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WHATCOM COUNTY COUNCIL
Regular County Council

December 9, 2008

Council Chair Carl Weimer called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

<u>Present:</u>	<u>Absent:</u>
Barbara Brenner	None
Bob Kelly	
Sam Crawford	
Seth Fleetwood	
Laurie Caskey-Schreiber	
L. Ward Nelson	

FLAG SALUTE

ANNOUNCEMENTS

Weimer announced that there was **strategy planning discussion and positions to be taken regarding Deputy Sheriff's Guild collective bargaining (AB2008-018)** in executive session during the Committee of the Whole meeting.

SPECIAL PRESENTATION

1. DEPUTY ADMINISTRATOR DEWEY DESLER WILL READ A PROCLAMATION DESIGNATING JANUARY 2009 AS "HOMELESS CONNECT" MONTH (AB2008-017)

Desler read a proclamation regarding the Bellingham Whatcom Project Homeless Connect declaring January 2009 as Homeless Connect month.

Bruce Johnson, Bellingham Whatcom Project Homeless Connect, submitted a handout (*on file*). His organization is hosting an event on January 29, 2009 to provide services to the homeless. Their mission is to involve the community in the work to end homelessness. He thanked Executive Kremen and all the city mayors in Whatcom County for their support. He hopes to have additional conversations on this subject as part of the ten-year plan. There are volunteer opportunities at the event.

OPEN SESSION

The following people spoke:

Yoshe, 817 25th Street, Bellingham, stated people must recognize that they own nothing. There is no such thing as private or state ownership. Capitalism and socialism are out. The only viable, sustainable economy is the gift economy. First, recognize that

1 everything they experience is a gift. Second, every day do only work that needs to be done
2 that day, and share the results. Sharing is the primary activity of a gift economy.
3

4 Larry Call, Everson, Rocket Coffee Owner, stated his coffee stand has been open
5 three years and has passed every inspection. Now, the County requires that drill a well and
6 install a septic system if he is going to have blended drinks. The Health Department helped
7 him to work out a legal solution, but he was ejected within a day. Has severely hurt his
8 business.
9

10 Brenner stated she has talked to the Health Department and Mr. Call. The Health
11 Department is waiting for a final diagram from the equipment manufacturer. She's getting
12 a lot of similar complaints from others.
13

14 Dan Engle, Bridge Industries, stated he supports Larry Call. He submitted a drawing
15 of a potential solution for Larry Call, which has worked in other areas of the country. The
16 plan is to wash, rinse, and sterilize the blender head to preserve public safety.
17

18 Weimer stated this issue will probably be referred to the Health Committee.
19

20 John Pruss, 3137 Sunset Way, Lummi Island, stated he lives on the shore of Lummi
21 Bay. He has three questions about the Shoreline Management Plan. He asked the purpose
22 of the 150-foot setback increase and why affected property owners were not notified. There
23 were no hearings. He asked if any of the councilmembers or staff have visited the
24 shorelines sites to look at the real conditions. The Council needs to answer those questions.
25 His property is 170 feet deep from the water to the road. The setback from the water is
26 150 feet, and the setback from the road is 20 feet, so he can't build a house. That's
27 ridiculous.
28

29 Larry Helm, 2660 E. 41st Terrace, Bellingham, asked why the Council raised the sales
30 tax and the property tax. Whatcom County's Comprehensive Annual Financial Report states
31 there is \$43 million in undesignated funds available, and revenue surplus has accrued by a
32 minimum of \$5 million annually for the last five years. That doesn't include the millions of
33 dollars in designated funds they haven't spent. The Council increased the property tax for
34 undetermined water projects. Any tax increase should be tied to specific projects that have
35 backup documentation detailing expenses. Identify new expenses accurately and lower the
36 surplus before further stressing people experiencing the recession.
37

38 A large percentage of projects is for the Drayton Harbor Shellfish Protection District.
39 He doesn't understand why that district gets such a large percentage.
40

41 Five years ago, an accessory dwelling unit had to be for a family member. People
42 are dealing with higher property taxes by renting out their barns and garages as living
43 spaces. He's concerned about the sewage. If he signs a complaint, it will take two months
44 for the County to respond. The County shouldn't have a complaint-only enforcement
45 program. Hire people to go out into the field and look at things. It seems like two or three
46 people are available to respond to complaints. Staff enforcement so there is a timely
47 response. Hire enforcement staff.
48

49 Brenner stated legal accessory dwelling units don't have to be just for family
50 members.
51

52 Chuck McCord, 3365 Robertson Road, read an email he sent to the Council a few
53 days ago objecting to changes to the Shoreline Management Act. The setback of 150 feet

1 would condemn most waterfront property. The prior rules worked fine for 35 years. Keep
2 the prior rules. The new rules claim that the grandfather clause is no longer valid. They
3 can't change that. Requiring homeowners whose homes have been destroyed by fire to
4 comply with new regulations will create many lawsuits regarding the grandfather clause. If
5 they do this, they will condemn the most pristine property in Whatcom County. The County
6 will lose revenues from that lost property tax. Reconsider the changes.

7
8 Clyde Boomer, 1661 Edwards Drive, Point Roberts, stated he is upset about the lack
9 of notice about Shoreline Management Act amendments. The plan was not thought-out
10 well. The changes render worthless the highest value properties in the county.

11
12 Michelle Luke, 3342 Sunrise Cove, Lummi Island, stated projects such as subarea
13 and Shoreline Management Act updates should begin with visionary goals and mission
14 statements. The projects don't have the benefit of legal counsel when they begin. The
15 goals of property rights aren't balanced with reality and current law. That wastes time and
16 resources later. Have a plan that starts with legal counsel. Property owners should be
17 accurately represented. The plan should be reviewed again before approval so it's in
18 compliance. The plan doesn't acknowledge that many shoreline property owners own their
19 tidelands.

20
21 Kris Ungern, 2095 Northshore Road, stated the new Shoreline Management Plan
22 regulations will have a large impact on existing shoreline residences. The plan focuses on
23 nonconforming structures, which is a bureaucratic end-run around the accepted concept of
24 existing development being grandfathered by virtue of being in compliance with regulations
25 in effect at the time of original construction. The proposed setback of 100 feet for
26 freshwater properties is arbitrary. He questions whether adequate public notice has been
27 given to the public who are directly affected by the regulations. There are questions about
28 whether or not driveways are included in the allowable footprint, the impacts of impervious
29 versus pervious surfaces, and the impacts of native plants on vegetative buffers. The
30 proposed rules on private docks impose arbitrary limits on walkway widths, lengths, and
31 float dimensions. That does not address shoreline type and water depth. The imprecise
32 language invites arbitrary administrative decisions on permits. Regulations open to
33 interpretation will hinder the process.

34
35 Flip Breskin, 2518 Cherry Street, Bellingham, stated she would like to know the
36 status of the Roeder Home task force. She is not aware of any movement toward starting a
37 task force. Keep an eye on things. Look for funding for the Roeder Home. Killing the arts
38 program at the Roeder Home would be a false economy. The most recent arts sale saw
39 6,000 people come through. They spent \$57,000. That is major support to the local arts
40 community. The average artist's income is about \$1,000 per month. The arts culture
41 makes Whatcom County a special place.

42
43 Jim Hanson, 2418 Keesling Street, stated he complains about the quality of the
44 testimony at the public hearings. He hoped to hear people address the greater good and
45 both sides of issues. However, he hears a lot of self-interest and disparagement. What he
46 hears as the public hearings is not representative of the public. It is a hearing for people
47 who have axes to grind. He commended the Councilmembers for representing the silent
48 majority and subsequent generations.

49
50 Rod Johnston, 2714 South Park Drive, stated he encourages the Council to hold a
51 public hearing on the entire Shoreline Management Act, not just the amendments. He owns
52 waterfront property on Lummi Island with small cabins. They want to expand those cabins.
53 However, he won't be able to expand with the Shoreline Management Act regulations. Their

1 lots will become non-buildable. He is unhappy with the 150-foot setback changes. The
2 setback used to be 45 feet. He asked the reason for the change. He asked why a solution
3 wasn't developed to deal with lots not able to absorb such a change. The setback is too
4 aggressive. There are alternatives and options to keep the 45-foot setback in place. They
5 must protect the shorelines and the property owner. Seek a win-win solution.
6

7 Bob Wiesen, 3314 Douglas Road, stated no legislative action taken in the last few
8 years has made housing more affordable. Citizens will convert their outbuildings to
9 apartments because affordable housing is needed. The State Department of Ecology is
10 making Whatcom County the guinea pig on the Shoreline Management Act 150-foot
11 setback. Don't go along with it.
12

13 Bill Henshaw, 2653 North Park Drive, Bellingham, stated waterfront property owners
14 haven't been given proper notice about changes to the Shoreline Management Plan.
15 Consider what's realistic in an urban environment, not a rural area. The original goal of the
16 original Shoreline Management Plan goal was to provide for recreation places for people and
17 water-related businesses. The new plan tries to weave the critical areas ordinance into the
18 Shoreline Management Plan. Their goals and objectives are entirely different. Continue to
19 work on the plan, and provide notice to everyone who owns shoreline property in Whatcom
20 County.
21

22 Delight Green, 897 Chuckanut Shore Road, stated she was a member of the original
23 group that wrote the original Shoreline Plan. It was never intended to do what is being
24 proposed. Almost all the properties on her road will be out of compliance. She agrees with
25 the previous speaker. Look into this further.
26

27 *(Clerk's Note: End of tape one, side A.)*
28

29 Green stated shoreline owners aren't aware of what's happening to their properties.
30 That isn't right.
31

32 Ed Brinson, 7 Strawberry Point, stated he is concerned that new Shoreline
33 Management Plan setbacks would make his property non-conforming. He asked how one
34 would go about buying or selling nonconforming property. The bank isn't going to want to
35 make a loan to a new buyer. Consider the impacts. If a house burns down, the owner will
36 have to move it under the new rules. That isn't right. Don't make all these properties
37 nonconforming.
38

39 Gary Lysne, 2472 Northshore Road, stated he agrees with all the concerns expressed
40 about the Shoreline Management Plan. He is disappointed in how the Council handled the
41 issue. They have violated the public trust and County Charter by not notifying the
42 landowners. They ignored the mandate of a public hearing and approved it in haste. Some
43 of them have not read all the documented material before making a decision. The
44 Councilmembers don't have a clear idea of what they approved or what they need to make
45 this regulation fair.
46

47 The investment trust fund has about \$275 million. The County is funneling all the
48 interest earned from the individual funds from this account into the general fund. Whatcom
49 County received a letter from the Washington State Auditor's Office ordering the County to
50 cease and desist, to return all the interest to the individual funds, and to replace all the
51 interested directed to the general fund in previous years from those accounts. This
52 amounts to millions of dollars. He asked the status of that directive from the State Auditor
53 and how something like that happens with the citizens' money.

1
2 Weimer responded there has been no such order. There has been no letter from the
3 State Auditor's Office.
4

5 Gordon Iverson, 398 Shallow Shore, Lake Samish, stated he submitted an
6 application to rebuild and resize his dock. He made application in July, and has heard
7 nothing yet from the Planning Department. The dock has been there since 1949. If the
8 Shoreline Management Plan change goes through, he won't be able to replace his dock.
9

10 Wendy Harris, Silver Beach, Bellingham, stated she is in favor of the Shoreline
11 Management Plan. They've only heard from people who own shoreline property, but the
12 vast majority of the people in the county support the plan. They haven't discussed tonight
13 what is going on with water in Whatcom County and the reason they need the plan. Lake
14 Whatcom, their drinking water, is an impaired water body. The Puget Sound is in a state of
15 emergency. Many people who have spoken tonight might have been victims of a
16 misinformation campaign. The plan was passed after a five-year collaborative process
17 between many stakeholders in the county. It was approved and finalized by the County
18 Council and went to the State Department of Ecology (Ecology). Nothing was secret.
19 Nothing untoward was done. The County can't overturn State changes to the plan. The
20 Council and community did a good job on the plan changes. The rules are in place for a
21 reason. They aren't intended to harm people. Put resources into better education so
22 people understand the reason for and impacts from the program.
23

24 Patrick Alesse, 4825 Alderson Road, Blaine, stated the first thing the ancient Romans
25 took care of was stormwater. His property is on the shoreline. Shorelines need to be taken
26 care of. Take care of the environment while allowing people to use their property in a wise
27 manner.
28

29 Barb Demorest, 3670 Haggin Road, Bellingham, stated the covenants in her
30 neighborhood are contrary to the Shoreline Management Plan requirements. A 2,500
31 square foot footprint limit sounds adequate, but it isn't in her situation.
32

33 Hearing no one else, Weimer closed the public hearing.
34

35 Nelson asked if they are trying to design setbacks that meet the needs of the
36 environment rather than being arbitrary.
37

38 **Weimer** reported for the Natural Resources Committee and **moved** to deal with a
39 limited number of pre-approved issues according to the staff recommendation, and bring
40 those issues back to the Council in January for a public hearing and decision. Also, the
41 committee asked for a legal opinion from Ecology regarding their legal review of the
42 setbacks.
43

44 Caskey-Schreiber stated she recalls that there is an option to average the setback to
45 achieve the 150 feet. Have the committee look into it. There is a disconnect between the
46 approved regulations and accurate information that got out to the public about those
47 regulations. She encourages people to read the document instead of relying on other
48 interpretations. If a person's house on a nonconforming lot burns down, the owner will be
49 able to rebuild on the same footprint, unless public safety is at risk from the existing house
50 footprint sliding off a bluff. There is no ulterior motive to undo existing homes. However,
51 it's a convenient rallying cry for someone, probably Mr. Jepson trying to use all the small
52 lots at Sandy Point created and approved by the County Council.
53

1 Brenner stated everyone agreed the wording wasn't clear. They never discussed the
2 issue of lots with covenants. Case law requires buffers to be decided on a case-by-case
3 basis.
4

5 Nelson stated they must drive Ecology into allowing flexibility and the public to have
6 the benefit of their property. It will take the will of the Council.
7

8 **Brenner moved** to amend to figure a way to resolve conflicts between the
9 regulations and preexisting neighborhood covenants that make a lot unbuildable.
10

11 Caskey-Schreiber stated neighborhood covenants don't have any bearing on what
12 the Council does. If there is a problem with covenants, the owner must petition the
13 neighborhood association.
14

15 Crawford stated the issue is whether or not there can be flexibility in the Shoreline
16 Management Plan when covenants add further restrictions on the buildability of a lot. They
17 are not going to get the neighborhood to change their covenants over this. The covenant
18 guaranteed that the person across the street would have a view. They have to approach
19 the conflict from the perspective of whether the regulations can be flexible enough to take
20 covenants into consideration. He is against the motion. They have reached agreement
21 among all parties to focus on certain items. Councilmember Brenner's concern can be
22 addressed by talking about the overall flexibility in the 150-foot setback, which is part of
23 what they will look at. This amendment changes the list.
24

25 Nelson stated he is in favor of the motion. When exceptions to the setback rule are
26 necessary, they have allowed 2,500 square feet with a variance from Ecology, which is
27 difficult to get. The will of the Council must understand the issues that people in the
28 community face. It's wrong to change development rules to a property after someone has
29 bought that property. They must deliver information about this situation to Ecology. That's
30 the reason for the public hearing process.
31

32 Kelly stated he is against the motion. He is also concerned about adding things to
33 the list. This lengthy process has taken years. Folks have had ample opportunity to
34 address the plan. They don't know for sure if this issue was addressed in the past. A
35 significant section of the community isn't here tonight and is concerned with the overall
36 protection of the shorelines as a public resource. The Council must let folks know that it
37 doesn't have the opportunity to make significant changes at this point in the process. It's
38 wrong to let people believe the Council has an opportunity to re-address the setback issue.
39 If the Council chooses to do that, they are looking at reopening a process that would last
40 another several years. The Council could reopen the process, but the Council isn't going in
41 that direction. The public must know that.
42

43 Caskey-Schreiber stated she agrees with not adding anything else to the list. There
44 are many neighborhood associations, each with different rules. Everyone has a right to
45 petition for an exception to the rules.
46

47 Brenner stated this isn't a major issue. It may just need a clarification. It needs a
48 clarification one way or another. The issue of covenants has never come up.
49

50 Crawford stated they can talk about reasonable use standards through this process.
51 It isn't appropriate to add another item to the list at this time.
52

53 **Motion to amend failed 2-5 with Nelson and Brenner in favor.**

1
2 **Motion carried unanimously.**
3

4 Crawford asked how people can get the latest information on shorelines.
5

6 David Stalheim, Planning and Development Services Department, stated the
7 information before the Council is on the Council's website. Future iterations will be on the
8 Planning Department website.
9

10
11 **PUBLIC HEARINGS**
12

13 **1. ORDINANCE EXTENDING THE SUNSET DATE FOR THE DRAYTON HARBOR**
14 **AND PORTAGE BAY SHELLFISH PROTECTION DISTRICTS (AB2008-401)**
15

16 Weimer opened the public hearing and, hearing no one, closed the public hearing.
17

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

20 **Motion carried unanimously.**
21

22 **2. ORDINANCE AMENDING TITLE 21, LAND DIVISION REGULATIONS (AB2008-**
23 **404)**
24

25 **Weimer** reported for the Planning and Development Committee and stated the
26 Council will hear public testimony tonight, hold for further discussion, and keep the written
27 record open until January 2.
28

29 Weimer opened the public hearing and the following people spoke:
30

31 Perry Eskridge, Whatcom County Association of Realtors Government Affairs
32 Director, submitted a handout (*on file*). It doesn't make sense to require a wetland
33 delineation if someone just wants to move a fence. Know exactly the type of problem they
34 are trying to fix. Be aware of the scope of the amendments.
35

36 Ali Taysi, Land Use Professional, 900 Dupont Street, Bellingham, stated the process
37 was rushed. Public input with staff was done at the end of the process, after everything
38 was done. There wasn't enough collaboration between the County and the public.
39

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

42 Taysi continued to state that changes are staff changes, not changes to help the
43 public. Also, these changes are presented as only procedural changes, but they are not just
44 procedural changes. There are additional requirements to the application process. They are
45 significant changes to the applicant. A good document can be made with a more
46 collaborative process. Hold another public hearing.
47

48 Adam Morrow, licensed land surveyor, 1812 Cornwall, stated he is a member of and
49 represents the Whatcom County Technical Advisory Committee. The document is
50 incomplete and needs substantial work. He is glad they are holding this ordinance, so there
51 is more time to work on it.
52

1 Aubrey Stargell, 7640 Bear Ridge Way, Maple Falls, stated he is pleased to hear the
2 Council is going to delay approval. He is concerned about boundary line adjustment process
3 changes. They will become an undue burden to landowners. The existing process costs
4 about \$1,000. The new process will cost several thousand dollars. Boundary line
5 adjustments only change lot lines between existing lots. They don't create any new lots.
6 The new proposal requirements look just like a short plat.
7

8 Corina Hardin, 3843 Bancroft Road, Bellingham, stated she is a land use consultant
9 and has participated in meetings during this process. She thanked the Council for allowing
10 the Planning Department to have more time. They should have a collaborative process and
11 have another public hearing. These changes don't make things simpler. The process will be
12 much more expensive. When developing these changes, collaborate with land use
13 attorneys, consultants, and surveyors.
14

15 Mary Dickinson, Building Industry Association of Whatcom County Governmental
16 Affairs Director, stated she agrees with previous speakers. She thanked everyone for taking
17 more time. She would like another public hearing after they make more changes.
18

19 Her primary concern is with boundary line adjustments. The process now, especially
20 for simple projects, is positive. She doesn't understand why a critical area analysis report is
21 required for a simple boundary line adjustment. In practice, a simple application would
22 have a hard time meeting completion because of the complexity of these requirements.
23

24 While the County is making the application more complicated, it is reducing the
25 timeframe for applicants to submit information on pending applications. There's no
26 correlating shortening of time for staff to complete review. She also has concerns with
27 definitions and vague language.
28

29 Bruce Raper, Wilson Engineering, stated he is glad the Council is slowing down the
30 process. He and his peers are concerned that the County is trampling on public rights.
31 Regulations have become more burdensome over time. Frontloading the requirements
32 won't help the process be more efficient. Showing approximate wetlands on lot line
33 adjustments could be a legal problem.
34

35 Scott Harksell, Land Surveyor, stated he would like the Council to leave the hearing
36 open for further review and revisions. The professionals who use this code should be the
37 resource used to create the best document possible.
38

39 Bob Wiesen, 3314 Douglas Road, stated he suggests that the Council delay this for a
40 while. Possibly start with a list of problems, and then make a list of solutions. In general,
41 the public process isn't working well. The public that will be impacted by legislation doesn't
42 know what's going on until the action has been taken.
43

44 Jay Irwin, Land Use Consultant, stated changes started due to concern about binding
45 site plan provisions. There haven't been any proposed changes to it. Leave the comment
46 period open until those changes can be done as well. He agrees with previous speakers.
47 There are concerns about boundary line adjustments. The general public isn't familiar with
48 the process. The professionals are concerned on their behalf. Most boundary line
49 adjustments are small reconfigurations to deal with fence line encroachments.
50

51 Hearing no one else, Weimer closed the public hearing.
52

53 Nelson asked if a certain distance defines Party of Record.

1
2 David Stalheim, Planning and Development Services Director, stated they added a
3 definition of Party of Record. It's referred to in the existing code, but has never been
4 defined. A defined distance is probably in another code. Boundary line adjustments and
5 short-subdivisions do not receive notice. Parties of record for subdivisions of five lots or
6 more only are entitled to receive notice according to distance.
7

8 Crawford referenced the definition of exempt land division on Council packet page
9 843. He asked if section 21.01.040(2) are those exempt items. Stalheim stated they are
10 not. That section is the short-subdivision, and those items are exempt from this Title.
11

12 Crawford stated he would like to know where in the code they specifically design the
13 exempt land division.
14

15 Brenner asked if this changes regulations regarding wills and estates. Stalheim
16 stated State law exempts wills. The current ordinance requires the County to stamp those
17 lots and deeds created as a result of a will. They took that requirement out of the code
18 because he doesn't want to be in the business of reviewing wills. Wills may create lots that
19 don't meet the zoning requirement. Someone could will anything they want, but that
20 doesn't mean the County will issue a building permit, if it doesn't meet the underlying
21 zoning requirements. The County will no longer review wills and certify them as lots of
22 record.
23

24 ***Weimer moved*** to keep the written record open until January 2, 2009.
25

26 Nelson asked if approved subdivisions are buildable lots. Stalheim stated an
27 approved long subdivision is a valid use considered under the zoning laws in effect, for a
28 period of five years. The requirements for short subdivisions are less clear.
29

30 ***Motion carried 6-0 with Kelly out of the room.***
31

32 **3. RECOMMENDATIONS FOR LAND CAPACITY METHODOLOGIES (AB2008-389)** 33

34 Weimer opened the public hearing and the following people spoke:
35

36 Bill Quehrn, Building Industry Association of Whatcom County Executive Director,
37 stated that when considering population densities, consider the needs of the County
38 residents. Allocate enough land for residential use, to assure diversity of home styles and
39 prices. To do that, make sure there is an adequate supply of buildable land. Another
40 purpose of allocating enough land is to comply with the Growth Management Act
41 requirements, so the County doesn't lose State funding for services. Work with the
42 development community to service buildable lots, encourage development there, and not
43 force prudent developers to leap-frog artificial boundaries around towns and into the
44 countryside. Implement a system that makes it possible to get a building permit in those
45 areas. Adopt the highest population densities that are reasonable, using sound engineering
46 practices. Develop a comprehensive plan that accommodates those densities and sets aside
47 land for infrastructure. Don't try to cram all the density into urban cores. Use the urban
48 growth areas. Allow local designers and builders to create neighborhoods that include
49 functional and attractive transitions to suburban and rural environments.
50

51 Wendy Harris, Bellingham, stated she has concerns about the land capacity
52 methodologies. They apply uniformly to all urban growth areas (UGAs). Two of those UGAs
53 are in the Lake Whatcom watershed, which doesn't have the same capacity for growth and

1 infill that other areas have. To comply with federal requirements, they will have to develop
2 stricter land use regulations. Land capacity methodology should be different for Hillsdale
3 and Geneva.
4

5 Clayton Petree, Bellingham, stated he is concerned about using the 2000 Census for
6 housing calculations. He submitted and read from a handout (*on file*). There is no real
7 methodology to figure out the accommodation. Have a consistent, defined methodology on
8 which everyone will agree.
9

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

12 Jack Petree, Bellingham, handed out information (*on file*). He also has concerns
13 about the methodologies. Start with good data now, at the beginning of the process. He
14 read his handout.
15

16 Rollin Harper, Sehome Planning, stated he represents the cities of Everson, Nooksack
17 and Sumas. In general, the cities support the land capacity analysis as was forwarded to
18 the Growth Management Coordinating Council. The methodology is not perfect, but it is
19 technically sound and constructed logically. It represents the compromises among the
20 various jurisdictions. However, they will have to see how it works. As a planner of the
21 smallest jurisdictions, he will be able to see the results on a parcel-by-parcel basis, and
22 hopefully avoid the pitfalls that Mr. Petree describes. They hope to have flexibility within
23 the methodology to get an accurate analysis of the capacity. The County staff and Council
24 Policy Analyst have done a good job holding the line on not over-sizing the city UGAs. They
25 are trying to strike a good balance.
26

27 The small cities don't want the methodology to be arbitrary. If they are going to
28 make changes, there should be a solid basis for the change. He would like the opportunity
29 to provide more input into and comment on any changes. The methodology for the small
30 cities represents a net decrease in the deductions for market factor. They have come down
31 from what's in the comprehensive plans currently.
32

33 The cities would like to see all the work gone into the small city comprehensive plans
34 shown some respect from the Council. If they are going to change how things will develop
35 in the small cities, work collaboratively with those small cities, not unilaterally. There are
36 some issues to talk about at a later time. He trusts that the methodology will have some
37 flexibility.
38

39 Brenner asked Mr. Harper to provide specific information. Harper stated that to be
40 technically sound, they must figure out on what to base information for the smaller cities.
41

42 Mary Dickinson, Building Industry Association of Whatcom County Governmental
43 Affairs Director, stated that even though the County has a deadline, they need more time to
44 analyze the complex issues and for public involvement. Higher density should be in the
45 UGAs. UGAs should be allowed to accommodate their fair share of appropriate population
46 allocations for several reasons. An adequate land supply for housing styles and affordability
47 must be ensured now and in the future. The land supply methodology isn't realistic with
48 what is really happening.
49

50 John McLaughlin, Bellingham, submitted and read from information (*on file*). The
51 contractor is too expensive and will produce flawed results. Instead, use local sources for
52 free and a better product.
53

1 Fleetwood asked what specific changes should be made to the land capacity
2 methodology. McLaughlin stated the larger issue is that the projections themselves are
3 flawed. Whatever plan they come up with must incorporate public values.
4

5 Richard Settle, 1111 - 3rd Avenue, Seattle, stated he is a land use lawyer on behalf
6 of Caitac, USA. He submitted a detailed letter yesterday. People seem to want to minimize
7 the size of the UGA, and develop their data to justify a smaller UGA. The GMA requires that
8 they plan on the basis of the OFM population projection. Without any database, and despite
9 the fact that Whatcom County generally exceeds the population projection of the OFM, the
10 projection of 151,490 is substantially below the mid-point of the OFM projection. There is
11 also confusion about the population projection period. They are obligated to plan for a 20-
12 year projection, to 2029, for this ten-year review. They will not withstand scrutiny from the
13 Board or Courts if they design the numbers to fit a pre-determined outcome.
14

15 Blair Murray, 103 E. Holly Street, Suite 417, Bellingham, submitted a handout (*on*
16 *file*). Language indicates they will remove alluvial fan areas from the land supply analysis,
17 as proposed at the last Growth Management Coordinating Council meeting. That may be
18 misleading. There is a distinction between alluvial fan areas and alluvial fan hazard areas.
19 He read his handout.
20

21 Fleetwood stated they can correct the error by adding the word "hazard." Murray
22 stated they are potential developable areas. He questions whether they should be deducted
23 from the formula for calculating the land supply analysis.
24

25 Patrick Alesse, 4825 Alderson Road, Birch Bay, stated they can't control growth by
26 choosing a lower number. Plan carefully for infrastructure. Most people dream to have
27 some land in a rural area. To handle growth, prohibit anyone from moving into areas
28 around cities until that city needs to grow, when they can establish proper densities. People
29 in the county spend twice as much for property taxes.
30

31 Bob Wiesen, 3314 Douglas Road, stated adequate land supply depends on the
32 correct population number. The State allows them to provide three choices, so they should
33 choose the middle number. They are wasting time. If they pick a low number, they won't
34 plan for what happens. They have to be real. They can't delay building necessary
35 infrastructure.
36

37 Bob Tull, 709 Dupont Street, Bellingham, stated they violate the GMA and the State
38 Environmental Policy Act (SEPA) when they do result-driven decision-making. The Council
39 must evaluate the impacts of a decision before making a decision. If there is a tendency to
40 steer a methodology toward a direction, they must first explore the environmental impacts
41 of that direction. Always ask for the best information that is been vetted the most
42 rigorously. Consider the implications of that information. The elected officials must clearly
43 understand the impacts of their decisions. If there is a forced outcome, they will remain
44 non-compliant. The general methodology is a step in the right direction. Push in the
45 direction of being more accurate. He asked that staff make sure the councilmembers
46 understand the results of any changes to the projections, land availability, and affordable
47 housing. Make sure the methodology is the most accurate, useful, and reliable possible for
48 the entire process.
49

50 Hearing no one else, Weimer closed the public hearing.
51

52 Brenner asked to hold this in Council so she can study some of this information.
53

1 Weimer stated the purpose tonight is to have a public hearing on the Growth
2 Management Coordinating Committee's information so far, specifically regarding the land
3 capacity methodology.
4

5 Stalheim stated no action is necessary tonight, but they really need to get moving on
6 this so Planning Department staff can do the work and get it done by the June deadline. A
7 lot of the information received tonight has to do with other issues, such as population and
8 employment issues and environmental review. The issue of household size isn't an issue
9 regarding land capacity analysis. The recommendation was to use the most credible
10 information. They are still able to make those adjustments to the final calculations.
11

12 Regarding alluvial fan hazard areas, they intend to exclude those areas that can't be
13 divided in the future. He will look at that distinction and narrow it down to those areas that
14 can't be divided any further. They include the buffer area into the calculation because the
15 density of that land area can be included into a subdivision. They can transfer or cluster
16 that density. No action is necessary tonight. Let him know if they see anything technically
17 inaccurate with the land supply calculation.
18

19 Brenner stated she is not impressed with the consultant. She wanted an accurate
20 understanding of vacancy and occupancy rate, but the consultant didn't provide that
21 information.
22

23 Caskey-Schreiber stated she likes the information provided. There's benefit to being
24 conservative regarding growth. They have maintained property values when many other
25 counties that are over-built are facing serious housing crises. She won't tinker with the
26 market factor.
27

28 **4. ORDINANCE ADOPTING THE WHATCOM COUNTY SIX-YEAR CAPITAL**
29 **IMPROVEMENT PROGRAM FOR 2009-2014 (REVISED VERSION) (AB2008-**
30 **349)**
31

32 Weimer opened the public hearing and, hearing no one, closed the public hearing.
33

34 ***Nelson moved*** to adopt the ordinance.
35

36 Brenner stated divert money to the East County Resource Center and finish that
37 project. They don't need to create a big complex out there just because they can.
38

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

41 ***Brenner moved*** to remove Smith Road and Northwest Road allocations and redirect
42 the rest of the amount to finish the Resource Center in Kendall.
43

44 Caskey-Schreiber stated this document isn't binding. It's a wish list in case impact
45 fees and grants become available.
46

47 Brenner stated they should finish the Resource Center.
48

49 Caskey-Schreiber stated they will, with Economic Development Investment (EDI)
50 Board funds and State funds.
51

52 ***Motion to amend failed 1-5 with Brenner in favor and Fleetwood out of the***
53 ***room.***

1
2 **Weimer restated the motion** to approve the substitute version of the ordinance.

3
4 **Motion carried 6-1 with Brenner opposed.**

5
6 **5. ORDINANCE AMENDING THE 2009 WHATCOM COUNTY UNIFIED FEE**
7 **SCHEDULE (AB2008-373A)**

8
9 Weimer opened the public hearing and, hearing no one, closed the public hearing.

10
11 **Fleetwood moved** to adopt the ordinance.

12
13 Nelson asked for an explanation for the increase in the onsite sewage system (OSS)
14 fees.

15
16 John Wolpers, Health Department, stated the fee is to try to recover the County's
17 cost, including indirect cost, support cost, feet cost, and fieldwork. The increase in fee
18 number 1498 for sand filter is because of the amount of time it takes for a mound or a sand
19 filter, because of the technical requirements to install these types of systems.

20
21 Nelson asked if they grossly underestimated the cost in the previous fee schedule.
22 Wolpers stated that is his understanding. These fees were established in 2005.

23
24 Brenner stated she doesn't support these increased fees. She is nervous about
25 basing fees on someone's time rather than an efficient process. Mound systems take a lot
26 of technical energy from the installer, who would have more technical knowledge than the
27 person inspecting the systems. The fees aren't appropriate.

28
29 Crawford reference the difference between new fee 1489 and new fee 1500. He
30 asked if there is an application cost of \$160. Wolpers stated the fee for OSS permit only,
31 item 1500, is for those individuals who are already in the pipeline and have already
32 submitted an application.

33
34 Regina Delahunt, Health Department Director, stated that as of three or four years
35 ago, they had two separate fees. One fee was for an application, and the other was for
36 when the system was installed, which was the permit fee. Some people submitted an
37 application already, and they have a design on file. Their application is already in works. If
38 they've submitted that application from several years ago, now they only need to pay the
39 permit only fee. Applicant submitting for a new system would now pay only the one fee for
40 application and permit.

41
42 Crawford referenced fee 8115 regarding the operations and maintenance (O&M)
43 filing fee. He asked if that fee is for filing the report of system status (ROSS). He asked
44 why they are raising that fee if the County is concerned about making sure people comply.
45 Wolpers stated it is. Staff took a look at actual costs associated with the O&M filing fee and
46 the time it takes to enter and review the information on the ROSS.

47
48 **Crawford moved** to amend the ordinance to keep item 8115, the operations and
49 maintenance filing fee, at \$35.

50
51 Brenner stated that it will take time to get the computer system up and running, so
52 they are charging people for the County's inefficiency. That isn't right. The percentage
53 increase is huge. It is a lot of money for the mound and sand filter permit.

1
2 **Motion to amend carried 6-1 with Weimer opposed.**

3
4 **Brenner moved** to amend the ordinance to reduce fees 1489 and 1498 by \$382
5 each.

6
7 Weimer stated he is against the amendment. He understands the purpose.
8 However, the administration and the Council have approved a budget asking the Health
9 Department to pay for things by fees. If the Council doesn't allow the Health Department to
10 pay for things by fees, the Council will have to redirect general fund money to help support
11 the Health Department.

12
13 Brenner stated a fee is for service, not to cover a department shortfall.

14
15 Weimer stated these fees are to cover their services. Delahunt stated that is correct.
16 They based these fees on an hourly rate of \$106 per hour. It takes on average about nine
17 hours to do an OSS application to final inspection, from start to finish. They usually have to
18 go out to a site several times.

19
20 Wolpers stated they cover all areas of the County, including Point Roberts and
21 Lummi Island. They travel to quite a few places.

22
23 Crawford stated the motion reduces the fees to less than what they were in 2008.
24 That doesn't make sense.

25
26 **Motion to amend failed 1-6 with Brenner in favor.**

27
28 Nelson asked what they look for on a site visit. Wolpers stated they look at the
29 water table, soil structure, and distances to wells, property lines, and the building pad.
30 They also look at wetlands.

31
32 Nelson asked why the Planning Department is taking another \$100 for the work that
33 the Health Department says it is doing. Wolpers stated the Health Department doesn't have
34 the expertise to evaluate any place that looks wet and determine if it's a wetland. Health
35 Department staff notify the Planning Department to determine if there is a wetland.

36
37 **Motion to adopt as amended carried 6-1 with Brenner opposed.**

38
39 Crawford stated that the critical areas drive a site design. There is a logical
40 sequence to approach site design that makes sense for both the Health Department and the
41 Planning Department.

42
43
44 **CONSENT AGENDA**

45
46 **Nelson** reported for the Finance and Administrative Services Committee and **moved**
47 to approve Consent Agenda items one through 35.

48
49 **Motion to approve Consent Agenda items carried unanimously.**

- 50
51 **1. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ALLOCATE THE ANNUAL**
52 **RFP DISTRIBUTION OF 2060 LOW INCOME HOUSING OPERATIONS AND**
53 **MAINTENANCE FUNDS AND ENTER INTO A CONTRACT BETWEEN WHATCOM**

1 COUNTY AND WOMENCARE SHELTER, PROVIDING FUNDING FOR
2 OPERATIONAL EXPENSES IN THE AMOUNT OF \$18,512 (AB2008-416)
3

4 2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ALLOCATE THE ANNUAL
5 RFP DISTRIBUTION OF 2060 LOW INCOME HOUSING OPERATIONS AND
6 MAINTENANCE FUNDS AND ENTER IN TO A CONTRACT BETWEEN WHATCOM
7 COUNTY AND NORTHWEST YOUTH SERVICES, PROVIDING FUNDING FOR
8 OPERATIONAL COSTS IN THE AMOUNT OF \$25,981 (AB2008-417)
9

10 3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ALLOCATE THE ANNUAL
11 RFP DISTRIBUTION OF 2060 LOW INCOME HOUSING OPERATIONS AND
12 MAINTENANCE FUNDS AND ENTER IN TO A CONTRACT BETWEEN WHATCOM
13 COUNTY AND SEAN HUMPHREY HOUSE, PROVIDING FUNDING FOR
14 OPERATIONAL COSTS IN THE AMOUNT OF \$10,000 (AB2008-418)
15

16 4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ALLOCATE THE ANNUAL
17 RFP DISTRIBUTION OF 2060 LOW INCOME HOUSING REPAIR AND
18 RETENTION FUNDS AND ENTER IN TO A CONTRACT BETWEEN WHATCOM
19 COUNTY AND WHATCOM COUNSELING AND PSYCHIATRIC CLINIC,
20 PROVIDING FUNDING FOR LEAD PAINT ASSESSMENT, EXTERIOR PAINTING,
21 AND INSULATION INSTALLATION IN THE AMOUNT OF \$9,957.40 (AB2008-
22 419)
23

24 5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ALLOCATE THE ANNUAL
25 RFP DISTRIBUTION OF 2060 LOW INCOME HOUSING REPAIR AND
26 RETENTION FUNDS AND ENTER IN TO A CONTRACT BETWEEN WHATCOM
27 COUNTY AND OPPORTUNITY COUNCIL, PROVIDING FUNDING FOR
28 EMERGENCY HOME REPAIRS IN THE AMOUNT OF \$50,000 (AB2008-420)
29

30 6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ALLOCATE THE ANNUAL
31 RFP DISTRIBUTION OF 2060 LOW INCOME HOUSING REPAIR AND
32 RETENTION FUNDS AND ENTER IN TO A CONTRACT BETWEEN WHATCOM
33 COUNTY AND LYDIA PLACE, PROVIDING FUNDING FOR WINDOW
34 REPLACEMENTS IN THE AMOUNT OF \$18,115.28 (AB2008-421)
35

36 7. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ALLOCATE THE ANNUAL
37 RFP DISTRIBUTION OF 2060 LOW INCOME HOUSING REPAIR AND
38 RETENTION FUNDS AND ENTER IN TO A CONTRACT BETWEEN WHATCOM
39 COUNTY AND INTERFAITH COALITION, PROVIDING FUNDING FOR ENERGY
40 EFFICIENCY UPGRADES AT THE GARDEN STREET HOUSE IN THE AMOUNT OF
41 \$6,220 (AB2008-422)
42

43 8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ALLOCATE THE ANNUAL
44 RFP DISTRIBUTION OF 2060 LOW INCOME HOUSING REPAIR AND
45 RETENTION FUNDS AND ENTER IN TO A CONTRACT BETWEEN WHATCOM
46 COUNTY AND SEAN HUMPHREY HOUSE, PROVIDING FUNDING FOR A NEW
47 ROOF IN THE AMOUNT OF \$10,348 (AB2008-423)
48

49 9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ALLOCATE THE ANNUAL
50 RFP DISTRIBUTION OF 2060 LOW INCOME HOUSING REPAIR AND
51 RETENTION FUNDS AND ENTER IN TO A CONTRACT BETWEEN WHATCOM
52 COUNTY AND INTERFAITH COALITION, PROVIDING FUNDING FOR RENT

1 AND UTILITY EXPENSES AT THE EMERGENCY SHELTER APARTMENT IN
2 FERNDALE IN THE AMOUNT OF \$3,935 (AB2008-424)
3

4 10. REQUEST APPROVAL OF A RENEWAL OF THE PHYSICIAN'S SERVICES
5 AGREEMENT (ADDENDUM #2) BETWEEN WHATCOM COUNTY AND DR.
6 STUART ANDREWS THAT PROVIDES PHYSICIAN'S SERVICES IN THE
7 WHATCOM COUNTY JAIL AND WORK CENTER, IN AN AMOUNT NOT TO
8 EXCEED \$68,220 (AB2008-425)
9

10 11. REQUEST APPROVAL OF A RENEWAL OF THE WHATCOM COUNTY JAIL
11 PHARMACY AGREEMENT (ADDENDUM #2) BETWEEN WHATCOM COUNTY
12 AND HOAGLAND PHARMACY FOR PROVISION OF MEDICATIONS FOR JAIL
13 INMATES (AB2008-426)
14

15 12. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A CONTRACT
16 BETWEEN WHATCOM COUNTY AND HANDEL INFORMATION TECHNOLOGIES,
17 INC. FOR THE JUVENILE OFFENDER CASE MANAGEMENT SYSTEM
18 MAINTENANCE CONTRACT, IN THE AMOUNT OF \$18,000 (AB2008-427)
19

20 13. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER IN TO AN AMENDMENT
21 TO THE MEMORANDUM OF AGREEMENT BETWEEN WHATCOM COUNTY AND
22 THE WSU COOPERATIVE EXTENSION PROGRAM TO JOINTLY SHARE COSTS
23 FOR FACULTY POSITIONS, IN THE AMENDED AMOUNT OF \$82,542 (AB2008-
24 428)
25

26 14. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A RENEWAL OF
27 THE INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY
28 OF BELLINGHAM TO OPERATE THE LAKEWAY YARDWASTE COLLECTION
29 FACILITY, IN THE AMOUNT OF \$240,000 (AB2008-429)
30

31 15. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A JOINT
32 FUNDING AGREEMENT BETWEEN WHATCOM COUNTY AND THE US
33 DEPARTMENT OF THE INTERIOR/US GEOLOGICAL SURVEY FOR CONTINUED
34 OPERATION AND MAINTENANCE OF TWO STREAM FLOW GAGING STATIONS
35 AT BERTRAND CREEK, IN THE AMOUNT OF \$19,440 (AB2008-430)
36

37 16. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A CONTRACT
38 BETWEEN WHATCOM COUNTY AND NORSTAN COMMUNICATIONS, INC. FOR
39 COMPREHENSIVE SERVICE PLAN FOR ERICSSON MX ONE TELEPHONE AND
40 VOICEMAIL SYSTEMS, IN THE AMOUNT OF \$135,240 (AB2008-431)
41

42 17. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A CONTRACT
43 BETWEEN WHATCOM COUNTY AND HOME PORT LEARNING CENTER FOR
44 EDUCATIONAL SERVICES FOR YOUTH UNDER THE SUPERVISION OF THE
45 WHATCOM COUNTY JUVENILE COURT, IN THE AMOUNT OF \$72,000
46 (AB2008-432)
47

48 18. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A RENTAL
49 AGREEMENT WITH SEATTLE CITY LIGHT FOR NEWHALEM RESIDENT DEPUTY
50 HOUSING, IN THE AMOUNT OF \$600 PER MONTH (AB2008-433)
51

52 19. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A MAINTENANCE
53 AGREEMENT BETWEEN WHATCOM COUNTY AND IDENTIX, INC FOR

1 FINGERPRINTING MACHINES IN THE JAIL AND WORK CENTER, IN AN
2 AMOUNT NOT TO EXCEED \$29,989.96 (AB2008-434)
3

4 20. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A BIENNIAL
5 CONTRACT BETWEEN WHATCOM COUNTY AND CRIMINAL INDIGENT
6 DEFENSE FOR REPRESENTATION OF CLIENTS WITH WHOM THE WHATCOM
7 COUNTY PUBLIC DEFENDER'S OFFICE HAS A CONFLICT OF INTEREST
8 (AB2008-435)
9

10 21. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A BIENNIAL
11 CONTRACT BETWEEN WHATCOM COUNTY AND CATHOLIC COMMUNITY
12 SERVICES TO PROVIDE FOR SUPERVISED VISITATION BY PARENTS; TO
13 INCLUDE PART TIME STAFF RECRUITMENT, TRAINING AND MANAGEMENT
14 OF VOLUNTEER VISITATION SUPERVISORS IN THE AMOUNT OF \$20,704
15 (AB2008-436)
16

17 22. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A BIENNIAL
18 CONTRACT BETWEEN WHATCOM COUNTY AND THE WHATCOM DISPUTE
19 RESOLUTION CENTER TO PROVIDE FOR THE ADMINISTRATION OF THE
20 COURT'S MANDATORY FAMILY LAW MEDIATION PROGRAM, IN THE AMOUNT
21 OF \$20,000 (AB2008-437)
22

23 23. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO AN OPERATING
24 AGREEMENT BETWEEN WHATCOM COUNTY AND ARAMARK CORRECTIONAL
25 SERVICES, LLC, FOR THE PROVISION OF COMMISSARY SERVICES FOR THE
26 WHATCOM COUNTY JAIL INMATES (AB2008-438)
27

28 24. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO AN OPERATING
29 AGREEMENT BETWEEN WHATCOM COUNTY AND ARAMARK CORRECTIONAL
30 SERVICES, LLC, FOR THE PROVISION OF FOOD SERVICES FOR THE
31 WHATCOM COUNTY JAIL INMATES, STAFF, AND VISITORS (AB2008-439)
32

33 25. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A CONTRACT
34 BETWEEN WHATCOM COUNTY AND RE SOURCES FOR CLASSROOM
35 EDUCATION OF CHILDREN TO PROMOTE WASTE REDUCTION AND
36 RECYCLING EFFORTS, IN THE AMOUNT OF \$55,000 PER YEAR (AB2008-440)
37

38 26. REQUEST APPROVAL FOR THE EXECUTIVE TO AWARD BID 08-91 AND TO
39 ENTER INTO A CONTRACT WITH LOW BIDDER EBENAL GENERAL FOR
40 COMPLETION OF THE INSTALLATION OF A MODULAR BUILDING AT THE
41 CENTRAL SHOP, IN THE AMOUNT OF \$160,432 (AB2008-441)
42

43 27. REQUEST APPROVAL FOR THE EXECUTIVE TO AWARD BID 08-95 TO BIDDER
44 DIEHL FORD FOR THE PURCHASE OF FOURTEEN FULL-SIZE POLICE PURSUIT
45 VEHICLES, IN THE AMOUNT OF \$389,422.89 (AB2008-442)
46

47 28. REQUEST APPROVAL FOR THE EXECUTIVE TO AWARD BID 08-98 AND TO
48 ENTER INTO A CONTRACT WITH LOW BIDDER EBENAL GENERAL FOR THE
49 DEMOLITION OF 401 GRAND AVENUE, IN THE AMOUNT OF \$79,132
50 (AB2008-443)
51

52 29. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE
53 PURCHASE OF THE ANNUAL 2009 SUPPLY OF SNOW AND ICE CONTROL

1 PRODUCTS UTILIZING WASHINGTON STATE CONTRACT, IN THE AMOUNT OF
2 APPROXIMATELY \$35,000 (AB2008-444)
3

- 4 30. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE
5 PURCHASE OF THE ANNUAL 2009 SUPPLY OF WATERBORNE TRAFFIC LINE
6 PAINT USING AN INTERLOCAL AGREEMENT WITH PIERCE COUNTY AND
7 VENDOR PERVO PAINT PRODUCTS, IN THE AMOUNT OF APPROXIMATELY
8 \$450,000 (AB2008-445)
9
- 10 31. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO FINALIZE AN
11 APPLICATION WITH SUN LIFE ASSURANCE COMPANY FOR EXCESS (STOP-
12 LOSS) MEDICAL PLAN COVERAGE IN 2009, IN THE AMOUNT OF \$112,436
13 (AB2008-446)
14
- 15 32. REQUEST APPROVAL FOR THE EXECUTIVE TO PURCHASE SOFTWARE
16 LICENSE TO UPGRADE THE NETWORK AND OFFICE SOFTWARE THROUGH A
17 WASHINGTON STATE DEPARTMENT OF INFORMATION TECHNOLOGY
18 CONTRACT WITH VENDOR MICROSOFT, IN THE AMOUNT OF \$211,174.99
19 (AB2008-447)
20
- 21 33. REQUEST APPROVAL OF ADDENDUM #2 TO THE JAIL NURSING AGREEMENT,
22 CONTRACT #200610030 (AB2008-451)
23
- 24 34. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A CONTRACT
25 BETWEEN WHATCOM COUNTY AND THE OPPORTUNITY COUNCIL FOR
26 WHATCOM COUNTY HOMELESS SERVICE CENTER ADMINISTRATIVE
27 SERVICES (AB2008-452)
28
- 29 35. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE THE
30 PURCHASE OF UHF PORTABLE RADIOS FOR THE SHERIFF'S DEPARTMENT
31 UTILIZING THE WASHINGTON STATE CONTRACT, IN THE AMOUNT OF
32 \$54,546.10 (AB2008-454)
33

34
35 **OTHER ITEMS**
36

- 37 1. ORDINANCE AMENDING THE 2008 WHATCOM COUNTY BUDGET,
38 THIRTEENTH REQUEST, IN THE AMOUNT OF \$679,145 (AB2008-403)
39

40 *Nelson* reported for the Finance and Administrative Services Committee and *moved*
41 to adopt the ordinance.
42

43 Caskey-Schreiber asked about the additional funding for Fire District 7, on Council
44 packet page 45, in the amount of \$85,874.
45

46 Dewey Desler, Deputy Administrator, stated the Council approved a contract with
47 Fire District 7 for this issue. The administration budgeted this amount for 2009 to cover the
48 first quarter's expenses, which they are now getting to. The remaining balance of the
49 contract is about \$300,000. The Council approved the contract. This item is the budget
50 authority for that contract.
51

52 *Motion carried unanimously.*
53

1 **2. PROPOSED TECHNICAL AMENDMENT FOR RESOLUTION NO. 2008-077**
2 **(2009-2010 UNREPRESENTED RESOLUTION), SECTION 4.2, TO BE**
3 **EFFECTIVE JANUARY 1, 2009 (AB2008-361B)**

4
5 *Nelson* reported for the Finance and Administrative Services Committee and *moved*
6 to approve the resolution.

7
8 Brenner stated she is against the resolution. She doesn't understand it. She won't
9 vote for something she doesn't understand.

10
11 Caskey-Schreiber stated she doesn't want to vote for any more salary or employee
12 agreements without a grid that includes job description linked to salary classifications. She
13 will vote against the resolution.

14
15 *Motion carried 5-2 with Brenner and Caskey-Schreiber opposed.*

16
17 **3. ORDINANCE AMENDING WCC SECTION 6.04, ANIMAL CONTROL, INCLUDING**
18 **THE ADDITION OF NEW KENNEL LICENSES (AB2008-410)**

19
20 Nelson reported for the Finance and Administrative Services Committee and stated
21 this item is being introduced tonight.

22
23 **4. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A CONTRACT**
24 **BETWEEN WHATCOM COUNTY AND JONES & STOKES ASSOCIATES, INC. FOR**
25 **THE SECOND PHASE OF THE WHATCOM COUNTY COMPREHENSIVE PLAN**
26 **UPDATE AS REQUIRED BY THE WASHINGTON STATE GROWTH**
27 **MANAGEMENT ACT, IN THE AMOUNT OF \$299,993 (AB2008-411)**

28
29 *Nelson* reported for the Finance and Administrative Services Committee and *moved*
30 to approve the request.

31
32 Brenner stated she won't support the motion. She's not pleased with the
33 consultant's performance.

34
35 Fleetwood stated he is in favor of the motion. The fact that Councilmember Brenner
36 didn't like one answer to a question asked at one meeting from one person on the entire
37 consulting team is not a good basis for claiming that the contract should be rejected.

38
39 *Kelly moved* to call the question.

40
41 *Motion to call the question carried 6-1 with Brenner opposed.*

42
43 *Motion to approve carried 6-1 with Brenner opposed.*

44
45 **5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE AMENDMENT**
46 **#5 TO THE INTERLOCAL AGREEMENT WITH LUMMI INDIAN BUSINESS**
47 **COUNCIL FOR IMPROVEMENTS TO LUMMI SHORE ROAD AND LUMMI VIEW**
48 **DRIVE IN THE AMOUNT OF \$50,000 (AB2008-412)**

49
50 *Nelson* reported for the Finance and Administrative Services Committee and *moved*
51 to approve the request.

52
53 *Motion carried unanimously.*

1
2 **6. APPROVAL OF THE PORT OF BELLINGHAM'S REQUEST FOR EDI FUNDING IN**
3 **THE AMOUNT OF \$600,000 IN SUPPORT OF THE NW TERRAQUARIUM**
4 **PROJECT, IN THE FORM OF A GRANT TO BE PAID IN TWO INSTALLMENTS OF**
5 **\$300,000 EACH (AB2008-413)**
6

7 *Nelson* reported for the Finance and Administrative Services Committee and stated
8 the committee failed to recommend this item. He *moved* to approve the request.
9

10 Brenner stated this meeting started by giving credence to the problem of
11 homelessness, and that they're not funding enough services. She anticipates a noticeable
12 increase in homelessness in this year. There is a huge increase in people who are using the
13 food bank this year. An aquarium is a wonderful amenity, but they must be more careful
14 with this amount of money. It's not a good economic time to do this.
15

16 Caskey-Schreiber stated that this project may create new jobs in Whatcom County.
17

18 Weimer stated he agrees with Councilmember Caskey-Schreiber. He was skeptical
19 to begin with. The Board members have put in much time and effort. The project has the
20 best consultants in the country. This project can produce economic development on the
21 waterfront.
22

23 Brenner stated that for this amount of money, they can put people to work on basic,
24 essential services. She's in favor of something like this if they have money left over.
25 However, they aren't taking care of critical essential services.
26

27 ***Motion carried 4-3 with Crawford, Nelson, and Brenner opposed.***
28

29 *(Clerk's Note: Discussion continued, below.)*
30

31 **7. REQUEST APPROVAL FOR THE EXECUTIVE TO SIGN THE WASHINGTON**
32 **STATE CAPITAL FACILITIES GRANT CONTRACT FOR THE INITIAL DESIGN**
33 **AND CONSTRUCTION PHASE OF THE EAST WHATCOM REGIONAL RESOURCE**
34 **CENTER PROJECT IN THE AMOUNT OF \$1,723,750 (AB2008-414)**
35

36 *Nelson* reported for the Finance and Administrative Services Committee and *moved*
37 to approve the request.
38

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

41 **8. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
42 **CONTRACT BETWEEN WHATCOM COUNTY AND SEATTLE CITY LIGHT FOR**
43 **IMPACT PAYMENTS RELATED TO THEIR POWER PLANTS AND DAM LOCATED**
44 **IN WHATCOM COUNTY (AB2008-415)**
45

46 *Nelson* reported for the Finance and Administrative Services Committee and *moved*
47 to approve the substitute request.
48

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

51 **8A. RESOLUTION AUTHORIZING THE EXECUTIVE TO TRANSFER UNEXPENDED**
52 **GENERAL FUND BUDGET AUTHORITY TO SUPERIOR COURT (AB2008-455)**
53

1 **Nelson** reported for the Finance and Administrative Service Committee and **moved**
2 to approve the resolution.

3
4 **Motion carried unanimously.**

- 5
6 **9. ORDINANCE ADOPTING AMENDMENTS TO THE OFFICIAL WHATCOM COUNTY**
7 **ZONING ORDINANCE, TITLE 20, CHAPTER 20.40.193 TO PROVIDE FOR THE**
8 **OPERATION OF WILDLIFE RESCUE REHABILITATION FACILITIES IN THE**
9 **AGRICULTURE ZONING DISTRICT AS A CONDITIONAL USE, AND ALSO**
10 **AMENDING CHAPTER 20.97, DEFINITIONS, TO INCLUDE "WILDLIFE RESCUE**
11 **REHABILITATION FACILITIES" (AB2008-397)**

12
13 **Fleetwood** reported for the Planning and Development Committee and **moved** to
14 adopt the substitute version, which includes two amendments:

- 15 • amend to delete section 20.40.193(11) in Attachment A.
16 • amend, "(8)...nearby agricultural operations. The provisions of WCC 14.02
17 (Right to Farm) shall be in effect."

18
19 **Motion carried unanimously.**

- 20
21 **11. ORDINANCE AMENDING DOCKETING PROCEDURES IN WHATCOM COUNTY**
22 **CODE CHAPTERS 20.10 AND 20.90 (AB2008-399)**

23
24 **Fleetwood** reported for the Planning and Development Committee and **moved** to
25 adopt the substitute version, which includes an amendment:

- 26 • section 20.90.040(4) and **moved** to amend to add language at the end of the
27 section, "All suggested revisions submitted will be forwarded to the County
28 Council for review."

29
30 **Motion carried unanimously.**

- 31
32 **10. ORDINANCE ADOPTING AMENDMENTS TO THE OFFICIAL WHATCOM**
33 **COUNTY ZONING ORDINANCE, TITLE 20, TO INCLUDE REGULATIONS AND**
34 **INCENTIVES THAT RESULT IN THE CREATION OF PEDESTRIAN ORIENTED**
35 **STREETSCAPES IN URBAN GROWTH AREAS; AND ALSO ADOPTING**
36 **AMENDMENTS TO CHAPTER 20.97 TO ADD DEFINITIONS THAT CLARIFY**
37 **TERMS USED TO DESCRIBE ELEMENTS OF THE STREETSCAPE (AB2008-398)**

38
39 **Fleetwood** reported for the Planning and Development Committee. He has a
40 question about holding this item in committee. Councilmember Crawford mentioned that
41 this may be counterproductive to things they want to have in the growth area, which
42 includes the possibility of developing up. He would like the time to confirm the answer to
43 that question. Therefore, he would like to table this item. The committee recommended
44 approval. However, he **moved** to hold in committee to its next meeting on January 13.

45
46 **Motion carried 6-1 with Caskey-Schreiber opposed.**

47
48
49 **OTHER BUSINESS**

50
51 Caskey-Schreiber stated the Opportunity Council received extra funding to help
52 people with energy assistance. The agency will do outreach to the communities. She read
53 the upcoming community outreach schedule.

1
2
3 **OTHER ITEMS**
4

- 5 **6. APPROVAL OF THE PORT OF BELLINGHAM'S REQUEST FOR EDI FUNDING IN**
6 **THE AMOUNT OF \$600,000 IN SUPPORT OF THE NW TERRAQUARIUM**
7 **PROJECT, IN THE FORM OF A GRANT TO BE PAID IN TWO INSTALLMENTS OF**
8 **\$300,000 EACH (AB2008-413)**
9

10 Brenner stated that the Council could have used the money going to this item and
11 put it toward a worthwhile program like the Opportunity Council's power subsidy program.
12

- 13 **12. YEAR END APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS IN**
14 **PREPARATION FOR THE YEAR 2009 (AB2008-305)**
15

16 ***Fleetwood moved*** to nominate all applicants by acclamation.
17

18 **Board of Equalization**
19

20 Caskey-Schreiber voted for Jason Rinne
21

22 Nelson voted for Gordon Stafford.
23

24 Brenner voted for Stafford.
25

26 Weimer voted for Stafford.
27

28 Fleetwood voted for Rinne.
29

30 Kelly voted for Rinne.
31

32 Crawford voted for Stafford.
33

34 The Council appointed Gordon Stafford.
35

36 **Whatcom County Community Network**
37

38 ***Nelson moved*** to appoint Jason Rinne by acclamation.
39

40 ***Motion carried unanimously.***
41

42 **Whatcom County Noxious Weed Control Board**
43

44 ***Nelson moved*** to appoint Dale Yoder by acclamation.
45

46 ***Motion carried unanimously.***
47

48 **Whatcom County Planning Commission - District 3**
49

50 ***Weimer moved*** to appoint John Lesow by acclamation.
51

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

1 Whatcom County Planning Commission - District 2, Vacancy 1

2
3 **Crawford moved** to appoint John Belisle by acclamation.

4
5 **Motion carried unanimously.**

6
7 Whatcom County Planning Commission - District 2, Vacancy 2

8
9 Crawford referenced on Planning Commission applicant George Raper. If appointed,
10 his appointment will be the first time they have a professional, licensed surveyor on the
11 Planning Commission. That would be really helpful. One of those nine positions should be
12 filled by someone whose entire career was spent in a land use practice in Whatcom County.
13 Almost all surveys done in Whatcom County from Ferndale north from 1960 to the mid-
14 1980's were done by George Raper. He has a great foundation and base of knowledge. The
15 other applicants he knows are great guys and would make good Planning Commissioners.
16 However, this is an opportunity they've never had before. He recommends appointing Mr.
17 Raper.

18
19 Fleetwood stated he agrees with Councilmember Crawford. There was a time when
20 all the Planning Commissioners held the same perspective. The Council wanted to change
21 that perspective. He prefers to have a commission with a balance of perspectives.

22
23 Crawford voted for George Raper.

24
25 Kelly voted for Sean David Wilson.

26
27 Fleetwood voted for Raper.

28
29 Weimer voted for Wilson.

30
31 Brenner voted for Wilson.

32
33 Nelson voted for Raper.

34
35 Caskey-Schreiber voted for Wilson.

36
37 The Council appointed Sean David Wilson.

38
39 **13. YEAR END APPOINTMENTS TO FILL VACANCIES OF THE WHATCOM COUNTY**
40 **FLOOD CONTROL ZONE DISTRICT ADVISORY COMMITTEE (AB2008-305A)**

41
42 **Nelson moved** to appointment all the applicants by acclamation.

43
44 *(Clerk's Note: End of tape three, side A.)*

45
46 **Motion carried unanimously.**

47
48 **14. APPOINTMENT TO CONSOLIDATED DRAINAGE IMPROVEMENT DISTRICT #31**
49 **VACANCY. APPLICANT: JAMES HEERINGA (AB2008-406)**

50
51 **Nelson moved** to appoint James Heeringa.

52
53 **Motion carried unanimously.**

1
2 **15. ORDINANCE TO DELETE POLICY 2BB-7 FROM THE CHERRY POINT URBAN**
3 **GROWTH AREA OF THE WHATCOM COUNTY COMPREHENSIVE PLAN**
4 **(AB2008-402)**

5
6 *Kelly moved* to forward to concurrency.
7

8 *Motion carried 6-1 with Crawford opposed.*
9

10 **16. COUNTY EXECUTIVE REQUESTS CONFIRMATION OF HIS NEW**
11 **APPOINTMENTS AND YEAR-END RE-APPOINTMENTS TO THE BOARDS,**
12 **COMMISSIONS AND COMMITTEES (AB2008-449)**

13
14 *Caskey-Schreiber moved* to confirm the requests.
15

16 *Motion carried unanimously.*
17

18 **17. APPROVAL OF THE WHATCOM COUNTY LAW AND JUSTICE 2008 PLAN**
19 **UPDATE AS SUBMITTED BY THE WHATCOM COUNTY LAW AND JUSTICE**
20 **COUNCIL (AB2008-367)**

21
22 *Brenner moved* to approve the update, with the caveat that they can't fund all the
23 high-priority items. Approval isn't a commitment to fund. It's a good plan, but the list is a
24 wish list.
25

26 Nelson asked if the Council must approve the plan or accept the plan.
27

28 Fleetwood stated the Council already indicated that it received the plan. The Law
29 and Justice Council wants the County Council to approve the plan. The original 1993
30 resolution that established the Law and Justice Council says that a plan will be established
31 and approved. It's the County Council's duty, by resolution, to formally approve the plan.
32 It will not be the official plan of the County until all the municipal authorities have also
33 approved it. The Law and Justice Council Chair would like the County Council to approve
34 the plan, even if there isn't funding to staff the Law and Justice Council or implement the
35 prioritized tasks.
36

37 Crawford read from the 2000 resolution. Most items in the plan are high priorities.
38 He is concerned about the prioritization process not being very effective, when they
39 determine that everything is a high priority. If this is the County's plan, it becomes an
40 implementation issues.
41

42 Kelly stated there are many County plans that haven't been funded or implemented.
43 They're not bound to fund the items on the plan.
44

45 Nelson stated that if the concern is whether they are obligated to fund an approved
46 plan, then the Council should take the time to review the plan and reprioritize if necessary.
47 He won't support a plan without having a discussion about why all the items are high
48 priority. They must also start being more realistic.
49

50 *Brenner withdrew* her motion.
51

52 Dewey Desler, Deputy Administrator, stated the original request from the Executive
53 was that the Law and Justice Council put together a consecutive list of projects. The plan

1 adopted in 2000 was also a consecutive list. The recommendation from the Executive was
2 to receive or accept the plan, because it isn't ready to adopt yet for lack of clear
3 prioritization.
4

5 **Fleetwood moved** to refer to committee. To honor their work, the councilmembers
6 should have a work session on the plan.
7

8 Brenner stated she doesn't want to have a work session and prioritize these items.
9 The Law and Justice Council should bring forward a consecutive, prioritized list.
10

11 **Fleetwood withdrew** his motion.
12

13 Caskey-Schreiber stated they can approve the plan with the clear message that the
14 County can't implement the tasks until it figures out funding.
15

16 **Fleetwood moved** approval the Law and Justice Plan with the clear proviso that
17 there are presently no funds available to implement the recommendations as listed.
18

19 Crawford stated he is against the motion. That is more insulting. The plan becomes
20 meaningless. A plan has to be realistic and state obtainable objectives.
21

22 **Motion failed 3-4 with Caskey-Schreiber, Fleetwood, and Kelly in favor.**
23

24 **18. APPROVAL OF SPECIAL "STANDING" MEETINGS OF THE COUNCIL FOR 2009**
25 **(AB2008-408)**
26

27 **Caskey-Schreiber** moved to approve the schedule.
28

29 **Motion carried unanimously.**
30

31 **INTRODUCTION ITEMS**
32

33 **Brenner moved** to accept the Introduction Items.
34

35 **Motion carried unanimously.**
36

- 37
- 38 **1. ORDINANCE ADOPTING AMENDMENTS TO THE BIRCH BAY COMMUNITY**
39 **PLAN RELATED TO TRANSPORTATION FACILITIES (AB2008-448)**
 - 40
 - 41 **2. ORDINANCE INCREASING DISTRICT COURT'S PETTY CASH FUND TO A**
42 **TOTAL OF \$450 (AB2008-450)**
 - 43
 - 44 **3. ORDINANCE AMENDING WCC SECTION 6.04, ANIMAL CONTROL, INCLUDING**
45 **THE ADDITION OF NEW KENNEL LICENSES (AB2008-410)**
46

47 **OTHER BUSINESS**
48

49
50 Crawford stated he appreciated working with the councilmembers this year, despite
51 how often they disagree. This job is very difficult to do on a part-time basis. This is
52 Councilmember Kelly's first year on the Council, and he is very impressed with his
53 professionalism. He thanked all the councilmembers.

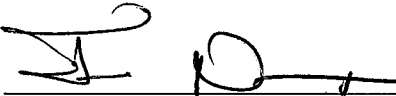
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REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

There were no reports or other items.

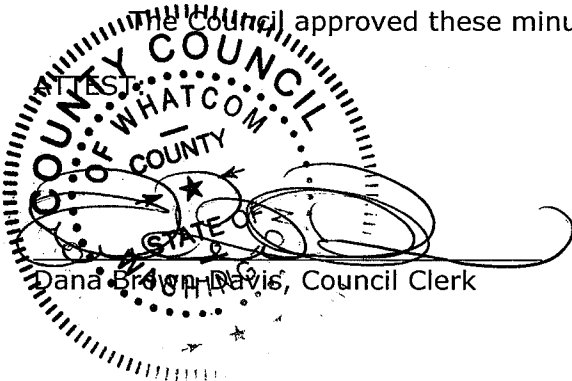
ADJOURN

The meeting adjourned at 11:13 p.m.



Jill Nixon, Minutes Transcription

The Council approved these minutes on February 24, 2009.



Dana Brown Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Carl Weimer, Council Chair