

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

WHATCOM COUNTY COUNCIL
Regular County Council

August 8, 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 with Assistant Chief Civil Deputy Prosecutor Daniel Gibson regarding potential litigation (AB2006-018)** in executive session during the Committee of the Whole meeting.

OPEN SESSION

The following people spoke:

Virginia Watson, 2729 Jensen Road, stated seven out of ten residents want this County to retain its rural and agricultural character. Preserve Lake Whatcom and prevent sprawl. A Squalicum Mountain cluster housing development is planned by Mr. Bill Sygitowitz and Vineyard Development, LLC. Runoff from Squalicum Mountain flows into the main recharge zone from Lake Whatcom and feeds the aquifer that supplies the well of the Y Squalicum Water Association. The presence of sewer and water will encourage development. The Comprehensive Plan presently prohibits the introduction of water and sewer into rural and resource lands. Squalicum Mountain is a resource land. No hearing has been held. However, Mr. Sygitowitz has said he has verbal approval for this project. Any zoning changes in the watershed must be to reduce density, not increase it. The Growth Management Act requires the County to protect rural and agricultural lifestyles.

Marian Beddill, 3600 Seeley Street, Bellingham, stated Ms. Watson's comments are concerning. The Council has a resolution on stormwater before it tonight. Ninety thousand people drink from Lake Whatcom. The language sites developed areas. Amend the language to include those areas with permits in process. Also, the greatest benefit to water quality is to remove all pollutants. The resolution should make that statement more strongly. Executive Kremen should implement any plan he makes.

Larry Helm, 266 East 41st Terrace Road, stated he is very concerned about the proposed development in the Lake Whatcom watershed. He and other farmers in the watershed have been held to the highest environmental standard. It doesn't appear the developer is going to be held to the same standard as the farmers. He is not sure how the

1 stormwater will get across the valley without crossing the farms. The biggest concern now
2 of the Natural Resource Conservation Service with his farm is the water. All the water from
3 this development will go across his property. He is not sure how they are going to mitigate
4 the noise. There are options to preserving the forest, such as a park. The Squalicum Valley
5 watershed production is the second highest recharge aquifer going into Lake Whatcom, per
6 acre. He asked why Water District 10 agreed to provide service outside of its area without
7 amending the Comprehensive Plan and fulfilling the requirements of the State Boundary
8 Review Board. There should be a bigger section on fire protection in the Comprehensive
9 Plan. The Comprehensive Plan limits cluster sizes to 16 houses in agricultural land, but
10 there is no cluster limit on resource land. That's backwards. The County needs to make a
11 complete analysis of the sprawl due to all the short plats that will use the expanded utilities.
12 Squalicum Valley has predominantly LaBounty soil, which requires an agricultural protection
13 overlay. The residents have formed the Squalicum Valley Community Association to
14 minimize environmental impacts to a historically rural area and to prevent urban sprawl.
15

16 Cliff Langley, 9006 Silver Lake Road, stated law enforcement is a primary reason for
17 the existence of government. People commit crime, which is costly to the public. They
18 need efficient and effective law enforcement. Law enforcement has not kept up with
19 population growth. The Sheriff has proposed hiring 23 new deputies in the next three
20 years. He supports that proposal. The argument has been that the County would also have
21 to expand other areas of the justice system, but that's not true if its done wisely. Now,
22 criminals know that they probably won't be held accountable. More deputies do not make
23 more crime. They only deal with what is there. The request will reduce the opportunity for
24 crime to be committed. Provide effective and proactive law enforcement so law breakers
25 will know they will be held accountable.
26

27 Jerry Szymanski, 3454 Ruth Road, Bellingham, stated the Sheriff asked for 23 more
28 deputies to be phased in over the next few years. Many of the decision-makers don't live in
29 areas of high crime. Outside of those upscale enclaves, the deputies are necessary.
30 Criminals know that the Sheriff deputies are spread so thin that deputies probably won't
31 show up. They are not as well-funded as other counties. Housing values have tripled
32 recently.
33

34 Bill Quehrn, Building Industry Association of Whatcom County Executive Officer,
35 stated he is in favor of the resolution supporting the creation of a comprehensive
36 stormwater management plan for the Lake Whatcom watershed. Be cautions about
37 statement two. There are concerns with the Puget Sound Water Quality Management Plan.
38 Be careful getting entrapped in something in which the County may be involved in litigation.
39 Other than that, approve the resolution.
40

41 Christie Lysne, 2472 Northshore Road, Bellingham, stated her husband, Gary Lysne,
42 recently made a formal complaint to the State Auditor regarding public health funds being
43 used on administrative costs for the Leadership Whatcom program. However, the program
44 doesn't qualify for these funds. Leadership Whatcom has nothing to do with health issues
45 other than a reference to community health buried in its leadership program session
46 number three.
47

48 Gary Lysne, 2472 Northshore Road, stated he received a response from Washington
49 State Auditor Brian Sonntag, which supports him as the claimant. He read from the
50 response. An additional \$10,000 was committed to and spent from the general fund. If his
51 complaint hadn't been filed, \$40,0000 of taxpayer money would have been wasted. One
52 reason for State law against huge surpluses is to avoid funding pet projects. Page 18 of the
53 2005 financial report says that 91 percent of the County funds is unreserved and available

1 for spending. He asked why a County government that pleads poverty to the taxpayers
2 would pay for a frivolous program that can't be funded under State rules. That same
3 government asked the taxpayers to vote for tax increases to pay for basic services.
4 Instead, put that \$10,000 to the increase of 23 deputies.
5

6 Stephanie Russo, Squalicum Lake Road, stated she is concerned about urban growth
7 areas in resource areas. Farmers who have been farming for generations will leave the area
8 if this development is allowed to go in. She is concerned about endangered species, species
9 of concern, wetlands, noise in the valley, and the aquifer recharge area.
10

11 Kris Ungern, 2095 Northshore Road, stated he was amused to read the letter from
12 Washington State Auditor Brian Sontag regarding the "unallowable" use of funds for the
13 Leadership Whatcom program. He questions the use of County general funds. The program
14 is open to the public in theory, but it is naturally limited to community activities and public
15 officials. If management or leadership training is a priority, people can enroll in classes at
16 Western Washington University and pay their own tuition. He questions what is involved in
17 all the contracts authorized by the County Council. The dollar amounts seem excessive. He
18 hopes they are competitive bid, not sole source providers. Use public dollars properly for
19 designated projects.
20

21 Barbara Ryan, Bellingham City Council Member, stated she is in favor of the
22 resolution supporting the creation of a comprehensive stormwater management plan for the
23 Lake Whatcom watershed. They can together create a program for the entire watershed.
24 Pass the resolution.
25

26 Curt Russo, Board of Y Squalicum Water Association, stated people call Squalicum
27 Mountain the dark mountain. The water board is all volunteer to fix their own lines and hold
28 their own meetings. At a meeting at the Rome Grange last week, about 70 neighbors were
29 concerned about the proposed development. They formed a group called the Y Squalicum
30 Community Association. Huxley College did a study and found that the second largest
31 recharge comes off of Squalicum Mountain. There are Native American cultural resources in
32 the mountain. He invited the Council to come to a meeting of the Association.
33

34 Susan Conn, 613 Donovan, stated she is in favor of the resolution supporting the
35 creation of a comprehensive stormwater management plan for the Lake Whatcom
36 watershed. Pass the resolution. She presented photos of Liberty Lake near Spokane,
37 Washington. The longer they wait, the more expensive everything will become.
38

39 Joan Beardsley, Bellingham City Council Member, stated she is in favor of the
40 resolution supporting the creation of a comprehensive stormwater management plan for the
41 Lake Whatcom watershed. This resolution provides direction and steps. She is a chemist
42 and has worked with students in the watershed. Increases in blue-green algae used to be
43 rare, and due to phosphorus. She never dreamed of the increases they see today. The
44 algae readings are off the scale, according to Dr. Matthews. Nothing in the lake eats blue-
45 green algae, which eats phosphorus. She stands ready to work with the County Council.
46

47 Steve Hood, State Department of Ecology, stated he is in favor of the resolution
48 supporting the creation of a comprehensive stormwater management plan for the Lake
49 Whatcom watershed. He's glad the resolution references the federal register. This is work
50 that needs to be done now. The permit will contain deadlines so communities can be in
51 compliance.
52

1 Roger Ellingson, 3033 Alderwood Avenue, Bellingham, stated he is in favor of the
2 resolution supporting the creation of a comprehensive stormwater management plan for the
3 Lake Whatcom watershed. Stated the resolution should make the work a fast track priority.
4 It should be the number one priority for the Public Works Department. Make sure there is
5 adequate funding for an outside consultant, because the Public Works Department does not
6 have time to work on it. The plan will prompt a political ground swell to pay for
7 rehabilitating the lake. Don't compromise project completion. He is grateful to the Building
8 Industry Association for supporting this program. This plan probably won't be in place by
9 December 2007. In the meantime, make the transfer of development rights (TDR) program
10 effective by creating a TDR bank with the cooperation of the City of Bellingham. That work
11 also needs to be sent out to a consultant because staff is overburdened.
12

13 Claudia Hollod, 8240 Birch Bay Drive, Blaine, stated it is a gift to be able to come to
14 the Council and speak no matter what side of the issue one is on.
15

16 *(Clerk's Note: End of tape one, side A.)*
17

18 Hollod continued to state that areas designated as urban growth areas must adopt
19 concurrency plans, according to the Growth Management Act. That work has stalled. There
20 are ordinances they can work from. They need to address infrastructure before
21 development. That isn't happening in Birch Bay, which has 47 projects totaling hundreds of
22 homes. Maintain the level of services.
23

24 Arlene Coppin, 4720 Morgan Street, Geneva, stated the stormwater project that is
25 going on is decimating her neighborhood. There is no place to walk. There are trucks on
26 the road. Close the lower part of Lake Whatcom Boulevard. The ditches are a problem.
27 She is disappointed that they weren't told the truth.
28

29 Kirk Christensen, Public Works Department, stated the ditches have to be dug
30 deeper than they will be to construct the under-drains. The ditches will be filled in and the
31 shoulders will be the same as they were before. Now, most of the areas are barricaded off.
32 The fill soil has been tested and approved.
33

34 Larry Cullivan, Northshore Road, stated he is in favor of the resolution supporting the
35 creation of a comprehensive stormwater management plan for the Lake Whatcom
36 watershed. There was talk about pumping water from basin three to basins one and two.
37 It might be worth considering again. It seemed to be cost-effective. The water temperature
38 is going up. The lifecycle of the water is longer up because Georgia Pacific (GP) isn't pulling
39 out all those gallons.
40

41 Bill McCourt, 3495 Robinson Road, stated he is the former City of Bellingham
42 Stormwater Manager. He is in favor of the resolution supporting the creation of a
43 comprehensive stormwater management plan for the Lake Whatcom watershed. This
44 resolution has a comprehensive approach. The phase two permit is very limited, and are
45 good for five years. They are supposed to incorporate total maximum daily load (TMDL)
46 limits when they are finalized, but the TMDL won't be done before the permit is issued to
47 the County. Those limitations won't be incorporated for at least five years. Get away from
48 the phase two permit stance and take a proactive stance. The resolution is specific to the
49 watershed. That is important. The lake is unique and must be preserved. It addresses the
50 entire watershed. The plan is very comprehensive.
51

1 Gwen Hunter, 2540 Applejack Lake, Bellingham, stated the Vineyard Development
2 company proposes to use the forested lands as the stormwater treatment area. Stop the
3 development project. It would be a blight on the mountain and community.
4

5 Caskey-Schreiber stated there is no project before the Council at this time.
6

7 Nelson stated he is against the project as proposed. There is a moratorium out
8 there. Don't take unilateral actions on individual developments when other individuals
9 aren't allowed. He asked how the Squalicum development came up.
10

11 Crawford stated he heard that the developer had a community meeting, without the
12 County's involvement.
13

14 Hal Hart, Planning and Development Services Director, stated he has discussed this
15 project in a pre-application meeting with the developer. Whether or not services are
16 available is discussed. The code encourages cluster development. There isn't a specific
17 application before the County. Troy Holbrook has spoken to the developer and others in
18 that area over the last two years. The developer held a meeting out there, which it had a
19 right to do.
20

21 Brenner asked how many lots would be allowed if there wasn't a cluster. Hart stated
22 he believed there could be up to 60 lots with public water.
23

24 Caskey-Schreiber stated a question is if it is better to have development of rural, one
25 unit per five acres (R5A) and one unit per twenty acres with septic systems and many
26 roads, or to cluster with sewer and water.
27

28 Nelson stated there are several issues to consider. He's not sure Water District 10
29 can extend services beyond its boundaries without Council approval. He's concerned about
30 setting a precedent in the natural resource lands. He asked why a big developer gets a
31 special benefit, but a small builder can't get a permit because there is a moratorium.
32

33 Brenner stated it's a question of the zoning.
34

35 McShane stated this is something that will need to be discussed at a later date.
36 Currently, the proposal can't go forward because of the subdivision moratorium. The sewer
37 and water line extension is also an issue currently. Keep in mind if they want to increase
38 the ability to cluster, as the moratorium is in place. Resolve the question of clustering
39 before lifting the moratorium. Ask if clustering is appropriate for watershed protection.
40
41

42 **PUBLIC HEARINGS**

43 **1. ORDINANCE AUTHORIZING AN ASSESSMENT TO PROVIDE REVENUE FOR** 44 **THE SAMISH WATERSHED SUBZONE (AB2006-300) (COUNCIL ACTING AS** 45 **THE FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)** 46 47

48 Caskey-Schreiber opened the public hearing and the following people spoke:
49

50 David Mark, Lutherwood Camp and Retreat Center Board of Directors, stated he is
51 happy with the ordinance as written. There should be a sunset date.
52

1 Becky O'Brien-Wilson, 921 West Lake Samish, Bellingham, stated she is concerned
2 about publication and citizen involvement. Not many people are aware of this. She is not
3 opposed to the calculation for item one. She is concerned about item two because she has
4 300 feet of waterfront that is only accessible by set of stairs to go to one dock. She can't
5 access her entire 300 feet of waterfront. She is keeping the lake healthy using best
6 science. Consider assessing item two by individual households. Recognize that Lake
7 Samish is a public recreational area. A question is why just the residents should pay. Use
8 general fund money because keeping the recreational source clean is a public benefit.
9

10 Madelyn Smith, 618 W. Lake Samish Drive, Bellingham, stated this is a good thing,
11 but use the funds wisely so they don't run out.
12

13 Herb Barker, 851 E. Lake Samish, Bellingham, stated the flood subzone is a good
14 idea. The square footage assessment is a good idea. However, the water payment for
15 water use assessment is a problem. About 100 residents have vested water rights with the
16 State. If someone was to assess him, it would be the State, not the County.
17

18 Kathy Plager, 631 E. Lake Samish Drive, Bellingham, stated this proposal wasn't
19 addressed to the community. She asked how the amount was calculated and how it is
20 going to benefit the community.
21

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

24 Bruce Roll, Public Works Department, gave a staff report and stated this is an
25 assessment based on water use, not water right. The amount is based on 400 gallons per
26 day per domestic unit. It is to augment or mitigate the affect to the environment.
27

28 *(Clerk's Note: End of tape one, side B.)*
29

30 McShane stated that if it was 100 feet, it would be \$23. That exceeds the usage of
31 water. Roll stated some of the higher costs are associated with all the debris that comes in
32 from lake frontage areas. The debris has to be removed from the dam structure to
33 upstream of the bridge structure. They must also remove the beaver dams.
34

35 McShane asked if the County is assessed for County parkland. Roll stated it is. The
36 County pays based on footage and also the amount of water drawn.
37

38 Crawford stated the highest user is the camp that will get hit for about \$500 per
39 year. The second highest user is the County Parks Department, for a total of just under
40 \$400 per year.
41

42 **McShane moved** to adopt the ordinance.
43

44 **Brenner moved** to hold in committee for those people who just heard about it.
45

46 **Motion to hold in committee failed 1-6 with Brenner in favor.**
47

48 **Motion to adopt carried unanimously.**
49

50 **2. RESOLUTION IN THE MATTER OF THE WHATCOM COUNTY SIX-YEAR**
51 **TRANSPORTATION IMPROVEMENT PROGRAM FOR THE YEARS 2007**
52 **THROUGH 2012 (AB2006-320)**
53

1 Joe Rutan, Public Works Department, gave a staff report. He suggested the
2 resolution be amended to delay the planned replacement of the Whatcom Chief, priority
3 #31, by one year, shifting \$1,500,000 from 2007 to 2008 and \$5,500,000 from 2008 to
4 2009, as well as amending corresponding changes to the Fourteen Year Ferry Capital
5 Program and all other associated changes in calculated numeric totals. The reason is
6 explained in a memo (*on file*).
7

8 Caskey-Schreiber opened the public hearing and the following people spoke:
9

10 Claudia Hollod, 8240 Birch Bay Drive, Blaine, stated that the Birch Bay Lynden Road,
11 Lincoln Road, Portal Way, and Blaine Road are arteries with huge clots at the intersections.
12 There should be no delays for completing Lincoln Road. Keep completion in 2008. Traffic
13 gets very backed up on Birch Bay Lynden Road and Portal Way. Do something now. Now,
14 emergency services are hampered if a train is coming. The construction at Birch Bay
15 Lynden Road and Blaine Road is important. The County must get State funds to upgrade
16 Blaine Road. British Petroleum (BP) depends on Blaine Road for transporting jet fuel. The
17 community depends on Blaine Road for emergency services. Encourage the City of Blaine
18 to join in the improvements, for the City's economic interests.
19

20 Brenner asked if the traffic is backed up from the freeway, all the way in to Birch Bay
21 or to the railroad and Portal Way. Hollod stated traffic is backed up from the freeway to the
22 railroad.
23

24 Wayne McPhee, 8133 Kayak Way, Birch Bay Village, stated there are going to be 647
25 new homes south of Semiahmoo Drive and around Shintaffer Road and Lincoln Road. In
26 addition, there will be new condos on Semiahmoo spit. All of that is supposed to go on
27 Lincoln Road, Blaine Road, and Birch Bay Lynden Road to get to the freeway. The priorities
28 on the program are backwards. The highest priority should be that Portal Way and Birch
29 Bay Lynden Road intersection. The second priority should be the intersection of Blaine Road
30 and Birch Bay Lynden Road. There are only two roads with shoulders. There is nothing on
31 the list regarding the intersection of Lincoln Road and Harborview Drive or the intersection
32 of Lincoln Road and Blaine Road. These intersections are the choke points for these routes,
33 but aren't being addressed. Work on the worst intersection first, and then back through the
34 key intersections. Then work on the roads themselves. Include those specific intersections
35 he mentioned. The priority order is wrong.
36

37 Doralee Booth, 8188 Birch Bay Drive, Blaine, stated traffic is backed up on Birch Bay
38 Lynden Road. The six-year program is inadequate and doesn't meet the demand for
39 infrastructure. The current program doesn't give predictability to developers or the
40 community about transportation planning. It should not take Birch Bay and the Semiahmoo
41 community 12 years to get Lincoln Road done. Be more proactive and build growth-related
42 infrastructure concurrently with new homes, stores, and industry. Adopt a concurrency
43 ordinance so services are adequate to serve development at the time development is
44 available for occupancy and use. There is a developer at the intersection of Birch Bay
45 Lynden Road and Blaine Road who is willing and the community is anxious for a grocery
46 store, but they are up against a cumbersome six-year road plan. The community is being
47 held hostage. There are many new development projects going on. Partner to solve the
48 transportation issues.
49

50 Manuel Babayan, stated 1306 DuPont Street, stated he represents the Bellingham
51 School District. There are plans for a section of Yew Street Road between Kings Mill Road
52 and Samish Way. Two new elementary schools will be built in the district. The district is
53 concerned about the timeliness of the Yew Street road improvement, in terms of curbs,

1 gutter, and road expansion. The project runs right by the district's location for a new
2 school. He asked that this project be moved up. They hoped to open the school in 2008.
3 This portion of the road is not scheduled to be completed until 2009 or 2010.
4

5 Forest Cat, 1099 Sudden Valley, stated the County has made a decision to divert
6 traffic from Lake Whatcom Boulevard onto Lake Louise Road to reduce water quality
7 impacts to Lake Whatcom. He is not aware of any scientific study or environmental impact
8 assessment that supports that hypothesis. A degree of diversion has already begun without
9 notice to or comment opportunity for residents of the western most portions of Sudden
10 Valley, who are most impacted by traffic noise and exhaust emissions from Lake Louise
11 Road. Shuffling automobile pollution from one road to another within the same watershed
12 doesn't reduce the impacts. It just moves impacts elsewhere. The greater part of Lake
13 Louise Road parallels Beaver Creek, which flows into the lower Austin Creek, and then into
14 Lake Whatcom. Moving the pollutants upstream only contaminates a larger area. It
15 significantly increases the risk of a petrochemical spill into a major stream in the
16 ecologically sensitive Stimson Reserve Pond and through Sudden Valley neighborhoods.
17 The environmental health of Beaver Creek is already compromised from surrounding
18 development. The traffic diversion is already occurring due to new development in Sudden
19 Valley being on the west side, and because the Sudden Valley mailboxes are being relocated
20 off the Lake Whatcom Boulevard.
21

22 A Public Works Department staff said it would be easier to install storm drains and
23 capture road runoff on Lake Louise Road. However, only 1.35 miles of Lake Whatcom
24 Boulevard are actually very close to the lakeshore. Those road segments could be
25 reconstructed to slope away from the lake and into the drains and treatment vaults.
26

27 Instead, reduce the amount of road trips into the watershed. Continue to reduce
28 density through land acquisitions and subdivision restrictions. Greatly improve Whatcom
29 Transportation Authority (WTA) bus service into the area. Incentives such as greater
30 frequency, extended hours of service, and free fares to and from the watershed will entice
31 people out of their cars. The Lake Louise Road area residents of Sudden Valley and Geneva
32 deserve direct mail and notification information and comment opportunity as the Cable
33 Street area residents were provided by the Public Works Department. A traffic diversion
34 should be suspended until the public has been included in the process.
35

36 Hearing no one else, Caskey-Schreiber closed the public hearing.
37

38 ***Nelson moved*** to approve the resolution.
39

40 Brenner stated the Council has repeatedly brought up the concurrency ordinance,
41 which is a vital part of the six-year transportation improvement program. She believed it
42 would be before the Council some time this summer. She's frustrated that this wasn't
43 contracted out and that the Council doesn't have the concurrency ordinance. Lincoln Road
44 was supposed to be done in 2008, but it's not scheduled to be done until 2009. They need
45 developer assistance with Lincoln Road, but can't get that without concurrency.
46

47 The Hannegan Road and Pole Road intersection was a no-brainer. If the State isn't
48 going to help, than do it anyway. It's a very dangerous intersection. It needs a light. Now,
49 it is scheduled to be finished in 2007. It was supposed to be done this year.
50

51 The Council approves this plan, but the people who work on it don't answer to the
52 Council. Then the Council gets criticized when projects don't get done. Stick to the
53 Council-approved plan. It's the Council's responsibility and fault that Birch Bay is in the

1 mess it is in. Years ago, she asked that this work be completely contracted out. She was
2 given many arguments why it shouldn't be contracted out. She was told they have to do it
3 in-house, but they don't have enough staff. Now, she's told they are contracting it all out.
4 She will not support the plan as it is now. It is supposed to be a Council resolution, and
5 turns out to be a plan according to whatever the Public Works Department wants to do.
6

7 Nelson stated there are many projects on the program. Don't punish other people in
8 the community by holding up their programs, because of a few issues that are difficult to
9 deal with. He is concerned about the statements made regarding Lincoln Road. The
10 administration and Public Works Department have made efforts to move Lincoln Road
11 forward. Even though the County can hire consultants, the County and Council is still
12 responsible for that consultant work and the community process. Pushing something
13 through could also produce disastrous results. He understands the frustration, but the
14 administration has tried to move forward Lincoln Road.
15

16 It is important to work concurrently with the school district on the Yew Street Road
17 project. He asked the Public Works Department response to the school district's concerns.
18

19 Joe Rutan, Public Works Department, stated the project has rated well. It's received
20 a State grant to pay for one-third of the project and a federal grant to pay for one-third of
21 the project. One-third of the funding is local. He spoke with the City of Bellingham to use
22 their capacity to get the project done. He shares the concerns of the school district and all
23 who have testified. They work hard to overcome the limitations and concerns. He will
24 continue to work with the City of Bellingham to see if they can get it done quicker.
25

26 The year 2008 is a big construction year. The cash reserves in the road fund dip in
27 2007 to \$2.16 million. They traditionally hold about \$11 million in the road fund. In
28 addition to capacity, there are also funding issues.
29

30 Pete Kremen, County Executive, stated it is imperative that he support his staff. The
31 Public Works Department Director is the most revered and highly regarded in the state of
32 Washington. Some of the problems and frustrations are not just unique or confined to
33 Whatcom County. This is an industry-wide and regional-wide problem, even in the private
34 sector. Funding is always a problem. In terms of Lincoln Road and Drayton Harbor Road,
35 the problem is getting the personnel, whether it is contracted or in-house staff. The
36 administration has been working as hard as they can to get Drayton Harbor Road and
37 Lincoln Road done as expeditiously as possible. The timeframe for concurrency was to be
38 done by the end of August or no latter than the end of September. They are still shooting
39 for that goal.
40

41 Rutan stated Lincoln Road goes from Semiahmoo Parkway to Blaine Road. The
42 original project for Lincoln Road was to be done in 2008. Last year, he said they would do
43 an alternative analysis to see what type of road could be constructed. That analysis is
44 being done by a consultant. He will have it soon. The reason for scheduling the project in
45 2009 is to account for the greater amount of construction necessary from a hybrid
46 construction, including roundabouts. The project will be functionally complete in the first
47 year. In the second year, they will have to finalize the project.
48

49 Crawford stated they have really ramped up the road construction program in the
50 last few years. One person commented on the Cable Street and Lake Louise Road
51 improvement projects. They do want to move more traffic away from the lake for a number
52 of stormwater reasons. The amount of pollutants produced doesn't change, but the amount
53 of distance those pollutants have to travel to the lake makes a difference for the lake.

1
2 Regarding item 16 on Council packet page 168, there are substantial improvements.
3 Rutan stated the Lake Louise Road project improves the road and makes it safer from the
4 end of Austin Road to gate 13. There is also Cable Street project phase two. The phase
5 going on this year is the stormwater retrofits and improvements. In 2007, there will be the
6 reconstruction of Cable Street. That is item seven. Part of the project includes community
7 discussion of how that intersection should be, whether it would redirect traffic onto Austin
8 Road, leave it as it is, or other options.
9

10 Crawford asked about the Lake Louise Road project. Rutan stated the Lake Louise
11 Road improvements include beginning construction in 2009 and finishing in 2010.
12

13 Crawford stated the County needs a method to communicate with the Sudden Valley
14 Community Association about those projects. He asked about the Yew Street project.
15 Someone testified that the City of Bellingham is concerned that the County won't focus on
16 the Bellingham urban growth area projects. Rutan stated the Yew Street project could
17 possibly be done a year early with the assistance of the City of Bellingham. There are
18 financial and capacity issues. Without additional capacity, they will have to sacrifice another
19 project. It is a large project and will take at least two years.
20

21 **McShane moved** to drop priority number 15, the Slater Road and Nooksack River
22 bridge.
23

24 **Motion failed 1-6 with McShane in favor.**
25

26 McShane stated the plan demonstrates that the demands are outstripping their
27 resources and capabilities. He experienced the Portal Way intersection on Friday at rush
28 hour. The amount of traffic was impressive. They should concentrate on such
29 intersections. However, their ability to meet traffic demands is limited and will continue to
30 be limited. In the end, people must think about other transportation alternatives. They
31 can't build their way out of traffic jams.
32

33 Caskey-Schreiber stated she agrees that the situation in Sudden Valley will be
34 stressful. She encourages a direct bus route from Sudden Valley to Western Washington
35 University. There are at least 200 University staff who live in Sudden Valley. That's a lot of
36 car trips. Some people want bike lanes on Lake Louise Road. Rutan stated bike routes, not
37 bike lanes, are suggested.
38

39 Caskey-Schreiber stated the intersection at Hannegan Road and East Pole Road is
40 very dangerous. Rutan stated he agrees.
41

42 Brenner stated the Executive is a member of the Whatcom Transportation Authority
43 Board of Directors. Half the board is represented by people who should want to protect the
44 Lake Whatcom watershed. There hasn't been improvement. Bus service was cut back
45 around the lake. Have a special pass for people going in and out of the watershed.
46

47 She's tired of listening to the same excuses about the six-year transportation
48 improvement program, especially about contracting out projects.
49

50 Weimer asked how to amend the six-year transportation improvement program. A
51 new traffic planner is trying to design a concurrency program. The County can't get
52 concurrency money for anything not in the plan. Rutan stated it can be amended at any
53 time.

1
2 (Clerk's Note: End of tape two, side A.)
3

4 Rutan stated the annual road program has to be approved unanimously. They won't
5 have to change the six-year program. The issue is the annual program.
6

7 Monsen stated the Council can amend the six-year program at any time. The
8 program must have a financial plan that is complete. Funding is the real issue. The
9 capacity issue is cash flow and having enough financial capacity to see these through to
10 conclusion. A substantial amount of work is going on now because of the development.
11 Concurrency projects are happening today. Rather than go through a convoluted State
12 Environmental Policy Act (SEPA) process to define fair shares, collect impact fees so there is
13 cash flow to construct these facilities. Current intersection projects in Birch Bay will be
14 financed through impact fees.
15

16 Nelson stated he has a concern about stormwater quality improvements. The dollar
17 amount is projected, starting in 2009. There are projects with Northshore Road that will
18 start engineering in 2007 and 2008. He asked if the Northshore Road project will include
19 stormwater improvements. Rutan stated they will include stormwater improvements.
20

21 Nelson asked how they tie in stormwater dollars with the projects, and the locations
22 and projects that will include stormwater work. It looks like projects are scheduled ahead
23 of the stormwater dollars. Rutan stated stormwater quality improvement project 41 is
24 directly related to stormwater quality improvements. Almost any road construction project
25 includes a stormwater component, including drainage, treatment, and conveyance.
26

27 They project to spend \$8.9 million in road projects this year. That is a record for
28 Whatcom County. They are doing a lot of work and will continue to do a lot of work. His
29 staff has been working very hard.
30

31 ***Nelson moved*** to amend the program to delay the planned replacement of the
32 Whatcom Chief, priority number 31, by one year by shifting \$1.5 million from 2007 to 2008
33 and \$5.5 million from 2008 to 2009, as well as amending corresponding changes to the
34 Fourteen Year Ferry Capital Program and all other associated changes in calculated numeric
35 totals.
36

37 ***Motion carried unanimously.***
38

39 ***Motion to approve as amended carried 6-1 with Brenner opposed.***
40

41 **3. ORDINANCE DECLARING INTENT TO ACCEPT A SECTION OF WHITECAP**
42 **ROAD, DECLARING THAT SUCH ESTABLISHMENT IS A PUBLIC NECESSITY**
43 **AND DIRECTING THE COUNTY ROAD ENGINEER TO REPORT TO COUNCIL**
44 **UPON THE PROJECT (AB2006-303A)**
45

46 Caskey-Schreiber announced that the public hearing for this item was held open on
47 July 25, and the following people spoke:
48

49 Dick Gilda, Jensen Road, Bellingham, stated people have been wanting that road
50 paved for a long time, but were told it couldn't be. He worked with the neighbors to get the
51 permit. The road is chip sealed. The landowners paid their fair shares. All that is left is
52 maintenance. Please adopt the ordinance.
53

1 Bob Goodwin, 249 Dolphin Place, Bellingham, stated nine houses have been built
2 that use this road. The road was very narrow and graveled. He and the neighbors worked
3 with the County along with Dick Gilda and Mary White to improve the road themselves. The
4 fire chief approved the road improvements. Every neighbor who has frontage on the road
5 paid a portion to have the County chip seal the road. The road is now adequate to service
6 all the houses and accommodate emergency services.

7
8 Hearing no one else, Caskey-Schreiber closed the public hearing.

9
10 **Brenner moved** to adopt the ordinance.

11
12 McShane stated asked if the sign that said "end of road maintenance" was not at the
13 right location.

14
15 Joe Rutan, Public Works Department, stated that the sign is at the correct location.
16 The portion beyond the sign is the portion chip sealed at the expense of the residences.
17 The road is just 18 feet, with one foot shoulders. It just meets County standards.

18
19 Crawford stated he thanks the proponent for not doing this through a latecomer's
20 agreement. It's much less complicated.

21
22 **Motion to adopt carried unanimously.**

23
24
25 **CONSENT AGENDA**

26
27 **Crawford** reported for the Finance and Administrative Services Committee and
28 **moved** to approve Consent Agenda items one through six.

29
30 McShane withdrew item one.

31
32 **Motion to approve Consent Agenda items two through six carried**
33 **unanimously.**

- 34
35 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
36 **CONTRACT BETWEEN WHATCOM COUNTY AND DAVID EVANS AND**
37 **ASSOCIATES, INC. TO DESIGN AND PROVIDE CONSTRUCTION**
38 **ADMINISTRATION FOR THE SLATER ROAD FLOOD PROOFING PROJECT, IN**
39 **AN AMOUNT NOT TO EXCEED \$720,143 (AB2006-326)**

40
41 **Crawford** reported for the Finance and Administrative Services Committee and
42 **moved** to approve the request.

43
44 McShane stated he is against this project. It will take capacity away from the Public
45 Works Department. Don't build a road that is flood proof for 100-year floods. It is a waste
46 of money.

47
48 Nelson stated this is one of the areas where the County has been maintaining the
49 all-weather roads to the industrial area. The industries are very concerned about
50 maintaining access.

51
52 McShane stated the industries are making a lot of money. If they are concerned,
53 they could offer to contribute, beyond what they pay in taxes.

1
2 Brenner stated it's also about a huge area west of the freeway that will be able to
3 access this road as another way to go south, without blocking other accesses. This is an
4 opportunity to give easier access to other communities.
5

6 Caskey-Schreiber stated it provides more access to Ferndale residents. The situation
7 on Axton Road is bad.
8

9 ***Motion to approve carried 6-1 with McShane against.***

- 10
11 2. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
12 **CONTRACT BETWEEN WHATCOM COUNTY AND PHILIP WILLIAMS &**
13 **ASSOCIATES, LTD. TO PROVIDE A FEASIBILITY REPORT FOR THE BIRCH**
14 **BAY SHORELINE ENHANCEMENT PROJECT, IN AN AMOUNT NOT TO EXCEED**
15 **\$49,880 (AB2006-327)**
16
17 3. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
18 **CONTRACT BETWEEN WHATCOM COUNTY AND WHATCOM COUNSELING &**
19 **PSYCHIATRIC CLINIC TO PROVIDE MENTALLY ILL OFFENDER JAIL**
20 **DIVERSION SERVICES, IN THE AMOUNT OF \$229,557 (AB2006-328)**
21
22 4. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN INTER-**
23 **GOVERNMENTAL AGREEMENT BETWEEN WHATCOM COUNTY AND WHATCOM**
24 **COUNTY FIRE PROTECTION DISTRICT NO. 5 TO FURNISH FIRE PROTECTION**
25 **SERVICES TO THE PARKS & RECREATION DEPARTMENT BUILDINGS AND**
26 **EQUIPMENT LOCATED WITHIN OR ADJACENT TO THE ESTABLISHED**
27 **BOUNDARIES OF FIRE DISTRICT NO. 5 (AB2006-329)**
28
29 5. **RESOLUTION AMENDING RESOLUTION NO. 2005-071 ESTABLISHING**
30 **COUNTY ROAD PROJECT NO. 901001 AND AUTHORIZING ADDITIONAL**
31 **FUNDS FOR THE AWARD OF A CONTRACT FOR MARINE DRIVE**
32 **IMPROVEMENTS FROM BENNETT DRIVE TO LOCUST AVENUE VICINITY AND**
33 **AWARDING THE CONTRACT TO LOW BIDDER WILDER CONSTRUCTION**
34 **COMPANY IN THE AMOUNT OF \$1,720,625 (AB2006-330)**
35
36 6. **RESOLUTION AMENDING RESOLUTION NO. 2006-042 IN THE MATTER OF**
37 **THE SALE OF TAX-TITLE PROPERTY BY NEGOTIATION, REQUEST NO.**
38 **TR2006-11 (AB2006-331)**
39
40

41 **OTHER ITEMS**

- 42
43 1. **ORDINANCE AMENDING THE 2006 WHATCOM COUNTY BUDGET, ELEVENTH**
44 **REQUEST, IN THE AMOUNT OF \$415,626 (AB2006-319)**
45

46 Crawford reported for the Finance and Administrative Services Committee and
47 stated this item was withdrawn by administration. A new version is scheduled to be
48 introduced tonight.
49

- 50 2. **APPOINTMENT TO FILL A VACANCY ON THE WHATCOM COUNTY**
51 **HORTICULTURAL PEST & DISEASE BOARD - APPLICANT: SCOTT**
52 **BEDLINGTON (AB2006-323)**
53

1 **Brenner moved** to appoint Scott Bedlington.

2
3 **Motion carried unanimously.**

4
5 **3. RESOLUTION SUPPORTING THE CREATION OF A COMPREHENSIVE**
6 **STORMWATER MANAGEMENT PLAN FOR THE LAKE WHATCOM WATERSHED**
7 **(AB2006-322)**

8
9 **Fleetwood** stated this Council and the administration have done a lot to work on
10 improvements to water quality in Lake Whatcom. The need for stormwater management is
11 a high priority. It is the consensus of many that more can be done. Citizens are concerned
12 that the County can be doing more. He has worked with City staff on this resolution. He
13 hopes they can all work together on a stormwater management plan. He **moved** to
14 approve the resolution.

15
16 Nelson stated he supports the resolution. Everyone is concerned about stormwater
17 protection, however create an ability to fund a solution to the problems of stormwater
18 runoff at Lake Whatcom.

19
20 McShane stated he supports the resolution. It was implied that the County is all talk
21 and no action on stormwater. A lot of action has been done by this and previous County
22 Councils. He hopes that the City and County will work together on this issue.

23
24 **Motion carried unanimously.**

25
26 Pete Kremen, County Executive, stated he supports this resolution. Councilmember
27 McShane's comments are correct. This proposal is something on which they must move
28 forward. This is an opportunity. The issue of working collaboratively with the City and
29 others is imperative to make progress. His staff is working on a Lake Whatcom Stormwater
30 Plan. He will come forward with a more complete plan at the next Council meeting.

31
32 **4. REQUEST CONFIRMATION OF EXECUTIVE KREMEN'S APPOINTMENT OF**
33 **BRENT WALKER TO THE BELLINGHAM-WHATCOM PUBLIC FACILITIES**
34 **DISTRICT. (AB2006-332)**

35
36 **Crawford moved** to confirm the appointment. Mr. Walker is a great guy.

37
38 **Motion carried unanimously.**

39
40 **5. REQUEST CONFIRMATION OF EXECUTIVE KREMEN'S APPOINTMENT OF**
41 **SEAN WILSON TO THE FOOTHILLS SUB-AREA PLAN ADVISORY COMMITTEE**
42 **(AB2006-333)**

43
44 **Brenner moved** to confirm the appointment.

45
46 **Motion carried unanimously.**

47
48
49 **INTRODUCTION ITEMS**

50
51 **Crawford moved** to accept the Introduction Items, including the two addenda
52 items.

1 **Motion carried unanimously.**

- 2
- 3 **1. ORDINANCE AMENDING THE 2006 WHATCOM COUNTY BUDGET, TWELFTH**
- 4 **REQUEST, IN THE AMOUNT OF \$166,799 (AB2006-334)**
- 5
- 6 **2. INTERIM ORDINANCE AMENDING THE WHATCOM COUNTY SHORELINE**
- 7 **MANAGEMENT PROGRAM, SECTION 23.100.20.57, AQUACULTURE**
- 8 **REGULATIONS (AB2006-058A)**
- 9

10 **ADDENDA:**

- 11 **3. RECEIPT OF AN APPEAL OF THE HEARING EXAMINER'S DECISION ON FILE**
- 12 **NO. SEP2006-0069, FILED BY JONATHAN SITKIN FOR FIRE DISTRICT #13,**
- 13 **REGARDING AN APPEAL OF THE SEPA MITIGATING DETERMINATION OF**
- 14 **NON-SIGNIFICANCE FOR "HORIZONS VILLAGE AT SEMIAHMOO" BY BIRCH**
- 15 **POINT VILLAGE LLC (AB2006-308)**
- 16
- 17 **4. ORDINANCE AMENDING THE 2006 WHATCOM COUNTY BUDGET, ELEVENTH**
- 18 **REQUEST, IN THE AMOUNT OF \$415,626 (AB2006-319)**
- 19
- 20

21 **OTHER BUSINESS AND COUNCILMEMBER REPORTS**

22

23 Weimer stated he and Councilmember Brenner are holding a meeting on Lummi

24 Island next week. Also, he is attending a Puget Sound Shoreline County committee meeting

25 next week.

26

27

28 **ADJOURN**

29

30 The meeting adjourned at 9:48 p.m.

31 

32

33

34 Jill Nixon, Minutes Transcription

35

36 The Council approved these minutes on September 26, 2006.

37

38 ATTEST

39 

40

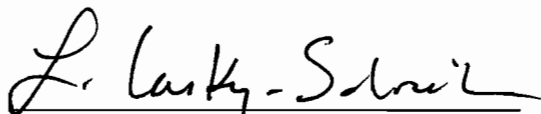
41

42

43 Dana Brown-Davis, Council Clerk

44

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

45 

46 Laurie Caskey-Schreiber, Council Chair