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WHATCOM COUNTY COUNCIL
Regular County Council

February 28, 2006

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

Present:

Barbara Brenner
Dan McShane
Sam Crawford
Seth Fleetwood
Carl Weimer
L. Ward Nelson

Absent:

None

FLAG SALUTE

ANNOUNCEMENTS

Caskey-Schreiber announced there was discussion in executive session during the Committee of the Whole meeting regarding:

1. **Pending litigation - Ostrom (AB2006-018)**
2. **A negotiations update on open and re-opened collective bargaining agreements (AB2006-018), and**
3. **Potential land use litigation (AB2006-018)**

SPECIAL PRESENTATIONS

1. **EXECUTIVE KREMEN TO PRESENT CERTIFICATES OF APPRECIATION TO MEMBERS WHOSE TERMS HAVE EXPIRED ON THE FLOOD CONTROL ZONE DISTRICT ADVISORY COMMITTEE AND THE FLOOD CONTROL SUB-ZONE ADVISORY COMMITTEES (AB2006-017)**

Pete Kremen, County Executive, stated he recognizes people who volunteered their talents and their time to the people of Whatcom County. He presented certificates of appreciation to Fred Polinder, Tom Westergreen, Cornelia Foster, and John Lamont.

MINUTES CONSENT

Brenner moved to approve the Minutes Consent items.

Motion carried unanimously.

1. **COMMITTEE OF THE WHOLE FOR JANUARY 31, 2006**
2. **SPECIAL COMMITTEE OF THE WHOLE FOR FEBRUARY 7, 2006**

- 1 3. REGULAR COUNTY COUNCIL FOR JANUARY 31, 2006
- 2
- 3 4. SURFACE WATER WORK SESSION FOR JANUARY 24, 2006
- 4
- 5 5. SPECIAL COUNTY COUNCIL (PARKS PLAN) FOR FEBRUARY 7, 2006
- 6
- 7 6. COMMITTEE OF THE WHOLE FOR FEBRUARY 14, 2006
- 8
- 9 7. REGULAR COUNTY COUNCIL FOR FEBRUARY 14, 2006

10
11
12 **OPEN SESSION**

13
14 The following people spoke:

15
16 Yoshi Ravelle, 817 - 25th Street, Bellingham, stated his topic is world peace. Pass a
17 resolution declaring war illegal.

18
19 Kris Ungern, 2095 Northshore Road, Bellingham, submitted and read from his
20 testimony (*on file*). There is a difference between the planning world and the real world.
21 Growth management decisions must reflect the real world.

22
23 Valerie McAloon, 5784 Saxon Rd, Acme, submitted and read from her testimony (*on*
24 *file*). Support the local Community Resource Center location in the Kendall area.

25
26 Dennis Jones, 1487 Sudden Valley, stated the Council, Republicans, and Democrats
27 are invited to attend caucus meetings on March 4, 2006. On March 14, vote for schools.
28 The cost of the Lake Whatcom Management Plan initiative is very expensive.

29
30 Cindy Pfeiffer-Hoyt, 6190 Saxon Road, Acme, submitted and read from her
31 testimony (*on file*). Support the site selection for North Fork Community Resource Center
32 at the location next to Kendall Elementary School.

33
34 Torrey Moorman, 9819 Silver Lake Road, Deming, stated support the site selection
35 for North Fork Community Resource Center at the location next to Kendall Elementary
36 School. It will keep the library open more often and the library will have more books.
37 Paradise residents can take the bus to the proposed site. The location will save residents
38 and taxpayer money.

39
40 Karen Harris, 371 Flair Valley Drive, Maple Falls, stated support the site selection for
41 North Fork Community Resource Center at the location next to Kendall Elementary School.
42 The center should be centralized in the community and a resource for the Kendall School.
43 The environment will be safe.

44
45 John McLaughlin, 221 Highland Drive, Bellingham, stated the he would speak on the
46 **resolution initiating Comprehensive Plan and zoning amendments for 2006**
47 **(AB2006-082), docket item 2006-F** regarding population projections. The method is
48 based on an invalid model containing statistical errors. The projected increase of 61,447
49 people for the County should be only 26,670. The proposed increase would grow to just
50 under 80,000 by 2027, which is an increase of 18,500. The correct increase would be
51 15,500 people. Reject the proposed amendment.

1 Scott Silver, 681 King Valley Drive, Maple Falls, stated support the site selection for
2 North Fork Community Resource Center at the location next to Kendall Elementary School.
3 The Maple Falls, Deming, Glacier and surrounding area has tremendous diversity. Diversity
4 has strength. Don't isolate the community center from the community. More people will
5 come to the area.
6

7 Martin Van Buren, resident, stated he came from Chicago 17 years ago. The State
8 Growth Management Act took too much control away from citizens. He can live with people
9 subdividing their property into five- or ten-acre tracts. Don't fill the county with high-rise
10 apartment buildings. Look at the **resolution initiating Comprehensive Plan and zoning**
11 **amendments for 2006 (AB2006-082)**. The expansion of the urban growth areas is the
12 next step in decreasing the property value of rural land owners. Decreasing land value will
13 allow big developers to buy it cheap and wait until they becomes high density urban growth
14 areas. This is not a fair way to treat people. Look at long-term impacts.
15

16 Donald Littrell, 8359 Delta Line Road, Custer, stated he has three parcels of land
17 that can be divided. He will finish his comments during the public hearing.
18

19 Bill Schoonover, 606 Chuckanut Drive, Bellingham, stated representatives from the
20 ACLU spoke on the Minutemen project. He and others are a Minutemen of another type.
21 They are to protect their property borders from the enemies within. He supports the
22 Minutemen. The County Council looks out for the interest of Bellingham, not the County
23 residents. In the future, the County Council will go after water rights, unregistered wells,
24 and will prohibit future drilling under the critical areas ordinance.
25

26 Mike Head, 6733 Greystone Lane, Deming, stated support the site selection for North
27 Fork Community Resource Center at the location next to Kendall Elementary School. Go
28 back to the King and Associates feasibility study. The site proposed by Community
29 Resource Center was rated higher than the Staveland Property.
30

31 James Stanford, 1841 Front Street, Lynden, stated almost half of the proposals in
32 the **resolution initiating Comprehensive Plan and zoning amendments for 2006**
33 **(AB2006-082)** were submitted by members of the Whatcom County Planning Commission.
34 If a property goes through the permitting, engineering, and development process as
35 required by law, it is considered uncontrolled growth. He disagrees with that. None of the
36 amendments protect owners' rights. In fact, the rights are diminished or eliminated. The
37 Council says it likes recommendations from the Planning Commission. Two Planning
38 Commissioners have spoken out for no growth. He asked how an applicant can expect
39 objectivity and a recommendation of approval to the County Council.
40

41 42 **CONSENT AGENDA**

43
44 ***Crawford*** reported for the Finance and Administrative Services Committee and
45 ***moved*** to approve items one through 16.
46

47 ***Motion carried unanimously.***
48

- 49 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #06-18**
50 **FOR DELIVERY AND SUPPLY OF ASPHALTIC MIXES FOR USE ON VARIOUS**
51 **COUNTY ROADS, BY ACCEPTING ALL BIDS AND PERMITTING SELECTION OF**
52 **THE APPROPRIATE VENDOR AS DICTATED BY THE SPECIAL**

1 CIRCUMSTANCES OF THE PARTICULAR JOB, IN AN ANTICIPATED AMOUNT
2 FOR THE YEAR OF APPROXIMATELY \$200,000 (AB2006-113)
3

4 2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #06-27 TO
5 THE LOW BIDDER, ONCE DETERMINED, FOR MODULAR OFFICE FURNITURE
6 FOR PUBLIC WORKS NEW OFFICE SPACE, IN AN AMOUNT NOT TO EXCEED
7 \$100,000 (AB2006-114)
8

9 3. REQUEST APPROVAL OF THE PURCHASE OF 10 LAPTOP COMPUTERS AND
10 RELATED ACCESSORIES FOR USE IN SHERIFF VEHICLES USING A CITY OF
11 LYNNWOOD BID AND INTERLOCAL AGREEMENT (VENDOR DAYTECH, INC.)
12 IN THE AMOUNT OF \$55,405.31 (AB2006-115)
13

14 4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN
15 AGREEMENT BETWEEN WHATCOM COUNTY AND THE SALMON RECOVERY
16 FUNDING BOARD TO PROVIDE FOR THE SELECTION OF A QUALIFIED
17 CONSULTANT TO EVALUATE SALMON HABITAT RESTORATION OPTIONS,
18 EVALUATE AND RECOMMEND PREFERRED PROJECT ALTERNATIVES,
19 PREPARE PROJECT DESIGNS AND COST ESTIMATES THAT CONSIDER
20 EXISTING ALLUVIAL FAN FLOOD HAZARDS, AND PERFORM COMMUNITY
21 OUTREACH FOR THE LOWER REACHES OF CANYON CREEK IN THE NORTH
22 FORK NOOKSACK RIVER, IN THE AMOUNT OF \$95,000 (\$80,750 IN GRANT
23 FUNDS AND \$14,250 (15% MATCH) FROM FLOOD FUND) (AB2006-116)
24

25 5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A GRANT
26 AGREEMENT BETWEEN WHATCOM COUNTY AND THE NATIONAL FISH AND
27 WILDLIFE FOUNDATION, TO CONTINUE THE CONTROL AND OUTREACH
28 WORK ON KNOTWEED SPECIES ON THE NOOKSACK RIVER, IN THE AMOUNT
29 OF \$24,894 (\$16476 FROM NATIONAL FISH AND WILDLIFE FOUNDATION
30 AND \$8,418 FROM THE COUNTY'S 2006 APPROVED OPERATING BUDGET)
31 (AB2006-117)
32

33 6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO
34 MODIFICATION 2 TO THE AGREEMENT BETWEEN WHATCOM COUNTY AND
35 USDA FOREST SERVICE, PACIFIC NORTHWEST REGION, MT. BAKER-
36 SNOQUALMIE NATIONAL FOREST, TO CONTINUE TO ALLOW BOTH ENTITIES
37 TO ACCOMPLISH PROJECTS COOPERATIVELY, BENEFITING FORESTRY
38 SERVICE PROGRAMS, IN THE AMOUNT OF \$30,133.96 (AB2006-118)
39

40 7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO
41 EXTENSION #4 TO THE CONTRACT BETWEEN WHATCOM COUNTY AND DAY
42 WIRELESS SYSTEMS, TO EXTEND THE RADIO MAINTENANCE AND REPAIR
43 SERVICE FROM FEBRUARY 1, 2006 THROUGH JANUARY 31, 2007, IN THE
44 AMOUNT OF \$60,000 FOR AN AMENDED CONTRACT TOTAL OF \$300,000
45 (AB2006-119)
46

47 8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO
48 EXTENSION #4 TO THE CONTRACT BETWEEN WHATCOM COUNTY AND SND
49 COMMUNICATIONS, INC., TO EXTEND THE RADIO MAINTENANCE AND
50 REPAIR SERVICE FROM FEBRUARY 1, 2006 THROUGH JANUARY 31, 2007, IN
51 THE AMOUNT OF \$60,000 FOR AN AMENDED CONTRACT TOTAL OF \$300,000
52 (AB2006-120)
53

- 1 9. RESOLUTION IN THE MATTER OF ASSETS OF THE EMERGENCY MANAGEMENT
2 FUND BEING DECLARED SURPLUS AND TRANSFERRING OF THOSE ASSETS
3 TO THE GENERAL FUND IN ACCORDANCE WITH WCC 1.10.150 (AB2006-121)
4
5 10. RESOLUTION TO SET HEARING TO SELL TAX TITLE PROPERTY BY PUBLIC
6 AUCTION, REQ. #TR2006-03 (AB2006-122)
7
8 11. RESOLUTION TO SET HEARING TO SELL TAX TITLE PROPERTY BY PUBLIC
9 AUCTION, REQ. #TR2006-04 (AB2006-123)
10
11 12. RESOLUTION TO SET HEARING TO SELL TAX TITLE PROPERTY BY PUBLIC
12 AUCTION, REQ. #TR2006-05 (AB2006-124)
13
14 13. RESOLUTION TO SET HEARING TO SELL TAX TITLE PROPERTY BY PUBLIC
15 AUCTION, REQ. #TR2006-06 (AB2006-125)
16
17 14. RESOLUTION TO SET HEARING TO SELL TAX TITLE PROPERTY BY PUBLIC
18 AUCTION, REQ. #TR2006-07 (AB2006-126)
19
20 15. RESOLUTION TO SET HEARING TO SELL TAX TITLE PROPERTY BY PUBLIC
21 AUCTION, REQ. #TR2006-08 (AB2006-127)
22
23 16. REVIEW OF FEDERAL JUSTICE ASSISTANCE GRANT APPLICATION (AB2006-
24 128)
25
26
27

28 **OTHER ITEMS**

- 29
30 1. ORDINANCE AMENDING THE 2006 WHATCOM COUNTY BUDGET, FOURTH
31 REQUEST, IN THE AMOUNT OF \$2,804,808 (AB2006-105)
32

33 **Crawford** reported for the Finance and Administrative Services Committee and
34 stated the Committee recommended amending the ordinance by adding approximately
35 \$65,000 to keep the Superior Court drug court services case management staffing level at
36 the present level. He **moved** to adopt the original ordinance.
37

38 **Crawford moved** to amend the ordinance to add approximately \$65,000 to keep
39 the Superior Court drug court services case management staffing level at the present level.
40

41 McShane asked if the amendment is to amend the budget at a time not during the
42 budget cycle. The County Council is not allowed to amend the budget, according to the
43 County Charter.
44

45 *(Clerk's Note: End of tape one, side A.)*
46

47 McShane continued to state that the County Council cannot propose a budget
48 amendment outside the normal budget cycle.
49

50 Crawford stated that's never stopped the Council before.
51

52 Caskey-Schreiber stated legal counsel will get an answer to that question.
53

1 (Clerk's Note: Discussion continued, below.)
2

3 **2. ORDINANCE REGARDING PROJECT BUDGET AMENDMENT NO. 1 OF THE 2006**
4 **BUDGET IN THE AMOUNT OF \$1,310,000 (AB2006-106)**

5
6 **Crawford** reported for the Finance and Administrative Services Committee and
7 moved to adopt the ordinance.

8
9 **Motion carried unanimously.**

10
11 **1. ORDINANCE AMENDING THE 2006 WHATCOM COUNTY BUDGET, FOURTH**
12 **REQUEST, IN THE AMOUNT OF \$2,804,808 (AB2006-105)**

13
14 (Clerk's Note: Discussion continued from above.)
15

16 Karen Frakes, Senior Civil Deputy Prosecutor, stated section 6.73 of the Charter
17 indicates that the County Council shall not adopt an additional or amended capital budget
18 appropriation ordinance during the budget cycle unless requested to do so by the County
19 Executive.

20
21 McShane stated he looked into this some time ago for another issue, but realized he
22 couldn't do it. He went to the Executive directly, hoping the Executive would bring forward
23 a budget ordinance.

24
25 Brenner stated she recalls the County Council cannot bring forward a budget
26 amendment, but the administration can bring forward an amendment for Council approval.
27 Frakes stated that is correct.

28
29 McShane stated the Executive can bring forward budget amendments. The
30 committee discussed it today. If the Executive brings forward an additional budget
31 amendment of \$65,000, the Council can vote on it. However, the Council can't bring up an
32 amendment to the budget.

33
34 Nelson stated he doesn't have a problem amending it, but he has a problem with
35 doing an amendment through this process for these reasons. There will be a lot of people
36 requesting amendments out of the regular cycle, if they decide to do this. That said, this
37 program has had excellent results. They are interested in maintaining the program. This
38 program was funded with federal dollars before. Now it will be funded with County tax
39 dollars. The Council should consider how they use this regarding mental health issues and
40 the triage center.

41
42 Pete Kremen, County Executive, stated the Council has never done this in the ten
43 years he's been County Executive. The Council Office and Executive Office have worked
44 collaboratively the entire time he's been County Executive. This Council has worked in
45 unison with his office. This action would be a departure from that practice that will open up
46 flood gates for a plethora of requests.

47
48 Brenner stated she doesn't remember the Council ever adding to what the Executive
49 has brought forward. There have been times the Council has cut back on an Executive's
50 request. The Council can add it's own budget items onto the Executive's amendments.

51
52 McShane stated he is not concerned about opening the flood gates to budget
53 requests. He is concerned the County Council would be in the position of taking on more

1 administrative work he doesn't have time to do. He doesn't know enough about how this
2 program works administratively.

3
4 Caskey-Schreiber asked if the requested \$43,000 is not enough to operate drug
5 court.

6
7 Dewey Desler, Deputy Administrator, stated the drug court was operated in the past
8 with federal and State funds. The caseload is 55 people with three case managers. The
9 County is losing those funds, but wants to keep drug court going. The plan is to continue
10 the same case load with two case managers. There will be some reductions in total
11 spending. Staffing would remain and continue year after year. Administration wants to
12 maintain the program as it is today. The administration is trying to gather other resources
13 to pay for this.

14
15 Weimer stated a number of people from the courts and criminal justice system made
16 a good argument today. In reality, the proposal from administration is to cut back from
17 three case managers to two case managers. Statistics show a low recidivism rate. One in
18 five participants reoccurs. Ultimately, the County should save money. That's a hard thing
19 to prove. Also, this is a change in course for the program when new funding is coming in.

20
21 Brenner asked if there is any possibility for looking at this again if a problem comes
22 up in the year. Desler stated the proposal he heard today was to expand the number of
23 participants up to 80. He proposes to continue the service as it exists. The caseload now is
24 17 or 18 cases per case manager. The administration proposes about 25 or 26 cases per
25 case manager. Drug courts in other places successfully operate with that level.

26
27 Nelson stated he wants to make sure they are getting the best benefit for the money
28 spent. The program does a great job. Intensive case management is the best way to
29 operate, but it's very costly. Make sure it works very effectively.

30
31 **Crawford withdrew the motion** to amend the ordinance, after consultation with
32 legal counsel. He restated his motion to adopt the ordinance as presented.

33
34 **Motion carried unanimously.**

35
36 **3. CONSIDERATION OF HEARING EXAMINER'S RECOMMENDATION**
37 **REGARDING A PLANNED UNIT DEVELOPMENT AND PRELIMINARY LOG**
38 **SUBDIVISION, "PLAT OF BELMONT" (AB2006-108)**

39
40 **Fleetwood** reported for the Planning and Development Committee and **moved** to
41 approve the recommendation.

42
43 **Motion carried unanimously.**

44
45 **4. RESOLUTION ADOPTING RECOMMENDATIONS FOR OPEN SPACE/TIMBER**
46 **AND OPEN SPACE/FARM AND AGRICULTURAL CONSERVATION (AB2006-**
47 **130)**

48
49 **Fleetwood** reported for the Planning and Development Committee and stated there
50 are 13 applications. He **moved** to approve the resolution with all applications except the
51 Van Winkle open space/open space application.

1 McShane stated the Planning Commission held a hearing on these applications. He
2 asked if the Council would have to have a public hearing because it changes the Planning
3 Commission recommendation.

4
5 Brenner stated the Council would only have to have a public hearing on the one
6 application.

7
8 ***Motion carried unanimously.***
9

10 Caskey-Schreiber stated the Van Winkle open space/open space application will be
11 scheduled for a public hearing in two weeks.

12
13 **5. APPOINTMENT TO FILL VACANCY ON DIKING DISTRICT #3 – APPLICANT:**
14 **K.B. AKER (AB2006-087)**

15
16 ***Brenner moved*** to appoint K.B. Aker.

17
18 ***Motion carried unanimously.***
19

20
21 **PUBLIC HEARINGS**
22

23 **1. ORDINANCE IMPOSING AN INTERIM MORATORIUM ON THE ACCEPTANCE OF**
24 **SHORT PLAT APPLICATIONS FOR SUBDIVISIONS IN THE RURAL ZONES**
25 **WITHIN AGRICULTURAL PROTECTION OVERLAY AREAS, RURAL FORESTRY**
26 **ZONES, SUBURBAN ENCLAVES, AND TRANSPORTATION CORRIDORS**
27 **(AB2006-110)**
28

29 Caskey-Schreiber opened the public hearing and the following people spoke:
30

31 Toni Petch, 6173 Maureen Drive, Ferndale, stated she is opposed to the ordinance.
32 It will not help stop growth and prices will rise more quickly. Instead, have a better plan for
33 growth. The growth projection, which has already been met, was bad. Come up with more
34 accurate projections. This ordinance begins the process that will cause people to lose their
35 retirement, livelihoods, and gifts to children. The moratorium will end up lasting longer
36 than six months. A better proposal should be brought forward.
37

38 Jim Charlton, 2383 Central Road, Everson, stated he has land that can be divided.
39 The U.S. Supreme Court says a taking must be compensated. He proclaims that a zoning
40 change is a taking and must be compensated. Someone who buys a five-acre parcel for a
41 retirement investment expects a certain return. A rezone is a taking, according to the
42 United States Constitution. He has a right to his five-acre zoning. If the Council denies his
43 Constitutional rights, he proclaims a taking and will request full compensation at full market
44 prices at the time of the taking.
45

46 Bob Wiesen, 3314 Douglas Road, Ferndale, stated this is a lousy way to treat the
47 public. A question is what the Council defines as a transportation corridor. There are
48 changes that probably need to be made to create more farmland, but this is not the way.
49 Look at how the land can be used. Clustering isn't the answer. Quality of life should not be
50 depreciated by what the urban people think of as quality of life.
51

1 Roger Hawley, 355 W. Wiser Lake Road, Ferndale, stated he is a fourth generation
2 farmer in Whatcom County. He is opposed to the moratorium on short plats and supports
3 the cluster design.
4

5 Chet Dow, 5491 Woodfern Way, Bellingham, stated he owns a home in a cluster
6 subdivision. He is not complaining about that. However, the planning process in general is
7 incomprehensible to normal citizens. It is difficult to stay abreast of all that is happening
8 that affects their lives. He asked what the rush is. He does not understand what the
9 emergency is. Make clear what the emergency is. Growth isn't all that outrageous. It's
10 under three percent per year. They need a better planning process.
11

12 Jim Shook, Camano Island, stated he represents his mother- and father-in-law who
13 live in Whatcom County. He thanked Councilmember McShane for talking to them on the
14 phone. A real estate agent called his in-laws and scared them by saying they needed to sell
15 their property right away. He received incredible help from the Planning Department
16 recently.
17

18 Gary Lysne, 2472 Northshore Road, Bellingham, yielded his time to Dana Quam.
19

20 Dana Quam, Whatcom County Association of Realtors Governmental Affairs Officer,
21 stated she is opposed to moratoria because they are divisive to the community. Property
22 owners weren't notified of the moratorium. She asked the number of properties that will be
23 affected and the amount the land will be devalued. The County Charter Section 1.11
24 mandates that those answers be given before enacting this ordinance. She would like to
25 know what's been done to determine there is no undue burden and what compensation will
26 be provided to property owners.
27

28 The goals of the Growth Management Act must be balanced, including providing a
29 variety of housing types, protecting the rights of property owners, and encouraging the
30 citizens to be involved in the planning process. She asked to know how the residents have
31 been involved in this process. Don't impose any moratoria.
32

33 David Moody, 1211 - 14th Street, Bellingham, stated he is a geo-morphologist and
34 realtor. The drug court is very important. It saves millions of dollars in impacts. Keep it
35 funded.
36

37 If they make the zoning only 40-acre parcels that are mostly marginal in quality, the
38 price of farmland will go up. Farmland will be more valuable and will be sold. It will drive
39 up the cost of real estate for people who want to live in the county. The cluster design
40 standard proposal is much better and more practical. Change the design standards to be
41 more low impact instead of wiping out huge parcels of land.
42

43 John Westerfield, 2975 Eberly Road, Bellingham, submitted his testimony (*on file*).
44 He supports the moratorium on short plat subdivisions in part. He understands there are
45 major revisions tonight that he does not understand. It would be inappropriate for the
46 Council to vote tonight.
47

48 (*Clerk's Note: End of tape one, side B.*)
49

50 Westerfield continued to state the citizens need an appropriate amount of time to
51 read and understand the proposal in full.
52

1 Frank Eventoff, Bow, stated many issues need to be studied. Maintain the wildlife,
2 forest, and farmlands. He agrees with Mr. Moody's comments. He supports the
3 moratorium. Be careful about growth. He supports controlled green growth.
4

5 Spencer Ahrens, 6340 Everson-Goshen Road, stated his property has been in the
6 family since 1912. He has been planning to divide and sell his property for retirement.
7 They need some kind of growth management, but the proposals he's heard are ridiculous.
8 Do not take his message lightly.
9

10 Bill Quehrn, Building Industry Association Executive Officer, stated citizens would not
11 have known that their land value was suddenly locked if this discussion hadn't occurred
12 over the past couple of weeks. He asked the reason for the urgency. Definitions of rural in
13 the Growth Management Act provides for densities greater than one house on 40 acres.
14 Many rural uses can coexist with productive agricultural uses. Rural lands don't exist for
15 the entertainment of city residents. If there is a need to review land uses in the county,
16 form a stakeholder committee that will lead to a broad community consensus. He doesn't
17 support moratoria. There are a number of legal concerns with the original ordinance that
18 may apply to the substitute ordinance. Don't squander money on legal battles that could be
19 better invested in retaining the county's character and citizens' rights to use the land as
20 they choose. He is concerned about the impact of a downzone on families and individuals.
21 People don't deserve to be robbed of their land value without just cause and reasonable
22 compensation.
23

24 C.J. Tjoelker, 4082 South Pass Road, stated he short-platted in 1992 and had nine
25 home sites. He would like to keep the freedom to develop the property when he wants. He
26 asked the Council not to adopt the ordinance now.
27

28 Paul Barci, Ferndale, stated he has 140 acres in the county, most zoned rural five
29 acres. It is ideal for building. The Council wants to sentence him to farming, a dying
30 occupation, so city people can look at it. There used to be dozens of farms in the area.
31 Now, it is the only farm in a four-mile radius. Farming in Ferndale is a thing of the past.
32 Economic conditions make it impossible to farm. This proposal would cut his land value by
33 at least 80%. Farming should have been saved 50 years ago.
34

35 Bill Henshaw, 2653 North Park Drive, Bellingham, stated he's not sure what he's
36 speaking on. The proposal is like a moving target. The process is broken. The Council
37 needs to go back to the drawing board and get it fixed. Allow time for the citizens to
38 consider what the Council is doing. Do not pass the moratorium.
39

40 Lance Ludtke, Bellingham, stated he has property on Waschke Road zoned for five-
41 acre parcels. It is an old gravel pit he has spent 20 years filling and grading with the intent
42 to sell. The Planning Department doesn't know if his property is affected. He would like to
43 know if his property is affected.
44

45 Mark Brown, 2707 Grove Street, Bellingham, stated the Council should take more
46 time and allow for more public input.
47

48 Richard Baila, 1303 E. Maplewood Avenue, Bellingham, stated he is happy to hear
49 there is an incentive program in the making. Americans aren't saving money. The
50 purchase of property is a form of savings, but the government will significantly reduce or
51 wipe out his savings. Government can't take money out of someone's savings account for
52 the public good. This moratorium is the same thing, a blatant taking.
53

1 Paul Isaacson, 3940 Isaacson Road, stated he doesn't think anyone in the county is
2 affected as much as he is. He has the largest suburban enclave in the county. Part of his
3 500-acre farm is zoned for 500 homes. He's heard that they are trying to appease
4 Futurewise, but it is at the expense of county citizens. He pays \$100,000 per year in
5 property taxes. The value of his land belongs to him, not County government. Forestry
6 should be maintained. He has agricultural land that should be maintained. The agricultural
7 land and forestry land has been removed from the proposal. The only thing left on which to
8 stop development is development land. He is zoned rural residential, two units per acre
9 (RR2). He has access to sewer and water. He is in town. That land can't be farmed. This
10 is coming forward because of Futurewise. He doesn't care about Futurewise. The ordinance
11 says the Council finds that no undue burden is imposed on property owners. That is for the
12 citizens to decide. The County can't tell him whether or not he has suffered a hardship. He
13 has worked 20 years with the County on developing property. Protect the citizens and
14 taxpayers, not Futurewise. There isn't a provision for compensation. He's in the five-year
15 review urban growth area. He is a very good environmental steward. He operates on
16 sustainable yield. He dealt with the Lake Whatcom watershed moratorium on part of his
17 land. He dealt with it. He lost his subdivision rights at Lake Samish and dealt with it. This
18 is not reasonable. This is not an emergency.

19
20 *(Clerk's Note: Council took a recess from 9:01 p.m. to 9:14 p.m.)*

21
22 Doug Campbell, 1401 Astor Street, Bellingham, stated he supports Mr. Bill Quehrn's
23 comments. It is intellectually dishonest to bring it forward this way. There is no staff
24 report. There is no map. Answers on the State Environmental Policy Act (SEPA) checklist
25 are not accurate and flaws the outcome of the SEPA determination. The SEPA checklist
26 should have been filled out by staff. There is much confusion about this tonight.
27 Reconsider passing this as an emergency. The Bellingham City Council eliminated all the
28 urban growth area from future development by taking away sewer and water provisions for
29 the area. The County should argue that point with the City. Now, UGA areas will not be
30 developed. The Council is obligated to find housing for people.

31
32 Dennis Jones, 1487 Sudden Valley, stated this is a case where misinformation and
33 some lies are taking over. The costs related to not protecting critical areas are
34 astronomical. Developers and builders tell people that environmentalists will never let them
35 build on their properties in critical areas, and they should sell to developers. The
36 developers turn around and sell the property at a huge profit. This has happened in Sudden
37 Valley. It's costly to build in farmland because it is in the flood plain. The Property Fairness
38 Initiative, which is the forest, farm, and fish decimation act is terrible. The cost to
39 taxpayers is astronomical.

40
41 Michale Guerin, 4054 Birch Bay-Lynden Road, stated he has 53 acres adjacent to
42 California Creek. Last year, he lost 15 acres and has not seen compensation. Do not pass
43 this. People are not informed. They have to do it a different way. People need be notified
44 and involved.

45
46 Lincoln Rutter, 8373 Semiahmoo Drive, stated he is on the Futurewise Board of
47 Directors. He would like to find common ground. The Federal Reserve Board Chairman is
48 the protector of property rights in America. Two elements underlie speculative bubble,
49 whether it's the stock market or real estate market. The first element is psychological
50 hype. The second element is poor lending standards by banks. The Federal Reserve
51 System determined that the current level of real estate speculation is potentially damaging
52 to the economy. That's a reason for the raised interest rate over the last 19 months.
53 Twenty-five percent of all homes purchased in America last year were for speculative

1 purposes. Here in Whatcom County, the population growth in the past five years was 1.7
2 percent. Houses were built at a rate of three percent. The national growth rate was two
3 percent. The federal monetary policy is the equivalent of a development moratorium. They
4 are both undertaken to prevent too many people from putting their property on the market
5 at the same time. Therefore, property values are lowered systematically for all property
6 holders. The housing industry in Whatcom County is critical. Because the economy of the
7 northwest has lacked diversity, the ability to exchange property for a profit has had more
8 significance here to fight economies.
9

10 Gene Bouma, 7349 Old Guide Road, Ferndale, stated he is a developer who has built
11 cluster developments. He is working on a 40-acre parcel that is completely surrounded by
12 five-acre zoning. His parcel should be five-acre zoning. He can get four houses on forty
13 acres. It's a waste of land. They needed different sizes of lots for different folks. They
14 don't need a moratorium to look at this issue. They need to contact the people who are
15 impacted by this legislation.
16

17 Jon Soine, 1310 Indian Street, Bellingham, stated the Council should be holding
18 town hall hearings around the four corners of the county so people can give their input. He
19 is a member of the Whatcom County Association of Realtors President Elect. This will
20 negatively affect first-time home buyers and people who hope to develop for retirement
21 income. This is totally unfair and a financial hardship.
22

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

25 Soine continued to state future generations will only be able to live in large
26 apartment buildings. Table this item and take it out to the community so people can hear
27 about it.
28

29 Randy Elmore, 2185 Squalicum Mountain Road, Bellingham, stated people in the
30 audience applaud and clap because the Council seems like their enemy. People want
31 Whatcom County to be just like it was when they were kids. It's never going to happen.
32 The county is going to change. There is nothing they can do about it. The Council is using
33 an interim moratorium as a vehicle to make this an emergency. He asked why is this an
34 emergency.
35

36 McShane stated this is not an emergency ordinance.
37

38 Elmore stated he believes the reason for rushing the process is because the Council
39 doesn't want people to exercise their property rights under the current Comprehensive Plan,
40 U.S. Constitution, and Washington State Constitution.
41

42 Mark Meaker, 1161 Harborside Drive, Blaine, stated the moratorium is a taking.
43 These property rights are constitutionally protected. The Council should honor the people's
44 rights. The hardships are real. The money they're losing is real. Don't take their rights
45 without compensation.
46

47 Ben Elenbaas, 2060 Nolte Road, Everson, stated it sounds like the Council is trying
48 to protect farmland, but farmland is for the farmers. As a farmer, he needs quite a few
49 acres to make a living. He can't afford it now. It is a simple supply and demand issue. It
50 sounds like the Council wants to cut the supply while the demand is still there, making the
51 land even more expensive.
52

1 Phil Colwell, 3718 Haggin Road, Bellingham, stated he is totally against this
2 moratorium. He lives in the watershed. They already have a moratorium. He is still
3 waiting for compensation for his property. His property was just reassessed, also.
4

5 Patty Rutter, 8373 Semiahmoo Drive, stated the citizens of the county have a right
6 to clean air, clean water, and a safe environment. However, there are several roads in the
7 county with a level of service F. Drayton Harbor Road is barely functioning. Schools are
8 overcrowded because developers are not required to pay impact fees to support the
9 demands on the system. Two weeks ago, a fire chief in this county said that Whatcom
10 County can no longer provide adequate fire coverage in her area because of the lack of
11 funding. Growth has exceeded their ability to service the community. The County has not
12 been good stewards of its natural resources. It has not managed the resources given the
13 growth that has occurred. The meetings that have discussed these issues over the last four
14 years were published. Until the issues are resolved, she supports the moratorium. This is
15 not the first notice the Council has given.
16

17 Sherman Polinder, 670 Polinder Road, Lynden, stated the Agriculture Preservation
18 Board desires to preserve farmers and farmland. All but one councilmember has
19 campaigned to save agriculture. The County would do well to follow the example of Europe.
20 Towns in Europe draw lines around the towns and farms. The lines don't change. Farmland
21 is a nonrenewable resource. It will take courage and foresight to make this county a viable
22 place to farm in the future. If they don't have courage and foresight and exercise
23 responsible behavior, this county will look like Kent Valley. They have heard a lot tonight
24 about rights and freedoms. With freedom comes responsibility to the future.
25

26 Tim Welfing, 3540 Haynie Road, Blaine, stated he moved here about six months
27 ago. Many people have received misinformation on the moratorium. He asked if they will
28 look at soil types and consult with citizens when rezoning the land. It hurts to see farmland
29 being torn up into subdivisions and non-farmland being saved for agriculture. He would like
30 to see exact maps of where this moratorium applies.
31

32 Mary Beth Teigrob, 2065 E. Hemmi Road, stated she doesn't trust that the ordinance
33 won't be changed again. She asked why the Council assumes that farming and all farmers
34 will farm in large acres. Some people use five acres for agricultural purposes. It seems the
35 Council is only protecting large landowners. She asked how the land preservation helps a
36 farmer make a living. She asked if the Council considered what this will do to the land
37 value of properties that are currently in small cluster developments. They will rapidly
38 increase in value. Some councilmembers live in small cluster developments now. She
39 asked if they will recuse themselves from this vote because they may financially benefit
40 from the vote.
41

42 Veronica Nordby, 1179 H Street Road, Lynden, stated she has 16 acres zoned
43 agriculture that she can't do anything with. Her parents count on subdividing their property
44 for their four kids. The logging industry has gone away. Employment at Georgia Pacific is
45 gone. Don't take her decisions away from her.
46

47 Jim Hansen, 3790 Greenville Street, Bellingham, stated he would like to see more
48 civility toward the elected representatives that work for the citizens. There have been good
49 arguments and arguments with little integrity. There is too much polarization in the world.
50 He would appreciate more respectful arguments.
51

52 Joe Elenbaas, 600 E. Smith Road, Ferndale, stated he spent time researching the
53 issue so he could speak intelligently on it. Changing the ordinance makes it hard for

1 citizens to know what is going on. The public wants accountability by the Council, as shown
2 by it's passage of the Charter amendment to County Charter section 1.11, which says that
3 there must be compensation. Before approving something like this, the Council must
4 review the ordinance for impacts and possibly provide a means of compensation for the
5 impacts. There are impacts from the proposal. The Council can't even have the text until
6 it's demonstrated it's reviewed the situation and provided for compensation. The Planning
7 Commission already decided what was good agricultural land and developable land. There
8 have been consistent changes, both good and bad. The findings promise the same thing
9 the Council promised for 30 years, but hasn't done.

10
11 Julie Carpenter, 101 Soundview Road, stated she speaks on behalf of many people
12 who aren't here. She has worked on behalf of a number of environmental organizations and
13 has an extensive environmental resume. Also, she is a professional realtor and business
14 owners. She and many of her clients are environmentalists, and would like to own small
15 acreage to be good stewards of the land. Now, six of her buyers can't make a decision on
16 purchasing land, based on the decision of the Council. Withdraw the two proposals. Work
17 to achieve consensus on better proposals that will work in perpetuity. There are negative
18 unintended consequences, including a massive rush to subdivide. Instead, increase funding
19 for the conservation levy that allows the Council to voluntarily purchase land for sale, and
20 then put that land into perpetual conservation easements.

21
22 Walden Haines, 7178 Dahlberg Road, Ferndale, stated the Council should listen to
23 what everyone said. He concurs with speakers opposed to the moratorium. He bought 50
24 acres expressly for retirement. He's a good steward of the land. He would like to be able
25 to recoup his investment. Don't tell him what he can and can't do with his retirement. Talk
26 about what needs to happen in this county. There are problems, but they have to work
27 them out. Table the proposal until they resolve the issues.

28
29 Hearing no one else, Caskey-Schreiber closed the public hearing.
30

31 **McShane moved** to adopt the substitute ordinance. There were significant changes
32 to the ordinance for different reasons, some of it based on input he received the past couple
33 of weeks. The suburban enclaves and transportation corridors are indicated on
34 Comprehensive Plan maps. The phone calls he got were about half in favor and half
35 against. This is a complicated issue. The Council must look at the Comprehensive Plan
36 amendments put before it. In 1997, the Council talked about rural and agricultural areas
37 and stated that those areas were to be reviewed. They haven't been reviewed in nine
38 years. The agricultural protection overlay (APO) issue is complex and problematic. It
39 doesn't work that well. They can easily demonstrate that they are losing good farmland.
40 The APO failed to protect farmland. They are losing rural character. People are forced to do
41 cluster subdivisions when it may not be necessary. The APO is on some land that isn't good
42 farmland. They must be careful defining the farmland to protect. The moratorium
43 described compensation. The County doesn't have a good compensation program. This
44 evening, the Council will introduce a resolution about actions the County will take over the
45 next year or year and a half regarding rural, agriculture, and rural forestry. If they don't
46 act, the number one agricultural county in Western Washington will no longer have
47 agriculture. The action items in the resolution can be expanded. He read through the
48 resolution. The APO map is misleading and confusing.

49
50 It's very expensive to divide forestland into 20-acre parcels. One proposal is to
51 cluster in the rural forestry area. That will save the property owner a significant amount of
52 money and create lots in forestland while the rest is left in a conservation easement for
53 forestry use.

1
2 They've begun the process of creating a purchase of development rights (PDR)
3 program. It's not going to be done by raising property taxes. When the Council upzones
4 land, the profits that befall that landowner are not shared with the community. The Council
5 has a policy that says that benefit should be distributed in some manner to protect the land
6 they need for the future. That policy has yet to be implemented. It's a major issue now
7 that the county is growing. People with development rights can sell the rights.

8
9 There is a no-net loss policy on wetlands that has held up in the courts. He asked
10 why the County can't have a no-net loss policy for farmland. That idea will take a
11 commitment to figure out.

12
13 Many major agricultural areas have already been subdivided and are vested. The
14 owners aren't interested in selling them off, but the property value is maintained. They
15 don't worry about a downzone.

16
17 He is not comfortable going beyond R5A zoning without compensation. There are
18 many farmers and land owners with an agricultural zoning. It isn't fair that some got left
19 out and others were put into the R5A zone. Defining those zones seemed to be done
20 arbitrarily. Look at the long-term preservation of those lands through some sort of
21 compensation so the owners can receive the value of their development potential without it
22 being up-zoned.

23
24 A tremendous amount of rural development occurs. It plugs up county roads and
25 has significant impacts to the taxpayers. The problems won't be easy to solve. He
26 appreciates everyone who spoke. He didn't anticipate the rush to subdivide. They must
27 tackle the issue to keep Whatcom County livable. He asked the public to stay engaged and
28 continue providing input on the action items. He hopes the Agricultural Preservation
29 Committee, Agricultural Advisory Committee, real estate industry, building industry remain
30 interested in maintaining the rural and agricultural character of the county. Continue with
31 this ordinance. The Council is mandated to review these areas by the State Growth
32 Management Hearings Board.

33
34 Brenner stated her ordinance is an alternative she felt would be more palatable to
35 councilmembers as an interim. She would withdraw her ordinance and put it in the Planning
36 Committee.

37
38 Polarization and divisiveness is created when people don't have predictability. She's
39 very sensitive to zoning. Government is not supposed to be equivalent to the stock market.
40 Government is supposed to provide predictability. If they are going to make changes, they
41 must work with the people, even if the changes are temporary.

42
43 She lives on small acreage and has farmed it. She is not the problem. It is not
44 about the zoning. It's about how the property is used. There is a lot of room for different
45 densities. She will never support creating more five-acre zoning, but there isn't a need to
46 take it away, either. There are other methods of preserving what's important.

47
48 She knows many people who were up-zoned, and lost everything. They can't just
49 pigeonhole people. No matter what the Council does, it must be predictable. Only change
50 course with citizen consensus.

51
52 *(Clerk's Note: End of tape two, side B.)*
53

1 Brenner continued to state that suburban enclaves may not be allowed to subdivide
2 into less than five acre lots without public sewer and water. Cities have said they won't
3 provide sewer and water without annexation. There may be a few places to which this
4 would apply. This is not important to do it this way.
5

6 She knows the County was challenged by Futurewise. She did not agree with the
7 Hearings Board decision. The County should have appealed it. The Council still has an
8 obligation to provide predictability and answer those Futurewise questions as soon as
9 possible, but don't pull the rug out from underneath people. They won't get everything the
10 way they want it. Shoving everyone into cities will create more crime.
11

12 Nelson stated he commends Councilmember McShane for the resolution he added to
13 the Introduction Items regarding review. A review is appropriate. Regarding upzones, they
14 have been very small. Most have been from urban growth areas. Compensation would
15 come from the cities. The people with supposed benefits have paid more into local
16 improvement districts (LID's) and required improvements. About all they got was the value
17 of the house. Changing zoning is risky. Many years ago, the County was against zoning in
18 agricultural lands because it wanted those areas farmed. Farming is going away because of
19 economics. Those are issues the County has to work on. Look at getting products to
20 market and processed in Whatcom County. He has a problem with the substitute
21 ordinance. He asked which areas they would specifically look at. Don't be concerned about
22 groups suing the County. Do what makes sense and what is right.
23

24 Crawford stated he is embarrassed to be on this Council for the last two weeks. This
25 is absolutely wrong. A small group is trying to impose their will on 185,000 citizens in
26 Whatcom County. Ask citizens like Mr. Isaacson and Mr. Orr what will happen to their
27 suburban enclaves. If this is passed, people are screwed. This is not the public process.
28 Another secret ordinance emergency moratorium will be introduced tonight related to
29 Sudden Valley. It was done in the back room. If the councilmembers want to serve the
30 people of Whatcom County, they should vote against the ordinance.
31

32 McShane stated the ruling was that they all need to be reviewed. That's why the
33 County fought Futurewise at the Hearings Board. The County decided not to fight it any
34 further because of the expense. He hasn't heard of any property who were affected who
35 wanted to assist in that battle. In many cases, there won't be substantial changes. Some
36 will be large changes that don't matter, such as the Lummi peninsula. He's discussed the
37 UGA impacts with Mr. Isaacson. They may need to look at whether they can change the
38 suburban enclaves in a manner that will make someone like him whole. The Council can
39 discuss that. They should also talk about the cost of those areas being developed. The
40 costs aren't insignificant. It's unlikely they can come up with reasonable traffic impact fees
41 in those areas. They can't do it in the rural area because of the nature of how traffic impact
42 fees can be collected and spent.
43

44 When he first became a County councilmember, he was quite proud to serve with
45 Councilmember Crawford. Mr. Crawford, Ms. Brenner, and Mr. Nelson presented a lot of
46 civility to Council discussions. He fears Mr. Crawford may want to deviate away from that.
47

48 Nelson stated many councilmembers have had opinions. They discussed these
49 issues in the past. He asked Councilmember Crawford to refrain from playing to the
50 audience. Councilmembers have played to a completely different audience in the past.
51

52 *(Clerk's Note: Crawford left the meeting at 10:23 p.m.)*
53

1 Nelson stated government must be civil and there must be an appropriate dialogue.
2 Otherwise, there will be a decay into anarchy. This ordinance is too soon. He understands
3 the desire to express the concerns expressed by the Growth Management Hearings Board.
4 They can do that by creating fear for there public. He doesn't support the ordinance
5 without better understanding the areas that would be involved and the financial impacts.
6

7 Weimer stated the Council has been looking at the Comprehensive Plan amendment
8 docket items, which are ideas from people that the Council considers exploring further. A
9 number of the items concern preserving agricultural lands. The Council has heard from the
10 Agriculture Preservation Committee and Agriculture Advisory Committee that something
11 needs to be done with agricultural land. Items have been on the docket for nine years but
12 have not moved forward. This ordinance is Councilmember McShane's attempt to wrap all
13 those things together in one place and back away from the Comprehensive Plan amendment
14 timeline. The councilmembers have been talking with the Planning Department at putting
15 together a work plan to do this in a fair way. He lives in the middle of one of these areas.
16 It's more about how people treat their lands. Take a time out to look at this stuff and come
17 up with a legitimate plan that includes input from the citizens. This ordinance sets the
18 stage for a process to get more input from people. He thanked the people who called him
19 and told him the real stories of their land. Take those things into consideration. Come up
20 with a plan that treats people fairly. They want to preserve the rural character in the
21 agricultural land. Also, the government has a contract with the people to treat people fairly.
22 He is in favor of the ordinance. The moratorium is not perfect. It's a time-out to come up
23 with good decisions about this issue.
24

25 Caskey-Schreiber stated one of her biggest frustrations is getting accurate
26 information out to the public. The Council doesn't have a newspaper. Rarely does KGMI
27 call the Council. There isn't a way for the Council to communicate what is going on. Every
28 year, people propose amendments to the Comprehensive Plan. Whether or not the Council
29 likes it, it must consider the amendments. That's what's going on here. Councilmembers
30 McShane and Fleetwood put forward proposals to downzone or look at rural lands to
31 preserve the County's agricultural base. Last year, she voted against those. She had a
32 hard time with that because she is desperate to save the \$287 million agricultural industry.
33 She spent the last year to figure out a way to do that without scaring people. The American
34 Farmland Trust has said they need 100,000 acres of agriculture to sustain the industry.
35 Whatcom County has 80,000 actively farmed. Only 60,000 acres are zoned for agriculture.
36 She asked if the choice is to allow 20,000 acres be divided and developed, so the entire
37 industry collapses. That's what happened in every single county south of Whatcom County.
38 Whatcom County has the largest remaining agricultural industry in Western Washington.
39 Farming is disappearing. There may never be another opportunity to save this industry.
40 She's tried to fine-tune this ordinance and get more specific so citizens don't succumb to
41 the rhetoric that would convince them to rush out and subdivide their land. That's not the
42 case. The councilmembers want to come up with a real, small, targeted solution that will
43 compensate citizens and protect the agricultural industry. The agricultural industry makes
44 this county much more money than a house in a development in the rural, one unit per five
45 acres (R5A) development. She will do whatever she can to keep that industry alive.
46 Protecting the natural resources of the rich farmlands and climate is the best thing they can
47 do for future generations in the county. At some point, citizens will have to work with the
48 Council instead of attacking the Council and listening to the Building Industry Association
49 and realtors. She would have talked to anyone who called her with concerns. The
50 agriculture protection overlay is ridiculous. There are areas that are mapped into it that
51 aren't active and viable farmland because they're divided into parcels. Farmers can't farm
52 when they're surrounded by neighbors. Her goal is to figure out the areas that aren't
53 farmed but are still in the agricultural protection overlay. The industry won't exist without

1 farmland. The Council doesn't have the luxury of trying to make every single person happy.
2 The best the Council can do is to look out for future generations and keep the county
3 healthy so taxes aren't raised and levels of service aren't decreased. The councilmembers
4 are trying the best they can. She is not out to get anybody or pull a fast one. She is a fifth
5 generation resident. She will live with the decisions she makes. She asked citizens to keep
6 their minds open and be patient with the Council as it tries to work out a plan.
7

8 Fleetwood stated he is a Bellingham resident, liberal, a lawyer, and a politician. He
9 is many things that people in this room probably detest. Despite that fact, he is also born
10 and raised in Bellingham. He has a great nostalgia for the Whatcom County he once knew.
11 He is a realist. People will continue to move here. They must accommodate growth. They
12 won't stop growth. He is also motivated to do his best to try and maintain some sustainable
13 concept of what Whatcom County can be in the future. Maintain a meaningful sense of rural
14 character. The question is how they do that. He has been involved in efforts to increase
15 urban densities, hold the line on expanding urban growth boundaries, and reduce
16 development in the county. Those are the three basic things they need to do. It involves a
17 different concept of how they live in Whatcom County in the future. If they are going to
18 preserve rural character and agriculture in Whatcom County, they have to. If the Council
19 decides it doesn't want to preserve rural character and agriculture in Whatcom County, then
20 they can choose to urbanize the whole thing. Now, marching orders are to try and preserve
21 it. To that end, he filed an application to consider and stimulate a community conversation
22 to figure out how, where, and by what criteria they might consider downzoning some R5A
23 lands. It was never his intention to go from R5A to 40-acre zoning. That is an example of
24 misinformation. He supports the substitute ordinance. The Natural Resources Committee
25 and staff have discussed creating a work plan. He will continue to work on efforts to
26 preserve rural character in Whatcom County.
27

28 Brenner stated nothing in the moratorium has anything to do with preserving
29 agricultural land. She likes the resolution. They all love agricultural land. No land in
30 suburban enclaves would be converted to the type of agricultural land that is like the 40-
31 acre zones. It would be small acreage. There isn't a need to do this moratorium.
32

33 McShane stated this doesn't involve agricultural use. The Lake Samish and
34 Chuckanut suburban enclaves are exempt from the moratorium because they've already
35 been dealt with. This has more to do with the costs of level of service, transportation, and
36 concurrency. The County doesn't have a concurrency ordinance at this time. These are the
37 areas where they have fiscal impacts to county taxpayers for development. All that applies
38 is short-platting in those areas. People can still plat through the long-plat process. Think
39 about why someone would want to do a short-plat instead of a long-plat in a suburban
40 enclave. There is a cost involved with the development. Part of that cost is a lesser impact
41 to the county taxpayers for the development. Suburban enclaves are considered too large
42 in the eyes of the Growth Management Hearings Board because of the cost to the
43 community. As the Council reviews the areas, they should be dropped out. The Council is
44 under order to review each area.
45

46 Nelson stated a moratorium on suburban enclaves will stimulate some subdivision.
47 The key issue is concurrency. Instead, make the concurrency for all services an emergency.
48 Stay away from the moratoria. They disrupt communities and don't solve the issues. The
49 administration and Council can docket concurrency as an emergency Comprehensive Plan
50 amendment ordinance.
51

52 McShane stated that if that were in place, he would advocate for dropping the
53 moratorium.

1
2 Brenner stated going through the Comprehensive Plan process is a much better
3 process. It would engage everyone in the process.
4

5 McShane stated concurrency is a plan for how the County would pay for the
6 infrastructure such as schools, roads, jails, and other services that are needed to keep up
7 with growth. A tenet of growth management is how the County will keep up with those
8 needs.
9

10 ***Motion to adopt the ordinance carried 4-2-1 with Brenner and Nelson***
11 ***opposed and Crawford absent.***
12

13 **2. ORDINANCE IMPOSING AN INTERIM CLUSTER DESIGN STANDARD**
14 **ORDINANCE IN ALL AGRICULTURE PROTECTION OVERLAY AREAS, RURAL**
15 **FORESTRY ZONES, SUBURBAN ENCLAVES, AND TRANSPORTATION**
16 **CORRIDORS (AB2006-111)**
17

18 Brenner stated she would withdraw the ordinance and asked that it be referred to
19 the Planning Committee.
20

21 Fleetwood stated he is willing to put it in committee.
22

23 McShane stated the agricultural component is an issue for the Natural Resources
24 Committee. It can be added as part of the review in his **resolution for review of Rural**
25 **Zones, Agricultural Zones, Agriculture Protection Overlay Areas, and Rural**
26 **Forestry Zones (AB2006-133).**
27

28
29 **OTHER ITEMS**
30

31 **Addenda**
32

33 **6. ACME FARM COMMUNITY PROJECT UPDATE AND REQUESTED**
34 **DIRECTION FROM COUNCIL AND FLOOD CONTROL ZONE DISTRICT**
35 **BOARD OF SUPERVISORS (AB2006-131)**
36

37 **McShane** reported for the Natural Resources Committee. As the Flood Control Zone
38 District Board of Supervisors, he **moved** to increase the flood funding to offset impacts
39 from the project that the Salmon Recovery Funding Board approved from \$200,000 to
40 \$265,000, for wing walls around the Hutchison Creek plug.
41

42 Nelson asked about improvements needed for the City's withdrawal area.
43

44 Bruce Roll, Assistant Director, stated this is mitigation for areas tied to the Lummi
45 project. The community wanted work done on the revetment, called site one. It will be
46 done through the Flood Control Zone District 80/20 maintenance program.
47

48 McShane stated he was uncomfortable recommending projects for the subzone to
49 bring forward. They should bring things through the regular channel of the Flood Control
50 Zone District Advisory Board. Roll stated they already will. The subzone submitted an
51 application that will be reviewed.
52

53 ***Motion carried 6-0 with Crawford absent.***

1
2 **7. ORDINANCE ENACTING AN EMERGENCY TEXT AMENDMENT TO THE**
3 **COMPREHENSIVE PLAN MAP AND ASSOCIATED TEXT PROVISIONS –**
4 **RESCINDING THE URBAN GROWTH DESIGNATION FOR SUDDEN VALLEY**
5 **(AB2006-132)**
6

7 **Fleetwood** stated a notice was filed with the Council Office by a group of citizens in
8 Sudden Valley to seek incorporation. The Whatcom County Code specifies a process to
9 amend the Comprehensive Plan and related text to resolve pending litigation. That's the
10 basis for bringing this forward. The Boundary Review Board is required to make a finding
11 that the proposed incorporation is compliant with the Growth Management Act (GMA). The
12 GMA requires that people cannot seek incorporation in provisional urban growth areas. By
13 rescinding the designation, they greatly increase the likelihood that Sudden Valley will not
14 be able to incorporate. He **moved** to adopt the emergency ordinance. At a later time,
15 within the 60-day timeline, he will submit an interim ordinance that will be in effect for six
16 months.
17

18 Brenner stated this is not an emergency moratorium or downzone. This takes the
19 urban growth area designation away. The zoning designation remains. When this first
20 came up, she didn't support the area becoming an urban growth area. It was clear this
21 Council had no intention to allow incorporation. It's not right to cause people to do things
22 to prepare an application. It's better to be straight with people up-front.
23

24 Nelson stated the citizens have a certain time limit to accomplish incorporation.
25

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

28 Nelson continued to state they have a limited time left to achieve incorporation. The
29 citizens can achieve incorporation without Council consideration. Also, Sudden Valley seems
30 like a city.
31

32 Caskey-Schreiber stated she supports this. It's not a good idea for Sudden Valley to
33 be its own entity. It's not in the best interest of the county. There are no guarantees that
34 the Sudden Valley golf course will remain a golf course. They don't need a higher density of
35 development around the watershed. Total impervious surface above 10 percent causes
36 degradation. Keep the negative impacts to the lake limited.
37

38 McShane stated he voted for the provisional urban growth area. He thought it would
39 lead to more protective measures around the lake. Many impacts to the lake have been
40 caused by the City of Bellingham. He supported it because Sudden Valley has done a better
41 job than the County and City in protecting the lake. He read policy Comprehensive Plan
42 2AA-23. He's been told the County can't enter into a binding agreement with a future city.
43 However, the County could enter into a binding agreement with the Sudden Valley
44 Community Association, but an agreement hasn't been brought forward. A group outside
45 the Sudden Valley Community Association is going forward with the idea of incorporation.
46 There isn't an agreement in hand. He is concerned about that. The group involved is
47 ignoring that policy.
48

49 At the Joint Lake Whatcom Management Committee meeting in April, they should
50 talk about how they deal with current zoning and development standards in the watershed.
51 He would like to see the Sudden Valley Community Association involved. One attractive
52 reason for incorporation is that it would pay for stormwater impacts, instead of the County.
53

Caskey-Schreiber stated the ordinance that mandates the Joint Lake Whatcom Management Committee doesn't allow a member from the Sudden Valley Community Association, but she welcomes their involvement.

Brenner stated she agrees that Sudden Valley needs to be involved. Amend that ordinance or else dissolve it. They are very important. Most of the people want to find a way to make it work out there instead of incorporate. There are many laws that would be violated by incorporation. Incorporation isn't a possibility.

Nelson stated a citizen group is within the law to pursue incorporation. He'd be more comfortable supporting this if the Sudden Valley Board sent a letter saying they don't intend to pursue incorporation. He made a commitment to allow them to go through the process. If they aren't going to go through the process, he would appreciate knowing that. In the future, Sudden Valley will have to have an agreement to provide protective mechanisms. The City played a role with the City urban growth area and with Sudden Valley. It was the City's choice to put a pipe in to the lake. People lived around the lake before the pipe went in. He will do everything possible to protect the water quality of the lake, but don't forget the fact that they County didn't voluntarily choose the lake for its water resource.

Fleetwood stated the process is commenced by filing a notice. He spoke to the new chair of the Sudden Valley Community Association. At their last meeting in November when this was discussed, there was no effort to explore incorporation, but there was no formal letter expressing that fact.

Motion to adopt carried 5-1-1 with Nelson opposed and Crawford absent.

INTRODUCTION ITEMS

Caskey-Schreiber moved to accept the Introduction Items.

Motion carried 6-0 with Crawford absent.

- 1. ORDINANCE ADOPTING A SHORT TERM PLANNING AREA ZONING OVERLAY DESIGNATION IN THE FERNDALE UGA NORTH OF THORNTON ROAD (AB2006-129)**
- 2. RESOLUTION TO SELL TAX TITLE PROPERTY BY PUBLIC AUCTION, REQ. #TR2006-03 (AB2006-122A)**
- 3. RESOLUTION TO SELL TAX TITLE PROPERTY BY PUBLIC AUCTION, REQ. #TR2006-04 (AB2006-123A)**
- 4. RESOLUTION TO SELL TAX TITLE PROPERTY BY PUBLIC AUCTION, REQ. #TR2006-05 (AB2006-124A)**
- 5. RESOLUTION TO SELL TAX TITLE PROPERTY BY PUBLIC AUCTION, REQ. #TR2006-06 (AB2006-125A)**
- 6. RESOLUTION TO SELL TAX TITLE PROPERTY BY PUBLIC AUCTION, REQ. #TR2006-07 (AB2006-126A)**

- 1 7. RESOLUTION TO SELL TAX TITLE PROPERTY BY PUBLIC AUCTION, REQ.
2 #TR2006-08 (AB2006-127A)
3
4 8. RECEIPT OF AN APPEAL OF THE HEARING EXAMINER'S DECISION ON FILE
5 NO. APL04-0003, FILED BY THOMAS FRYER, ATTORNEY FOR THE CITY OF
6 NOOKSACK, REGARDING EXPANSION OF GRAVEL MINING OPERATION AT
7 NOOKSACK PIT (AB2006-062)
8

9 **Addendum**

- 10
11 9. RESOLUTION FOR REVIEW OF RURAL ZONES, AGRICULTURAL ZONES,
12 AGRICULTURE PROTECTION OVERLAY AREAS, AND RURAL FORESTRY
13 ZONES (AB2006-133)
14

15 **OTHER BUSINESS AND COUNCILMEMBER REPORTS**

16
17 There were no other reports or business.

18
19 **ADJOURN**

20
21 The meeting adjourned at 11:19 p.m.

22
23 
24 _____
25 Jill Nixon, Minutes Transcription
26

27 The Council approved these minutes on March 28, 2006.

28
29 ATTEST

30
31 
32 _____
33 Dana Brown-Davis, Council Clerk
34

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Laurie Caskey-Schreiber, Council Chair