

1 WHATCOM COUNTY COUNCIL
2 **Regular County Council**

3
4 February 14, 2006

5
6 Council Chair Laurie Caskey-Schreiber called the meeting to order at 7:00 p.m. in
7 the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

8
9 Present:

10 Barbara Brenner
11 Dan McShane
12 Sam Crawford
13 Seth Fleetwood
14 Carl Weimer
15 L. Ward Nelson

Absent:

None

16
17
18 **FLAG SALUTE**

19
20
21 **ANNOUNCEMENTS**

22
23 Pete Kremen, County Executive, read a letter of commendation to Mr. Lanier Phillips,
24 who survived a Navy sea disaster in Newfoundland 61 years ago and became the Navy's
25 first African American sonar technician.

26
27 Lanier Phillips stated he was honored and humbled. He appreciates the
28 commendation.

29
30 Roger Simmons, Former Canadian Parliament member and Past Canadian Council
31 General, stated he met Mr. Phillips 14 years ago when he heard about his story. He invited
32 everyone to listen to Mr. Phillips story at two upcoming events. He spoke about Mr. Phillips
33 story. Mr. Phillips' humanity transformed him. He marched with Dr. King and has become
34 a civil rights leader and model. He thanked Executive Kremen and Councilmember
35 Fleetwood for making their presence at the meeting possible. Humanity is everywhere. All
36 they need to do is make sure it is practiced everyday.

37
38 Caskey-Schreiber announced there was **discussion of potential property**
39 **acquisition (AB2006-018)** and also **discussion regarding a potential property**
40 **acquisition (AB2006-018)** in executive session during the Committee of the Whole
41 meeting.

42
43
44 **OPEN SESSION**

45
46 The following people spoke:

47
48 Charles Law, Bellingham, stated he defers his time to Ray Ybarra from Arizona.

49
50 Ray Ybarra, American Civil Liberties Union (ACLU), stated he has been monitoring
51 vigilante activity on the U.S.-Mexican border for the last two years. He presented
52 information (*on file*) showing incidents between border crossings and vigilantes since 1999.
53 There are complaints involving the Minutemen project. There has been repeated abuse of

1 border crossers in Arizona. He asked the Council to tell the Minutemen at this border that
2 the border is about peace and friendship.
3

4 During April and October, he spent 15 hours per day legally observing the
5 Minutemen. He created a documentary film about vigilantes at the border. The film shows
6 how Minutemen speak about themselves.
7

8 In an Arizona county there is a lawsuit against a vigilante rancher and the County
9 sheriff. The Sheriff is being sued for conspiring to violate migrant civil rights. Any
10 information from that sheriff should be confirmed since he is a defendant in a lawsuit.
11

12 In New Mexico, a Minutemen was arrested for transporting migrants. The border
13 patrol agents have thanked him for being out on the border because they are afraid of what
14 Minutemen will do. There is a reported case of a Minuteman holding a women at gunpoint
15 while they searched her car for illegal immigrants or drugs. There are similar reported
16 cases from Texas. He can provide that documentation.
17

18 Johnny Grames, 4478 Northwest Drive, stated this is an open government and
19 citizens must be able to access what goes on inside the County Courthouse. He asked for
20 public documents about an executive session on two court cases. That is an example of the
21 legislative and executive branches of government meeting to talk with the prosecutor about
22 the judicial side of government. Democracy works if they give people a chance. He hopes
23 there is investigation, oversight, and review of his submitted material.
24

25 Mary Dickinson, Building Industry of Whatcom County Governmental Affairs Director,
26 stated she is a licensed attorney in the State of Washington. She is opposed to the
27 **ordinance imposing an Interim Moratorium on short plat applications for**
28 **subdivision in the rural zones within Agricultural Protection Overlay areas, Rural**
29 **Forestry zones, Suburban Enclaves, and Transportation Corridors (AB2005-110).**
30 She's not sure why it's necessary. Case law says the Growth Management Act (GMA)
31 requires counties to identify and protect rural lands not designated for urban growth,
32 agriculture, forestry, or mineral resources. There must be a variety of rural densities and
33 uses. A five-acre lot doesn't violate GMA.
34

35 Many people are hurt by this. People couldn't divide property up for estate
36 purposes. The gift exemption was taken away in 2003. This could cause a lot of money
37 just to settle an estate. Don't adopt this ordinance.
38

39 Alex Ramel, 2308 Woburn, Bellingham, stated it would be irresponsible to
40 categorically oppose or be in favor of an idea, of which the details are not clear. However,
41 he supports the Council exploring the idea of the proposed permit application program in
42 general. The voters of Whatcom County were clear last fall in expressing their concerns
43 about the way this county has grown and how it affects their lives. The County Council
44 should explore anything that might control rampant development. However, he is
45 concerned about diminishing availability of affordable homes. Include a scoring system
46 ranking affordability so affordable homes can be built within such a program.
47

48 Stephanie Ruiz, 1109 Victoria, Mt. Vernon, stated she is opposed to the Minutemen
49 protesting at the border. Take a stand and prohibit Minutemen from using intimidation
50 tactics on people who pass the border. Western Washington University students have
51 families who avoid crossing the border to come here and spend money here. The
52 Minutemen project is bad for the local economy. Bullying can lead to violet backlashes.
53 That happens at the southern border. Don't let this happen at the local border.
54

1 Dennis Jones, 1487 Sudden Valley, stated he supports metered permits if law allows
2 it. If they cannot sustain the water source for 100,000 people, they won't be able to plan
3 anything. Take a firm stand against the Property Fairness Initiative, which will decimate
4 whales, salmon, forest, and farms. Do it according to code and show the budgets. Just the
5 litigation of this initiative would have bought half the Sudden Valley lots that were available
6 between 2001 and 2003. He read from Item one of the 14th Amendment to the U.S.
7 Constitution.

8
9 Sharon Monteiro, Bellingham, stated she opposes the Minutemen at the border. She
10 was told that the Minutemen would do background checks during the application process. A
11 recent communication among the Minutemen said a potential Minutemen applicant should
12 bring any weapons to a weekend muster and not worry about background checks.

13
14 Brad Grower, 1519 Franklin Street, Bellingham, stated the Council is considering a
15 request to spend a quarter million dollars on new vehicles (**AB2006-091, AB2006-092,**
16 **AB2006-093, and AB2006-094**). If the vehicles are not diesel, they should be because
17 of higher gas prices. Diesel vehicles can run on bio-diesel or vegetable oil. Long-term
18 maintenance on a diesel vehicle is much lower. Reconsider purchasing gasoline burning
19 engines for County use.

20
21 Senate Bill 5160 and House Bill 3184 regarding cell phone use restrictions on vehicle
22 drivers is probably not going to pass at the State. There is a need for this in Whatcom
23 County. Cell phone use is linked to 2,600 deaths per year and half a million injuries.
24 People should use hands-free technology. The County should consider legislation modeled
25 after these bills.

26
27 Christina Meins, 6800 Goodwin Road, Everson, stated she would speak on the
28 **resolution initiating Comprehensive Plan and zoning amendments for 2006**
29 **(AB2006-082), docket # 2006-L: Rural to Agricultural Rezone I and docket #**
30 **2006-M: Rural to Agricultural Rezone II**. She recently purchased five acres to build a
31 home on. She questioned whether they would be able to build if this zoning is changed.
32 This change affects the whole community. Think about the small people who have been
33 saving their money to buy and build.

34
35 McShane stated the previous speaker referenced the docket items. The docket items
36 would not affect building on that lot. An interim moratorium ordinance is being introduced
37 tonight. He read from the ordinance. There should be a suite of incentives to try to reduce
38 the erosion of agricultural and forest land and to deal with concurrency issues. It also deals
39 with clustering in farmland.

40
41 Caskey-Schreiber stated docket items 2006-L and 2006-M would not affect anyone
42 with an existing lot.

43
44 McShane stated that is correct. It may affect someone who wants to subdivide the
45 lot.

46
47 Brenner stated she proposes an alternative ordinance that allows people to develop
48 in a way to retain significant amounts of open space.

49
50 Bill Schoonover, 606 Chuckanut Drive, United States Army Retired, stated he has
51 two farms in an estate. They don't bring in enough money to pay the taxes. He used to
52 have 80 acres, but the State took one acre for roads, so he is only allowed one house per
53 79 acres. They talk about preserving farmland, but one drop of cow manure in a ditch is a

1 \$70,000 fine. No man's life, property, or liberty is safe. He asked if any of the
2 councilmembers have put forward legislation that hurts them financially.
3

4 Joseph Moore, 1800-20th Street, stated there is an unwarranted intrusion of a
5 paramilitary organization in Whatcom County. He is a Vietnam veteran. He is opposed to
6 the Minutemen because they are a paramilitary group that causes dissention and difficulties.
7 Question the Homeland Security's Joint Task Force on Terrorism, coordinated by the Federal
8 Bureau of Investigation. It is supposed to work with local law enforcement on immigration
9 issues. However, they are going to cause problems on the border in Whatcom County.
10

11 Cathy McKenzie, 2700 California Street, Bellingham, stated her family intended to
12 pass on its forest and farmlands to the children. However, they were forced off the
13 property by the upzoning that was permitted across unincorporated areas all over the
14 county. A few large scale land speculators used scare tactics to take advantage of her ailing
15 and elderly grandparents and neighbors, who didn't know the land could be developed into
16 widespread development parks. This is the biggest threat to the future quality of life in
17 Whatcom County. The majority of property owners don't want to be coerced into upzoning
18 and subdividing family farms. Don't displace families and advertise for sprawl in rural
19 areas. The County Council must protect the majority of the people from the powerful
20 economic force of the few.
21

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

24 McKenzie continued to state the Council should lower the County growth projection
25 and implement a building permit allocation program.
26

27 Wes Kentch, Ferndale, stated he wants to be paid for land the County takes. A
28 downzone is a taking. He was here before there was zoning. He was originally zoned one
29 unit per acre. It was changed without notice to one unit per five acres. When he tried to
30 set aside five acres for each of his three sons was told he was in the agricultural overlay
31 protection zone, which created restrictions on his property, so he had to cluster. Therefore,
32 he had to take 20 acres out of his farmland instead of four acres. He has 53 acres left.
33 Now there will be a moratorium and he can't get anything out of it.
34

35 Bob Wiesen, 3314 Douglas Road, Ferndale, stated the Sheriff says there are no
36 problems with the Minutemen. Some areas zoned rural, one unit per five acres (R5A) that
37 would be better-zoned agriculture, but this is not the way to do it. Get rural people
38 involved. Form a committee with rural people, then figure out a transfer of development
39 rights (TDR) program that works. Regarding cell phones, it would be great to take them
40 away from many car drivers. However, truckers have used mobile communication devices
41 for many years, but insurance companies haven't objected.
42

43 Steve Adams, 1041 East Axton Road, stated that because of County rules, it was
44 cheaper to log his 33 acres than take out a few trees to make room for a house. The
45 County forces people to do things they don't want to do. He and many people are
46 subdividing because they fear the Council is going to take away their ability to subdivide. If
47 this is done, the County can get rid of all the people who work on subdivisions for the
48 County, and save taxpayer dollars.
49

50 Joe Elenbaas, 600 E. Smith Road, stated he's spent 1,000 unpaid hours per year in
51 public service for the past 30 years. He has successfully developed a cluster subdivision so
52 he can continue to farm most of his property. Pay attention to what the public has done.
53 When the Council adopts a set of rules, the people count on those rules and the Council

1 shouldn't change those rules. Provide for compensation for people who are unduly
2 burdened, as the Charter says the County must do.
3

4 Terry Crabtree, 4741 Hannegan Road, stated she has lived on her property on
5 Hannegan Road for 36 years. Her property is her retirement and her children's future. This
6 scares her.
7

8 9 **CONSENT AGENDA**

10
11 **Crawford** reported for the Finance and Administrative Services Committee and
12 **moved** to approve Consent Agenda items one through ten.
13

14 Brenner withdrew items one through four from the Consent Agenda.
15

16 **Motion to approve Consent Agenda items five through ten carried**
17 **unanimously.**
18

19 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #06-12 TO** 20 **LOW BIDDER, FRONTIER FORD, FOR THE PURCHASE OF TWO FULL-SIZE** 21 **SPORT UTILITY VEHICLES, IN THE AMOUNT OF \$54,037 (AB2006-091)** 22

23 Crawford moved to approve the request of Consent Agenda items one through four.
24

25 Brenner asked if there is an opportunity to buy these vehicles with diesel.
26

27 Dewey Desler, Deputy Administrator, stated there would be an opportunity to buy
28 diesel vehicles in some instances. The County buys hybrid vehicles for some operations.
29 The County is willing to look at bio-diesel fueled vehicles. In this case, the County is
30 replacing vehicles that have to meet Sheriff Office performance characteristics. He will talk
31 to the Sheriff and Public Works Director, so next time the County purchases vehicles, they
32 will explore the use of alternative fuels. There is a certain timeframe the County has to
33 purchase these vehicles.
34

35 Brenner stated she would put this issue in the Public Works Committee.
36

37 Nelson stated these vehicles were requested as pursuit vehicles, which require quick
38 acceleration. The diesel may be an impairment in that regard. There are specific
39 requirements for these vehicles. While he appreciates the County for looking at alternative
40 fuels, don't sacrifice Sheriff's Office and public safety.
41

42 McShane stated the administration has pushed hybrid vehicles pretty early on. It
43 ended up saving the County some money. Emergency management reduced the size of a
44 vehicle in favor of better gas mileage. The administration has done a good job of thinking
45 about these things in the past.
46

47 Brenner stated pretty good is not okay. Find out if these vehicles exist in diesel, so
48 they can be converted to bio-diesel, vegetable diesel, and other alternative fuels.
49

50 Desler stated the administration would discuss it with Councilmember Brenner in the
51 Public Works Committee.
52

53 **Motion to approve Consent Agenda items one through four carried**
54 **unanimously.**

- 1
2 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #06-14 TO**
3 **SOLE BIDDER, BILL PIERRE AUTO CENTER, FOR THE PURCHASE OF TWO**
4 **FULL-SIZE FRONT WHEEL DRIVE POLICE PURSUIT VEHICLES, IN THE**
5 **AMOUNT OF \$40,020.78 (AB2006-092)**
6

7 See Consent Agenda item one.
8

- 9 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #06-15 TO**
10 **LOW BIDDER, FRONTIER FORD, FOR THE PURCHASE OF FOUR SMALL 4X4**
11 **UTILITY VEHICLES, IN THE AMOUNT OF \$71,779 (AB2006-093)**
12

13 See Consent Agenda item one.
14

- 15 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #06-16 TO**
16 **LOW BIDDER, BILL PIERRE AUTO CENTER, FOR THE PURCHASE OF FIVE**
17 **FULL-SIZE POLICE PURSUIT VEHICLES, IN THE AMOUNT OF \$133,431.39**
18 **(AB2006-094)**
19

20 See Consent Agenda item one.
21

- 22 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
23 **CONTRACT BETWEEN WHATCOM COUNTY AND STUDIO CASCADE, INC., TO**
24 **PREPARE AN UPDATE TO THE FOOTHILLS SUB-AREA PLAN, IN THE AMOUNT**
25 **OF \$40,000 (AB2006-095)**
26

- 27 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
28 **CONTRACT BETWEEN WHATCOM COUNTY AND RH2 ENGINEERING, INC.,**
29 **FOR THE LAKE WHATCOM TRAFFIC REDUCTION STUDY, IN THE AMOUNT OF**
30 **\$49,450 (AB2006-096)**
31

- 32 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
33 **CONTRACT BETWEEN WHATCOM COUNTY AND CATHOLIC COMMUNITY**
34 **SERVICES RECOVERY CENTER TO PROVIDE SERVICES UNDER THE CHEMICAL**
35 **DEPENDENCY DISPOSITION ALTERNATIVE, IN A NOT TO EXCEED \$30,000**
36 **(AB2006-097)**
37

- 38 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO**
39 **AMENDMENT #1 TO THE CONTRACT BETWEEN WHATCOM COUNTY AND**
40 **PUGET SOUND RESTORATION FUND, TO INCLUDE ADDITIONAL WATER**
41 **QUALITY MONITORING IN THE DRAYTON HARBOR AND BIRCH BAY**
42 **WATERSHEDS AND IMPLEMENTATION OF A COMMUNITY OUTREACH**
43 **PROGRAM IN DRAYTON HARBOR, IN THE AMOUNT OF \$39,494, FOR AN**
44 **AMENDED TOTAL CONTRACT AMOUNT OF \$43,398.60 (AB2006-098)**
45

- 46 **9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A LEASE**
47 **AGREEMENT WITH PURCHASE PROVISION BETWEEN WHATCOM COUNTY**
48 **AND PEEPLES ENTERPRISES, INC., FOR THE PROPERTY LOCATED AT 215**
49 **NORTH COMMERCIAL STREET, IN THE AMOUNT OF \$435,600 OVER THREE**
50 **YEARS (AB2006-099)**
51

- 52 **10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO RENEW THE PROPERTY,**
53 **BOILER AND MACHINERY INSURANCE FOR POLICY YEAR 2/20/06 THROUGH**

1 **10/01/06, IN THE AMOUNT OF \$49,595 (WHICH INCLUDES SURPLUS LINES**
2 **TAXES AND FEES) (AB2006-100)**
3
4

5 **OTHER ITEMS**
6

7 **1. RESOLUTION AUTHORIZING THE EXECUTIVE TO PURCHASE DEVELOPMENT**
8 **RIGHTS ON THE ALAMWALA FARM PROPERTY (AB2006-107)**
9

10 **McShane** reported for the Natural Resources Committee and **moved** to approve the
11 resolution. The Council has a good understanding of the value of development rights on
12 farms, which will assist the Council greatly when looking at the value it puts on
13 development rights. Once they get below a density of rural, one unit per five acres (R5A),
14 he advocates for development rights compensation of some kind. He's strenuously argued
15 in the past to providing development rights in locations where the services and
16 infrastructure won't ever exist. This is a part of that program. They can expand it
17 enormously if they plan accordingly.
18

19 Caskey-Schreiber stated she thanks the Planning staff and the applicant. Ninety one
20 acres will remain in an active farming use. Every little bit helps.
21

22 Nelson stated the intent is to keep the use in active farming, but buying
23 development rights can't guarantee that active farming will continue. Active farming will
24 continue in the County as long as the Council supports it.
25

26 Caskey-Schreiber stated it's more likely that the land will remain farmland, because
27 farmers can afford to buy it now. Farmers can't afford to buy 91 acres that are zoned R5A
28 and keep it in farming.
29

30 ***Motion carried unanimously.***
31

32 **2. ORDINANCE AMENDING THE 2006 WHATCOM COUNTY BUDGET, THIRD**
33 **REQUEST, IN THE AMOUNT OF \$12,214,521 (AB2006-083)**
34

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

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

40 **3. ORDINANCE AMENDING ORDINANCE 82-109 RECONSTITUTING THE**
41 **EMERGENCY MEDICAL AND AMBULANCE ADVISORY BOARD (AB2006-081)**
42

43 **Crawford** reported for the Finance and Administrative Services Committee and
44 **moved** to adopt the ordinance with the substitute language distributed earlier, "E. One
45 ~~Whatcom County Council Member~~ The Chair of the Whatcom County Council or his/her
46 designee."
47

48 ***Motion carried unanimously.***
49

50 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
51 **CONTRACT BETWEEN WHATCOM COUNTY AND BELLINGHAM WHATCOM**
52 **CHAMBER OF COMMERCE AND INDUSTRY FOR ADVERTISING AND**
53 **PROMOTION OF THE ANNUAL SKI TO SEA FESTIVAL, IN THE AMOUNT OF**
54 **\$29,000 (AB2006-038A)**

1
2 **Crawford** reported for the Finance and Administrative Services Committee and
3 **moved** to approve the request.
4

5 Brenner stated she earlier said that if the Chamber dissolved its political action
6 committee she would support it. She has since learned the Chamber does not have a
7 political action committee. Mr. Oplinger used the Chamber's name without authorization,
8 which she wishes he hadn't done. However, what people do individually is their business.
9 She will meet with the Chamber Board to make a case for the Chamber remaining out of the
10 political fray. She is ready to support the request.
11

12 McShane stated he believes the Chamber can still take part in organized political
13 activity without being a political action committee. If the Chamber is a 501(c)7, it can take
14 part in political activity.
15

16 Brenner stated she was specific about the Chamber being a political action
17 committee. She would not like the Chamber to be involved in local political races. Trust
18 the Chamber's goodwill and see what happens in the future.
19

20 Crawford stated he believes the Public Disclosure Commission does not differentiate
21 between 501(c)3's and 501(c)7's. If non-profits spend money on any political activity, they
22 will have to report it to the Public Disclosure Commission. When registering with the Public
23 Disclosure Commission, there are three registering options: when doing a campaign, as a
24 political action committee (PAC), or as a bona fide PAC of a political party. The Chamber
25 would have to file as one of those options.
26

27 McShane stated he's talking about Internal Revenue Service (IRS) rules. An
28 organization that is a 501(c)3, which many non-profit organizations are, cannot engage in
29 political activity. An organization that is a 501(c)7 can engage in certain political activities.
30

31 Caskey-Schreiber stated she is against the request. This organization knew what
32 Mr. Oplinger was doing. He is a self-proclaimed lobbyist. He was hired to do this sort of
33 thing. She doesn't blame him. This is the direction the Chamber wanted to go when they
34 fired Mike Brennan. This is the direction the Chamber has gone. A statement from
35 Chairman of the Board Drew Schmidt says the Chamber's goals for 2005 includes being
36 involved in local elections and identifying appropriate candidates for positions to play. Mr.
37 Oplinger was hired two year ago. He came to the Council and said the Chamber is going to
38 become political and cease taking taxpayer money. The following year, Mr. Oplinger said it
39 would take County money for Ski-to-Sea. Now, the Chamber wants money for Ski-to-Sea,
40 but people assume they are against Ski-to-Sea for not funding the Chamber. The Chamber
41 set up a system that points the finger claiming they are against Ski-to-Sea if the Chamber
42 is at all questioned or doubted. That is a disservice. If the Chamber really wants to support
43 the Ski-to-Sea Festival, it should turn the marketing over to the Visitor's and Convention
44 Bureau. Then the Council could award taxpayer dollars to a group that isn't politically
45 active. This is a way to force citizens to subsidize an organization's political agenda. That's
46 wrong. The Chamber was warned last year. Ensure that taxpayer dollars aren't used for
47 funding someone's political agenda.
48

49 ***Motion carried 5-2 with McShane and Caskey-Schreiber opposed.***
50

51 **5. APPOINTMENT TO THE SOLID WASTE ADVISORY BOARD – APPLICANT:**
52 **BECKY PHILLIPS (AB2006-061A)**
53

54 ***Brenner moved*** to appoint Becky Phillips.

1
2 **Motion carried unanimously.**
3

- 4 **6. APPOINTMENT TO THE FLOOD CONTROL ZONE DISTRICT ADVISORY**
5 **COMMITTEE, ALTERNATE POSTIION – APPLICATION: FRED POLINDER**
6 **(AB2006-088) (Council acting as the governing body of the County-wide**
7 **Flood Control Zone District)**

8
9 **Brenner moved** to appoint Fred Polinder.

10
11 **Motion carried unanimously.**
12

- 13 **7. EXECUTIVE REQUESTS CONFIRMATION OF HIS APPOINTMENTS TO THE**
14 **FOOTHILLS SUB-AREA PLAN ADVISORY COMMITTEE (AB2006-102)**

15
16 **Brenner moved** to confirm the appointments.

17
18 **Motion carried unanimously.**
19

- 20 **8. EXECUTIVE REQUESTS CONFIRMATION OF HIS APPOINTMENT OF CARL**
21 **LENK TO THE BICYCLE/PEDESTRIAN ADVISORY COMMITTEE (AB2006-103)**

22
23 **Nelson moved** to confirm the appointments.

24
25 **Motion carried unanimously.**
26

- 27 **9. EXECUTIVE REQUESTS CONFIRMATION OF THE CONCURRENT APPOINTMENT**
28 **OF BARBARA PLASKETT TO THE BELLINGHAM-WHATCOM COUNTY HOUSING**
29 **AUTHORITIES BOARD OF COMMISSIONERS (AB2006-104)**

30
31 **Brenner moved** to confirm the appointment.

32
33 **Motion carried unanimously.**
34

- 35 **10. APPOINTMENT TO SEWAGE CONTROL APPEALS BOARD – APPLICANT:**
36 **DAVID SIMMS (AB2006-109)**

37
38 **Brenner moved** to appoint David Simms.

39
40 **Motion carried unanimously.**
41

42
43 **INTRODUCTION ITEMS**

44
45 **Fleetwood moved** to accept the Introduction Items.

46
47 Brenner stated language in Introduction Item four needs to be corrected, "BE IT
48 FURTHER ORDAINED pursuant to RCW 36.70.795, that this ordinance shall...."

49
50 McShane stated language in Introduction Item three needs to be amended, "NOW,
51 THEREFORE, BE IT ORDAINED...of new applications for subdivisions or short plats of land
52 into parcels...."
53

1 McShane also stated language in the next-to-last Ordained statement in Introduction
2 Item three needs to be amended, "2. Review making adjustments to the zoning and per
3 Agricultural Advisory Committee zoning." It is a scrivener's error.

4
5 **Crawford moved** to amend the motion and accept Introduction Items one and two.

6
7 **Motion to accept Introduction Items one and two carried unanimously.**

- 8
9
10 1. **ORDINANCE AMENDING THE 2006 WHATCOM COUNTY BUDGET, FOURTH**
11 **REQUEST, IN THE AMOUNT OF \$2,804,808 (AB2006-105)**
12 2. **ORDINANCE REGARDING PROJECT BUDGET AMENDMENT NO. 1 OF THE 2006**
13 **BUDGET IN THE AMOUNT OF \$1,310,000 (AB2006-106)**
14
15 3. **ORDINANCE IMPOSING AN INTERIM MORATORIUM ON THE**
16 **ACCEPTANCE OF SHORT PLAT APPLICATIONS FOR**
17 **SUBDIVISIONS IN THE RURAL ZONES WITHIN AGRICULTURAL**
18 **PROTECTION OVERLAY AREAS, RURAL FORESTRY ZONES,**
19 **SUBURBAN ENCLAVES, AND TRANSPORTATION CORRIDORS**
20 **(AB2006-110)**

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

23
24 Crawford stated he is against the motion. This needs an amendment about the term
25 "within agricultural protection overlay areas." The agricultural protection overlay is a
26 designation that applies to certain soils that are located all over the place. That section of
27 the County code defines how the County determines there are enough of those soils that
28 would make the area subject to the agricultural protection overlay. The proposed ordinance
29 is unclear about the question of whether one square inch of agricultural protection overlay
30 soils would keep an entire parcel from being subdivided. It will take some time just to
31 decide whether they can incorporate the terms of Whatcom County Code 20.38 into the
32 proposal, and whether that is Councilmember McShane's intent.

33
34 Nelson stated the Council needs to be clear about whether or not it can not accept
35 Introduction Items before it has a chance of review or discussion. He would rather the
36 Introduction Items be introduced as is, without debate during the Council meeting. The
37 public doesn't know that the items will be discussed during the Council meeting since they
38 are only scheduled for introduction. He support's Councilmember Brenner's effort to find
39 alternatives.

40
41 Crawford stated it has been the practice of this Council to allow votes on individual
42 Introduction Items. It is appropriate. He is willing to discuss Council policy on no-veto of
43 Introduction Items another time.

44
45 **Motion carried 6-1 with Crawford opposed.**

- 46
47 4. **ORDINANCE IMPOSING AN INTERIM CLUSTER DESIGN**
48 **STANDARD ORDINANCE IN ALL AGRICULTURE PROTECTION**
49 **OVERLAY AREAS, RURAL FORESTRY ZONES, SUBURBAN**
50 **ENCLAVES, AND TRANSPORTATION CORRIDORS (AB2006-111)**

51
52 **Brenner moved** to accept Introduction Item four.

1 **Motion carried 5-2 with Crawford and Caskey-Schreiber opposed.**
2
3

4 **OTHER BUSINESS and REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**
5

6 Nelson stated he has a meeting this Thursday. The Council should participate. The
7 Council had a discussion in a Surface Water Resource Work Session about a proposal he
8 brought forward for funding for water resource management issues.
9

10 Brenner stated the Building Industry Association held a green built home tour in
11 Sudden Valley. It included new and innovative ways for doing low-impact, green
12 development. Sustainable Connections will have a presentation on February 22 at the
13 Squalicum Harbor boathouse. A presenter will be someone with ideas for doing sustainable
14 building and all kinds of things.
15

16 At a Mental Health Advisory Board meeting last Monday, there was supposed to be a
17 letter from the Executive's Office. The State is telling the local level that they have to do
18 much more administrative work that will cost them an extra million dollars. Also, the State
19 is cutting regional funding by \$2.5 million, while increasing funding in other regions,
20 including King County. The Mental Health Advisory Board voted unanimously to send a
21 letter to the Governor, the head of the Department of Social and Health Services, and their
22 legislators saying that this is unconscionable. She would like the Council's support of a
23 letter she will write. This is very time-critical.
24

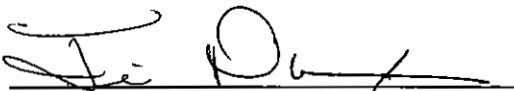
25 Nelson stated he appreciates support of the Mental Health Advisory Board. The
26 Governor wants to attack the issue by throwing \$2.5 million at King, Pierce, Spokane, and
27 Kitsap counties. Ten other regions are reduced. The biggest issue is the reduction in
28 Medicaid reimbursement rates from 50 percent to 10 percent. They need to draft a letter
29 about Medicaid reimbursement rates. It would be very effective, rather than arguing about
30 the \$2.5 million funding to the other counties.
31

32 Brenner stated she and Councilmember Nelson will work together on the letter.
33

34 Caskey-Schreiber stated the Council has a Joint Lake Management meeting in March.
35 Let her know if there are specific items to be discussed.
36
37

38 **ADJOURN**
39

40 The meeting adjourned at 8:35 p.m.
41

42 
43

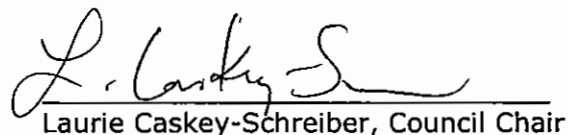
44 Jill Nixon, Minutes Transcription
45

46 The Council approved these minutes on February 28, 2006.
47

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WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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53
54 Dena Brown-Davis, Council Clerk


Laurie Caskey-Schreiber, Council Chair