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WHATCOM COUNTY COUNCIL
Regular County Council

August 4, 2009

CALL TO ORDER

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

ROLL CALL

Present: Barbara Brenner, Laurie Caskey-Schreiber, Seth Fleetwood, Bob Kelly, L. Ward Nelson and Carl Weimer.
Absent: Sam Crawford.

FLAG SALUTE

ANNOUNCEMENTS

Fleetwood announced that there was a **strategy planning discussion and positions to be taken regarding collective bargaining (AB2009-282)** and a **discussion with Senior Deputy Prosecutor Karen Frakes regarding pending litigation (AB2009-018)** in executive session during the Committee of the Whole meeting.

OPEN SESSION

(Clerk's Note: The first speaker requested that his/her testimony not be included in the minutes.)

Bob Wiesen, 3314 Douglas Road, stated the "unplanning" process is well on its way. They are putting more weight on how urban people think rural people ought to live. That disturbs him considerably. Tax revenue for Whatcom County government is going to shrink because urban areas will annex the good areas, and the tax base won't be sufficient to provide services. Some services are needed. Allow Mr. Dodson to expand his grocery store and provide that service to the population in his area. Find legal advisors and planners who will write findings and facts to allow those kinds of things. The Growth Management Act has 14 goals they can use. They need affordable business locations for certain types of businesses.

Fleetwood stated they haven't acted on the limited areas of more intense rural development (LAMIRD's) yet. Wiesen stated the Planning Department attitude is that the Council is going to do whatever it wants.

Caskey-Schreiber said she has the same concerns. She spoke to Planning Director Stalheim, who said the County would amend small town commercial zoning to allow expansion of grocery stores to address the Nugent's Corner grocery.

1 Warren Dodson, 3766 Mt. Baker Highway, stated the land has been zoned
2 commercial for eons. They told him he could build there. He put gravel on it and has
3 rented it out as a parking lot for trucks. Now they tell him it's not going to be commercial.
4 It's going to be five- or ten-acre housing. It's only three and a half acres. There is a
5 floodway behind and a street in front. That three and a half acres is suitable for a grocery
6 store to service the east county area.

7
8
9 **PUBLIC HEARINGS**

10
11 **1. ORDINANCE AUTHORIZING PLACEMENT OF TEMPORARY STOP SIGNS ON**
12 **ABBOTT AND VAN DYK ROADS AT THE INTERSECTION OF THIEL ROAD AND**
13 **IMPLEMENTATION OF TEMPORARY WEIGHT RESTRICTIONS ON PORTIONS**
14 **OF ABBOTT, THIEL, AND VAN DYK ROADS FOR THE HANNEGAN ROAD SCOTT**
15 **DITCH BRIDGE NO. 245 REPLACEMENT PROJECT (AB2009-304A)**

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

18
19 *Nelson moved* to adopt the ordinance.

20
21 *The motion carried* by the following vote:

22 Ayes: Brenner, Caskey-Schreiber, Fleetwood, Kelly, Nelson and Weimer (6)

23 Nays: None (0)

24 Absent: Crawford (1)

25
26 **2. ORDINANCE TO AMEND WCC 20.34 RURAL RESIDENTIAL ISLAND**
27 **(AMENDMENT WILL REDUCE THE DENSITY AND MAKE OTHER CHANGES TO**
28 **THE RRI ZONE FOR LUMMI ISLAND) (AB2009-286A)**

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

31
32 Jim Dickinson, 2094 West Shore Drive, Lummi Island, stated it's not true that he's
33 speaking just for his family's benefit. This is not necessary. The water study a few years
34 ago said there is adequate water for one house per acre on Lummi Island. It looks like this
35 will make the existing three-acre lots nonconforming, with all the added expenses. He has
36 only one three-acre lot that this would affect. It would become nonconforming. Leave it
37 the way it is.

38
39 Brenner stated the lot would be nonconforming, but not the use.

40
41 Wanda Cucinotta, 2303 Tuttle Lane, Lummi Island, stated she appreciates the code
42 change and the subarea plan. They forgot lot clustering language in Title 20.34.305. The
43 fourth sentence should not include "or possible future development." In the design
44 standards, in section 20.34.310(3) on Council packet page 113, don't allow the reserve tract
45 to be used for other purposes. In subsection 20.34.310(4), remove "or possible future
46 development." She thanked the Council for looking to the future and saving money and
47 time.

48
49 Hearing no on else, Fleetwood closed the public hearing.

50
51 Brenner asked about the confusion of nonconforming size versus nonconforming use.
52 She asked if the staff can assure the Council that a nonconforming size does not create the
53 kind of problems that a nonconforming use creates.

1
2 David Stalheim, Planning and Development Services Director, stated a lot of record
3 is clearly a lot of record. The use is not nonconforming. Provisions in the zoning code allow
4 anyone with a lot that does not conform to the minimum lot size to build on that lot. There
5 are thousands of nonconforming lots around the county. A use restriction is the problem.
6 As long as one can get a permit on a lot, the insurance company wouldn't have an issue.
7

8 Brenner stated she checked with her insurance company about the rebuild issue. As
9 long as an owner can rebuild, they don't care where it's done on the lot.
10

11 Nelson referenced section 20.34.320 on Council packet page 114 and asked if a
12 reserve or conservation space needs to remain so in perpetuity. Stalheim stated that is
13 correct. That is language the Council introduced and the reason for this hearing.
14

15 Nelson stated subsection 20.34.320(5) references a deed restriction that could be
16 amended. He asked if that could be amended by future Council actions. Stalheim stated
17 the deed restriction refers to any change in zoning that would allow a higher density. That's
18 the reason it talks about mutual agreement.
19

20 Nelson asked if a property owner with a reserve tract could request a zoning change
21 and remove the deed restriction. He asked if the reserve tract, which would be on a deed
22 restriction, could be changed through an action to amend the Comprehensive Plan and
23 zoning, and there would be a public process.
24

25 Roland Middleton, Public Works Department, stated 20.34.320(5) exists for other
26 deed restrictions besides density. To make a change, the Council would have to change the
27 Comprehensive Plan and the zoning code. This purpose of Lummi Island Subarea Planning
28 group is to keep the restrictions in perpetuity, and not be changed. It is different from a
29 reserve tract. If the zoning changes on a reserve tract, the owner can get new density out
30 of that tract. The intent of this is to preserve the reserve tract, even if the density changes.
31 In this case, they are calling it a conservation tract.
32

33 Nelson asked if the County can legally handcuff future councils and generations with
34 land use law and covenants.
35

36 Fleetwood stated their legal advisor can consider it.
37

38 **Caskey-Schreiber moved** to adopt the ordinance and **moved** to amend to delete
39 the last sentence in section 20.34.320(4) and to amend 20.34.310(3) on Council packet
40 page 113, "Where practical, the majority of building sites should be arranged in a cluster or
41 concentrated pattern to be compatible with physical site features, ~~allow for the efficient~~
42 ~~conversion of the "reserve tract" to other uses in the future, and have no more than two~~
43 ~~common encroachments on existing county roads.~~ The arrangement of clustered building
44 lots is intended to discourage development forms commonly known as linear, straight-line
45 or highway strip patterns." The amendment will be consistent with what they've already
46 stated in the conservation tract. This isn't a significant change. The language about
47 conservation tract already lays it out.
48

49 Fleetwood stated they would take the motion and handle the two sections
50 separately.
51

52 Brenner stated some uses in subsection (3) could be beneficial. She won't vote for
53 the motion to amend (3).

1
2 Stalheim stated the term in sections (3) and (4) should be amended, "reserve
3 **conservation** tract."
4

5 Roland Middleton suggested, "Where practical, the majority of building sites should
6 be arranged in a cluster or concentrated pattern to be compatible with physical site
7 features, ~~allow for the efficient conversion of the "reserve tract" to other uses in the future,~~
8 and have no more than two common encroachments on existing county roads."
9

10 **Caskey-Schreiber amended** her motion **and moved** to amend 20.34.310(3) on
11 Council packet page 113, "Where practical, the majority of building sites should be arranged
12 in a cluster or concentrated pattern to be compatible with physical site features, ~~allow for~~
13 ~~the efficient conversion of the "reserve tract" to other uses in the future,~~ and have no more
14 than two common encroachments on existing county roads."
15

16 **The motion carried** by the following vote:

17 Ayes: Brenner, Caskey-Schreiber, Fleetwood, Kelly, Nelson and Weimer (6)
18 Nays: None (0)
19 Absent: Crawford (1)
20

21 **Caskey-Schreiber moved** to amend 20.34.310(4), "...shall be designed to allow
22 access to the reserve **conservation** tract ~~for the purpose of future approved development.~~"
23

24 **The motion carried** by the following vote:

25 Ayes: Brenner, Caskey-Schreiber, Fleetwood, Kelly, Nelson and Weimer (6)
26 Nays: None (0)
27 Absent: Crawford (1)
28

29 Stalheim stated that to be consistent, amend 20.34.305(1), "~~or possible future~~
30 ~~development.~~"
31

32 **Brenner moved** to amend 20.34.305(1), "...suitable for agriculture, forestry, **or**
33 ~~open space or possible future development~~ in accordance with the adopted zoning density
34 requirements, as applied to the entire subdivision or short subdivision."
35

36 **The motion carried** by the following vote:

37 Ayes: Brenner, Caskey-Schreiber, Fleetwood, Kelly, Nelson and Weimer (6)
38 Nays: None (0)
39 Absent: Crawford (1)
40

41 **Weimer moved** to amend to correct a heading in the chart in section 20.34.252
42 "Min. Reserve **Conservation** Area."
43

44 **The motion carried** by the following vote:

45 Ayes: Brenner, Caskey-Schreiber, Fleetwood, Kelly, Nelson and Weimer (6)
46 Nays: None (0)
47 Absent: Crawford (1)
48

49 **Weimer moved** to amend the first paragraph in section 20.34.320, "...intended for
50 agriculture, forestry, **or** open space ~~or future development~~ purposes which does not exceed
51 adopted zoning density requirements, as applied to the entire subdivision or short
52 subdivision."
53

1 **The motion carried** by the following vote:

2 Ayes: Brenner, Caskey-Schreiber, Fleetwood, Kelly, Nelson and Weimer (6)

3 Nays: None (0)

4 Absent: Crawford (1)

5
6 **Weimer moved** to amend the last sentence in 20.34.320(5) on Council packet page
7 114 regarding deed restrictions.

8
9 Karen Frakes, Prosecutor's Office, stated she has concerns about tying up property
10 and preventing future legislative bodies from changing it. That is a principle of law they
11 need to be concerned about.

12
13 **Weimer withdrew** his motion.

14
15 Brenner stated they must remove the reference to "perpetuity" in 20.34.320(3).

16
17 **Brenner moved** to amend by removing the words, "The conservation tract is
18 created for perpetuity and is unbuildable beyond any building...adjacent to the clustered lot
19 it serves for perpetuity."

20
21 **The motion carried** by the following vote:

22 Ayes: Brenner, Caskey-Schreiber, Fleetwood, Kelly, Nelson and Weimer (6)

23 Nays: None (0)

24 Absent: Crawford (1)

25
26 Nelson stated clusters are not rural character. To keep rural character on Lummi
27 Island, do not cluster. In the future, future councils will look at the pattern of development.

28
29 Fleetwood stated he would rather have all the houses built together with a field than
30 one house in the center of every lot.

31
32 Nelson stated clustering is not rural character. Clustering is a daydream of what life
33 should be in an idyllic situation. It will get changed. It will not be idyllic in 20 to 30 years
34 when there will be many tiny communities all over the rural areas.

35
36 Brenner stated she used to support clustering and thought it was a great way to
37 protect agricultural land. There is still support for clustering in the farming community. It's
38 not been helpful. It causes more people to band together and make complaints about
39 resource activity that is allowed to go on. Aesthetically, she would rather see houses on
40 five-acre tracts than a cluster. It looks more rural. Problems from clustered communities
41 are prevented.

42
43 Caskey-Schreiber stated the context of clustering on Lummi Island had to do with
44 the aquifer recharge issue. Many in the community felt they had a better chance of getting
45 their aquifer recharged with large, open tracts of land, not large developments spread out
46 across five-acre tracts.

47
48 Fleetwood stated one purpose is to concentrate development in a way compatible
49 with physical site features.

50
51 Kelly asked if these changes would require a public hearing before adoption. Many
52 people on Lummi Island were adamant about the perpetuity issue.

53

1 Frakes stated it was removed as a matter of legality, not policy.

2
3 Nelson stated clustering would increase water withdrawal, not decrease it. It would
4 be easier to find acreage with access to water for a development with a group B well than
5 individually. They are making it easier to withdraw water in volumes used by the public.

6
7 Caskey-Schreiber stated the advantage of clustering is less impervious surface,
8 which protects the aquifer recharge area. An individual five-acre parcel has a lot of road
9 and driveway. The purpose of clustering is less access onto the major roads. The point is
10 to reduce impervious surfaces so water can go back into the aquifer system.

11
12 Brenner stated there is more activity in a cluster. The roads to individual homes in
13 rural areas are spread out over a broader area. There isn't necessarily any more
14 stormwater runoff from houses that are spread out than there is from a cluster.

15
16 Nelson stated he's confused about how stormwater has been enveloped into water
17 conservation. To do water conservation management, create regulatory requirements on
18 water withdrawal. The zoning is already there.

19
20 ***Brenner moved*** to amend:

- 21 •section 20.34.305(42), "The purpose of lot clustering is to preserve the rural
22 character of Lummi Island and also to provide..." and
- 23 •section 20.34.305(21), "the clustering option is also intended..." and

24
25 ***The motion failed*** by the following vote:

26 Ayes: Brenner and Fleetwood (2)

27 Nays: Caskey-Schreiber, Weimer, Kelly and Nelson (4)

28 Absent: Crawford (1)

29
30 ***The motion to adopt as amended carried*** by the following vote:

31 Ayes: Brenner, Caskey-Schreiber, Fleetwood, Kelly and Weimer (5)

32 Nays: Nelson (1)

33 Absent: Crawford (1)

34
35 **3. ORDINANCE AMENDING WHATCOM COUNTY CODE 16.16, CRITICAL AREAS,**
36 **TO ADD GROUNDWATER PROTECTION MEASURES FOR NORTHERN LUMMI**
37 **ISLAND (AB2009-285A)**

38
39 Fleetwood opened the public hearing, and the following people spoke:

40
41 Jim Dickinson, 2094 West Shore Drive, Lummi Island, stated a special interest group
42 brought this back, and it's draconian. It is going to be very hard for anyone to put in a well
43 anywhere. This is unnecessary. It will cost people incredible amounts of money. The
44 language in the existing 1989 plan is perfectly adequate. Water is available for a density of
45 one house per acre, according to the water study group. The no-growth faction on Lummi
46 Island had a fit when they heard that. The problem on Lummi Island is not a water quantity
47 problem, it is a water delivery problem. Table this item or vote no on this item.

48
49 Wanda Cucinotta, 2303 Tuttle Lane, Lummi Island, stated she is in favor of the
50 ordinance. They worked hard on this issue and conducted a water study. This is the
51 recommendation. It will be harder on people if they build, and find out they don't have
52 adequate water. She is in that situation now. If they implement this program, neighbors
53 can check their wells when someone builds. They will have information on the surrounding

1 wells. This program helps monitor water and see if there will be a future problem. Adopt
2 the ordinance.

3
4 Hearing no one else, Fleetwood closed the public hearing.

5
6 **Caskey-Schreiber moved** to adopt the ordinance. According to the Health
7 Department, there are increased rates of dry wells, arsenic contamination, and increased
8 chloride levels. The 2006 study says this is the methodology to protect the aquifer system.
9 This is what they recommend to protect the Island's water source in the long term.

10
11 **Brenner** stated she has many questions and doesn't understand parts of it. Parts of
12 it are over-the-line. It will definitely provide protection because no one will be able to drill
13 anything. She agrees with monitoring the wells and informing the neighbors when someone
14 drills a well, but testing shouldn't have to be done biannually once they're in. There are no
15 guarantees of having water in perpetuity just because there is a well. Language is missing
16 about a replacement well. She's in favor of informing neighbors of pumping tests when a
17 well first goes in. That's the most they should expect from anyone. To keep having to do it
18 isn't fair. The administrative waiver is cost prohibitive. She **moved** to hold this item.
19 Some of it is fair and good. Other parts are over-the-top.

20
21 Nelson asked about a letter saying there is an increased rate of dry wells, arsenic,
22 contamination, and chloride levels. He asked if the Whatcom County Health Department
23 has taken any action regarding water quality on Lummi Island.

24
25 John Wolpers, Health Department, stated he understands there may be such a letter.
26 He doesn't believe there has been any action on Lummi Island in general. They only act if
27 there is a contamination level that has to be addressed. There may have been some actions
28 on individual, private wells in regard to possible arsenic. That is not uncommon in the
29 county. This is a Title 16 ordinance, not a Health Department issue.

30
31 Nelson asked if the County Health Department imposed any development restrictions
32 on wells around nitrogen contamination in north Whatcom County. Wolpers stated there
33 may have been a specific water line to some areas by the Department of Ecology. For
34 nitrates, private wells have to treat.

35
36 Nelson stated this goes far above and beyond any measure taken in the past in
37 terms of well water. If that's the road they are going to take, hold this item, consult with
38 the Health Department, and develop policies. Singling out a particular area is inappropriate
39 until they have a thorough discussion of how this would be applied countywide. This is an
40 inappropriate legislative action to try and achieve goal it feels is good and noble. The
41 Council would not reach its goal because of the potential consequences on other areas.

42
43 Fleetwood asked if the Health Department has a recommendation for this ordinance.
44 Wolpers stated it is adequate for the study that was done.

45
46 Brenner stated creating too many regulations and costs could be a de facto taking
47 when there may be alternatives. Just because it's adequate doesn't mean it's the only
48 option. She would like to see a countywide ordinance that requires notification of
49 neighboring well owners when someone drills a well. However, this goes way beyond that.
50 After it's done, it shouldn't have to be tested biannually.

51
52 Weimer stated he supports the ordinance. The reason the Lummi Island Subarea
53 Plan was put on hold for years was to wait for this water study. The water study shows salt

1 water intrusion and arsenic on Lummi Island at levels higher than in other parts of the
2 county. That's why they paid \$100,000 for this study, to figure out the best way to control
3 these problems. The first sentence says that replacement wells are exempt. Neighbors
4 have to be notified during an initial pump test, not during biannual testing. He asked what
5 neighbors can do if they find salt water intrusion as a result of a new neighboring well.

6
7 Fleetwood stated they must first deal with the motion to hold.

8
9 **The motion to hold failed** by the following vote:

10 Ayes: Brenner and Nelson (2)

11 Nays: Caskey-Schreiber, Fleetwood, Kelly and Weimer (4)

12 Absent: Crawford (1)

13
14 Middleton stated that if someone damages someone else's property, it's a civil issue.
15 This language gives the neighbors notice so they can test their wells. It's not the County's
16 intent to legislate civil action between neighbors.

17
18 Kelly asked if State water law requires the County to review building permits to
19 prevent that type of issue from developing. Wolpers stated the Health Department submits
20 a water availability report for new wells.

21
22 Kelly asked if this legislation helps the Health Department provide that information.
23 Wolpers stated it does, in regard to the Lummi Island groundwater study and chloride issue.

24
25 Kelly asked if this is protection that assures water availability for a developer when
26 applying for permits. Wolpers stated there are certain criteria the Health Department uses
27 when requiring water availability. One requirement for Lummi Island is a chloride test.

28
29 Brenner stated it's a good thing when built, but not every six months for a select
30 group of people. She agrees with notifying neighbors of a 24-hour test.

31
32 **Nelson** stated those who receive the notice should get a water test. Otherwise, they
33 could say the cause of contamination was the withdrawal. There has to be a baseline to
34 which the neighbors' wells are set. He **moved** to amend 16.16.543(1)(e) and (2)(e), "...for
35 the testing. **Those notified with concerns shall submit for testing during this period.**" He
36 asked who does the testing. Middleton stated the code indicates the contamination levels.
37 Anyone licensed to pull or test can submit to the Health Department, for those wells
38 required. He preferred to leave that out. They aren't looking to start a neighborhood
39 argument. All they're doing is notifying the neighbors that this is going on. One citizen
40 says they will pull thousands of gallons of water during a 24-hour test. That is a lot of
41 water. The committee was concerned about letting people know that's going on. They are
42 just letting people know that their neighbor will do this pump test. It will only happen for
43 two-party and non-domestic wells pulling more than 250 gallons per minute. There is no
44 action provided by Whatcom County. If neighbors have concerns, their action is up to
45 them.

46
47 **Nelson withdrew** his motion.

48
49 Brenner asked what happens if two people put in two wells that are 200 feet apart,
50 but are still within 1,000 feet. Middleton stated the pump test is not required for individual
51 wells.

1 Brenner stated two wells can do the same amount of draw-down as one well for two
2 people. Middleton stated the distance apart makes the cone of influence so low that the
3 quality concerns shouldn't be there. They are not requiring all this other testing for a single
4 family residence.
5

6 Brenner stated there will still be an overlap in the circumferences around the two
7 wells, with draw-down potential. Middleton stated the cone of influence is much shallower
8 and less steep.
9

10 Brenner stated the two concentric circles of 1,000 feet are around the two areas that
11 are 200 feet apart. The two cones of influence come together and the area is quite big.
12 Middleton stated the two cones that come together are very small.
13

14 Brenner stated she doesn't think they are small.
15

16 ***The motion to adopt carried*** by the following vote:

17 Ayes: Caskey-Schreiber, Fleetwood, Kelly and Weimer (4)

18 Nays: Brenner and Nelson (2)

19 Absent: Crawford (1)
20
21

22 **CONSENT AGENDA**

23

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

27 ***The motion carried*** by the following vote:

28 Ayes: Brenner, Caskey-Schreiber, Fleetwood, Kelly, Nelson and Weimer (6)

29 Nays: None (0)

30 Absent: Crawford (1)
31

- 32 1. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD BID #09-50**
33 **AND ENTER INTO A CONTRACT WITH LOW BIDDER, WELLMAN & ZUCK**
34 **CONSTRUCTION LLC, FOR THE DEMOLITION OF ELEVEN BUILDINGS AT BAY**
35 **HORIZON PARK, IN THE AMOUNT OF \$220,640.18 (AB2009-334)**
36
- 37 2. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A SUB-**
38 **RECIPIENT AGREEMENT BETWEEN WHATCOM COUNTY AND THE KULSHAN**
39 **COMMUNITY LAND TRUST FOR ADMINISTERING AND COMPLETING THE**
40 **HOUSING AFFORDABILITY PROJECT, IN THE AMOUNT OF \$500,000 (GRANT**
41 **FUNDING THROUGH CTED) (AB2009-330B)**
42
- 43 3. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
44 **CONTRACT BETWEEN WHATCOM COUNTY AND LAND DEVELOPMENT**
45 **ENGINEERING AND SURVEYING, INC. FOR DESIGN ASSISTANCE OF**
46 **STORMWATER PROJECTS IN THE LAKE WHATCOM AND BIRCH BAY**
47 **WATERSHEDS, IN THE AMOUNT OF \$131,650 (AB2009-335)**
48
- 49 4. **REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO PURCHASE**
50 **COMPUTER EQUIPMENT FOR THE ASSESSOR/TREASURER REPLACEMENT**
51 **PROJECT FROM VENDOR IBM, IN THE AMOUNT OF \$86,899.42 (AB2009-**
52 **336)**
53

1
2 **OTHER ITEMS**
3

4 **1. RESOLUTION ADOPTING A BUDGET AND WORK PLAN FOR THE BIRCH BAY**
5 **WATERSHED AND AQUATIC RESOURCES MANAGEMENT DISTRICT FOR THE**
6 **REMAINDER OF 2009 (AB2009-315)**
7

8 *(Clerk's Note: Council acting as the Whatcom County Flood Control Zone District*
9 *Board of Supervisors. Board Chair Weimer assumed the duties of the Chair for this portion*
10 *of the meeting.)*
11

12 **Weimer** reported for the Natural Resources Committee and ***moved*** to approve the
13 resolution. The money amount of the salary item is reduced to \$207,060, for a total net
14 effect of \$522,940. His motion includes the substitute for attachment A, substituted earlier
15 today.
16

17 ***The motion carried*** by the following vote:

18 Ayes: Brenner, Caskey-Schreiber, Fleetwood, Kelly, Nelson and Weimer (6)

19 Nays: None (0)

20 Absent: Crawford (1)
21

22 **2. ORDINANCE AMENDING THE 2009 WHATCOM COUNTY BUDGET, NINTH**
23 **REQUEST, IN THE AMOUNT OF \$974,174 (AB2009-329)**
24

25 **Nelson** reported Finance and Administrative Services Committee and ***moved*** to
26 adopt the ordinance.
27

28 ***The motion carried*** by the following vote:

29 Ayes: Brenner, Caskey-Schreiber, Fleetwood, Kelly, Nelson and Weimer (6)

30 Nays: None (0)

31 Absent: Crawford (1)
32

33 **3. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO AN**
34 **AMENDMENT TO THE CONTRACT BETWEEN WHATCOM COUNTY AND JONES**
35 **& STOKES ASSOCIATES, INC. FOR EXTENSION OF THE SCOPE OF SERVICES**
36 **RELATED TO THE WHATCOM COUNTY COMPREHENSIVE PLAN UPDATE, IN**
37 **THE ADDITIONAL AMOUNT OF \$24,550, FOR A TOTAL CONTRACT AMOUNT**
38 **OF \$324,543 (AB2009-333)**
39

40 **Nelson** reported Finance and Administrative Services Committee and ***moved*** to
41 approve the request.
42

43 Brenner stated they have spent too much money on consultants.
44

45 ***The motion carried*** by the following vote:

46 Ayes: Caskey-Schreiber, Fleetwood, Kelly, Nelson and Weimer (5)

47 Nays: Brenner (1)

48 Absent: Crawford (1)
49

50 **4. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE'S APPOINTMENT OF**
51 **JUDITH PHILLIPS TO THE WHATCOM COUNTY RURAL LIBRARY BOARD**
52 **(AB2009-337)**
53

1 *Nelson moved* to confirm the appointment.
2

3 *The motion carried* by the following vote:

4 Ayes: Brenner, Caskey-Schreiber, Fleetwood, Kelly, Nelson and Weimer (6)

5 Nays: None (0)

6 Absent: Crawford (1)
7

8
9 **INTRODUCTION ITEMS**

10
11 *Weimer moved* to accept the Introduction Items.
12

13 *The motion carried* by the following vote:

14 Ayes: Brenner, Caskey-Schreiber, Fleetwood, Kelly, Nelson and Weimer (6)

15 Nays: None (0)

16 Absent: Crawford (1)
17

- 18 1. **ORDINANCE AMENDING, ON AN INTERIM BASIS, THE DEFINITION OF**
19 **"PARCEL" IN THE AGRICULTURE PROTECTION OVERLAY (APO) ZONE**
20 **(AB2009-338)**
21
- 22 2. **ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE PLAN**
23 **AND ZONING MAP DESIGNATION FOR TWO PARCELS LOCATED AT 4813**
24 **LOOKOUT AVENUE (AB2009-339) (CONCURRENT REVIEW REQUIRED)**
25
- 26 3. **APPLICATION FOR THE 2009/2010 JUSTICE ASSISTANCE GRANT**
27 **APPLICATION TO PARTIALLY FUND A DRUG COURT COORDINATOR**
28 **POSITION (AB2009-340)**
29
- 30 4. **ORDINANCE IMPOSING AN INTERIM MORATORIUM ON THE ACCEPTANCE**
31 **OF NEW APPLICATIONS FOR DIVISIONS OF LAND RESULTING IN LOTS**
32 **SMALLER THAN FIVE ACRES WITHIN THE LAKE WHATCOM WATERSHED**
33 **(AB2009-332)**
34
- 35 5. **APPLICATION FOR THE BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**
36 **FOR THE SHERIFF'S OFFICE, IN THE AMOUNT OF \$92,844 (AB2009-341)**
37
38

39 **OTHER BUSINESS**

40
41 Weimer reported for the Natural Resources Committee on the **ordinance**
42 **prohibiting, on an interim basis, the illegal and illicit discharge of hazardous**
43 **materials and non-stormwater run-off to the county's municipal separate storm**
44 **sewer system (MS4) (AB2009-320B)**. The committee amended the ordinance, which
45 will be introduced in September.
46

47 Brenner stated she would like to reopen discussion and prioritization of the budget.
48 Use the Pierce County process to set priorities for the budget.
49

50 Fleetwood stated they can schedule it in the Finance Committee during the first
51 meeting in September.
52

1 Nelson stated Mr. Desler will schedule a budget discussion with Dr. Hart Hodges
2 during the first Finance Committee meeting in September. He is confident the
3 administration will address all the questions brought forward today regarding the budget
4 and future actions. If councilmembers have specific courses of action, give those to the
5 administration to allow the administration to respond.
6

7 Brenner stated the Council has to set a general prioritization, not individual
8 councilmembers. Pierce County did theirs very well.
9

10
11 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**
12

13 There were no reports or other items from Councilmembers.
14

15
16 **ADJOURN**
17

18 The meeting adjourned at 8:28 p.m.
19

20
21 _____
22 Jill Nixon, Minutes Transcription
23

24 The Council approved these minutes on September 15, 2009.
25

26
27 Please contact the Council Office to obtain an
28 official, signed copy:
29
30 360-676-6690 or council@co.whatcom.wa.us
31
32