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WHATCOM COUNTY COUNCIL
Regular County Council

April 25, 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
L. Ward Nelson

Absent:

Carl Weimer

(Clerk's Note: Due to audiotape malfunction, the first 70 minutes of the Council meeting were not audio taped. Minutes are taken from the clerk's notes and the DVD recording of the meeting.)

FLAG SALUTE

ANNOUNCEMENTS

There were no announcements.

SPECIAL PRESENTATION

1. REPORT BY DISTRICT COURT JUDGES GRANT AND ELICH REGARDING CASELOADS AND NEW PROGRAMS (AB2006-018B)

Matthew Elich, District Court Judge, stated he and Judge Grant took a look at how to improve public relations in the court. One idea was interacting with the legislative branch of government. They want to talk about caseload and staffing. He submitted information (*on file, Exhibit A*). The caseload averages are trending upward, but the caseload dropped down last year. Full-time employees are divided between District Court and the probation department. There are 27,500 cases per year per employee. He's not asking for additional staffing at this time. In addition to the full-time employees, District Court supplements with volunteers. Last year, the volunteers filled the equivalent of two fulltime employees. He invited the councilmembers to visit court.

They have implemented new programs, including the domestic violence court. The concept is not new nationally. Locally, they began to consider it three years ago. It's a specialty court. Literature says that regular compliance reviews before a judicial officer plus an aggressive probation tends to reduce recidivism. That's the goal. They must give the court a try if reduced recidivism is the result.

David Grant, District Court Judge, stated the Council is aware of night court. The County has only been doing it for three months. It seems to be very popular. Not one session of evening court goes by without someone mentioning to him that they appreciate

1 the night court. They are at about 90 percent of capacity so far. That's good. Not a lot of
2 people know about it yet. They will report to the Council again this fall.

3
4 The handout shows the difference in the number of mediations done through the
5 Whatcom Dispute Resolution Center. Often, litigants didn't know about the availability of
6 mediation. Mediators couldn't contact defendants until they were served with the lawsuit.
7 Therefore, the administration brought mediators to the courthouse and invited the litigants
8 to engage in mediation. Many people have taken up the offer with the mediators. This
9 program allowed the court to hear many more cases that they wouldn't otherwise be able to
10 hear. Mediation is voluntary, so the success rate is around 78 percent, which is very good.

11
12 Nelson asked the definition of success rate when it comes to mediation. Grant
13 stated success is when the two parties have reached a resolution that is acceptable to both
14 parties. Those who don't achieve a successful mediation come back to the court. Mediators
15 can offer creative solutions that judges can't.

16
17 Brenner thanked the judges. Whatcom County is one of the few places that have
18 these programs. They are an example to other places.

19
20 Grant stated he thanks the Council for funding the programs.

21
22 Caskey-Schreiber asked if night court is voluntary. Grant stated it is totally
23 voluntary. That's why its difficult to fill the court all the time. Not everyone knows it's
24 happening. With small claims, the plaintiff will ask for night court, but the other side can
25 opt out. Night court can be a strain on business defendants. It must be voluntary on both
26 sides.

27 28 29 **MINUTES CONSENT**

30
31 ***Brenner moved*** to approve the Minutes Consent items.

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

- 34
35 **1. BOARD OF HEALTH FOR APRIL 4, 2006**
36
37 **2. COMMITTEE OF THE WHOLE FOR APRIL 11, 2006**
38
39 **3. REGULAR COUNTY COUNCIL FOR APRIL 11, 2006**
40

41 42 **OPEN SESSION**

43
44 The following people spoke:

45
46 Anthony Kelley 6036 South Pass, Regional North Fork Community Resource Center
47 Treasurer, invited the councilmembers to a meeting on the project on Tuesday, May 2 at
48 7:00 p.m.

49
50 Caskey-Schreiber stated the Council discussed the meeting. They will have to pass
51 until the Council figures out the property acquisition.
52

1 Leonard Breidford, Blaine, stated he is concerned about the Minutemen. The
2 Council should pass a resolution opposing the Minutemen. The Border Patrol are doing a
3 good enough job as it is.
4

5 Dennis Jones, 1487 Sudden Valley, stated priority area one, goal two for Lake
6 Whatcom management is to reduce densities in the watershed. There are ways to do that.
7 A City of Sudden Valley or another form of municipal government is not the same issue as
8 buying lots, transferring development rights, and doing other programs to reduce lots in the
9 watershed. There is a meeting on May 9 with the Sudden Valley Community Association.
10 There are options other than creating a city. The proponents are good people, but
11 misinformed by a lot of rhetoric. The entire community needs to be involved for the Council
12 to make good decisions.
13

14 Fleetwood stated the May 9 meeting is now tentatively scheduled for June 6.
15

16 Marina Smith, Bellingham, stated the Latino community fears the Minutemen with
17 guns. It would be nice if the Council opposed the Minutemen project. The Latino
18 community is being followed and watched. Please help.
19

20 John Sykes, 555 Whitecap Road, submitted a letter (*on file, Exhibit B*). He owns an
21 undeveloped residential lot near Chuckanut Drive. He protests and is concerned about
22 recent action to not provide water service to District 1 residents. He plans to move to
23 Whatcom County from Texas. He bought land in an existing residential neighborhood with
24 water service. He would not have made that commitment if water service had not been
25 there. Recently, the Bellingham City Council suspended water to home sites that aren't
26 ready. He has worked for County government in Texas for many years. He respects the
27 government. If this proposal to freeze water services is correct, he should have been
28 notified or there should have been a grandfather clause. He asked for the Council's help.
29 This may affect many other people. He still hopes to be a productive citizen of this
30 community.
31

32 Ian Morgan, resident, submitted information for the record (*on file, Exhibit C*). He
33 submitted a DVD called "USA Under Attack" regarding the Minutemen project and an article
34 about the life of the Minutemen founder, Chris Simcox. The Council has not listened to the
35 citizens about this issue. For almost a year, the Council has ignored their pleas. The film
36 features the founder of the Minutemen's reasons for the project. Chris Simcox said he
37 wants all Mexicans crossing the border shot on site. That is terrorism. That kind of talk has
38 ruined this country. People from Mexico and South America are risking their lives for the
39 opportunity to do the grunt work for this wealthy nation, in the hope of feeding their
40 families. The Minutemen go beyond national security. The founder represents the violence
41 that is tearing this county apart. No resolution tacitly supports the Minutemen and their
42 violent ideology. Stand up for the human rights of the county residents, or he will never
43 vote for them again. Over 500 people marched through Bellingham this month for
44 immigrant votes. They will not vote for the councilmembers again. Through their silence,
45 the Council is supporting the Minutemen.
46

47 Caskey-Schreiber stated the Council passed a resolution against militia groups that
48 engage in vigilantism. Until this group breaks the law, the councilmembers don't feel like
49 they have a lot of control of Minutemen. Instead, the councilmembers must make sure the
50 Minutemen obey the law instead of inciting their wrath and have them come in and yell and
51 the Council about targeting people who haven't broken the law.
52

1 Crawford stated that if someone was intimidated at a store, the Council and the
2 Sheriff is very interested. They should be notified immediately. This is a no tolerance
3 County for harassment or intimidation of any kind.
4

5 Richard Gilda, Jensen Road, submitted information (*on file, Exhibit G*). He
6 supported the protection of people who developed land when he was on the Planning
7 Commission. To be in a subdivision, there must be water, sewer, and other things. The
8 County took over the protection of people in subdivisions. Water for Mr. Sykes' property
9 was available when he brought the property. The City of Bellingham, who supplies water to
10 the area, said it will provide no more hookups. He asked where the liability of the County
11 is, when it took on a protective role, to make sure Mr. Sykes gets water. He asked who is
12 responsible if this was a citizen who put in a short plat with a well, sold the lots, and then
13 pulled the well out right before the buyer takes possession. That's what the City did.
14

15 Hue Beattie, Bellingham, submitted an article from the Bellingham Herald (*on file*).
16 The article says the Republicans have a resolution supporting the Minutemen while the
17 Democrats have a resolution opposing the Minutemen. The Council should pass a stronger
18 resolution against the Minutemen. There are four democrats on this Council, two
19 republicans, and one independent. Get a better resolution. He submitted a petition (*on file,*
20 *Exhibit D*).
21

22 Johnnie Grames, 4478 Northwest Drive, stated this is Alcohol Awareness Month.
23 Politicians give lip service to prevention, which is the only cure. There was an article in the
24 Whatcom Independent about students getting drunk. The students pre-plan to get drunk
25 and pass out. That happened to his son. The combination of alcohol with other drugs is
26 debilitating to society. People tried to hide the driving under the influence (DUI) case of
27 N.F. Jackson, which was handled in Mt. Vernon. He should have been an example. All
28 these people are getting out of DUI charges through lawyers and money. Kids watch that
29 stuff. Judge Elich is a tyrant. In the past, he provided the Council with a transcript of what
30 it's like to appear in his court. The Council is feeding a corrupt judge. The biggest expense
31 of government is corruption.
32

33 Carl Shook, Legal Observer, submitted information (*on file, Exhibit D*). The goals of
34 the Legal Observer is to monitor the Minutemen and to promote community accountability
35 to show their actions won't go unchallenged. They trained over 60 legal observers. They
36 observed no incidents of concern. The observers had full cooperation from the Border
37 Patrol and the Sheriff's Office. Their education on the true nature of the Minutemen and
38 their work for comprehensive immigration reform continues. A complete report will be
39 presented at the Whatcom Human Rights Commission hearing this Thursday.
40

41 John Harder, Vista Drive, Ferndale, stated he supports the Council vote to have a
42 public hearing regarding the **rezone of long term planning area to short term planning**
43 **area in the Ferndale Urban Growth Area on the west side of Vista Drive (AB2006-**
44 **185).**
45

46 Aline Soundy, Bellingham, stated she is an immigrant to this country and this
47 county. She comes from a war torn country where there is no freedom. She came here in
48 hopes of finding freedom. What she sees now is frightening. This country seems to be
49 heading in the direction of where she came from. In the name of freedom, peace, and love
50 of community, celebrate the immigrant community. She submitted an invitation (*on file,*
51 *Exhibit F*) to a march and celebration of diversity and immigrant workers, on May 1.
52

1 DG Lobdell, 4200 Arnie Road, Blaine, stated he is angry. He was not treated
2 equally by the Planning Department. They allowed big businesses such as Wal-Mart and
3 Lowe's to run through a number of hoops, which those businesses can afford to do. He is
4 trying to open a stone yard with his own money, but is kept from doing that. The stone
5 industry is a small business. There are 1,000 or more production companies in the U.S. All
6 are small businesses.

7
8 His children have helped him with the business. They are model students. They
9 are not on drugs. This is what the County is seeking to destroy. His family has been in
10 America since 1638. He was taught as a child about hard work and ethics. He doesn't
11 believe they no longer have value. He wants better government than what he sees in
12 Whatcom County. He will work hard to see that better government comes here.

13
14 Sharon Crozier, Bellingham, stated that when a person is watched by a stranger, it
15 is stalking. That is the law that is being broken by the Minutemen. It's not something
16 arbitrary. It's intimidating and is not what this country is about. It's not benign. There is a
17 concerted effort. Find out how much money is spent in this county by Homeland Security.
18 Older people remember when it was different. The kids now will take this for granted.
19 Make it better.

20
21 Roberta Robertson, 6369 Vista Drive, Ferndale, stated she supports the Council vote
22 to have a public hearing regarding the **rezone of long term planning area to short term**
23 **planning area in the Ferndale Urban Growth Area on the west side of Vista Drive**
24 **(AB2006-185).**

25
26 Sharon Monteiro, Bellingham, stated she went to the national headquarters for the
27 National Minutemen project. While there, she talked to residents about the Minutemen. No
28 one admitting to knowing about them. Tourism business was down in that area because
29 people know that's where the vigilantes were operating. One county, where the national
30 headquarters is established, is having a shortage of agricultural workers. In Whatcom
31 County, the Minutemen, or a splinter group, arrived in camouflage to a Mexican grocery
32 store and demanded to see people's documentation.

33
34 Caskey-Schreiber stated people need to contact the Sheriff if there is harassment.
35 Otherwise it is hearsay.

36
37 Monteiro stated the Minutemen agreed with the Sheriff to wear distinctive armbands
38 to identify them on patrol. Now, they are wearing clothing to look similar to Border Patrol
39 agents.

40
41 There is a conference of the Human Rights Commission in Bellingham. She hoped
42 everyone will come. The national Minutemen director, Chris Simcox, is coming to
43 Bellingham for that conference. Those who support the Minutemen can come and ask the
44 leader about building fences on the southern border, and if they are planning to do
45 something like that here. Ask the Minutemen to consider replacing a migrant worker who
46 might not return to Whatcom County because of the Minutemen presence.

47
48 Bob Wiesen, 3314 Douglas Road, stated it was uncalled for to allow Ms. Monteiro
49 extra time. They are all limited to three minutes.

50
51 Jeffrey Banks, Glenhaven, stated he is the coordinator of the Whatcom County
52 Public Works Adopt a Roadway crew in Glenhaven and Glenhaven Board of Directors
53 Executive Officer. He asked the Council to increase the Sheriff's Office presence through his

1 neighborhood. There is an increased number of drunk driving incidents and littering. The
2 community is trying to be proactive and prevent the incidents. Speeding is also a concern.
3 Pets are getting run over and killed.
4

5 Mary Petty, 1695 Mt. Baker Highway, submitted information (*on file, Exhibit H*).
6 The Los Angeles Fire Department recommends clearing of properties to prevent fires. The
7 public doesn't realize that the cost of fighting a fire is minimal compared to that cost in
8 Southern California. The County should hire people to clear properties, and property
9 owners would pay for services. She was quoted a cost of \$1,000 to clear her property.
10 That is too expensive. Prevention is much less expensive than fighting a fire. The taxpayer
11 would pay for the cleanup of their own property. Many of homeless people need work. Let
12 them earn their equipment.
13

14 Brenner stated she is not a supporter of the Minutemen. She is not a personal
15 friend of Tom Williams. She has been clear with him that she doesn't support the project.
16 Opponents to the Minutemen gave her information on the Minutemen. She spent days at
17 the border. She hasn't seen anything close to what people are afraid of. If she did, she
18 would support a resolution naming the Minutemen. She drafted the resolution the Council
19 passed. If she says anything like she did at a past meeting, she would be accused of
20 arguing. If she doesn't say anything, she is accused of being a racist. She will go up to the
21 border with anyone. If she sees any kind of harassment, she will support a specific
22 resolution. She can't imagine people want the Council to write and approve a resolution for
23 which they don't have facts, just because some people say so. It's important to research
24 things. That doesn't make the councilmembers racist. It makes them public servants,
25 which is their job. It would be very easy for the Council to pass a resolution against the
26 Minutemen, because a lot of people want them to. That's not a reason to pass a resolution.
27 She's very upset because she's lost friends over this. It's upsetting to be told they are bad
28 if they don't do this.
29

30 Caskey-Schreiber stated she agrees with Councilmember Brenner. She struggles
31 with being totally fair and using Council power to target the Minutemen. She has no
32 evidence of a broken law.
33

34 McShane stated free speech and the right to protest can be quite repugnant. That's
35 his view of the Minutemen. However, his view on free speech trumps his feelings for the
36 Minutemen. He hopes people will continue to speak on the Minutemen. There is a broader
37 partisan, federal issue. Ultimately, the Council is being asked to condemn free speech, no
38 matter how foul the individuals are.
39

40 Crawford stated he agrees with Councilmember McShane. The Council must be
41 concerned about the use of the Council forum. It must follow the rules of the forum. When
42 people stand up as a group, it's intimidating. They need to be careful about protecting the
43 decorum. This is an opportunity for people to air comments. This venue is a form of
44 protest. In this chamber, a decorum must be maintained. They have a protocol that needs
45 to be followed. Anything beyond that becomes intimidating for anyone else.
46
47

48 **PUBLIC HEARINGS**

- 49
50 **1. ORDINANCE CONTINUING AN INTERIM MORATORIUM ON THE ACCEPTANCE**
51 **OF NEW APPLICATIONS FOR SUBDIVISIONS WITHIN THE LAKE WHATCOM**
52 **WATERSHED (AB2006-172)**
53

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

2
3 *(Clerk's Note: Beginning of audiotape recording, middle of tape one, side B.)*

4
5 Dennis Jones, Sudden Valley, stated there is no question this needs to be done.
6 Studies say the same thing. They need to deal with the zoning. Look at the density and
7 define the type of density. He is opposed to Sudden Valley as an urban growth area (UGA).
8 This needs to be done, but not for years. Get the job done. Fund the management plan.
9

10 Bill Quehrn, Building Industry Association (BIA) of Whatcom County Executive
11 Officer, stated this is the third time in less than a year he's spoken about this moratorium.
12 No substantial work has been done by the County since the last interim was renewed. He's
13 heard only that they are waiting for the total maximum daily load (TMDL) study, which has
14 been extended several times. Moratoria are dramatic and should not be taken lightly.
15 Extending this interim moratorium will delay dealing with the problem and continue to
16 unduly burden property owners. If it has anything to do with water quality, there is the
17 same volume of runoff going into the lake from existing development since the moratorium
18 went into effect, except some small interceptor projects from the City of Bellingham.
19 Houses not built don't pollute the lake, and future homes never will pollute the lake because
20 of modern standards. The BIA is ready to work to seek water quality solutions that will
21 work.
22

23 He has brought forward proposed solutions, but none have been considered. Six
24 years ago, the BIA proposed design standards for Lake Whatcom home construction. They
25 had the potential of retaining 110 percent of runoff from the properties. Today, that
26 proposal is called low-impact development. The BIA proposed a stormwater and capture
27 treatment system to restrict the unobstructed flow of water from existing development.
28 That has not been done, except for those small City projects. These suggestions are in the
29 public record. They offer significant opportunities to fix things that impact water quality in
30 the lake. Moratoria don't fix anything.
31

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

34 Caskey-Schreiber stated she would like to build incentive for density reduction. If
35 someone is willing to transfer out 75 percent of development rights, has public utilities, and
36 has a development agreement with Whatcom County, then there should be an exemption
37 from the moratorium. A lot of land is zoned for development. The most preventative
38 measure is to reduce density in the watershed. Fold that exemption into this moratorium
39 while they come up with other system fixes. The next Lake Whatcom Management
40 Committee meeting will discuss stormwater exclusively. Hopefully, they won't be so
41 dependent on the TMDL to get some action going.
42

43 Brenner stated she's had a difficult time getting information from the Department of
44 Ecology. Steve Hood, in charge of the TMDL study, has not returned her calls. She is very
45 concerned. She doesn't have a lot of faith in Ecology figuring out the TMDL. She likes the
46 idea of moving on. Don't wait any more for Ecology. Set up a schedule to work on the
47 issue. She is in favor of the amendment. She has questions about what the City of
48 Bellingham has done.
49

50 Crawford stated he wants to see the remaining areas that are bigger than five acres
51 to see what affect this exemption has. The Council needs to analyze this proposal. He will
52 vote against the interim moratorium, even though it will probably pass. He asked if
53 Planning staff can provide analysis on this for the next few meetings.

1
2 Caskey-Schreiber stated she worked with Troy Holbrook on this. This amendment
3 makes the ordinance less restrictive.
4

5 **McShane moved** to adopt the ordinance. The ordinance can be amended at any
6 time. That's been done before. The Council gains an understanding of certain areas of the
7 watershed and certain tasks are completed so the moratorium will be lifted. Much is being
8 made of the TMDL, which the County doesn't have control over. However, things are being
9 worked on for the moratorium. They are more important than the TMDL. They know the
10 lake is degraded. How Ecology decides the level of pollution is frustrating. Significant work
11 has been done on the urban growth areas in the watershed, and there are proposed
12 changes. The City is working on the UGA. That should come to the Council soon. The
13 other item is the Futurewise decision. Lake Whatcom is not exempt. The Council needs to
14 go through a limited area of more intense rural development (LAMIRD) process. It won't
15 have a significant impact, but they have to do a thorough review. Significant work has also
16 been done on stormwater planning in Geneva. Those designs haven't been finalized yet.
17 When they start looking at design options, it will play a role on how much development they
18 can tolerate and how the designs will be paid for. Significant progress has been made. It's
19 slow, but work is being done. They just received another report that indicates the lake
20 quality is continuing downward.
21

22 **Caskey-Schreiber moved** to amend the ordinance, "BE IT FURTHER ORDAINED
23 that whenever a significant number of development rights (minimum 75% of available
24 rights) are removed from within the watershed, and the proposed subdivision will be
25 serviced by public sewer, water, and stormwater, and the developer enters into a
26 development agreement with Whatcom County, it shall be exempt from this subdivision
27 moratorium."
28

29 Brenner stated this amendment is significant. It will allow certain subdivision to
30 happen in the watershed. Some people are interested in doing this kind of development. If
31 people are willing to do this, then make it available.
32

33 Troy Holbrook, Planning Division, stated they've had interested parties in different
34 parts of the watershed who want to explore clustering and other low impact development.
35 They would enter into a development agreement, which is the County's hammer. It can
36 guarantee how a development is done and managed. Staff has not had the time to do an
37 analysis of the watershed to see how many property owners would be affected. Staff could
38 do that. Typically, when clustering lots outside of the watershed, the larger properties will
39 be involved, such as the rural forestry properties.
40

41 Crawford asked if the proposal would include public sewer.
42

43 Caskey-Schreiber stated it does. Water District 10 proposes to expand its
44 boundaries. The district will only offer water as long as someone signs up for sewer at their
45 expense. She totally supports that. It will be good for the watershed in the long run.
46

47 Nelson stated this doesn't feel right somehow. Only some property owners would be
48 allowed to do this. Owners of small properties would not be able to do that because it
49 would be a significant financial impact. He asked if this went through a legal review.
50

51 Caskey-Schreiber stated legal counsel reviewed the amendment. It's less restrictive.
52 It is an incentive to move development rights out of the watershed.
53

1 Nelson stated he liked the idea. However, he has concerns. To get rid of 75 percent
2 of rights requires a transfer of development rights (TDR). The City hasn't been that
3 cooperative. The only other way is to reduce the amount of development that can occur. It
4 will only benefit large property owners who can do that. Owners of small properties have to
5 still wait for the TMDL, which aren't coming. This moratorium affects peoples' lives
6 unnecessarily. Bending the rules for a large subdivision doesn't feel right. Many people in
7 the watershed who have property as their inheritance and retirement can't do this yet, but
8 the Council will bend the rules for large developers. He does not support the moratorium.
9

10 Caskey-Schreiber stated the public benefits by having 75 percent of the development
11 rights eliminated from the watershed. That is the best way to protect the lake in the long
12 term.
13

14 Brenner stated that when the Council originally did the moratorium, Councilmembers
15 Crawford and Nelson supported an amendment to exempt five acres or greater. The
16 Council is working on the moratorium in pieces.
17

18 *(Clerk's Note: End of tape one, side B.)*
19

20 Brenner continued to state that this amendment is very similar to her original
21 amendment. The Council is whittling away at the moratorium little by little. If anyone
22 wants to take advantage of this exemption voluntarily, it would be an option.
23 Councilmember McShane's goal was to whittle this down.
24

25 Crawford asked if anyone has discussed this with anyone other than one developer.
26 He asked if Water District 10 had talked about this with anyone other than that one
27 developer. He asked if that one developer has a significant amount of property and can still
28 make a lot of money. This benefits a large landowner in the watershed. Holbrook stated
29 the staff is approached all the time by people looking for options to develop their own
30 property. Most have said they will be willing to cluster outside the watershed.
31

32 Crawford stated this benefits one party.
33

34 McShane stated he wouldn't mind spending more time thinking about the proposed
35 amendment. Introduce the amendment tonight, and bring it up at the next meeting day in
36 committee. Be sure about what goes into a development agreement with Whatcom County
37 and the relationship with the Water and Sewer District. He is very receptive to the idea. It
38 ultimately gets to one of the problems, which is whether they really want to have a bunch
39 of five-acre parcels. That was in the original moratorium language. It's purely set by his
40 sense of fairness of not wanting to go below five acres without thinking about being more
41 fair for compensation. Until that point, it's not unduly burdensome if the Council has a good
42 prediction about stormwater. Property owners in a rural, one unit per five acres (R5A)
43 zone, and maybe in the urban zones, may want to be aggressive about reducing their own
44 density through a clustering process. They aren't allowed to do that now in the
45 moratorium. It is positive to reduce density in this manner. He'd like to get a better handle
46 on what this means. He prefers to wait on the amendment to make sure the issues raised
47 are legitimate.
48

49 Caskey-Schreiber stated she has no problem waiting on the amendment. She has
50 no problem with this formula being applied to other parcels as well. It will be good for the
51 County in the long run. There are many ideas they can be creative with to build something
52 positive, instead of saying no to everyone. The moratorium is not a burden for now. In the
53 long run, consider the burden on the taxpayers of the county. The more development there

1 is, the more likely it will be that residents will have to upgrade their filtration system, which
2 is a huge expense everyone will have to share. If they can't treat the lake, the only
3 alternative is treating the drinking water. The only alternative is to treat the water as it's
4 delivered to consumers. That's not always successful.
5

6 Nelson stated it would be nice for the City to step up to the plate. It chose to use
7 the lake as the water source. It's not the responsibility of those who live there. The City
8 decided to use the lake as its water source. They are all trying to provide a safe water
9 supply and a recreational lake for everyone to enjoy.
10

11 He likes how the amendment started. It's an issue of the development standards.
12 Do this in the regular ordinances. They already limit access to sites that have water or
13 sewer anyway. There aren't many of those sites left. The mechanism should be applied to
14 TDR's and other programs. There should be an overlay, if they do a lot of work on how it
15 will be applied. There's no benefit of getting rid of three lots to develop one lot. There may
16 be ideas using clustering to reduce impacts of stormwater runoff. However, five acres
17 doesn't produce as much impervious surface as does clustering. Look at how clustering is
18 done, how stormwater retention is designed, and the development's design. He's not in
19 favor of the amendment.
20

21 Brenner stated this is not just the City's problem. The Council is the Health Board.
22 This is a public health issue. Come up with something that works.
23

24 This amendment is for an area in the rural forestry zone. Another thing they're
25 trying to do is protect resources. Clustering is better for forestry practices. The
26 amendment is a win-win for everyone. The idea came up from one developer, but it's still a
27 good idea.
28

29 Crawford stated he's not sure the amendment is fair. He will support the
30 amendment, but he is concerned about it. Not everyone can give away 75 percent of their
31 development rights and have agreements with the water and sewer district.
32

33 ***Caskey-Schreiber withdrew her motion to amend.*** She will introduce the
34 amendment tonight for discussion in two weeks. The Council also represents the residents
35 of Bellingham. Half the people in this county depend on that water source. The burden is
36 on the Council to reduce negative impacts from urbanization. That's her goal.
37

38 ***Motion to adopt the ordinance carried 4-2 with Nelson and Crawford***
39 ***opposed.***
40

41 **CONSENT AGENDA** 42

43
44 ***Crawford*** reported for the Finance and Administrative Services Committee and
45 ***moved*** to approve Consent Agenda items one through 13.
46

47 ***Crawford withdrew item 13.***
48

49 ***Motion to approve Consent Agenda items one through 13 carried***
50 ***unanimously.***
51

- 1 1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #06-32 TO
2 LOW BIDDER, EBENAL GENERAL, FOR ROOF REPAIRS AT SILVER LAKE
3 PARK, IN THE AMOUNT OF \$75,500.60 (AB2006-187)
4
- 5 2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #06-42 TO
6 LOW BIDDER, MCASPHALT INDUSTRIES, FOR THE DELIVERY AND SUPPLY
7 OF ASPHALTIC EMULSIONS FOR USE ON VARIOUS COUNTY ROADS, IN THE
8 AMOUNT OF \$700,000 (AB2006-188)
9
- 10 3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #06-49 TO
11 LOW BIDDER, WHATCOM BUILDERS, INC., FOR ANNUAL ASPHALT PRELEVEL
12 PROJECTS AT VARIOUS COUNTY LOCATIONS, IN THE AMOUNT OF \$418,200
13 (AB2006-189)
14
- 15 4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #06-54 TO
16 LOW BIDDER, MDS CASWELL INC., FOR A REPLACEMENT TARGET CARRIER
17 SYSTEM AT THE PLANTATION RIFLE RANGE, IN THE AMOUNT OF \$89,934.85
18 (AB2006-190)
19
- 20 5. REQUEST APPROVAL TO PURCHASE ELECTIONS ENVELOPES FOR USE WITH
21 THE 2006 ELECTIONS FROM SOLE SOURCE K&H INTEGRATED PRINT
22 SOLUTIONS IN THE AMOUNT OF \$40,045.16 (AB2006-191)
23
- 24 6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
25 CONTRACT BETWEEN WHATCOM COUNTY AND TRAN TECH ENGINEERING,
26 LLC FOR THE DESIGN OF DRAYTON HARBOR ROAD CALIFORNIA CREEK
27 BRIDGE NO. 38 REHABILITATION, IN THE AMOUNT OF \$36,144 (AB2006-
28 192)
29
- 30 7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
31 CONTRACT BETWEEN WHATCOM COUNTY AND OLD TOWN CHRISTIAN
32 MINISTRIES PROVIDING FUNDING FROM COUNTY 2060 OPERATIONS
33 FUNDS FOR OPERATING SUPPORT TO THE STEPPING STONES PROGRAM
34 (EMERGENCY SHELTER AND RENTAL ASSISTANCE TO HOMELESS
35 INDIVIDUALS AND FAMILIES), IN THE AMOUNT OF \$28,000 (AB2006-193)
36
- 37 8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN
38 AGREEMENT BETWEEN WHATCOM COUNTY AND WASHINGTON STATE
39 UNIVERSITY EXTENSION TO PROVIDE SUPPORT FOR THE DELIVERY OF
40 NUTRITION EDUCATION FOR THE RESIDENTS OF WHATCOM COUNTY WHO
41 ARE FOOD STAMP ELIGIBLE, IN THE AMOUNT OF \$14,871.56 (AB2006-194)
42
- 43 9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A HIDTA
44 AWARD COOPERATIVE AGREEMENT BETWEEN WHATCOM COUNTY AND THE
45 EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG
46 CONTROL POLICY TO SUPPORT THE NORTHWEST HIDTA BORDER TASK
47 FORCE PROSECUTION INITIATIVE AT THE NORTHWEST HIGH INTENSITY
48 DRUG TRAFFICKING AREA (FUNDING AMOUNT IS \$157,002) (AB2006-195)
49
- 50 10. REQUEST RATIFICATION OF, AND AUTHORIZATION FOR THE EXECUTIVE TO
51 ENTER INTO, THE COLLECTIVE BARGAINING AGREEMENT BETWEEN
52 WHATCOM COUNTY AND WHATCOM COUNTY DEPUTY SHERIFF'S GUILD

1 BARGAINING UNIT FOR THE PERIOD JANUARY 1, 2006 THROUGH
2 DECEMBER 31, 2008 (AB2006-196)
3

- 4 11. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO CONTRACT
5 AMENDMENT #1 BETWEEN WHATCOM COUNTY AND SARGENT ENGINEERS,
6 INC. FOR UNANTICIPATED DETAILED HYDRAULIC AND SEDIMENT
7 ANALYSIS REQUIRED TO OBTAIN ENVIRONMENTAL PERMITS AND ALSO TO
8 PROVIDE FOR THE DESIGN OF A SEDIMENT MANAGEMENT AREA
9 NECESSARY TO ENSURE THE LONG-TERM VIABILITY OF THE BRIDGE ON
10 INNIS CREEK ROAD, IN THE AMOUNT OF \$16,167, FOR A TOTAL CONTRACT
11 AMOUNT OF \$62,958 (AB2006-197)
12
- 13 12. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO CONTRACT
14 AMENDMENT #2 BETWEEN WHATCOM COUNTY AND BRICKLIN NEWMAN
15 DOLD, LLP FOR CONTINUING LEGAL REPRESENTATION TO THE COUNTY IN
16 THE OSTROM COMPANY V. WHATCOM COUNTY CASE, IN THE AMOUNT OF
17 \$50,000, FOR A TOTAL CONTRACT AMOUNT OF \$110,000 (AB2005-105D)
18
- 19 13. REQUEST CONFIRMATION OF THE ECONOMIC DEVELOPMENT INVESTMENT
20 BOARD'S FUNDING RECOMMENDATION OF THE CITY OF FERNDALE'S
21 REQUEST FOR A GRANT IN THE AMOUNT OF \$82,500 AND A LOAN IN THE
22 AMOUNT OF \$82,500 FOR THE HEMPLER'S B&B MEATS RELOCATION AND
23 EXPANSION PROJECT (AB2006-201)
24

25 Crawford stated he would abstain from the vote because of a conflict of interest.
26

27 **Nelson moved** to approve the request. He would like a presentation to Council on
28 this project.
29

30 Dewey Desler, Deputy Administrator, stated there is a unanimous recommendation
31 from the Economic Development Investment (EDI) Board. Administration will bring forward
32 a contract. A presentation can be done at that time.
33

34 **Motion carried 5-0 with Crawford abstaining.**
35
36

37 **OTHER ITEMS**
38

- 39 1. ORDINANCE AMENDING THE 2006 WHATCOM COUNTY BUDGET, SEVENTH
40 REQUEST, IN THE AMOUNT OF \$430,017 (AB2006-182)
41

42 **Crawford** reported for the Finance and Administrative Services Committee and
43 **moved** to adopt the ordinance.
44

45 **Motion carried unanimously.**
46

- 47 2. ORDINANCE REGARDING PROJECT BUDGET AMENDMENT #3 OF THE 2006
48 WHATCOM COUNTY BUDGET IN THE AMOUNT OF \$373,400 (AB2006-183)
49

50 **Crawford** reported for the Finance and Administrative Services Committee and
51 **moved** to adopt the ordinance.
52

53 **Motion carried unanimously.**

1
2 McShane thanked the administration for bringing forward the agreement with the
3 U.S. Forest Service regarding the two bridge projects. Half the funding came from the
4 Resource Advisory Committee, which is funded by the County Secure Schools Fund Act.
5 The County's U.S. forestlands benefits from those funds enormously. This is an opportunity
6 to match those funds to make sure the project happens. It has broad economic
7 development impact for the Foothills area.
8

9 **3. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING MAP**
10 **FROM URBAN RESIDENTIAL (UR3) TO RURAL FIVE ACRE (R5A) FOR**
11 **APPROXIMATELY 44 ACRES SOUTH OF FERNDALE, IN THE CHERRY**
12 **POINT/FERNDALE SUBAREA (AB2006-184)**
13

14 *Fleetwood* reported for the Planning and Development Committee and *moved* to
15 adopt the ordinance.
16

17 *Motion carried unanimously.*
18

19 **4. RECEIPT OF PLANNING COMMISSION RECOMMENDATIONS REGARDING**
20 **REZONE OF LONG TERM PLANNING AREA TO SHORT TERM PLANNING AREA**
21 **IN THE FERNDALE URBAN GROWTH AREA ON THE WEST SIDE OF VISTA**
22 **DRIVE (AB2006-185)**
23

24 *Fleetwood* reported for the Planning and Development Committee and *moved* to
25 schedule a public hearing on the staff recommendation to grant the rezone with the
26 condition that density be six to eight per net acre.
27

28 *(Clerk's Note: Discussion of this item continued, below.)*
29

30 **5. CONSIDERATION OF THE HEARING EXAMINER'S RECOMMENDED APPROVAL**
31 **OF A PROPOSED PRELIMINARY LONG SUBDIVISION, PLANNED UNIT**
32 **DEVELOPMENT [AND SITE SPECIFIC REZONE] FOR "BLOMQUIST HEIGHTS,"**
33 **FILED BY DONALD LEAVITT (AB2006-186)**
34

35 This item was withdrawn from the agenda.
36

37 **6. EXECUTIVE REQUESTS CONFIRMATION OF HIS APPOINTMENT OF BECKY**
38 **CRONK TO THE DEVELOPMENTAL DISABILITIES BOARD (AB2006-200)**
39

40 *McShane moved* to confirm the appointment.
41

42 *Motion carried unanimously.*
43
44

45 **OTHER BUSINESS AND COUNCILMEMBER REPORTS**
46

47 Fleetwood reported for the Planning Committee on the **update regarding the**
48 **Foothills Subarea planning process, including subarea boundary issues (AB2006-**
49 **199).**
50

51 Crawford stated the extension of another year would give staff more time to work on
52 the subarea plan. He asked if staff is in favor of the extension.
53

1 Hal Hart, Planning and Development Services Director, stated that if the community
2 needs time to stew on the issues, they should get that time.
3
4

5 **OTHER ITEMS**
6

7 **4. RECEIPT OF PLANNING COMMISSION RECOMMENDATIONS REGARDING**
8 **REZONE OF LONG TERM PLANNING AREA TO SHORT TERM PLANNING AREA**
9 **IN THE FERNDALE URBAN GROWTH AREA ON THE WEST SIDE OF VISTA**
10 **DRIVE (AB2006-185)**

11
12 *(Clerk's Note: Discussion continued from above.)*
13

14 **Fleetwood restated his motion** to schedule a public hearing on the staff
15 recommendation to grant the rezone with the condition that density be six to eight per net
16 acre.
17

18 ***Motion carried unanimously.***
19
20

21 **INTRODUCTION ITEMS**
22

23 ***Crawford moved*** to accept the Introduction Items.
24

25 ***Motion carried unanimously.***
26

27 **1. ORDINANCE REGARDING INSTALLING STOP SIGNS ON ENTERPRISE ROAD**
28 **(AB2006-198)**

29
30 **2. ORDINANCE ADOPTING SHORT TERM PLANNING AREA ZONING OVERLAY**
31 **DESIGNATION IN THE FERNDALE UGA SOUTH OF THORNTON ROAD**
32 **(AB2006-186A)**
33

34 **3. ORDINANCE ADOPTING A SHORT TERM PLANNING AREA ZONING OVERLAY**
35 **DESIGNATION IN THE FERNDALE UGA WEST OF VISTA DRIVE (AB2006-**
36 **185A)**
37

38 **4. COUNCILMEMBER CASKEY-SCHREIBER'S AMENDMENT TO ORDINANCE**
39 **CONTINUING AN INTERIM MORATORIUM ON THE ACCEPTANCE OF NEW**
40 **APPLICATIONS FOR SUBDIVISIONS WITHIN THE LAKE WHATCOM**
41 **WATERSHED (AB2006-172)**
42
43

44 **OTHER BUSINESS AND COUNCILMEMBER REPORTS**
45

46 Brenner stated the Sustainable Connections expo last week was wonderful. She
47 would like presenters who talked about bio-diesel and a paper mill in Gray's Harbor, which
48 creates up to 100 percent recycled paper, to give their presentations to the Council.
49

50 McShane reported for the Natural Resources Committee regarding the **discussion**
51 **regarding the process for development of a work plan to preserve Whatcom**
52 **County's agriculture, forestry, and natural resource land base while recognizing**
53 **land values and property rights (AB2006-203).** The Council already approved a

1 purpose statement. They will set up a scoping meeting tentatively on May 16. There will be
2 a presentation to the Council about what the County is doing now for natural resources and
3 agriculture, and how that is related to other issues. The next step is to identify current
4 policies and what should be implemented, what else they should do, and what should be
5 prioritized. Come up with a list of stakeholders who can participate. The stakeholders
6 would be sent a draft of the scope of work and asked to respond. After that, there would be
7 a follow up Council work session to develop a prioritized scope.

8
9 Nelson stated he will be gone at that time. Look at the many facets of economic
10 impacts on these industries.

11
12
13 **ADJOURN**

14
15 The meeting adjourned at 9:12 p.m.

16
17 
18 _____
19 Jill Nixon, Minutes Transcription

20
21 The Council approved these minutes on May 23, 2006.

22
23 ATTEST:

24 WHATCOM COUNTY COUNCIL
25 WHATCOM COUNTY, WASHINGTON

26
27 
28 _____
29 Dana Brown-Davis, Council Clerk

26
27 
28 _____
29 Laurie Caskey-Schreiber, Council Chair