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WHATCOM COUNTY COUNCIL
Regular County Council

November 21, 2006

Council Chair Laurie Caskey-Schreiber called the meeting to order at 7:05 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

Cub Scout Pack 44, the Wolf Den, led the Flag Salute.

ANNOUNCEMENTS

Caskey-Schreiber announced that there was **consideration of an appeal of the Hearing Examiner's decision on APL06-0022, filed by Royce Buckingham on behalf of Whatcom County Planning and Development Services, regarding an administrative decision about whether a lot is a legal lot of record (AB2006-366)** in executive session during the Committee of the Whole meeting.

Crawford moved to reverse the Hearing Examiner decision on the basis that the Hearing Examiner made an error of law and the decision is clearly erroneous.

Motion carried 4-3 with Nelson, Brenner, and Fleetwood opposed.

Caskey-Schreiber announced that there was also a **Department of Transportation presentation on the I-5 Master Plan, Fairhaven to Ferndale (AB2006-436)** during the Committee of the Whole meeting.

SPECIAL PRESENTATION

1. SPECIAL PRESENTATION BY WASHINGTON STATE DEPARTMENT OF TRANSPORTATION REGARDING THE UPCOMING IMPROVEMENTS TO SR 539 (GUIDE MERIDIAN) FROM HORTON ROAD TO TEN MILE ROAD (AB2006-437)

Todd Harrison, State Department of Transportation Assistant Regional Administrator, stated they start construction this spring on the first stage of the Guide Meridian widening. There will be two phases to widening the Guide Meridian Road. The first stage will be from Horton Road to Ten Mile Road. That construction starts this spring. His presentation will focus on the first phase. The second stage is from Ten Mile Road to Lynden. Construction on the second phase will begin in the Spring of 2008. A key goal for the project is minimizing impacts to the traveling public. During construction, they will maintain one lane

1 open in each direction. Another goal is to provide a safe work zone for the traveling public
2 and the construction workers. They are considering lowering the legal speed limit during
3 construction. There is business and residential access throughout the corridor, which has to
4 be maintained during construction. The last goal is to stay on time and on budget. They
5 must balance impacts to local business, residents, and travelers to get the construction
6 done timely and at the cost of the budget.

7
8 Chris Damitio, State Department of Transportation Project Engineer, stated that in
9 the first phase, they will widen 4.5 miles of the Guide Meridian Road to four travel lanes and
10 a two-way left turn lane. There will be relocation of utilities and replacement of drainage
11 throughout project. They will reconstruct two bridges at Ten Mile and Four Mile Creeks.
12 They will install five box culverts, including a 30-foot deep culvert at Deer Creek.

13
14 Once the utilities are moved, the contractor will work on one side at a time. The
15 contractor will widen to the east. At that point, they will move traffic to the newly
16 constructed section, including the new two-way left turn lane to help with business and
17 home access, and the contractor will begin work on the west side of the road. Once the
18 west side is constructed, they will finish up a middle section, and be able to open up the
19 highway. They expect the project to take 400 contract days, or about two years.

20
21 Marco Foster, State Department of Transportation, stated some road closures will be
22 necessary at night during utility and drainage work. To minimize the nighttime closures,
23 they have developed alternate traffic routes. They will close the road from 9 p.m. or 10
24 p.m. to 7 a.m. on weekdays. Monetary damages are assessed to the contractor if he does
25 not get the road open in time.

26
27 Harrison stated public outreach will include a pre-construction open house, direct
28 contact, list-serve, fliers, postcards, press releases, web updates, variable electronic
29 message signs, and traffic advisory radio. They will advertise for bids in December of 2006,
30 begin utility work in January or February 2007, begin roadway construction in the Spring of
31 2007 and end roadway construction in the late Summer or Fall of 2008.

32
33 Crawford asked the timeline of phase two, from Ten Mile Road to Lynden. Harrison
34 stated there will be a slight overlap. Construction on phase two should start in the late
35 Spring of 2008. They will be almost done with phase one when they begin phase two.

36
37 Crawford asked if the cable barrier and roundabouts are in the second phase, from
38 Ten Mile Road to Lynden. Harrison stated that's correct. The first roundabout will be at the
39 Ten Mile Road intersection. The first phase will stop short of that roundabout. There will be
40 roundabouts at Ten Mile Road, Wisner Lake Road, Pole Road, and River Road. Because of the
41 increase in property values, they've had to scale back the project to stay within budget.
42 However, there will ultimately be a roundabout at Badger Road also.

43
44 Caskey-Schreiber asked the speed limit in the roundabouts. Harrison stated the
45 roundabouts don't have a speed limit. They are designed to slow people down. The speeds
46 in the roundabout are 15 to 20 miles per hour.

47
48 Caskey-Schreiber stated that people will be going 50 miles per hour, and then hit the
49 roundabout. She is concerned about what will happen.

50
51 Nelson stated they are going to work through two summers. He asked if they've
52 made contingency plans for fair week. Damitio stated there are certain dates listed in the
53 contract, including fair week, when they don't allow the contractor to have any traffic

1 impacts during those dates. Other dates include the Canadian and American holidays and
2 other community events.

3
4 Caskey-Schreiber asked if detours will be marked during construction. Damitio
5 stated they have worked with County staff to determine the detour routes. Signs will alert
6 motorists to the detour routes.

7
8 Caskey-Schreiber asked if there won't be construction during the winter months.
9 Damitio stated the goal is to let the detour route available to the contractor for a specified
10 number of days.

11
12
13 **OPEN SESSION**

14
15 The following people spoke:

16
17 Nancy Ging, 8426 Tuttle Road, Lummi Island stated she supports the Weimer version
18 of the Lummi Island ferry rates. She read a statement for Diana Pepper, who couldn't be at
19 this meeting, regarding Councilmember Crawford's comments in the newspaper regarding
20 low income ferry rates being social engineering.

21
22 Johnnie Grames, Bellingham, stated highways beget cars and congestion. Consider
23 what this Council's legacy is going to be and what you're going to be proud of from being on
24 the Council. There is no law library access to the public. There is a cost of transporting and
25 housing prisoners in Snohomish County.

26
27 Bob Wiesen, 3314 Douglas Road, Bellingham, he asked why they haven't located
28 mineral resource lands and zoned them, as they have for forest and agricultural lands.
29 They are over-regulating some of these areas, especially agricultural lands. They need to
30 think carefully about how they go about improving agricultural resources. The amount of
31 red tape is too deep.

32
33 Dennis Jones, 1487 Sudden Valley, stated he thanks the Planning Department and
34 Amy Pederson for quickly providing requested information. He has a problem with the Lake
35 Whatcom Cooperative Management Group from the Public Works Department. He can't get
36 any communication from them. Also, he would like to download specific ordinances that
37 come up on the agenda. Look up the John Spratt amendment from 2004.

38
39 Jack Petree, 2955 Sunset Drive, Bellingham, submitted a handout (*on file*). The
40 Blaine and Lynden school districts are growing much faster than the Bellingham school
41 district because of sprawl out in the county, due to a constricted land supply in Bellingham.
42 There is also a drastically limited supply of housing types in Bellingham. There was no
43 analysis in the Planning Commission's decision regarding safety factors. It's a very
44 important issue. If Bellingham cannot supply the kind of housing that people want, people
45 will go live out in the county.

46
47 Bob Brando, 2153 Tuttle Lane, Lummi Island, stated he is in favor of the Weimer
48 version of the Lummi Island ferry rates. It is fair, balanced, realistic, and equitable.

49
50 Larry Helm, 2660 E. 41st Terrace, stated he recently started riding a bicycle. They
51 need more bike paths. The reconstruction of the Guide Meridian doesn't include a bike
52 path. It is a lot easier to put them in when the road is being built rather than later.

1
2 **PUBLIC HEARINGS**
3

4 **1. ORDINANCE AMENDING WHATCOM COUNTY HEALTH CODE WCC 24.05, ON**
5 **SITE SEWAGE REGULATIONS (AB2006-354) (COUNCIL ACTING AS THE**
6 **HEALTH BOARD)**
7

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

10 Peter Roberts, Whatcom County Association of Realtors President, submitted and
11 read a handout (*on file*). He requests that Washington Administrative Code (WAC) 246-
12 272A-0270 be adopted as Whatcom County Code (WCC) 24.05.160(11) "At the time of
13 property transfer, provide the buyer maintenance records, if available, in addition to the
14 completed sellers disclosure statement in accordance with chapter 64.06 for residential real
15 property transfers." In practice, an agent recommends that the septic system be inspected.
16 Most agents go to the Health Department to request the information about what's in the
17 ground. Occasionally, there are no records, especially for an older septic system. A large
18 portion of records aren't there. This problem creates a lot of confusion when someone buys
19 property. The State law will require onsite septic system (OSS) owners to maintain their
20 systems at least every three years. All agents will be aware of this requirement. It is a red
21 flag when no report exists. The modification that Councilmember Weimer proposes is
22 unnecessary and will cause havoc for many property owners during the transaction. Adopt
23 the WAC instead of Councilmember Weimer's change. It will adequately protect the public
24 and prevent lawsuits.
25

26 Dana Quam, Whatcom County Association of Realtors, stated she agrees with the
27 previous speaker's comments. Adopt the WAC language for WCC 24.05.160(11). The State
28 legislature protects people through the seller's disclosure form and the Seller's Disclosure
29 Act. The only paperwork associated with that will be a part of the real estate transaction
30 that the industry can deal with. The Council will put a burden on a seller to give something
31 to a buyer that has no influence on anything they do, and they don't have the power to be
32 involved in that transaction. They aren't going through the State legislature to have it put
33 out at a level where the authority is granted to affect her members, through their licensing.
34 Don't involve the realtors.
35

36 The State law change will require that septic system owners have their systems
37 checked routinely, which will be a financial burden. This change will provide additional
38 protection, but it is a burden. She is concerned that the Council is tying the burden to the
39 property transaction. The resources aren't in place to implement this by the April 2007
40 deadline. Therefore, the Council will negatively impact all the people they are trying to
41 protect. The Health Department and the necessary resources aren't available to make a
42 timely, smooth transition. If they adopt the WAC, the Council will get what it wants.
43

44 Mark Brown, 2707 Gross Street, stated he sells real estate. There is much
45 paperwork involved with any real estate transaction.
46

47 (*Clerk's Note: End of tape one, side A.*)
48

49 Brown continued to state that he asks the Council to merely support the new State
50 law regarding the septic system instead of crafting new language that would impose
51 additional burdens on home sellers. The regulation will hurt the community more than
52 protect unwary buyers. They have no assurance that the Health Department will have the
53 capacity to handle the load it's imposing on the inspectors. Because this provision is

1 created by Whatcom County, the buyer has no protection under the Seller's Disclosure Act.
2 Under State law, they can see the report of system status transferring as a maintenance
3 record. The Council should adopt the WAC rule for WCC 24.06.160.
4

5 Mark Huddleston, Huddleston DesignWorks, LLC, submitted a letter (*on file*). This is
6 basically a bookkeeping issue. He read his letter. WCC 24.05.100 should be removed or
7 the purpose clarified. This thing is already protected by other provisions in the code, having
8 to do with well setbacks and such. If they are going to include the section, provide some
9 guidance on how to request the waiver it mentions, and on what basis such a waiver is
10 reviewed and granted. The section is an unnecessary encumbrance and should be taken
11 out. Also, amend certain definitions, as his letter explains.
12

13 Patrick Alesse, 4825 Alderson Road, Birch Bay, stated he has a rental house with a
14 septic system. He supports Councilmember Weimer's proposed amendment. The State
15 could do something, but he prefers local governance.
16

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

18 **McShane moved** to adopt the ordinance.
19

20
21 John Wolpers, Health Department, stated staff looked at WCC 24.05.100(D)(6). It
22 was in this regulation, and carried over, for old existing plats. Some of the lots are very
23 small. It was almost like a first come, first served situation. The purpose was to protect a
24 second individual. The first individual would propose a drainfield. The 100 foot radius could
25 not encumber more than 25 percent of the other person's property and whether it would
26 render the site un-buildable. Some counties address it differently through well placement.
27

28 Caskey-Schreiber asked if the location of one drainfield would impact the neighbor's
29 drainfield. Wolpers stated they are not concerned with the drainfields. They are concerned
30 about encroaching on the next door neighbor's property and well location. He doesn't know
31 if that section was written inappropriately, and should have specified the well. Either
32 eliminate the section or correct it appropriately.
33

34 Fleetwood asked if this section is an unnecessary encumbrance. Wolpers stated he
35 hasn't seen it in any other places. If it were eliminated, cover it another way to protect an
36 individual. If the section were deleted, do something to protect the second party.
37

38 McShane stated the applicant may request a waiver from the Health Officer. He
39 asked if it is a variance. Wolpers stated the existing language says it's a variance. The
40 word was changed by the Onsite Sewage Committee to "waiver process." With that, there
41 is a section in the proposed regulations that gives the Health Officer an opportunity to look
42 at the property, in WCC section 24.05.230. That section is how the staff would look at the
43 property.
44

45 McShane stated it appears there is an out in the language. The Health Officer would
46 look at this and see if the encumbrance is so severe that the adjoining property becomes
47 un-buildable. The Council could make it specific that it would be granted if it could be
48 demonstrated, but that's getting into the minutiae. The reason for the waiver process is
49 because they can't think of every single scenario.
50

51 Nelson asked if the reserve area and the septic field can't be within five feet of any
52 property line. Wolpers stated that's correct.
53

1 **Nelson moved** to delete WCC 24.05.100(D)(6). They already have wellhead
2 protection for private wells. He asked if the Health Officer only looks at anything within 75
3 feet of a well. Wolpers stated that is correct.
4

5 Nelson stated that someone on the next property can't put a well within 75 feet of
6 the septic field perimeter without Health Officer review. Wolpers stated that's correct. This
7 language was trying to protect old lots that were very narrow and long.
8

9 Nelson stated they don't have those anymore.
10

11 McShane stated the language only addresses those old lots. Wolpers stated it would
12 affect a narrow lot. They could effect that property being buildable.
13

14 Brenner stated the reverse could be said. The narrowness of one property could
15 effect whether the other property can be built on. Having to get a waiver is another
16 bureaucratic step. She supports the motion. It's going to be on someone, one way or the
17 other.
18

19 McShane stated the scenario is not likely to occur. There should be some thought to
20 protecting the ability of the second lot to be developed. It can be worked out through the
21 waiver process. Leave the language the way it is.
22

23 Weimer stated he is comfortable with the language the way it is. The first person's
24 septic will encumber where the second person puts the well. If they remove the language,
25 there is no incentive for the first person in to locate the septic so it doesn't encumber the
26 neighboring property.
27

28 **Motion carried with 4-3 with Weimer, Caskey-Schreiber, and McShane**
29 **opposed.**
30

31 **Brenner moved** to amend WCC 24.05.090(I), "A permit shall expire ~~two~~ three years
32 from the date of issuance...." The State allows a permit for five years. Designers said it
33 would be difficult to do it in less than three years.
34

35 **Motion carried 5-2 with McShane and Caskey-Schreiber opposed.**
36

37 **Brenner moved** to amend WCC 24.05.150(A)(2), "~~Either inspect the OSS before~~
38 ~~cover or allow the licensed designer or licensed engineer of the OSS to perform the~~
39 ~~inspection before cover if the designer is not also named as the installer of the system.~~ The
40 Health Officer shall inspect the OSS before cover." The designers and installers are against
41 private final inspection. They will pit designers and installers against each other. Regina
42 Delahunt and John Wolpers said they'd make sure the Health Department does the final
43 inspection.
44

45 Regina Delahunt, Health Department Director, stated this language has always been
46 in the regulation. The department doesn't intend to change the way final inspections are
47 conducted. The Health Department still intends to do final inspections. There may be an
48 occasion when it would be in the interest of the homeowner to allow the designer to do the
49 inspection. In that case, the designer is allowed by State law, and always has been
50 allowed, to do the final inspection. That's the way it's always been. It's been rare when a
51 designer actually did the final inspection. She doesn't intend to change any practice and the
52 language is the same as it has always been.
53

1 Brenner stated they are uncomfortable taking on the liability for something they
2 didn't install. She asked why they can't make something more specific than the State.
3 Delahunt stated they can make something more restrictive than the State. This provides
4 more latitude. They don't plan to change it.

5
6 **Motion failed 1-6 with Brenner in favor.**

7
8 Brenner referenced WCC 24.05.160(A)(11). She thought they decided this language
9 wouldn't preclude a sale from going through. That's the big fear. She asked where that
10 language is that would prevent a sale from stalling.

11
12 Caskey-Schreiber stated this does not delay a sale.

13
14 McShane stated there was language before, and they pulled back from it. Now, it's
15 left as a choice for the purchaser. If they don't get this information, the purchaser may still
16 go ahead with the purchase.

17
18 Brenner stated it looks like the sale is not complete without this. Delahunt stated
19 staff checked with legal counsel, who said this would not interfere with the transaction going
20 through. It won't delay the transaction.

21
22 **Crawford moved** to amend WCC 24.05.160(A)(11), "At the time of property
23 transfer, provide to the buyer a copy of the current report of system status on file with the
24 ~~Whatcom County Health Department~~, and any available maintenance records, in addition to
25 the completed seller disclosure statement in accordance with..."

26
27 Brenner asked if the system will be ready, so the reports of system status will be on
28 file. Wolpers stated that is the staff's intent. They are getting things ready. They will be
29 ready by April 2.

30
31 Nelson asked if a report has to be on file when the property is put up for sale.
32 Wolpers stated it does.

33
34 Nelson stated it is up to the realtor to make sure the report is up to date and on file.
35 It's redundant to have the language in subsection (11). He asked the reason for the
36 redundancy.

37
38 Weimer stated subsection (12) says the report has to be on file. Subsection (11)
39 says the seller has to provide the report to the buyer. That's not the same thing.

40
41 Crawford stated that regardless of what that disclosure checklist says, his motion
42 reflects State law. Starting in July, the sellers have to provide maintenance records to the
43 buyer through disclosure.

44
45 Brenner stated they are going to spend a lot of taxpayer money making sure the
46 onsite systems are in good shape. It won't hold up the sale. It is a caution for the buyer if
47 the seller doesn't provide the information.

48
49 **Motion to amend failed 3-4 with Fleetwood, Crawford, and Nelson in favor.**

50
51 **Crawford moved** to remove WCC 24.05.160(A)(12).

52
53 **Motion failed 1-6 with Crawford in favor.**

1
2 **Brenner moved** to add the definition of subsurface soil absorption system after the
3 definition soil type, "(SSAS) Subsurface soil absorption system means a soil dispersal...."

4
5 **Motion carried 6-1 with Crawford opposed.**

6
7 Frakes asked if these are significant changes so a public hearing is required before
8 adoption.

9
10 Caskey-Schreiber stated they aren't substantial changes. They are minor, and make
11 the regulation less burdensome.

12
13 **Motion to adopt the ordinance carried 6-1 with Crawford opposed.**

14
15 **2. ORDINANCE ADOPTING A MINERAL RESOURCE LANDS COMPREHENSIVE**
16 **PLAN AND ZONING DESIGNATION ON BRECKENRIDGE ROAD (AB2006-422)**

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

19
20 Brad Barton, Concrete Nor'West Vice-President and General Manager, stated they
21 have been supplying the building industry with sand, gravel, and ready-mix products for
22 more than 50 years. They have 13 permitted aggregate sites and employ 120 folks
23 companywide. They have three permitted sites in Whatcom County.

24
25 The State of Washington is consuming 15 tons per person of gravel each year, and
26 1.4 cubic yards of concrete each year. A recent study shows that Whatcom County's
27 demand was just short of two million tons of aggregate in 2001. Over 51 percent of the
28 materials are used in transportation projects. The aggregate industry is important to
29 Whatcom County's economy.

30
31 The State recognizes the importance of sand and gravel projects to future managed
32 growth through the Growth Management Act (GMA), which requires that counties designate
33 and protect sand and gravel resources. Mother Nature dictates the location of the gravel
34 deposits. The farther the sites are from the market, the more traffic is generated. Use the
35 close-in deposits first. The expansion area contains approximately three million tons of high
36 quality aggregates. Approve this request.

37
38 McShane asked if there is resource that goes below the groundwater at the current
39 mine. Barton stated there is an identified deposit below the groundwater table within that
40 complex. They haven't fully analyzed it yet.

41
42 Dan Cox, Concrete Nor'West Environmental and Land Use Manager, stated approval
43 of this amendment will not result in any activity onsite and doesn't constitute a permit to
44 mine. Inclusion of an additional 24.9 acres into the mineral resource land (MRL)
45 designation will simply preserve the opportunity for this property to be eligible for mining
46 permits in the future. Public comments have raised concerns about dust, noise, traffic, and
47 safety. Surface mining in Washington State is highly regulated. No mining can occur onsite
48 until and unless these issues are addressed.

49
50 *(Clerk's Note: End of tape one, side B.)*

51
52 Cox continued to state that the City of Nooksack submitted an appeal of this
53 application, regarding the June 21, 2006 State Environmental Policy Act (SEPA) mitigated

1 determination of non-significance (MDNS) issued for this proposal. In that appeal, the City
2 requested that additional conditions be imposed by the Hearing Examiner. The Hearing
3 Examiner's decision pointed out the distinction between the Comprehensive Plan non-
4 project proposal and future permit approvals that would be required to mine. He read from
5 the Hearing Examiner's decision. Approval of a mineral resource land does not constitute
6 approval to mine. MRL designation only makes a property eligible for mining permits in the
7 future.

8
9 Lesa Starkenburg-Kroontje, 313 Fourth Street, Lynden, stated she represents
10 Concrete Nor'West. They submitted information for the record. There was significant
11 discussion about the access to the site. The Planning Department staff have recommended
12 approval of the project, and included mitigating factors that would have to be addressed if
13 and when permits are requested for this site. She listed the mitigation measures. The
14 Council should leave the staff recommendation in its current verbiage. It will address what
15 needs to be addressed when and if permits are applied for.

16
17 There are three different access points. The access for the current permitted site will
18 continue to be used. The second access is proposed over the two-acre strip that runs to the
19 south. To accommodate the school's concerns, the applicant is willing to state that the
20 proposed access will not be used in the event that the current access point is not regulatory
21 prohibited from being used. The third access, the Sorenson Road access, is speculative.
22 The State will not allow them to use that access at this point. The protection of this
23 resource through the MRL designation should involve the level of scrutiny that would predict
24 which access the site should use. Instead, it should lay out the criteria for determining
25 access in the future, based on things in place at that time.

26
27 Weimer asked how long the applicant has owned the property. Starkenburg-
28 Kroontje stated the applicant has owned the property three or four years. This is the first
29 time this has come up for a Comprehensive Plan amendment, but it was proposed by the
30 previous landowner in the original Comprehensive Plan process. However, the school was
31 considering purchasing the property at that time, so the proposal was withdrawn. The area
32 was placed in the interim MRL during that time.

33
34 Brenner asked who would regulatory prohibit them from using the current access.
35 Starkenburg-Kroontje stated that the Whatcom County development standards have
36 changed. When this site first went in, and access was established, the access was sufficient
37 and allowed. Since then, the site distance criteria have changed. Through a new permit
38 application, there would have to be improvements to meet the site distance requirements.
39 They can't predict what additional criteria may be adopted as development standards
40 change at the local level, which may preclude the use of this access. The applicant has
41 been working on a design to improve the current access to make it as safe as possible.

42
43 Rollin Harper, Sehome Planning and City of Nooksack Planning Manager, stated that
44 even though approval of the MRL isn't approval to mine the property, it sets the stage for a
45 mining permit in the future. There is proximity to the City of Nooksack urban growth area;
46 existing residentially developed areas to the south, west, and east; and Nooksack
47 Elementary School. The City of Nooksack is not opposed to gravel extraction, but consider
48 it's letter expressing concerns about public safety and impacts to City streets. Do not
49 approve the MRL unless access is on Sorenson Road.

50
51 If the Council approves the MRL, the City of Nooksack supports all the staff's
52 recommended conditions. In addition, add conditions that allow for mitigation of the

1 impacts to the City's streets, which have been significant since the increased amount of
2 extraction the last three years.

3
4 Crawford stated Concrete Nor'west hired Transportation Solutions to do a report,
5 which is dated September 28. The report said that the road doesn't have any significant
6 problems that could be attributed to heavy trucks. Also, the Breckenridge Creek bridge
7 doesn't have any weight restrictions. Harper stated the road is beginning to crack and
8 develop ruts on the north side of the road, leading from the mine. The road deterioration
9 began when extraction significantly increased.

10
11 McShane stated the Council has conditioned MRL's before, based on access to the
12 mine.

13
14 Leslie Hamilton, 3443 Breckenridge Road, Everson, submitted a letter (*on file*). Do
15 not approve the MRL due to safety issues. The area is too close to Nooksack Valley
16 Elementary School. She read from her letter. She is concerned about the ingress and
17 egress on Breckenridge Road. Don't increase industrial truck traffic in the area of an
18 elementary school.

19
20 Don Kenny, 3551 Sorenson Road, stated he owns The Cedars, an adult family home
21 with residents from 82 to 86 years old. Enough land is already designated as MRL. The
22 proposed 24 acres borders residential property. This area is a plateau that is 50 to 80 feet
23 higher than the city of Nooksack. It's a good dry area. The existing gravel pit has very
24 steep cliffs close to residential property. The cliffs are about 70-feet high with a 70 percent
25 slope. The existing pit borders the Sumas River. There is a concern about runoff. The
26 Planning Commission did not make a recommendation because they could not get enough
27 information from Concrete Nor'west about the proposal. Sorenson Road can't support two
28 trucks going each way. It's basically a gravel road.

29
30 Hearing no one else, Caskey-Schreiber closed the public hearing.

31
32 **McShane** reported for the Natural Resources Committee and **moved** to refer to
33 committee for more discussion.

34
35 **The Council concurred.**

36
37 **3. RESOLUTION AMENDING THE CURRENT WHATCOM COUNTY FLOOD**
38 **CONTROL ZONE DISTRICT FUNDING MECHANISM AND LEVELS FOR THE**
39 **SUMAS/NOOKSACK/EVERSON SUBZONE (AB2006-423) (COUNCIL ACTING**
40 **AS THE FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)**

41
42 Caskey-Schreiber opened the public hearing and, hearing no one, closed the public
43 hearing.

44
45 **Brenner moved** to approve the resolution.

46
47 Weimer asked if the Council received any information from the subzone advisory
48 committees requesting more money.

49
50 McShane stated he hasn't received anything. The economic status of the flood
51 subzones vary. The recent district for Lake Samish is set up so it can pay 100 percent of its
52 costs. Other districts rely on countywide flood district funding for projects. They won't see
53 pressure from the districts unless the funding structure changes.

1
2 Brenner stated this just extends the existing funding mechanism within the flood
3 subzone. People probably don't want to raise their rates.
4

5 ***Motion carried unanimously.***
6

7 **4. RESOLUTION AMENDING THE CURRENT WHATCOM COUNTY FLOOD**
8 **CONTROL ZONE DISTRICT FUNDING MECHANISM AND LEVELS FOR THE**
9 **ACME/VAN ZANDT SUBZONE (AB2006-424) (COUNCIL ACTING AS THE**
10 **FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)**
11

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

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

17 ***Motion carried unanimously.***
18

19 **5. RESOLUTION AMENDING THE CURRENT WHATCOM COUNTY FLOOD**
20 **CONTROL ZONE DISTRICT FUNDING MECHANISM AND LEVELS FOR THE**
21 **LYNDEN/EVERSON SUBZONE (AB2006-425) (COUNCIL ACTING AS THE**
22 **FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)**
23

24 Caskey-Schreiber opened the public hearing and, hearing no one, closed the public
25 hearing.
26

27 ***Brenner moved*** to approve the resolution.
28

29 ***Motion carried unanimously.***
30

31 **6. ORDINANCE REMOVING THE LOT CLUSTERING PROVISION, ON AN INTERIM**
32 **BASIS, FROM WHATCOM COUNTY CODE 20.42, RURAL FORESTRY DISTRICT**
33 **(AB2006-393A)**
34

35 Caskey-Schreiber opened the public hearing and the following people spoke:
36

37 Dennis Jones, 1487 Sudden Valley, stated the rural forestry zone is a relatively
38 small, but important, area in the Lake Whatcom watershed. Continue this ordinance.
39

40 Gwen Hunter, Squalicum Valley Community Association Acting Secretary, stated she
41 supports the ordinance. Protect natural resource lands. Scrutinize current practices with a
42 vision that sees beyond financial gain. The logging industry has wisely changed its
43 harvesting practices. Trees reduce atmospheric carbon dioxide concentration. Protect rural
44 forest lands from cluster development is consistent with the goal of reducing Whatcom
45 County's greenhouse gas emissions. The Squalicum Valley Community Association
46 submitted documents that show cluster developments on resource lands in other counties
47 have permanently degraded the ability of those resources to purify air and water.
48

49 Bill Sygitowicz, citizen, thanked the Council for considering the removal of clustering
50 in rural forestry zones. Breaking it in to 20-acre pieces is not a good option. However, if
51 they don't have a timely resolution to this decision, that's the only option left to the
52 landowner. Seek a final resolution during the interim.
53

1 Virginia Ambrosio, 2729 Jensen Road, Bellingham, stated she supports the
2 ordinance. Permanently remove clustering from the rural forestry zones.

3
4 Hearing no one else, Caskey-Schreiber closed the public hearing.

5
6 **Nelson moved** to adopt the ordinance.

7
8 Brenner stated she supports the ordinance. She asked how long the moratorium will
9 be in effect.

10
11 Nelson stated the moratorium goes to the Planning Commission. He has concerns
12 about the rural forestry zone in Title 20. There are many uses allowed in the rural forestry
13 zone that don't have to do with rural forestry. His intent is to protect rural forestlands. He
14 is not opposed to clustering. Evaluate if it's appropriate in rural areas or if it's better suited
15 for urban growth areas and long-term planning areas. Evaluate if it's appropriate in the
16 watershed. Make sure they're doing the right thing. Twenty-acre lots aren't the best
17 option, but the forest zone does require a forest plan.

18
19 McShane stated he is in favor of the ordinance. He has a concern about it not
20 allowing any clusters at all. Have a discussion about the positive and negative aspects of
21 clustering, which was an effort to protect resource lands and forestry lands and to more
22 efficiently develop urban growth areas. There is a juxtaposition about rural character.
23 There is a question about whether it is truly successful for protecting forestry. The Planning
24 staff needs to get a better sense of the Council's concerns so it can bring something
25 appropriate to the Planning Commission.

26
27 Fleetwood stated they keep hearing that removing the cluster requirement is
28 consistent with resource protection. Under either one, there is the exact same amount of
29 development and conversion. He asked the scientific evidence for the proposition that not
30 having clustering is more consistent with resource protection.

31
32 Nelson stated that resource protection could be just a park, under the current code.
33 Clustering in the rural forestry doesn't require a forestry plan for the reserve tract, which
34 could be a park instead of forest land.

35
36 Fleetwood stated this isn't the device that protects Squalicum Valley from the
37 development on Squalicum Mountain. There is already a subdivision moratorium in place
38 that protects them from that. In there rural forestry zone, there have been practically no
39 cluster applications in the last ten years, according to the Planning Director. A horrid
40 example of 20-acre development is the south end of Chuckanut Mountain along Interstate
41 5.

42
43 Caskey-Schreiber stated they need more information to know which is better.

44
45 Brenner stated this ordinance is not for or against clustering. However, a cluster of
46 people in a gated community in a forestry zone is not going to like the sound of chainsaws.

47
48 *(Clerk's Note: End of tape two, side A.)*

49
50 Brenner continued to state that there isn't a tendency for complaints when the
51 houses are far apart. Also, forestry wasn't the issue when they developed clustering. Now,
52 people are looking to forestry areas as another place to develop.

1 Nelson stated clustering may be the best option, but they haven't looked at all of the
2 facts that go along with it. They need to make sure they address all the issues. This isn't
3 about one project.
4

5 Fleetwood stated that Councilmember Brenner's comments were about the human
6 impacts, which are worthy of consideration. However, that's not the reason this interim
7 ordinance came forward, which is for resource protection.
8

9 Nelson stated those two issues are related.

10 ***Motion to adopt carried 5-2 with Fleetwood and Crawford opposed.***

11
12
13
14 **CONSENT AGENDA**

15
16 ***Crawford*** reported for the Finance and Administrative Services Committee and
17 ***moved*** to approve Consent Agenda items one through seven.

18
19 ***Motion to approve Consent Agenda items one through seven carried***
20 ***unanimously.***

- 21
22 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO AWARD BID #06-117 TO**
23 **LOW BIDDER, DEWEY GRIFFIN, FOR THE PURCHASE OF TWO REPLACEMENT**
24 **HALF-TON PICKUP TRUCKS, IN THE AMOUNT OF \$46,714.29 (AB2006-429)**
- 25
26 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
27 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY, THE CITY OF**
28 **BELLINGHAM, AND THE LAKE WHATCOM WATER AND SEWER DISTRICT FOR**
29 **THE LAKE WHATCOM MANAGEMENT PROGRAM TRIBUTARY MONITORING, IN**
30 **THE AMOUNT OF \$275,537 WITH WHATCOM COUNTY AND THE CITY OF**
31 **BELLINGHAM PROVIDING \$123,991.65 EACH AND THE LAKE WHATCOM**
32 **WATER AND SEWER DISTRICT PROVIDING \$27,553.70 (AB2006-430)**
- 33
34 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
35 **CONTRACT BETWEEN WHATCOM COUNTY AND BROWN AND CALDWELL**
36 **ENVIRONMENTAL ENGINEERS AND CONSULTANTS TO CONDUCT**
37 **MONITORING WORK IN THE LAKE WHATCOM WATERSHED, IN THE AMOUNT**
38 **OF \$348,716 (AB2006-431)**
- 39
40 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO CONTRACT**
41 **AMENDMENT #1 BETWEEN WHATCOM COUNTY AND J.A. BRENNAN**
42 **ASSOCIATES, PLLC PROVIDING FOR ADDITIONAL SERVICES TO INCLUDE**
43 **CONSULTATION AND CONSTRUCTION SUPPORT, DESIGN MODIFICATIONS**
44 **AND THE DEVELOPMENT OF AN EROSION AND SEDIMENTATION CONTROL**
45 **PLAN, IN THE AMOUNT OF \$11,510.50, FOR A TOTAL AMENDED CONTRACT**
46 **AMOUNT OF \$31,440.50 (AB2006-432)**
- 47
48 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO CONTRACT**
49 **AMENDMENT #2 BETWEEN WHATCOM COUNTY AND DYNAMIC IMAGING, TO**
50 **PROVIDE FOR A SECOND CAPTURE STATION AT THE WHATCOM COUNTY**
51 **JAIL WORK CENTER FOR THE PICTURE LINK MUGSHOT IMAGING SYSTEM**
52 **AND PICTURE LINK APPLICATION, IN THE AMOUNT OF \$15,427.49, FOR A**
53 **TOTAL AMENDED CONTACT AMOUNT OF \$61,699.94 (AB2006-433)**

1
2 **6. RESOLUTION ORDERING THE CANCELLATION OF WARRANTS MORE THAN A**
3 **YEAR OLD (AB2006-434)**

4
5 **7. RESOLUTION APPROVING A SALARY SCHEDULE AND POLICIES FOR**
6 **UNREPRESENTED WHATCOM COUNTY EMPLOYEES FOR THE YEAR 2007**
7 **(AB2006-418)**

8
9
10 **OTHER ITEMS**

11
12 **1. ORDINANCE ADOPTING 2% LODGING TAX PURSUANT TO AUTHORITY**
13 **GRANTED IN RCW 67.28 (AB2006-420)**

14
15 *Crawford* reported for the Finance and Administrative Services Committee and
16 *moved* to adopt the ordinance.

17
18 *Motion to adopt carried unanimously*

19
20 **2. CONSIDERATION OF HEARING EXAMINER'S RECOMMENDATION ON**
21 **PLANNED UNIT DEVELOPMENT, "SUNRISE MEADOWS", FILED BY**
22 **HARBORSIDE LLC (AB2006-427)**

23
24 *Fleetwood* reported for the Planning and Development Committee and *moved* to
25 approve the recommendation with one amendment.

26
27 *Fleetwood moved* to remove item 17 from the recommendation, "A note shall be
28 placed on the face of the plat prohibiting accessory dwelling units." The applicant does not
29 oppose removal of that provision.

30
31 *Crawford* asked if accessory dwelling units (ADU's) would have to have public water
32 and sewer.

33
34 *Brenner* stated this just eliminates the covenant that prohibits something that should
35 go in urbanized areas.

36
37 *Motion to amend carried unanimously.*

38
39 *Fleetwood moved* to approve the Hearing Examiner's recommendation as
40 amended.

41
42 *Motion carried unanimously.*

43
44 **3. RESOLUTION ADOPTING RECOMMENDATIONS FOR OPEN SPACE/TIMBER,**
45 **OPEN SPACE/OPEN SPACE AND OPEN SPACE/FARM AND AGRICULTURAL**
46 **CONSERVATION (AB2006-435)**

47
48 *Fleetwood* reported for the Planning and Development Committee and *moved* to
49 approve the resolution with one amendment, which is to approve the Nielson Brothers open
50 space/timber application.

51
52 *McShane* stated the Planning Commission recommended denial of the Nielson
53 Brothers application.

1
2 Crawford stated there should be a public hearing on the Nielson Brothers application.
3

4 **Caskey-Schreiber suggested** that the Council approve the resolution as it is, and
5 then the staff can schedule a public hearing on the Nielson Brother's application at the
6 Council's next meeting.
7

8 **Fleetwood accepted** Caskey-Schreiber's suggestion as a friendly amendment to the
9 motion.
10

11 **The motion carried unanimously.**
12

13 **5. CONSIDERATION OF AN APPEAL OF THE HEARING EXAMINER'S DECISION**
14 **ON APL06-0022, FILED BY ROYCE BUCKINGHAM ON BEHALF OF WHATCOM**
15 **COUNTY PLANNING AND DEVELOPMENT SERVICES, REGARDING AN**
16 **ADMINISTRATIVE DECISION ABOUT WHETHER A LOT IS A LEGAL LOT OF**
17 **RECORD (AB2006-366)**
18

19 See Announcements.
20

21 **6. ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 10.34, FERRY**
22 **RATES, AND WHATCOM COUNTY 2007 UNIFIED FEE SCHEDULE (AB2006-**
23 **260)**
24

25 **Brenner moved** to refer to committee.
26

27 Caskey-Schreiber stated that they should make any significant amendments tonight,
28 so they can have another public hearing in two weeks. It is a schedule that the residents
29 like.
30

31 **Brenner withdrew her motion.**
32

33 **Crawford moved** to adopt the ordinance.
34

35 **Weimer moved** to switch the unified fee schedule with the schedule he submitted to
36 the councilmembers.
37

38 Crawford stated there are some ideas with Councilmember Weimer's proposal that
39 are okay and some are poor. There could be a potential legal challenge that the Council is
40 creating a fare schedule for trucks that would inhibit competition. There is a discounted
41 rate for someone who already has commitments to go over there. New suppliers can't
42 introduce a delivery frequency and commitment until they build a business. That isn't right.
43 In the old schedule, the multi-pass isn't a discount, but a convenience. This new proposal
44 includes a 50 percent discount.
45

46 He doesn't understand the pedestrian incentive of a 25-ride ticket at half price.
47 There is an endless parking issue with associated costs. It doesn't make sense why they
48 encourage the pedestrians. It almost assures that someone will have to regularly park on
49 one or both sides. Stay with the original proposal, which is very fair. The needs-based
50 discounts will be subsidized by other taxpayers. They have spent a year and a half working
51 on the schedule in the Council packet. It is a solid schedule. He's not sure most Lummi
52 Island residents like this schedule. The Council was barraged with email in the last few
53 days, however he's not inclined to believe that was representative of most of that

1 community. He's not sure that some of the folks who provided that information have
2 analyzed what this done. People with needs end up generating more revenue for the ferry
3 than under the County's proposal. They pay more than what the County proposed
4 originally.

5
6 Brenner stated the new proposal has just as much validity as the Public Works
7 Department proposal, which changed over and over. People who regularly deliver to Lummi
8 Island can get one of the packets, or a homeowner can give the delivery person a ticket out
9 of the booklet. It's an excellent idea to create a reason for people to do the book.
10 According to the Public Works Department, it saves money. She supports the motion.

11
12 Weimer stated there are problems with the pedestrians because walk-on passengers
13 park cars on both sides. At some point, the County has to address that. Get the Whatcom
14 Transit Authority (WTA) to get their buses coordinate with the ferry. They have to start
15 somewhere to get people to use mass transit.

16
17 The cash sales are the same as the County proposal. He created incentives for the
18 multi-ride tickets to a greater degree. He tried to leave the car and driver fares the same.
19 Folks on Lummi Island don't want visitors to get a steep discount. There is a much deeper
20 discount for people who live on the island.

21
22 He worked with people on Lummi Island about the trucks. The residents talked with
23 some of the restaurants and stores out there. The deeper discounts on the multi-tickets for
24 the trucks address the delivery problems. The fees would go up for trucks that make one
25 delivery to someone on the island. The delivery isn't shared for everyone on the island. He
26 increased the truck fare a little more than others. There are more impacts on the docks
27 from the coming and going of higher trucks.

28
29 ***Motion to adopt Weimer's plan carried 4-3 with Nelson, McShane, and***
30 ***Crawford opposed.***

31
32 Brenner stated it's important to have a needs-based discount method that makes
33 sense. It's for people who aren't on any kind of assistance and who are working or are
34 trying to better themselves. The County Deputy Administrator worked with her on the
35 proposed Lummi Ferry Discount Application form.

36
37 Crawford asked what prevents a person from lying.

38
39 Brenner stated nothing prevents them. This would be in place for approximately a
40 year. The County can review the procedure to see if it's being suspiciously over-used. They
41 don't need to create a new staff position. If they think it's being misused, the County can
42 revisit the process.

43
44 Crawford asked if there is no way the County would be able to verify his income.

45
46 Brenner stated that if the amount of a person's income is challenged, the person will
47 have to provide proof.

48
49 Crawford asked who would challenge someone's income. It's all confidential. The
50 County just issues a pass. No one on the County staff verifies anything.

51
52 Brenner stated people know. It's important to have a ten-ride ticket. The poorer
53 people will have a harder time coming up with the cost of a 25-ride ticket.

1
2 Nelson stated they should have something to verify the income level, such as the
3 previous year's income tax statement.
4

5 Fleetwood stated they will need some means of income verification.
6

7 Brenner stated they will know there is a problem if the use is off the chart.
8

9 Weimer stated he supports the concept. There does need to be income verification.
10 He suggested that people provide a copy of their 1040 form to verify income.
11

12 Brenner stated those specifics can be worked out later by the administration.
13

14 Karen Frakes, Prosecutor's Office, stated those sorts of things are things that could
15 be added and not substantively change the ordinance.
16

17 **Nelson moved** to amend the proposed Lummi Ferry Discount Application (*on file*)
18 submitted by Councilmember Brenner, "Last year's total annual household income based on
19 the federal 1040 form was _____. (Show proof of form.)"
20

21 Crawford asked how the County is going to look at the three or four people in one
22 household who have 1040 forms. These verification measures don't tell the County the
23 entire story of someone's income.
24

25 Nelson asked how deep they should investigate.
26

27 Crawford stated they shouldn't do this at all.
28

29 Brenner stated there are ways the County staff can check if an application looks
30 suspicious.
31

32 Fleetwood asked if there would be a real problem if many people take advantage of
33 this discount while the County doesn't have a solid verification method, and the cumulative
34 effect would be that the County doesn't collect 55 percent of the operating cost.
35

36 Brenner stated she has another amendment that will address that motion.
37

38 *(Clerk's Note: There was no motion.)*
39

40 **Motion to approve** the Lummi Ferry Discount Application, submitted by
41 Councilmember Brenner, with one amendment, "Last year's total annual household income
42 based on the federal 1040 form was _____. (Show proof of form.)" **carried 4-3 with Caskey-**
43 **Schreiber, McShane, and Crawford opposed.**
44

45 **Brenner moved** to remove dock maintenance and operation from the operating
46 cost. The operating cost is defined in another ordinance, but it affects the ferry rates. They
47 can't finish the ferry rates until they change the ordinance. Last year, the Council was told
48 that the County would not be eligible for certain State and federal assistance if it didn't put
49 the dock maintenance and operation in the operating cost. However, Ken Richardson told
50 her recently that isn't the way it is. A dock is no different from a bridge. It's permanently
51 there. It doesn't move. It even has a bridge number on it. The County has already done it
52 that way. Don't suddenly dump \$75,000 into the operating cost of the ferry.
53

1 Weimer stated that with or without the dock, leave the fares alone.
2

3 *(Clerk's Note: Tape two, side B stops recording. Beginning of tape three, side A.)*
4

5 Weimer continued to state that if they leave the fare structure alone, they will begin
6 to recoup the costs they haven't collected this year because the Council has been having
7 this discussion for so long. He agrees that the Council needs to look at the operating cost,
8 but not this evening.
9

10 Brenner restated her motion, to remove dock maintenance and construction from the
11 ferry fare structure.
12

13 ***Motion failed 1-6 with Brenner in favor.***
14

15 ***Brenner*** stated she doesn't see why they need a ferry manager position, which is
16 paid for by the ferry fares. She ***moved*** to remove the cost of the ferry manager from the
17 ferry rate budget.
18

19 ***Motion failed 1-6 with Brenner opposed.***
20

21 Caskey-Schreiber stated the Council will introduce this ordinance as amended on
22 December 5, 2006 and hold a public hearing in January.
23

24 **4. ORDINANCE ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN AND**
25 **THE UR AND URM ZONING DISTRICTS RELATING TO LOT CLUSTERING,**
26 **RESERVE TRACTS AND WATER AND SEWAGE DISPOSAL FACILITIES**
27 **(AB2006-406)**
28

29 See below.
30
31

32 **COMPREHENSIVE PLAN AMENDMENTS**
33

34 **1. ORDINANCE ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN AND**
35 **THE UR AND URM ZONING DISTRICTS RELATING TO LOT CLUSTERING,**
36 **RESERVE TRACTS AND WATER AND SEWAGE DISPOSAL FACILITIES**
37 **(AB2006-406)**
38

39 ***Fleetwood*** reported for the Planning and Development Committee and stated the
40 committee recommends a substitute version, which the Council will introduce tonight. He
41 ***moved*** to accept the substitute version and forward to the concurrency meeting.
42

43 ***Motion to forward to the concurrency meeting carried unanimously.***
44
45

46 **INTRODUCTION ITEMS**
47

48 ***Nelson moved*** to accept the Introduction Items, including substitute version of
49 Introduction Item six as amended by the Planning and Development Committee and
50 submitted by staff.
51

52 ***Motion carried unanimously.***
53

- 1 **1. ORDINANCE AMENDING THE 2006 WHATCOM COUNTY BUDGET, FIFTEENTH**
2 **REQUEST, IN THE AMOUNT OF \$813,557 (AB2006-438)**
3
- 4 **2. ORDINANCE IN THE MATTER OF GRANTING A NON-EXCLUSIVE FRANCHISE**
5 **TO TELECOMM ASSOCIATES FOR A PERIOD OF 25 YEARS PURSUANT TO**
6 **STATE LAW AND SECTION 9.30 OF THE WHATCOM COUNTY HOME RULE**
7 **CHARTER, TO OPERATE AND MAINTAIN A CABLE COMMUNICATION SYSTEM**
8 **WITHIN THE UNINCORPORATED AREAS OF WHATCOM COUNTY (AB2006-**
9 **439)**
10
- 11 **3. ORDINANCE ADOPTING THE 2007 WHATCOM COUNTY UNIFIED FEE**
12 **SCHEDULE (AB2006-440)**
13
- 14 **4. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY ZONING CODE,**
15 **TITLE 20, TO CLARIFY EXISTING CODE LANGUAGE (AB2006-441)**
16
- 17 **5. ORDINANCE AMENDING WHATCOM COUNTY CODE, TITLE 23 – SHORELINE**
18 **MANAGEMENT PROGRAM; THE OFFICIAL SHORELINE MAP; AND**
19 **ASSOCIATED PROVISIONS OF WCC, CHAPTER 16.16 – CRITICAL AREAS AND**
20 **WCC, TITLE 20 – ZONING ORDINANCE TO UPDATE THE WHATCOM COUNTY**
21 **SHORELINE MANAGEMENT PROGRAM IN ACCORDANCE WITH THE**
22 **REQUIREMENTS OF THE WASHINGTON STATE SHORELINE GUIDELINES**
23 **(WAC 173-26) AND OTHER APPLICABLE LOCAL, STATE AND FEDERAL**
24 **ENVIRONMENTAL REGULATIONS (AB2006-442)**
25
- 26 **6. ORDINANCE AMENDING, ON AN INTERIM BASIS, WCC, TITLE 20 BY ADDING**
27 **A NEW CHAPTER 20.78 ESTABLISHING DEVELOPMENT REVIEW**
28 **PROCEDURES ENSURING THAT ADEQUATE TRANSPORTATION FACILITIES**
29 **ARE AVAILABLE OR PROVIDED CONCURRENT WITH DEVELOPMENT, IN**
30 **ACCORDANCE WITH THE GROWTH MANAGEMENT ACT (AB2006-443)**
31
- 32 **7. COMMUNITY DEVELOPMENT BLOCK GRANT CLOSEOUT – BIRCH BAY VIEW**
33 **SEWER INSTALLATION PROJECT (AB2006-444)**
34
35

36 **OTHER BUSINESS AND COUNCILMEMBER REPORTS**
37

38 Crawford stated he thanks the staff for all they do for the Council.
39

40 Fleetwood stated he thanks Councilmember Weimer for attending the meeting
41 tonight, which is his 25th wedding anniversary.
42

43 Caskey-Schreiber stated she thanks the Council for their indulgence while she served
44 as Council Chair for the last two years.
45

46 Brenner stated she is thankful for everything. She attended a Building Industry
47 Association (BIA) work shop on green concrete forms. It's very lightweight and extremely
48 durable. The gravel guy should think about creating a berm with the forms. It's supposed
49 to be extremely soundproof. There is a green building workshop hosted by Sustainable
50 Connections and the BIA in December.
51

52 Nelson stated he thanks everyone.
53

1 Weimer thanked his wife for allowing him to attend the meeting on their wedding
2 anniversary.
3
4

5 **ADJOURN**

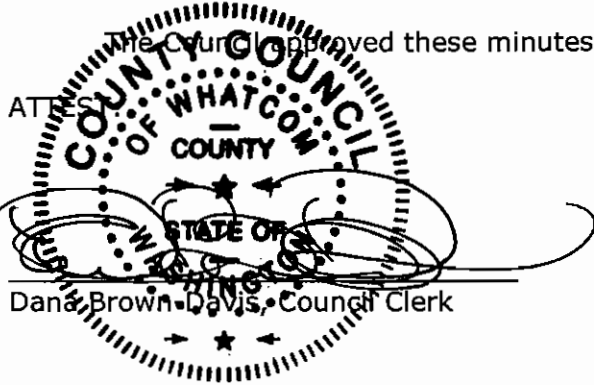
6
7 The meeting adjourned at 10:07 p.m.

8
9
10 

11 Jill Nixon, Minutes Transcription

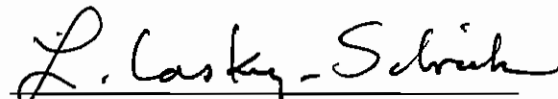
12 The Council approved these minutes on February 13, 2006.

13
14
15 ATTN:



Dana Brown Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Laurie Caskey-Schreiber, Council Chair