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WHATCOM COUNTY COUNCIL
Regular County Council

October 10, 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 Hearing Examiner Michael Bobbink regarding contract and workload issues (AB2006-017)** during the Committee of the Whole.

MINUTES CONSENT

McShane moved to approve Minutes Consent items one through six.

Motion carried unanimously.

- 1. COMMITTEE OF THE WHOLE FOR SEPTEMBER 12, 2006**
- 2. REGULAR COUNTY COUNCIL FOR SEPTEMBER 12, 2006**
- 3. BOARD OF HEALTH FOR SEPTEMBER 12, 2006**
- 4. BOARD OF HEALTH FOR SEPTEMBER 19, 2006**
- 5. COMMITTEE OF THE WHOLE FOR SEPTEMBER 26, 2006**
- 6. REGULAR COUNTY COUNCIL FOR SEPTEMBER 26, 2006**

OPEN SESSION

The following people spoke:

Larry Helm, Squalicum Valley Community Association, asked why the Council allowed the moratorium on short-platting to expire, who was responsible for initiating the public process to extend the moratorium, and how the County will respond to new applications. He asked if it will allow short-plat applications before the Planning Department can complete

1 its work. He asked why the County is refusing to revise it's limited areas of more intense
2 rural development (LAMIRDs), as ordered by Judge Mura. He asked if the County has
3 reviewed its LAMIRDs to determine if a revision is appropriate to comply with the Growth
4 Management Act (GMA), and if this is something that Judge Mura expected the County to
5 do. He asked if failure to comply with GMA would mean more legal expense, sanctions, or
6 fines to the County, and if the County is faced with losing it's local share of revenues from
7 the State. Last September, Hal Hart warned the Council that working on interim measures
8 prevented the staff from addressing the Futurewise ruling. Councilmember McShane said
9 he didn't care if there were interim measures to prevent what they are now faced with, and
10 that Futurewise would reap what it has sowed. He asked if this is what he had in mind.
11

12 Gwen Hunter, 2540 Applejack Lane, Bellingham, asked Councilmember Brenner to
13 allow her to speak without interruption. In the past, she asked for an emergency ban on
14 clustering in rural forest lands. The moratoria have been disappearing. People with power
15 and money, including the County Executive, have been positioning themselves to benefit.
16 She is a member of the Squalicum Mountain Community Association, which sent a letter to
17 the Council asking for a declaration of an emergency moratorium on clustering in rural
18 lands. She read from the letter. The first paragraph of the letter is valid. Pete Kremen has
19 applied to clear cut his land across the road from where Vineyard is hoping to cluster. He
20 denies plans to clear cut his property. However, his State Environmental Protection Act
21 (SEPA) papers say he plans to harvest 95 percent of the site. This is clear cutting.
22

23 Squalicum Mountain provides one of two major clean water recharges into the
24 reservoir, which is sick from phosphates. The phosphates are the result of development.
25 More development on this mountain will kill the water supply. The Growth Management Act
26 prevents such development. Uphold the law. Renew all moratoria. Add an emergency
27 moratorium on clustering in rural forest areas.
28

29 Dennis Jones, 1487 Sudden Valley, stated do not vote for initiative 933. He will do a
30 study for Washington State University on the Vineyard Development LLC project. I-933 is
31 the most expensive initiative ever in the state of Washington. It may cost up to \$8 billion
32 since it back dates to 1996. It will overburden planning departments and courts. That is
33 why the Building Industry Association of Whatcom County and Washington and the
34 Association of Realtors do not support the initiative. The initiative is deceptive and a form
35 of blackmail. It puts the onus on public funds.
36

37 Fleetwood asked if Mr. Jones was familiar with any statewide surveys to gauge the
38 public opinion. Jones stated he can provide that information. Now, support is rapidly
39 declining. Now, about 45 percent are in favor of the initiative, and 31 percent are against
40 the initiative. Support is declining, but it is still passing right now.
41

42 Mary Dickinson, Building Industry of Whatcom County Government Affairs Director,
43 stated she is very opposed to the emergency ordinance removing the lot clustering
44 provision from Whatcom County Code 20.42, Rural Forestry District (AB2006-393). She
45 doesn't know why this is an emergency. People will be upset. Think twice about doing an
46 emergency moratorium when there is no evidence of what the imminent emergency is.
47 Consider the impacts countywide from an emergency moratorium when the emergency is
48 not clear.
49

50 Steve Hood, State Department of Ecology (DOE), submitted the draft of the
51 Whatcom Creek fecal coliform total maximum daily load (TMDL) study. It is available for
52 public comment. The DOE expects the County to participate in forming a detailed
53 implementation plan. It's appropriate to extend County requirements as a part of a
54 comprehensive stormwater program throughout the County jurisdiction areas that go into

1 Whatcom Creek. The permit next year will only apply to discharges that go into the storm
2 drainage system. If the County sets up something like a complaint line, they won't hang up
3 on people who might discharge into a creek instead of a storm drain. That is the one clear
4 requirement. The DOE is accepting comments from the Council and the public through
5 November 17.

6
7 Caskey-Schreiber invited Mr. Hood to a Joint Lake Management Committee meeting
8 November 29.

9
10 Brenner asked about the Lake Whatcom TMDL. Hood stated they have some
11 numbers. County, City, and DOE staff submitted comments. There is uncertainty about the
12 modeling. The DOE is obligated to have a margin of safety to cover the uncertainty. The
13 uncertainty was large enough that there was a fear they would be overly restrictive if they
14 went forward with what they had. The cost of controls for phosphorus at Lake Whatcom is
15 very high. It's not appropriate to be excessively restrictive when there is a high level of
16 uncertainty. They've sent the model back to be recalibrated to address some of those
17 uncertainties and relieve the discomfort about over-control. The model was due to come
18 back at the end of last month. They haven't seen it yet.

19
20 Nelson asked how the DOE is prepared to deal with the legal obligations and what
21 the process is, if the Lake Whatcom TMDL is too restrictive. Hood stated TMDL's have been
22 appealed to federal court, based on whether there is adequate jurisdiction. The federal
23 requirement is that there is a sufficient margin of safety to make sure the water quality
24 standards are met. There isn't a protection on the economic side. That's why they held it
25 back. The procedure now is to do a public comment period. Written comments would be
26 summarized in a response to comments that becomes part of the document submitted to
27 the Environmental Protection Agency (EPA). Economic issues would be legitimate. The EPA
28 will determine whether the DOE did an adequate job of review, then will approve or not
29 approve the TMDL. Typically, the EPA approval would be what is appealed.

30
31 Malcolm Fleming, City of Bellingham Chief Administrative Officer, stated he
32 submitted reasons for the County to participate in the local infrastructure financing tool
33 (LIFT). He has heard concerns with two different categories, which are the financial
34 arrangement and the relationship between the City of Bellingham and Whatcom County.
35 Put this issue in context, which is that 40 percent of County residents live in the city of
36 Bellingham. They are asking the County to devote the revenue from one percent of
37 assessed value in Whatcom County to pay for infrastructure that will increase the value of
38 that property. The proposed list of infrastructure for that area will cost about \$330 million.
39 They are asking the County for about three percent of that cost. He hopes that amount will
40 fit in among other County priorities.

41
42 He's had meetings with the Council, Executive, and Dewey Desler. He's heard
43 concerns about stormwater and emergency management being reasons for not supporting
44 this. Get beyond those particulars and get the relationship back on a positive note.
45 Support the resolution.

46
47 Judy Westof, 4172 Squalicum Lake Road, stated she would talk about rural
48 character. The Council was asked months ago to put a moratorium on clustering in rural
49 forest land to allow the community to come up with answers about defining rural character
50 and other questions about the environmental health impact on water quality and the future
51 of the rural lands. This community, not the developers, should decide what they want, what
52 is possible, and how this fits with the GMA. The community vision should define rural
53 character and development of the rural element. This vision is the most important step in
54 the planning process. It should guide the county, protect rural character, and control the

1 urban sprawl that the development community would force upon them. She asked for a
2 moratorium on clustering in rural forest land.
3

4 Johnnie Grames, 1506 E. Maplewood, stated there are two events tomorrow that he
5 wants Council to be aware of. There is not a public process involved. He has asked for
6 public disclosure and open government. There must be individual rights and protections.
7 The Law and Justice Council is meeting tomorrow at noon in room 513 of the Courthouse.
8 Two million men are in jail in the United States. In reality, they are guilty until proven
9 innocent. Also, the Whatcom County Committee Against Domestic Violence is having the
10 president of the Bar Association speak at its meeting at the law center.
11

12 Nicole Worthy, 2920 Alvarado Drive, stated she will speak for her father, who bought
13 property 23 years ago so that he could give five acres to each of his girls. Now, he finds he
14 can't subdivide and build. Think about people like her and her family before creating a
15 moratorium. They don't want to put in a housing development. They just want to build a
16 home close to family.
17

18 Jim Johann, 1405 E. Illinois, stated I-933 is about property owners' rights. The
19 rights are guaranteed by the Constitution of the United States and the Constitution of the
20 State of Washington. The constitutions say that if government takes use or value from
21 property for public use, they must compensate the owner. I-933 says that government
22 must first try to cooperate with the property owner to work out a solution without a
23 regulation, then tell the property owner why they need the regulation, then say specifically
24 which property is involved, then determine the damage to the property owner, then pay
25 compensation for the loss of value. Compensation must be paid before the regulation goes
26 into effect.
27

28 If the initiative will take \$8 billion, that means government has taken \$8 billion worth
29 of property from private citizens, against the constitution, or it is a false argument.
30

31 Joe Elenbaas, 600 E. Smith Road, stated he questions the need for additional
32 deputies because of what the Sheriff's Office is doing to citizens in this county. There are
33 bad apples in the department. He respects Sheriff Elfo and the officers. He submitted a
34 report of an incident, which is now under internal investigation, that is direct evidence of his
35 concerns. He fears for his future and the future of the Whatcom County citizens.
36

37 There are over 80 deputies available for shifts. Considering time off for vacation,
38 sick, and leave, it takes 5.4 or 5.5 shifts to complete it. That means they must have 14 or
39 15 officers per shift. He is concerned about those numbers. The Council should look into
40 that. There is no place in the world at any time in history where there has been a larger law
41 enforcement per capita, including the federal government and other law enforcement
42 agencies. The Bellingham Herald reported 46 episodes during one week. That's less than
43 one officer per week. He asked why they need 150 vehicles if only three or four are on the
44 road at one time. Criminal justice studies say that law enforcement should be a three-
45 legged stool. Much is going toward law enforcement, but it limits court and other areas.
46 Look at those legitimate questions.
47

48 **PUBLIC HEARINGS**

49 **3. ORDINANCE AMENDING WHATCOM COUNTY CODE 10.34, FERRY RATES,** 50 **AND THE 2006 WHATCOM COUNTY UNIFIED FEE SCHEDULE (AB2006-260)**

51 Caskey-Schreiber opened the public hearing and the following people spoke:
52
53
54

1
2 Polly Hanson, 2781 West Shore Drive, Lummi Island, stated she has lived there for
3 many years. Ferry rates are relevant to the island's welfare. The ferry rates don't make
4 sense in a number of places. She suggested that there be a workshop on Lummi Island
5 where questions are directly answered. If they can't be answered, set a date for when they
6 will be answered. Have really good justification for the rates. The rates have a major effect
7 on who can afford to live in the community.

8
9 Nancy Ging, 2386 Tuttle Lane, Lummi Island, stated the numbers don't add up. The
10 amount for the total operating expenses for 2006 is \$1.2 million in one document and \$1.8
11 million in a differing document. She has been trying to get an answer about what is
12 included in the operating expenses. There is no detail on the expenses. The just-passed
13 14-year plan is drastically different from the basis of this rate increase. Don't vote on this
14 until they get answers to these questions.

15
16 Brenner asked Ms. Ging to state her background. Ging stated she used to work as a
17 bookkeeper an accountant. She used to be the cost accountant for Icicle Seafoods, one of
18 the largest seafood processors in the world. She understands accounting in general and
19 cost-accounting specifically. She doesn't understand these numbers, and isn't getting
20 answers to her questions.

21
22 Jim Dickinson, 2904 West Shore Road, Lummi Island, stated the Whatcom Chief is
23 obsolete. It's too small. The increases are very steep. Overhead has gone up, but the
24 service hasn't. There is no value added for this tremendous increase. The crew is
25 expensive. With the change in management, the crew doesn't have the duties they used to
26 have, but probably get the same amount of pay. Lower the rate increase until other options
27 are considered. Put an emergency moratorium on a ferry rate increase.

28
29 Fred Kinney, 4164 Legoe Bay Road, Lummi Island, submitted and read from his
30 testimony (*on file*). It has been five years since the last rate increase and eight years since
31 there has been a passenger fare increase. Costs have increased during that time. The rate
32 is far below the 55 percent operating cost. A fare increase is long overdue. The proposed
33 rate schedule is fair and equitable. Adopt the ordinance.

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

36
37 Jeff Campbell, 2508 Island View Lane, Lummi Island, stated there is inequity in the
38 rate increase for motorcycles. The increase in vehicles is 33 percent and is 50 percent for
39 motorcycles. Two or fewer motorcycles don't displace other vehicles. Four motorcycles can
40 be parked in the same space as one car. The County should encourage motorcycle use. At
41 least six people on the island regularly commute on motorcycles. He was told that the
42 reason for the 50 percent increase is that the crew doesn't want to deal with making
43 change, so rates would go up in even dollar increments. That poses a hardship on people
44 who are trying to be environmentally responsible by burning less fuel and taking up less
45 space.

46
47 Many items have been added to the operating costs. Now they have a dedicated
48 office. He is opposed to Ken Richardson running and managing this service, who has said
49 he doesn't feel any duty to keep island transportation service affordable to a mixed
50 demographic because there are plenty of neighborhoods in Bellingham and Whatcom
51 County that have that demographic. It's disturbing to have someone in charge of this who
52 feels that they have no duty to keep costs down.

1 Bud Jewell, 3805 Centerview Road, Lummi Island, stated they raised the rates in
2 1989. The predicted death spiral didn't happen. Rates have been raised only once since
3 then. The rates need to be raised again. Many more costs are coming up that were not
4 anticipated in those days. A problem is that more items are to be paid by the amount
5 collected. When they agreed to the 55 percent rate, it was based on certain items that
6 would be paid with that fee. The fee for trailers under 16 feet doubled, but they take up
7 less space than a big car. Change the ordinance so that all vehicle be charged the same
8 fee, with no exception for County vehicles and employees. Keep good accounting practices
9 by tracking all costs of the program.

10
11 Dave Kershner, 3417 Sunrise Road, Lummi Island, stated he is a part-time resident.
12 Consider having a low-income multi-ride discount. Costs have increased. The argument
13 was made that income diversity of the island isn't a concern because other parts of the
14 county have affordable places to live. However, it isn't reasonable to price people off the
15 island. The fee structure is regressive and disproportionately affects low-income residents.
16 Property taxes have raised enough to price people off the island.

17
18 Michelle Luke, 3342 Sunrise Cove, Lummi Island, stated the proposed rate schedule
19 is not ideal, but the proportions are reasonable. She hopes this proposed rate schedule will
20 further improved service.

21
22 Lorraine Dukes, 2517 Island View Lane, Lummi Island stated her concern is a needs-
23 based ferry fare. It has already been addressed by Dave Kershner.

24
25 Kristine Pomeroy, 3598 Constitution Road, stated the County should include low-
26 income people who qualify for State Department of Social and Health Services (DSHS) food
27 stamps and Medicaid with the senior and disabled discounts. It's unfair that walk-on
28 passengers are being charged twice as much. They should be rewarded for walking on the
29 ferry and parking on both sides.

30
31 Wanda Cucinotta, 2303 Tuttle Lane, Lummi Island, submitted and read from her
32 testimony (*on file*). Don't decide on any changes to the Lummi ferry rate. It would be to
33 much of a hardship for Lummi Island citizens. There should be changes to the Whatcom
34 County Code before any changes to the fee schedule are made. The long-term ferry plan is
35 out of order. Finish the subarea plan before making ferry decisions. County vehicles should
36 pay the regular fare. Make changes so the recovery rate is fair and just. They probably do
37 need a ferry increase, but not this much.

38
39 Kate Underwood, 1219 Beach Avenue, Lummi Island, stated the proposed rate
40 increases are too high. They will price out low-income residents. Many people moved to
41 the island before housing prices became as exorbitant as they are. Include discounts like
42 the ones given to seniors, or they risk losing a dynamic part of the community. At the
43 minimum have a ten-ride multi-pass at the same rate as the 25-ride multi-pass. The
44 discounts need to reach down to the lower income families.

45
46 Dal Neitzel, 3781 Centerview Road, submitted and read from his testimony (*on file*).
47 He doesn't understand the formula for computing the proposed ferry operating costs. There
48 was very little input from the islanders. The docks line item and administration line item
49 have added significantly to operating costs. The average daily commuter will pay an
50 average of \$15 more per week. The docks should be not considered in the ferry rate. They
51 should be included in capital expenses.

52
53 Kathy Haven, 3781 Centerview Road, Lummi Island, stated the increase is too much,
54 too quickly. County vehicles should have to pay the regular fare, and the cost of the fare

1 should be cost-accounted to the departments, not the ferry funds. Oversize vehicles won't
2 be paying enough. They should pay for the number of spaces they take up. It's
3 disconcerting that it is costing them an extra \$170,000 to have some cost control.
4

5 Colleen Berg, 2109 Tuttle Lane, Lummi Island, stated she agrees that the rate
6 increase is probably necessary, but not this much. The documents are difficult for
7 laypersons to decipher. Have someone put the figures and needs in terms they can all
8 understand. She encouraged environmental friendliness by decreasing its affects on
9 pollution. Encourage walk-on passengers. Design rates so people of meager means can
10 still travel to work.
11

12 Ria Nickerson, 2307 Tuttle Lane, Lummi Island, stated she has lived on the island for
13 29 years. She currently uses the motorcycle rate and the quarterly pass. She pays a
14 premium to use the quarterly pass because it's very convenient. Someone suggested that
15 they are going to move in the direction of fares that are easier to administer. The quarterly
16 pass seems to be administratively easier for everyone.
17

18 James Underwood, 1219 Beach Avenue, Lummi Island, stated the publicity for this
19 meeting has been deplorable. The island residents haven't been adequately informed. The
20 Council won't get a fair representation of the islanders' needs. Supporters will have a
21 disproportionate representation. Have another public meeting on the island.
22

23 Brenner asked what they could have done differently. James Underwood stated that
24 notices should have been posted on the ferry and at the Islander Store.
25

26 Hearing no one else, Caskey-Schreiber closed the public hearing.
27

28 **McShane moved** to approve the ordinance.
29

30 **Brenner moved** to hold in committee.
31

32 Nelson stated there must be adequate discussion before a motion to hold in
33 committee.
34

35 Fleetwood asked if there is any room in the fee schedule to reduce any rates and still
36 be within the 55 percent recovery rate.
37

38 Ken Richardson, Public Works Department, stated there really isn't room. The
39 schedule was put together based on where the County was in April 2006. Now, they will
40 have missed any opportunity for a rate increase this year. They will be about \$200,000
41 short of the 55 percent for 2006. Any reduction in the rates will make it more difficult to
42 recover what they should have gotten in 2006. The language change said that they would
43 recover it over time, beginning January 2006. Any monies that recover more than 55
44 percent in 2007 will offset the under-recovery in 2006, and hopefully build up for any cost
45 increases in 2008 or 2009. The fares have to be spent on operating costs, and nothing else.
46

47 Fleetwood asked about docks being an operational expense. Richardson stated that
48 the docks are currently an operational expense. The Washington State ferry system and
49 other county ferry system includes maintenance expenses. Capital costs are not included
50 by them or Whatcom County.
51

52 Fleetwood asked about the low-income discount option. Richardson stated there is a
53 clause in the schedule for low-income residents. The discount for seniors and disabled

1 people is also available to Lummi Island residents who qualify for Medicaid. That is the loc-
2 income discount. It is a sliding scale that depends on family size and income.
3

4 McShane asked if the parking lots are capital costs. Richardson stated a capital cost
5 is construction of the parking lots. The annual maintenance activities and rental of the
6 parking lot on Gooseberry Point are annual operating costs.
7

8 McShane asked if there is no charge for parking cars in those lots. Richardson stated
9 having a place for people to park at no charge is considered a way to encourage walk-on
10 traffic.
11

12 McShane asked if the rationale for that is to reduce the potential need for a larger,
13 more expensive boat. Richardson stated the rationale is to make the best of what they
14 have at this time.
15

16 Brenner stated they had a conversation in committee about a needs-based fare.
17 Those suggestions are not included. Also, get rid of the 25-trip multi-card. Have a multi-
18 ride ticket that has ten or 15 trips, with a discount. None of the changes made in
19 committee are in the document under consideration. Richardson stated there were several
20 changes made to the earlier document, based on information received at the Lummi Island
21 public hearing and other feedback from the public, administration, and Council. They made
22 very few changes. Only two things are changing. First, allow a pre-purchased multi-ride
23 card to be good for six months after the effective date of the rate increase. Second, the
24 senior discount rate shown in the Unified Fee Schedule will be applied to the car and driver,
25 as it always has been. They would like for an approval date of January 1, 2007.
26

27 Weimer asked if they keep track of the County vehicles that ride on the ferry.
28 Richardson stated they keep of County vehicles and County passengers. The majority of
29 the County use is either Public Works or Planning and Development Services staff. The third
30 highest user would likely be the Health Department.
31

32 Weimer asked about the cost allocation for the administration. It seems they are
33 paying more for staff to oversee Mr. Richardson than they are paying for Mr. Richardson.
34 Richardson stated a projection of costs was done in April or May. The budget doesn't
35 currently show that. The current budget shows approximately \$30,000 of total cost coming
36 into the ferry fund from other departments, and approximately \$20,000 going the other
37 direction.
38

39 Earlier someone said something about a \$1.8 million number. That number was
40 used as a projection at one given point in time. It is no longer the current projection, and
41 isn't being used for anything. Throughout this process, the staff has been asked for
42 information on many different possible scenarios. Lots of numbers have been developed for
43 many different discussions, to explain different things at different times.
44

45 Crawford asked if a County employee is covered under Whatcom County Code
46 subsection 10.34.020(I), with no exception. Richardson stated they must be on official
47 business. Ferry workers are covered under their contract with the county. It allows current
48 and retired employees of the ferry and their immediate family living with them to ride the
49 ferry without cost.
50

51 Crawford asked if a ferry employee can ride the ferry at no cost on their days off, if
52 they are doing business. Richardson stated both current and former employees working in
53 their commercial businesses are charged.
54

1 Nelson asked if fees cannot be used for other purposes. Richardson stated that is
2 correct.

3
4 Nelson asked the plan for the fare if the fee revenue exceed costs. Richardson
5 stated the department has an obligation to report to the County Council and administration
6 each year about how they are doing on the 55 percent recovery. Any time they start to
7 build a balance in the ferry fund that is excessive in the opinion of administration and/or the
8 Council, they would have to lower the fares or change the recovery percentage. If they
9 continue to over-recover, they would lower fares at some point in time.

10
11 Caskey-Schreiber stated the 50 percent increase for motorcycles versus the 33
12 percent increase for cares seems unfair. She asked if they considered doing a punch card at
13 a 33 percent increase for motorcycles. Richardson stated they recommend elimination of
14 the ten-card punch card for motorcycles. It is rarely used. The minimum cost for printing
15 isn't made up from card sales.

16
17 Caskey-Schreiber stated they could do a 25-ride card for motorcycles, as they are
18 doing for cars, do they don't discourage motorcycle use. Richardson stated that is possible.

19
20 **Caskey-Schreiber moved** to amend the ordinance to have a 25-ride punch card for
21 motorcycles that has a 33 percent rate increase from the current fare.

22
23 Crawford stated the current fare increase for motorcycles is 33 percent.

24
25 **Caskey-Schreiber withdrew her motion.**

26
27 Caskey-Schreiber asked if vehicle passengers are charged a fee. Richardson stated
28 they are charged the pedestrian rate.

29
30 Caskey-Schreiber stated provide incentives for people to walk on the ferry or
31 carpool.

32
33 Brenner stated this was discussed during committee.

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

36
37 Brenner stated the committee recommendation was to lower the pedestrian and
38 passenger rate increase.

39
40 Nelson stated he is comfortable with the administration's intent. Sell a 25-ride
41 motorcycle pass at the same fare as a passenger and pedestrian multi-ride. Richardson
42 stated they could sell a 25-ride ticket with a 25 percent discount.

43
44 McShane asked if the 25-trip motorcycle ticket could be the same as the passenger
45 and pedestrian multi-ride ticket, which would get punched twice. Richardson stated that is
46 possible.

47
48 Weimer stated the ordinance makes sense if they follow the same paradigm as
49 they've always followed. To encourage fuel conservation, reduce pollution, reduce future
50 ferry costs, throw out the entire fare formulas. He's developed a system to reduce the
51 multi-ride fares for pedestrians, keeps the pedestrian fares the same, keeps the bicycle and
52 motorcycle fare the same, and increases some of the auto fares at a lesser weight. His
53 system generates the same amount of money. Most ferry system rates are based on
54 length, not weight. He proposed a total change to the fee schedule based on a length-

1 based system instead of a weight-based system. People driving compact and subcompact
2 cars would get a cheaper rate than sport utility vehicles (SUV's) and vans. Richardson
3 stated all of those other systems sell tickets differently from Whatcom County. They have
4 additional crew who verify lengths onshore before the vessel is loaded. That would cost
5 about \$250,000 per year for extra crew. Today, they don't measure the length of vehicles.
6

7 Weimer asked if they weigh each vehicle. Richardson stated vehicles run by the
8 Department of Transportation (DOT) tonnages that are on the vehicle. If the weight limit
9 exceeds what the County allows, the driver must have a weight slip that shows they are
10 within legal limits.
11

12 **Brenner** stated put marks on the ferry by which they can measure the vehicles.
13 She **moved** to hold the ordinance in committee.
14

15 Nelson stated that if they send it back to committee, they will have the same
16 discussions and they may not accomplish anything. If they send it back to committee, have
17 specific tasks to discuss, and that's all.
18

19 Fleetwood stated that he is interested in hearing about Councilmember Weimer's
20 proposal. There is no reason to not hold this off for two weeks to look at it.
21

22 Brenner stated that what came from Public Works wasn't used. They've done what
23 they've done. Now, it's time for the Council to work on this, instead of it going back to
24 Public Works.
25

26 Caskey-Schreiber stated it is appropriate to look at the true cost of the ferry. Build
27 in incentives for carpooling, walk-on passengers, and possibly motorcycles to use the ferry
28 more efficiently. The recovery rate should truly be 55 percent. That's what the department
29 has put forward. She hesitates to mess with it, but she would like to see more incentives.
30 She has no problem with County vehicles paying. It just gets budgeted to their
31 departments. She asked if that is already factored into the operating cost. Richardson
32 stated they keep track of the number of County employees and vehicles that make trips on
33 the ferry.
34

35 Crawford stated move forward with this tonight. He is skeptical about hitting 55
36 percent with the new schedule.
37

38 Brenner stated it is important that this go back to committee. She would like to see
39 documentation on whether or not the State includes dock maintenance in its operating cost.
40

41 Nelson asked what the committee would specifically look at.
42

43 Brenner stated look at the dock maintenance as an operating cost, having one multi-
44 ride ticket instead of two, having a multi-ride ticket with fewer rides so more people can
45 afford it, and having a single needs-based discount rather than discounts for seniors, the
46 disabled, and low-income residents.
47

48 Nelson asked how they determine need.
49

50 Brenner stated there are formats that work to determine need.
51

52 Nelson stated that if they send this back to committee, at least determine what
53 they're going to discuss.
54

1 Weimer stated look at a rates to come up with a more progressive system to
2 encourage pedestrian use and carpooling. He will share his system with the staff. Rates
3 affect what they will do with the ferry system in the future and land development and
4 management.

5
6 Richardson read from a copy of an email from David Hammond, Washington State
7 Ferry System Manager of Financial Accountability, to Mr. Dal Neitzel. It says their operating
8 costs include all operational costs of vessels and terminals, including all components,
9 including parking lots, docks, transfer spans, pilings, etc., which includes routine
10 maintenance and repair, but it doesn't include replacement for improvements of vessels or
11 terminals.

12
13 **Caskey-Schreiber restated the motion** to hold in committee.

14
15 **Motion to hold in committee carried 4-3 with Nelson, McShane, and**
16 **Crawford opposed.**

17
18 Caskey-Schreiber stated the committee discussion will include incentives for walk-on
19 passengers and Councilmember Weimer's new rate schedule.

20
21 McShane stated also discuss hooking up with the bus system. There could be
22 significant costs associated with small car issues. It's never been fair to get a ferry discount
23 for people who have cars on both sides of the ferry run. That capital cost to the entire
24 community is never recovered. People with income issues cannot leave a car on both sides.
25 An opportunity to generate revenue is from charging a parking fee while keeping the
26 pedestrian fare down. Explore that idea.

27
28 Brenner stated she would like to discuss how much they've worked to coordinate
29 with Whatcom Transit Authority (WTA) runs.

30
31 **Nelson moved** to focus committee discussion on: Councilmember Weimer's fee
32 structure; incentives for pedestrian walk-on passengers, possibly tied to public
33 transportation; parking fees, and; multi-ride tickets.

34
35 **Motion carried 5-2 with Nelson and McShane opposed.**

36
37 **1. ORDINANCE CONTINUING THE INTERIM TEXT AMENDMENT TO THE**
38 **WHATCOM COUNTY COMPREHENSIVE PLAN MAP AND ASSOCIATED TEXT**
39 **PROVISIONS TO RESCIND THE UGA DESIGNATION FOR SUDDEN VALLEY**
40 **(AB2006-132B)**

41
42 Caskey-Schreiber opened the public hearing and the following people spoke:

43
44 Lance Hillengass, 57 Beaver Lane, Sudden Valley, asked why they are concerned
45 about revoking the current designation when it is going to expire on December 31, 2006.
46 They can't get it back to the rural recreation zone because that is no longer a zoning
47 designation. They can't keep anything permanent. It must always be open to review.
48 Sudden Valley should be an urban growth area (UGA). It has 6,000 residents. Ninety
49 percent are full-time residents. The demographics have significantly changed since it was
50 zoned rural recreational. There are significantly more children. Few of the homes are
51 second homes. Many people moved to Sudden Valley because they could not afford to live
52 in Bellingham. Sudden Valley fits the State's definition of an urban growth area, and should
53 be so designated. Platting in the early 1970's was done with County approval. Every home
54 built has a County-issued permit. Sudden Valley Community Association has worked with

1 the County and Water District 10 to limit growth by purchasing about 20 percent of the lots
2 and placing them in permanent open space. This reduces the home owners association
3 dues collected by 20 percent. It's questionable whether or not the residents would approve
4 Sudden Valley as a city. Nothing has been proposed to the property owner. If it occurs, it
5 would not be for many years, and would likely be challenged by the association. The real
6 issue is of controlling growth. The community association only owns 24 lots, all of which are
7 not for sale. The lots are zoned only for single-family residences. There won't be more
8 growth in the watershed. The association wants to control growth also. Do not adopt the
9 ordinance.

10
11 Dennis Jones, 1487 Sudden Valley, submitted and read from information on the
12 Sudden Valley Community Plan (*on file*). He thanked the four treasurers who put Sudden
13 Valley back on the fiscal map. The opportunity to pursue incorporation is over. Residents in
14 favor of incorporation had their chance. Don't continue the Sudden Valley UGA.

15
16 Tom Pratum, 2241 Northshore Road, stated he speaks for the North Cascades
17 Audubon Society. He didn't like the Sudden Valley UGA when proposed, and he still doesn't
18 like it. Rescind the ordinance. They don't need another jurisdictional entity in the
19 watershed. No one in favor of incorporation has said it will be good for the water quality of
20 Lake Whatcom. Incorporation won't be good for water quality. Leave the area under the
21 County's jurisdiction. The zoning for Sudden Valley could be rural. It would all be
22 nonconforming, but it would no longer qualify as a UGA.

23
24 Leslie McRoberts, 553 Sudden Valley, Bellingham, stated the Revised Code of
25 Washington (RCW) says that this type of interim ordinance may be renewed if a subsequent
26 public hearing is held and findings of fact are made, prior to each renewal. She asked for
27 the findings of fact.

28
29 Sudden Valley is being called a recreational subdivision. That means it is created for
30 the purpose of providing private lots for seasonal recreational use.

31
32 Sudden Valley residents pay double for roads and parks. They don't get the benefits
33 they pay for. Councilmembers who represent the Sudden Valley area should post notices of
34 these meetings at the administration building and at Valley Services. Lake Louise Road is a
35 great road.

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

38
39 ***Fleetwood moved*** to adopt the ordinance.

40
41 Brenner stated she didn't support Sudden Valley being an urban growth area when it
42 came up. She won't support it now. She asked about the zoning reverting back to a
43 recreational subdivision.

44
45 Fleetwood stated everyone agrees that the recreational subdivision zoning
46 designation is not appropriate for Sudden Valley. They can consider a 2007 Comprehensive
47 Plan amendment that allows staff time to consider what the appropriate designation should
48 be.

49
50 Brenner asked if Sudden Valley could be called a limited area of more intense rural
51 development (LAMIRD).

52
53 Hal Hart, Planning and Development Services Director, stated there are three
54 options. One option is to designate the area as a rural zone. He suggests putting the

1 Comprehensive Plan amendment process so they don't have to keep doing this every six
2 months.

3
4 McShane stated he supported the original Sudden Valley UGA designation. It was
5 the first density reduction zoning change in the watershed. It was a significant change. It
6 decoupled Sudden Valley from a much larger area that created a rural designation around it,
7 which led to another significant density reduction adjacent to Sudden Valley. Sudden Valley
8 was to enter into an agreement with the County, or the County would never support Sudden
9 Valley becoming a city. No effort was made to enter into that agreement. Therefore, they
10 should rescind the UGA designation. Those participating in this had no interest in binding
11 the future association with keeping density at what it currently is. He is in favor of the
12 ordinance.

13
14 Nelson stated this may be taking a step backwards in protecting water quality in
15 Lake Whatcom. He would much rather have a double check than a single check. If they
16 had been able to do an agreement and incorporation, it would have been better for Lake
17 Whatcom and the community. He still hopes it can occur. The idea that Sudden Valley,
18 under the control of only Whatcom County, will protect Lake Whatcom depends on the
19 Council maintaining its same philosophy. A city would have a choice in water quality
20 protection. That will be limited or nonexistent if this ordinance is adopted. A level of checks
21 and balances is lost. He hopes there will be an agreement in the future. If Sudden Valley
22 looks and acts like a city, it should be a city.

23
24 McShane stated it would be interesting to have a similar agreement with the City of
25 Bellingham for the north end of the lake, so zoning and development aren't increased.

26
27 Fleetwood stated it's not clear that Sudden Valley is just like a city. There is a
28 variety of Sudden Valley amenities that don't come close to approximating a city. The
29 reason he brought this ordinance forward is because the Growth Management Act and
30 Comprehensive Plan all indicate, as a matter of policy, that urban growth areas are the
31 areas where they are going to accommodate future population. The designation creates the
32 prospect of a city in Sudden Valley that would have increased urban density rather than less
33 density. That is his main concern. The County's policies for Lake Whatcom are to reduce
34 the prospect of density, not increase it. With a city is the prospect of increased urban
35 density in precisely the place they don't want it.

36
37 ***Motion to adopt carried 5-2 with Nelson and Crawford opposed.***

38
39 **2. ORDINANCE IMPOSING AN INTERIM MORATORIUM ON THE ACCEPTANCE OF**
40 **NEW APPLICATIONS FOR SUBDIVISIONS WITHIN THE LAKE WHATCOM**
41 **WATERSHED (AB2006-172B)**

42
43 Caskey-Schreiber opened the public hearing and the following people spoke:

44
45 Bill Sygitowicz, Vineyard Development Group, stated allow cluster subdivisions with
46 lots of less than five acres in the Lake Whatcom watershed. An owner of 700 acres on top
47 of Squalicum Mountain is trying to develop in an environmentally respectful way. The
48 acreage allows a total of 44 lots. It would be more environmentally friendly if all those lots
49 were clustered. Eighty five percent of the acreage would be a managed forestland with a
50 conservation easement. He read from Whatcom County Code (WCC) 20.71 regarding
51 clustering. The moratorium doesn't allow this clustering, and forces development in 20-acre
52 parcels. The Planning Department recognizes the advantages of clustering. Amend the
53 ordinance to allow subdivisions of lots of less than five acres.

1 Mary Dickinson, Building Industry Association of Whatcom County Government
2 Affairs Director, submitted and read from her testimony (on file). She asked why the
3 moratorium is being renewed. The Council hasn't discussed this item since the last time the
4 moratorium was renewed in April. Moratoria are not to be taken lightly. The Council has
5 renewed the moratorium twice, with little evidence of any work being done on the issue.
6 She doesn't know when the total maximum daily load (TMDL) study will be released or what
7 it will say. Don't burden property owners for the Department of Ecology's lack of
8 completion of the study. Review the Penn Central three-pronged test. Don't adopt the
9 ordinance.

10
11 *(Clerk's Note: End of tape two, side A.)*
12

13 Larry Helm, 2660 E. 41st Terrace, Bellingham, stated Mr. Sygitowicz says he may
14 have to build one house on 20 acres. He can't do that. A significant portion of the land is
15 too steep. He's trading land he can't build on for a cluster off-set. The Whatcom County
16 Code is not clear. Don't allow a 64-home cluster in a rural forestry zone. They need to re-
17 write the code to make that clear. Also, there is no concurrency definition for developers to
18 look at. If there are 64 more homes on Squalicum Mountain, Northshore Road will
19 experience gridlock. The Squalicum Valley Community Association is in favor of the
20 ordinance.

21
22 Gwen Hunter, 2540 Applejack Lane, Bellingham, stated she is in favor of the
23 moratorium. The Growth Management Act says the allowance of unlimited clustering
24 doesn't comply when the purpose is to assure greater densities in rural and resource areas.
25 When clusters result in urban growth, it interferes with the goals of the act. Don't allow the
26 Vineyard Development to develop an expensive, gated community in the midst of resource
27 lands.

28
29 Steve Hood, State Department of Ecology (DOE), stated the County has taken good
30 steps while the moratorium has been in place. Many discussions took place early on. A
31 high priority was getting a comprehensive stormwater program. Holding off new
32 development until they get that program is good. The current program for dealing with new
33 development is not up to current standards. The building industry has always pointed out
34 that homes that aren't there don't contribute to the water quality problems. He agrees
35 that's true. The homes that are put in that aren't up to current standards will contribute
36 more pollution than they should. At some point, the DOE will bring forward the TMDL study.
37 They will have to look at the new development cost as opposed to what they have to pay to
38 fix existing development. They are sure they will need to reduce the impact of the existing
39 development. The more new development they put in that will need to be fixed, the higher
40 the cost.

41
42 Brenner asked how the County can trust the DOE when they keep saying this. She
43 supports the moratorium, but the DOE is making the County look bad.

44
45 Caskey-Schreiber stated that Mr. Hood explained the circumstances for the delay. If
46 it was in Mr. Hood's power to provide a date, he would.

47
48 Hood stated the alternative would have been to move forward with a TMDL that had
49 a high level of uncertainty.

50
51 Brenner stated she would like to start somewhere, even if there is a high level of
52 uncertainty.
53

1 Dick Gilda, Jensen Road, submitted and read from his testimony (*on file*). He
2 thanked Councilmember McShane for trying to keep it simple, but it's too confusing anyway.
3 He questions the value of a moratorium and a cluster subdivision outside of a UGA. He read
4 suggested changes. He asked if there will be an open window for new applications to be
5 submitted before the ordinance goes into effect.

6
7 Nelson stated there would not be any window.

8
9 Tom Pratum, 2241 Northshore Road, Bellingham, stated Lake Whatcom is the most
10 important water source in the county, not matter how the language is worded. Renew the
11 moratorium. The conditions under which it was first proposed still exist. Don't allow
12 clustering as Mr. Sygitowicz suggested. He is concerned about that proposed development.
13 Clustering can be good in some cases, but not that case.

14
15 Dennis Jones, 1487 Sudden Valley, Bellingham, stated most of the Vineyard
16 Development is not in the watershed. He supports a continued interim moratorium. There
17 is plenty of new information on trends, phosphorus problems, coliform, and other issues.
18 He commended the Council for doing this on an interim basis. It's time for the DOE to
19 produce something of the TMDL.

20
21 Judy Westof, 4172 Squalicum Lake Road, Bellingham, stated continue with the
22 moratorium. There are too many unanswered questions regarding Vineyard Development.
23 She can't get answers and has been ignored when trying to find information. That's
24 happened too many times. The County must follow its own codes, but it is allowing
25 developers and others to do what they want.

26
27 Kay Solvik, 2796 Henderson Road, Bellingham, stated her family just moved to
28 Squalicum Valley a few months ago, but they are third generation deed holders to the
29 property. She is amazed that the building might be allowed at the top of Squalicum
30 Mountain. There is a possibility that the top of the mountain could be flattened and houses
31 put on two-acre lots. Extend the moratorium. The environmental concerns are substantial,
32 but also consider the image that the County and City want to portray.

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

35
36 **McShane moved** to adopt the ordinance.

37
38 Nelson stated he doesn't agree with the moratorium in principle. However, he
39 supports the moratorium because forestry is at stake. Forestry is being threatened in this
40 county as never before. In addition to protecting the watershed, they must protect the rest
41 of the county's environment and commercial enterprises.

42
43 Brenner stated she supports the moratorium. She would like to get to the end of it,
44 but it's very important. She appreciated the last person who spoke. No one who she knows
45 of has been dealing with developers behind the scenes. She doesn't like to hear those kinds
46 of accusations. When people get upset, they sometimes look for someone to be mad at,
47 rather than being mad at the situation. Focus on the facts.

48
49 Caskey-Schreiber stated she supports the moratorium. She spoke with Mr.
50 Sygitowicz and Mr. Iverson in the past because she thought it could be something they
51 should consider if it were under the right circumstances. She appreciates the citizens'
52 perspectives about how it would affect their rural lifestyle. However, they are just
53 discussing things. Nothing has been decided. She doesn't know where the project is in the
54 process. There was discussion about putting some of this forestry land in permanent

1 conservation with the Whatcom Land Trust. She was under the impression that the
2 developers were willing to give up some development rights in the watershed, which is why
3 she openly wanted to take a look at it. When doing this job, they are always look for
4 incentives and disincentives to get what they want. There are a lot of development rights in
5 rural, one unit per five acres (R5A) and rural, one unit per 20 acres (R20A) zones. Make
6 sure that they minimize the negative impacts from development as much as they can,
7 especially around Lake Whatcom. She doesn't know if a cluster is a good thing. They've
8 never had an honest discussion about it, and they need to.

9
10 McShane stated the cluster portion of the ordinance is a side issue. It's not that
11 critical to this particular ordinance. Leave it at five acres. He's never been comfortable
12 limiting people's abilities to create building lots under five acres in the rural zone. This has
13 taken a long time because they must review Bellingham's urban growth area. Work is
14 happening on that. A significant part of this is aimed at two existing urban growth areas
15 associated with the City of Bellingham. Look at those carefully from a water resource
16 protection standpoint. Some may say that the amount of development that could occur in
17 those urban growth areas is not significant. However, the significant harm to the lake has
18 occurred exactly within those urban growth areas and within the Bellingham city limits as
19 those areas have filled out. The potential amount of build out and the existing harm has
20 overwhelmed the County's ability to deal with the situation.

21
22 Outside the watershed, make sure there is a robust and healthy transfer of
23 development rights program that applies to those urban growth areas that are affected by
24 this moratorium and to those areas outside of the urban growth areas, including R5A
25 parcels and R20A parcels. It will give people a real incentive to transfer the development
26 right and still be fiscally whole. This issue has gone on so long because it is tied to the
27 urban growth proposal from Bellingham. It will take more time. What came from the City
28 is not done well.

29
30 The County has an idea of the significant fiscal impacts to the County. The
31 administration has been working on some of the moratorium items. The Council supported
32 that work through a resolution to develop a stormwater management program. The County
33 will do what it can to provide stormwater funding.

34
35 Don't get too tied up with the TMDL issue. They know enough about development
36 standards and what they can do to reduce potential impacts as much as possible. The
37 existing development standards in the watershed already do a good job.

38
39 The cluster issue is about the fairest approach to balance build out versus
40 transferring development rights out of the watershed. The Council hasn't taken a close look
41 at clustering in the watershed. They may need to revisit it from the forestry and water
42 quality perspectives.

43
44 ***Motion to adopt carried 6-1 with Crawford opposed.***

45
46
47 **OTHER ITEMS**

48
49 **10. EMERGENCY ORDINANCE REMOVING THE LOT CLUSTER PROVISION FROM**
50 **WHATCOM COUNTY CODE 20.42 (AB2006-393)**

51
52 Nelson stated this is not a moratorium. It allows density development as it is
53 allowed under rural forestry. The ordinance takes away the lot cluster provision so the
54 Council can make sure that it doesn't detrimentally harm public health, safety, and/or

1 County administration. They will look at rural forestry zones. Eventually they will look at
2 clustering as a whole through the Comprehensive Plan amendments. Now, there is
3 movement toward forestry districts, which is a big concern. Protect and preserve forestry
4 practices in Whatcom County. Forestry is a mechanism to significantly protect the
5 watershed. The large tracts of forestlands need protection, even if it is in open space
6 reserve. There could be disease conditions, fire conditions, and road maintenance
7 conditions that have to be addressed. Don't put small subdivisions in forestry lands. The
8 people may protest logging efforts. Talk about the appropriate areas, where the areas
9 should develop, and the planning process necessary to maintain the forest lands.

10
11 Brenner stated she doesn't remember if there was a discussion about forestry zoning
12 when they originally discussed clustering. She appreciates people who have brought
13 forward the factual information. Clustering isn't happening the way they wanted, because
14 of loopholes.

15
16 Fleetwood asked who proposed rural clustering.

17
18 Nelson stated clustering was originally in regards to the agricultural protection
19 overlay (APO). Clustering was a mechanism to allow farms be whole and still preserve
20 agricultural lands. Clustering was incorporated into all zoning areas.

21
22 Hal Hart, Planning and Development Services Director, stated the original focus was
23 the agricultural overlay and rural areas in general. That is where the majority of the
24 clustering is occurring, to avoid critical areas and agricultural soils. In the last five years,
25 there have been fewer than ten cluster short-plats in the rural forestry zone. As land values
26 increase, people look at other ways to develop. No long-plats have come through yet in the
27 last five years. The larger question is how they deal with the issues of neighbors and forest
28 activities. Statements in the Comprehensive Plan begin to address that issue.

29
30 Fleetwood asked about development movement toward the forestry district.

31
32 Nelson stated rural forestry has typically been the least expensive land because it
33 was zoned R20A. It is difficult to get into. Infrastructure is costly. People buy those less
34 expensive lands as land prices escalate, which makes forest lands more susceptible to these
35 types of development lands.

36
37 Fleetwood stated Planning Commissioner John Belisle has a Comprehensive Plan
38 amendment geared to look at clusters. He asked if the purpose of this emergency would be
39 to wait and go through that process, discuss the value of clustering, and then review this
40 ordinance.

41
42 Nelson stated he doesn't know the Planning Commissioner's intent with clustering.
43 The question is which areas are and which areas aren't appropriate for clustering. The
44 Council hasn't give direction to the Planning Commission about how to review clustering.
45 He is concerned about clustering in other rural areas changing the character of the rural
46 community. The intent of the Council is to reduce the density increases in the rural areas
47 and to preserve rural character. That is his intent with this ordinance.

48
49 Brenner stated she wants the discussion about clustering to happen. Keep this in
50 place until that discussion happens and the Council makes a decision. There is a lot of
51 information that the Council doesn't yet have.

52
53 McShane stated he support the ordinance. It is an interim measure, consistent with
54 the desire to explore the natural resource land base, population projections for the rural

1 area, and rural character of the community. There is nothing inconsistent about this in the
2 current Comprehensive Plan. They have to figure out how the current clustering rules work
3 in the natural resource areas. Figure out how to button up those Comprehensive Plan goals
4 and policies.

5
6 Weimer stated he would support the ordinance. Clustering makes good sense in
7 many ways, but many concerns have been brought to the Council's attention. Have a time
8 out.

9
10 Crawford stated this is a bad idea. The so-called emergency ordinance should not
11 pass. First, there is no threat to forest practices in the rural forestry zone. A landowner of
12 undeveloped forest land in this zone currently has the option of managing his forest land for
13 sustained harvest or to not manage it at all. If a cluster subdivision is created, with all the
14 associated environmental benefits, the land will not be divided into 20-acre parcels. The
15 owners of the remainder tracts will mostly be the same owners and will likely manage the
16 reserve tract in the same manner. If there is a change in ownership, the new owners will
17 manage it to its best and highest use as forestry. As a reserve tract, it will be perpetually a
18 contiguous and large single forestry tract.

19
20 Second, there is no emergency. Hal Hart just confirmed that. There is no threat to
21 the public health, environment, or welfare. These current regulations have provided
22 environmental and landowner benefit for more than a decade.

23
24 Third, emergency moratoria is an issue of fairness and predictability for the citizens
25 of the County. Springing emergency ordinances with no public input should be an act of
26 government reserved for the most dire circumstances involving an immediate threat to
27 public health and safety. That is not the case tonight. Do not vote for this ordinance.

28
29 Brenner stated the last time there was a moratorium, there was a big mess for
30 landowners, the County staff, and for everyone. She owns rural forestry land. Some
31 farmers wanted to stop farming. It depends on how they define a threat. This is not about
32 the Vineyard Development. Her biggest concern with rural forestry is having a big-enough
33 cluster that the residents would have a lot of influence to cause problems and hassle for the
34 foresters. Make sure they prioritize the resource lands. Clustering in resource lands must
35 be done in a way where people in the cluster can't harass those who manage the resources.

36
37 *(Clerk's Note: End of tape two, side B.)*

38
39 Brenner continued to state that people living in these areas need to understand
40 they're not living in an upscale gated community.

41
42 Nelson stated Glenhaven is an example of a cluster subdivision next to forestry
43 practices. Ask the State Department of Natural Resources (DNR) what the Glenhaven
44 community thought of their forest practices right next to Glenhaven. That has happened in
45 other areas. A problem with commercial forestry is that the County puts more density next
46 to forestry areas, which rural forestry typically abuts. That promotes an attitude against
47 forest practices.

48
49 There is nothing in the current County Code rural forestry zone requiring that the
50 reserve tract be maintained. They could end up responsible for invasive species, insect
51 problems, or other plans that are not under the DNR planning mechanisms. They don't
52 have forestry plans in the County Code.

1 Another issue is the emergency. He agrees with Councilmember Crawford. He didn't
2 want to do an emergency, but a concern was brought forward. The County Charter says
3 that they must support County government and its existing institutions, preventing a run of
4 any nature, which is a concern.

5
6 Crawford stated it is inappropriate to give an example of a highly dense urban
7 residential (UR) zone adjacent to commercial forestry and call that an example of a cluster
8 in a rural forestry tract. One has nothing to do with the other, unless he's saying that
9 someone who lives near forestry can complain about forestry and it causes a problem for
10 foresters. Using Glenhaven as an example is disingenuous.

11
12 Caskey-Schreiber stated she agrees with both arguments. She is voting for it
13 because it is interim, and they must discuss where clustering is appropriate.

14
15 **Nelson moved** to adopt the ordinance.

16
17 **Motion carried 5-2 with Crawford and Fleetwood opposed.**

18
19 **4. APPOINTMENT TO THE EVERGREEN WATER-SEWER DISTRICT BOARD OF**
20 **COMMISSIONERS. APPLICANTS: RICHARD BANEL, LEONARD BJORNSTAD,**
21 **SHANNON CRITTENDEN-THORP, ROBERT FISHER, NORMA OTTO, RACHEL**
22 **BOSWELL RIPPLE, CHESTER SCALF, GERALD WOLLENWEBER (AB2006-353)**

23
24 Brenner voted for Norma Otto.

25
26 Nelson voted for Otto.

27
28 Weimer voted for Otto.

29
30 Crawford voted for Otto.

31
32 McShane voted for Otto.

33
34 Fleetwood voted for Otto.

35
36 Caskey-Schreiber voted for Otto.

37
38 Caskey-Schreiber stated that Norma Otto was appointed.

39
40
41 **CONSENT AGENDA**

42
43 **Crawford** reported for the Finance and Administrative Services Committee and
44 **moved** to approve Consent Agenda items one through 11.

45
46 **Motion to approve Consent Agenda items one through 11 carried**
47 **unanimously.**

48
49 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #06-99**
50 **AND ENTER INTO A CONTRACT WITH LOW BIDDER, EBENAL GENERAL, INC.,**
51 **FOR HVAC MODIFICATIONS TO COURTROOMS 2 & 3, IN THE AMOUNT OF**
52 **\$222,220 (AB2006-370)**

- 1 2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
2 CONTRACT BETWEEN WHATCOM COUNTY AND APPLIED PRESERVATION
3 TECHNOLOGIES FOR ARCHAEOLOGICAL SURVEY AND MONITORING OF THE
4 DRAYTON HARBOR ROAD SHOULDER REPAIR PROJECT, IN AN AMOUNT NOT
5 TO EXCEED \$18,118.60 (AB2006-371)
6
- 7 3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
8 CONTRACT BETWEEN WHATCOM COUNTY AND THE STATE OF WASHINGTON
9 DEPARTMENT OF ECOLOGY CONSERVATION CORPS TO PARTNER IN
10 FUNDING SUPERVISION OF A WASHINGTON CONSERVATION CORP WORK
11 CREW, IN AN AMOUNT NOT TO EXCEED \$75,000 (AB2006-372)
12
- 13 4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
14 CONTRACT BETWEEN WHATCOM COUNTY AND THE FERNDALE SCHOOL
15 DISTRICT PROVIDING FUNDING TO INCREASE COMMUNITY-BASED WORK
16 EXPERIENCE AND EMPLOYMENT OUTCOMES FOR TRANSITION AGED
17 STUDENTS WITH DEVELOPMENTAL DISABILITIES AGED 14-21, IN THE
18 AMOUNT OF \$22,400 (AB2006-373)
19
- 20 5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
21 CONTRACT BETWEEN WHATCOM COUNTY AND A NORTHWEST
22 COLLABORATIVE TO DEVELOP A DESIGN STANDARDS ORDINANCE AND
23 GUIDANCE DOCUMENT FOR THE BIRCH BAY COMMUNITY, IN AN AMOUNT
24 NOT TO EXCEED \$46,000 (AB2006-374)
25
- 26 6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN
27 INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF
28 SUMAS TO IMPLEMENT THE CITY/COUNTY JAIL INVESTMENT PROGRAM
29 (AB2006-375)
30
- 31 7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO CONTRACT
32 AMENDMENT #1 BETWEEN WHATCOM COUNTY AND SUN COMMUNITY
33 SERVICES TO EXTEND THE DURATION AND FUNDING FOR AN ADDITIONAL 5
34 MONTHS, IN THE AMOUNT OF \$37,500, FOR A TOTAL AMENDED CONTRACT
35 AMOUNT OF \$90,000 (AB2006-376)
36
- 37 8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO CONTRACT
38 AMENDMENT #2 BETWEEN WHATCOM COUNTY AND PUGET SOUND
39 RESTORATION FUND TO INCLUDE SAMPLING SITES, SAMPLING METHODS
40 AND A QUALITY ASSURANCE/QUALITY CONTROL STRATEGY IN NORTHERN
41 CHUCKANUT BAY, IN THE AMOUNT OF \$10,787, FOR A TOTAL AMENDED
42 CONTRACT AMOUNT OF \$54,185.60 (AB2006-377)
43
- 44 9. REQUEST APPROVAL OF WASHINGTON STATE UNIVERSITY'S REQUEST FOR
45 EDI FUNDING IN THE FORM OF A \$300,000 GRANT FOR THE
46 REVITALIZATION AND EXPANSION OF THE NORTHWEST WASHINGTON
47 AGRICULTURAL RESEARCH AND EXTENSION CENTER (AB2006-378)
48
- 49 10. RESOLUTION TO SET HEARING AND NOTICE OF HEARING OF THE SALE OF
50 COUNTY TAX TITLE PROPERTY BY NEGOTIATION - REQUEST #TR2006-12
51 (AB2006-379)
52

1 **11. RESOLUTION TO SET HEARING AND NOTICE OF HEARING OF THE SALE OF**
2 **COUNTY TAX TITLE PROPERTY BY NEGOTIATION – REQUEST #TR2006-13**
3 **(AB2006-380)**
4
5

6 **OTHER ITEMS**
7

8 **1. REPORT ON PROCUREMENT ACTIVITIES ASSOCIATED WITH EMERGENCY**
9 **REPAIRS TO SLATER ROAD NOOKSACK RIVER BRIDGE NO. 512 (AB2006-**
10 **369)**
11

12 Crawford reported for the Finance and Administrative Services Committee and
13 stated the Public Works Department staff reported on this item.
14

15 **2. RESOLUTION AUTHORIZING THE WHATCOM COUNTY EXECUTIVE TO ENTER**
16 **INTO AN INTERLOCAL AGREEMENT REGARDING PARTICIPATION IN LOCAL**
17 **INFRASTRUCTURE FINANCING WITHIN BELLINGHAM'S REVENUE**
18 **DEVELOPMENT AREA (AB2006-347A)**
19

20 Crawford reported for the Finance and Administrative Services Committee and
21 stated the committee has no recommendation. The committee motion to recommend
22 failed.
23

24 ***Fleetwood moved*** to approve the resolution.
25

26 Caskey-Schreiber stated she likes the local infrastructure financing tool (LIFT)
27 concept. However, she has reservations about the balance of cost or investments that the
28 Port of Bellingham and City of Bellingham have agreed to. Until those things are resolved,
29 she will vote against participation at this time.
30

31 Brenner stated that when the Growth Management Act (GMA) passed, the legislature
32 promised the counties that they would do revenue cost sharing. As counties were forced to
33 put economic growth into the cities, the County would still have revenues to maintain
34 criminal justice, health, and many other services. That never happened and never will.
35 This is the opposite of that promise. This is about the County giving more revenue to the
36 City of Bellingham. Redevelopment of the waterfront is a great idea. The private sector will
37 do a lot of this work. The City should make the rules, and let the private sector bid on the
38 work.
39

40 She supports waterfront redevelopment. The presentation was beautiful, but she's
41 not sure it's the exact redevelopment scenario the County would have done if it was
42 involved in the process. The County wasn't involved in the process. The plan is a little
43 controversial. She doesn't know the percentage of people in Bellingham who support this.
44 She would like to know more about what they're doing and why. She would like more
45 information, and to see how they can do it in a way to not tie up the current expense fund.
46

47 When housing and other development levels out, less revenue will come into the
48 County. It will catch up with the County in the next 25 years. She wants to be more
49 involved.
50

51 Crawford stated he appreciates the Finance Committee and City staff for discussions
52 in committee. They've discussed the merits and drawbacks in a possible way. However,
53 the County tax levy will continue to go up every year. They have to fund that. The County
54 has roles and responsibilities established by law that give those responsibilities to the City

1 and the Port. He questions whether the County is obligated to participate. His primary role
2 is to be a steward of citizen tax dollars and to avoid a financing situation that obligates
3 increased revenues to a certain cause. He encouraged the City to continue this positive
4 dialog. Mayor-Appointee Douglas is discussing County funding in other ways with Executive
5 Kremen. He will support those discussions and look at future proposals objectively.
6

7 McShane stated a concern is the view that this is a small hit to the County's general
8 fund. He understands the failure of the city residents to recognize the level of service that
9 the County provides within the city limits. The bulk of County services serve city residents.
10 This system might work well for the City's taxing structure. Because if the County's taxing
11 structure, the request would be a significant shift of revenue from one portion of the
12 community to another portion of the community. In the end, it will have potentially harmful
13 economic impacts to the County and also the City. The County will be unable to provide the
14 level of service it must. That will grind economic development to halt in certain parts of the
15 community, including Bellingham.
16

17 Fleetwood stated there is sufficient evidence to suggest that, by participation in LIFT,
18 there will be an increase in revenues to the County. But for that participation, there is no
19 reason to believe that increase would occur. This is a contaminated site. This is not about
20 credit to the private sector. It's a question of whether or not this particular site is going to
21 develop without the initial infusion of public effort in clean up and infrastructure. It's not
22 likely that private development will do clean up and infrastructure without public
23 participation. Georgia-Pacific, a private company, sold to the Port for \$1. Had it been the
24 reality that the private sector would do this, Georgia-Pacific would have sold for a higher
25 price. There is evidence to support this resolution.
26

27 Caskey-Schreiber stated the Port of Bellingham will recoup its investment in 12 or
28 fewer years. The Port's only mandate for the three percent property tax it collects is to
29 stimulate economic development and commerce, and maintain public ownership of the
30 waterfront. The City of Bellingham will have to be in debt for 18 years beyond when the
31 Port will be in debt. That isn't a balance. The Port also said that it doesn't want the City to
32 charge impact fees. The City is stretching to thin and assuming too much risk. She can't
33 join an unhealthy partnership. Once this is developed, Whatcom County will have a return.
34 She hopes the development agreement becomes more balanced. She would support it at
35 that point.
36

37 ***Motion failed 1-6 with Fleetwood in favor.***
38

39 **9. RESOLUTION IN SUPPORT OF BELLINGHAM'S WATERFRONT REDEVELOPMENT**
40 **PROJECT (AB2006-392)**
41

42 **Brenner** reported for the Finance and Administrative Services Committee and
43 **moved** to approve the resolution. Work with the City. It's difficult to tie up the County
44 current expense fund. Find another way to work together. She read the resolution.
45

46 Caskey-Schreiber stated this does not preclude the County from supporting LIFT in
47 the future if circumstances change.
48

49 Fleetwood suggested a friendly amendment, "Now, therefore, be it resolved that the
50 Whatcom County Council will work with Bellingham, with the exception of supporting LIFT,
51 to assist in efforts...."
52

53 Brenner did not accept the friendly amendment. They may support LIFT a different
54 way.

1
2 McShane stated they would like to work with redevelopment on the waterfront in a
3 context to fit the needs of the County government and taxpayers. The Economic
4 Development Investment (EDI) fund may be a mechanism for doing that. The City has a
5 long list of projects, some of which may have great appeal to County government and the
6 County may be willing to fund. Down the road, because of the lack of clarity of what could
7 exactly occur on the waterfront, they may fully support LIFT. Now, they don't know how
8 many jobs will be created and how many assurances there are. They don't know what the
9 land plan will be and how it will relate to contamination issues on the mill site. They don't
10 know how the contamination issues of the Cornwall Avenue landfill will be dealt with. It
11 might make more sense in the future. The EDI fund may find projects to fund.
12

13 ***Motion carried unanimously.***

14
15 **3. RESOLUTION SUPPORTING INCENTIVES FOR ACCESSORY RESIDENCES,**
16 **INCLUDING COTTAGES AND CARRIAGE HOUSES (AB2006-346)**
17

18 Fleetwood reported for the Planning and Development Committee and stated this
19 item is held in committee.
20

21 Brenner stated she requests a presentation on accessory dwelling units from the
22 Planning and Development Services staff to address the following questions:

- 23 • What zones currently allow accessory dwelling units, and under what type of
- 24 approval/conditions?
- 25 • How many are applied for versus approved?
- 26 • How many currently exist?
- 27 • Any general recommendations on encouraging use or creating incentives.
- 28

29 **5. EXECUTIVE KREMEN REQUESTS CONFIRMATION OF HIS APPOINTMENT OF**
30 **GEORGE RAPER TO THE VETERAN'S ADVISORY BOARD (AB2006-381)**
31

32 ***Nelson moved*** to confirm the appointment.

33
34 ***Motion carried unanimously.***
35

36 **6. EXECUTIVE KREMEN REQUESTS CONFIRMATION OF HIS APPOINTMENT OF**
37 **KATHLEEN PATE TO THE DEVELOPMENTAL DISABILITIES BOARD (AB2006-**
38 **382)**
39

40 ***Weimer moved*** to confirm the appointment.

41
42 ***Motion carried unanimously.***
43

44 **7. RESOLUTION DESIGNATING OCTOBER 22-28, 2006, AS ADULT LITERACY**
45 **WEEK (AB2006-390)**
46

47 ***Brenner moved*** to approve the resolution.

48
49 ***Motion carried unanimously.***
50

51 **8. RESOLUTION ESTABLISHING REGULAR WHATCOM COUNTY COUNCIL**
52 **MEETING DATES FOR 2007 (AB2006-367)**
53

54 ***Nelson moved*** to approve the resolution.

1
2 Brenner stated the schedule should be either the first and third Tuesday or the
3 second and fourth Tuesday each month.
4

5 ***Motion carried 6-1 with Brenner opposed.***
6

7
8 **INTRODUCTION ITEMS**
9

10 ***Nelson moved*** to accept the Introduction Items.
11

12 ***Motion carried unanimously.***
13

- 14 1. **ORDINANCE AMENDING THE 2006 WHATCOM COUNTY BUDGET,**
15 **FOURTEENTH REQUEST, IN THE AMOUNT OF \$766,036 (AB2006-383)**
16
- 17 2. **ORDINANCE ADOPTING THE SIX-YEAR CAPITAL IMPROVEMENT PROGRAM**
18 **2007-2012 (WHATCOM COUNTY COMPREHENSIVE PLAN - APPENDIX F)**
19 **(AB2006-384) (HEARING TO BE SCHEDULED)**
20
- 21 3. **ORDINANCE AMENDING THE ORDINANCE SETTING THE FEE SCHEDULE FOR**
22 **REVOCABLE ENCROACHMENT PERMITS TO INCORPORATE BY REFERENCE**
23 **THE FEES SET FOR SUCH PERMITS IN THE WHATCOM COUNTY UNIFIED FEE**
24 **SCHEDULE (AB2006-385) (HEARING TO BE SCHEDULED)**
25
- 26 4. **ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING MAP**
27 **FROM LONG TERM URBAN GROWTH AREA TO SHORT TERM URBAN GROWTH**
28 **AREA FOR APPROXIMATELY 34 ACRES WITHIN THE SOUTHERN PERIPHERY**
29 **OF THE BIRCH BAY COMMUNITY PLAN, SOUTH OF HOLEMAN ROAD (AB2006-**
30 **386)**
31
- 32 5. **RESOLUTION ADOPTING THE WHATCOM COUNTY 2007 ANNUAL**
33 **CONSTRUCTION PROGRAM (AB2006-387) (HEARING TO BE SCHEDULED)**
34
- 35 6. **RESOLUTION TO SELL COUNTY TAX TITLE PROPERTY BY NEGOTIATION -**
36 **REQUEST #TR2006-12 (AB2006-379A) (HEARING TO BE SCHEDULED)**
37
- 38 7. **RESOLUTION TO SELL COUNTY TAX TITLE PROPERTY BY NEGOTIATION -**
39 **REQUEST #TR2006-13 (AB2006-380A) (HEARING TO BE SCHEDULED)**
40
- 41 8. **ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING**
42 **ORDINANCE, SPECIFICALLY ADDING ON-FARM PROCESSING TO CHAPTER**
43 **20.36.100 - ADMINISTRATIVE USES, 20.36.150 - CONDITIONAL USES,**
44 **20.40.100 - ACCESSORY USES, 20.40.138 - ADMINISTRATIVE USES,**
45 **DELETING SELECT TEXT FROM 20.36.162, DELETING 20.40.158. ADDING**
46 **AGRICULTURAL PROCESSING AND PERMANENT EMPLOYEE DEFINITIONS TO**
47 **CHAPTER 20.97 - DEFINITIONS AND ADDING LOT COVERAGE RESTRICTION**
48 **TO CHAPTER 20.40.450 (AB2006-388)**
49
- 50 9. **ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING**
51 **ORDINANCE, SPECIFICALLY ADDING NEW LANGUAGE PERTAINING TO**
52 **THE RESTRICTION OF SALE OF MULTI-FAMILY FARM WORKER**
53 **HOUSING STRUCTURES TO CHAPTER 20.36.140 - CONDITIONAL**
54 **USES. THE PROPOSED LANGUAGE EXPANDS THE LIST OF ELIGIBLE**

1 **PURCHASERS TO INCLUDE INDIVIDUALS OR ENTERPRISES WHOSE**
2 **PRIMARY BUSINESS IS AGRICULTURAL PRODUCTION (AB2006-389)**

3
4 **10. RECEIPT OF AN APPEAL OF THE HEARING EXAMINER'S DECISION ON**
5 **APL06-0022 FILED BY WHATCOM COUNTY PLANNING REGARDING AN**
6 **ADMINISTRATIVE DECISION (AB2006-366)**

7
8
9 **OTHER BUSINESS AND COUNCILMEMBER REPORTS**

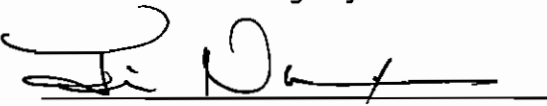
10
11 Caskey-Schreiber stated she is going to the National Land Trust conference to attend
12 a seminar on value-added agriculture and a seminar on how to use conservation lands in
13 community planning. The County will have to address this with the Parks Plan. She would
14 like to get information on how they can be more strategic with acquisitions from the
15 Conservation Futures fund. She will attend an update on the Ranchland and Protection
16 Program to figure out if there is a way to influence change there.

17
18 She went to Oak Harbor to see the Opportunity Council's housing shelter. It was
19 very impressive.

20
21 Brenner stated she and Councilmember Weimer were on a team for the Harvest
22 Chase, sponsored by Sustainable Connections. It was very fun.

23
24
25 **ADJOURN**

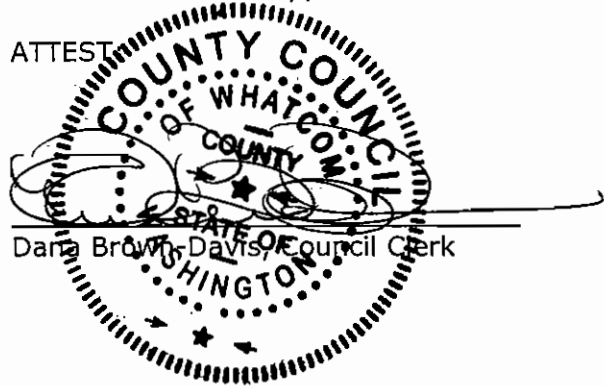
26
27 The meeting adjourned at 10:39 p.m.

28
29 

30
31 Jill Nixon, Minutes Transcription

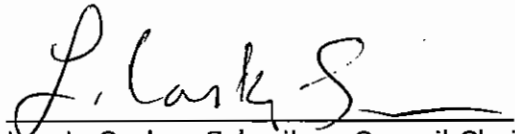
32
33 The Council approved these minutes on November 9, 2006.

34
35 ATTEST



36
37
38
39
40
41 Dana Brown-Davis, Council Clerk

 WHATCOM COUNTY COUNCIL
 WHATCOM COUNTY, WASHINGTON



Laurie Caskey-Schreiber, Council Chair