

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

WHATCOM COUNTY COUNCIL
Regular County Council

September 11, 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
L. Ward Nelson

Absent:

None

FLAG SALUTE

ANNOUNCEMENTS

1. **CONSIDERATION OF AN APPEAL OF THE HEARING EXAMINER'S DECISION ON SHR06-0021 AND SHC06-0009, FILED BY SIMI JAIN, ATTORNEY FOR LEN AND PAT HELTON, REGARDING REPAIRING PORTION OF DRAYTON HARBOR ROAD (AB2007-279)**

Crawford moved to uphold the Hearing Examiner's decision.

Motion carried unanimously.

Weimer announced that there was also a **project update from the Council's Planning and Policy Analyst (AB2007-228)** during the Committee of the Whole meeting.

SPECIAL PRESENTATION

1. **PRESENTATION AND REQUEST FOR APPROVAL OF THE WHATCOM COUNTY CLIMATE PROTECTION AND ENERGY CONSERVATION ACTION PLAN (AB2007-358)**

Pete Kremen, County Executive, stated the plan includes information on the science of climate change, greenhouse gas emissions inventory, a plan for reducing emissions, and initial recommendations for energy efficiency in all County government operations.

The administration has been working on action steps in a previous draft of the plan. Whatcom County government has substantially reduced its greenhouse gas emissions through the purchase of 100 percent green power for County operations. That cut County emissions by one-third. Now they are converting to bio-diesel for the County fleet in the coming months.

1 These types of proactive measures will bring them to the forefront as leaders in local
2 government solutions to climate change. Communities that are healthy and sustainable in
3 the future will be those that take action now, in the face of growing evidence about global
4 warming and its causes.

5
6 Whatcom County needs a Council-adopted document to show its residents and
7 leaders in other communities the path the County has chosen for this effort. Whatcom
8 County must show the clear direction in which its headed. Therefore, he asks the Council to
9 adopt this action plan as a way to formally present its objectives and leadership on this
10 issue.

11
12 Brenner stated she would like to include language that says the County will create
13 opportunities for County residents to use this technology.

14
15 Caskey-Schreiber stated that the County's use of green power and bio-diesel makes
16 it easier for local consumers to eventually have those products available. She applauds this
17 effort.

18
19
20 **Addendum:**

21 **2. RESOLUTION APPROVING TARGETS FOR REDUCING GREENHOUSE GAS**
22 **EMISSIONS IN WHATCOM COUNTY AND APPROVING A CLIMATE**
23 **PROTECTION AND ENERGY CONSERVATION ACTION PLAN TO ACHIEVE**
24 **THOSE REDUCTIONS (AB2007-358)**

25
26 *Brenner moved* to approve the plan and *moved* to add language, "BE IT FINALLY
27 RESOLVED, that Whatcom County will strive to create the ability for individual residents to
28 institute green power on their property."

29
30 *McShane suggested a friendly amendment*, "BE IT FINALLY RESOLVED, that
31 Whatcom County will work toward removing obstacles to reducing greenhouse gas
32 emissions." An example of an obstacle would be code regulations that may prevent
33 someone from using green options.

34
35 *Brenner accepted* the friendly amendment.

36
37 *Motion to amend carried unanimously.*

38
39 McShane stated this is the kind of thing that won't happen without the
40 administration's full support. Mr. Kremen is an advocate of fuel efficiency in the County
41 fleet. He's confident that the County will make great progress on these goals.

42
43 *Motion to approve the resolution as amended carried 6-1 with Nelson*
44 *opposed.*

45
46
47 **MINUTES CONSENT**

48
49 *Brenner moved* to approve the Minutes Consent items.

50
51 *Motion carried unanimously.*

52
53 **1. COMMITTEE OF THE WHOLE FOR JULY 24, 2007**

1
2 **2. SPECIAL COMMITTEE OF THE WHOLE FOR JULY 24, 2007**

3
4 **3. REGULAR COUNTY COUNCIL FOR JULY 24, 2007**

5
6
7 **OPEN SESSION**

8
9 The following people spoke:

10
11 Alex Ramel, International Council for Local Environmental Initiatives (ICLEI) Local
12 Governments for Sustainability, described the purpose of ICLEI. He applauds Whatcom
13 County for taking bold action in the fight against global warming. These efforts make a
14 difference. Whatcom County serves as an example and inspiration to other communities.
15 He thanked the County Council and County administration, especially Whatcom County's
16 Conservation and Resource Analyst Christina Reeves. No one is more dedicated, hard-
17 working, and detail-oriented.

18
19 Johnnie Grames, Bellingham, stated 9/11/2001 is history. History goes in cycles.
20 Much pollution and waste is caused by war. The war in the Middle East is taking up all the
21 resources in the United States and affects everyone in the country. The country may have
22 good intentions with this war, as it may have with Vietnam. However, they shouldn't act
23 like their enemies.

24
25 Michelle Long, Sustainable Connections Executive Director, stated she and her staff
26 thanks the County for adopting the climate action plan. This community is a leader for the
27 kinds of actions that they've adopted tonight. Now, this community is the number one
28 Environmental Protection Agency (EPA)-certified green community in the entire country.
29 She described the actions the community has taken.

30
31 Don Shepherd, 4518 Wall Street, stated the County Council must solve the problem
32 with the ditches on Wall Street. The residents are concerned about water infiltrating the
33 area. Work with the citizens and Executive to solve the problem.

34
35 Nelson asked the specific concerns with the project. Shepherd stated the specific
36 concern is the danger of the ditches. If a car goes into the area, it will come to a sudden
37 stop. There is also a concern with water infiltration. The residents were told that the
38 ditches would be wrapped. They are wrapped to just below the sand. Any water in the
39 ditches will infiltrate. He believes there will never be any water in the ditches. However,
40 the danger is of people going in a ditch. The residents were told it wouldn't be a ditch. It's
41 a ditch. It's a dark street. The shoulders are soft. When a right tire goes in, a vehicle will
42 go in that ditch.

43
44 Brenner stated the problem still exists. She asked if the administration will bring
45 something forward.

46
47 Pete Kremen, County Executive, stated he visited the site and then talked to the
48 Public Works Department staff about addressing these problems. The administration will
49 see what it can do. Something can be done. They will do what they can as cost-effectively
50 as possible. The Council will have the final say on this. He is going to work with staff to
51 review the most viable and cost-effective way to address the issue.
52

1 Gordon Scott, Acme, stated there is a bad railroad crossing with 30 school buses
2 crossing every day. The crossing is Turkington Road at the Burlington Northern Santa Fe
3 (BNSF) railroad crossing. There is an eight-inch drop to the railroad tracks from the
4 blacktop. The County engineers have been talking to him. The big problem is getting any
5 kind of cooperation from BNSF. He would like the entire Council to help him with this effort.
6 This has been a problem for years.

7
8 Brenner asked if the County has options if something within federal jurisdiction is a
9 hazard.

10
11 Joe Rutan, Public Works Department, stated that by federal law, the County can't do
12 any work within two feet of the rail.

13
14 Scott stated that drop is outside of the two-foot limit from the rails.

15
16 Rutan stated his staff looked at the crossing. Staff will continue to work on the issue
17 as it can. It has 1,000 miles of road to work on. He will go out and look at the crossing
18 later this week.

19
20 Brenner asked if the County has any recourse if the State or federal government has
21 something that is a hazard and doesn't take care of it.

22
23 Karen Frakes, Prosecutor's Office, stated she would have to look into the question.

24
25 Fred Wicknick, 4508 Wall Street, stated he has concerns about Wall Street and
26 would like to be part of the discussion and process about how to fix the problem.

27
28 Rollin Harper, Sehome Planning and City of Everson, stated he presents a substitute
29 ordinance regarding the City of Everson urban growth area (UGA) expansion for introduction
30 tonight. It changes setback from 154 feet to 100 feet. Not allowing any residential
31 development means it becomes a 154-foot buffer between County agricultural land and the
32 City's ability to provide urban infill. That buffer is much more than anything else. The
33 standard buffers are setbacks of five feet and 20 feet. There is a 100-foot buffer between
34 cluster residential housing in the agricultural protection overlay zone. Consider a motion to
35 introduce his substitute ordinance, which has a connection with County regulations. Planner
36 Kraig Olason said he can live with the 100-foot buffer, which establishes a good precedent
37 on which the County can build. It's essential that the County begin working with the small
38 cities to decide an appropriate buffer, rather than reviewing it on a case-by-case basis.
39 Every foot of land they take out of that UGA is area where they can't put a house to take up
40 the density they want in the small cities.

41
42 Crawford asked if the Everson City Council has endorsed this substitute. Harper
43 stated the Everson City Council is not involved. The County Council has made its choice so
44 far. This is his proposed compromise.

45
46 Caskey-Schreiber stated the buffer was the compromise for expanding the UGA into
47 the agricultural land area. The Council was concerned about agricultural operations
48 bumping up against residential uses. She understands that the Council must come up with
49 a standard. She asked why they need the additional 54 feet. Harper stated the site plan
50 includes a stormwater pond, road, and a couple of residential lots, which are buffered by
51 the road and stormwater pond. It's inefficient and they lose that infill capacity. Don't tie
52 the City's hands.

1 Caskey-Schreiber stated they want development on one side of the road, but not
2 both sides.

3
4 Brenner asked if Everson is still willing to trade land equally. Harper stated it is
5 already a condition.

6
7 **Nelson moved** to add the substitute ordinance to the list of introduction items for
8 public hearing in two weeks.

9
10 McShane stated that if the buffer is narrower, the developer will be able to put in
11 approximately two more houses east of the road. Harper stated those houses would have
12 to be 100 feet away from the agricultural land.

13
14 McShane would rather try to figure out whether the Council wants to introduce this
15 language and have one public hearing. He is incline to consider this language at the end of
16 the meeting.

17
18 Nelson stated his motion is to add this substitute ordinance to the hearing with the
19 ordinance being introduced.

20
21 Dana Brown-Davis stated that the Council would have to hold two separate hearings.

22
23 **Nelson withdrew his motion.**

24
25
26 **PUBLIC HEARINGS**

27
28 **1. RESOLUTION IN THE MATTER OF THE WHATCOM COUNTY SIX-YEAR**
29 **TRANSPORTATION IMPROVEMENT PROGRAM FOR THE YEARS 2008**
30 **THROUGH 2013 (AB2007-334)**

31
32 Weimer opened the public hearing and the following people spoke:

33
34 Donna Clark, 2502 Northshore Road, Bellingham, stated she's dedicated to what
35 goes on around Lake Whatcom. She's lived on Lake Whatcom all her life. She has been
36 very dedicated to the Lake Whatcom Connector, which was discussed in 1965 by everyone.
37 They promised a road. They are still dedicated people. They need to start moving traffic.
38 She loves what they did on Cable Street. For once, people got to go up Lakeview, come
39 down Fremont, and come down Coronado. She is right on that corner. At her property on
40 Coronado, she made the Whatcom Transportation Authority (WTA) write a sign.

41
42 *(Clerk's Note: End of tape one, side A.)*

43
44 Clark continued to state that if she had nothing better to do this summer and had
45 been out there with a petition, she would have had thousands of signatures. She will get
46 those signatures. People think they're doing it, and they aren't. She keeps telling people
47 that the County isn't doing it. She has two advocates, Mr. Crawford and Mr. Nelson. She
48 still feels dedicated to the people of Sudden Valley. They are not in a leper colony. They
49 are real people. They pay taxes. Cable Street is not the answer. They just put another
50 bunch of money into it. They put money into Strawberry Point. They are going to spend
51 tons of money on Austin, and still they're not solving the problem. Should Councilmember
52 McShane become mayor, he's got the problem, only he will be the City, not the County,
53 which means Lakeway Drive is a nightmare. Ask any school bus driver. They'll tell them.

1 School bus drivers are professionals and managed to make it through the construction. It's
2 time. She asked if they are going to let it go another ten years or twenty years. She asked
3 what the gridlock is going to be like in five, ten, fifteen, or twenty years. It's going to be
4 quite a bit.
5

6 She will beat the pavement before the election or after the election. People believe
7 they are actually still going to do this. Don't take them off the plan. Don't get rid of any
8 land that's been set aside for the connector. San Juan Boulevard is being done now. They
9 are connecting to that to solve problems on Lakeway and to solve the pollutions on Lake
10 Whatcom.
11

12 Doralee Booth, 8188 Birch Bay Drive, stated she hoped they all received the letter
13 written by her and others regarding the Lincoln Road. She's been here for the last ten
14 years when the transportation improvement plan (TIP) comes up to speak about Lincoln
15 Road. They're encouraged by the priority placement of the Lincoln Road reconstruction on
16 the TIP. She thanked Executive Kremen, the Public Works Department, and the County
17 Council for supporting this transportation goal in the Birch Bay community.
18

19 This new northern arterial will enable thousands of commuters, emergency
20 responders, and commercial construction service vehicles to more safely access
21 Semiahmoo, Birch Point, Birch Bay Village, and Bay View Reach. The reconstruction of
22 Lincoln Road will not only serve the northern Birch Bay community, but fulfills the County's
23 adopted Birch Bay Community Plan transportation goal to reduce unnecessary commuter
24 traffic on Birch Bay Drive. Birch Bay Drive will become more pedestrian and bicycle safe for
25 the community, tourists, and bicyclists as part of the Coast Millennium Trail.
26

27 She is cautiously optimistic that they may be near the end of a very long process.
28 Five thousand feet of parkway being built by Mr. Bovenkamp through Horizon at
29 Semiahmoo and the roundabout on Semiahmoo Parkway are scheduled to be done in 2008.
30 This new parkway is a beautiful and significant arterial to support the multi-modal
31 transportation system for northern Birch Bay, Birch Point, and Semiahmoo.
32

33 She is concerned that the delay of the construction on the Drayton Harbor Road will
34 be used as an excuse to delay construction on Lincoln. Any delays in the scheduled
35 reconstruction of Lincoln Road will inhibit the completion of the entire northern arterial and
36 increase the expense. What was once a \$5.5 million road in 2005 is now an \$8 million road
37 in 2008. The Birch Bay community has delayed in the process over ten years. Any further
38 delays and excuses are not acceptable.
39

40 At the Birch Bay transportation public meeting in June, a map recording traffic
41 volumes on roads in Birch Bay was displayed. The vehicle count was 6,000 from Birch Point
42 to Birch Bay Drive; 11,800 daily trips on Birch Bay Lynden Road, and; 18,600 trips on
43 Interstate 5. The amount of traffic on Birch Bay Lynden to Birch Bay is two-thirds of the
44 volume of Interstate 5.
45

46 The Birch Bay transportation system is increasingly feeling the pressure of growth.
47 She thanked the County for its attention and support as they continue to plan for the future
48 of the Birch Bay and Blaine area transportation system.
49

50 Fred Bovenkamp, 2425 E. Bakerview Road, stated he supports Ms. Booth's
51 comments about Lincoln Road. His primary interest is to propose and support the idea of
52 breaking the Lincoln Road upgrade and extension into two phases so they can focus on the
53 first phase, which is to upgrade and finish the section between the beginning of Semiahmoo

1 Parkway and Harborview Road to make it safe. Rather than connect it as one big project,
2 he'd rather see it broken into two more manageable projects. That way, they can get on
3 with it right away. Harborview Road is not a bad arterial at this point. It's much better
4 than Blaine Road. Getting that connected and finished is a high priority, whether or not it
5 has a median, which has been proposed by the Public Works Department and which he'd
6 like to see happen. There are significant right-of-way and wetland issues in the phase
7 between Blaine Road and Harborview Road, which will take more time. He would like to see
8 the emphasis be placed on the first phase, which would be Harborview Road to Semiahmoo
9 Parkway.

10
11 Second, he thanked Ms. Booth. He appreciates the comment about the road he is
12 building. He is dedicating the first third of that road to Whatcom County next week, if they
13 can get final plat approval for Horizon at Semiahmoo. He's built a beautiful County road
14 section. He invited the Council to look at the area. It has a median section that the
15 developers will maintain into perpetuity. It's something he's very proud of. It's a \$5.5
16 million road he will complete hopefully in 2008. It's difficult to complete the road and dump
17 all that traffic onto a substandard Lincoln Road. He would like Lincoln Road to also be
18 completed in 2008 so they don't do that.

19
20 One condition of approval to his project was that he would open up Horizon Drive to
21 Semiahmoo Parkway. He is prepared to do that in November or December. That will also
22 bring a lot of traffic onto Lincoln Road from Birch Point and Birch Point Drive. It's
23 imperative that Lincoln Road gets upgraded immediately.

24
25 Fleetwood stated he would like to drive around and get a sense of what's up there.
26 Bovenkamp stated he would love to take the councilmembers on a grand tour. It's
27 beautiful. They will be proud of it.

28
29 Hearing no one else, Weimer closed the public hearing.

30
31 **Brenner moved** to approve the resolution. She asked if they are concerned about
32 slowing down the Lincoln Road process because of the Drayton Harbor Road.

33
34 Joe Rutan, Public Works Department, stated they are not. The two are separate.
35 They would like to have Drayton Harbor Road reestablished so it's a viable detour route
36 during the construction. They are full-steam ahead on Lincoln Road. What they are doing
37 on Drayton Harbor Road is not slowing them down.

38
39 Brenner stated she thought she talked to Public Works Department staff about the
40 possibility of doing Lincoln Road in two phases. Rutan stated he's heard that. He's
41 prepared for that question. His intention, if adopted, is to come back to the Council at a
42 Public Works Committee session in two weeks to discuss the annual program. They are at
43 30 percent design of Lincoln Road. He'd promised to be back to the Council to discuss what
44 they've found out as far as wetland impact costs and timelines for construction. He will
45 present options, tell the committee what staff has found out, and will analyze the effects of
46 breaking the project into a two-phase project. The first thing that comes to mind is how the
47 intersection of Birch Bay Lynden and Harborview Road is affected if they introduce a lot of
48 left-hand turns.

49
50 Brenner asked if they can say the same thing if they went out the Blaine Road, which
51 is in really bad shape. Rutan stated they can. Blaine Road is in bad shape. He's been
52 working with the State to deal with that. They have a plan for a roundabout at the
53 intersection of Blaine Road and Birch Bay Lynden Road. It will account for that additional

1 traffic movement. It would affect not just the Lincoln Road project. It would potentially
2 affect the projects they have along the Birch Bay Lynden Road. They really look at this as a
3 corridor from Birch Point.
4

5 Brenner asked if the State is going to help pay for the one at Blaine. Rutan stated
6 he will certainly try to get the State to help. Right now, they have no financial
7 commitment.
8

9 Weimer asked when the section of Lincoln Road between Harborview Road and
10 Semiahmoo Parkway, which is the first phase, will be complete. Rutan stated it's a large
11 project. It's almost two miles long. It's a two-year construction project. Now, at the 30-
12 percent design mark, they have not laid out any criteria for doing one section first over
13 another section. That, in a large respect, will be left up to the contractor and how the
14 contractor wishes to attack that contract. There are projects they can build the
15 specifications of the project into. There could be some benefits to breaking up the project.
16 Mr. Bovenkamp was correct. The more difficult permitting portion of the project will be
17 from Harborview Road to Blaine Road.
18

19 Crawford asked if they at one point talked about turning Drayton Harbor Road into a
20 bicycle path. Rutan stated they did. At the time the road failed, there was a lot of
21 discussion about what that road should be and whether it should be closed, a pedestrian
22 walkway, one-way, a bike path, or two-ways. All those scenarios require that they get in
23 and fix the slope. That's what this project is. His commitment to the Council was to get in
24 there, fix the slope, reestablish the road and it's configuration prior to failure, and have it be
25 available during the Lincoln Road construction. Upon completion of Lincoln Road, he will
26 readdress the issue with the community, Council, and Blaine to address how the road
27 should operate. All of those scenarios required that they stabilize the slope and save the
28 roadway.
29

30 Crawford stated they haven't resolved the use of the road. Mr. Rutan is going to
31 come back to the Council and ask what the Council wants to do with the road. Rutan stated
32 he punted the issue until after they are done with Lincoln Road.
33

34 Weimer stated Lincoln Road is now broken up between 2008 and 2009. He asked
35 how that would change the annual plan if the Council wants to do a two-phase thing. Rutan
36 stated it's not truly broken up, it's just a two-year construction project. They are
37 proceeding with it as one project. They realize it will take more than one construction
38 season to completely get it done.
39

40 Weimer asked if phase one would get done in 2008. Rutan stated he thinks they
41 could get the first phase done in 2008. His full expectation is to get it done in 2008. With
42 any project, the issues are right-of-way acquisition and environmental permitting.
43

44 Crawford stated it seems that the Semiahmoo Parkway to Harborview Road section
45 is most important, given what the Council has been presented this evening. He asked if
46 there is no need to break that up into two projects at this point because the staff is going to
47 work it that way. Rutan stated the plan now is to do it as one project. They would not
48 complete Shintaffer Road to Harborview Road and then move over to do the other section.
49 It would be one construction project from Shintaffer Road to Blaine Road. If they decided
50 to create two different projects, they could amend the six-year program, create the annual
51 program to have two projects. One project would be the section of Lincoln Road from
52 Shintaffer Road to Harborview Road, and the second project would be the section of Lincoln
53 Road from Harborview Road to Blaine Road.

1
2 Crawford asked if they would get completion to Harborview Road done sooner if they
3 do that. Rutan stated there is less risk of it being done later because there is less
4 permitting and right-of-way involved.
5

6 Crawford asked if the Council could make an amendment to do that tonight or if it's
7 more complicated than that. Rutan stated they could. He would request that they spend
8 time looking at alternatives, issues, and costs at the Public Works Committee. There are
9 potentially benefits to doing two projects.
10

11 Crawford asked if Mr. Rutan recommends approving the plan the way it is tonight,
12 and then taking it up in the near future. Rutan stated he does.
13

14 Caskey-Schreiber stated the Public Works Committee spent a great deal of time
15 talking about the feasibility of breaking the project up into two phases. Mr. Rutan wanted
16 the flexibility to keep it as one phase because it may be easier to do as one. If they break it
17 up, they start having more people and traffic to deal with once that new road opens up,
18 versus doing the entire project at once. Once people get in their traffic pattern habits, it's
19 hard to continue to work on that last segment. Rutan stated he did mention that. The
20 bigger issue is that two projects will cost more. They will have to mobilize twice and bid
21 and manage two separate contracts. There are potentially some very large environmental
22 issues. The permitting issues and right-of-way issues they are going to face are on the
23 section from Harborview Road to Blaine Road. The road Mr. Bovenkamp built is beautiful.
24 He is very pleased with the construction.
25

26 Caskey-Schreiber stated she agrees with Mr. Rutan. Approve the plan. If they
27 decide it's more feasible to break out the project, then they can do that. Rutan stated he
28 will bring forward the information the Council needs to make that decision to the Public
29 Works Committee in two weeks.
30

31 Brenner stated Mr. Rutan's comments from committee made perfect sense,
32 theoretically. However, she's driven out there since then. It really seems realistic that they
33 would be better off to complete something so people can get in and out to Harborview
34 Road. Also, they may decide that it's so enormously expensive that they may rethink that
35 other part. Rutan stated the concern with doing it halfway is how the intersection of
36 Harborview Road and Birch Bay Road operates. Now, it is operating at a level of service
37 they don't like. He'll have more information on that in two weeks. At peak hours, that
38 intersection backs up. People come south on Harborview Road and turn left onto Birch Bay
39 Lynden Road to go to the freeway. Introducing a left-hand turn could potentially seriously
40 hamper the operation of that intersection. He would want to address that.
41

42 Brenner stated that's why she mentioned a roundabout.
43

44 Weimer stated there isn't a road through the Blaine Road anyway. He asked if all
45 the traffic has to go through that anyway. Rutan stated that they do, but now a lot of the
46 traffic is along Birch Bay Drive going north on Harborview Road and making a right-hand
47 turn through that intersection. They would be doing a lot of that traffic to the northern end
48 of that intersection and bringing in through that way. In the morning commute when
49 headed towards the freeway, make sure they don't create a bottle neck that is
50 unintentional.
51

1 Brenner asked if a roundabout would prevent a bottleneck. Rutan stated they have
2 a roundabout plan now for Blaine Road and Birch Bay Lynden Road. They may want to look
3 at that and do a roundabout at that location at Harborview Road instead.
4

5 Brenner stated they maybe can do both. Rutan stated he will look at the traffic
6 information and come to the Council better-prepared to have this discussion. He received
7 the letter yesterday. He's had some quick discussions with the traffic group. The initial
8 concern was making sure they don't spend a lot of money to get people over to an
9 intersection that isn't working as it should.

10
11 **Crawford moved** to amend to add item #42 as a placeholder for the Yew Street
12 Road connector.
13

14 Nelson asked what acquisition of right-of-way they have or if they've lost
15 acquisitions they had in the past for right-of-way, since the Council took the connector off
16 the six-year road program, with the placeholder. Rutan stated that since the time that was
17 taken off, they have not required right-of-way dedication as properties have developed up
18 there. He cannot give specific numbers. There has been development up there for which
19 the County has not required the right-of-way. Potentially, construction has gone in where
20 that right-of-way would have been required.
21

22 Nelson asked for an estimate or idea of the cost of repurchasing those rights-of-way.
23 Rutan stated he can't even tell them at this point how many of those have occurred over
24 the past two years, since it was taken off the plan. He can get that information.
25

26 Nelson stated he would support the motion. It's unfortunate that, regarding Lincoln
27 Road, the people with development in Blaine are able to get their connectors in, but not
28 where they already have development and water damage being done at this time at great
29 cost to the County and, potentially, for the future of the City. For stormwater management,
30 they are not getting traffic away from the lake but are still containing it on the lake. He
31 would have to have some information. If the Public Works Committee is willing, look at and
32 evaluate it. That gives the administration some time to put together some ideas on how
33 they are in the future. Mr. McShane, if elected mayor, may have to address the issue on
34 Lakeway Road, since they have a partial connector done now with San Juan, but they have
35 no way of connecting it to get rid of the traffic that's coming from Sudden Valley. It's not
36 getting better. The cost to the City and to the community is going to escalate even higher
37 than what Lincoln Road could potentially be. The design that goes into there will have to be
38 difficult. There were, as he recalled, only three alternative courses that could go into there.
39 They may have to look at going around the other way, even. He doesn't know if the
40 administration has the ability to evaluate that and bring that back to the Council. He
41 doesn't know what timeframe the administration would need on that, since it's no longer
42 even on there. Rutan stated he will ask the development group tomorrow to look at all the
43 development that has occurred along that proposed corridor and what property has
44 developed without right-of-way.
45

46 Nelson stated that if the Council's interested. They still may not be interested in the
47 connector. It's important to understand that, because of the decision rendered for probably
48 good intentions in their minds, ultimately the community will pay for that decision. That's
49 his feeling. Don't take it seriously or that it's a fact, but his feelings usually come true.
50

51 Caskey-Schreiber stated she clearly remembers the property owners who came up to
52 the Council and asked that this be removed from the road plan because they were held in
53 limbo with their properties and plans for what they wanted to do with their property. It's

1 been off the list for the past two years. One of the reasons it was removed was because it
2 was extremely expensive to build this kind of connector. It was in an area where they
3 really didn't want to facilitate growth. Lake Whatcom is not necessarily going to be
4 suffering because there is a road next to it. The problems are more phosphorus-driven than
5 pollutant-driven as far as what car traffic may contribute. They've addressed that by
6 shifting the traffic to Lake Louise Road and Cable Street. They hope to do more of that, she
7 believes. In her mind, it was totally the right decision to not go forward with the connector,
8 which they know more roads in that area would have certainly opened up more land for
9 development. They've also, since then, acquired major conservation tracks that would
10 block that route, as well. She's sorry it's not a perfect world. It is a hardship for many of
11 those folks out there to have to drive. However, there is another alternative, and that's
12 mass transit. She's talked to Mr. Fleetwood, had some people from Sudden Valley get a
13 hold of the members of the WTA Board and ask them to enhance bus service out there,
14 specifically to get some of the car traffic off. There are a lot of commuters at Western
15 Washington University who are doing that. She would encourage people to keep going
16 toward that model versus trying to build more roads in the watershed. It's just really not a
17 good practice.

18
19 Brenner stated that if they are going to have the discussion about the Lake Whatcom
20 area traffic, which she would like to have in committee anyway, she would like to have
21 some people from the WTA there, such as Mr. Kremen or Mr. Fleetwood because they are
22 on the board. It is so unwieldy. She's left messages. It's hard to get any kind of response.
23 Her recollection is that they actually cut service. They said there wasn't enough ridership or
24 something, so they cut service. The big buses are not as efficient if there isn't much
25 ridership. They could take those little buses and do shuttle buses at least from Sudden
26 Valley. They ought to be very frequent. People aren't going to ride them if they aren't
27 frequent. It seems like there is a lot of growth out there that would support it if it's
28 convenient. It's not convenient. She doesn't know what they can do about it, but they've
29 got to do something. WTA is it. She just found out that the County can't even contract
30 with anyone else privately if they want to do any kind of shuttle bus. They're a monopoly.
31 She didn't know that. If they are, she'd like them to be an efficient, frequent, and
32 convenient monopoly for Sudden Valley.

33
34 Nelson asked if they have had a new level of service for Lakeway and the Lake
35 Louise Road. He asked if they've done any levels of service for those. Rutan stated he
36 believes that, at a Council of Governments meeting recently, that information was available.
37 Lakeway is expected to go to a level of service F in just a few years without changes. They
38 do have the Lake Louise Road project on the six-year plan to improve that to encourage
39 people to use that over Lake Whatcom Boulevard, but the section of Lakeway from Yew
40 Street out to Lake Louise is expected to, without changes in patterns, to drop below an
41 acceptable level of service.

42
43 Nelson asked if this was the same concern they were raising about the Lincoln Road
44 connection and trying to keep people with the ability to have service. He asked if they
45 should have buses out at Birch Bay. He asked if they've looked at buses at Birch Bay.

46
47 Caskey-Schreiber stated they have.

48
49 Nelson stated it is a sense of fairness issue. The Council is certainly willing to go
50 ahead, and he's certainly willing to help Birch Bay, but there are other areas in the
51 community that have reached the levels of failure that they are only projecting in Birch Bay.
52

1 Brenner stated there is one big difference. She's not making light of Birch Bay. It's
2 very important for all kinds of reasons. It is not surface drinking water. The Lake Whatcom
3 watershed has that very unique place in the county in many respects. She disagrees a little
4 bit with Councilmember Caskey-Schreiber. She thinks car pollutants are a substantial
5 problem. Get people either out of their cars or to make fewer trips. They were thinking of
6 doing shuttle bus service from 7 a.m. to 9 a.m. and then 4 p.m. to 6 p.m., every 15
7 minutes. There are other ways. She appreciates what he's saying. However, the solution
8 is going to be so different from anything they thought of in the past. Things are changing
9 so dramatically when it comes to transportation, energy, fuel, and everything. Something
10 very different is going to happen.

11
12 Nelson stated the trends are pointing one way.

13
14 Fleetwood asked if he's correct that tonight isn't the only opportunity to change
15 priorities in the six-year transportation improvement plan. Rutan stated that after approval,
16 it would take a unanimous vote of the Council to change the six-year program. The annual
17 program that will be in front of them is a representation of the first year of the six-year
18 program. It is to, in large part, represent that first year. There is some opportunity to
19 make some changes to the first year of the six-year program, which is the annual program
20 that will be in front of them.

21
22 They do the six-year. They then come before the Council with a more detailed
23 description of what they will be doing next year, in 2008. That allows them to prepare a
24 budget with which they will come before the Council.

25
26 Fleetwood stated he was wondering, if he were to vote against Mr. Crawford's
27 motion to amend and vote for the priority as presented, if he would still have an opportunity
28 to have a discussion of the benefits or not of the connector.

29
30 Brenner stated she's the chair.

31
32 Nelson asked what would be the point.

33
34 Weimer stated it would inform their decision for the next year.

35
36 Brenner stated exactly.

37
38 ***Motion to amend failed 2-5 with Crawford and Nelson in favor.***

39
40 ***Crawford moved*** to add item #42, Slater Road connector from Northwest Avenue
41 to Guide Meridian, as a placeholder. They are in a quandary about how to get trucks
42 moving southward on the Guide Meridian. This problem affects County residents going
43 south on Meridian. The presence of a connector could potentially provide an alternative
44 truck route that would keep them out of the Bellis Fair/Interstate 5 interchange connector.
45 That is one long-term solution. The developer just north of there has also offered to work
46 on that solution. One reason why it's a tough nut to crack is because, in the Aldrich Road
47 area, there are quite a bit of wetlands, and it would involve quite a bit of mitigation.
48 Ultimately, east-west connectors south of Smith Road and north of Bakerview Road are vital
49 in terms of gridlock and traffic congestion. Those problems are going to continue to get
50 worse. Having a connector there on the County road project list makes a lot of sense. The
51 County Council erred in removing that a couple of years ago.
52

1 McShane asked if it was called Slater Road at that time. Rutan stated the Slater
2 Road connection would go through the Kline Road right-of-way.

3
4 Crawford stated there were three options. Rutan stated alternatives included Kline
5 Road and Kelley Road. They are working now with the Cordata planned unit development
6 (PUD), in conjunction with the City. They are working to make a requirement for the
7 developer to punch through Horton Road to Aldrich Road. Once that connection is made,
8 they can complete the rest of the connection to Northwest Road. That would create a
9 corridor from the Guide Meridian to Northwest Road. Then they would have to deal with the
10 intersection of Slater Road and Northwest Road.

11
12 Weimer asked if the City of Ferndale and others are pushing the State Department of
13 Transportation (DOT) for an overpass at Smith Road, because it is already the east-west
14 connector all the way out to the Mt. Baker Highway. Rutan stated it is. He has already met
15 with the DOT out there. The City of Lynden is looking at that. The DOT has concerns with
16 the proximity of that interchange with other interchanges. That is their best east-west
17 route. It is an all-weather road at full standard right now. It just doesn't connect to the
18 freeway.

19
20 Brenner stated they can have the discussion in committee even if it's not on the six-
21 year road plan.

22
23 McShane asked if the various options for the connector are all either within the city
24 limits or within the urban growth area. Rutan stated they are, or they are in an area
25 currently under an annexation proposal up to Aldrich Road, between Cordata and Aldrich.

26
27 ***Motion to amend failed 2-5 with Crawford and Nelson in favor.***

28
29 ***Motion to approve the resolution carried unanimously.***

30
31 **2. ORDINANCE AMENDING, ON AN INTERIM BASIS, WHATCOM COUNTY CODE**
32 **TITLE 20, ADDING CHAPTER 20.78 TO ESTABLISH DEVELOPMENT REVIEW**
33 **PROCEDURES TO ENSURE ADEQUATE TRANSPORTATION FACILITIES ARE**
34 **AVAILABLE OR PROVIDED CONCURRENT WITH DEVELOPMENT, IN**
35 **ACCORDANCE WITH THE GROWTH MANAGEMENT ACT (AB2007-069A)**

36
37 Weimer opened the public hearing and, hearing no one, closed the public hearing.

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

40
41 ***Brenner moved*** to amend page 530, line 217, the definition of concurrency.
42 Change last three words, "~~within six years~~ at time of occupancy."

43
44 Caskey-Schreiber stated the Growth Management Act (GMA) says that the impact
45 fees have to be spent in six years.

46
47 Brenner stated it doesn't prevent the County from doing it sooner. When something
48 is stretched out to six years, there are many impacts from development. It's legal to say
49 "at time of occupancy." People can go ahead and do whatever they're approved for. This
50 plan gives people options. This is only if their development reduces the level of service.
51 They don't have to do this if they don't reduce the level of service.
52

1 The County has had many complaints about how all the developments are going in,
2 and they don't see any roads, even though it's in the plan. Mr. Bovenkamp is doing his
3 development in segments and is doing his roadwork at the time of the development. That's
4 something they've got to start looking at, instead of allowing it to go out to within six years.
5 Other places do this.
6

7 Caskey-Schreiber the motion is well-intended. It is important to get it done as soon
8 as possible. However, there are times when development will only impact a certain
9 percentage of a needed upgrade. The County is going to have to get the funds from
10 elsewhere to complete the upgrade. They may not be able to do that. She doesn't know
11 how any developer could survive with that kind of requirement.
12

13 Joe Rutan, Public Works Department, stated that is a policy decision that would
14 affect a developer's ability to move forward with projects. The developers may decide to
15 not move forward until later or to step up and do the whole thing. If they're adding five
16 percent of the traffic to an intersection, they're responsible for five percent of that cost. At
17 that point, they would have to make a decision. If the County doesn't have the other 95
18 percent cost ready to go and it's not on the six-year plan, the County isn't going to do that
19 project. The developer can decide to either not build or build the entire thing and do a
20 latecomer agreement. This is something that is truly a policy decision that engineers will
21 carry out.
22

23 Caskey-Schreiber asked if this will help or hinder the staff. Rutan stated it depends
24 on how they define help. In some cases, an developer may decide to not build. Whether
25 that is helping or hurting can be looked at different ways. It could potentially limit
26 development. If limiting development is the policy, then that requirement would help that
27 policy. If the policy is to not limit development, then that requirement would hurt that
28 policy.
29

30 Brenner stated language allows a developer to propose transportation strategies to
31 reduce the demand for capacity. That includes facilities for buses or creating a great big
32 area for motorbikes. These are things that promote alternatives.
33

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

36 Brenner continued to state that this was supposed to be done a long time ago. It
37 would allow a developer to do a lot of the work. There are alternatives to building a road.
38 It may not affect certain people. They may build stuff, and it may not change the level of
39 service.
40

41 Crawford stated a development project, by its nature, goes in phases. There is often
42 not a financial mechanism to do all the improvements for occupancy. Six years is a very
43 reasonable amount of time for concurrency to occur.
44

45 Brenner stated this allows developers to do things other than building roads. They
46 can show they are doing other strategies to reduce the demand for capacity. Developers
47 are doing that right now.
48

49 Crawford stated that developers can't pay for all the transportation concurrency
50 improvements, in addition to the construction, up front, but can in six years. It doesn't
51 work that way. If they want to limit development, this is a great way to do that.
52 Concurrency is to facilitate development in an orderly way. The six years is a general
53 standard, and may track back to State law.

1
2 Brenner stated the County is not prevented from requiring it in less than six years.

3
4 McShane stated that if this amendment passes, it would require another hearing.

5
6 Kraig Olason, Planning and Development Services Department, stated they must
7 consider two things. First, this is an interim ordinance. It needs to be adopted if they want
8 to keep it continuous. If it's not adopted at this meeting, it will expire. The idea is to have
9 an ordinance processed by December 31, 2008. The Council's questions are best
10 considered at a time when they have the luxury to debate it, rather than let it lapse. The
11 Council will have another opportunity in the next six months to resolve the concern. They
12 could tweak the language when it's renewed again.

13
14 Crawford stated he didn't vote for this ordinance to begin with. If Councilmember
15 Brenner withdraws her motion, he will support the ordinance.

16
17 ***Brenner withdrew*** her motion to amend. On lines 208 through 215, there many
18 things people can do besides County roads.

19
20 ***Motion to adopt carried unanimously.***

21
22
23 **CONSENT AGENDA**

24
25 ***Crawford*** reported for the Finance and Administrative Services Committee and
26 ***moved*** to approve Consent Agenda items one through 12.

27
28 Brenner withdrew item four.

29
30 ***Motion to approve Consent Agenda items one through three and five***
31 ***through twelve carried unanimously.***

- 32
33 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
34 **RENEWAL INSURANCE POLICY FOR THE WHATCOM CHIEF FOR THE PERIOD**
35 **OF 9/30/07 TO 9/30/08 IN THE AMOUNT OF \$32,870.00 (AB2007-342)**
36
37 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
38 **AGREEMENT WITH THE WASHINGTON TRAFFIC SAFETY COMMISSION TO**
39 **CONTINUE FUNDING FOR THE WHATCOM COUNTY TRAFFIC SAFETY**
40 **COORDINATOR IN THE AMOUNT OF \$65,750.00 (AB2007-343)**
41
42 **3. RESOLUTION ESTABLISHING COUNTY ROAD PROJECT #907012, HAXTON**
43 **WAY NON-MOTORIZED IMPROVEMENTS; KWINA ROAD TO GOOSEBERRY**
44 **POINT, AND AWARD OF CONTRACT TO LOW BIDDER DO CONSTRUCTION,**
45 **INC., IN THE AMOUNT OF \$55,297.84 (AB2007-344)**
46
47 **4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
48 **CONTRACT BETWEEN WHATCOM COUNTY AND RH2 ENGINEERING, INC. TO**
49 **CONDUCT A FEASIBILITY STUDY ON RELOCATING THE GOOSEBERRY POINT**
50 **TERMINAL DOCK OF THE LUMMI ISLAND FERRY SYSTEM IN THE AMOUNT OF**
51 **\$300,000.00 (AB2007-345)**

52
53 ***Crawford moved*** to approve the request.

1
2 Brenner stated that this is a grant. The County's portion is \$70,000. It's a
3 feasibility study. It is to ensure that what they do is the best way to handle ferry traffic.
4 This is phase one regarding the general scope. It's probably a good idea for the County to
5 look at all the ramifications of the dock's location, doing something that may include more
6 than the dock, and other kinds of alternatives. This doesn't mean they are moving the dock
7 or creating a huge facility.
8

9 ***Motion carried unanimously.***

- 10
11 **5. RESOLUTION AUTHORIZING THE EXECUTIVE TO SUBMIT A GRANT**
12 **APPLICATION TO THE INTERAGENCY COMMITTEE FOR OUTDOOR**
13 **RECREATION TO HELP FUND A FARR PROJECT, PLANTATION INDOOR RANGE**
14 **HVAC RENOVATION AND ROAD RESURFACING (AB2007-346)**
15
16 **6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
17 **CONTRACT BETWEEN WHATCOM COUNTY AND THE WASHINGTON STATE**
18 **DOE FOR SUPERVISION OF WASHINGTON CONSERVATION CORP WORK**
19 **CREW IN THE AMOUNT OF \$70,000.00 (AB2007-347)**
20
21 **7. RESOLUTION TO ELECT EXPENDITURES OF NATIONAL FOREST RELATED**
22 **SAFETY NET PAYMENTS UNDER PL 106-393 (AB2007-348)**
23
24 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
25 **CONTRACT FOR PROFESSIONAL SERVICES FOR FAMILY SUBSTANCE ABUSE**
26 **PREVENTIONS SERVICES WITH CATHOLIC COMMUNITY SERVICES**
27 **RECOVERY CENTER IN THE AMOUNT OF \$40,000.00 (AB2007-349)**
28
29 **9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER IN TO A**
30 **PURCHASE AND SALE AGREEMENT AND CONSERVATION EASEMENT WITH**
31 **THE WHATCOM LAND TRUST FOR THE ACQUISITION OF 73 ACRES OF**
32 **PROPERTY IN MAPLE FALLS FOR PARK AND TRAIL PURPOSES IN THE**
33 **AMOUNT OF \$510,000.00 (AB2007-350)**
34
35 **10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
36 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND THE**
37 **WASHINGTON STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES FOR**
38 **JUVENILE REHABILITATION SERVICES IN THE AMOUNT OF \$22,822.00**
39 **(AB2007-351)**
40
41 **11. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN**
42 **AGREEMENT BETWEEN WHATCOM COUNTY AND THE DEPARTMENT OF**
43 **JUSTICE, BUREAU OF JUSTICE ASSISTANCE, FOR GRANT FUNDING FOR THE**
44 **DRUG COURT COORDINATOR POSITION IN THE AMOUNT OF \$23,017.00**
45 **(AB2007-352)**
46
47 **12. REQUEST APPROVAL TO PROCEED WITH DEMOLITION OF J. ZUEGELDER**
48 **HOUSE AT DITTRICH PARK (AB2007-353)**
49
50
51
52
53

1 **OTHER ITEMS**

2
3
4 **1. ORDINANCE AMENDING WHATCOM COUNTY CODE 2.02, COUNTY COUNCIL**
5 **(AB2007-338)**

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

8
9 ***Motion carried unanimously***

10
11 **2. REQUEST ACCEPTANCE OF PETITION AND PETITIONER'S SECURITY**
12 **RELATING TO THE FORMATION OF AN IRRIGATION DISTRICT (TO BE**
13 **KNOWN AS THE NORTH LYNDEN WATERSHED IMPROVEMENT DISTRICT)**
14 **(AB2007-322A)**

15
16 **Crawford** reported for the Finance and Administrative Services Committee and
17 **moved** to accept the request.

18
19 ***Motion carried unanimously.***

20
21 **3. ORDINANCE TO AMEND ORDINANCE 2007-031 TO REZONE UR3 TO UR4 IN**
22 **THE EVERSON URBAN GROWTH AREA AND UR3 TO R5A ADJACENT TO THE**
23 **EVERSON URBAN GROWTH AREA, ON THE EAST SIDE OF EVERSON-GOSHEN**
24 **ROAD (AB2007-337)**

25
26 **Fleetwood** reported for the Planning and Development Committee and **moved** to
27 adopt the ordinance.

28
29 ***Motion carried unanimously.***

30
31 **4. RESOLUTION SETTING A SALARY SCHEDULE FOR WHATCOM COUNTY**
32 **COUNCILMEMBER FOR THE YEARS 2010 AND 2011 (AB2007-323)**

33
34 **Nelson moved** to approve the resolution.

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

37
38 **5. COUNTY EXECUTIVE KREMEN REQUESTS CONFIRMATION OF HIS**
39 **APPOINTMENT OF TIMOTHY NELSON TO THE VETERAN'S ADVISORY BOARD**
40 **(AB2007-359)**

41
42 **Brenner moved** to confirm the appointment.

43
44 ***Motion carried unanimously.***

45
46 **6. APPOINTMENT OF THREE COUNCILMEMBERS TO SERVE ON THE NEWLY**
47 **ESTABLISHED HEALTH COMMITTEE (AB2007-022)**

48
49 Crawford nominated Councilmember Nelson.

50
51 Nelson nominated Councilmember Caskey-Schreiber.

52
53 Fleetwood nominated Councilmember Brenner.

1
2 Crawford moved to appoint the three nominees.

3
4 ***Motion carried unanimously.***

5
6 **Addenda:**

7 **7. RESOLUTION AUTHORIZING THE PURCHASE OF A CONSERVATION**
8 **EASEMENT ON THE HOLZ FARM PROPERTY (AB2007-355)**

9
10 ***Caskey-Schreiber moved*** to approve the resolution.

11
12 ***Motion carried unanimously.***

13
14 **8. RESOLUTION AUTHORIZING THE PURCHASE OF A CONSERVATION**
15 **EASEMENT ON THE GROEN FARM PROPERTY (AB2007-356)**

16
17 ***Caskey-Schreiber moved*** to approve the resolution.

18
19 ***Motion carried unanimously.***

20
21
22 **COUNCIL CORRESPONDENCE**

23
24 **1. THE COUNCIL APPROVED DISTRIBUTION OF THE FOLLOWING DURING ITS**
25 **AUGUST BREAK: LETTER AND ATTACHMENTS TO THE BELLINGHAM CITY**
26 **COUNCIL REGARDING THE PROCESS FOR RECONCILIATION OF**
27 **DIFFERENCES RELATED TO THE BELLINGHAM SUBAREA PLAN; LETTERS TO**
28 **VARIOUS ELECTED OFFICIALS REGARDING SWIFT CREEK (AB2007-029)**

29
30 Weimer announced that the Council approved these letters during its August break.

31
32
33 **INTRODUCTION ITEMS**

34
35 ***McShane moved*** to accept Introduction Items two through four. Item five is
36 withdrawn from the agenda.

37
38 ***Motion carried unanimously.***

39
40 **1. ORDINANCE AMENDING THE OFFICIAL WHATCOM COUNTY**
41 **COMPREHENSIVE PLAN FOR THE CITY OF EVERSON'S SOUTHEAST URBAN**
42 **GROWTH AREA FOR IMPROVED ACCESS TO THE EXISTING URBAN GROWTH**
43 **AREA (AB2007-174) (REVISED FROM 8/7)**

44
45 Crawford stated he's concerned about making sure that this reflects the other 100-
46 foot buffers to which Rollin Harper referred. The language as it is does not refer to a
47 property line. Make sure that is not a buffer to the property line in the other buffers, and it
48 is a buffer to the building envelope.

49
50 Kraig Olason, Planning and Development Services Department, stated the language
51 in 20.38 talks about the residential structure.
52

1 Crawford asked if the drainfields are no longer in that buffer, either. Olason stated
2 that isn't correct. Drainfields can't be in a reserve tract. The buffer area restricts the
3 primary residential structure, but not accessory buildings.

4
5 Crawford asked if the drainfield can be in the buffer. Olason stated it can.

6
7 Crawford asked if the way the substitute is written is in the same spirit as what they
8 are doing with the other buffers. Olason stated it should be plain enough to say that it's not
9 a property line. It's the home site and footprint.

10
11 **Crawford moved** to introduce the City of Everson substitute version with one
12 change to the added paragraph in section 2a. in the substitute version.

13
14 McShane stated the purpose for him is keeping any structures, not just home sites,
15 out of that buffer. This is a different issue from that other code.

16
17 Caskey-Schreiber asked for clarification about what is the intent. To her, a residence
18 means the property line. Olason stated this is intended for the area where the house is.
19 The location of the structures is the part they are trying to control. The concept is to put
20 the houses as far back as is reasonable. The buffer can have a road through it. Just create
21 some distance.

22
23 Caskey-Schreiber stated this is for a specific request, and won't translate to other
24 situations. If they are going to make a policy like that, figure out exactly what they want.
25 Olason stated that could be a standard the County would expect on all urban growth area
26 (UGA) expansions in the city. Now they've established some sort of predictable buffer.

27
28 Brenner stated the Council has run Mr. Harper and the City of Everson through
29 enough. It is a small thing that is unique. The County and City are going to trade, so the
30 County gets back the same amount and type of agricultural land. Discuss this another time.
31 Don't keep them hanging. She called the question.

32
33 McShane stated they should specify any structure, not just a residential structure.
34 Keep the structures out of that zone. Also, define the term structure if they use that term.
35 Olason read the definition of "structure."

36
37 McShane stated they also have to not allow stormwater structures in the buffer.
38 Olason read the definition of "building."

39
40 **Crawford amended his motion** to introduce the City of Everson substitute version
41 with one change to the added paragraph in section 2a. in the substitute version, "proposed
42 residence building or mobile home...."

43
44 Nelson stated that this is an Introduction Item. It doesn't seem right to pre-decide
45 on something before it's gone through a public hearing.

46
47 Dana Brown-Davis, Clerk of the Council, stated this item hasn't been advertised.
48 This is the time to decide what they want to introduce before they have a public hearing.

49
50 Brenner stated this doesn't mean that's what the Council will vote to do. They're
51 talking about a difference of 54 feet. Either they support it or they don't.

52
53 **Motion to introduce the substitute version as amended carried unanimously.**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

- 2. RECEIPT OF AN APPEAL, FILED BY LARRY WATSON, OF THE HEARING EXAMINER'S DECISION ON CUP06-0031, REGARDING A REQUEST TO CONSTRUCT A RESERVOIR AND WATER MAIN, INCLUDING A GRAVEL ACCESS ROAD FOR THE LAKE WHATCOM TREATMENT CENTER BY LAKE WHATCOM WATER AND SEWER DISTRICT (AB 2007-321)
- 3. RECEIPT OF PLANNING COMMISSION RECOMMENDATION REGARDING A REQUEST FROM DUKE DEVELOPMENT/LANCE ELLIS TO REZONE 19.5 ACRES ON CHURCH RD. IN FERNDALE UGA FROM LTPA TO STPA (AB2007-360)
- 4. ORDINANCE AMENDING THE 2007 WHATCOM COUNTY BUDGET, 10TH REQUEST, IN THE AMOUNT OF \$5,411,992.00 (AB2007-361)
- 5. ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 16.20, WHATCOM COUNTY SHELLFISH PROTECTION DISTRICTS, TO PROVIDE A DEDICATED SOURCE OF FUNDING TO IMPLEMENT THE DRAYTON HARBOR SHELLFISH PROTECTION DISTRICT RECOVERY PLAN (AB2007-362)

OTHER BUSINESS

Pete Kremen, County Executive, stated he invites all the councilmembers to a fundraiser, roast, and tribute to Bellingham Mayor Tim Douglas on September 20 at the St. Luke's Health Education Center. The people who will roast Mayor Douglas are quite notable. All the proceeds are for Sustainable Connections. It is a fitting tribute to a man who spent most of his life serving this community.

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

Brenner stated she thanks Public Works Director Frank Abart for spending an entire day at the Sustainable Connections seminar on Thursday. He was very involved during the seminar.

ADJOURN

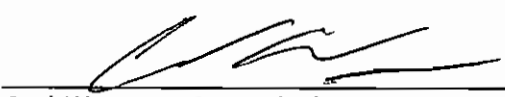
The meeting adjourned at 9:20 p.m.



Jill Nixon, Minutes Transcription

The Council approved these minutes on October 23, 2007.

ATTN: _____
The seal of the Whatcom County Council is circular with a double border. The outer border contains the text 'WHATCOM COUNTY COUNCIL' at the top and 'STATE OF WASHINGTON' at the bottom. The inner border contains 'COUNTY OF WHATCOM COUNTY'. In the center, there are stars and the words 'WHATCOM COUNTY'. A signature is written across the seal.
Dana Brown, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Carl Weimer, Council Chair