local business owner, stated the Council needs to approve a  
31 resolution opposing Minutemen. His business and the entire county will hurt.  
32 There are many people in this county who come from countries where they were  
33 not welcome. People who live here legally are afraid. Jobs will be lost.

34  
35 Pete Kremen, County Executive, stated he invites the Council and public to  
36 an unveiling of a memorial for an individual who resided in this community. Cpl.  
37 Jonathan J. Santos is Whatcom County's first casualty in the global war on  
38 terrorism. The ceremony will take place on Friday at noon at the south entrance of  
39 the Courthouse.

40  
41 David Hunter, Bellingham, stated he agrees with the remarks made tonight  
42 and encourages the Council to approve the resolution opposing Minutemen.

43  
44 He proposes to amend Whatcom County Code (WCC) 15.04.060 regarding  
45 building permits *(on file)*. His proposed ordinance would consider limiting the  
46 building permits in rural Whatcom County, consistent with the population projects  
47 in rural Whatcom County. The ordinance includes rural Whatcom County, not the

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1 urban growth areas (UGA's), but does include Sudden Valley and Point Roberts. His  
2 proposed ordinance would allow only 59 building permits for single family  
3 residences in rural Whatcom County each year. The ordinance is based on the  
4 population growth projection from 2002 to 2022, divided by 20 years. His number  
5 is based on 2.4, which is the current estimate of about how many people live in  
6 each single family residence, on average, in rural Whatcom County. The final  
7 number is the number of building permits that accommodate the population  
8 projection year by year.  
9

10 In the best of all worlds, this would be an emergency ordinance and then  
11 sent to the Planning Commission. The records in Whatcom County suggest that  
12 development in rural Whatcom County is occurring at a much higher rate than they  
13 want and than they have anticipated. That creates problems for the County. It  
14 makes it difficult for the County to finance the roads and keep up with levels of  
15 service. It creates pressure for farmers to have water available. It creates  
16 pressure on farmland specifically. It undermines their commitment to a rural  
17 Whatcom County by creating a suburban rural area. He asked the Council to act on  
18 it as briskly as possible.  
19

20 John Lesow, 317 Madrona Place, Point Roberts, stated he approves of David  
21 Hunter's request and encourages the Council to act on it. Anyone who wishes to go  
22 onto the Whatcom County Planning Commission website will see that most of the  
23 Planning Commission's considerations since April have been about growth. The  
24 idea of growth phasing was raised in April and formalized in July by members of the  
25 King Mountain group. It's appropriate for two reasons. First, there are 13 goals in  
26 the Growth Management Act. Goal 11 concerns citizen participation. Growth is the  
27 predominant subject for the citizens. The Revised Code of Washington (RCW) says  
28 that the Comprehensive Plan should provide for innovative land use management  
29 techniques. Mr. Hunter's proposal qualifies as that. Consider it.  
30

31 John Belisle, 231 Ten Mile Road, Lynden, stated they need to do more to  
32 control growth. He supports Mr. Hunter's proposal. Soon there won't be any more  
33 farms in the county. Whatcom County is like many special places in this country.  
34 All the rules they lived with ten years ago are out the window because the people  
35 are coming. Now, they don't have controls for levels of service for parks, roads,  
36 and schools. He is not willing to fund the level of services they need for the growth  
37 that is coming to this county. As long as they are not willing to pay for it, they  
38 must control the growth.  
39

40 John Steensma, 9295 Axling Road, Lynden, stated he is a farmer. He feels  
41 the pressure of urban sprawl. It affects the land prices around him. Just last  
42 spring, they spent many hours debating population projections. If they don't stick  
43 by it, all their plans will go out the window. He supports Mr. Hunter's proposal.  
44

45  
46 **SPECIAL PRESENTATION**  
47

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1    **1.    SPECIAL PRESENTATION BY ROB POCHERT, EXECUTIVE DIRECTOR**  
2           **OF THE BELLINGHAM-WHATCOM ECONOMIC DEVELOPMENT COUNCIL**  
3           **(AB2005-017)**  
4

5           Rob Pochert, Bellingham-Whatcom Economic Development Council (EDC)  
6 Executive Director, submitted information (*on file, Exhibit H*). There are 16 active  
7 business expansion and business relocation projects in Whatcom County. Eleven of  
8 the 16 are existing Whatcom County companies. The other five are out-of-area  
9 companies planning to relocate to Whatcom County. There are four other potential  
10 projects coming this way.  
11

12           Two years ago, when he came to Whatcom County, the EDC didn't have any  
13 projects or clients in the pipeline. In the economic development industry, projects  
14 "in the pipeline" are projects that are underway. Projects on this list are real  
15 projects. At the end of September, there was over \$131 million worth of potential  
16 projects in the pipeline, representing over 500 new jobs and working to retain over  
17 600 additional jobs in the county. They are manufacturing, good-paying jobs.  
18 Whatcom County has done a good job of creating jobs, but not high-paying jobs.  
19

20           The Regional Economic Development Plan for the EDC is a draft. He's asking  
21 government and business leaders in the community to review and comment on the  
22 draft. He needs good feedback on what is good, bad, and what must be included.  
23 It will be their guide for conducting economic development. The emphasis will  
24 remain primarily on existing businesses and secondarily on attracting new  
25 businesses.  
26

27           Brenner stated she would like to know more about the 16 potential projects.  
28 Pochert stated there are strict confidentiality rules. He provides information  
29 generally about what the EDC is accomplishing. It's difficult to indicate what they  
30 are working on exactly without revealing the companies.  
31

32           Brenner stated that is a problem for her. This information doesn't tell her  
33 anything.  
34

35           Nelson asked if the feedback needed from the Council on the development  
36 plan should be about legislative gaps that need to be filled to enhance higher  
37 paying jobs in the community. Pochert stated the plan is to identify activities the  
38 EDC should engage in to accomplish the goal of higher paying jobs. There are  
39 some implementation strategies and a draft work plan for five years.  
40

41           Fleetwood asked for a comparison between this document and the  
42 Community Economic Development Strategy (CEDS). Pochert stated this document  
43 has an implementation strategy that is organization-specific. The CEDS had broad,  
44 general topics. The CEDS did not include an implementation strategy. This  
45 document is focused on the EDC.  
46  
47

1 **PUBLIC HEARINGS**

2  
3 **1. RESOLUTION TO SELL SURPLUS PROPERTY BY AUCTION, REQ. #02-**  
4 **05 (AB2005-375A)**

5  
6 Jeff Monsen, Public Works Director, stated this resolution involves three  
7 parcels. The Mosquito Lake Road property should be removed from the resolution.  
8 He submitted a revised version of the resolution.

9  
10 Caskey-Schreiber opened the public hearing and, hearing no one, closed the  
11 public hearing.

12  
13 ***McShane moved*** to approve the substitute resolution.

14  
15 ***Motion carried unanimously.***

16  
17 **2. RESOLUTION TO SELL TAX-TITLE PROPERTY BY NEGOTIATION, REQ.**  
18 **#2005-01 (AB2005-376A)**

19  
20 Caskey-Schreiber opened the public hearing and, hearing no one, closed the  
21 public hearing.

22  
23 ***Nelson moved*** to approve the resolution.

24  
25 ***Motion carried unanimously.***

26  
27 **3. RESOLUTION TO SELL TAX-TITLE PROPERTY BY NEGOTIATION, REQ.**  
28 **#2005-02 (AB2005-377A)**

29  
30 Caskey-Schreiber opened the public hearing and, hearing no one, closed the  
31 public hearing.

32  
33 ***Nelson moved*** to approve the resolution.

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

36  
37 **4. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**  
38 **REQ. #2005-04 (AB2005-379A)**

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

42  
43 ***Nelson moved*** to approve the resolution.

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

46

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1     **5.     RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**  
2           **REQ. #2005-05 (AB2005-380A)**

3  
4           Caskey-Schreiber opened the public hearing and, hearing no one, closed the  
5 public hearing.

6  
7           ***Nelson moved*** to approve the resolution.

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

10  
11     **6.     RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**  
12           **REQ. #2005-06 (AB2005-381A)**

13  
14           Caskey-Schreiber opened the public hearing and, hearing no one, closed the  
15 public hearing.

16  
17           ***Nelson moved*** to approve the resolution.

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

20  
21     **7.     RESOLUTION TO SURPLUS COUNTY-OWNED PROPERTY FOR**  
22           **REVERSION TO NORTH WEST INDUSTRIES (NWI), REQ. #2005-07**  
23           **(AB2005-382A)**

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

26  
27           Tom Jessup, North West Industries Treasurer, stated his company is a pre-  
28 vocational workshop providing training and employment for developmentally  
29 disabled citizens. Legal counsel has reviewed and approved the resolution. He  
30 asked the Council to approve the resolution.

31  
32           Susan Jewell, ARC of Whatcom County, stated she provided her remarks  
33 earlier (*on file*). She read her remarks into the public record. Approve the  
34 resolution.

35  
36           Hearing no one else, Caskey-Schreiber closed the public hearing.

37  
38           ***Brenner moved*** to approve the resolution. If anything happens to North  
39 West Industries, that property will always be used for persons in Whatcom County  
40 with developmental disabilities.

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

43  
44     **8.     ORDINANCE AMENDING WHATCOM COUNTY CODE 20.80.735 TO**  
45           **IMPOSE A SEASONAL CLEARING ACTIVITY RESTRICTION WITHIN**  
46           **THE LAKE WHATCOM AND LAKE SAMISH WATER RESOURCE SPECIAL**

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1           **MANAGEMENT AREAS BETWEEN SEPTEMBER 1 AND APRIL 30**  
2           **(AB2005-125B)**

3  
4           Caskey-Schreiber opened the public hearing and the following person spoke:

5  
6           Gary Reid, Building Industry Association (BIA) of Whatcom County, stated  
7 the BIA members represent 500 businesses and 4,000 employees. They are  
8 opposed to eliminating the point system for the Lake Whatcom watershed. Also,  
9 allow the October 1 end date. Executive Kremen's appointed committee that  
10 created the point system looked at rainfall by months. They did not include  
11 September as a month for no earth-moving because the average rainfall is 1.9  
12 inches. There is a low risk that a major amount of rain would fall in September.

13  
14           The staff report says the seasonal clearing ordinance would not have a  
15 significant impact on the distribution of population or employment. The building  
16 industry has not felt the long-term effect of this ordinance since most permits  
17 issued this year still fall under the point system.

18  
19           Major soil disturbances occur during a five-day period of home construction.  
20 Two days are for excavation and three days are for backfilling and doing utility  
21 work. With the present best management practices (BMP's), the effects are  
22 minimized. This ordinance doesn't recognize soil types, slopes, and distances to  
23 wetlands and bodies of water. The impact of these five days is the only benefit of  
24 this ordinance. The ordinance doesn't allow flexibility for any special circumstance.

25  
26           This ordinance has cost impacts. People would have to purchase by February  
27 7<sup>th</sup> to complete construction by the end of September. If that deadline is missed,  
28 there will be a fifteen month delay in construction. That results in a \$10,000  
29 increase in the price of the house. Builders can lose their loans if they miss the  
30 deadline. Loans are for six months and have provisions for continuous  
31 construction. Builders have to hire more men to get the work done during the  
32 season, and then fire them when there is no work from September to May. The  
33 building industry is 12 percent of the economy in the county. There are even more  
34 associated businesses. Eliminating housing will affect the taxes collected and will  
35 impact government budgets. Higher prices will change the demographics in the  
36 community. Only the wealthy will be able to purchase homes in the county. Don't  
37 eliminate the point system. Allow the October 1 deadline.

38  
39           Hearing no one else, Caskey-Schreiber closed the public hearing.

40  
41           ***McShane moved*** to adopt the ordinance.

42  
43           Brenner asked if someone can get a grading or clearing permit ahead of time  
44 or only apply for it after that date. There will be a backlog at the Planning  
45 Department if people can't even apply for their permit until that date.

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1 Kurt Baumgarten, Planner I, stated a person can apply any time for the  
2 permit. The permit will go through the normal review process, and then will be on  
3 hold until May 1. The permit applicant will be notified when the permit is ready for  
4 issuance on May 1. Planning staff will make sure there is no delay.

5  
6 ***Brenner moved*** to amend the ordinance to change the end date from  
7 September 1 to October 1.

8  
9 Caskey-Schreiber stated the Council has had a lot of discussion on the reason  
10 for the September 1 end date. She's comfortable with those reasons. The  
11 vegetation needs that time to establish roots before the rain comes.

12  
13 ***Motion to amend failed 4-3 with Nelson, Brenner, and Crawford in***  
14 ***favor.***

15  
16 ***Caskey-Schreiber restated the motion*** to adopt the ordinance with the  
17 recommended amendments discussed in the memo from Amy de Vera Pederson  
18 and Hal Hart to the County Council dated October 3, 2005 regarding the  
19 Amendments to WCC 20.80.735(2)(e) - Seasonal Clearing Activity Limitations.

20  
21 McShane stated there was cleanup of the exemption language to avoid some  
22 unintended consequences.

23  
24 ***Motion carried 5-2 with Nelson and Crawford opposed.***

25  
26 **9. ORDINANCE AMENDING WHATCOM COUNTY CODE TITLE 11,**  
27 **BOATING AND SWIMMING, TO LIMIT THE USE OF LIMB-PROPELLED**  
28 **FLOTATION DEVICES ON THE SOUTH FORK OF THE NOOKSACK RIVER**  
29 **FROM JUNE 1 THROUGH OCTOBER 31 (AB2005-173A)**

30  
31 Caskey-Schreiber stated that since the State Environmental Policy Act (SEPA)  
32 determination has not been completed, the Council will not take action on the  
33 ordinance tonight. The Council will continue with the public hearing.

34  
35 Caskey-Schreiber opened the public hearing and the following people spoke:

36  
37 Steve Seymour, 3725 Dana Street, Bellingham, stated he's worked with the  
38 State Department of Fish and Wildlife for 30 years and has worked with the County  
39 Council on this issue. They have completed the spawning ground work this last  
40 year. It looks like the South Fork Spring Chinook numbers are the lowest in  
41 history. There are about 130 fish. There are several reasons to consider this  
42 closure. One reason is the strength of the fish population. Second, a lot of work is  
43 planned on that reach of the south fork for the next few summers. It's probably  
44 not appropriate for people to float through those areas, given the opportunity to get  
45 hung up in the debris. Third, they are beginning a brood stock program this  
46 coming summer. It's important to not have the public floating through that area.

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1 They need quiet, protected waters. There are three good reasons to support this  
2 closure.

3  
4 Randy Kinley, Lummi Nation, stated he commends the Council for moving  
5 forward on this hard decision. He also commends the Executive for stepping  
6 forward to help recover the fish for future generations. All benefit from this  
7 decision.

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

10  
11 McShane stated that the SEPA determination will be forwarded to Steve  
12 Seymour and Randy Kinley. It would be good for them to look at the determination  
13 in case there is a problem with the determination. They are very knowledgeable on  
14 this issue and are on record as supporting in this ordinance.

15  
16 Brenner asked that the public record be kept open. She's surprised there  
17 aren't more people here. The Council has worked hard with the community.  
18 Several times, people who live on that part of the river have asked when this  
19 hearing will be.

20  
21 Nelson asked about whether kayaks would be excluded from the ban.

22  
23 Caskey-Schreiber stated kayaks are not limb-propelled. If the vessel is  
24 propelled by kayaks, it is fine.

25  
26 Nelson asked if anything propelled with a paddle is fine.

27  
28 Roy stated they did include rafts. The ban includes limb-propelled floatation  
29 devices and rafts. One could paddle with a raft. A kayak is not a limb-propelled  
30 floatation device or a raft.

31  
32 Nelson stated some kayaks are okay, but inflatable kayaks, which are used  
33 for river rafting are not okay. Inflatable kayaks are becoming more popular. They  
34 are easier to haul. He understands the intention for banning cheap rubber rafts.  
35 He asked if his inflatable raft would be considered a rubber raft. However, its  
36 function is the same as a rubber raft.

37  
38 *(Clerk's Note: End of tape one, side B.)*

39  
40 Royce Buckingham, Senior Civil Deputy Prosecutor, stated this is more of a  
41 policy question than a legal question of definitions. He can't answer whether or not  
42 the Council wants to ban rubber rafts in addition to limb-propelled floatation  
43 devices, which are the ones that are uniquely harmful to salmon. Those are the  
44 ones the County can ban, most defensively. It will be more difficult to ban rubber  
45 rafts and kayaks. The intent to also ban rafts was to keep people from simply  
46 switching from inner tubes to rubber rafts and creating the same problem. It is a

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1 policy decision. Legally, it is more defensible to just ban limb-propelled floatation  
2 devices.

3  
4 Nelson stated he agreed.

5  
6 Brenner stated rubber rafts are banned in this ordinance. The ordinance is  
7 clear in specifying watercraft designed for use with oars or a paddle. That is the  
8 difference. A rubber raft designed for use with a paddle, including Councilmember  
9 Nelson's rubber kayak, is not included. If a rubber raft is not designed for use with  
10 a paddle, it is included in the ban.

11  
12 Roy stated the intent is to ban inner tubes and rafts when people are  
13 jumping around and splashing. The enforcement people aren't going to stop people  
14 who are paddling down the river and using it like a kayak. It's the activity that is  
15 disruptive to the fish.

16  
17 Brenner stated she has no problem. She will tweak the language in the next  
18 couple of weeks to come up with a better definition.

19  
20  
21 **CONSENT AGENDA**

22  
23 *Nelson* reported for the Finance and Administrative Services Committee and  
24 *moved* to approve Consent Agenda items one through four. Staff withdrew  
25 Consent Agenda item five.

26  
27 *Motion to approve Consent Agenda items one through five carried*  
28 *unanimously.*

29  
30 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
31 **LEASE AGREEMENT BETWEEN WHATCOM COUNTY AND NORTHWEST**  
32 **WILDLIFE RESCUE AND REHABILITATION, INC. FOR THE OPERATION**  
33 **OF A PUBLIC WILDLIFE REHABILITATION FACILITY (AB2005-386)**

34  
35 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
36 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND**  
37 **PARAMETRIX, INC. TO COVER ADDITIONAL WORK RELATED TO THE**  
38 **ADOPTION PROCESS OF THE SHORELINE MASTER PROGRAM, IN THE**  
39 **AMOUNT OF \$123,820, FOR A TOTAL AMENDED AMOUNT OF \$486,820**  
40 **(AB2005-387)**

41  
42 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
43 **CONTRACT BETWEEN WHATCOM COUNTY AND ART ANDERSON**  
44 **ASSOCIATES TO PROVIDE MARINE ENGINEERING AND FERRY**  
45 **SYSTEM PLANNING, DESIGN AND DESIGN OVERSIGHT FOR LUMMI**  
46 **ISLAND FERRY SYSTEM TERMINAL FACILITY CAPITAL**  
47 **IMPROVEMENTS, IN THE AMOUNT OF \$393,000 (AB2005-388)**

- 1  
2 4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A  
3 CONTRACT BETWEEN WHATCOM COUNTY AND RE SOURCES  
4 PROVIDING COMMUNITY EVENT RECYCLING OPPORTUNITIES FOR  
5 USED BEVERAGE CONTAINERS, IN THE AMOUNT OF \$18,385  
6 (AB2005-389)  
7  
8 5. RESOLUTION TO SET HEARING TO SELL SURPLUS PROPERTY BY  
9 AUCTION, REQ. #03-05 (AB2005-390)  
10  
11

12 **OTHER ITEMS**  
13

- 14 1. RESOLUTION TO SET A HEARING TO SELL TAX-TITLE PROPERTY BY  
15 PUBLIC AUCTION, REQ. #2005-03 (AB2005-378)  
16

17 *Nelson* reported for the Finance and Administrative Services Committee. He  
18 stated that he wanted to withdraw the resolution. He had discussions with  
19 Treasurer Cory, who suggested that monies due on this parcel were already paid by  
20 the County. There was an assessment by the City of Blaine that the County paid.  
21 There are no monies in arrears on this property. He *moved* to request that the  
22 administration contact the City of Blaine to see if they would be interested in  
23 receiving for free a donation from the County to be maintained in public trust in  
24 perpetuity for shoreline protection.  
25

26 Crawford stated he supports the motion. He is concerned about the  
27 nonbuildable clause in this resolution. The motion gets the Council away from that  
28 issue completely.  
29

30 McShane stated he commends the committee for taking this on and revisiting  
31 the precedent of tidelands in Washington State. It is a small piece of land, but it  
32 sets a good precedent.  
33

34 *Motion carried unanimously.*  
35

- 36 2. ORDINANCE AMENDING THE WHATCOM COUNTY HOME RULE  
37 CHARTER TO CORRECT SCRIVENER'S ERRORS AND CLARIFY THE  
38 EFFECTIVE DATE OF ADOPTED ORDINANCES (AB2005-365)  
39

40 *Nelson* reported for the Finance and Administrative Services Committee and  
41 *moved* to adopt the ordinance.  
42

43 *Motion carried unanimously.*  
44

- 45 3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN  
46 AGREEMENT BETWEEN WHATCOM COUNTY PUBLIC WORKS AND  
47 REUSE WORKS TO FACILITATE A REDUCTION IN THE VOLUME OF

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1           **WHITE GOODS IN THE WASTE STREAM AND SUBSEQUENT**  
2           **REFURBISHMENT OF THOSE ITEMS FOR REUSE, IN THE AMOUNT OF**  
3           **\$25,000 (AB2005-350)**  
4

5           *Brenner* reported for the Public Works and Safety Committee and *moved* to  
6 approve the request.  
7

8           Crawford stated he's the one who asked that this request be more closely  
9 looked at because private sector brought up that there may not be a need for it.  
10 Mr. Jager worked with and recruited agreements from the private sector providers.  
11 This is a budgeted item.  
12

13           Nelson stated there was a concern about disposal of hazardous materials  
14 such as refrigerant.  
15

16           Brenner stated the committee did not discuss that issue. However, they use  
17 what they can use, and recycle the rest through the hazardous waste stream.  
18

19           *Motion carried unanimously.*  
20

21  
22           **COMPREHENSIVE PLAN AMENDMENTS**  
23

24           **1. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE**  
25           **PLAN RELATING TO TRANSPORTATION IMPACT FEE BACKGROUND**  
26           **INFORMATION (AB2005-084C)**  
27

28           *Fleetwood* reported for the Planning and Development Committee and  
29 *moved* to forward to concurrency.  
30

31           *Brenner* stated the findings make it sound as if there are no service  
32 deficiencies on County roads that must be eliminated. The County Road Engineer  
33 was interviewed and said in the Bellingham Herald that the situation in Birch Bay  
34 has gotten so bad that County officials have discussed the possibility of halting all  
35 development until new roads go in. Planning staff have told her that Birch Bay is  
36 the most appropriate location in the county for a moratorium, if a moratorium were  
37 needed anywhere. There are flaws with the calculations. She *moved* to amend  
38 finding 13, "...be eliminated at the current time. But the current level of service  
39 analysis method is not efficient enough in all cases and will be improved." They  
40 said it was going to happen. It is certainly a finding of fact. This finding implies  
41 something so different from what they all believe is true. Don't let it stay there  
42 without the amendment.  
43

44           Jeff Monsen, Public Works Director, stated there is a difference between  
45 current level of service compared to predicted level of service issues. In Birch Bay,  
46 they are at the point when they will begin to experience level of service issues.  
47 Therefore, staff supports impact fees as one tool to get ahead of future impacts to

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1 level of service. That does not mean there is a fatal issue at this moment. The  
2 problem is imminent.  
3

4 McShane asked if the County can't charge impact fees to make a road better  
5 if a road is currently measured, by any method, and found deficient. Monsen  
6 stated revenue would be generated from impact fees to deal with transportation  
7 issues because a development generates additional traffic. A deficiency may be a  
8 safety deficiency, but normally leads to a capacity issue.  
9

10 Regarding Mr. Rutan's comments to the Bellingham Herald, the issue there  
11 was in terms of concurrency. Development can't be approved if there is a  
12 substandard level of service set. That isn't about whether or not a moratorium  
13 should occur. It recognizes that approvals can't proceed without addressing the  
14 predicted problems according to concurrency and growth management.  
15

16 Brenner stated it's very likely, if they calculate level of service by wait time,  
17 some roads would be considered deficient. The County doesn't use wait time to  
18 measure level of service. The way they are doing it is not efficient enough in all  
19 cases. Monsen stated he agrees there are different ways to measure level of  
20 service. The method used through the Comprehensive Planning process is volume-  
21 to-capacity. In almost every case, the first place they will experience a capacity  
22 issue is at an intersection, not the length of road between intersections. A left turn  
23 becomes a problem for a portion of the day. That said, the threshold of a volume-  
24 to-capacity level of service issue triggers the notion of concurrency.  
25

26 Roy stated no one on the Council is more interested in traffic impact fees  
27 than her. She supports this ordinance. She doesn't support the amendment. The  
28 amendment doesn't fit with the intention of this ordinance. She agrees there are  
29 different ways of measuring level of service, but she doesn't know which method is  
30 appropriate. She's a little uncomfortable saying there are no deficiencies in the  
31 county. However, she's willing to say that is a point where they need to start so  
32 the County can start to collect impact fees. Currently the County doesn't charge  
33 impact fees, but if people plan to build hundreds of homes in an area, the County  
34 will have impact fees. People need to chip in.  
35

36 Brenner stated her amendment doesn't prevent that. It just gives the  
37 County the bottom line to start with. They will get the same amount and  
38 percentage of impact fee.  
39

40 Caskey-Schreiber stated that if the County identifies a current level of service  
41 problem, it will have less opportunity to charge impact fees for that problem. The  
42 developer will claim the condition as an existing problem.  
43

44 Brenner stated that's not how impact fees work. It's based on an  
45 incremental percentage. If they start with the premise that there is no deficiency,  
46 there would still be an incremental fee. The motion only clarifies that some of the

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1 councilmembers are not comfortable with the statement that there are no  
2 deficiencies.

3  
4 ***Motion to amend failed 1-6 with Brenner in favor.***

5  
6 Nelson stated Councilmember Brenner raises a significant point. He asked if  
7 there is an effect of not having this finding. Monsen stated he doesn't have that  
8 information.

9  
10 McShane stated the statement triggered a lot of conversation. The  
11 Comprehensive Plan measures level of service through volume-to-capacity. They  
12 may want to amend the Comprehensive Plan for some areas of the county,  
13 especially stand-alone urban growth areas. They have a rural way of measuring  
14 level of service, but there is a different scenario occurring in some locations.  
15 Someone could propose a Comprehensive Plan amendment.

16  
17 Brenner stated she agrees with Councilmember McShane. This amendment  
18 would lay that groundwork.

19  
20 ***Motion to send to currency carried 6-1 with Brenner opposed.***

21  
22  
23 **INTRODUCTION ITEMS**

24  
25 ***Nelson moved*** to accept the Introduction Items.

26  
27 McShane withdrew Introduction Item one. Also, add the addendum  
28 Introduction Item six.

29  
30 Caskey-Schreiber stated Introduction Item three is also withdrawn.

31  
32 ***Motion carried unanimously.***

- 33  
34 **1. RESOLUTION TO SELL TAX-TITLE PROPERTY BY PUBLIC AUCTION,**  
35 **REQ. #2005-03 (AB2005-378A)**  
36  
37 **2. ORDINANCE AMENDING THE 2005 WHATCOM COUNTY BUDGET,**  
38 **REQUEST #10, IN THE AMOUNT OF \$200,170 (AB2005-391)**  
39  
40 **3. RESOLUTION TO SELL SURPLUS PROPERTY BY AUCTION, REQ. #03-**  
41 **05 (AB2005-390A)**  
42  
43 **4. ORDINANCE GRANTING PUGET SOUND ENERGY, INC., A**  
44 **WASHINGTON CORPORATION, ITS SUCCESSORS AND ASSIGNS, A**  
45 **FRANCHISE AND THE RIGHT, PRIVILEGE, AND AUTHORITY**  
46 **THEREUNDER TO SET, ERECT, LAY, CONSTRUCT, EXTEND, SUPPORT,**  
47 **ATTACH, CONNECT, MAINTAIN, REPAIR, REPLACE, ENLARGE,**

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1        **OPERATE AND USE FACILITIES IN, UPON, OVER, UNDER, ALONG,**  
2        **ACROSS AND THROUGH THE FRANCHISE AREA TO PROVIDE FOR THE**  
3        **TRANSMISSION, DISTRIBUTION AND SALE OF ELECTRICAL ENERGY**  
4        **FOR POWER, HEAT, AND LIGHT, AND ANY OTHER PURPOSES FOR**  
5        **WHICH ELECTRICAL ENERGY MAY BE USED (AB2005-392)**  
6

7        **5.    ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING**  
8        **CODE, TITLE 20, TO CLARIFY EXISTING CODE LANGUAGE (AB2005-**  
9        **393)**

10  
11        **ADDENDUM:**

12        **6.    ORDINANCE IMPOSING INTERIM MORATORIUM ON ACCEPTANCE OF**  
13        **NEW APPLICATIONS FOR SUBDIVISIONS WITHIN THE LAKE**  
14        **WHATCOM WATERSHED (AB2005-187A)**  
15

16  
17        **OTHER BUSINESS**  
18

19        McShane stated the Planning and Development Committee discussed the  
20 Chuckanut area designated as a limited area of more intense rural development  
21 (LAMIRD). The Council voted to send the **ordinance amending the official**  
22 **Whatcom County Comprehensive Plan map and the Whatcom County**  
23 **zoning map from Suburban Enclave/RR2 to Public Recreation/ROS for**  
24 **approximately 47 acres within the Chuckanut-Lake Samish Subarea**  
25 **(AB2005-084A)** to the concurrency hearing. Revisit the item, given the Growth  
26 Management Hearings Board decision. Also, the Toad Lake LAMIRD is in process.  
27 Review those two LAMIRD's based on the LAMIRD guidelines. One option is to  
28 carry it over into 2006.  
29

30        Brenner stated councilmembers should attend the low impact development  
31 workshop held by the Building Industry Association and Sustainable Connections.  
32 Those two groups together are an interesting combination. Different workshops will  
33 be held throughout the day.  
34

35        Roy stated the Council may want to talk about the proposals from David  
36 Hunter.  
37

38        Fleetwood stated he would schedule the item in the Planning Committee.  
39

40        McShane stated Dan Warner also put forward a proposal.  
41

42        Brenner stated a similar proposal was put in place in Mount Pleasant, South  
43 Carolina. Look at that one also.  
44

45  
46        **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**  
47

