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WHATCOM COUNTY COUNCIL  
**Regular County Council**

May 25, 2010

**CALL TO ORDER** (7:03:45 PM)

Council Chair Sam Crawford called the meeting to order at 7:03 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

**ROLL CALL**

**Present:** Barbara Brenner, Sam Crawford, Kathy Kershner, Bill Knutzen, Ken Mann, L. Ward Nelson and Carl Weimer  
**Absent:** None

**FLAG SALUTE**

**ANNOUNCEMENTS** (7:04:29 PM)

Crawford announced there was a **Strategy planning discussion and positions to be taken regarding collective bargaining (AB2010-018)** in executive session during the Committee of the Whole meeting.

Crawford also announced that the Committee of the Whole had a **discussion of Growth Management Act requirements and the Planning Commission recommendations (AB2010-072)** and **discussion regarding the draft Public Participation Plan for the periodic review required by the Growth Management Act (RCW 36.70A) (AB2010-210)**

*Brenner moved* to approve the draft public participation plan.

The motion carried by the following vote:

**Ayes:** Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (6)  
**Nays:** None (0)  
**Absent:** Nelson (1) (out of the room)

**MINUTES CONSENT** (7:06:29 PM)

*Brenner moved* to approve the Minutes Consent items.

The motion carried by the following vote:

**Ayes:** Nelson, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)  
**Nays:** None (0)

1. **SPECIAL COMMITTEE OF THE WHOLE FOR MAY 11, 2010**
2. **COMMITTEE OF THE WHOLE FOR MAY 11, 2010**

1 **3. REGULAR COUNTY COUNCIL FOR MAY 11, 2010**

2  
3  
4 **OPEN SESSION** (7:07:24 PM)

5  
6 The following people spoke:

- 7 • Paul Isaacson, 3940 Isaacson Road, submitted and read from a handout (*on*
- 8 *file*) on a development rights (TDR) program application.
- 9 • Yoshi Revelle, 4026 Willowbrook Lane, spoke about children's health.
- 10 • Dale Kinsley, 2744 N. Nugent Road, Lummi Island, spoke about Lummi Island
- 11 ferry service.
- 12 • Bob Bush, 3612 Sunrise Road, Lummi Island, spoke about Lummi Island ferry
- 13 service effects to emergency services.
- 14 • Brent Biermann, 1401 Marietta Avenue, Rural Avenue Neighborhood
- 15 Association, spoke about jail siting.
- 16 • Miley Lopez, Nooksack Valley High School 8<sup>th</sup> grade student, spoke about E-
- 17 Verify.
- 18 • Karim Ortega, Nooksack Valley High School 8<sup>th</sup> grade student, spoke about E-
- 19 Verify.
- 20 • John Lesow, Point Roberts, submitted and read from a handout (*on file*)
- 21 regarding the safety factor in land use planning.
- 22 • Lisa Wolkus, 3811 Constitution Road, Lummi Island, spoke about ferry
- 23 service.
- 24 • (*Clerk's Note: The speaker following Ms. Wolkus requested that his/her*
- 25 *testimony not be included in the minutes.*)
- 26 • Bob Weisen, 3314 Douglas Road, Ferndale, submitted a handout (*on file*) and
- 27 spoke about an event hosted by the Washington Policy Center and land
- 28 supply.
- 29 • Greg Brown, 4363 Saddlestone Drive, Bellingham, submitted and read from a
- 30 handout (*on file*) regarding a pipeline safety ordinance.
- 31 • Jim Dickinson, 2094 West Shore Drive, Lummi Island, spoke about ferry
- 32 sizes.
- 33 • Shane Roth, 3925 E. Connecticut Street, Bellingham, spoke about retaining
- 34 good County employees.

35  
36 Council Chair Crawford asked County Executive Kremen to provide an update on the  
37 ferry issue.

38  
39 Pete Kremen, County Executive, described the status of negotiation with the Lummi  
40 Nation. They have been working with the Lummi Nation for months, and are continuing to  
41 do so. Legal counsel have been in contact with members of the Lummi Tribe. Things have  
42 hit a snag, but discussion has not broken down. The Council has asked the administration  
43 to discuss with the Port of Bellingham any possibilities of using the facilities at the cruise  
44 terminal. They cannot provide much information because the Tribe insisted on an embargo  
45 on communications about negotiations. They are not resigned to going to the cruise  
46 terminal. He is optimistic they will be able to negotiate with the Lummi Nation. The  
47 administration will meet with the Lummi Nation probably in a couple of weeks. They have  
48 the public's best interest in mind. The County Council will ultimately decide where the ferry  
49 goes. Before that decision is made, the administration and Council will give the Lummi  
50 Island residents an opportunity to explain their preferences. (7:51:27 PM)

1 **PUBLIC HEARINGS**

2  
3 **1. ORDINANCE AMENDING WHATCOM COUNTY CODE, TITLE 20, TO REDUCE**  
4 **DEVELOPMENT POTENTIAL IN ZONING DISTRICTS WITHIN THE LAKE**  
5 **WHATCOM WATERSHED (AB2010-185) (7:52:26 PM)**  
6

7 Crawford opened the public hearing and the following people spoke:

8  
9 Bob Wiesen, 3314 Douglas Road, stated they are concerned about taking  
10 development rights from agricultural land, yet they are willing to downzone these properties  
11 without compensation.  
12

13 Abe Jacobsen, 2314 Samish Way, Bellingham, stated it is a complicated problem.  
14 There is no way to please everyone, but this is necessary to protect the water supply for  
15 100,000 people. It's a disaster to build concentrated density. Most municipalities and  
16 States sequester land for their reservoir and restrict use. They need to protect the future  
17 drinking water supply.  
18

19 Clair Fogelsong, City of Bellingham, stated the City supports the ordinance for the  
20 reasons stated in the whereas statements. Preventing additional development helps their  
21 joint efforts to improve Lake Whatcom water quality.  
22

23 Paul Isaacson, 3940 Isaacson Road, stated he would lose 130 units or 65 acres,  
24 totaling \$6 million to \$10 million. Executive Kremen and Interim Planning Director Sam  
25 Ryan have always been accessible and easy to work with. There are some good people  
26 here. There are also deceptive staff who don't want to answer questions. The County is not  
27 going to steal from him, or he'll sue the County.  
28

29 Marian Beddill, 2700 Old Fairhaven Parkway, stated she supports comments made by  
30 Abe Jacobsen and Clair Fogelsong. Support the ordinance. Water supply treatment can  
31 create cancer-causing organisms that remain in the drinking water supply. Pollution in the  
32 watershed tends to cause cancer in the people who drink the water. Keep that  
33 consideration in mind. Allowing development is an action to cause harm to those who drink  
34 the water containing cancer-causing organisms. With respect to Mr. Isaacson, the County  
35 Council doesn't protect stock market investors. Real estate investment is a risk.  
36

37 Charles Rendina, 1991 Lake Whatcom Boulevard, stated he is opposed to the  
38 ordinance and requested the decision be tabled until August. The moratorium is too broad.  
39 It doesn't allow for unique circumstances. Many people are struggling to hold on to their  
40 homes. Don't take away their value. Reconsider in August.  
41

42 Wendy Harris, Bellingham, stated a downzone does not provide anyone with a  
43 compensable property right. Zoning does not confer a property rights. There is a clear  
44 connection between water quality and impervious surfaces connected with development.  
45 Downzoning is an appropriate use of the County's police powers and is not subject to a valid  
46 claim of a regulatory taking. If a property owner has a vested right to subdivide, they  
47 aren't affected by the downzone. Otherwise, the County has no legal obligation to  
48 compensate these watershed property owners. The County must restore water quality and  
49 comply with the total maximum daily load (TMDL) permit. The County needs money to  
50 comply. County money must be applied to the public welfare, not the benefit of a few  
51 property owners who don't have a legal right to compensation.  
52

53 Hearing no one else, Crawford closed the public hearing. (8:11:04 PM)

1  
2 **Brenner moved** to hold in Council until they can get answers on the boundary lines  
3 presented by Mr. Isaacson. His property is not in the watershed.  
4

5 Nelson stated there has to first be a motion to consider the ordinance and discussion.  
6

7 **Brenner moved** to adopt the ordinance. Mr. Isaacson donated a bunch of his land  
8 to the downzone eight or nine years ago. This was the part of the property that the County  
9 determined is not in the Lake Whatcom watershed.  
10

11 **Brenner withdrew her motion** to hold to allow discussion.  
12

13 Weimer stated he supports the motion. He asked the reason for the motion to hold.  
14 Mr. Isaacson had a concern about some of his parcels not being in the watershed. If that's  
15 his concern, the Code addresses it. The Code specifically says that the maps are not the  
16 definitive maps for the watershed. If someone can do an analysis to show that property is  
17 outside the watershed, the property wouldn't be included in the ordinance.  
18

19 Brenner stated Mr. Isaacson went through that years ago. The analysis was done.  
20 Someone recently changed the boundary of the watershed. Mr. Isaacson deserves to get  
21 that cleared up before the Council votes on it. Don't make him go through an expensive  
22 and timely process again. Get an answer.  
23

24 Kershner stated she agrees with speakers who said they need to protect the drinking  
25 water. This County is also trying to preserve farmland. They are paying people who own  
26 farmland for their development rights. The drinking water is just as important as the  
27 farmland. Watershed property owners also need to be compensated. If they pay  
28 compensation to protect the farmland, they should also pay compensation to protect  
29 drinking water. She does not support this ordinance until they can come with a way to pay  
30 property owners, just like they do to protect farmland.  
31

32 Mann stated he is in favor of a motion to hold, given what Mr. Isaacson has been  
33 through with staff. It's reasonable to make sure they have identified the exact properties.  
34

35 Nelson stated he remembers Mr. Isaacson speaking in favor of the moratorium. He  
36 was afraid Mr. Isaacson would lose his ability to use his land, because people would lose  
37 track of why they did the moratorium. The purpose of the moratorium was to develop  
38 regulatory practices for development in the watershed that provides necessary protection.  
39 The County is obligated to the public to have a level playing field. Don't take away people's  
40 investments. Regarding cancer from drinking water, they are far from having any type of  
41 treated water that would cause a risk of cancer. There has never been an epidemiological  
42 study on Bellingham water's potential for providing problems. It's inappropriate to scare  
43 the public in that way. There are problems with water sources that can cause disease  
44 states, such as cholera and dysentery. There are problems from the cities as well. Don't  
45 simply say that they should take away a rural property owner's ability to use their lands as  
46 designated by zoning.  
47

48 **Brenner amended her motion and moved** to refer to the Planning and  
49 Development Committee in two weeks or four weeks, depending on Council's schedule, to  
50 determine if Mr. Isaacson's parcels are in the watershed.  
51

52 The motion carried by the following vote:

53 **Ayes:** Crawford, Brenner, Knutzen and Mann (4)

1           **Nays:**           Kershner, Nelson and Weimer (3)

2  
3   **2.    ORDINANCE AMENDING THE WHATCOM COUNTY CODE, ON AN INTERIM**  
4   **BASIS, TO ALLOW FOR A ONE-TIME, TWO YEAR ECONOMIC HARDSHIP**  
5   **EXTENSION TO LAND USE PERMIT EXPIRATIONS (AB2010-180) (8:26:32 PM)**

6  
7           Crawford opened the public hearing and the following people spoke:

8  
9           Bob Weisen, 3314 Douglas Road, stated he is in favor of the ordinance. It's fair. A  
10   lot of energy has gone into some of these proposals, but they can't go forward because of  
11   financing and other things. Help the community.

12  
13          Lesa Kroontje, Lynden, stated the point of the ordinance is to allow people to  
14   continue with projects as they were at the time they were vested. In many cases, the  
15   projects have already begun to develop their infrastructure. They are allowing people to  
16   continue projects that would have already been complete, but for the economic issues.  
17   Approve the ordinance.

18  
19          Mann asked if permit applications not yet approved would be included in this  
20   extension. Kroontje stated that if there has already been a determination of completeness  
21   for a project, such as a short plat that has already received a notice of additional  
22   requirements. It applies to anything that's been submitted, with a deadline.

23  
24          Bill Henshaw, 2653 North Park Drive, Bellingham, stated he is in favor of the  
25   ordinance. Protect construction and development interests in this county. No financial  
26   downturn has been as financially devastating. People must have an opportunity to realize  
27   their investments. Now, appraisals and financing are problems with any speculative project.  
28   The Council must approve this to protect those investments, developers, and contractors  
29   that make up 20 percent of the economic base in Whatcom County.

30  
31          Lance Clark, Building Industry Association (BIA) Executive Director, stated he  
32   supports the ordinance. Provide the opportunity for individuals to extend their approved  
33   permits and protect their economic contributions and vesting.

34  
35          Doug Campbell, Associated Project Consultants, submitted a handout (*on file*) and  
36   stated he supports the ordinance. He read a list of jurisdictions that have already approved  
37   similar extensions. Requiring someone to start over is an unnecessary burden. Adopt the  
38   ordinance. He suggests a fee of \$100 per application to keep track of the extensions.

39  
40          Mann asked if the Ferndale and Bellingham extensions are similar or identical.  
41   Campbell stated none are exactly the same. He described the different extensions.

42  
43          Roger Almskaar, Land Use Consultant, stated that since the Growth Management Act  
44   (GMA) was implemented, short platting has become much more complicated, costly, and  
45   uncertain. Many people who would benefit from this are small land owners, not big land  
46   developers.

47  
48          Jack Swanson, 900 Dupont, Bellingham, stated they need this legislation. It may  
49   take longer than two years for lenders to become active again. There is no financing  
50   available right now. The permit process is slow and costly. When the economy improves,  
51   they will need shovel-ready projects, not projects that must repeat the process. Many  
52   jurisdictions have allowed this extension already. The Revised Code of Washington (RCW)

1 58.17.140 was amended to extend the time limit for long subdivisions from five years to  
2 seven years. Set the fee now, rather than later. He supports a fee of \$100 per application.  
3

4 Joseph Garcia, 11061 Whistler Lane, Glacier, stated he is in favor of the ordinance.  
5 Glacier is one of the poorest communities in Whatcom County. He described his project.  
6 The extension is important to this project.  
7

8 Wendy Harris, Silver Beach resident, stated she is concerned about this proposed  
9 ordinance. The revised version is shocking. She is concerned about extending vesting  
10 rights to something that has expired. There is no legal basis for allowing that. When  
11 something has expired, it doesn't exist. She is concerned about authorization for extensions  
12 regarding critical areas ordinances. There are special considerations and federal  
13 requirements that have to be met. It's not something that they can mess with. It's  
14 troubling that every speaker supporting this amendment is in the development community.  
15 They don't hear people from the public talking about this. These are complicated issues.  
16 It's not in their interest. The Washington Supreme Court held that development interests  
17 and due process rights protected by the Vested Right Doctrine come at a cost to the public  
18 interest. A proposed development that does not conform to newly adopted laws is against  
19 the public interest embodied in these laws. The Vested Rights Doctrine is a balance  
20 between private property rights and the public interest. She asked how this ordinance  
21 benefits the public. The ordinance is unclear and sloppy. It seems to apply in shoreline  
22 areas. Provisions don't cite where they'll be placed in one of the four regulations being  
23 amended. It is confusing.  
24

25 Shane Roth, 3925 E. Connecticut, Bellingham, stated he opposes the ordinance.  
26 They don't know how much revenue will be lost without the extension. The County  
27 government's role is not to insulate citizens from the inherent risks associated with real  
28 estate investment. This County can't afford that role. This sets a bad precedence. The  
29 developers and landowners did not experience this economic hardship alone. The entire  
30 community has suffered the hardship, but the entire community won't benefit. The  
31 community will have to take on the added cost of this ordinance, without an accurate  
32 estimate of what that cost would be. He would like to see those calculations.  
33

34 Chet Dow, 5491 Woodfern Way, Bellingham, stated property rights are a  
35 fundamental, God-given right. Twenty percent of the county's economy was related to  
36 construction activity, which means jobs. Local government should be more concerned  
37 about jobs that pay a living wage. This ordinance will address the need for jobs, more  
38 economic development, and a healthier economy in Whatcom County. The public will  
39 benefit from that economic activity. A lot of staff time went into the projects. He asked  
40 why they would go through that again. Staff is already over-burdened.  
41

42 Hearing no one else, Crawford closed the public hearing. (8:53:22 PM)  
43

44 **Brenner moved** to adopt the ordinance. This is an inexpensive way for County  
45 government to show support for jobs and people in the community. They can provide jobs  
46 this way, at the front end, or they will have to provide more services at the other end for  
47 people who are going under. She doesn't believe they should let people go under because  
48 someone thinks they will apply again. This is a very creative way to show sensitivity and  
49 support. They should have done this sooner.  
50

51 Mann stated he totally supports the concept. It's fine to allow some extensions.  
52 They heard comments about the cost to the community for doing this. He doesn't see what  
53 a lot of costs would be, other than lost permit fees the second time around, which doesn't

1 feel that fair. He is in the real estate business. He owns properties and fixes them up. He  
2 risks his money. He stopped acquiring properties and taking out highly leveraged loans  
3 three years ago, because he could see this coming. He's not approving this because it  
4 protects the developers. That's not their role. Having 20 percent of their economy wrapped  
5 up in the building and development industry wasn't sustainable. They aren't ever going to  
6 see those levels again. His real concern is about the amendments made the last couple of  
7 weeks. He needs rationale about the dates in the amendments. It seems overly broad to  
8 go back to January 1, 2009. He can't support the ordinance without the rationale behind  
9 the dates in the recent amendments.

10  
11 Crawford stated the market began to collapse September 2007. By January 2007,  
12 the secondary financing market for unconstructed land evaporated. They could have gone  
13 back further than January 1, 2009. The draft ordinance was not retroactive to the current  
14 economic situation. The dates are based on the current economic crisis. It is a little bit  
15 arbitrary.

16  
17 Mann asked if that encompasses permits that may have been issued as far back as  
18 2004 through 2006. That goes back really far.

19  
20 Crawford stated they are aware of the situations of larger developers, but it has  
21 trickled down affect every landowners access to financing.

22  
23 Nelson asked about fees.

24  
25 Tyler Schroeder, Planning and Development Services Department, stated that either  
26 the Council can establish an appropriate fee, or the Department can use the applicable fee  
27 for an extension in the Unified Fee Schedule. An extension generally takes from one to  
28 three hours.

29  
30 Weimer stated it makes sense in this economic downturn to help people who have  
31 already paid their money to keep things alive. Other jurisdictions have done a lot more  
32 analysis of what they're getting. He asked how many projects are involved. Schroeder  
33 stated they haven't done that review. This is an interim ordinance. That analysis would be  
34 done once it is scheduled before the Planning Commission in August to make the ordinance  
35 permanent.

36  
37 Weimer stated he would also like to know where these permits are. Extending some  
38 of these projects may not be good for the public benefit, if they are in lands they are trying  
39 to protect or in the watershed. He wouldn't want people to divide lands in the rural study  
40 areas, and then have to try and buy back those development rights. Schroeder stated he  
41 doesn't have that information at this point. They may go through that identification process  
42 through the Planning Commission process.

43  
44 Weimer asked if they agree that this does not apply to critical areas within shoreline  
45 jurisdictions, according to the State Department of Ecology. Schroeder stated critical area  
46 assessment reports have a five year timeframe. They are extending that by two years for  
47 critical area assessment reports. He hasn't reviewed Barry Wenger's email about shoreline  
48 jurisdiction. Other than the critical area assessment report, this ordinance does not talk  
49 about shoreline jurisdiction or any timeframes associated with shoreline permits. The State  
50 law determines those timeframes.

51

1            **Weimer** stated he is in favor of this, but will vote against it until they get answers to  
2 these questions. He **moved** to hold in Planning and Development Committee until the  
3 Council receives answers to these questions.

4  
5            The motion to refer to the Planning and Development Committee failed by the  
6 following vote:

7            **Ayes:**            Weimer, Mann and Brenner (3)

8            **Nays:**             Knutzen, Crawford, Nelson and Kershner (4)

9  
10           The motion to adopt the ordinance carried by the following vote:

11           **Ayes:**             Nelson, Crawford, Brenner, Knutzen, Mann and Kershner (6)

12           **Nays:**             Weimer (1)

13  
14 **3.        ORDINANCE AMENDING WHATCOM COUNTY CODE, TITLE 20, TO CLARIFY**  
15 **AND REVISE THE DEFINITION AND STANDARDS OF HOME OCCUPATIONS**  
16 **(AB2010-047) (REVISED VERSION) (9:11:05 PM)**

17  
18           Brenner stated there was an article in the Bellingham Herald. The reporter will make  
19 clarifications. This Council has eased regulations with home occupations, not made them  
20 stricter, as appeared in the newspaper. The Council identified the lesser impacting types of  
21 cottage industries and determined that people no longer need permits.

22  
23           Crawford opened the public hearing and the following people spoke:

24  
25           Bob Wiesen, 3314 Douglas Road, Ferndale, stated this is a great improvement, but  
26 needs clarification. On Council packet page 216, section 2.84.150(A)(6)(2), define  
27 adequate screening. In section 2.84.150(A)(9), e-commerce sales is still questionable,  
28 given the other wording. Add a new sentence, "Off site and e-commerce sales will be  
29 allowed." In section 2.84.150(A)(11), it says that storing building materials for other  
30 properties is prohibited. Remove that restriction.

31  
32           Gina Brester, Ferndale, stated she is concerned about vehicle requirements and  
33 storing building materials for other properties. Her husband is a contractor. Their property  
34 is not littered, but they don't qualify for home occupation under these restrictions. They  
35 have a considerable investment in their property for their business. Allowing only two  
36 vehicles on four and a half acres isn't many.

37  
38           Ron Roosma, 4977 Wahl Road, stated allow a contractor to store materials on-site.  
39 Contractors need to be able to store form boards, or a sewer contractor needs pipes. The  
40 regulation could designate a specifically-sized area, such as 20 feet by 20 feet or 40 feet by  
41 40 feet, for that storage use.

42  
43           Tom Pullar, 2499 E. Smith Road, stated allow one or more vehicles on five acres or  
44 less. They're all out there trying to make a living. This regulation makes it difficult. He  
45 can't afford the cottage industry. Work with the small business owners.

46  
47           Kathleen Watkins, 983 Old Samish Way, Bellingham, stated they own equipment and  
48 trucks. She explained the history of her family's business. People are working hard and the  
49 County is making it hard.

50  
51           Brad Bytnar, 2607 Lochcarron Drive, Ferndale, stated he is considering purchasing a  
52 home based business. He asked if a home-based business can still be run out of a location  
53 if it's been sold to another party.

1  
2 Crawford stated the Code has to do with use. It's not a business licensing issue.  
3

4 Levy Nyberg, 1816 Harksell Road, Ferndale, stated he is a small contractor with  
5 three pieces of equipment. He asked the definition of a vehicle. He is also concerned about  
6 vehicle storage outside of a required setback and screening and materials storage. It  
7 doesn't make sense that he can't keep the tools of his trade on his property.  
8

9 Peter Len, 2606 Haynie Road, Custer, stated he does automotive fabrication  
10 metalwork. This regulation legislates him out of being able to do business at home. He's  
11 paid taxes and lived in the county since 1991. He wants to continue his business, support  
12 his family, and be in compliance.  
13

14 Hearing no one else, Crawford closed the public hearing. (9:32:28 PM)  
15

16 **Brenner moved** to adopt the ordinance. She didn't want the language about  
17 storage of materials.  
18

19 Knutzen stated this has been frustrating. They took up this ordinance originally and  
20 tried to make it more friendly for small businesses. He thanked those who helped with that  
21 process. It's frustrating that they've been dealing with this for a long time. Don't put it  
22 back in committee. With the help of staff, he hopes to make minor changes tonight and  
23 adopt the ordinance.  
24

25 Nelson asked why the regulation limits the number of vehicles if there are screening  
26 requirements. Eliminate subsection (6)(1) on Council packet page 216.  
27

28 **Kershner moved** to amend to delete completely 2.84.150(A)(6, 9-12). Don't  
29 regulate home occupations to this extent. Make it as simple as possible for the owners of  
30 home occupations. They could continue to prohibit mortuaries and funeral homes as home  
31 occupations. Otherwise, be reasonable.  
32

33 Nelson stated hold this in committee and work on it during a work session.  
34

35 Brenner stated she is against the motion to amend. Because of the way the Code is  
36 written, they have to include the minutia. If something isn't specifically included, it's  
37 prohibited. Removing language doesn't automatically allow uses. They are trying to  
38 improve on something that is already there. The real issue is to go back through Title 20  
39 that prohibits anything not specifically stated in the Code.  
40

41 Mann stated he was shocked by the newspaper article. They attempted to make the  
42 regulation less restrictive. The reason for rules like this is to be able to deal with the people  
43 who aren't clean and respectable, unlike the audience members. The Council also received  
44 emails from people who had neighbors of these businesses. People don't need a permit for  
45 a home occupation.  
46

47 Sam Ryan, Interim Planning and Development Services Department Director, stated  
48 a land use permit is not required.  
49

50 Mann stated that if a person doesn't qualify as a home occupation, then the next  
51 step is a cottage industry, which has two layers. After that, the next step is a conditional  
52 use permit, depending on the impact of the use. The County is not trying to run people out  
53 of business. It is reasonable to outline some restrictions for operations that don't require

1 any land use permit or oversight. That may be annoying to a business owner, but they also  
2 hear from the neighbors about high impact uses. They can tweak the number of allowed  
3 stored vehicles and building materials storage. He also has problems with subsection (9) on  
4 Council packet page 216. However, Councilmember Kershner's proposal goes too far.  
5

6 Nelson stated he is against the motion. There are things they could tweak. Use  
7 what's required to protect the property owners next to the business and the business itself.  
8 The primary use is as a home, not an industry. He doesn't want to tweak this now to try  
9 and make everything legal within an accessory use. He understands the concerns, and they  
10 can work on those things.  
11

12 Knutzen stated he would take this back in the Planning and Development Committee.  
13 They did not start from scratch on this. They are not trying to put people out of business.  
14 If people are noncompliant, they were noncompliant before the Council started working on  
15 this. The thresholds for vehicle numbers, vehicle weight limits, and acreage were lower.  
16

17 **Kershner** stated she would **withdraw her motion** if it goes back into committee.  
18 Item (8) on Council packet page 216 stated the elements that need to be worked around.  
19

20 Crawford stated look at the items that were struck out on Council packet page 217.  
21 That was the existing Code. Staff came forward with this ordinance and asked for more  
22 clarification.  
23

24 **Knutzen moved** to hold in committee.  
25

26 The motion carried by the following vote:

27 **Ayes:** Nelson, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

28 **Nays:** None (0)  
29  
30

### 31 **CONSENT AGENDA** 32

33 **Mann** reported for the Finance and Administrative Services Committee and **moved**  
34 to approve Consent Agenda items one through three.  
35

36 The motion carried by the following vote:

37 **Ayes:** Nelson, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

38 **Nays:** None (0)  
39

- 40 **1. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A GRANT**  
41 **AGREEMENT BETWEEN WHATCOM COUNTY SHERIFF'S OFFICE DIVISION OF**  
42 **EMERGENCY MANAGEMENT AND WASHINGTON STATE MILITARY**  
43 **DEPARTMENT FOR GRANT FUNDING TO SUPPLEMENT EMERGENCY**  
44 **MANAGEMENT OPERATING BUDGET, IN THE AMOUNT OF \$55,358 (AB2010-**  
45 **220)**  
46
- 47 **2. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**  
48 **CONTRACT BETWEEN WHATCOM COUNTY AND KINGWORKS CONSULTING**  
49 **ENGINEERS FOR DESIGN AND ENGINEERING SERVICES FOR SILVER LAKE**  
50 **PARK DAY LODGE RENOVATIONS, IN THE AMOUNT OF \$22,940 (AB2010-**  
51 **221)**  
52

- 1 3. RESOLUTION AMENDING CRP NO. 909009 AND APPROVAL FOR THE COUNTY  
2 EXECUTIVE TO AWARD A CONSTRUCTION CONTRACT FOR "RUTSATZ ROAD  
3 REPAIR" TO LOW BIDDER TRIMAXX CONSTRUCTION, INC., IN THE AMOUNT  
4 OF \$161,093 (AB2010-222)  
5  
6

7 OTHER ITEMS  
8

- 9 1. RESOLUTION AFFIRMING THE PDR OVERSIGHT COMMITTEE RANKING AND  
10 AUTHORIZING THE COUNTY EXECUTIVE AND PDR ADMINISTRATOR TO  
11 PROCEED WITH THE ACQUISITION PROCESS FOR ROUND 8 APPLICATIONS  
12 (AB2010-215)  
13

14 *Weimer* reported for the Natural Resources Committee and *moved* to approve the  
15 resolution.  
16

17 Crawford stated he will vote for this, however the County must extract itself from  
18 financially supporting purchases of development rights (PDR's) to a great degree. He's  
19 interested in other programs from other jurisdictions. They have decided to do this  
20 program, and he will support it to the degree they have so far. It's another programmatic  
21 step in that program. In the long term, extract the County from this great expense.  
22

23 The motion carried by the following vote:

24 **Ayes:** Nelson, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

25 **Nays:** None (0)  
26

- 27 2. ORDINANCE AMENDING THE 2010 WHATCOM COUNTY BUDGET, TENTH  
28 REQUEST, IN THE AMOUNT OF \$556,762 (AB2010-213)  
29

30 *Mann* reported for the Finance and Administrative Services Committee and *moved*  
31 to adopt the substitute ordinance, which does not include funds for firefighter training, in a  
32 total amended amount of \$161,700.  
33

34 The motion carried by the following vote:

35 **Ayes:** Nelson, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

36 **Nays:** None (0)  
37

- 38 3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN  
39 AGREEMENT WITH THE CITY OF BELLINGHAM AND THE OESER COMPANY  
40 FOR CLEAN UP OF CONTAMINATED MATERIALS IN LITTLE SQUALICUM PARK  
41 (AB2010-219)  
42

43 *Mann* reported for the Finance and Administrative Services Committee and *moved*  
44 to approve the request.  
45

46 The motion carried by the following vote:

47 **Ayes:** Nelson, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

48 **Nays:** None (0)  
49  
50

51 INTRODUCTION ITEMS  
52

53 *Crawford moved* to accept the Introduction Items.

1  
2 The motion carried by the following vote:

3 **Ayes:** Nelson, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

4 **Nays:** None (0)

- 5  
6 1. **ORDINANCE AMENDING ORDINANCE 2009-071, THE OFFICIAL WHATCOM**  
7 **COUNTY ZONING MAP, AND COUNTY COMPREHENSIVE PLAN AND MAPS, TO**  
8 **IMPLEMENT CHANGES RELATED TO COMPLETION OF THE 10-YEAR REVIEW**  
9 **OF THE URBAN GROWTH AREAS REQUIRED UNDER THE GROWTH**  
10 **MANAGEMENT ACT, SPECIFICALLY THE URBAN GROWTH AREAS OF BIRCH**  
11 **BAY, FERNDALE, NOOKSACK, AND SUMAS (AB2010-054C) (ordinance**  
12 **revised to include a change to Map UGA 4a for a parcel of land located along**  
13 **Portal Way)**  
14  
15 2. **ORDINANCE AMENDING THE 2010 WHATCOM COUNTY BUDGET, ELEVENTH**  
16 **REQUEST, IN THE AMOUNT OF \$445,062 (AB2010-223)**

17  
18  
19 **OTHER BUSINESS**

20  
21 There was no other business.

22  
23  
24 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

25  
26 Knutzen thanked Councilmember Brenner for inviting him to the salmon festival at  
27 the Lummi Nation.

28  
29 Brenner stated Public Works Assistant Director John Hutchings was recognized at  
30 that ceremony.

31  
32 Nelson asked everyone to honor fallen military this Memorial Day.

33  
34 Pete Kremen, County Executive, invited all to attend a ceremony at 3 p.m. on June 1  
35 to unveil Aaron Aamot's name on the courthouse memorial wall.

36  
37  
38 **ADJOURN**

39  
40 The meeting adjourned at 9:59 p.m.

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Please contact the Council Office to obtain an  
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360-676-6690 or [council@co.whatcom.wa.us](mailto:council@co.whatcom.wa.us)

52  
53 \_\_\_\_\_  
Dana Brown-Davis, Council Clerk

52  
53 \_\_\_\_\_  
Sam Crawford, Council Chair