

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

September 12, 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 **consideration of an appeal of the Hearing Examiner's decision on file No. SEP2006-0069, filed by Jonathan Sitkin for Fire District #13, regarding an appeal of the SEPA MDNS issued related to the "Horizons Village at Semiahmoo" by Birch Point Village, LLC (AB2006-308)** in executive session during the Committee of the Whole meeting.

Crawford moved to uphold the Hearing Examiner's decision.

Motion carried unanimously.

Caskey-Schreiber asked about the timing of the concurrency ordinance.

Hal Hart, Planning and Development Services Director, stated that a contracted consultant is almost ready, and the Council should have an interim ordinance within 60 days.

Caskey-Schreiber asked if they need to work with the school district and other service providers to develop capital facilities plans, so they can collect impact fees. Hart stated the interim ordinance will address as many of those issues as they can. In the yearlong process, work with those districts. The interim ordinance will take about 50 days from the time the consultant signs the contract.

OPEN SESSION

The following people spoke:

Jim Johan, 1405 E. Illinois, Bellingham, stated he was recently discovered the Coalition for Public Media regarding public access television. He has some concerns but, supports the effort. He will work on the effort. He met with Suzanne Blais and Joy Monjure. He thanked them for their efforts. He supports opening communications to the people via public television. Channel BTV10 is for government and education. It is tightly

1 controlled by the City of Bellingham. There is no opportunity to challenge issues. Public
2 access television gives regular citizens an opportunity to voice any idea on television. One
3 barrier is that it appears the proposal is coming from one political side. However, that isn't
4 by design or conspiracy. The proposal should include all political sides. Also, the proposal
5 has barriers to access in term of demands of production quality and programming.
6

7 Cynthia Moles, 1017 Newell Street, submitted information (*on file*) and stated
8 Vineyard Development LLC is going forward with their proposal on Squalicum Mountain.
9 They have an agreement with the Lake Whatcom Water & Sewer District to route water to
10 the development area, at an estimated cost of \$4.6 million. The district has received a
11 grant from the State to acquire and consolidate the Lake Whatcom residential treatment
12 center system. Loans are available from the State at the rate of .5 percent. Both of these
13 programs are funded by tax dollars. She and her neighbors do not want to fund
14 development that will contribute to sprawl, pollutes Lake Whatcom, and violates the
15 Comprehensive Plan and Growth Management Act. Uphold the law. They are prepared to
16 take this before the Growth Management Hearings Board. They are determined to make
17 their voices heard.
18

19 Brenner stated the County has no jurisdiction over that water and sewer district.
20

21 Johnnie Grames, 1506 E. Maplewood Avenue, Bellingham, stated that a County
22 Councilmember turned away from him as he approached him downtown. There seems to be
23 a certain amount of friction if he exceeds three minutes during his testimony. He would use
24 public access television to talk about what he sees with the government. In a
25 representative democracy, individual rights are above the law. Most of the people in the
26 county treat him very well, but there are people in here who abuse their power and are
27 corrupt and incompetent.
28

29 Jacquelyn Nicolai, 1137 - 38th Street, Bellingham, stated she is opposed to Vineyard
30 Development LLC. Taxpayer funds being used to provide grants and low-interest loans to
31 introduce water and sewer services to rural land is a violation of the Growth Management
32 Act. Those funds would be better used to retire the development rights from the
33 watershed.
34

35 Dennis Jones, 1487 Sudden Valley, submitted information (*on file*). If anyone from
36 the Sudden Valley City Committee would like to present anything about why Sudden Valley
37 should become an urban growth area, he would like to hear it now. Sudden Valley is
38 running a cash flow deficit. Initiative 933 is the most costly and deceptive measure. If
39 approved by voters, farming in Skagit County would be gone. People shouldn't sell their
40 integrity.
41

42 Lynne Oliver, 3760 Squalicum Lake Road, Bellingham, stated she is opposed to the
43 proposed cluster division on Squalicum Mountain. She has submitted written testimony to
44 the Council on this issue. She and her neighbors plan to oppose this development. The
45 Council must abide by the Growth Management Act and Comprehensive Plan. The public
46 depends on the Council. This project seems to have happened in a way that it stayed under
47 the public radar. Retain the rural and forestry character of Squalicum Valley and Mountain.
48 Please protect the area. Don't decimate it.
49

50 Caskey-Schreiber stated she is not aware of any deal regarding this development.
51 The Council has seen nothing.
52

1 Stephanie Russo, 3960 Squalicum Lake Road, stated she is concerned about the
2 issues being raised about Squalicum Mountain. They have learned about the company
3 applying for a low interest loan for this proposed development. Their tax dollars are being
4 used on development in the watershed, not on retiring development rights. The Council will
5 have to approve any changes in the Lake Whatcom Water & Sewer District boundaries. The
6 Growth Management Hearings Board will hopefully agree that this is not consistent with the
7 Comprehensive Plan. The Council should adopt an emergency moratorium on cluster
8 developments in forestry lands. No language in the code protects rural forests.
9

10 Yoshe Revelle, 817 - 25th Street, Bellingham, stated he has three requests. First,
11 ban the sale of tobacco products. It is a poison that causes death and disease, and places a
12 burden on the medical system. Second, do more about the littler problem. He picks up
13 public trash daily. The most common items are cigarette butts, alcohol containers, and fast
14 food wrappers. That says something about industries and the people who frequent them.
15 Third, pass a resolution asking for troops to come home from Afghanistan and Iraq.
16 Diplomacy is the only way to bring about peace and insure children live in a better world.
17

18 Fred Bovenkamp, 2423 E. Bakerview, Bellingham, stated as soon as the Fire District
19 13 adopts a properly-processed mitigation fee, one that goes through the capital facility
20 plans procedure and is approved by the community and Council, he is more than willing to
21 pay whatever fee they come up with.
22

23 Bob Hollingsworth, 1877 Academy Road, submitted photos (*on file*) and stated he is
24 opposed to the proposed cluster development on Squalicum Mountain. Don't make the
25 same mistake locally that has been made globally. Avoid high density clustering that is
26 proposed up there. Building sites are getting very expensive. The people who can afford
27 that have money. Those people are building very big houses that are 4,000 to 6,000 square
28 feet. That is a lot of impervious surfaces. When the house is perched on a plateau, it cuts
29 off access for the rain to go to the aquifer, which feeds the water system. Squalicum
30 Mountain is primarily zoned for one house per twenty acres, but there are a few lots zoned
31 for one house per five acres. However, lots are being split up smaller than that. According
32 to zoning, 35 lots would be allowed. However, the development proposed is for 50 to 65
33 homes. Take a closer look at what is going on. Traffic on Academy Road is heavy now. It
34 is a rural street. They don't need a cluster development bringing in additional traffic.
35

36 Brenner asked whether there was a proposal to expand the Lake Whatcom Water
37 and Sewer District boundaries.
38

39 Hal Hart, Planning and Development Services Director, stated there has been
40 discussion of it occasionally. People typically discuss it only once. There is no actual
41 proposal at this time.
42

43 Brenner asked if water extension would be required for a development of this type.
44 Hart stated it would, depending on the scenario. It really depends on the plan.
45

46 Brenner asked how a proposal could be denser than the zoning allows. Hart stated it
47 depends on where the properties are located. The mountain isn't only zoned for one unit
48 per 20 acres.
49

50 Virginia Watson, 2729 Watson Road, Bellingham, submitted and read a letter from
51 the Squalicum Valley Community Association (*on file*). It is addressed to Councilmember
52 Weimer and all councilmembers in response to an online discussion Councilmember Weimer
53 began.

1
2 Patricia Otto, 3695 Agate Bay Lane, Bellingham, stated her family owns 100 acres of
3 forest land. She signed a conservation easement with the City of Bellingham five years ago
4 to permanently extinguish all development rights and to timber harvest on that 60 acres, in
5 hopes of purifying and filtering the rainwater that falls upon that mountain. This is the
6 steepest side of Squalicum Mountain. The proposed development is at the top of her 60
7 acres. Streams feed into a major stream that is next to her house. Sixteen years ago, the
8 same developers clear cut that acreage at the top of the mountain. After that, she
9 observed runoff scour the streams and bring down sediment. She is opposed to the
10 Squalicum Mountain cluster development.

11
12 Jon Sitkin, attorney, stated he represents Fire District 13. He would like to have a
13 chance to speak to the Horizons Village at Semiahmoo issues either now or later.

14
15 Caskey-Schreiber stated Mr. Sitkin would be allowed to speak when these items
16 come up on the Council agenda.

17
18 Sandra Carlson, 4815 Academy Street, Bellingham, submitted a letter (*on file*) and
19 stated she lives at the bottom of the road. The road is steep and lined with culverts. Her
20 neighbor's house is consistently flooded after every rain. This is a rural road people walk
21 on. Heavy concrete trucks go up and down the road all day long. Often, trucks lose their
22 brakes on the steep road. She read her letter.

23
24 Kurt Russo, 3963 Squalicum Lake Road, Bellingham, submitted a brochure (*on file*).
25 Something is going on at Squalicum Mountain, even though the County Council doesn't
26 know about it. Very big money is involved. At a meeting last night, local citizens said they
27 have a vision for Squalicum Valley. They will not allow the developer to build a cluster
28 development. He has copies of documents that show Lake Whatcom Water & Sewer District
29 is amending their comprehensive plan to extend their boundaries to provide water and
30 sewer to Vineyard Development. The Council and Planning Department should find out
31 what is going on and be proactive. This is about local people who need the County's help.

32
33 Stan Freske, 4089 Squalicum Lake Road, Bellingham, stated he is also opposed to
34 the proposed destruction of the wilderness character of Squalicum Mountain.

35
36 Ignacio Pajnogac, 4115 Squalicum Lake Road, stated he supports his neighbors. He
37 has never seen such beauty as in Squalicum Valley's streams and wildlife. He is opposed to
38 the development at Squalicum Lake Mountain. Everyone has a right to invest their money
39 to buy property to build and create wealth. However, that should not be the issue in this
40 place. This is a very important place that should not be disturbed. It should be protected
41 for the future.

42
43 Karen Brown, Saddlestone Drive, stated she lives on the north side of the mountain.
44 There are wells and septic tanks up there. Her developer didn't finish the things he was
45 supposed to do. The County is holding the bond for it, but it doesn't mean anything. The
46 road is too steep and holds ice longer than anywhere else. The fire department is
47 volunteer. There is a problem now with response times. There are wildlife problems. A
48 black bear has done a lot of damage. A cougar has killed eight steer in the area. Coyotes
49 run in packs and are following people. These are all problems in the area right now.

50
51 (*Clerk's Note: End of tape one, side A.*)
52

1 Brown continued to state that the problems will only get worse. Make sure they
2 have a way to follow through when they allow developments like this. The residents have
3 had to come up with a lot of money to do things the developer was supposed to do.
4

5 Lynn Barton, Bellingham, stated the Council should support public access television
6 in the community. The public used public access television successfully when it was
7 available. The fear of potentially objectionable programming may lead the Council to make
8 the wrong decision. It would create a dialog that this community has not seen before.
9

10
11 **PUBLIC HEARINGS**

12
13 **1. INTERIM ORDINANCE AMENDING THE WHATCOM COUNTY SHORELINE**
14 **MANAGEMENT PROGRAM, SECTION 23.100.20.57, AQUACULTURE**
15 **REGULATIONS (AB2006-058A)**

16
17 Caskey-Schreiber opened the public hearing and the following people spoke:

18
19 Kathy Berg, 7585 Sterling Avenue, Birch Bay, stated she supports the ordinance.

20
21 Hearing no one else, Caskey-Schreiber closed the public hearing.

22
23 ***McShane moved*** to adopt the ordinance.

24
25 Nelson stated it is clearly a change in text. He asked if the only change is to create
26 a limitation of water area. It rephrases a previous vote. Farmed fish is surpassing 50
27 percent of the world's use of protein. Don't ruin the livestock.

28
29 Brenner stated that they could do better by restoring the wild stock.

30
31 Crawford stated he is against the ordinance. The existing rules are satisfactory.

32
33 Brenner stated Councilmember Crawford should contact Ann Mossness about this
34 issue.

35
36 ***Motion carried 6-1 with Crawford opposed.***

37
38
39 **CONSENT AGENDA**

40
41 ***Crawford*** reported for the Finance and Administrative Services Committee and
42 ***moved*** to approve Consent Agenda items one through five and seven through nine. Item
43 11 was held in committee. He withdrew item five.

44
45 McShane withdrew item ten.

46
47 ***Motion to approve Consent Agenda items one through five and seven***
48 ***through nine carried unanimously.***

49
50 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #06-92 TO**
51 **SOLE BIDDER, SCHOLTEN ROOFING, INC., FOR ROOF REPAIRS AT THE**
52 **BELLINGHAM SENIOR CENTER, IN THE AMOUNT OF \$135,185.64 (AB2006-**
53 **336)**

- 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
2. **REQUEST APPROVAL TO PURCHASE BUNKS FOR THE NEW JAIL WORK CENTER FROM WASHINGTON STATE CORRECTIONAL INDUSTRIES IN THE AMOUNT OF \$51,713.30 (AB2006-337)**
 3. **RESOLUTION AMENDING COUNTY ROAD PROJECT NO. 901001 TO INCLUDE THE CONSTRUCTION OF THE MARINE DRIVE CULVERT REHABILITATION LOCUST AVENUE VICINITY, AND REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND LOW BIDDER, AWARD CONSTRUCTION, INC., FOR THIS WORK, IN THE AMOUNT OF \$89,350 (AB2006-330A)**
 4. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND HOME PORT LEARNING CENTER TO PROVIDE ALTERNATIVE EDUCATION TO YOUTH ACTIVELY INVOLVED IN THE WHATCOM COUNTY JUVENILE COURT'S SUPERVISION, IN AN AMOUNT NOT TO EXCEED \$72,000 (AB2006-338)**
 5. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A FINANCIAL ASSISTANCE AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF BELLINGHAM, PROVIDING FUNDING FOR OUTREACH TO HOMELESS INDIVIDUALS WITH CO-OCCURRING MENTAL HEALTH AND SUBSTANCE ABUSE DISORDERS, IN THE AMOUNT OF \$24,899 (REVENUE) WITH MATCHING FUNDS OF \$9,065 (AB2006-339)**
 6. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO INTERLOCAL AMENDMENT #6 BETWEEN WHATCOM COUNTY AND THE CITY OF FERNDALE FOR THE ANNEXATION OF 6.6 ACRES GENERALLY LOCATED WEST OF CHURCH ROAD AND NORTH OF THORNTON ROAD WITHIN THE FERNDALE URBAN GROWTH AREA (CHURCH ROAD ANNEXATION) (AB2006-340)**
- Nelson moved* to approve the request.
- Crawford stated he must abstain.
- Motion carried 6-0-1 with Crawford abstaining.*
7. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO CONTRACT AMENDMENT NO. 1 BETWEEN WHATCOM COUNTY AND WILSON ENGINEERING, LLC, PROVIDING FOR AN INCREASE IN PROJECT SCOPE INCLUDING CONSTRUCTION, OBSERVATION AND INSPECTION SERVICES OF THE GENEVA STORMWATER RETROFIT PROJECT, AS WELL AS ADDITIONAL DESIGN SERVICES AND PROFESSIONAL TIME IN ADDRESSING CONCERNS OF PROPERTY OWNERS, IN THE AMOUNT OF \$47,545 (AB2006-341)**
 8. **REQUEST AUTHORIZATION FOR THE ADOPTION OF A RESOLUTION AUTHORIZING THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT TO JOIN AS A MEMBER IN THE WASHINGTON GOVERNMENTAL ENTITY POOL AND AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN INTERLOCAL GOVERNMENTAL CONTRACT IN THE AMOUNT OF \$2,300 FOR THE PURPOSE OF PROVIDING LIABILITY AND PROPERTY INSURANCE FOR THE DISTRICT (AB2006-342) (COUNCIL ACTING AS THE FCZDBS)**

1
2 **9. RESOLUTION TO ELECT EXPENDITURES OF NATIONAL FOREST RELATED**
3 **SAFETY-NET PAYMENTS UNDER P.L. 106-393 (AB2006-343)**
4

5 **10. REQUEST APPROVAL OF THE PROPOSED BY-LAWS REVISIONS**
6 **RECOMMENDED BY THE WHATCOM COUNTY FLOOD CONTROL ZONE**
7 **DISTRICT ADVISORY COMMITTEE (AB2006-344) (COUNCIL ACTING AS THE**
8 **FCZDBS)**
9

10 *Crawford moved* to approve the request and *moved* to amend section VII, end of
11 the first paragraph, "...constitutes a quorum for the conduct of a regular business meeting."
12

13 ***Motion to amend carried unanimously.***
14

15 *Weimer moved* to amend section VII, the second paragraph, "...An affirmative vote
16 of a majority of the members present eight (8) members of the advisory committee is
17 required for the transaction of other business official recommendations to the Board of
18 Supervisors." Currently, the language allows less than a majority of the entire committee
19 to approve something. His amendment requires approval by a majority of the committee.
20

21 Brenner stated she is against the motion because it requires eight members. She
22 could support a requirement of seven members. Seven members is a majority of thirteen.
23 No one ever attends the meetings as representatives of two of the positions of the
24 committee. That makes the membership effectively 13, not 15. Seven would be a majority
25 of 13. The Council does this with all kinds of advisory committees. It's not fair to treat this
26 committee any differently because two members don't ever attend.
27

28 Crawford stated the committee makes significant financial decisions. The Council
29 wants to know there is strong affirmation of the entire committee. However, two members
30 of the committee haven't attended for years. This was the recommendation that came out
31 of the group. They are looking for a way of communicating with the Council. He has a lot
32 of respect for their recommendation. He will not vote for the amendment.
33

34 McShane stated the intent of the committee was to require a two-thirds majority.
35 The question is whether or not that two-thirds is if the majority of members present or the
36 entire committee. The number eight reflects the desire of the committee to have a two-
37 thirds vote. There could be a situation where two people may not show up, and it's not
38 reflected in the two-thirds vote. For awhile, the Council has sought a two-thirds majority in
39 the committee's recommendations. The Council should really think about how this
40 committee is structured. A lot of the flood funding goes to other efforts besides flood
41 control projects. This committee tends to be skewed toward people who are impacted by
42 flooding. People outside of flood areas aren't as well represented on the committee. All
43 taxpayers pay this expense. Countywide flood projects come forward. That's why a two-
44 thirds approval is important. A simple majority creates the risk of alliances forming
45 between two flood districts. Two flood districts have four people on the committee. That
46 risk may be the reason that some projects move forward that ought not to move forward.
47 He served on the Flood Advisory Committee. A vote of eight is a compromise. Nine would
48 be better.
49

50 Caskey-Schreiber stated she is in favor of the motion. It's important for this group
51 to have specific rules about what is needed to approve something. The group is very
52 diverse and engaged. This will make their decisions healthy and reflective of the broad
53 support of a diverse voice.

1
2 Brenner stated that if a vote of eight is passed, that will be a simple majority, not a
3 two-thirds majority. That is a different standard. The Council has never been shy about
4 saying no to their recommendations. The committee doesn't make final decisions. The
5 Council makes the final decisions. She disagrees that it shouldn't be as many members
6 from the districts. Having those district representatives is a good thing. Those guys are
7 taxed doubly. They are the most engaged. She is concerned about getting people who
8 aren't engaged because they aren't personally affected. The most important thing the
9 Council has received from this committee is incredible dedication and enthusiasm. The
10 Council doesn't get that from many committees. Treat the committee with the respect it
11 deserves. It's disrespectful to say they need two-thirds approval.
12

13 Weimer stated his intent was not to require a two-thirds majority. It was to require
14 a simple majority, which is eight for a 15-member committee. If they want to change the
15 number of members on the committee, they can do that.
16

17 Brenner stated that's her point. Two positions haven't been there for years. Eight
18 may end up being more than the number of people who even show up at most of the
19 meetings. It should be a majority of the members who are routinely present.
20

21 ***Motion to amend carried 4-3 with Nelson, Brenner, and Crawford opposed.***

22
23 ***Crawford*** stated he is not aware that the Council of Governments has made
24 recommendations in recent years, as mentioned in section IV(B).
25

26 Caskey-Schreiber stated the Council may need to look at this entire system to see if
27 it's working. If it isn't, there must be changes.
28

29 ***Crawford moved*** to approved the by-laws as amended.
30

31 ***Motion carried 6-1 with Nelson opposed.***
32

33 *(Clerk's Note: This vote was changed later in the meeting. Discussion and voting on*
34 *this item continued, below.)*
35

36 **11. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
37 **EASEMENT AGREEMENT BETWEEN WHATCOM COUNTY AND VERIZON**
38 **NORTHWEST, INC., WHERE VERIZON NORTHWEST, INC. IS REQUESTING A**
39 **13,500 SQUARE FOOT EASEMENT IN THE SOUTHERN PORTION OF BAY**
40 **HORIZON PARK ON ALDERSON ROAD (AB2006-345)**
41

42 Item 11 was held in committee.
43
44

45 **OTHER ITEMS**
46

47 **1. ORDINANCE AMENDING THE 2006 WHATCOM COUNTY BUDGET, ELEVENTH**
48 **REQUEST (AB2006-319)**
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 **2. ORDINANCE AMENDING THE 2006 WHATCOM COUNTY BUDGET, TWELFTH**
3 **REQUEST (AB2006-334)**

4
5 *Crawford* reported for the Finance and Administrative Services Committee and
6 *moved* to adopt the ordinance.

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

9
10
11 **CONSENT AGENDA**

12
13 **10. REQUEST APPROVAL OF THE PROPOSED BY-LAWS REVISIONS**
14 **RECOMMENDED BY THE WHATCOM COUNTY FLOOD CONTROL ZONE**
15 **DISTRICT ADVISORY COMMITTEE (AB2006-344) (COUNCIL ACTING AS THE**
16 **FCZDBS)**

17
18 *(Clerk's Note: Discussion and voting continued from above.)*

19
20 Brenner stated she wanted to change her vote to no.

21
22 Caskey-Schreiber stated Councilmember Brenner officially changed her vote to no.

23
24 ***Motion carried 5-2 with Nelson and Brenner opposed.***

25
26
27 **OTHER ITEMS**

28
29 **3. CONSIDERATION OF THE HEARING EXAMINER'S RECOMMENDED APPROVAL**
30 **OF A PROPOSED BINDING SITE PLAN, PLANNED UNIT DEVELOPMENT, AND**
31 **A SITE SPECIFIC REZONE FOR HORIZONS VILLAGE AT SEMIAHMOO FILED**
32 **BY BIRCH POINT VILLAGE, LLC (AB2006-286) (from 7/25)**

33
34 McShane reported for the Planning and Development Committee and stated the
35 committee deferred its discussion to the Committee of the Whole meeting, due to concerns
36 that issues might come up that would cloud the record. There is no committee
37 recommendation.

38
39 Martin Blackman, Planning and Development Services, described the application
40 details. The original staff report was revised in May because the proposed long plat was
41 dropped. The single family units were dropped from the project. The site specific rezone is
42 a separate issue. There are 19 State Environmental Protection Act (SEPA) conditions.

43
44 Doug Robertson, attorney, stated he represents the applicant. There are commercial
45 and multi-family aspects to the application. The project is in conjunction with the Horizons
46 at Semiahmoo project. Key is the inter-connector road that is vital to Semiahmoo and Birch
47 Bay. If Birch Bay ever develops into its own governmental entity, it needs a certain amount
48 of tax base. Included is the only remaining piece of the commercial general (CG) property
49 remaining in the urban growth area (UGA) that is open for development. The long-term
50 planning area designation must be changed to a short-term planning area.

51
52 The only objection is from the fire district. The staff and Hearing Examiner are in
53 favor of the application. The only reason for the objection is to extract fees from the

1 developer. The only basis for the claim is the district's assertion that there are not
2 adequate levels of service. The Growth Management Act (GMA) is a community planning
3 process. The fire district participated in this community planning process for two years.
4 The Council adopted the community plan as the Birch Bay Subarea Plan and as an
5 amendment to the Comprehensive Plan. It is identified in the County planning document
6 that there are concurrent levels of service. Less than 12 months later, the fire district says
7 it can't provide the levels of service. They are bound by State law to follow the adopted
8 Comprehensive Plan, which says there is an adequate level of service. The Hearing
9 Examiner made a finding that there is an adequate level of service today, and there will be
10 today based on existing funding sources. There is no information to support this claim. In
11 addition, the fire district doesn't recognize the fact that the response time will be cut
12 enormously because of the road that is going in. The district's only statement in the brief is
13 that none of the planning has occurred. He asked how the district can ignore the Birch Bay
14 Subarea Plan. This objection is just an effort to extract a significant amount of funds.
15 Adopt the recommendations and project permits.

16
17 Brenner stated fees can be generated voluntarily, not required without a concurrency
18 ordinance. Mr. Bovenkamp said that when there is data that shows a reduced level of
19 service, he would volunteer a fee. He asked if Mr. Bovenkamp is willing to include his
20 proposal as a condition. Robertson stated he wouldn't be opposed if it could be done
21 legally. A voluntary agreement would be illegal. However, if it is adopted by the County
22 Council as an amendment to the subarea plan and through the concurrency ordinance, Mr.
23 Bovenkamp would be willing.

24
25 Brenner asked if they would be willing to put it on the property as a covenant.
26 Robertson stated they would not. The County could adopt it through concurrency or as an
27 impact fee.

28
29 Brenner stated those would only apply to projects that come forward after they are
30 adopted. This project would be vested, and Mr. Bovenkamp could refuse to contribute. She
31 asked Mr. Robertson to find a place for that language to ease the minds of the district and
32 others. Robertson stated he could put the language in if it were adopted and enforced by
33 the County. Otherwise, it would be illegal. An impact fee could be imposed at the
34 permitting stage of development. A development fee could be imposed until the
35 development process is done. Once done, it would be difficult to enforce. The binding site
36 plan is preliminary. It will take time to get the final plan done. There will be ample time to
37 have it adopted to apply this.

38
39 Caskey-Schreiber stated the County's hands are tied on this issue until the
40 concurrency ordinance is adopted and a capital facilities plan is in place. Until then, the
41 Council can't make someone to commit to something.

42
43 Brenner stated the district asked for approximately \$2,500 per residence. Her
44 suggestion wouldn't require that. Language could just say that Mr. Bovenkamp would be
45 willing to contribute something once they determine an appropriate amount. There has to
46 be a way to put that in writing. Robertson stated that if they do that, the question is how
47 that language is binding upon either Mr. Bovenkamp or a subsequent purchaser. It depends
48 upon the format in which the Council will enforce that fee.

49
50 Brenner stated it can be done as a covenant.

51
52 Crawford stated this isn't the time to discuss this. Have this discussion when they
53 develop the concurrency ordinance.

1
2 Brenner stated it would be voluntary from this applicant.
3

4 Caskey-Schreiber stated she heard something different from Mr. Bovenkamp. She
5 heard Mr. Bovenkamp say they will gladly pay the impact fees once the County has adopted
6 a concurrency ordinance and the fire district has a capital facilities plan. The burden is on
7 the County and fire district. They have to get that done. She asked if there is any
8 mechanism for the County to negotiate a voluntary impact fee.
9

10 Karen Frakes, Prosecuting Attorney's Office, stated (*inaudible*).
11

12 Brenner stated the Council can't adopt the concurrency ordinance until they get it. It
13 keeps getting pushed back.
14

15 McShane stated this process is where the Council simply checks the Hearing
16 Examiner's work. The Council can't change the decision unless there was an error. He
17 asked if that is correct. Frakes stated the decision is recommended. The Council can
18 deviate from the decision. There must be something in the record to support the Council's
19 decision. That's not the same as the appeal they dealt with earlier.
20

21 McShane asked if the only way to make a change to the planned unit development
22 (PUD) would be if the Council found that it is somehow not compliant with the County's PUD
23 development standards. Frakes stated that is correct.
24

25 Weimer asked if the County would still be able to legally capture these fees if the
26 building permits have not yet been issued, the concurrency ordinance were adopted, and
27 there were a capital facilities plan for the fire district. Frakes stated there is case law that
28 indicates that they don't vest with the filing of the initial applications, regarding impact fees.
29 Impact fees can be imposed as late as the building permit stage of the process.
30

31 Weimer asked how long it will be until the applicant will be filing building permits.
32

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

35 Blackman stated it's probably at least a year for a specific binding site plan and other
36 things.
37

38 Weimer stated concurrency should be done before that. Blackman stated the GMA
39 says concurrency is available at the time of development. Now, the County has a very
40 weak concurrency law. They are not doing concurrency effectively.
41

42 Caskey-Schreiber stated they can tie the concurrency ordinance to the building
43 permit application. Blackman stated they've done that. There are options to do voluntary
44 fees in the case of transportation. For this project, Mr. Bovenkamp is making a road
45 improvement. Fire concurrency has come up with this and other issues. He included his
46 condition because of the large costs. The fire district never said it wouldn't provide service.
47 The Hearing Examiner didn't accept his finding.
48

49 Brenner stated some of the building permits would be issued soon, and some will be
50 issued in a year or more. She asked if those early building permits would be exempted
51 from concurrency. Frakes stated that is correct.
52

53 Brenner stated that's her concern.

1
2 Caskey-Schreiber asked what the County is supposed to do. The Council has been
3 asking for concurrency for years.

4
5 Brenner stated that since Mr. Bovenkamp volunteered, make his volunteering a
6 covenant.

7
8 Jon Sitkin, attorney, stated he represents Fire District 13. The County must make a
9 finding based on the record that there is an adequate level of services. The applicant
10 submitted no evidence of whether or not there is adequate fire service. The district has
11 extensive documentation on the condition of the district, the financial limitations, and that
12 the district is unable to provide an urban level of service, which the County defined in the
13 Comprehensive Plan. The Hearing Examiner and applicant want to define the concurrency
14 from 2004, not today. When the County had the Comprehensive Plan for Birch Bay, it had a
15 concurrency ordinance that requires the County to make the finding that there are adequate
16 services. This district is saying it doesn't have the means to provide the urban levels of
17 service. There will be increased response times, an increase in staff needs, and a need for
18 increased apparatus. There are possibly 3,000 new units of development in the Birch Bay
19 area. The district had a choice to not issue any concurrency letters and not participate in
20 the discussion. However, the district attempted to provide an alternative approach of
21 encouraging a voluntary agreement through a mitigation measure. The district and the
22 County do not have the authority to impose fire impact fees. Through concurrency under
23 Growth Management, the County can identify the services and standards needed for
24 concurrency. The applicant said in the brief that they can't revisit a Comprehensive Plan
25 decision during project review. That is inaccurate. The preceding section of that statute
26 allows the County to look at fire protection services in concurrency. Also, the district does
27 not receive funding from the new emergency medical services (EMS) funding, yet the
28 district provides basic life support under the new EMS system. The Hearing Examiner
29 decision said the district didn't make a comment about EMS funding. The district didn't
30 make a comment about the funding because the district doesn't receive it. The request for
31 proposals (RFP) for the capital facilities plan is scheduled for discussion and approval by the
32 Commission at its meeting tomorrow. There may be a merger of districts, so the size and
33 scope of the district at this time is uncertain.

34
35 Caskey-Schreiber asked about the Hearing Examiner's statement that the district did
36 not say it couldn't provide service. Sitkin stated the code asks for two letters. One for the
37 subdivision is a will-serve letter. The County is not supposed to process applications until
38 the service providers provide a will-serve letter. The district has said it will respond. That
39 will-serve letter turned somehow into a concurrency letter in the staff report. The
40 concurrency letter is required by section 20.80.012, not the other subdivision section of the
41 code. The district will call in its volunteers and respond. However, the time, which is the
42 level of service, is the issue. Therefore, the staff report stated that the district provided a
43 concurrency letter, but it didn't. It provided a will-serve letter. A letter from Chief Fields
44 clearly says the district cannot provide the urban level of service.

45
46 Brenner asked if the fire district refused to issue any will-serve letters. Sitkin stated
47 it has not. It has held some letters pending certain issues. There is no statutory obligation
48 for the district to issue a will-serve letter or a concurrency letter. That is a County
49 requirement. If someone lives in the district, the fire district will respond to the best of its
50 ability.

51
52 Brenner stated that if the district does not issue a will-serve letter, the Council is not
53 going to move ahead with a development. The district has that power. Sitkin stated the

1 district has refused to issue concurrency letters, which is about the level and quality of
2 service.
3

4 Brenner asked where they are in the process of creating its capital facilities plan.
5 Sitkin stated an RFP will be before the Commission tomorrow. There is a potential district
6 merger.
7

8 Brenner stated Mr. Bovenkamp has said he will contribute his fair share once the
9 plan is done. Sitkin stated there is a lot of distance between what Mr. Bovenkamp said and
10 something that is enforceable and receipt of payment.
11

12 The fire district will go through the process of developing its capital facilities plan.
13 However, if the County doesn't adopt it, the district will not have funding. The district has
14 not been willing to politicize the plan.
15

16 Caskey-Schreiber stated the district must proceed with the hope that the Council will
17 respect the district's recommendation. Sitkin stated the district was not willing to make a
18 statement that there is concurrency when they don't know about the adoption of the capital
19 facilities plan by another body. The district won't know what would happen. They will
20 defend their plan on objective criteria.
21

22 McShane asked how collection of building fees would occur at a site like this. Quite a
23 few subdivisions have been approved in that area. The rate at which those applications
24 were submitted was surprising. Sitkin stated an impact fee is not subject to vesting.
25 Neither the County nor the district has the authority to have an impact fee for fire
26 protection facilities. The statute on impact fees doesn't allow the County to adopt an impact
27 fee ordinance for fire protection. The County will have to have the muster to say no to a
28 development unless the development voluntarily agrees to bridge that funding gap. The
29 County can have a voluntary agreement with a developer. Then, it could be charged at the
30 building permit stage. The district envisioned a fee of \$2,500 maximum per living unit, paid
31 as late as possible in the process. This application is vested under the current concurrency
32 ordinance. The Council must apply the criteria for approval for the subdivision and site
33 specific rezone. The Council can't impose an impact fee or voluntary agreement. The
34 Council can only say whether or not there are adequate provisions. The district is saying
35 there is not adequate levels of service. Also, the Hearing Examiner went beyond the record
36 and considered information outside of the record in forming his opinion.
37

38 McShane stated there is a countywide emergency medical service program, delivered
39 by an agreement with various districts and the Bellingham Fire Department. He asked if
40 impact fees could be applied through that. Sitkin stated they cannot outside the jurisdiction
41 of a city.
42

43 Crawford asked if the district proposes that the developer would pay a fee now, and
44 then be refunded if the appropriate amount were reduced. Sitkin stated the district
45 proposes that the developer commit to pay a fee, and then pay the fee before the residence
46 was done.
47

48 Crawford asked why the district and developer can't agree if the cost per unit is
49 flexible. Sitkin stated the issue has been about the politicization of the capital facilities
50 plan. There could potentially be a lower revenue amount.
51

52 Nelson stated it has to be based on some data. He asked how developers would
53 know they are not subsidizing other areas of the district. Sitkin stated the Commissioners

1 came up with the amount of \$2,500 per residence. He can go through that analysis. The
2 Commission has said there isn't a simple analysis process for commercial development. It
3 depends on the nature of the use. That's why developers are given an opportunity to
4 provide their own analyses.

5
6 Caskey-Schreiber stated the capital facilities plan would define those methods for
7 each scenario.

8
9 Brenner stated she doesn't recall any wording in the district's resolution about the
10 fee being based on the final concurrency ordinance. There wasn't any detail about it. Sitkin
11 stated the resolution said it would be based on the capital facilities plan, not the
12 concurrency ordinance.

13
14 Brenner stated the new connector road should be taken into account. A lot has to be
15 considered to make sure the developers pay their true fair shares. They need to get it
16 done.

17
18 Fleetwood asked if Mr. Sitkin believes the Hearing Examiner made an error in his
19 decision. Sitkin stated he does. The site specific rezone criteria are not satisfied.
20 Specifically, full urban services must be available to a non-industrial urban growth area, or
21 the area must be capable of receiving those services in time to serve the development.
22 That doesn't exist factually. Testimony on the record does not support conclusion of law I
23 in the decision. The same thing holds true for the PUD criteria and the binding site plan
24 criteria.

25
26 Fleetwood asked what the Hearing Examiner relied upon to make this conclusion.
27 Sitkin stated he believes the Hearing Examiner incorporated the findings of fact from the
28 SEPA appeal. The SEPA appeal found that the district does have the ability to provide
29 services and that there are adequate revenues, such as the revenue from the EMS levy.
30 The SEPA report found that the district didn't consider the EMS levy, future legislative
31 action, or future voter action. Mr. Robertson attempted to refute the evidence on the
32 record, but did not bring in any fire experts. However, the testimony of Chief Fields, who
33 has spent his entire career in fire protection, said the district can't provide the urban level of
34 service. He addressed that during the SEPA appeal brief.

35
36 The Hearing Examiner found that there are adequate public facilities, but didn't cite
37 on what basis he made that finding. The SEPA decision basically says that he doesn't
38 believe the district.

39
40 Robertson read from Whatcom County Hearing Examiner decision Finding of Fact V,
41 paragraph four about the County Council addressed the level of service, future needs, and
42 funding for the Birch Bay urban growth area. He would like the opportunity to correct some
43 misstatements.

44
45 Tom Fields, Fire District 13 Fire Chief, read Whatcom County Council code 20.80.212
46 about issuing a letter that adequate capacity exists. The record must show that the district
47 has never issued that letter. There is not concurrency.

48
49 Blackman stated the will-serve letter has traditionally been taken to indicate
50 concurrency. This has been done for years. These letters are in the record.

51
52 Fleetwood asked the definition of what is an adequate level of service. Blackman
53 stated the will-serve is what they've used.

1
2 Fields stated they do not get any revenue from the EMS levy. There was an impact
3 to the district from that ballot measure.
4

5 Frakes stated she cautions the Council about taking addition testimony in this
6 proceeding, and recommends that the Council make a decision on what it's heard.
7

8 Caskey-Schreiber stated they could refer the issue to the Planning and Development
9 Committee. The Council needs to decide how deep to get into the impact fee issue and how
10 to separate the three items before the Council. The Council won't solve that tonight. This
11 is a difficult issue. The Council understands all sides of the matter. They are not going to
12 solve the issue tonight.
13

14 Crawford stated the vetting of these issues was properly done in front of the Hearing
15 Examiner. He asked why there is a concern about taking more testimony. Frakes stated
16 the Council can make decisions and changes, but they have to be supported by the record,
17 or the Council must take additional action to expand the record, so the records supports the
18 Council's decision. There are three different proceedings going on here. The PUD code says
19 the Council must either approve, disapprove, or remand to the Hearing Examiner the
20 recommended decision. If they want to make a significant change to the decision that isn't
21 supported by the record, then the Council must have its own public hearing.
22

23 Crawford stated he is ready to move this item forward and vote on it.
24

25 Brenner stated that if there is a work session, don't put it in the Planning and
26 Development Committee. It should be scheduled before the Committee of the Whole.
27 She's heard tonight about two separate letters. She asked if the County normally does
28 things with two separate letters. Blackman stated different land use permits have different
29 requirements. A PUD requires a letter. Other permits just has the letter referenced in the
30 concurrency code. The rationale to convert the zoning area from long-term to short-term
31 planning area is justified.
32

33 Fleetwood stated he agrees to schedule these items in the Planning and
34 Development Committee.
35

36 Caskey-Schreiber stated the issues are whether the Council can tinker with the
37 impact fee issue and some kind of voluntary agreement issue.
38

39 *(Clerk's Note: End of tape two, side A.)*
40

41 Caskey-Schreiber continued to state that the issues include the fact that the district
42 said it did not consent to provide an adequate level of services.
43

44 Nelson asked if they can talk about two issues from the MDNS. Frakes stated she
45 believes the previous decision in some ways predetermines the Council's ultimate decision
46 on this issue.
47

48 McShane stated he looked in the SEPA determination for proof that there would be
49 significant impact. He didn't find that proof. However, he is persuaded that a couple of
50 things from the time when the Council approved the urban growth area plan for Birch Bay.
51 One difference is the situation with emergency medical services. Also, the growth and build
52 out rate are much greater than anticipated. When this was before the Planning and
53 Development Committee earlier, he was under the impression that things would be worked

1 out. They haven't been. He hears that the developer is interested in contributing impact
2 fees. However, he doesn't see any kind of plan for that yet. A problem is that they don't
3 have a plan. The Council may add a condition that some future fee will be applied to this
4 development at the time the capital facilities plan is brought forward.

5
6 Nelson stated that was condition two that was thrown out.

7
8 McShane stated its frustrating that this issue is taking so long and is so tense. He
9 asked if there is a way to include a condition.

10
11 Robertson suggested language for a covenant, "A future fire fee, adopted by the
12 Whatcom County Council and applied throughout Fire District 13, shall be paid by the
13 property owner(s) if adopted and applied prior to building permit."

14
15 McShane stated take a recess to let people think about that suggestion.

16
17 **Caskey-Schreiber moved** to go in to executive session for five minutes to discuss
18 the proposed issue.

19
20 **Motion carried unanimously.**

21
22 *(Clerk's Note: The Council held an executive session from 9:27 p.m. to 9:35 p.m.)*

23
24 **Brenner moved** to add language to the Hearing Examiner recommendation, "A fire
25 fee, adopted by the Whatcom County Council to be applied uniformly throughout Fire
26 District 13, shall be paid by the property owner(s) if adopted prior to building permit
27 application."

28
29 Sitkin stated the district is a public entity. He has to meet with the commissioners
30 individually. The City of Blaine has to bond to build a new fire station as a precondition of
31 annexation into the district. The City of Blaine is now a part of Fire District 13. The
32 language is problematic from the standpoint of implementation. If it can't be implemented,
33 its not concurrency. The capital facilities plan will be for the Birch Bay urban growth area,
34 which is under the County's jurisdiction. How stations are located and operated will be
35 different from incorporated and unincorporated areas. Narrow it to the Birch Bay UGA.

36
37 Brenner stated the fee must be applied uniformly throughout the district. Sitkin
38 stated the County doesn't have regulatory jurisdiction over the City of Blaine. The County is
39 not able to require that the fee be applied in the City.

40
41 Caskey-Schreiber stated the developer could argue that the rates aren't applied
42 uniformly everywhere.

43
44 Brenner stated its not problematic. Everyone wants to do this.

45
46 Caskey-Schreiber stated they all must go through legal channels.

47
48 Robertson stated the June 8, 2006 letter in the record from Chief Fields says that
49 any growth of development within the Birch Bay UGA will affect the service level throughout
50 the entire fire district. Mr. Bovenkamp won't refuse to pay the fee if the City of Blaine
51 chooses to not apply the fee. His concern is where the funds will be used. One person had
52 to contribute a fire truck, as a SEPA condition, that is now being used in the City of Blaine.

1 Caskey-Schreiber stated this issue needs to be discussed further in committee.

2
3 Crawford stated they won't solve anything in committee.

4
5 McShane stated he is willing to limit the area to the Birch Bay urban growth area.
6 The County can't dictate regulation to the City. He's motivated to get this done tonight.
7 It's not fair to the applicant to drag this on any longer. The developer and fire district will
8 need to come forward with a fair plan for the area. He is in favor of the motion, limited to
9 the UGA.

10
11 Hal Hart, Planning and Development Services Director, stated staff believes the
12 Council should focus on the project, and not set UGA-wide policy this evening. That would
13 be a mistake.

14
15 Caskey-Schreiber stated she agrees. She wants to help out the Fire District, but in
16 this instance, it may be a bad decision on the Council's part to try to solve this issue. The
17 Council know what needs to be done legally. Going around that opens the County up to
18 legal challenges down the road.

19
20 ***Brenner withdrew her motion.***

21
22 ***Crawford moved*** to approve the request as proposed and uphold the Hearing
23 Examiner recommendation.

24
25 ***Motion carried unanimously.***

26
27 **4. ORDINANCE ADOPTING A SHORT TERM PLANNING AND ZONING OVERLAY**
28 **DESIGNATION IN THE BIRCH BAY UGA FOR HORIZONS VILLAGE AT**
29 **SEMIAHMOO (AB2006-286A)**

30
31 *(Clerk's Note: See Other Item #3, above, for discussion of this item.)*

32
33 ***Nelson moved*** to adopt the ordinance.

34
35 ***Motion carried unanimously.***

36
37 **5. CONSIDERATION OF AN APPEAL OF THE HEARING EXAMINER'S DECISION**
38 **ON FILE NO. SEP2006-0069, FILED BY JONATHAN SITKIN FOR FIRE**
39 **DISTRICT #13, REGARDING AN APPEAL OF THE SEPA MDNS ISSUED**
40 **RELATED TO THE HORIZONS VILLAGE AT SEMIAHMOO BY BIRCH POINT**
41 **VILLAGE, LLC (AB2006-308)**

42
43 See Announcements.

44
45 **6. REQUEST CONFIRMATION OF EXECUTIVE KREMEN'S APPOINTMENT OF**
46 **ROBERT LOWE AND GINGER FIRST TO THE WHATCOM COUNTY**
47 **BICYCLE/PEDESTRIAN ADVISORY COMMITTEE (AB2006-348)**

48
49 ***Brenner moved*** to confirm the request.

50
51 ***Motion carried unanimously.***

1 **INTRODUCTION ITEMS**

2
3 *Fleetwood moved* to accept the Introduction Items, including the addendum.

4
5 *Motion carried unanimously.*

- 6
7 1. **RECEIPT OF AN APPEAL OF THE HEARING EXAMINER'S DECISION ON FILE**
8 **NO. LSS06-0002, FILED BY JONATHAN SITKIN, ATTORNEY FOR FIRE**
9 **DISTRICT #13, REGARDING A REQUEST FOR PRELIMINARY LONG**
10 **SUBDIVISION APPROVAL FOR A PROPOSED CLUSTER LONG PLAT (BAY**
11 **BREEZE) (AB2006-324)**
12
13 2. **RESOLUTION SUPPORTING INCENTIVES FOR ACCESSORY RESIDENCES,**
14 **INCLUDING COTTAGES AND CARRIAGE HOUSES (AB2006-346)**
15
16 3. **RESOLUTION DECLARING WHATCOM COUNTY'S INTEREST IN TAKING A**
17 **LEADERSHIP ROLE IN THE PROMOTION OF SUSTAINABLE ENERGY BY**
18 **PROMOTING BOTH ENERGY EFFICIENCY AND PURCHASING RENEWABLE**
19 **ENERGY FOR THE GOVERNMENTAL OPERATIONS OF WHATCOM COUNTY**
20 **(AB2006-335)**
21
22 4. **ORDINANCE AMENDING THE 2006 WHATCOM COUNTY BUDGET,**
23 **THIRTEENTH REQUEST, IN THE AMOUNT OF \$694,296 (AB2006-349)**
24
25 5. **ORDINANCE ESTABLISHING A \$100.00 PETTY CASH REVOLVING FUND FOR**
26 **PUBLIC WORKS DESIGN/CONSTRUCTION AND STORMWATER (AB2006-350)**
27
28 6. **ORDINANCE REVISING ORDINANCE 2002-040 TO MOVE THE FERRY PETTY**
29 **CASH FUND FROM THE ROAD FUND TO THE FERRY OPERATIONS FUND AND**
30 **INCREASE THE AMOUNT BY \$200.00 (AB2006-351)**
31
32 7. **ORDINANCE AMENDING WHATCOM COUNTY CODE 10.34, FERRY RATES,**
33 **AND THE 2006 WHATCOM COUNTY UNIFIED FEE SCHEDULE (AB2006-260)**
34
35 8. **RECEIPT OF INFORMATION REGARDING COUNCIL'S APPOINTMENT OF A**
36 **COMMISSIONER TO FILL A VACANT POSITION ON THE EVERGREEN WATER-**
37 **SEWER DISTRICTS BOARD OF COMMISSIONERS (AB2006-353)**
38

39
40 **OTHER BUSINESS AND COUNCILMEMBER REPORTS**

41
42 Crawford reported for the Finance and Administrative Services Committee regarding
43 the **discussion regarding the LIFT tax increment financing proposal for**
44 **redevelopment of Bellingham's waterfront (AB2006-347)**. This item is held in
45 committee to October 10.

46
47 Caskey-Schreiber stated there is a good candidate in Mark Asmundson to direct the
48 Northwest Clean Air Agency.

49
50 Brenner stated the Parks Department will see if it can help with Lily Point in finding
51 grant money. The Blaine newspaper opened up their new office in Blaine. She went to
52 Lummi Island to work with the residents on the ferry issue. The City of Ferndale is having a
53 culmination of their visioning meetings. She reported for the Public Works and Safety

1 Committee regarding the **discussion regarding Public Access Television (AB2006-**
2 **352)**. Councilmembers should give questions and ideas to her, and she would forward
3 them to the Coalition.

4
5 Weimer stated the one issue the residents of Lummi Island discussed was how to
6 better communicate with the residents.

7
8
9 **ADJOURN**

10
11 The meeting adjourned at 9:55 p.m.

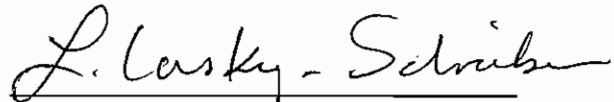
12
13 
14 _____
15 Jill Nixon, Minutes Transcription

16
17 The Council approved these minutes on October 10, 2006.

18
19 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

20
21 
22
23
24
25 Dana Brown-Davis, Council Clerk



Laurie Caskey-Schreiber, Council Chair