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WHATCOM COUNTY COUNCIL  
**Regular County Council**

July 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  
Sam Crawford  
Seth Fleetwood  
Carl Weimer  
L. Ward Nelson

Absent:

Dan McShane

**FLAG SALUTE**

**ANNOUNCEMENTS**

**MINUTES CONSENT**

*Nelson moved* to approve Minutes Consent items one through four.

*Motion carried unanimously.*

1. **BOARD OF HEALTH FOR JUNE 27, 2006**
2. **SPECIAL COUNTY COUNCIL FOR JUNE 20, 2006**
3. **COMMITTEE OF THE WHOLE FOR JULY 11, 2006**
4. **REGULAR COUNTY COUNCIL FOR JULY 11, 2006**

**OPEN SESSION**

The following people spoke:

Bill Schoonover, 606 Chuckanut Drive, Bellingham, stated a passport costs \$97. There are 524 days before one needs a passport. To pay for a passport, one must save \$.19 for an individual or \$.76 for a family. If one is against requiring a passport because the poor can't afford them, the savings per day just mentioned shows that they can. The people who will benefit from not requiring a passport are those who can't balance a checkbook, can't budget, and don't know how to save. The passports are required to get into the United States, which means they are taking money outside the United States. Most Europeans, Canadians, and people from the Far East already have their passports.

Many politicians would like open the borders, which would let in terrorists and illegal people crossing the border, in the name of freedom and an improved economy. This includes the Governor, who sent a bill of \$50 million to the United States Attorney General

1 to pay for the incarceration of illegal immigrants the past two years, which averages about  
2 \$1,000 per day.

3  
4 The State of Washington issues driver's licenses to people with no identification. One  
5 can find hundreds of places to purchase fake identification online. His life is worth more  
6 than a few paltry dollars.

7  
8 Johnnie Grames, 4478 Northwest Drive, stated his mail is being returned to sender  
9 or kept at the post office, and he can't figure out why. The Council will soon deal with the  
10 budget, its method for checks and balances. He has tried to show the Council what is going  
11 on inside government. He sees a growing police state and fascism. His rights have been  
12 denied. They have tried to ruin his family. Sheriff Elfo's office has twice told him there was  
13 no information when he made a public disclosure request, but on the next request the  
14 record was retrieved. He's asked for information from all branches of government.

15  
16 Dennis Jones, 1487 Sudden Valley, stated he thanks the Council for allowing Sheriff  
17 Elfo to come to Sudden Valley yesterday. Johnnie Grames needs a champion.

18  
19 Greg Barlean, Hopewell Neighborhood Association, asked about off-site shipping of  
20 mushroom substrate by Ostrom if it gets out of control. This is the fear of the neighbors.  
21 Ostrom has an abysmal track record in answering to authorities. The Natural Resources  
22 Committee did not discuss punitive measures, or how the County will deal with violations if  
23 they come up. There are questions about how implementation of enforcement of the rules  
24 that are in place will be conducted.

25  
26  
27 **PUBLIC HEARINGS**

28  
29 **1. ORDINANCE AMENDING HEALTH CODE WCC 24.12, MUSHROOM SUBSTRATE**  
30 **PRODUCTION FACILITY RULES, TO ALLOW EXISTING FACILITIES A LIMITED**  
31 **INCREMENTAL EXPANSION OF PRODUCTION CAPACITY (AB2006-301)**

32  
33 Caskey-Schreiber opened the public hearing and the following people spoke:

34  
35 Ken Ryan, Glen Echo Neighborhood Association, stated these amendments are  
36 surprising. It has been said that the allowance of gallon-sized sampling for analytical  
37 testing can't be used as a backdoor method for shipping compost for economic gain. Don't  
38 believe that. The amendment allows a 1,600 cubic yard per year cap. Ostrom's intent is to  
39 weaken the health ordinance so that it cannot withstand a legal challenge. Shipping to  
40 Canada is what Ostrom is after. Ostrom could make millions of dollars. The lack of  
41 discussion about enforcement could mean the County has been bullied by Ostrom into not  
42 doing enforcement. Ostrom's wants to be an off-site shipper. If it is allowed, no one will  
43 want to live there. Ostrom's should be grandfathered as is, but not given a 100 percent  
44 expansion. Leave the original ordinance, adopted last year, alone.

45  
46 Harold Swanson, 6770 Goodwin Road, stated he is opposed to the ordinance. If this  
47 ordinance is passed, the Council will not be doing its duty of protecting the environment and  
48 public health of the people of Whatcom County. There is plenty of information in the public  
49 record showing that mushroom substrate produces air and water pollution that can be  
50 dangerous to the public health if not properly managed. The original ordinance is sound  
51 and legally defensible. The Council may be opening the County up to other lawsuits by  
52 amending the ordinance. Don't betray the public trust. Keep the ordinance intact as  
53 originally written.

1  
2 Greg Barlean, Hopewell Neighborhood Association, stated the Ostrom Company has  
3 been involved in four lawsuits. It has demonstrated its lack of desire to play by the rules.  
4 They have been successful in their efforts. The only clear victory of the citizens was the suit  
5 in which the Hopewell Neighborhood Association intervened. The conditional use permit has  
6 been in place for many years. The zoning amendments will allow off-site shipment as an  
7 ancillary use of the primary permitted use, thus outright permitted. The current ordinance  
8 prohibits off-site shipment from agricultural land. The Growth Management Hearings Board  
9 had not problem with that. This amendment will remove the prohibition and also the  
10 conditional use permit (CUP) status, which is the last tool available for regulatory control.  
11 The County and Hopewell Neighborhood Association will prevail in any appeal from Ostrom.  
12 If the amendments are passed, the Hopewell Neighborhood Association, will not intervene.  
13

14 Cheri McKay, 6781 Ocean Road, Everson, stated this is a series of compromises. Her  
15 role is as a mother. She has biblical standards. Her role is to abide by what her authorities  
16 tell her, to govern and keep order. She will comply with the County as long as her  
17 standards aren't compromised. They have a fundamental right to a healthy environment.  
18 This amendment is not a good thing. The ordinance needs to be clear, correct, and not  
19 exempt to one. Don't add an exemption. Make sure the system works. Make people get  
20 their permits. Ostrom is operating now without a permit.  
21

22 Elizabeth Volkart, 7082 Goodwin Road, stated this forum only allows people who are  
23 comfortable with speaking publicly. That is not right. The Council is pressured to support  
24 Ostrom. They demand that anything agricultural be allowed to expand as large as it wants,  
25 using any technology, while being allowed to emit any pollution or chemicals they want.  
26 Anyone opposed is deemed to be against farming. That is wrong. The agricultural industry,  
27 unlike any other industry, is given a free pass because the city residents don't live in the  
28 county. It's ironic that the City of Bellingham doesn't allow smoking in public areas.  
29 However, they County is going to allow people in rural areas to breath ammonia and other  
30 emissions coming from outdoor substrate production. It's unethical and immoral. She is  
31 opposed to the ordinance.  
32

33 The Right to Farm Ordinance is about people from the city moving to the country,  
34 being unreasonable about farm odors, and shutting down farms. This is not that situation.  
35 The farm came to the neighborhood. Ostrom sold its valuable farming land in Lacey,  
36 Washington to developers and the City of Lacey, not to other farmers. Ostrom claims it has  
37 been in the area since 1928. Ostrom, not the people of the neighborhood, have profited  
38 from the sale of farmland.  
39

40 Christopher Street, Ostrom Company, Lacey, Washington, stated Ostrom is willing to  
41 accept a cap of 1,600 cubic yards from one facility to the other if it would help. Ostrom has  
42 no past or future interest in shipping compost to British Columbia. They have no  
43 relationship, other than direct purchase of fresh mushrooms when they are available.  
44 Ostrom has done an exchange with the Lacey facility no more than four times since 1999.  
45 The exchange has nothing to do with the sample size. They send sample size bags to  
46 laboratories. A sample size is a polyester gallon size bag. The 400 yards the Everson  
47 facility produces is for one crop filled each week of the year. Lacey and Everson would  
48 exchange 400 yards each. However, it's more likely that they would drop one out, rather  
49 than do an exchange. The health and zoning ordinances are companion to one another.  
50 It's been a difficult effort for many years. Finish it as soon as possible. The amended  
51 ordinances are objective and represent all parties.  
52

1 Bob Carmichael, Hopewell Neighborhood Association attorney, stated a particular  
2 company's interests aren't relevant to enacting legislation. This legislation is going to apply  
3 to any company that owns the facility. The cap seems like a negotiation of what is  
4 acceptable. That is a flaw. The Council spent a lot of time developing this ordinance. Not  
5 much time has been spent on this ordinance. He asked what supporting information the  
6 Council has supporting the offer of the 1,600 yard cap as a safe activity. For the first  
7 ordinance, the Council looked at what was in place and said it could stay. The proposal is to  
8 allow substantial increases. They don't have the information on the health and safety  
9 implications of what that will do. The original ordinance has been seriously compromised by  
10 this ordinance. Public safety is most important.

11  
12 Patrick Mullaney, Foster Pepper Land Use Attorney, stated he represents Ostrom. In  
13 section 24.14.040(c), there is a provision that addresses Mr. Barlean's concern. It's  
14 common for the law to recognize the difference between an existing use with a vested right  
15 and a new use without a vested right. It's common to differentiate between the two. It's  
16 also common for there to be some recognized expansion of a non-conforming use. In this  
17 case, the expansions are linked to increased mitigation. Last, if testing of a size larger than  
18 a gallon, it is due to infection or other problem they are trying to fix. It is not a for-profit  
19 operation. Moving 1,600 cubic yards here would cost the company \$16,000 just for  
20 shipping. They are doing it as a way to test and isolate variables in the mushroom  
21 production.

22  
23 Hearing no one else, Caskey-Schreiber closed the public hearing.

24  
25 Brenner stated it seems like Council has been accused of doing backroom deals,  
26 having their minds already made up, and making it a moving target. She's bothered by  
27 that implication. That's not the way she operates. The accusations take away from the  
28 issues at hand. Mr. Barlean told her that he would support a cap of 1,600 cubic yards.  
29 Now, people are saying that's not good enough. That amount was suggested by County  
30 staff as an idea. It was an idea to give reassurance that this would not turn Ostrom into a  
31 commercial substrate facility. The ordinances make it impossible for Ostrom to reach the  
32 size of IMS.

33  
34 *(Clerk's Note: End of tape one, side A.)*

35  
36 **Brenner moved** to adopt the ordinance and to amend the ordinance on Council  
37 packet page 444, Whatcom County Code (WCC) 24.12.060(2)(a)(iv)(B), "...and will be  
38 substantiated by proper shipping documentation. Such exchanges shall not exceed 1,600  
39 cubic yards per year." This is a clarification, not a substantive change, according to legal  
40 counsel. Keep focus on the issue.

41  
42 Someone said there was no hammer against potential violations. However, the  
43 ordinance is clear that the company will have to move operations indoors immediately if  
44 there is a violation.

45  
46 Nelson stated Councilmember has expertise on this issue. He will support the  
47 motion. He asked if any exchanges up to 1,600 cubic fee would not have to go through the  
48 administrative process.

49  
50 Brenner stated the wording stays the same. It would still need administrative  
51 approval. The amendment provides a maximum amount.

52  
53 Nelson asked where that amount came from.

1  
2 Brenner stated it came from discussions between the Planning Commission and  
3 Planning Staff Kraig Olason.  
4

5 Nelson stated he is concerned about these ordinances regarding farm practices. He  
6 knows this isn't related, but keep an eye on it. Ammonia is a standard smell from farm  
7 practices. Be careful that they continue to protect the rural lifestyle and agricultural  
8 practices.  
9

10 Crawford asked why the amount of 1,600 cubic yards was chosen.

11 Caskey-Schreiber stated they switch out 400 cubic yards at a time.

12  
13 Crawford stated that would be 160 dump truck loads. That's a lot of compost. He  
14 will rely on Councilmember Brenner's expertise.  
15

16 Brenner stated no commercial substrate facility can survive on only 1,600 cubic  
17 yards.  
18

19  
20 ***Motion to amend carried unanimously.***  
21

22 Weimer asked about what it means to notify the public.  
23

24 Jeff Hegedes, Health Department, stated that before approval by the Health  
25 Department, the Health Department will notify the community and interested parties in  
26 writing. The Health Department will keep a list of interested parties. Interested parties are  
27 anyone who wants to be notified. The Health Department would advertise and inform the  
28 public to let the Health Department know about their interest. Ostrom is averaging one 400  
29 yard exchange between facilities every two years. The language will ensure that these  
30 exchanges are not for commercial purposes.  
31

32 Crawford asked how long it takes to exchange 400 yards. Hegedus stated they use  
33 bigger trucks. The relevant issue for the Health Department is whether that exchange is for  
34 testing purposes and whether an odor is being generated from that activity that creates an  
35 adverse health impact. The number of 1,600 was picked out of the air at the Planning  
36 Commission to give the community reassurance and to give Ostrom some flexibility if they  
37 have a bad year, for example, and need to do more than one exchange.  
38

39 Caskey-Schreiber asked how much IMS shipped. Hegedus stated IMS operated  
40 between 10,000 and 14,000 cubic yards per month. Ostrom is currently at 1,700 cubic  
41 yards per month, but not shipped off site.  
42

43 Brenner stated that notification should also be in the Bellingham Herald.  
44

45 Karen Frakes, Legal Counsel, stated that clarification should be in the ordinance. It  
46 isn't defined. There is good language in the State Environmental Policy Act (SEPA)  
47 ordinance that defines good public notice. They can adapt that language, which says that  
48 notification is published in the newspaper of general circulation in the county. Also, have a  
49 provision that indicates that interested parties who request notice through the Health  
50 Department will be notified.  
51

52 ***Brenner moved*** that notification is published in the newspaper of general circulation  
53 in the county, and have a provision that indicates that interested parties who request notice

1 through the Health Department will be notified. Add this notification requirement to WCC  
2 24.12.060(2)(a)(iv)(B).  
3

4 Crawford asked who pays for all that notification.  
5

6 Brenner stated the County pays for it.  
7

8 ***Motion to amend carried unanimously.***  
9

10 Caskey-Schreiber stated the Council has worked on this issue for six months. It is  
11 not rushed through. The Council has tried to create something that respected everyone's  
12 positions and concerns. Everything in the ordinance was negotiated back and forth. The  
13 Council has been very conscientious about trying to mitigate effects to the neighborhood.  
14 Ostrom has been willing to address these concerns seriously and work more positively.  
15

16 Brenner stated it is important that this was not an exercise in going through the  
17 motions. She has been open to any changes that makes sense to her. This is the strongest  
18 mushroom substrate ordinance in the United States. It's a good ordinance.  
19

20 ***Motion to adopt the ordinance as amended carried unanimously.***  
21

22 **2. ORDINANCE DECLARING INTENT TO ACCEPT A SECTION OF**  
23 **WHITECAP ROAD, DECLARING THAT SUCH ESTABLISHMENT IS A**  
24 **PUBLIC NECESSITY AND DIRECTING THE COUNTY ROAD ENGINEER**  
25 **TO REPORT TO COUNCIL UPON THE PROJECT (AB2006-303A)**  
26

27 Caskey-Schreiber opened the public hearing and the following people spoke:  
28

29 Roger Almskaar, 3610 Meridian, Bellingham, stated he is in favor of the ordinance.  
30 He represents Hamilton and Ashdown, two of the adjoining property owners. He submitted  
31 maps (*on file*). The County set the specifications for the road improvement, and did the  
32 work. The property owners paid for the work in advance. The work was done almost a year  
33 ago. It's necessary for finishing the Hamilton Ashdown short-plat called Whitecap Wood.  
34 There is approval from the City of Bellingham for water service. The alternative is to work  
35 with trail permits. They are working in an existing right-of-way. Accepting the ordinance is  
36 the most clean solution for maintaining the road network.  
37

38 Richard Gilda, Jensen Road, Bellingham, stated he is in favor of the ordinance. He  
39 assisted with this project. The Engineering Division really worked well with the applicants  
40 and landowners. In return for this ordinance, the County will have happy landowners.  
41

42 Hearing no one else, Caskey-Schreiber closed the public hearing.  
43

44 Brenner stated it's important to take over certain roads when there is an absolute  
45 benefit to the County. This talks about increased revenues from State tax funds for the  
46 additional length of the road system. She asked if the amount of money used for  
47 maintenance will be compensated for by the additional State tax funds.  
48

49 Jeff Monsen, Public Works Director, stated that every foot of established County  
50 roads influences the amount of money received from the State fuel tax. The amount of fuel  
51 tax for this section will not pay for maintenance. The increased value of the property in the  
52 area and associated road levy is more likely. The primary revenue for road maintenance is

1 property tax. A typical residential street does not generate enough revenue to maintain  
2 that roadway. The maintenance cost is offset by commercial and industrial properties.  
3 These actions are not designed for making money. Revenues will be generated from this  
4 action. The typical method for establishing new roadways in the road system is through the  
5 platting process. There are a number of right of ways in the county that are not part of the  
6 County road system.

7  
8 ***Fleetwood moved*** to adopt the ordinance.

9  
10 Crawford stated the cost of maintaining roads in that neighborhood as opposed to  
11 the road tax generated from property tax is such that they are exporting dollars out of that  
12 area. This new short-plat will generate a tremendous amount of revenue.

13  
14 Caskey-Schreiber stated that the public hearing will be held open until August 8, and  
15 the Council will take a final vote at that night.

16  
17  
18 **CONSENT AGENDA**

19  
20 ***Crawford*** reported for the Finance and Administrative Services Committee and  
21 ***moved*** to approve Consent Agenda items one through five.

22  
23 ***Motion carried unanimously.***

- 24  
25 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #06-78 TO**  
26 **LOW BIDDER, IDENTIX, INC., FOR THE PURCHASE OF TWO LIVE SCAN**  
27 **FINGER PRINT UNITS, IN THE AMOUNT OF \$65,547.30 (AB2006-311)**  
28  
29 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
30 **CONTRACT BETWEEN WHATCOM COUNTY AND KCM, INC. D/B/A TETRA**  
31 **TECH/KCM, INC. TO DEVELOP GIS ROUTINES TO AUTOMATE THE**  
32 **GENERATION OF ASSESSMENT ROLLS FOR THE VARIOUS SPECIAL**  
33 **DISTRICTS, INCLUDING SUBZONES, DIKING AND DRAINAGE DISTRICTS, IN**  
34 **THE AMOUNT OF \$34,340 (AB2006-312)**  
35  
36 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**  
37 **CONTRACT BETWEEN WHATCOM COUNTY AND KPFF CONSULTING**  
38 **ENGINEERS FOR THE DESIGN PHASE OF THE HAMPTON ROAD, MORMON**  
39 **DITCH BRIDGE #261 REPLACEMENT PROJECT: CRP #904016, IN THE**  
40 **AMOUNT OF \$395,250 (AB2006-313)**  
41  
42 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO CONTRACT**  
43 **EXTENSION #3 BETWEEN WHATCOM COUNTY AND REISNER DISTRIBUTOR,**  
44 **INC., TO CONTINUE PROVIDING FOR THE PURCHASE AND DELIVERY OF**  
45 **FUEL FOR USE ON WHATCOM COUNTY EQUIPMENT AND VEHICLES FOR THE**  
46 **EXTENDED PERIOD SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007, IN AN**  
47 **AMOUNT NOT TO EXCEED \$649,472.50, FOR A TOTAL AMENDED NOT TO**  
48 **EXCEED CONTRACT AMOUNT OF \$1,783,633.60 (AB2006-314)**  
49  
50 **5. RESOLUTION OF THE COUNTY COUNCIL OF WHATCOM COUNTY,**  
51 **WASHINGTON, APPROVING, AS PLANNING JURISDICTION SOLELY FOR THE**  
52 **PURPOSES OF RCW 39.84.060, THE ISSUANCE OF NONRECOURSE REVENUE**  
53 **BONDS OF THE INDUSTRIAL DEVELOPMENT CORPORATION OF THE PORT OF**

1           **BELLINGHAM, THE PROCEEDS OF WHICH WILL BE USED FOR INDUSTRIAL**  
2           **DEVELOPMENT FACILITIES WITHIN THE COUNTY BY WOOD STONE**  
3           **CORPORATION (AB2006-315)**

4  
5  
6           **OTHER ITEMS**

7  
8           **1. RESOLUTION AFFIRMING THE RANKING AND AUTHORIZING THE WHATCOM**  
9           **COUNTY PURCHASE OF DEVELOPMENT RIGHTS ADMINISTRATOR TO**  
10           **PROCEED WITH THE ACQUISITION PROCESS FOR ROUND 4, 2005**  
11           **APPLICATIONS (AB2006-296)**

12           *Fleetwood* reported for the Natural Resources Committee and *moved* to approve  
13 the resolution, with an amendment recommended by committee to reorder the priorities: 1.  
14 Dickson, 2. Joneli, 3. Bajema West, 4. Bajema East, 5. Sytsma, 6. Maberry, 7. Ebe, 8.  
15 Groen. The Dickson and Joneli properties are prized agricultural properties in a special part  
16 of the county. It's more likely that property will be developed in the near term. The  
17 Bajema property may not have its development rights sold as imminently.

18  
19           Kraig Olason, Planning Division, stated the amendment is because of the urgency  
20 and potential sale. The Bajema property has numbers lots. There may be alternatives to  
21 purchase of development rights (PDR).

22  
23           Brenner stated there may be more ways to save the Bajema property than the  
24 Dickson and Joneli properties.

25  
26           Caskey-Schreiber stated a reason was to take care of the simplest properties first.  
27 These properties are ready to be sold now.

28  
29           Crawford stated these are the only two properties that are not in PDR target areas.  
30 Olason stated they never evaluate potential cost in the ranking process. Also, they are  
31 trying to move forward with getting other grant funds. Last, there aren't imminent changes  
32 on the other properties. They may come forward again.

33  
34           *Motion to approve as amended carried unanimously.*

35  
36  
37           **2. ORDINANCE AMENDING WHATCOM COUNTY CODE BY AMENDING CHAPTER**  
38           **20.15 - MUSHROOM SUBSTRATE PRODUCTION FACILITIES SITING**  
39           **REQUIREMENTS AND CHAPTER 20.40 - AGRICULTURE DISTRICT AND**  
40           **CHAPTER 20.68 - HEAVY IMPACT INDUSTRIAL DISTRICT (AB2006-302)**

41  
42           *Fleetwood* reported for the Natural Resources Committee and *moved* to adopt the  
43 ordinance.

44  
45           *Brenner moved* to amend a definition, Whatcom County Code (WCC) 20.15.020(2),  
46 "Commercial mushroom substrate production facility means a facility producing any  
47 mushroom substrate for off-site commercial export." They don't need to include notification  
48 language in this ordinance because this ordinance references the Health Code. Without the  
49 amendment, someone could argue that any amount of substrate is commercial.

50  
51           Crawford stated that it could create an argument that their exported material is not  
52 intended for commercial use.

1 Nelson stated the amount is still capped.

2  
3 Brenner stated her issue is with the commercial facility.

4  
5 ***Motion to amend carried 5-1 with Caskey-Schreiber opposed.***

6  
7 ***Motion to adopt as amended carried unanimously.***

8  
9 **3. ORDINANCE AMENDING THE 2006 WHATCOM COUNTY BUDGET, TENTH**  
10 **REQUEST, IN THE AMOUNT OF \$2,941,729 (AB2006-298)**

11  
12 ***Crawford*** reported for the Finance and Administrative Services Committee and  
13 ***moved*** to adopt the ordinance.

14  
15 Nelson stated that this is predominantly for the new jail.

16  
17 ***Motion carried unanimously.***

18  
19 **4. ORDINANCE AUTHORIZING AN INTERFUND LOAN FOR INTERIM FINANCING**  
20 **OF THE WHATCOM COUNTY INTERIM JAIL AND ALTERNATIVE CORRECTIONS**  
21 **CENTER (AB2006-299)**

22  
23 ***Crawford*** reported for the Finance and Administrative Services Committee and  
24 ***moved*** to adopt the ordinance.

25  
26 *(Clerk's Note: End of tape one, side B.)*

27  
28 ***Motion carried unanimously.***

29  
30 **5. RESOLUTION REGARDING THE WESTERN HEMISPHERE TRAVEL INITIATIVE**  
31 **(AB2006-304)**

32  
33 ***Crawford*** reported for the Finance and Administrative Services Committee and  
34 ***moved*** to adopt with amendments:

- 35 • "Whatcom County Council respectfully requests..." in all locations in the
- 36 resolution.
- 37 • "Be it further resolved that the Council is extremely concerned about opposed
- 38 to the erosion..." and
- 39 • "Be It further resolved that the Council urges respectfully requests the United
- 40 States Government..."

41  
42 ***Motion to approve the resolution as amended carried unanimously.***

43  
44 **6. APPROVAL OF DEVELOPER REIMBURSEMENT AGREEMENT PERTAINING TO**  
45 **ROADWAY CONSTRUCTION ON WEST ROAD (AB2006-220)**

46  
47 ***Brenner*** reported for the Public Works and Safety Committee. She ***moved*** to  
48 approve the agreement.

49  
50 ***Motion carried 5-0 with Fleetwood out of the room.***

51  
52 **7. CONSIDERATION OF THE HEARING EXAMINER'S RECOMMENDED APPROVAL**  
53 **OF A PROPOSED BINDING SITE PLAN, PLANNED UNIT DEVELOPMENT, AND**

1           **A SITE SPECIFIC REZONE FOR "HORIZONS VILLAGE AT SEMIAHMOO" FILED**  
2           **BY BIRCH POINT VILLAGE, LLC (AB2006-286)**  
3

4           Brenner reported for the Planning and Development Committee and stated this item  
5 is held in committee until September 12, 2006.  
6

7           **8.     ORDINANCE ADOPTING A SHORT TERM PLANNING AND ZONING OVERLAY**  
8           **DESIGNATION IN THE BIRCH BAY UGA FOR HORIZONS VILLAGE AT**  
9           **SEMIAHMOO (AB2006-286A)**

10           Brenner reported for the Planning and Development Committee and stated this item  
11 is held in committee until September 12, 2006.  
12

13           **9.     ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING**  
14           **ORDINANCE, SPECIFICALLY ADDING ON-FARM PROCESSING TO CHAPTER**  
15           **20.100 – ACCESSORY USES, 20.40.138 – ADMINISTRATIVE USES, DELETING**  
16           **20.40.158 ADDING AGRICULTURAL PROCESSING DEFINITION TO CHAPTER**  
17           **20.97 – DEFINITIONS AND ADDING LOT COVERAGE RESTRICTION –**  
18           **CHAPTER 20.40.450 (AB2006-282)**  
19

20           *Fleetwood* reported for the Planning and Development Committee and *moved* to  
21 remand to the Planning Commission for further consideration.  
22

23           *Motion to remand carried unanimously.*  
24

25           **10.    REQUEST CONFIRMATION OF EXECUTIVE KREMEN'S APPOINTMENTS OF**  
26           **PHILIP M. ANDRESS, JR., EUGENE GOLDSMITH, HOLLY LANOUX, THOMAS**  
27           **NOEL, MICHAEL NOVOTNY, JIM PACE, KEN RICHARDSON AND EDWIN**  
28           **SIMMERS TO THE VETERANS' ADVISORY BOARD (AB2006-317)**  
29

30           *Nelson moved* to confirm the appointments.  
31

32           *Motion carried unanimously.*  
33

34           **11.    REQUEST        CONFIRMATION        OF        EXECUTIVE        KREMEN'S**  
35           **REAPPOINTMENT OF DEAN BRETT, DUNHAM GOODING AND CHARLES**  
36           **SELF TO THE BELLINGHAM-WHATCOM PUBLIC FACILITIES DISTRICT**  
37           **(AB2006-318)**  
38

39           *Crawford moved* to confirm the appointments.  
40

41           *Motion carried unanimously.*  
42

43           **INTRODUCTION ITEMS**  
44

45           *Fleetwood moved* to accept the Introduction Items, including the substitute for  
46 item two.  
47

48           *Motion carried unanimously.*  
49  
50  
51

- 1     **1.     RESOLUTION IN THE MATTER OF THE PETITION TO VACATE A PORTION OF**  
2     **CRESTVIEW ROAD, A PLATTED UNOPENED ROAD IN WHATCOM COUNTY**  
3     **(AB2006-321)**
- 4
- 5     **2.     ORDINANCE AMENDING THE 2006 WHATCOM COUNTY BUDGET, ELEVENTH**  
6     **REQUEST, IN THE AMOUNT OF \$502,668 (AB2006-319)**  
7
- 8     **3.     RESOLUTION IN THE MATTER OF THE WHATCOM COUNTY SIX-YEAR**  
9     **TRANSPORTATION IMPROVEMENT PROGRAM FOR THE YEARS 2007**  
10    **THROUGH 2012 (AB2006-320)**
- 11
- 12    **4.     RESOLUTION SUPPORTING THE CREATION OF A COMPREHENSIVE**  
13    **STORMWATER MANAGEMENT PLAN FOR THE LAKE WHATCOM**  
14    **WATERSHED (AB2006-322)**  
15

16

17    **OTHER BUSINESS AND COUNCILMEMBER REPORTS**

18

19           Brenner stated the work on the Port property on Marine Drive in Blaine is incredible.

20

21           Brenner stated she and Councilmember Weimer are going to the Lummi Island  
22 Grange starting August 15 at 6:30 p.m. to work with Lummi Island residents on  
23 transportation issues.  
24

25           Brenner asked whether the Council is going to have a concurrency ordinance by  
26 August. Nothing mandates that they have to do a study to do a concurrency ordinance that  
27 says a level of service will not be reduced. She would like an update.  
28

29           Hal Hart, Planning and Development Services Director, stated there is a request for  
30 proposals (RFP). Eight firms contacted the department. Staff is working on interim  
31 concurrency problems with the special districts. If they are going to do concurrency  
32 management in Whatcom County, there are series deficiencies in transportation planning so  
33 far. The biggest deficiency is in Birch Bay. The amount of development out there will  
34 impact many of the projects on the six-year road program. They are trying to make sure  
35 any investment of public and private funds together is done with the most benefit to the  
36 public. They want to do a better job with working with the community to look at the larger  
37 picture, including the entire western Whatcom County. Another area of study is the urban  
38 growth area for the City of Bellingham. Make sure Bellingham is doing its fair share of  
39 investment and infrastructure. They will select a consultant by August. An interim  
40 ordinance may come forward.  
41

42           Brenner asked if they can adopt an interim concurrency ordinance that says the level  
43 of service will not deteriorate without compensation to offset the deterioration. Hart stated  
44 staff will come up with a recommendation. Wait for that recommendation.  
45

46           Caskey-Schreiber stated work with entities that may be impacted from growth.  
47 Provide an example of a capital facilities plan for the districts in the Foothills subarea. If  
48 something will affect the Foothills subarea, the districts should be able to collect impact  
49 fees.  
50

51           Brenner stated those are separate taxing districts. The districts need to come  
52 forward with a comprehensive plan. That isn't negotiable.

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Caskey-Schreiber stated her point is to educate the districts on how they can do that.


Crawford asked for an update on former Councilmember Sharon Roy's condition.

Caskey-Schreiber stated Ms. Roy was back in the hospital, and is now recovering at home.

Crawford stated they are all concerned about her condition.

**ADJOURN**

The meeting adjourned at 8:52 p.m.

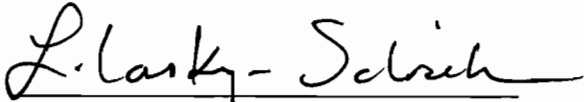
  
\_\_\_\_\_  
Jill Nixon, Minutes Transcription

The Council approved these minutes on September 26, 2006.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON



  
\_\_\_\_\_  
Laurie Caskey-Schreiber, Council Chair

Dana Brown Davis, Council Clerk