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WHATCOM COUNTY COUNCIL
Regular County Council

January 30, 2007

Council Chair Carl Weimer 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
Laurie Caskey-Schreiber

Absent:

L. Ward Nelson

FLAG SALUTE

ANNOUNCEMENTS

Weimer announced that there was a **discussion and negotiations update on open and soon-to-open collective bargaining agreements (AB2007-018)** in executive session during the Committee of the Whole meeting.

Weimer announced there was also **discussion regarding a personnel matter (AB2006-018)** during the Committee of the Whole meeting.

SPECIAL PRESENTATION

1. UPDATE FROM LIZA NARCISO, DEPUTY DIRECTOR OF THE WASHINGTON STATE DEPARTMENT OF VETERANS AFFAIRS, ON AGENCY SERVICES AVAILABLE IN OUR REGION (AB2007-017)

Alfie Alvarado-Ramos, Washington State Department of Veterans Affairs Deputy Director, stated this is a state agency, not the federal Veteran's Administration. This agency is funded by federal dollars in part, but mostly by the State's general fund. She and Director John Lee are going to each county as a reminder of all the benefits for Washington State veterans, in addition to their federal benefits.

Washington State's benefits are many. Those returning from the deployments cannot say that they cannot find a job or have been forgotten. Washington State is doing all kinds of work to connect those veterans with their benefits. The veterans are not the same as they were when they were deployed. When veterans return from war, they receive letters from the State service, reminding them to connect to their benefits. Veterans and their family members can call the agency for benefits. The State service provides claim services and connects veterans to the claim benefits due to conditions that do not allow them to work or work full time. They are eligible for compensation. It is important to get the word out that veterans and their families can connect with the State department.

The State agency also provides services for post-traumatic stress disorder. Forty percent of the returning veterans have issues with this. It's important to get the word out to them.

1 They also have an incarcerated veterans program that started in King County. Soon,
2 prosecutors and judges will get a briefing from her agency to see if Whatcom County is
3 interested in establishing an incarcerated veterans program. The recidivism rate for regular
4 offenders is about fifty-seven percent. The recidivism rate for those in the incarcerated
5 veteran program is 15 percent. King County pays for this program through the County
6 veterans fund. Pierce and Snohomish counties are also starting such programs.
7

8 Those veterans coming back experience significant financial problems. The
9 legislature allocated \$2 million to provide services to the veterans. A \$500 stipend is
10 available to national guardsmen, with almost no questions asked. Another \$1 million is
11 available statewide to pay for things like car repair, education, and job training equipment.
12 The federal veterans center works with the State agency to provide services.
13

14 Her agency partners with many other programs to provide services to veterans who
15 are just getting out of service, homeless, unemployed, and also to veterans' widows.
16

17 Brenner stated she wrote a letter awhile back trying to get a veterans medical center
18 in Whatcom County. Alvarado-Ramos stated Senator Patty Murray is on the Senate
19 Veterans' Affairs Committee. The Secretary of the Veterans' Administration has promised a
20 super clinic in the northern area. It hasn't yet been sited, but they are talking about Mt.
21 Vernon or Bellingham.
22

23 Brenner stated the hardest part is getting veterans shepherded into the system. She
24 asked how they get veterans into the system, at the local level. Alvarado-Ramos stated
25 they must have innovative ways to get veterans into services, such as informing clergy,
26 spouses, family members, and others.
27

28 Weimer thanked Ms. Alvarado-Ramos for the work they do to make sure veterans
29 get the services they deserve.
30
31

32 **MINUTES CONSENT**

33
34 ***McShane moved*** to approve the Minutes Consent items.

35
36 ***Motion carried unanimously.***

- 37
- 38 **1. SURFACE WATER WORK SESSION FOR OCTOBER 17, 2006**
- 39
- 40 **2. SPECIAL COUNTY COUNCIL (CONCURRENCY) FOR NOVEMBER 14, 2006**
- 41
- 42 **3. COMMITTEE OF THE WHOLE FOR DECEMBER 5, 2006**
- 43
- 44 **4. SURFACE WATER WORK SESSION FOR DECEMBER 12, 2006**
- 45
- 46 **5. SURFACE WATER WORK SESSION FOR JANUARY 23, 3007**
- 47

48 49 **OPEN SESSION**

50
51 The following people spoke:
52

53 Sandra Carlson, 4815 Academy Street, Bellingham, stated the Squalicum Valley
54 community thanks the Council for sending Councilmember Nelson's proposed ordinance to

1 the Planning Commission. The ordinance would remove the cluster option in rural forestry
2 zones in the County code. The current policy is inconsistent with the Comprehensive Plan
3 and Growth Management Act (GMA). Siting development in urban densities in forestry
4 resource lands is inherently incompatible with the use for which those lands were
5 designated. It will lead to a conflict between residents and foresters. The Growth
6 Management Hearings Board has said that urban density is the greatest threat to
7 forestlands. The legislature mandates protection of forestlands.

8
9 The 20-acre exemption process does not afford the owner vested development
10 rights. Restrictions should prevent the gerrymandering of lot boundaries, and allow the
11 development process only when they are able to demonstrate availability of adequate water
12 resources.

13
14 Geologists have stated that sustainable long-term supplies on Squalicum Mountain
15 are nil or remote. If a developer is not allowed to cluster, and the law against extending
16 water services into the rural zone is respected, then Squalicum Mountain will not be
17 developed. The effort to develop on Squalicum Mountain is part of a bigger scheme to turn
18 valuable forestland into urban residential tracts.

19
20 Bob Hollingsworth, 1877 Academy Street, submitted and read from his testimony
21 (*on file*). Do not allow the extension of urban services to the Vineyard development on
22 Squalicum Mountain. Development should be prohibited.

23
24 Larry Helm, 2260 East Terrace, completed reading the testimony submitted by Bob
25 Hollingsworth (*on file*). He submitted a photo (*on file*). The area has low density. The
26 ground absorbs all the water. It is the second biggest recharge area for Lake Whatcom
27 watershed. They need to be smart about how to develop the area. His group is not against
28 growth. However, clustering is a big problem because it creates groundwater sheeting.

29
30 Gwen Hunter, 2540 Applejack Lane, Squalicum Valley Community Association
31 Secretary, submitted and read from her testimony (*on file*). Explore the use of conservation
32 easements to keep it a sustainable forest.

33
34 Kris Unger, 2095 North Shore Road, Bellingham, stated the Council chair is not a
35 position that rotates among the councilmembers. He was surprised that Councilmember
36 Weimer's vote against funding to the Whatcom County-Bellingham Chamber of Commerce
37 for promoting tourism was not held against him. Coupled with his vote against Ski-to-Sea
38 funding, and his hostility to tourism, growth, and seeming lack of support of local business,
39 he must ask the Council what it was thinking when it elected him as the Council leader.
40 Council Chair has been consistent. He asked the motivation for denying targeted funding to
41 the Chamber, from money already collected, since the promotion of tourism is already
42 funded by the hotel/motel tax, unless the intent was to rob this money to fund pet projects.
43 They already saw an orgy of planned spending during the budget process, in which the
44 budget surplus will be cut in half. Creating a new position for critical areas ordinance
45 enforcement is Orwellian. Focus on collaborative efforts and cooperation. If they continue
46 down this road, the Council will have to work very hard to gain the support of the taxpayers
47 in the community.

48
49 Brenner stated she voted for Councilmember Weimer as Council chair because is
50 very nice, ethical, and runs a great meeting. That's why you elect a chair, not for a
51 personal ideology.

52
53 Johnny Grames, 1506 East Maplewood Avenue, Bellingham, stated that the chair
54 must be firm and fair. He thanked the new chair for adding levity to open session.

1 Corruption is the greatest expense in government. Have a public hearing on corruption and
2 abuse of power in the courthouse.
3

4 Dean Fearing, REStore Director, stated a new program is before the Council to start
5 a latex paint recycling program. The REStore recycles latex paint currently. They recycle
6 about 5,000 to 6,000 gallons of latex paint per year. It is a free service to the public. They
7 sell the paint they collect to the public at cost.
8

9 Patrick Alesse, 4825 Alderson Road, stated it costs more money to service people in
10 outlying areas. He heard that the County is considering putting houses near Birch Bay on
11 ten-acre lots, for the future. England has wide areas where there is nothing. As people in
12 England grow into those spaces, they will move in efficiently. If they want to scatter people
13 here and there, taxes will go up. Pay attention to the future they're building for the
14 children. They can't leave children with homes that are hard to service.
15

16 Brenner stated that the west Cherry Point area proposal hasn't come from the
17 Council. It's not a done deal. Someone put in an application.
18

19 Dennis Jones, 1487 Sudden Valley, submitted a video. Choose the lesser of two
20 evils. He thanked the County for the work it did in 2003 and 2004 on the points they've
21 agreed to. People have done great. The best known scientist says that people should
22 understand while there is still time to save it. The lake has turned. It has to go back to the
23 condition it was in about 1991. There is a plan to do that, but the plan isn't funded. The
24 shoreline program needs to be tightened up for Lake Whatcom. He will work for a group
25 called the Chuckanut Mountains Park District. It will take the best approach.
26

27 Ronald Robertson, 4419 Minaker Road, Sumas, submitted information (*on file*). His
28 wife received a dog bite from a pit bull on January 8. Today, she's still not on her feet. He
29 asked the Council to review the ordinances for potentially dangerous dogs. The City of
30 Auburn has come up with a list of dogs that are considered potentially dangerous. Someone
31 with a potentially dangerous dog, according to the list, should have to be specially housed.
32 The pit bulls that attacked his wife were penned and dug out of the fence. The owners
33 were uninsured, so he and his wife have to bear the expense. The dog owners must be
34 responsible and held accountable. His insurance company should not have to bear the
35 burden of a dog bite like this.
36

37 Brenner asked if Mr. Robertson contacted animal control. Robertson stated he did.
38 The dog that bit has been destroyed. The other dog has to be locked up and in the owner's
39 control at all times. If a dog is potentially dangerous, they must be in a pen with roof and
40 floor that cannot be dug up. Now, a dog has to commit the felony before anything is done.
41 His wife was taking a walk. She was not in the dog's property. The dog left the yard and
42 bit her. Now, he feels like a hostage in his own yard. He shouldn't have to feel that way.
43 An ordinance needs to be written to protect people.
44

45 McShane asked if both dogs were pit bulls. Robertson stated the dog that bit was a
46 full-blood pit bull. The other dog was a half-blood pit bull.
47

48 Caskey-Schreiber stated she would look into this issue.
49
50

51 **PUBLIC HEARINGS**

- 52
53 **1. ORDINANCE IN THE MATTER OF GRANTING A NON-EXCLUSIVE FRANCHISE**
54 **TO TELECOMM ASSOCIATES FOR A PERIOD OF 25 YEARS PURSUANT TO**

1 **STATE LAW AND SECTION 9.30 OF THE WHATCOM COUNTY HOME RULE**
2 **CHARTER, TO OPERATE AND MAINTAIN A CABLE COMMUNICATION SYSTEM**
3 **WITHIN THE UNINCORPORATED AREAS OF WHATCOM COUNTY (2006-439)**
4

5 Weimer opened the public hearing and, hearing no one, closed the public hearing.
6

7 Brenner asked when they can make some changes to the franchises.
8

9 Pete Kremen, County Executive, stated that Councilmember Brenner was concerned
10 with the franchise agreement for Comcast. That contract is up in four years.
11

12 Brenner stated she would like to see the same rules in each franchise. Rates keep
13 going up, and there is no place for the public to go about it. Make sure there is wording in
14 these long-term franchise agreements that protects the public, and allows the public to
15 have different providers if they want.
16

17 *(Clerk's Note: End of tape one, side A.)*
18

19 Brenner stated that all the providers seem to each have their own area, even with
20 the non-exclusive franchises. People are still stuck with a monopoly.
21

22 Karen Frakes, Prosecutor's Office, stated she can look into this.
23

24 Kremen stated that Prosecuting Attorney Dan Gibson would know the most about
25 this.
26

27 ***Brenner moved*** to refer to the Public Works Committee.
28

29 Crawford asked if Lummi Island currently has a cable company.
30

31 Brenner stated she doesn't think the residents do.
32

33 Crawford said this is a competing cable company on Lummi Island.
34

35 Kremen stated Lummi Island has a cable company.
36

37 Crawford stated he doesn't understand Councilmember Brenner's concern.
38

39 Brenner stated she would like to make sure there is some kind of language in the
40 agreement that so the franchise doesn't end up a monopoly.
41

42 ***Motion failed 1-5 with Brenner in favor.***
43

44 ***Crawford moved*** to adopt the ordinance.
45

46 ***Motion carried 5-1 with Brenner opposed.***
47

48 **2. ORDINANCE ADOPTING A MINERAL RESOURCE LANDS COMPREHENSIVE**
49 **PLAN AND ZONING DESIGNATION ON BRECKENRIDGE ROAD (AB2006-422)**
50

51 Weimer opened the public hearing and the following people spoke:
52

53 Rollin Harper, City of Nooksack City Planner, submitted supplemental testimony on
54 the Breckenridge mineral resource land (MRL). The City was contacted by concerned

1 neighbors, who opened the City staff's eyes. The approval of this MRL extension would
2 destroy a residential neighborhood. This is not consistent with the policies and goals of the
3 County Comprehensive Plan designation criteria. The MRL's are to be located in low density
4 rural areas in locations where they can protect existing residential neighborhoods and avoid
5 future land use conflicts. However, the proposed MRL is surrounded by higher density
6 residential areas. The topography is such that all the people will look down on an impact to
7 their lifestyle that can't be mitigated. The place for Nooksack to grow is to the east along
8 Breckenridge Road and Sorenson Road.

9
10 Fleetwood asked why the proposed buffer is insufficient. Harper stated no specific
11 buffer is included as a condition. One will be included at a future time, but they don't know
12 those specifics. It comes back to the larger gestalt of the neighborhood. A buffer may be
13 sufficient if there weren't so much density already there. However, there is too much
14 potential for future conflicts. The proposed MRL areas now serves as the buffer to the
15 existing MRL. Leave the buffer in place.

16
17 Don Kenny, 3551 Sorenson Road, Everson, stated he owns The Cedars, an adult
18 family home with four elderly women. His business has existing for 15 years. The
19 expansion is a football field away from his business in the residential area. Deny the
20 expansion, because it is incompatible with the neighborhood. The expansion is inconsistent
21 with Whatcom County's stated goals. If this goes forward, his business may be so
22 adversely impacted that he would not be able to continue.

23
24 Laurel Bodenshot, 3663 Sorenson Road, submitted and read a letter she sent to the
25 Planning Commission a year ago (*on file*). The use of this land for anything other than
26 agricultural pursuits should not be granted.

27
28 Lance Thompson, 3627 Sorenson Road, stated he is concerned about the trucks
29 from the gravel pit. They cross the double line on the road, without regard to anyone else.
30 It will cause an eyesore. He strongly opposes the change.

31
32 Michele Starkenburg, 3550 Breckenridge Road, stated she opposes the ordinance.
33 The area is quite safe and peaceful. That's why she lives here. A gravel pit will bring noise,
34 pollution, and traffic and will tear up the field right outside her backyard. It will depreciate
35 the value of her land and home. The road is not built for all the truck traffic. It would be
36 very dangerous near the school. There are no benefits for her or her neighbors.

37
38 Theresa Davi, 3624 Sorenson Road, stated she now tolerates 53 trucks per hour
39 coming and going from the Hoy Sand and Gravel. She moved out there to raise children
40 outside of an industrial community. That area is industrial, but she doesn't want it to be.
41 They want to remain healthy. Hard metals from the gravel pit will cause health issues. It
42 will be like living on an earthquake every day. They don't need to dig up 25 acres.

43
44 This meeting should have been held in Nooksack, so those who could not make this
45 meeting could attend. This is discriminatory. More people could have been to this meeting,
46 but they don't come to Bellingham.

47
48 Bill Bouten, 3398 Breckenridge Road, submitted and read from his testimony (*on*
49 *file*). He is against the MRL designation.

50
51 William Allenby, 3392 Breckenridge Road, submitted comments and a photo (*on file*)
52 and stated he is retired from the British Civil Service and is now an American citizen. His
53 property will be surrounded on three sides if this designation goes through. He is against

1 the MRL designation. This is a very beautiful part of the world. He can't understand the
2 reason for this.

3
4 Jane Bouten, 3398 Breckenridge Road, submitted and read from her testimony (*on*
5 *file*). She is against the MRL designation. Her home will be surrounded by three sides. The
6 residents are impacted enough by mining in the area. Properties would be devalued.

7
8 MaryLou Coppinger, 3594 Breckenridge Road, submitted photos and testimony, and
9 read from her testimony (*on file*). She is against the MRL designation.

10
11 Mary Terry, 3444 Breckenridge Road, stated she lives south of the area. Her
12 parents and her daughter live in the same area. There is an existing mine in the area. The
13 mine lays behind a heavy group of trees in an isolated area. If the overlay is allowed, it
14 would make it eligible for a permit to mine. The mine would become the center of their
15 home area. Leave it as it is. The community is close. They want to keep what they have.
16 Maintain the Comprehensive Plan map and the underlying zone as it is now.

17
18 Leslie Hamilton, 3443 Breckenridge Road, submitted and read her testimony (*on*
19 *file*). She is opposed to the MRL designation.

20
21 Penny Howlett, 3605 Breckenridge Road, submitted and read from her testimony (*on*
22 *file*). She is against the MRL designation.

23
24 Lesa Starckenburg-Koontje, Lynden, stated she represents Concrete Nor'West and is
25 in favor of this proposal. She appreciates the fact that mining creates impacts. Tonight,
26 they are talking about the protection of this 24.9 acre parcel. This is not a request to mine.
27 It is a request to place the land into the MRL, which will prohibit the land from being divided
28 into five-acre tracts and keep the land available for the resource.

29
30 The benefit is to the general public. The Growth Management Act says they must
31 protect quality resources for the public's future. The public is one of the biggest users. The
32 State and local contracts and public uses are one of the biggest uses for gravel materials.
33 As the materials become less available, the prices go up.

34
35 The impact will be dealt with through the permitting process if a mining permit
36 comes forward. Permits are required from the local government and from State agencies.
37 Sufficient buffers are required to ensure that noise, dust, and other impacts to surrounding
38 property owners are within applicable regulations and performance standards. Buffers are
39 set according to the impact.

40
41 There are already 158 acres of MRL in this area. This is an area of quality gravel.
42 According to the Geo-Engineers report, this is one of the few areas where there is room for
43 expansion. They can't put an MRL anywhere. It has to go where there is quality material.

44
45 People have talked about the wonderful environment that is out there. That
46 wonderful environment includes 158 acres of existing MRL's. There is the possibility of
47 compatibility. That's what's considered in the permitting process.

48
49 There isn't a specific mining proposal now, but Concrete Nor'West has been a good
50 neighbor. The Hearing Examiner applauded Concrete Nor'West in the past for being a very
51 good neighbor.

52
53 A number of conditions have already been placed on this project through the
54 mitigated determination of non-significance (MDNS) that was issued and through the staff

1 report. Staff recommends approval and indicates that the application meets the various
2 criteria.

3
4 A number of the parcels are smaller because of clustering. This is a rural, one unit
5 per five acres (R5A) zone. If this isn't protected for mineral resources, it will most likely
6 become a plat, which doesn't protect agricultural land, either.

7
8 Paul Bodenshot, 3663 Sorenson Road, stated people already spoke about the
9 impacts, health issues, and quality of life. The Council is in a tough position.

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

13 Bodenshot continued to state that it's easy to make these decisions when they see
14 the industry and growth coming in, which increases the tax revenue. However, sometimes
15 they have to make a decision from the heart, not the brain. Think about the decision from
16 the point of view of the people who are testifying tonight. They're asking the Council to
17 make a decision as if it was on a street where they live and it was their children who walked
18 across the street near the gravel pit. They don't know how this will effect their health.
19 Make the decision as if it were on the street where the councilmembers live.

20
21 Dawn Durand, 3656 Toad Lake Road, stated she is speaking on behalf of her clients
22 who have purchased in this area. She has been a real estate agent for 17 years, and has a
23 good idea of what the effects would be. This request would decrease property value by
24 half. She asked who would buy a home where gravel trucks run constantly. This is a
25 pristine, quiet, rural community. That is why the residents choose to live there. The
26 community is safe and affordable. Proximity to the elementary school should be the reason
27 to deny this request.

28
29 Ben Craft, 3550 Alm Road, Everson, stated he has an organic sustainable farm with
30 the same type of soil that this property has. It shouldn't be about the money. It should be
31 about the people, not the money. It's a bad idea. An 85-foot hole in the ground next to
32 residential areas would result in a landslide during an earthquake. A big hole should not be
33 dug in the neighborhood. That ground should not be a gravel pit. It should produce food,
34 not gravel. They should not depend on a food source that is 1,600 miles away. They need
35 to save farmland, residential land, and good places for people to live. If this area is rezoned
36 to MRL, it is worth millions of dollars more. The tax base should be shifted to this area, so
37 everyone pays the same amount.

38
39 Jeffery Howlett, Breckenridge Road and Sorenson Road, stated gravel trucks cannot
40 get around the corner of Breckenridge Road and Sorenson Road, like other trucks can. The
41 trucks run off the road. The road is two feet wider than a few years ago. It's a safety
42 hazard. The proposed access is a right angle turn. There is no way a gravel truck can get
43 on the road without obstructing the oncoming lane. A 50-foot trailer on a semi cannot go
44 around that corner while staying in its own lane or without running off the road.

45
46 Carrie Carter, 3965 Hillside Road, Deming, stated she grew up on the Breckenridge
47 Road. There is only one reason the applicant has to ask for a zoning change. They intend
48 to mine it. The gravel pit is not a friendly neighborhood. There is no way it could go next
49 to a residential neighborhood or grade school. This property is the only high plain level in
50 that area. She asked where else people will build homes. The Code and policies are clear
51 and cannot be ignored. They cannot designate MRL areas at the expense of the existing
52 agriculture and uses. The Council can't approve this amendment and designate the area an
53 MRL without violating those policies. The reason that the current mining works in this
54 neighborhood is because the mining is on a downhill slope. There is no buffer. There aren't

1 30-foot berms going into the backyards. It is a flat landscape. The gravel pit is down
2 below. Don't bring the extension into the neighborhood areas. They can't coexist. It will
3 destroy a neighborhood and families.
4

5 Jayne Uerling, 3245 Mosquito Lake Road, stated she works in an industry that
6 depends on available aggregate close to the market. She understands the difficulty of the
7 decision.
8

9 She lives in an area that is by a gravel pit. Everyday during the summer, from dawn
10 to dusk, there are shooters, clinkers, dirt bikers, and constant noise. There is no way to get
11 away from the noise. There is no enforcement. A berm does not keep out the noise.
12 Driving on a road with a gravel truck is dangerous.
13

14 Saim Ural, 3431 Alm Road, Everson, stated the Comprehensive Plan is supposed to
15 have a 50-year reserve for all the MRL needed in the county. He asked what happened to
16 it. Vote against this request.
17

18 Hearing no one else, Weimer closed the public hearing.
19

20 Pete Kremen, County Executive, stated Planner Matt Aamot is as good or better than
21 anyone in his chosen field. When his recommendation came forward, it was based solely on
22 the criteria, without the human element. That is what Mr. Aamot is supposed to do. That's
23 his job. After listening to the testimony this evening, he recommends that the Council look
24 at this issue in its totality and deny this request.
25

26 Caskey-Schreiber stated this is a difficult issue. They will see this issue more often
27 as this county grows and as resource lands become scarcer. When the Council updated the
28 Comprehensive Plan, they focused heavily on importation as an option to meet the 20-year
29 or 50-year needs for gravel. She is against docketing this request. The density around this
30 site is higher than what mitigation can properly address. Also, the human element isn't
31 considered. They have to consider what represents the public's interest. Given the siting of
32 this MRL, it's proximity to an urban growth area (UGA) and a school, and the higher density,
33 it's a good fit. Much of the County is not zoned as designated agriculture. They are trying
34 to fix that. She would hate to sacrifice that land, and will fight to preserve viable
35 agriculture land. The land in Nooksack is wet. This is one of the better places where the
36 City may want to steer its growth.
37

38 Brenner stated she must recuse herself from the vote. She inadvertently had an ex
39 parte conversation with a neighbor in the area. She was influenced. She unfortunately
40 thought the issue was still before the committee. She cannot vote.
41

42 Karen Frakes, Prosecutor's Office, stated this is legislative, but it's a site specific
43 rezone. Even though that has some legislative element, the appearance of fairness doctrine
44 applies in this circumstance.
45

46 **Crawford moved** to send this ordinance to the concurrency hearing. He
47 understands and empathizes with the concerns of the neighbors. However, there are
48 examples in other areas where people can live in proximity and adjacent to an MRL. Much
49 of this has been characterized as the expansion of the pit. They will talk about that in the
50 future. Many of these areas are short-plats that have been done in the last 20 or 30 years.
51 They are on top of a resource. The Comprehensive Plan is supposed to guarantee a 50-year
52 supply. At the time it was passed and since then, the Comprehensive Plan has never met
53 the 50-year supply. They currently estimate the 20-year supply, which will last ten to 12
54 years at the current rate of extraction. Then there will not be any more supply. The

1 County doesn't meet the terms of the County Comprehensive Plan anywhere close to 50
2 years. The County anticipates the needs, but has never adequately addressed the resource
3 need.
4

5 The school said it was agreeable to the existence of gravel extraction in that area
6 when the school was built. The school was aware of the gravel activity when it went it. The
7 Council has that documentation.
8

9 It's unlikely there will be an exit on Sorenson Road. The committee dealt with this.
10 The right-of-way across State Route 9 will be difficult to obtain. It's not desirable for the
11 extractors to go that direction. The proposal is an upgrade to the intersection on
12 Breckenridge Road at the current access. If that area ends up being used for gravel
13 extraction, it will come out south onto Breckenridge Road, via another lot.
14

15 McShane stated there is a condition that the intersection of Breckenridge Road and a
16 smaller road would be improved before any mining could occur in that proposed MRL.
17

18 Crawford stated he has a number of similar, but different, kinds of activities,
19 including noise from Hannegan Speedway and power lines, in his neighborhood. There is
20 going to be some level of compromise to quality of life in any area, such as the smell of
21 manure from an adjacent farm. This is a reasonable step forward for the County to attempt
22 to address a need they cannot ignore. This is a reserve area for future generations to
23 potentially have some grave extraction reserves, which will be badly needed.
24

25 McShane stated he will support the ordinance. The Natural Resources Committee
26 worked hard to work through some of these issues, and made sure additional conditions will
27 apply, in addition to the staff's recommended conditions.
28

29 The Natural Resources Committee found that Sorenson Road could not be used. It is
30 inefficient, and sending trucks that direction will have a significant impact. His concern was
31 making sure they improve Breckenridge Road, including maintenance along the road.
32

33 He is not happy with the rules governing mining itself, not the designation of MRL's.
34 The rules need to be addressed. A committee was formed, but did not work on that issue.
35 As long as that issue is not fully addressed, this conflict will remain. He asked Executive
36 Kremen to work with his staff to deal with this very problem. The mining hours of operation
37 are too long. What is allowed in mining areas adjacent to residential properties is what
38 causes this conflict. This is the first MRL request to come to the County Council since he's
39 been on the Council. Before that, many of these concerns came up when MRL's were
40 designated. Protecting the resource of gravel extraction wasn't done. Now, they are trying
41 to protect mineral resource lands that have already been carved up into five-acre parcels.
42 The only area where it won't impact people is on big agricultural properties. The Council is
43 not interested in allowing mining on prime agricultural land in the agricultural zone. That
44 took a huge chunk out of the county's capability for having mineral resource lands. He
45 supported that decision. However, the County doesn't have a supply for 50 years. The
46 designated supply will last for a short term. There is very little good gravel left in the
47 county. As the pressure comes forward to expand these designated areas, constrain the
48 type, length, and hours of activity so the mining areas aren't as burdensome to those who
49 have to live around them.
50

51 Fleetwood stated the committee vote on this application was difficult, but he
52 supported this designation at that time. At the time, he believed that the City of Nooksack
53 was satisfied that conditions could be put in place that would mitigate impacts. Tonight,

1 he's learned that they can't adequately condition this particular application to mitigate the
2 impacts to the community. He will vote against the ordinance tonight.

3
4 Weimer stated he voted against docketing this issue last spring. The Nooksack UGA
5 is very close to this area. The proponents already own this land. If they think there is a
6 shortage of gravel in the future, they should hold on to the land, and things may change.
7 At this point, don't impact these people. Hopefully, they will find another source.

8
9 McShane stated a pipeline runs through the UGA.

10
11 Weimer stated pipelines coexist with UGA's all over the country.

12
13 ***Motion failed 2-3-1 with McShane and Crawford in favor and Brenner***
14 ***abstaining.***

15
16
17 **CONSENT AGENDA**

18
19 ***Crawford*** reported for the Finance and Administrative Services Committee and
20 ***moved*** to approve Consent Agenda items one through three and five through 17.

21
22 ***Motion to approve Consent Agenda items one through three and five***
23 ***through 17 carried unanimously.***

- 24
25 1. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO RE-AWARD BID #06-**
26 **117, PREVIOUSLY AWARDED TO LOW BIDDER DEWEY GRIFFIN, TO SECOND**
27 **LOWEST BIDDER BELLINGHAM CHRYSLER, FOR THE PURCHASE OF TWO**
28 **HALF-TON 4X4 EXTENDED CAB PICKUP TRUCKS IN THE AMOUNT OF**
29 **\$47,002.10 (RE-AWARD REQUESTED DUE TO DEWEY GRIFFIN'S INABILITY**
30 **TO OBTAIN THE VEHICLES BECAUSE OF A TIME LAPSE BETWEEN BID AND**
31 **AWARD) (AB2007-070)**
32
33 2. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
34 **CONTRACT BETWEEN WHATCOM COUNTY AND HANDEL INFORMATION**
35 **TECHNOLOGIES FOR THE PURPOSE OF PROVIDING MAINTENANCE AND**
36 **CUSTOMIZATION OF JUVENILE OFFENDER CASE MANAGEMENT SYSTEM, IN**
37 **THE AMOUNT OF \$18,000 (AB2007-071)**
38
39 3. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
40 **CONTRACT BETWEEN WHATCOM COUNTY AND NORTHWEST YOUTH**
41 **SERVICES FOR THE PURPOSE OF OPERATING THE TEEN COURT PROJECT FOR**
42 **WHATCOM COUNTY, IN THE AMOUNT OF \$18,500 (AB2007-072)**
43
44 4. **REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A GRANT**
45 **AGREEMENT BETWEEN WHATCOM COUNTY AND THE STATE OF WASHINGTON**
46 **DEPARTMENT OF ECOLOGY FOR THE IMPLEMENTATION OF ACTIVITIES**
47 **IDENTIFIED IN THE LOCAL SOLID WASTE MANAGEMENT PLAN AND**
48 **HAZARDOUS WASTE MANAGEMENT PLAN, IN THE AMOUNT OF \$68,000**
49 **(\$51,000 FROM STATE OF WASHINGTON DOE/\$17,000 FROM WHATCOM**
50 **COUNTY) (AB2007-073)**

51
52 ***Crawford*** reported for the Finance and Administrative Services Committee. He
53 ***moved*** to approve the request.

1 Brenner stated she is against the motion. This item didn't go before the Solid Waste
2 Advisory Committee. It should have. The grant should be used to work with ReStore. The
3 County is better off working with private businesses rather than trying to do the same thing.
4 For recycling and reuse, the ReStore already exists.
5

6 Bruce Roll, Public Works Department, gave a staff report and stated staff is working
7 on a revision. The County doesn't intend to create a competing program. He discussed the
8 item with the director of the program at ReSources. There are a number of issues. First,
9 the ReStore doesn't accept buckets of five or more gallons of paint. Many contractors are
10 interested in disposing latex paints in those quantities. Also, the ReStore doesn't accept
11 quantities less than one gallon sizes and has space limitations. On occasion, the ReStore
12 turns away people when capacity is full. There is a need for paint disposal in a way that
13 doesn't compete with ReSources. He will work on a program that program that doesn't
14 compete.
15

16 The number one item that people bring to the toxic waste site to get rid of is latex
17 paint. The need for a program that isn't duplicative is there. Also, this is a pilot program.
18

19 Brenner stated she thought this would be done with the ReStore. She recently found
20 out it's an independent program. She doesn't understand why they can't work with the
21 ReStore. She thought it was for an expansion of what the ReStore does.
22

23 Crawford stated the ReStore only takes gallon cans. The cans have to be at least half
24 full. They don't take pint cans. Most paint contractors don't use gallon cans. They use five-
25 gallon cans. The ReStore does not provide a means for disposal of the unused paint in those
26 five-gallon cans.
27

28 Brenner stated she is not in favor of this program because it's not an expansion of
29 the ReStore's program.
30

31 Weimer stated the County's Disposal of Toxics Program used to take latex paint. He
32 asked why the County quit taking latex paint in the 1990's. Roll stated the program quit
33 taking latex paint because ReSources asked for a grant to take on this activity in 1997.
34 ReSources started to accept latex paints, to be remixed and sold. According to the
35 ReSources Executive Director, customers did not want to go through the process to remix
36 and recycle the material. ReSources gave the money for that purpose back to the County.
37 The program didn't work out.
38

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

41 Roll continued to state that ReSources would like to divert those materials they
42 couldn't use to Seattle to a place that is an active recycler. That would make sense.
43

44 Weimer stated that is an interesting re-write of history. He was a Solid Waste
45 Advisory Committee member the whole time, and wrote the Solid Waste Management Plan.
46 The reason they quit taking latex paint is because the Disposal of Toxics Program has been a
47 black hole in which the County has thrown money for years. It kept expanding to the point
48 where the County couldn't afford it anymore, and the City didn't want to chip in any more
49 money. The State Department of Ecology changed its ruling on latex paint so it's not
50 considered a toxic item. People were told to mix the paint with kitty litter and throw it in the
51 garbage. At that point, there was an outcry in the community, so the ReStore stepped in
52 and started taking latex paint for free. He tried to get some money from the County, but
53 didn't need it because the paint sold. The ReStore bailed out the County. The County
54 couldn't afford to deal with it through the Disposal of Toxics program. It would be great if

1 the Disposal of Toxics program could start taking in unusable types of latex paint, but it will
2 increase the cost. The contract says that the Department of Ecology won't pay for it. They
3 are increasing the cost of the Disposal of Toxics program to get rid of 50 to 75 percent of the
4 paint the program receives. He asked when the increase for the Disposal of Toxics program
5 will come forward to cover it. He asked how much economic or environmental sense it
6 makes to load up trucks with latex paint and drive it to Portland. It doesn't make sense to
7 do this when someone in the community is doing it for free. He is opposed to the motion.

8
9 McShane asked what is happening now to large quantities of paint. It sounds like he
10 can't take it to ReSources.

11
12 Weimer stated he could much of the time. It depends on their supply. Businesses
13 can't bring toxic things out to the Disposal of Toxics facility without paying a fee. A paint
14 contractor would have to pay a fee.

15
16 Crawford stated that both RDS and Recomp will take partially filled five-gallon
17 buckets of paint for the waste stream, but a coagulant must be added before they take it.
18 He thinks most painting contractors are simply putting it into the waste stream. This
19 program will provide a different outlet for it.

20
21 Caskey-Schreiber asked if the County can use this grant money to contract with
22 ReSources to do the work. Roll stated the grant contract specifies the Disposal of Toxics
23 site. He will talk to the Department of Ecology about amending the contract. He is not
24 opposed to that. However, think about the process by which these things are brought
25 forward, and whether the County is giving preferential treatment to a business. Make sure
26 this is done in a way that makes sense. There is a 45-day period to either accept or deny
27 the grant. They could jeopardize the receipt of the grant monies.

28
29 McShane asked how long this grant is for. Roll stated it is a two-year grant.

30
31 McShane asked if they would know how much paint is coming into the program at the
32 end of the two years. If the grant weren't continued, someone could take on a similar
33 program. Roll stated he is averse to using Solid Waste monies for this until it's a functional
34 program. That's why he wants to use this grant money to develop a pilot program. If it
35 becomes a viable program, there may be ways for the private sector to take on the
36 program.

37
38 McShane asked if there is an arrangement between the Department of Ecology and
39 Phillips. Roll stated they are referenced in the contract.

40
41 Weimer stated those are the folks who run the Disposal of Toxics program for the
42 County.

43
44 Fleetwood asked if they are within the 45-day time limit.

45
46 Caskey-Schreiber asked if they can get an extension. Roll stated he could try. The
47 question is whether the Council fundamentally believes in this program. It's in the Solid
48 Waste Plan. He needs to know if this language should continue to be in the plan.

49
50 Brenner stated she is concerned if the County does this for two years. She asked
51 what happens after that. Someone who has gotten money for a program is more likely to
52 keep a program going. See if it could work with the ReStore.

1 **Caskey-Schreiber moved** to hold in Finance Committee, while staff seeks an
2 extension on the 45-day period. Roll stated this grant is available to the County, for County
3 purposes. He can't say that ReStore will get the money. The County would have to go
4 through a bidding and selection process. People routinely go to the Disposal of Toxics site.
5 He asked if the Council wants a partnership between the ReStore and the toxics facility, or if
6 the Council wants it all to go to the ReStore. There are a number of questions to which he
7 needs answers.

8
9 Fleetwood asked if the Department of Ecology will grant an extension. Roll stated
10 he's never asked for one. The department is generally very accommodating. Pump some
11 money to ReStore to see if it can find a way to do the program.

12
13 Weimer stated he's not sure if the money is the problem with the ReStore.

14
15 Pete Kremen, County Executive, stated this issue just surfaced quickly. According to
16 ReStore Director Dean Fearing, he hasn't had time to digest the idea, but thinks it may be a
17 positive thing that he would support. Don't rush into anything. He hopes they can still
18 achieve this funding from the State. It's not a guarantee. It's not the end of the world if
19 they don't get it. It is something the community should do, one way or another, for the
20 quality of the environment and life in this community.

21
22 Brenner stated the bigger amounts of paint wouldn't stay in the community. They
23 would go somewhere else. Maintain reuse and recycling in the community, which helps
24 quality of life. Transporting the material for recycling is a tradeoff. They're trading a non-
25 toxic item for more traffic on the road. See if there is a way to do this with the ReStore or
26 someone else in the community.

27
28 Weimer stated he doesn't care whether or not this goes to the ReStore. His
29 frustration is that the County has started this three times now, spent a lot of money doing it,
30 and then it dwindles away. The Solid Waste Advisory Committee was never asked about it.
31 The Department of Ecology has been having meetings to start regional facilities like the one
32 in Portland. No one at the Solid Waste Division seems to know about that. It's frustrating
33 that the County has no institutional memory.

34
35 McShane asked Councilmember Weimer's idea for an ideal solution for disposing of
36 waste latex paint.

37
38 Weimer stated a local or regional business, like the facility in Portland, would be
39 great. Collect the paint regionally, remix it, and resell it. Northern Puget Sound counties
40 are looking for a local solution, even though it's not a toxic material, because the cost of
41 shipping to Portland is exorbitant. Sixty to 70 percent of the paint taken in is bad, and a
42 program would end up disposing of that for free.

43
44 McShane stated ultimately, the decisions are made at the Executive Committee level.
45 It sounds like a regional solution needs to be worked out. He asked what the County gains
46 by not doing this. He asked if Councilmember Weimer is trying to send a message to the
47 Department of Ecology about the manner of grant it should set up.

48
49 Weimer stated the money ought to go to setting up a regional solution, not a two-
50 year grant that will go away.

51
52 McShane asked if this is the best way to send that message. He asked if
53 Councilmember Weimer thinks the Council should turn down the grant.

1 Weimer stated the Council should turn down the grant, with a message for the
2 Department of Ecology about why it is turning down the grant. Ecology doesn't set up their
3 grants for something like that because it's a business startup.
4

5 McShane stated the Department of Ecology is giving the County money to accept and
6 ship the material for two years. After two years, the hope is for a regional facility. If not,
7 they are back to coagulating the material and putting it in the garbage, or hoping that
8 ReSources will take the material.
9

10 Weimer stated the majority of the paint that the Disposal of Toxics facility will get
11 through this program won't be paint that the grant will pay for. Sixty or 70 percent of the
12 paint won't be useable. The contract specifically says that the grant won't fund any cost of
13 getting rid of that unusable supply.
14

15 Brenner stated some of the money is local money. Roll stated the grants have to be
16 matched with local funds. It isn't the County's intent to ship everything that comes in to the
17 site to Seattle for process. The goal is to take what can be used locally for people to come
18 in and get the material. If the material isn't taken, it will find its way to a recycler.
19

20 McShane asked if there is money in the solid waste program for a local entity to take
21 the paint and sell it. Roll stated they've had a solid waste program that annually asks for
22 applications for new, innovative programs to fund. There have been four or five successful
23 programs. To date, no one in the community has applied to do a program with latex paint.
24 That's one of the reasons for this request. He didn't think anyone wanted to do it.
25

26 Caskey-Schreiber stated the County is sending a message if it asks for an extension
27 to do something different.
28

29 Brenner stated she can think of great ideas for programs. They can make an effort
30 to take a wider variety of plastics, for example. Latex is lower on the list. Things are
31 already happening with it.
32

33 ***Motion to hold in committee carried 4-2 with Crawford and Brenner opposed.***
34

- 35 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
36 **CONTRACT BETWEEN WHATCOM COUNTY AND WORK OPPORTUNITIES TO**
37 **DEVELOP CAPACITY FOR PATHWAYS TO COMMUNITY EMPLOYMENT FOR**
38 **INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES CURRENTLY BEING**
39 **SERVED AT NORTHWEST INDUSTRIES, WHICH IS A FACILITY BASED**
40 **EMPLOYMENT SETTING, IN THE AMOUNT OF \$62,545 (AB2007-074)**
41
- 42 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A TWO-**
43 **YEAR CONTRACT BETWEEN WHATCOM COUNTY AND STARCK FOLLIS, DAVID**
44 **A. NELSON, ROBERT D. BUTLER, CARL MUNSON, NANCY NEAL, THOMAS H.**
45 **FRYER, DOUGLAS R. HYLDAHL AND MARY KAY LOVING TO PROVIDE**
46 **CONFLICT INDIGENT CRIMINAL DEFENSE LEGAL SERVICES WHEN THE**
47 **PUBLIC DEFENDER HAS A CONFLICT WITH A CLIENT (AB2007-075)**
48
- 49 **7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A TWO-**
50 **YEAR CONTRACT BETWEEN WHATCOM COUNTY AND JEFFREY A. LUSTICK**
51 **AND MARK A. KAIMAN TO PROVIDE CONFLICT INDIGENT CRIMINAL**
52 **DEFENSE LEGAL SERVICES WHEN THE PUBLIC DEFENDER HAS A CONFLICT**
53 **WITH A CLIENT (AB2007-076)**
54

- 1 8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A TWO-
2 YEAR CONTRACT BETWEEN WHATCOM COUNTY AND MICHAEL P. BRODSKY
3 TO PROVIDE CONFLICT INDIGENT CRIMINAL DEFENSE LEGAL SERVICES
4 WHEN THE PUBLIC DEFENDER HAS A CONFLICT WITH A CLIENT (AB2007-
5 077)
6
7 9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A TWO-
8 YEAR CONTRACT BETWEEN WHATCOM COUNTY AND ANDREW L. SUBIN TO
9 PROVIDE CONFLICT INDIGENT CRIMINAL DEFENSE LEGAL SERVICES WHEN
10 THE PUBLIC DEFENDER HAS A CONFLICT WITH A CLIENT (AB2007-078)
11
12 10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A TWO-
13 YEAR CONTRACT BETWEEN WHATCOM COUNTY AND JESSE SALOMON TO
14 PROVIDE CONFLICT INDIGENT CRIMINAL DEFENSE LEGAL SERVICES WHEN
15 THE PUBLIC DEFENDER HAS A CONFLICT WITH A CLIENT (AB2007-079)
16
17 11. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A TWO-
18 YEAR CONTRACT BETWEEN WHATCOM COUNTY AND SCOTT M. CHOATE TO
19 PROVIDE CONFLICT INDIGENT CRIMINAL DEFENSE LEGAL SERVICES WHEN
20 THE PUBLIC DEFENDER HAS A CONFLICT WITH A CLIENT (AB2007-080)
21
22 12. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A TWO-
23 YEAR CONTRACT BETWEEN WHATCOM COUNTY AND MARGARET MAWSON, R.
24 SCOTT MAWSON, PENNY HENDERSON, JENNIFER TEPKER, SCOTT CHOATE,
25 DAVID HUNTER AND KATHRYN RESNICK TO PROVIDE PROFESSIONAL LEGAL
26 SERVICES FOR INDIGENT PARENTS IN DEPENDENCY CASES (AB2007-081)
27
28 13. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A TWO-
29 YEAR CONTRACT BETWEEN WHATCOM COUNTY AND COLLEEN ROGERS,
30 MARY ANN SHAFFER, MICHELLE PADDIE, TAMI HILLMAN, JAYME GIBBS AND
31 LAUGHLAN CLARK TO PROVIDE GUARDIAN AD LITEM SERVICES FOR
32 MINORS IN DEPENDENCY CASES (AB2007-082)
33
34 14. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A TWO-
35 YEAR CONTRACT BETWEEN WHATCOM COUNTY AND THE WHATCOM
36 DISPUTE RESOLUTION CENTER TO PROVIDE DISPUTE RESOLUTION
37 SERVICES AND MANDATORY MEDIATION ADMINISTRATION (AB2007-083)
38
39 15. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A TWO-
40 YEAR CONTRACT BETWEEN WHATCOM COUNTY AND CATHOLIC COMMUNITY
41 SERVICES TO PROVIDE SUPERVISED VISITATION SERVICES FOR FAMILIES
42 IN DOMESTIC RELATIONS CASES (AB2007-084)
43
44 16. RESOLUTION FOR THE APPOINTMENT OF AGENT TO RECEIVE CLAIMS FOR
45 DAMAGES FOR THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT
46 (AB2007-085) (COUNCIL ACTING AS THE FLOOD CONTROL ZONE DISTRICT
47 BOARD OF SUPERVISORS)
48
49 17. RESOLUTION CANCELING UNCOLLECTIBLE PERSONAL PROPERTY TAXES
50 (AB2007-086)
51

52
53 **OTHER ITEMS**
54

1 **1. ORDINANCE AMENDING THE 2007 WHATCOM COUNTY BUDGET, FIRST**
2 **REQUEST, IN THE AMOUNT OF \$182,659 (AB2007-061)**

3
4 **Crawford** reported for the Finance and Administrative Services Committee and
5 **moved** to adopt the ordinance.
6

7 **Motion carried unanimously.**
8

9 **2. ORDINANCE REGARDING PROJECT BASED BUDGET REQUEST NO. 1 FOR CRP**
10 **#902008 LINCOLN ROAD, SHINTAFFER ROAD TO SR 548, IN THE AMOUNT**
11 **OF \$1,200,000 (AB2007-062)**

12
13 **Crawford** reported for the Finance and Administrative Services Committee and
14 **moved** to adopt the ordinance. The costs are up significantly from the estimates.
15

16 Fleetwood asked how much the costs have gone up.
17

18 Crawford stated the increases are 50 percent for construction, and close to double on
19 right-of-way acquisition. However, there will be a review of the cross section design. There
20 will be a divider in the middle of the road for stormwater purposes. They have an option to
21 change that design as the project progresses if the cost is too much.
22

23 **Motion carried unanimously.**
24

25 **5. RESOLUTION SUPPORTING WESTERN WASHINGTON UNIVERSITY'S**
26 **REQUEST FOR STATE FUNDING TO BE USED FOR PLANNING AND**
27 **FEASIBILITY STUDIES LEADING TO THE BELLINGHAM WATERFRONT**
28 **REDEVELOPMENT PROCESS (AB2007-091)**

29
30 **Crawford** reported for the Finance and Administrative Services Committee and
31 **moved** to approve the resolution, with one change, "**Now, Therefore, Be it Resolved,**
32 that... The County's support for this project funding is in addition to the County's priority
33 funding requests for financial assistance for the creation of the East county Community
34 Center and funding requests that are needed for stormwater improvements or fixes within
35 the Lake Whatcom watershed."
36

37 **Motion carried unanimously.**
38

39 **3. DISCUSSION AND VOTE ON ONE COUNTY LEGISLATIVE AUTHORITY**
40 **CANDIDATE TO SERVE AS THE "COUNTY REPRESENTATIVE" ON THE STATE**
41 **BOARD OF NATURAL RESOURCES (ONLY WASHINGTON STATE COUNTIES**
42 **CONTAINING FOREST BOARD LANDS MAY PARTICIPATE IN THE ELECTION**
43 **AND EACH PARTICIPATING COUNTY RECEIVES ONE VOTE) (AB2007-067)**
44

45 McShane nominated Tim Sheldon.
46

47 Brenner stated that Tim Sheldon's letter was very impressive. He has an incredible
48 background. He was also very humble.
49

50 Caskey-Schreiber nominated Mike Doherty.
51

52 McShane stated Mr. Sheldon served with him on the Puget Sound Action Team for a
53 couple of years. He understands how to reach compromise on issues. Mason County has

1 significantly protected parts of Puget Sound by maintaining areas. Other applicants have
2 been rather rabid against Whatcom County's position about protecting Lake Whatcom.

3
4 Weimer stated he will support Mike Doherty. He has known him for a number of
5 years casually, and has worked with him on water issues. He's worked in the timber
6 industry in the past.

7
8 Crawford voted for Sheldon.

9
10 McShane voted for Sheldon.

11
12 Fleetwood voted for Sheldon.

13
14 Weimer voted for Doherty.

15
16 Brenner voted for Sheldon.

17
18 Caskey-Schreiber voted for Doherty.

19
20 Tim Sheldon was appointed.

21
22 Weimer stated they have the option to vote in fractions.

23
24 Caskey-Schreiber stated she wanted to change her vote to Sheldon, so it's clear that
25 Whatcom County has some influence on whoever they pick.

26
27 Weimer stated he would also change his vote to Sheldon. The vote is unanimously
28 for Tim Sheldon.

29
30 **4. RESOLUTION INITIATING AN EMERGENCY ZONING TEXT AMENDMENT TO**
31 **WHATCOM COUNTY CODE 20.42, RURAL FORESTRY DISTRICT (AB2007-068)**

32
33 This item was withdrawn from the agenda.

34
35 **6. LETTER TO BE SENT TO THE WSDOT REQUESTING INSTALLATION OF STOP**
36 **SIGNS AT I-5 EXIT 270 (AB2007-032)**

37
38 Brenner reported for the Public Works and Safety Committee and stated the Public
39 Works Department will support her letter.

40
41 Crawford stated he would not support the letter. It doesn't seem to make good
42 sense. There is a curve on the north bound off ramp and on ramp. It makes sense to have
43 a stop sign there. It doesn't make sense to have people stop there, stop again on the other
44 side of the freeway, and stop again at the red light on Portal Way. He asked why the
45 individual wants this. There is very little traffic that comes off. Not a lot of people go
46 southbound, other than people who want to shop at that outlet mall. He asked why they
47 would encourage them to stop the traffic going east and west on Birch Bay-Lynden Road.

48
49 Brenner stated she's twice had someone pull out in front of her at that location.
50 Because of the hill, people don't really notice it. The Public Works Department agreed.

51
52 Caskey-Schreiber asked if Jeri Smith would comment. She doesn't know if there is a
53 problem. She would like a local's perspective.

1 Jeri Smith, realtor, stated the Birch Bay-Lynden Road has four stops now.
2 Grandview Road does not. Grandview should have stop signs also. Those are the two main
3 entrances to Birch Bay. They need to make them consistent. Also, the east-west traffic is
4 very dangerous in those two locations. There are stop signs on the Birch Bay-Lynden Road,
5 and not the Grandview Road.

6
7 Fleetwood asked if the Public Works staff agreed with this before or after they looked
8 into the situation.

9
10 Brenner stated it was after the staff looked into it. Consistency is a great idea. She
11 will write another letter.

12
13 Caskey-Schreiber stated she attended the Public Works Committee meeting, and
14 didn't hear Joe Rutan say that the State should do this.

15
16 Brenner stated she has an email from Jeff Monsen, before he left.

17
18 Caskey-Schreiber asked to know what the current Public Works Department staff
19 think.

20
21 Brenner stated she asked Mr. Rutan to write the letter. Mr. Rutan said that he would
22 want to first write to the State and ask the State to do a study.

23
24 Caskey-Schreiber stated the letter should talk about the inconsistency between the
25 intersections, and then say why they want it changed. There is no rationale in this letter.

26
27 ***Brenner moved*** to refer to the Public Works Committee. The committee will take
28 the Grandview Exit into consideration.

29
30 Unidentified speaker stated she's almost been hit at the Grandview exit many times.
31 It's particularly dangerous.

32
33 ***Motion carried unanimously.***

34
35
36 **INTRODUCTION ITEMS**

37
38 ***Fleetwood moved*** to accept the Introduction Items.

39
40 ***Motion carried unanimously.***

- 41
42 **1. ORDINANCE REGARDING PROJECT BASED BUDGET REQUEST NO. 2007-2**
43 **FOR CRP #998001 YEW STREET ROAD - PHASE 2 (AB2007-087)**
44
45 **2. ORDINANCE REGARDING PROJECT BASED BUDGET REQUEST NO. 2007-3**
46 **FOR CRP #904016 HAMPTON ROAD - MORMON DITCH BRIDGE #261**
47 **(AB2007-088)**
48
49 **3. ORDINANCE REGARDING PROJECT BASED BUDGET REQUEST NO. 2007-4**
50 **FOR CRP #906001 BIRCH BAY-LYNDEN ROAD/BLAINE ROAD (SR 548)**
51 **INTERSECTION IMPROVEMENTS (AB2007-089)**
52
53 **4. RESOLUTION INITIATING COMPREHENSIVE PLAN AND ZONING**
54 **AMENDMENTS (AB2007-090)**

1
2 5. **ORDINANCE AMENDING, ON AN INTERIM BASIS, WCC, TITLE 20 BY ADDING**
3 **A NEW CHAPTER 20.78 ESTABLISHING DEVELOPMENT REVIEW**
4 **PROCEDURES ENSURING THAT ADEQUATE TRANSPORTATION FACILITIES**
5 **ARE AVAILABLE OR PROVIDED CONCURRENT WITH DEVELOPMENT, IN**
6 **ACCORDANCE WITH THE GROWTH MANAGEMENT ACT (REVISED) (AB2007-**
7 **069)**
8

9
10 **OTHER BUSINESS**

11
12 **WORK SESSION ON THE PROPOSED ORDINANCE AMENDING THE OFFICIAL**
13 **SHORELINE MANAGEMENT PROGRAM (WCC TITLE 23), THE OFFICIAL SHORELINE**
14 **MAP, AND ASSOCIATED PROVISIONS OF THE CAO (WCC CHAPTER 16.16), AND**
15 **THE ZONING CODE (WCC TITLE 20) (AB2006-442)**
16

17 **McShane** reported for the Natural Resources Committee. The Shoreline
18 Management Program will be introduced at the next Council meeting. One recommendation
19 was about adding language to the critical area ordinance to create an interim channel
20 migration zone. He's been advised that it should be done as a stand-alone action. It might
21 create problems with the Shoreline Management Program update. As the Natural Resources
22 Committee chair, he **moved** that the Natural Resources Committee rescind his support for
23 defining an interim channel migration zone at this time.
24

25 ***Motion of the Natural Resources Committee carried unanimously (3-0).***
26

27
28 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

29
30 McShane stated Skagit County Superior Court had the Skagit County vs. the State of
31 Washington case, regarding the Lake Whatcom landscape plan. The motion from Skagit
32 County was a summary judgment to just throw out the entire plan. There was a cross-
33 summary judgment to throw out Skagit County's appeal. In the end, the case will go to
34 trial. The judge narrowed the issues to the legislative intent of how the land was being
35 managed and whether public safety was part of that.
36

37 *(Clerk's Note: End of tape two, side B.)*
38

39 McShane continued to state that if Skagit County had won, the plan would have been
40 gone. He's surprised that the Bellingham Herald has given this no coverage at all. The
41 debate in Skagit County is how much money Skagit County has been spending. Skagit
42 County will never make back the money it has already spent. There is an issue here that is
43 about more than just money.
44

45 Fleetwood stated the Planning Committee discussed and continue to discuss issues
46 related to urban growth areas and boundaries.
47

48 Weimer stated he is going to Olympia to testify to the legislature tomorrow.
49

50 Brenner stated Sustainable Connections had a tour of Leadership in Energy and
51 Environmental Design (LEED) certified, low impact development commercial buildings that
52 meet a great standard for energy efficiency. The new Whatcom Educational Credit Union
53 building is wonderful. The County fast-tracks permit requests for LEED-certified
54 development. The City should also, especially in the Lake Whatcom watershed.

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She would like to have a discussion on the affordable housing work going on without the Council. She's hearing that a request for qualifications is going out and that David Rosen is the chosen person.

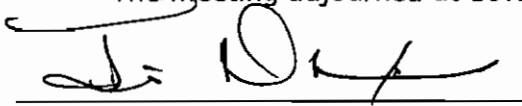
Fleetwood asked Councilmember Brenner's basis for saying that.

Brenner stated many people have told her this. She's never met the guy. The Council was supposed to be involved, but it wasn't. The Council was supposed to be involved before the request for qualifications went out. This effort is going on without the County. She had to ask the City for paperwork on what's happening with the Affordable Housing Task Force. It took the City days to get the paperwork to her, and then she had to pay for it. Make sure that this effort is what everyone wants. Make sure the menu of options for affordable housing is broad.

Fleetwood stated this is an outrageous thing that Councilmember Brenner just said. It's completely unfounded.

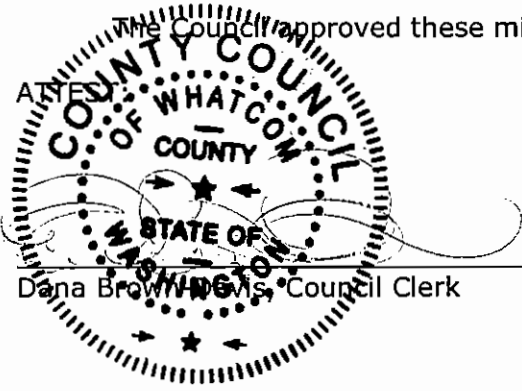
ADJOURN

The meeting adjourned at 10:15 p.m.



Jill Nixon, Minutes Transcription

The Council approved these minutes on February 27, 2007.



Dana Brown, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Carl Weimer, Council Chair