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WHATCOM COUNTY COUNCIL
Regular County Council

October 24, 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 that the following items were discussed during the Committee of the Whole meeting:

1. Discussion with Assistant Public Work Director Bruce Roll regarding water resource comprehensive planning and integration (AB2006-407)

This item was discussed and will be discussed again during the October 26, 2006 budget work session.

2. Discussion with Assistant Chief Civil Deputy Prosecutor Daniel Gibson regarding pending litigation (AB2006-018)

This item was withdrawn from the agenda.

3. Discussion regarding a potential property acquisition (AB2006-018)

Fleetwood moved to authorize the Public Works Department to bid at the upcoming tax foreclosure sale on a specific property with a maximum bid amount as discussed in executive session.

Motion carried unanimously.

4. Consideration of an appeal of the Hearing Examiner's decision filed by Jonathan Sitkin for Whatcom County Fire District #13 on File Nos. SEP06-0022, PUD05-0008, BSP05-0008, and LSS05-0013 regarding Harborview Road Development (AB2006-368)

McShane moved to uphold the Hearing Examiner's decision.

Motion carried 6-1 with McShane opposed.

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5. Planned Unit Development filed by Lisa Schenk and Mike Sumner for "Harborview Road Development" (AB2006-364)

Nelson moved to approve the request.

Motion carried 6-1 with McShane opposed.

6. Consideration of Hearing Examiner's recommended approval of a Major Development Permit filed by Mayflower Equities for "Birch Bay Center" (AB2006-365)

Nelson moved to approve the recommendation.

Motion carried 5-2 with McShane and Caskey-Schreiber opposed.

MINUTES CONSENT

Nelson moved to approve Minutes Consent items one and two.

Motion carried unanimously.

- 1. BOARD OF HEALTH FOR OCTOBER 3, 2006**
- 2. COMMITTEE OF THE WHOLE FOR OCTOBER 10, 2006**

OPEN SESSION

The following people spoke:

Kris Unger, 2095 Northshore Road, stated the budget will dip heavily in the County cash reserves in the general fund. The County is in violation of Revised Code of Washington (RCW) 36.40.090 with the large, undedicated cash balances. The County officials do not have the right to decide what statutes to follow and not to follow. County department heads anticipate spending undesignated reserves and funding non-voter approved pet projects. The surplus suggests that taxpayers have been overcharged. The surplus should be refunded or future taxes reduced. The current assessment cycle creates imbalances during times of rapidly rising values. Tax exemption programs reduce values or remove the property from the rolls, shifting the burden to the rest of the population. This is an undue burden on taxpayers. The ordinance for the 2007 levy for County and State tax purposes fixes the levy according to an Exhibit A, but Exhibit A is blank, and won't be available until January 1. The Council doesn't know what it will vote on. He asked how often that happens.

Fleetwood stated Mr. Ungern references spending reserves non-voter approved projects, and asked if he suggests that all County projects require voter approval. Ungern stated he does not. It's a matter of priorities. He reserves his more specific comments to the hearing on November 8, 2006.

Gerald Larson, 5045 Alder Street, Birch Bay, stated he represents and speaks for some members of the Birch Bay Stormwater and Shellfish Protection Subcommittee. The

1 Birch Bay community has been working on projects for a number of years. He thanked the
2 County for its support. Their stormwater plan is ready. He requested that as much as
3 possible of this plan be implemented and funded during the budget planning process. Their
4 County staff support is being moved from the Planning Department to the Public Works
5 Department. He asked that the Public Works Department identify a staff support person for
6 the community's effort. Hire and train a water keeper so the management area can start
7 functioning in April. Fund this effort for half a year in this budget. His committee
8 recommends that it provide an implementation schedule, progress reports to the Birch Bay
9 Steering Committee, and a final report in 2008. Birch Bay Management Area is funded in
10 the proposed budget for 2007/2008. To support implementation, adopt the Birch Bay
11 Stormwater Plan and establish a Birch Bay Stormwater Management Area in the next few
12 months. Pass the recommended assessment. The fee needs to be refined after
13 management area data becomes available. The Birch Bay community will continue to report
14 stormwater problems.

15
16 Brenner stated the request for staff from the Public Works Department needs to be
17 made to Executive Kremen.

18
19 Bernice Brannan, 4545 Patos Avenue, Sandy Point, stated she has a complaint about
20 animal control. A neighbor released ten to fifteen domestic rabbits, which began doing
21 damage. Animal control told the neighbor to remove the rabbits, but the neighbor has
22 failed to do so. Animal control has not followed through. The man who released the
23 animals should be held responsible. Animal control keeps saying they will bring traps, but
24 they haven't.

25
26 Larry Helm, 2660 East 41st Terrace, stated he supports the Sheriff's request for new
27 positions. The Sheriff doesn't have enough people to cover the graveyard shift. It takes
28 over 30 minutes to get a Sheriff response to Squalicum Lake Valley. At that time of the
29 night, there are only four deputies on duty during the weekdays. They should have a
30 minimum call out time of 30 minutes, not 40 minutes.

31
32 Doug Robertson, 902 Dupont Street, Bellingham, stated he submitted the original
33 stipulation referenced in the Committee of the Whole meeting.

34
35 Virginia Ambrosio, 2729 Jensen Road, stated the County has an area illegally
36 designated as a limited area of more intense rural development (LAMIRD) on Squalicum
37 Mountain near Toad Lake. Councilmember Fleetwood said that the area failed to meet the
38 LAMIRD criteria in 2005. The logical outer boundaries are supposed to be delineated by the
39 built environment that existed on July 1, 1990. The LAMIRD is an optional tool. The
40 Kremen LAMIRD, with no water and sewer, was a proposed incentive downzone area in
41 1996. Now, in 2006, the area is a forest with very few recently built homes.
42 Councilmember McShane stated the LAMIRD area went far beyond the areas that have been
43 built, and that the boundaries need to be pulled back to comply with Growth Management
44 Act. The LAMIRD doesn't make a sense and is a formula for sprawl, but Councilmember is
45 still going forward with clearing and subdividing. She asked why the moratorium was
46 allowed to expire before the Planning Department could make that LAMIRD comply, and
47 why the County Executive is endorsing urban sprawl. The Council must stop hiding from
48 this issue. If Pete Kremen wants to be a developer, he should resign so the County can
49 make its policies without his bias.

50
51 Dennis Jones, Sudden Valley, stated he is opposed to Initiative 933. It is the single
52 largest unfunded mandate put on communities in Washington State history.

53

1 Johnny Grames, 1506 Maplewood Avenue, Bellingham, stated the County Prosecutor
2 and the Public Defender were getting along well this afternoon. That is positive. The
3 judicial system is political. The Law and Justice Council meets and gets paid to lobby for a
4 bigger budget and for putting more people in jail.

5
6 Richard Williams, 8264 Cowichan Road, Blaine, stated Birch Bay sustains extensive
7 stormwater damage during the storm season. Citizens are working with County staff on a
8 Comprehensive Stormwater Plan. It is now time for the County to act before more damage
9 occurs this year. Approve the plan. Designate a point person on the County staff who the
10 citizens can call when there is stormwater damage.

11
12 McShane asked for information on specific issues and what they've seen. Williams
13 stated they've had a storm surge. Water has come over the road on Birch Bay Drive. Also,
14 water flowed off the bluff and onto people's properties. The storm drainage system was not
15 capable of handling the stormwater. Some systems were plugged up from earlier in the
16 season. The system failed, and caused flooding in key areas.

17
18 Judy Westoff, 4172 Squalicum Lake Road, stated she doesn't like the City coming out
19 to her. She is a member of the Squalicum Valley Community Association. They are trying
20 to protect their property. She is opposed to gated communities. Developers who say they
21 are neighbors are trying to tell the valley residents what to do.

22
23 Bill Blais, 3237 Robertson Road, stated he would speak on the rezone on Whitehorn
24 Way. The zoning was changed in 1997 from a short-term planning area to a long-term
25 planning area, but no one knows why. The zoning has prevented him from being able to
26 hook up to the sewer. This affects seven lots. His option was to put in a septic system. The
27 Health Department said he needed to hook up to the sewer system on Whitehorn Way. He
28 met with Planning Director Hal Hart, and Mr. Hart assigned the issue to Elizabeth Olsen.
29 Ms. Olsen recommended that the Planning Commission amend the official zoning map by
30 removing the long-term urban growth area designation from the +/- 34 acres and by
31 replacing it with the short-term urban growth area designation, so it will be consistent with
32 the surrounding neighborhood. He thanked Mr. Hart and the Planning staff for expediting
33 the process of this rezone. He and the other lot owners hope the Council votes to change
34 the zoning so they can hook up to the sewer.

35
36 Jim Johann, 1405 East Illinois, Bellingham, stated he is in favor of Initiative 933.
37 There are a lot of myths and distortions on this issue. His website is voteralert.com, which
38 has videos about the initiative and its myths and distortions.

39
40 David Coffey, 348 East Smith Road, asked the Council for help with the stormwater
41 that is effecting his property from the State Route 539, Guide Meridian, widening project. It
42 is a community undertaking. However, property rights have to be respected, too. Since the
43 project is part of the Transportation Improvement Program for the Council of Governments,
44 it's available for enhancement grants. He hopes to partner with the Council to apply for a
45 grant through the Council of Governments. Overcome the stormwater drainage problem in
46 the vicinity of Klein Road.

47
48
49 **PUBLIC HEARINGS**

- 50
51 **1. ORDINANCE AMENDING ORDINANCE 88-79, SETTING THE FEE SCHEDULE**
52 **FOR REVOCABLE ENCROACHMENT PERMITS TO INCORPORATE BY**

1 **REFERENCE THE FEES SET FOR SUCH PERMITS IN THE WHATCOM COUNTY**
2 **UNIFIED FEE SCHEDULE (AB2006-385)**

3
4 Caskey-Schreiber opened the public hearing and, hearing no one, closed the public
5 hearing.

6
7 **McShane moved** to adopt the ordinance.

8
9 **Motion carried unanimously.**

10
11 **2. RESOLUTION ADOPTING THE WHATCOM COUNTY 2007 ANNUAL**
12 **CONSTRUCTION PROGRAM (AB2006-387)**

13
14 Caskey-Schreiber opened the public hearing and, hearing no one, closed the public
15 hearing.

16
17 Joe Rutan, Public Works Department, stated some projects are going to be started
18 and completed in 2007 that are part of the base budget. Other projects, such as Lincoln
19 Road, will be back in front of the Council later with a project-based budget.

20
21 The Council packet summary of Lincoln Road discusses proposed improvements. He
22 proposes a median. He needs guidance from the Council that that is the cross section of the
23 roadway. It will be a roadway with a center median for drainage. There would be one lane
24 of traffic on either side of the median. The intersections would be roundabouts. That
25 section is a little more difficult and expensive than a standard County road due to
26 geotechnical issues. He expects up to one-half feet of settlement. It is different from any
27 type of roads built in the past.

28
29 Nelson asked about the pedestrian crosswalks. Rutan stated that in this new design,
30 there will be things that they have to work through. He will work with consultants and the
31 neighbors on these issues. The roundabouts are one mile apart. They need a way to get
32 people across the road. The center median will be full of water. They must create islands
33 through there. He's not sure yet how they will be designed.

34
35 Brenner asked when the staff will start meeting with the community. Rutan stated
36 he's already started. The community has reviewed the alternatives analysis and approved
37 the cross-section. He will present a project-based budget soon, along with a contract for
38 consultant design. As part of that program, he will work with the design engineer on the
39 scope of work and when they will engage the community. Time is important to this project.
40 It could take longer to do. There are more right-of-way acquisition and wetland impacts.
41 There are more issues to work through with everyone.

42
43 Brenner asked if getting a design contractor or meeting with the community should
44 come first. Rutan stated he expects to meet with the community when the design is about
45 30 percent done. He wants to have something to show the community. They get a lot
46 more information from the community when the community has something to look at.

47
48 Caskey-Schreiber asked how the department notifies the public of public meetings.
49 Rutan stated there are criteria for mail notification. He advertises in the newspaper of
50 record. Many projects have a list of interested parties. The Birch Bay community will be
51 easy to notify because it has a well-developed community committee network.
52

1 Caskey-Schreiber asked if the State will participate in that meeting. Rutan stated it
2 will.

3
4 *(Clerk's Note: End of tape one, side A.)*

5
6 **Brenner moved** to approve the resolution.

7
8 **Motion carried unanimously.**

9
10 **3. RESOLUTION TO SELL COUNTY TAX TITLE PROPERTY BY NEGOTIATION –**
11 **REQUEST #TR2006-12 (AB2006-379A)**

12
13 Caskey-Schreiber opened the public hearing and, hearing no one, closed the public
14 hearing.

15
16 **McShane moved** to approve the resolution.

17
18 **Motion carried unanimously.**

19
20 **4. RESOLUTION TO SELL COUNTY TAX TITLE PROPERTY BY NEGOTIATION –**
21 **REQUEST #TR2006-13 (AB2006-380A)**

22
23 Caskey-Schreiber opened the public hearing and, hearing no one, closed the public
24 hearing.

25
26 **Brenner moved** to approve the resolution.

27
28 **Motion carried unanimously.**

29
30 **5. EMERGENCY ORDINANCE (2006-045) REMOVING THE LOT CLUSTERING**
31 **PROVISION FROM WHATCOM COUNTY CODE 20.42, RURAL FORESTRY**
32 **DISTRICT (AB2006-393)**

33
34 Caskey-Schreiber stated this ordinance was adopted at the last County Council
35 meeting. She opened the public hearing and the following people spoke:

36
37 Mark Land, 3905 Issacson Road, stated he lives on Squalicum Mountain. His
38 property will be impacted by the Iverson development. He is in favor of their cluster plan.
39 Be aware that the newly formed Squalicum Mountain community organization doesn't reflect
40 the views of most of the people in the community. They are a very vocal minority with an
41 attorney. One stated purpose of the group is to protect the resources of the valley.
42 However, the cluster would preserve the water under the mountain. Digging 35 more
43 individual wells would not be better than hooking up to the water association. It is the
44 same with the sewer.

45
46 If allowed to cluster, the remaining 600 acres would have a rural forest management
47 plan, and promote the current character of the area. The cluster plan includes provisions
48 for roads and drainage, not a hodgepodge of 35 homes spread out on one home for every
49 20 acres. Promote good public policies. The Iversons are willing to work with neighbors
50 and government. If forced, they could sell their land to someone else who isn't willing to
51 work with the community. Remove the clustering provision from the emergency
52 moratorium that covers the rural forestry district. Allow the Iversons to apply for their
53 cluster and go through the permitting process.

1
2 Stephanie Russo, 3693 Squalicum Lake Road, stated she thanks the Council for
3 passing the emergency moratorium. Change the code to permanently remove the lot
4 clustering provision from the resource forest lands. The legislature found that a county
5 should preserve traditional lifestyles, foster land use patterns, and be compatible with the
6 use of the land for habitat. The rural vision means retaining open space. This will naturally
7 protect surface water recharge areas. Urban growth is incompatible with the primary use of
8 the land and goals of the Growth Management Act to contain and manage urban growth.
9 Counties must identify and preserve open space to buffer resource lands from urban areas.
10 Failure to do so results in noncompliance with the Growth Management Act. The County
11 Comprehensive Plan doesn't identify any open space. Promotion of urban growth in natural
12 resource lands by clustering and other zoning schemes is inappropriate and doesn't comply
13 with the Growth Management Act. Preserve natural resource lands. Remove clustering.
14

15 Jenny Billings, 601 Northshore Drive, Lake Whatcom Residential and Treatment
16 Center Facilities Director, stated the treatment center is extending a water system through
17 its property and installing a holding tank off Academy Road. It's been said that it will lead
18 water up to this development. However, that system is to only serve the treatment facility.
19 There were statements made that the treatment facility supports the development, but it
20 does not.
21

22 Marian Beddill, 3600 Seeley Street, stated she is in favor of the ordinance. There
23 are different options besides clustering or not clustering. One option is not building at all.
24 Hold the land in perpetual forestry. Protect the Lake Whatcom watershed through property
25 acquisition or other methods. Phosphorus pollutes the water that comes from development.
26 An extension for pipe service from an urban area to a rural area will lead to additional
27 development and urbanization. The extension is contrary to the intent of the Lake Whatcom
28 watershed.
29

30 Any work that expands the land development and urbanization on the side of the
31 mountain that uses Academy Road will make a big mess on Academy Road where it
32 connects the main thoroughfare. Don't allow additional urbanization in the watershed.
33

34 Larry Helm, 2660 East 41st Terrace, stated Squalicum Valley was zoned one dwelling
35 per 20 acres and one dwelling per five acres when he moved there. That was a covenant
36 with the County. A person who buys in a cluster development doesn't have the same
37 attitude as a person who buys twenty acres. A group of people with urban attitudes start
38 complaining and don't like the chain saws. The presence of a cluster moves out the urban
39 boundary. Do a good job of where they put large groups of people. A fifty home cluster is
40 a large group of people who will agitate against forestry. Keep logging jobs here.
41

42 Dennis Jones, 1487 Sudden Valley, stated he is a certified master beach watcher.
43 He studies watersheds. A direct parallel to Lake Whatcom is Clear Lake in California.
44 People should read the report on Lake Whatcom by Christina McGinnis. People don't
45 understand the cliff effect, such as Squalicum Mountain. At some point, the lake loses the
46 ability to sustain itself. The lake has reached the point where it is degrading. A local
47 initiative in 1999 was to purchase a lot. There are options through the Conservation
48 Futures fund. Take a look at all the options for the Vineyard Estates development on
49 Squalicum Mountain. Look at the options if they do nothing. Rural forestry is a special
50 area. It is different. Walk from Gate 13 at Sudden Valley to Lookout Mountain. It is an
51 option if they do nothing.
52

1 Jaclyn Hollingsworth, 1877 Academy Road, stated the Growth Management Act is
2 different from other statutes. Enforcement mechanisms are absent. The citizens are
3 concerned about the county must rely on the elected officials to protect resources from
4 incompatible uses. They are the single most destructive reason for the loss of resource
5 lands. Developers invest time and money lobbying the local authority because they have an
6 economic investment. The citizens do not have that time and money, and rely on the
7 elected officials to act on their behalf. Know when something isn't compatible with the
8 Comprehensive Plan. Clustering in forestry resource areas is not compatible with the
9 Comprehensive Plan.

10
11 Gwen Hunter, 2540 Applejack Lane, stated she is the Squalicum Valley Community
12 Association Secretary. They have received over thirty checks from over 30 families to
13 secure an attorney. The association represents more than a few valley residents.

14
15 She thanked the Council for enacting the ordinance. Permanently ban lot clustering
16 on County resource lands, specifically those that are rural forestry. This will comply with
17 the Growth Management Act and avoid further court costs. If County Executive Pete
18 Kremen had acted on the information he was given regarding the Forest Legacy fund, they
19 wouldn't have been in the position they are in now. These lands would have been
20 purchased by the fund now. The City and County matching costs would have been much
21 less. Executive Kremen says he wants to protect the watershed from development, but
22 then he short-plats his acreage in anticipation of water and sewer services being extended
23 to the proposed Vineyard Development across from his property. Executive Kremen and his
24 staff must adhere to the Growth Management Act and Comprehensive Land to protect
25 resource land from decimation by city services and urbanization. Ten percent of the
26 nation's forest products come from west of the Cascades. Much of the forest land is owned
27 by developers. If the County allows them to cluster, they will lose the quality of life and a
28 vital industry. Remove the lot clustering provision.

29
30 Bill Sygitowicz, 1864 Academy Road, Bellingham, stated encourage conservation of
31 forests and discourage incompatible uses. Be aware of the unintended consequences of
32 poor legislation. They need time to take a look at this. This knee-jerk reaction will actually
33 remove this potential 600-acre forest from the top of Squalicum Mountain. In the current
34 code, the landowner can divide the land into 20-acre parcels and do no stormwater runoff
35 control. However, the landowner has made the extra effort to do something a little better
36 by saving 85 percent of the forest as a long-term managed forest. That would require a
37 release from the moratorium.

38
39 Stan Freske, 4089 Squalicum Lake Road, stated he is opposed to the CLUSTER
40 development because it is the first step to urbanizing the mountain. However, spreading
41 out thirty-five houses on twenty acres each would be worse. It would affect the valuable
42 wildness area. Find a way to make it a forest preserve. This could be done with federal
43 funding for such a preserve. That would benefit both the county and the city, because it
44 does extend into the watershed. The County and City should make that a goal.

45
46 Virginia Watson, 2729 Jensen Road, stated the pros and cons of lot clustering were
47 debated before the Growth Management Act was passed. That rule was passed and stands.
48 To go forward, the developer needs the Council's help to circumvent a State law. This
49 debate belongs in Olympia. When the Iversons purchased the property, it was zoned for
50 one house per 20 acres. They have to go by the law that prohibits the cluster. The Council
51 needs to support that law. Extend the moratorium. Permanently remove the cluster
52 provision from the forestry district.

1 A lot of infilling is going on in Bellingham. Infilling is supposed to be the antidote of
2 sprawl. If this goes forward, this type of development will be on every mountain in
3 Whatcom County. It's a waste of time, money, and effort if this goes to court. Uphold the
4 law as it stands.

5
6 Greg Kirsch, 4365 Y Road, submitted a statement from 35 residents of Squalicum
7 Valley. He read the statement. According to the Growth Management Act, each county
8 must identify forestlands not characterized by urban growth that have long-term
9 significance for the commercial production of timber to ensure that development regulations
10 conserve those resource lands. Rural lands do not include designated forest lands. Forest
11 lands are resource lands, not rural lands. The Growth Management Act prohibits clustering
12 on resource lands. The legislature clarified that clustering is allowed on resource lands only
13 designated for agriculture. If clustering were generally allowed in all resource lands, there
14 was no need for the legislature to adopt a special measure to allow clusters in agricultural
15 lands. The legislature meant to continue prohibiting clustering on forest lands. Allowing the
16 clustering of residences on suitable forest land is not an appropriate or legal alternative in
17 any rural area where resource lands are designated for forestry. Remove that provision
18 from the County code.

19
20 Joan Beardsley, Bellingham City Council Member and Lake Whatcom Committee,
21 stated the Lake Whatcom Committee of the City Council had a presentation by a
22 representative of the Forest Legacy Program. They discussed the possibilities of the City
23 applying for the forestry grant to purchase the Iverson's property. The federal program
24 favors situations such as this that want to protect a water supply. The program also favors
25 jurisdictions that have already made efforts to safeguard the area. This property is
26 contiguous to property that the City of Bellingham already purchased. Continue this
27 moratorium. They need time to proceed with the grant application, which is due in March.
28 The City staff is working on an application.

29
30 Nelson asked which property is adjacent.

31
32 McShane stated the City property adjoins to the south. He asked if the application
33 requires the project to be on the community economic development strategy (CEDS) list.
34 Beardsley stated she doesn't know. It was mentioned during the meeting.

35
36 Caskey-Schreiber stated it might help to include it in the County's plan.

37
38 Beardsley stated she hopes the County would be able to obtain information on the
39 effects of this clustering on the watershed versus regular development of one unit per
40 twenty acres.

41
42 Brenner asked if anyone has spoken with Mr. Sygitowicz about this. Beardsley
43 stated someone has. They know fully about this option. Keep their options open.

44
45 Brenner stated she understands that only a part of the property is in the watershed.
46 Beardsley stated that is correct. A portion of the property is on the other side of the
47 mountain. They are talking about buying the entire property for now.

48
49 Virginia Ambrosio, 2729 Jensen Road, Bellingham, stated continue with the
50 moratorium. Clustering would produce a reserve tract, but it would also provide a reason
51 for future land use review to allow additional urban growth. Twenty acre lots put in greater
52 density than exists now, but it precludes future land review from allowing more urban
53 growth. Twenty acre lots may interfere with commercial logging, but small forest lots may

1 encourage selective logging and preserve a greenbelt between rural and urban areas. The
2 reserve tracts could be reserved for continued forestry. However, residents of million dollar
3 homes may not want loggers in their backyards. The reserve tracts created through
4 clustering may be reserved for hiking trails, but residents may expect exclusive use of the
5 areas they paid for. The reserve tract could provide open space for wildlife habitat, but
6 bears and cougars may be attracted to garbage and pets, and get shot. If they service this
7 rural area with water and sewer, they may protect the watershed. However, the service will
8 allow the development of hundreds of residences that damage the watersheds. Clustering
9 new developments will accommodate demand for residences. However, urban growth in
10 forests will eliminate their value for future economic activity.

11
12 Bob Wiesen, 3314 Douglas Road, stated he hopes this isn't a big downzone. Many
13 farmers and timber owners now support Initiative 933. He asked if the Forest Legacy Plan
14 will allow forest management and harvest. This clustering idea is a compromise. It allows
15 the parcels stay in a bigger unit, which is more easily managed.

16
17 Kristi Slette, 4264 Squalicum Lake Road, stated she thanks the Council for the
18 moratorium. This is a complicated issue. It's a legal, financial, environmental, and way of
19 life issue. Please keep the moratorium so all the issues can be addressed ethically and
20 responsibly. She is in favor of the forest legacy option.

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

23
24 *(Clerk's Note: End of tape one, side B.)*

25
26 Caskey-Schreiber stated the Council will take no action tonight.

27
28
29 **CONSENT AGENDA**

30
31 **Crawford** reported for the Finance and Administrative Services Committee and
32 **moved** to approve Consent Agenda items one through 12. The agenda title for item four
33 should read, "...in an amount in excess of \$35,000...." The agenda title for item five should
34 read, "...in an amount in excess of \$35,000...."

35
36 McShane withdrew item two.

37
38 **Motion to approve Consent Agenda items one and three through 12 carried**
39 **unanimously.**

- 40
41 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
42 **INTERLOCAL GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND**
43 **WASHINGTON STATE UNIVERSITY FOR ECONOMIC DEVELOPMENT**
44 **INVESTMENT PROGRAM GRANT FUNDING IN THE AMOUNT OF \$300,000**
45 **(AB2006-378A)**
46
47 **2. RESOLUTION UPDATING THE 2004 AMENDED APPENDIX OF THE 2002**
48 **WHATCOM COUNTY COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY**
49 **(CEDS) (AB2006-378B)**

50
51 **Crawford moved** to approve the resolution.
52

1 McShane stated he's thinking of a City of Bellingham's middle fork diversion project.
2 He asked if this is something they want to hold off on, or amend the CEDS later.

3
4 Dewey Desler, Deputy Administrator, stated the Council can adopt this resolution
5 tonight, and add changes later.

6
7 McShane stated they are looking for funding. It may be an oversight if they can
8 amend it later. Also, the Aquatic Habitat Restoration project on Council packet page 102 is
9 in fact a project to create a marina.

10
11 Caskey-Schreiber asked if Councilmember McShane is engaged with the Economic
12 Development Council (EDC), and if the EDC is on an upward trend.

13
14 McShane stated he has been attending the meetings. The EDC is functioning in a
15 survival mode, with support from local governments. They had a lengthy discussion at the
16 last meeting about trying to bring in the private sector, which is where they've been lacking
17 support. The County has been involved on a contractual basis to assist on specific projects.
18 He doesn't know how other government entities will approach the EDC. The City of
19 Bellingham is talking about creating their own position or continuing support of the EDC.
20 The EDC is approaching a restructure so that it will assist in economic sectors. That may
21 attract private entities to get involved.

22
23 Caskey-Schreiber stated that's where the EDC was at a year ago.

24
25 Crawford asked if the EDC is still managing a revolving loan fund for businesses.

26
27 McShane stated he doesn't believe it is. It manages some funding issue he's not
28 familiar with.

29
30 Caskey-Schreiber asked if the County is committed if the Council includes the EDC in
31 the CEDS plan.

32
33 Dewey Desler, Deputy Administrator, stated the EDC has been designated an
34 economic development entity by the State. It has status no other organization in the
35 county has.

36
37 ***Motion carried unanimously.***

- 38
39 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #06-96 TO**
40 **LOW BIDDER, MODERN MACHINERY, FOR THE PURCHASE OF AN**
41 **ARTICULATED WHEEL LOADER, IN THE AMOUNT OF \$211,483.26 (AB2006-**
42 **396)**
43
44 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**
45 **PURCHASE OF AN ANNUAL SUPPLY OF EQUIPMENT LUBRICANTS FROM**
46 **VENDOR CONOCO PHILIPS (DISTRIBUTOR REISNER DISTRIBUTOR, INC.),**
47 **ON AN AS NEEDED BASIS, IN AN AMOUNT NOT TO EXCEED \$35,000**
48 **(AB2006-397)**
49
50 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE**
51 **PURCHASE OF AN ANNUAL SUPPLY OF AUTO PARTS USING THE**
52 **WASHINGTON STATE CONTRACT, ON AN AS NEEDED BASIS, IN AN AMOUNT**
53 **NOT TO EXCEED \$35,000 (AB2006-398)**

- 1
2 6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE LEASING A
3 NEW MAIL MACHINE, AND ENTER INTO A LEASE AGREEMENT WITH PITNEY
4 BOWES FOR SAID LEASE, FOR A 60 MONTH PERIOD WITH A TOTAL COST OF
5 \$52,380 (AB2006-399)
6
- 7 7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN
8 INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF
9 LYNDEN TO IMPLEMENT THE CITY/COUNTY JAIL INVESTMENT PROGRAM
10 (AB2006-400)
11
- 12 8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
13 CONTRACT BETWEEN WHATCOM COUNTY AND THE INSTITUTE OF
14 ENVIRONMENTAL HEALTH FOR THE PURPOSE OF CONDUCTING MICROBIAL
15 SOURCE TRACKING LABORATORY ANALYSIS FOR APPROXIMATELY 120
16 SURFACE WATER SAMPLES FROM THE DRAYTON HARBOR WATERSHED, IN
17 AN AMOUNT NOT TO EXCEED \$19,000 (AB2006-401)
18
- 19 9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
20 CONTRACT BETWEEN WHATCOM COUNTY AND TRANTECH ENGINEERING,
21 LLC, FOR THE PURPOSE OF PROVIDING LOAD RATING SERVICES FOR 25
22 BRIDGES IN WHATCOM COUNTY PER THE CURRENT WSDOT BRIDGE DESIGN
23 MANUAL, IN AN AMOUNT NOT TO EXCEED \$94,933 (AB2006-402)
24
- 25 10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
26 CONTRACT BETWEEN WHATCOM COUNTY AND CH2M HILL, INC. FOR THE
27 PURPOSE OF PREPARING A COMPREHENSIVE STORMWATER MANAGEMENT
28 PLAN FOR THE UNINCORPORATED PORTIONS OF THE LAKE WHATCOM
29 WATERSHED, IN THE AMOUNT NOT TO EXCEED \$188,905 (AB2006-403)
30
- 31 11. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
32 CONTRACT BETWEEN WHATCOM COUNTY AND PATRON SYSTEMS TO
33 PROVIDE WHATCOM COUNTY SHERIFF'S OFFICE WITH A PAPERLESS
34 REPORT WRITING SYSTEM, IN THE AMOUNT OF \$91,000 (AB2006-404)
35
- 36 12. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO CONTRACT
37 AMENDMENT NO. 1 BETWEEN WHATCOM COUNTY AND NORTHWEST
38 SURVEYING & GPS PROVIDING FOR THE RECOVERY OF 19 ADDITIONAL
39 PLSS CORNER MONUMENTS IN TOWNSHIP 40 NORTH RANGE 03 EAST, IN
40 THE AMOUNT NOT TO EXCEED \$20,000 FOR A TOTAL AMENDED CONTRACT
41 AMOUNT OF \$85,000 (AB2006-405)
42

43
44 **OTHER ITEMS**

- 45
46 1. ORDINANCE AMENDING THE 2006 WHATCOM COUNTY BUDGET,
47 FOURTEENTH REQUEST, IN THE AMOUNT OF \$766,036 (AB2006-383)
48

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

51
52 *Motion carried unanimously.*
53

1 **2. RESOLUTION SUPPORTING INCENTIVES FOR ACCESSORY RESIDENCES,**
2 **INCLUDING COTTAGES AND CARRIAGE HOUSES (AB2006-346)**
3

4 **Fleetwood** reported for the Planning and Development Committee and **moved** to
5 approve the resolution. There were minor friendly amendments:

- 6 • "Now, therefore, be it resolved that the Whatcom County Council supports
7 consideration of incentives...."
- 8 • Exhibit A, item two, "Appropriate zoning shall be areas in the urban growth
9 areas where the County encourages density...."

10
11 Crawford asked the purpose of this resolution. Accessory dwelling units are already
12 allowed in zones in the urban growth area.
13

14 Brenner stated her purpose is to concentrate on urbanized areas and areas where
15 they want growth to occur. This type of affordable housing should be developed.
16

17 Fleetwood stated the object is to allow the Planning Commission to come up with
18 further methods to provide better incentives for the use of accessory dwelling units.
19

20 Crawford asked if they are looking for the Planning Commission to determine
21 whether accessory dwelling units are a good concept.
22

23 Brenner stated that's correct.
24

25 **Fleetwood moved** to amend the resolution, "Be it further resolved that the County
26 Council supports consideration of incentives to relieve concerns regarding negative impacts
27 to neighbors."
28

29 Crawford asked if there are examples of incentives.
30

31 Brenner stated her examples are included. The Planning Commission can come up
32 with other examples.
33

34 Crawford stated an incentive is something that someone gets in return for doing
35 something. He asked what would motivate people to build accessory dwelling units if they
36 are already allowed.
37

38 Caskey-Schreiber stated the incentive is a higher density and more revenue for their
39 property.
40

41 Crawford stated they are already allowed. That isn't an incentive.
42

43 Brenner stated one incentive is their ability to use off-the-shelf, engineered designs,
44 which would save them money. They are already approved by the County.
45

46 Caskey-Schreiber stated they will have a smoother route to their permit if they
47 adhere to the pre-approved designs.
48

49 **Motion to amend carried unanimously.**
50

51 **Fleetwood moved** to amend Exhibit A, item two, "Appropriate zoning shall be the
52 urban growth areas where the County encourages density...."
53

1 Brenner stated another incentive is that is approved by administrative approval.

2
3 Crawford stated it is allowed by administrative approval already in all the urban
4 residential (UR) zones. He asked if there was discussion about talking to the adjoining city
5 about making these regulations concurrent with their accessory dwelling unit ordinances.
6 Ultimately, the cities will annex these developments anyway.

7
8 Fleetwood stated there wasn't that discussion. It's a good idea.

9
10 Crawford stated leave it up to the Planning Commission to decide if that's important.
11 Work with the City of Bellingham. The City resists accessory dwelling units, and may not
12 approve certain development proposals that include accessory dwelling units for water and
13 sewer hookups. Those hookups are critical in the urban growth area. The City has the
14 ability to withhold those hookups. The County accessory dwelling unit requirements are
15 that it must have its own supply of water and sewer.

16
17 Brenner stated she intends to develop accessory dwelling units in a way that they
18 are pretty incredible. People shouldn't be afraid because of the horrible press. They work
19 out well in areas where they are allowed. Get rid of the fear factor. If people start to see
20 them developed nicely, it may get rid of the fear factor.

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

23
24 ***Brenner moved*** to approve the resolution as amended.

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

27
28 **3. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING MAP**
29 **FROM LONG TERM URBAN GROWTH AREA TO SHORT TERM URBAN GROWTH**
30 **AREA FOR APPROXIMATELY 34 ACRES WITHIN THE SOUTHERN PERIPHERY**
31 **OF THE BIRCH BAY COMMUNITY PLAN, SOUTH OF HOLEMAN ROAD (AB2006-**
32 **386)**

33
34 ***Fleetwood*** reported for the Planning and Development Committee and stated the
35 committee recommends approval upon adoption of the Birch Bay Comprehensive
36 Stormwater Plan, which should be done in two weeks. He ***moved*** to adopt the ordinance.

37
38 ***Fleetwood moved*** the that the ordinance not become effective until the County
39 Council formally adopts the Birch Bay Comprehensive Stormwater Plan.

40
41 ***Motion carried 6-1 with Crawford opposed.***

42
43 McShane stated that this is a change from the Planning Commission
44 recommendation, and may require another public hearing.

45
46 Karen Frakes, Prosecutor's Office, stated that according to the Revised Code of
47 Washington (RCW), any change to the recommendation of the Planning Commission
48 requires a public hearing on that change.

49
50 ***McShane moved*** to reconsider the motion to amend.

51
52 ***Motion to reconsider carried unanimously.***

1 **McShane moved** to hold in Council until the Council approves the resolution for the
2 Birch Bay Comprehensive Stormwater Plan.

3
4 **Motion carried 6-1 Crawford opposed.**

- 5
6 4. **ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING**
7 **ORDINANCE, SPECIFICALLY ADDING ON-FARM PROCESSING TO CHAPTER**
8 **20.36.100 - ADMINISTRATIVE USES, 20.36.150 - CONDITIONAL USES,**
9 **20.40.100 - ACCESSORY USES, 20.40.138 - ADMINISTRATIVE USES,**
10 **DELETING SELECT TEXT FROM 20.36.162, DELETING 20.40.158, ADDING**
11 **AGRICULTURAL PROCESSING AND PERMANENT EMPLOYEE DEFINITIONS TO**
12 **CHAPTER 20.97 - DEFINITIONS AND ADDING LOT COVERAGE RESTRICTION**
13 **TO CHAPTER 20.40.450 (AB2006-388)**

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

17
18 **Motion carried unanimously.**

- 19
20 5. **ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING**
21 **ORDINANCE, SPECIFICALLY ADDING NEW LANGUAGE PERTAINING TO THE**
22 **RESTRICTION OF SALE OF MULTI-FAMILY FARM WORKER HOUSING**
23 **STRUCTURES TO CHAPTER 20.36.140 - CONDITIONAL USES, AND**
24 **EXPANDING THE LIST OF ELIGIBLE PURCHASERS TO INCLUDE INDIVIDUALS**
25 **OR ENTERPRISES WHOSE PRIMARY BUSINESS IS AGRICULTURAL**
26 **PRODUCTION (AB2006-389)**

27
28 **Fleetwood** reported for the Planning and Development Committee and moved to
29 **adopt** the ordinance.

30
31 **Motion carried unanimously.**

- 32
33 6. **CONSIDERATION OF AN APPEAL OF THE HEARING EXAMINER'S DECISION**
34 **FILED BY JONATHAN SITKIN FOR WHATCOM COUNTY FIRE DISTRICT #13**
35 **ON FILE NOS. SEP06-0022, PUD05-0008, BSP05-0008, AND LSS05-0013**
36 **REGARDING HARBORVIEW ROAD DEVELOPMENT (AB2006-368)**

37
38 See Announcements.

- 39
40 7. **APPOINTMENT TO THE SOLID WASTE ADVISORY BOARD, APPLICANT:**
41 **RONALD MYRON BIERY (AB2006-394)**

42
43 **Brenner moved** to appoint Ronald Myron Biery.

44
45 **Motion carried unanimously.**

- 46
47 8. **APPOINTMENT TO THE SUMAS/EVERSON/NOOKSACK FLOOD CONTROL SUB-**
48 **ZONE ADVISORY COMMITTEE, APPLICANT: DEAN MUNKRES (AB2006-395)**

49
50 **Brenner moved** to appoint Dean Munkres.

51
52 **Motion carried unanimously.**

1
2 **INTRODUCTION ITEMS**
3

4 *McShane moved* to accept the Introduction Items.
5

6 *Motion carried unanimously.*
7

- 8 1. **ORDINANCE ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN AND**
9 **THE UR AND URM ZONING DISTRICTS RELATING TO LOT CLUSTERING,**
10 **RESERVE TRACTS AND WATER AND SEWAGE DISPOSAL FACILITIES**
11 **(AB2006-406)**
12
13 2. **ORDINANCE ADOPTING THE FINAL BUDGET OF WHATCOM COUNTY FOR THE**
14 **BIENNIUM 2007-2008 AND RESTRICTING THE EXPENDITURE OF CERTAIN**
15 **FUNDS THEREIN (AB2006-263B)**
16
17 3. **ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY AND STATE**
18 **PURPOSES IN WHATCOM COUNTY, WASHINGTON, FOR THE YEAR 2007**
19 **PURSUANT TO HOME RULE CHARTER SECTION 6.10 (AB2006-408)**
20
21 4. **ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY ROAD**
22 **PURPOSES IN WHATCOM COUNTY, WASHINGTON, FOR THE YEAR 2007**
23 **PURSUANT TO HOME RULE CHARTER SECTION 6.10 (AB2006-409)**
24
25 5. **ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY**
26 **CONSERVATION FUTURES PURPOSES IN WHATCOM COUNTY, WASHINGTON,**
27 **FOR THE YEAR 2007 PURSUANT TO HOME RULE CHARTER SECTION 6.10**
28 **(AB2006-410)**
29
30 6. **RESOLUTION AUTHORIZING THE LEVY OF TAXES FOR WHATCOM**
31 **COUNTY FLOOD CONTROL ZONE DISTRICT (WCFCZD) FOR THE YEAR**
32 **2007 (AB2006-411) (COUNCIL ACTING AS THE WCFCZD BOARD OF**
33 **SUPERVISORS)**
34
35

36 **OTHER BUSINESS AND COUNCILMEMBER REPORTS**
37

38 Weimer reported for the Public Works and Safety Committee on the **ordinance**
39 **amending Whatcom County Code 10.34, Ferry Rates, and the 2006 Whatcom**
40 **County Unified Fee Schedule (AB2006-260)**. There was a long discussion and it was
41 held in committee.
42

43 Brenner stated she learned what kind of amendments to the ordinance she might be
44 able to get.
45

46 She announced that the Building Industry Association holds workshops that are
47 important for environmental issues. The Council can learn a lot of information from these
48 workshops and the Sustainable Connections workshops. They can take courses from either
49 organization.
50

51 Caskey-Schreiber announced that she attended the National Land Trust Conference
52 in Nashville. She learned a lot from the courses. She hoped to influence the National

1 Association of County Officials (NACO) to offer these classes. Whatcom County is doing
2 very well with its planning. Many counties in the nation don't have any zoning at all.
3
4

5 **ADJOURN**

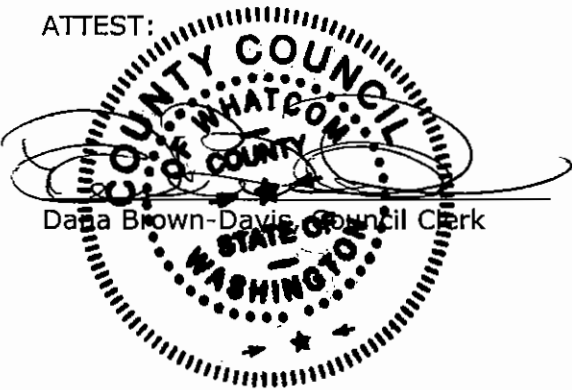
6
7 The meeting adjourned at 9:05 p.m.

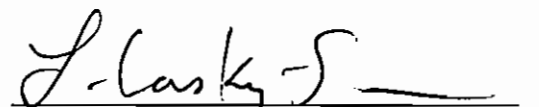
8
9 
10
11 Jill Nixon, Minutes Transcription

12
13 The Council approved these minutes on December 5, 2006.

14
15 ATTEST:

16 WHATCOM COUNTY COUNCIL
17 WHATCOM COUNTY, WASHINGTON




Laurie Caskey-Schreiber, Council Chair