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WHATCOM COUNTY COUNCIL
Regular County Council

July 13, 2010

CALL TO ORDER

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

ROLL CALL (7:01:17 PM)

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

FLAG SALUTE

ANNOUNCEMENTS (7:01:48 PM)

Crawford announced there was **discussion regarding pending GMHB litigation (AB2010-072)** in executive session during the Special Committee of the Whole meeting.

Crawford announced there was also the **Rural Element - discussion of Growth Management Act requirements and the Planning Commission recommendations (AB2010-072)** during the Special Committee of the Whole meeting.

Crawford stated the **discussion regarding the status of the Council's Planning and Policy Analyst position (AB2010-017)** and **discussion of proposed ordinance amending Whatcom County Code 2.03, Boards and Commissions (AB2010-143B)** scheduled for Committee of the Whole were not discussed and will be scheduled at a later time.

MINUTES CONSENT (7:03:47 PM)

Nelson 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. **COMMITTEE OF THE WHOLE FOR JUNE 8, 2010**
2. **SPECIAL COMMITTEE OF THE WHOLE FOR JUNE 8, 2010**
3. **REGULAR COUNTY COUNCIL FOR JUNE 8, 2010**
4. **SPECIAL COMMITTEE OF THE WHOLE FOR JUNE 15, 2010**

- 1 5. COMMITTEE OF THE WHOLE FOR JUNE 22, 2010
2
3 6. SPECIAL COMMITTEE OF THE WHOLE (MORNING MEETING) FOR JUNE 22,
4 2010
5
6 7. SPECIAL COMMITTEE OF THE WHOLE (AFTERNOON MEETING) FOR JUNE 22,
7 2010
8
9 8. REGULAR COUNTY COUNCIL FOR JUNE 22, 2010

10
11
12 **OPEN SESSION**
13

14 The following people spoke:

- 15 • Wendy Harris, Bellingham, spoke on the rural element update component of the
- 16 Growth Management Act and this afternoon's Committee of the Whole meeting.
- 17 • Sue Brown, Bellingham, spoke to thank Councilmembers Weimer, Mann and
- 18 Brenner for their work and Councilmember Nelson for their actions in the
- 19 Committee of the Whole meeting this afternoon.
- 20 • John Lesow, Point Roberts, spoke about sprawl.
- 21 • Leonard Lindstrom, Bellingham, spoke about the rights and freedoms they have
- 22 in this country.
- 23 • Bob Wiesen, 3314 Douglas Road, Ferndale, spoke on water availability and the
- 24 steps needed to save existing farmlands.
- 25 • Jack Petree, 3395 Sunset, Bellingham, spoke about recent newspaper editorials
- 26 on the same topic.
- 27 • Dave Pros, 1466 Roy Road, spoke on a transfer of development rights blue ribbon
- 28 committee.
- 29 • Linda Dorsett, EnVision Consulting, Inc., submitted a handout (*on file*) and spoke
- 30 on broadband access for all communities.
- 31 • (*Clerk's Note: The speaker following Linda Dorsett requested that his/her*
- 32 *testimony not be included in the minutes.*)
- 33 • Bruce Deile, Bellingham, spoke on the Whatcom Transportation Authority
- 34 cancelling Sunday bus service.
- 35 • DeAnna Cain, 9042 Dearborn Avenue, submitted a handout (*on file*) and spoke
- 36 on the Harbor Shores plat inclusion in the urban growth area.
- 37 • Sally Klingcon, Drayton Harbor, spoke on Harbor Shores and the Blaine UGA.
- 38 • Phil Hutchings, 9076 hipyard Lane, spoke on Harbor Shores and annexation to
- 39 Blaine.

40
41
42 **CONSENT AGENDA** (7:31:28 PM)
43

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

46
47 The motion carried by the following vote:

48 **Ayes:** Nelson, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)
49 **Nays:** None (0)
50

- 51 1. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO AN
52 INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND NORTHWEST

1 **PARK AND RECREATION DISTRICT #2 FOR THE OPERATION OF THE**
2 **GYMNASIUM AND PLAYGROUND AT BAY HORIZON PARK (AB2010-265)**
3

- 4 **2. RESOLUTION AMENDING CRP NO. 909010 AND AUTHORIZING ADDITIONAL**
5 **FUNDS AND APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
6 **CONTRACT BETWEEN WHATCOM COUNTY AND LOW BIDDER, STRIDER**
7 **CONSTRUCTION CO., INC, FOR NORTHWEST DRIVE CULVERT REPLACEMENT**
8 **AT BEAR CREEK, IN THE AMOUNT OF \$307,680 (AB2010-266)**
9
- 10 **3. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
11 **CONTRACT BETWEEN WHATCOM COUNTY AND IDENTIX BIOMETRIC**
12 **SOLUTIONS FOR PREVENTATIVE MAINTENANCE FOR ELECTRONIC**
13 **FINGERPRINT MACHINES, AND STORE AND FORWARD MACHINE, IN AN**
14 **AMOUNT NOT TO EXCEED \$26,056.28 (AB2010-267)**
15

16
17 **OTHER ITEMS**
18

- 19 **1. REQUEST REVIEW AND APPROVAL OF THE 2010-2011 INTEGRATED**
20 **ROADSIDE VEGETATION MANAGEMENT PLAN (AB2010-268) (7:32:02 PM)**
21

22 *Brenner* reported for the Public Works and Safety Committee and *moved* to
23 approve the plan.
24

25 The motion carried by the following vote:

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

27 **Nays:** None (0)
28

- 29 **2. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE'S APPOINTMENT OF**
30 **MICHAEL DISPIGNO TO THE DEVELOPMENT STANDARDS TECHNICAL**
31 **ADVISORY COMMITTEE (AB2010-271) (7:33:04 PM)**
32

33 *Brenner moved* to confirm the appointment.
34

35 The motion carried by the following vote:

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

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

- 39 **3. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE'S APPOINTMENT OF**
40 **KATHLEEN SOLOMON TO THE WHATCOM COUNTY SUBSTANCE ABUSE**
41 **ADVISORY BOARD (AB2010-272) (7:33:12 PM)**
42

43 *Kershner moved* to confirm the appointment.
44

45 The motion carried by the following vote:

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

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

50 **PUBLIC HEARINGS**
51

- 52 **1. ORDINANCE AMENDING ORDINANCE 2009-071, THE OFFICIAL WHATCOM**
53 **COUNTY ZONING MAP, AND COUNTY COMPREHENSIVE PLAN AND MAPS, TO**

1 **IMPLEMENT CHANGES RELATED TO COMPLETION OF THE 10-YEAR REVIEW**
2 **OF THE URBAN GROWTH AREAS REQUIRED UNDER THE GROWTH**
3 **MANAGEMENT ACT, SPECIFICALLY THE URBAN GROWTH AREAS OF BIRCH**
4 **BAY, FERNDALE, NOOKSACK, AND SUMAS (AB2010-054C) (7:33:51 PM)**
5

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

8 Dave Pros, 1466 Roy Road, stated he is opposed to urban growth area (UGA)
9 expansions. The projections are too high. Cities pay for infrastructure, which is expensive,
10 based on the projections. The Cities don't have funding for the current UGA, let alone
11 expanded UGAs. An expanded UGA doesn't lower the cost of housing.
12

13 Warren Sheay, 1453 Humbolt Street, stated he is opposed to UGA expansions. The
14 population projections are too high. Plenty of land in the existing UGAs can accommodate
15 growth. The city residents agreed to infill to prevent sprawl, yet sprawl is being proposed
16 tonight. These changes are because of hidden agendas and real estate deals to enrich a
17 few. It does not follow the spirit of the Growth Management Act (GMA) to plan for growth
18 appropriately and accurately. Concentrate growth in existing cities and leave the rural lands
19 alone. Approve green rings around the towns to contain growth.
20

21 Bob Aegerter, 370 Sudden Valley, Bellingham, submitted and read from a handout
22 (*on file*). The Council should defer action until the capital planning for roads, water and
23 sewer systems, and schools is done. Focus on the rural element and revisit the UGA issue
24 in 2011.
25

26 Jean Melious, 1925 Lakecrest Drive, Bellingham, stated she is speaking as a citizen,
27 not as Whatcom County Planning Commission Chair. Members of the public have a right to
28 be informed. She is opposed to this amendment. The public has been left out of this
29 process. This amendment does not protect the environment; promote sustainable economic
30 development, or; protect the health, safety, and high quality of life.
31

32 Rob Lewis, 2401 Keesling Street, stated he is opposed to the ordinance. There is not
33 a demand for growth and the public hasn't been adequately involved. They need to protect
34 the land.
35

36 Marilyn Brown, 3615 Bennett Drive, stated her family's property is on the Shintaffer
37 Road. They want to be restored to the urban growth area and divide the property. Her
38 property rights have been taken away.
39

40 Polly Hanson, 2781 West Shore Drive, Lummi Island, stated they need to
41 concentrate population into the cities. Keep the countryside the countryside. Be honest
42 and give plenty of public notice ahead of time.
43

44 Kent Heuer, 1024 - 22nd Street, Bellingham, stated sprawl is unsustainable. He is
45 opposed to the ordinance. Promote infill to preserve rural and agricultural land.
46

47 Rabel Burdge, 1108 - 13th Street, Bellingham, stated he is a Planning Commission
48 member, but is speaking as an individual. He is opposed to the ordinance. School
49 enrollment increases are declining. Net in-migration is no longer increasing. City requests
50 for expansion are based on high population expansion of the 1990's, not recent population
51 trends and estimated increases in employment.
52

1 Eric Hirst, 1932 Rhododendron Way, Bellingham, stated he is opposed to the
2 ordinance. No evidence supports UGA expansion. Actual and estimated population growth
3 has slowed. There is no public demand for more sprawl, more suburbs, higher taxes, or
4 fewer farmlands. There is evidence to support UGA size reductions.
5

6 John Carmack, Bellingham, stated he is running for the Second Congressional
7 District. Contact the State Wildlife Commission about reestablishing salmon runs and water
8 quality. Water quality should be the criteria for urban development.
9

10 Elizabeth Pernotto, 3112 Alderwood, Bellingham, stated preserve current UGAs,
11 approved by last year's Council. It is fiscally irresponsible to ask Planning staff to redo what
12 was done last year. Expanding UGAs is expensive because it creates sprawl.
13

14 Dean Martin, 2823 Walnut Street, Bellingham, submitted and read from a handout
15 (*on file*). He is opposed to expanding UGAs.
16

17 Will Mouat, 209 South Garden Drive, Lynden, stated there is a lot of farmland in the
18 county but not so many farmers any more. Make sure they don't impose regulations that
19 drive farmers out of business.
20

21 Karen Hamalainen, 2431 Jaeger Street, Bellingham, stated she is shocked to hear
22 they are considering this change to the UGAs. They need better zoning ordinances to
23 prevent sprawl. She is opposed to the ordinance.
24

25 Abe Jacobsen, 2314 Samish Way, Bellingham, submitted and read from a handout
26 (*on file*). He is opposed to the proposed ordinance, especially expansion of the Sumas UGA
27 due to asbestos.
28

29 Ed Gulyas, 2413 Keesling Street, Bellingham, stated he is opposed to the ordinance.
30 Sprawl is unsustainable and the cost is passed to people who already live in urban
31 boundaries. He doesn't want to pay to support other developers. Sprawl is unethical. It
32 abuses the land for the benefit of a small number of people. Many people will be hurt by
33 this.
34

35 Carole Jacobson, 2314 Samish Way, Bellingham, stated she is opposed to the
36 ordinance. There is no legal reason or demand from the population for amendments. Avoid
37 small at all costs. There are better things to work on.
38

39 Taylor Hodges, 1002 11th Street, Bellingham, stated he is opposed to the UGA
40 expansion. Be more creative to find ways to expand the existing city to serve the people.
41

42 (8:23:24 PM)
43

44 Mary Ann Armstrong, 2848 Valley Highway, Deming, stated she is opposed to the
45 UGA expansion. Instead, concentrate on bringing the rural element into compliance with
46 the Growth Management Act.
47

48 Cathy Lehman, Futurewise of Whatcom County Chapter Director, referenced the
49 letter she submitted to the Council (*on file*) and stated she is opposed to UGA expansion.
50 There has been a lack of public process, lack of capital facilities planning, higher costs to
51 taxpayers, encouragement of sprawl, encroachment into farmland, presence of asbestos,
52 declining water quality, and slower growth trends. Studies show that smaller UGAs are
53 more effective at containing urban sprawl. The local study was done in 2006. Focus on the

1 rural element, which must be done in December. Take up these issues in the 2011
2 Comprehensive Plan update.

3
4 Bill Hinely, 2676 Donovan Avenue, Bellingham, stated he is opposed to the
5 ordinance. Agricultural land will become even more valuable in the future. Plan ahead and
6 care for all people locally and globally.

7
8 Jack Petree, 2955 Sunset, Bellingham, submitted an handout (*on file*) and spoke in
9 support of the ordinance. Stated the Planning Commission voted on this issue last year,
10 before the final environmental impact statement (EIS) was released, which brings forward
11 public comments. The projected growth rate from the Office of Financial Management is
12 lower than what they've experienced in the last three years. There is more growth in the
13 rural areas. Bellingham can't handle the growth it's supposed to. Adopt the ordinance.

14
15 Jennifer Moon, 2503 Elizabeth Street, Bellingham, stated she is opposed to the
16 ordinance. Costs associated with sprawl are passed on to taxpayers. Don't cover the area
17 with houses and malls.

18
19 Frank Winslow, 1134 Finnegan Way, Bellingham, stated he chooses to live in a
20 condo. European culture is to build up, not out and use public transportation to commute to
21 work. Learn from the Europeans. They can't afford to keep building infrastructure to serve
22 everyone. He is opposed to UGA expansion.

23
24 Michael Airoidi, 2838 Nordum Road, stated he is opposed to UGA expansion.
25 Everyone should see each others points of view and compromise to meet the needs of all. A
26 growth ordinance should allow public use while preserving the land for the future.

27
28 Patrick Alesse, 4825 Alderson Road, Birch Bay, stated he is worried about putting
29 people on ten-acre lots. Those taxes are higher per capita, and it costs more to provide
30 services to those people.

31
32 Gary Jensen, City of Ferndale Mayor, stated the County staff recommended a 57
33 percent reduction. The City of Ferndale staff proposed a 42 percent reduction. The result of
34 the City's public process was to reduce the UGA. The City is asking the Council to take 989
35 acres away from the UGA. The city is issuing more building permits than ever. Ferndale is
36 not expanding into agricultural lands. The dairies in Ferndale are gone. Ferndale requires
37 immediate concurrency and better development standards. Approve Ferndale's proposal.

38
39 Rosalinda Guillen, 2317 F Street, Bellingham, stated she is opposed to UGA
40 expansion. She questions whether citizen input really makes a difference. Protect the
41 farmland. It seems the priority in the County is about making money.

42
43 Kris Halterman, 4004 Cedarbrook Court, stated many of the people who have spoken
44 do not live in the affected areas. Downzoning will stifle the ability of someone to create
45 economic development through home-based businesses. Protect economic opportunity.
46 Don't take private property for public use without just compensation.

47
48 David Hunter, 103 E. Holly Street, Bellingham, stated the life blood of the citizens
49 includes their families and friends, the mountains, forests, rivers, streams, farms and lands.
50 Don't jeopardize their life blood with human arrogance. Water quality is unsafe and
51 farmland is diminished. He is opposed to the ordinance.

1 Wendy Harris, Whatcom County resident, stated she is opposed to the proposed
2 ordinance. This ordinance is not valid as a concession of a Growth Management Hearings
3 Board case filed against the County regarding the UGA boundaries determined in November.
4 It includes ongoing litigation costs and unjustified concessions. The County will be exposed
5 to more costly lawsuits. Councilmember Crawford engaged in private settlement
6 negotiations before public discussion of this matter. Revising the boundaries concedes its
7 strongest legal position.

8
9 Sue Brown, Bellingham, stated she is opposed to the ordinance. The prior ordinance
10 put the County into compliance. Don't waste more time and effort, given more important
11 issues. People aren't entitled to a return on an investment.

12
13 Dave Klaiber, 3109 Brown Road, Ferndale, stated he is opposed to the UGA
14 expansion for Ferndale. The City is requesting to add land to the UGA, not reduce land.
15 The City wants 400 acres at Grandview so Walmart and Costco will build there.

16
17 Bob Wiesen, 3314 Douglas Road, Ferndale, stated he supports the ordinance and
18 returning areas to the UGA. The City of Bellingham is not taking its share of the population.
19 The Cities have all gone through the process to plan their future. Most people testifying
20 don't live in condos or apartments.

21
22 Adam Morrow, Professional Land Surveyor representing Anchor Manor LLC, stated
23 this property would be added back into the Birch Bay UGA. This property includes urban
24 services, fits the neighborhood, provides patrons for the local businesses, and will include
25 infrastructure improvements to the watershed. Reinstate the property into the UGA.

26
27 Ron Reimer, Citizens Alliance for Property Rights President, stated his organization
28 supports the ordinance. He personally believes the entire UGA should be reinstated. People
29 working the land need options.

30
31 Cathy Watson, 6225 Argyle Street, Ferndale, stated she is opposed to Ferndale UGA
32 expansion. The City is planning to put houses in a wildlife conservation area and critical
33 aquifer recharge area filled with wetlands. Don't assume unused farmland will always be
34 unused. Many single family homes in Ferndale are empty. Build more multi-family homes.
35 Help the farmers keep the farm as farmland. Help the youth become farmers.

36
37 *(9:15:10 PM)*

38
39 Michael Lilliquist, 1134 Finnegan Way, Bellingham, stated he asks the Council to
40 uphold last year's decision. He is opposed to the UGA expansion. There has been no public
41 process on this change. This new proposal doesn't limit sprawl. There is no justification for
42 change.

43
44 Laura Leigh Brakke, 585 Pleasant Bay Road, Bellingham, stated don't base long term
45 decisions on personal profit from certain landowners. Create sustainability. Sumas has a
46 lot of store vacancies. Before they expand, use what they have. Many homes are for sale
47 in this county. She is opposed to expanding UGA boundaries now. They can always do it
48 later.

49
50 Clayton Petree, 2955 Sunset Drive, Bellingham, submitted and read from a handout
51 *(on file)*. He supports the ordinance. The growth rate will increase. Bellingham no longer
52 absorbs its share of the population growth because land for single family housing is not
53 affordable. Reconsider Bellingham's land supply. There is an error in the population chart.

1
2 John Shaughnessy, 930 Mason Street, Bellingham, stated they need to save the
3 salmon and other species to save the fishing industry.
4

5 Todd Donovan, 2407 Cherry Street, Bellingham, stated he is a member of the
6 Futurewise Whatcom Steering Committee. He is opposed to the ordinance expanding the
7 UGA. He read sections from the November ordinance that has been deleted. There has
8 been no discussion of who will pay for all this.
9

10 Jori Burnett, City of Ferndale Community Development Director, stated he supports
11 the ordinance. Don't wait until later to start planning. Without this ordinance, they will stay
12 in a reactive planning mode, which contributes to sprawl. Stay away from unplanned
13 growth. They need proactive growth. They've planned for the Vista Malloy corridor to serve
14 the Grandview area. That's what was taken out nine months ago. They don't anticipate
15 growing beyond this. They want to plan innovative and sustainable measures to preserve
16 wetlands and create efficient services.
17

18 Matt Christman, 708 E. Holly Street, Bellingham, stated he is opposed to the UGA
19 expansion. Proactive planners want developments that can be incorporated into a smaller
20 area and preserve farmland and open areas. They must preserve the farmland.
21

22 Rollin Harper, Sehome Planning, City Planner for the cities of Nooksack and Sumas,
23 submitted and read from a handout (*on file*). He supports the ordinance and settlement.
24 The areas on the Nooksack and Sumas UGAs have been in the UGAs since 1997. They were
25 included in the UGA after significant public process. Reinstate UGA areas. The cities have a
26 history of infill development. Nothing indicates that returning the areas to the UGA will
27 create sprawl.
28

29 Seth Vidana, 3103 Coolidge Drive, Bellingham, stated he is opposed to UGA
30 expansion.
31

32 Liz Schale, 3103 Coolidge Drive, Bellingham, stated she is opposed to UGA
33 expansion. Bellingham has worked very hard to infill.
34

35 David MacLeod, 3215 Cherrywood, Bellingham, stated he served on the Peak Oil
36 Task Force. He read from the executive summary of the Task Force report. Plan for a
37 future with dramatically reduced petroleum supplies. Reduce reliance on single-occupancy
38 vehicle trips to enhance economic self-reliance and create healthier communities. The cost
39 of services will be reduced. Minimize expansion of urban growth areas and protect
40 farmland. He is opposed to UGA expansion.
41

42 Pat Small, 4135 Agate Road, Bellingham, stated she upholds last year's decision.
43 Protect the remaining natural resources. Find other jobs for young people now working in
44 the construction industry. Subsidize some new concept, multi-family housing.
45

46 John Steensma, 4295 Axton Road, stated he is a dairy farmer. He would support a
47 transfer of development rights (TDR) program. He is opposed to more housing in farmland.
48 He would support the ordinance if there was a TDR program. He's sorry to see the Council
49 bring this issue up again and dragging it on and on. He's heard that if UGAs aren't large
50 enough to accept population growth, then people will move to the county. However, the
51 UGAs have been hugely oversized in Ferndale and Blaine, and people are still moving to the
52 county.
53

1 John McLaughlin, 221 Highland Drive, Bellingham, stated he is concerned about
2 three justifications for this ordinance. First, the population projections were generated from
3 an invalid model. Second, there has been no meaningful public input on the projections
4 used to justify UGA expansions. The EIS for the UGA review was cursory or ignored
5 environmental impacts. Watersheds will be severely degraded. They will lose the salmon.
6 Last year's UGA's proposals were not adequately justified, and the current proposal for
7 expansion is not justified at all. Make decisions using valid reasons.

8
9 Bob VanWeerdhuizen, 7026 Noon Road, stated they need to save farmers, not just
10 farmland. Address the water rights issue.

11
12 Dan McShane, 1451 Grant Street, Bellingham, stated facts from the November
13 ordinance were removed. Be clear about the facts they're considering. Facts cited aren't
14 correct. Resolve the asbestos issue before designating an area as an urban growth area.
15 Ferndale continues to develop at low densities. The process done last year was rushed.
16 They should do everything as a whole in 2011. He is opposed to UGA expansion.

17
18 Dan Pike, City of Bellingham Mayor, stated statistics can be presented in different
19 ways to say different things. Problems in the county are due to an excess supply of vested,
20 platted lots outside the urban growth areas. Whatcom County has been noncompliant with
21 State law, which makes the community's financial health at an unacceptable risk. These
22 amendments create an inefficient and expensive land use pattern. Follow appropriate legal
23 and public processes. This Council has allowed itself to be represented by a developer's
24 Counsel. That creates potential for conflict of interest.

25
26 Jason Reimer, Blaine, stated he is in favor of the proposed ordinance. If they are all
27 going to work together, the audience members tonight should attend their own city council
28 meetings. Figure out the facts. Work together.

29
30 John Belisle, 231 Ten Mile Road, stated he is a farmer and land owner. He is the
31 taxpayer who will pay for this sprawl. This creates growth without jobs. The residents of
32 these UGAs will have to drive across the county to get jobs. Don't support this additional
33 cost when County staff are being cut. County departments will no longer be able to function
34 and serve him. He wants to know why the Council is doing this. The County doesn't have
35 any money to pay for it. He asked what will happen to existing businesses. Don't use his
36 tax dollars to subsidize sprawl. Fiscally respect his dollars.

37
38 Hearing no one else, Crawford closed the public hearing. (10:08:20 PM)

39
40 (Clerk's Note: The Council took a five-minute break at 10:08 p.m.)

41
42 (10:13:36 PM)

43
44 Matt Aamot, Planning and Development Services Department, gave a staff report
45 and described the proposed changes. He suggested changes to dates and assumed
46 densities in the findings to match the land capacity analysis:

- 47 • Finding #2 has blank dates that should be included,
 - 48 • Finding #15 should be 5.7 units per net residential acre,
 - 49 • Finding #37 should be 4.5 units per net residential acre (5.7 within the city),
50 and
 - 51 • Finding #69 should be 4.8 units per net residential acre
- 52

1 The Bellingham population mentioned by Mr. Petree may have been an error. He
2 would have to research that. It doesn't change in this ordinance. If it's an error, it would
3 be an error from the November 2009 ordinance.
4

5 **Brenner** stated she has legal questions. After talking with legal counsel, she
6 believes that the Council should have another meeting. They've had the public hearing. It
7 would be beneficial to incorporate the information brought up tonight. She still has
8 questions that will take time to answer. She **moved** to refer this into Committee of the
9 Whole on July 27 to incorporate things they heard tonight and get some answers to
10 questions.
11

12 Crawford stated he is against the motion to refer to Committee. He has the
13 information he needs to vote tonight. He disputes the concern that the Council has done
14 something too quickly or changed the facts. This is a continuation of a two year process.
15 He has considered all the input and analysis over the past two years.
16

17 Weimer asked legal counsel if the changes are substantial enough to warrant an
18 additional public hearing.
19

20 Karen Frakes, Prosecutor's Office, stated the changes made were to the Whereas
21 portion of the ordinance. Those changes would not require an additional public hearing.
22

23 Weimer stated he supports Councilmember Brenner's motion.
24

25 Mann stated he is in favor of Councilmember Brenner's motion. Some of the
26 information the Council received tonight is new and in-depth information.
27

28 Nelson said he couldn't see what new information would require another hearing,
29 other than Futurewise's assertion that urban growth areas (UGAs) help protect urban
30 expansion. That's what they're doing. There was quite a bit public comment on the
31 ordinance. He has questions regarding asbestos and expansion of Sumas. The area being
32 expanded is already next to the UGA or city limits. The City is already next to the creek.
33 Public participation has been ongoing for some time. Dan McShane brought forward quite a
34 bit of information on things they've already discussed.
35

36 Knutzen stated 600 acres were removed, and now they're putting 600 acres back in.
37 He sat through the processes last year in the audience and listened to the small cities'
38 recommendations. After that process last year, the County Council at the time went against
39 that work. Now, the Council is trying to settle with the Cities. He is inclined to take the
40 recommendations of the representatives of the small cities. If Councilmember Brenner
41 thinks it's necessary, he is willing to take another two weeks to go through this.
42

43 Kershner asked what Councilmember Brenner's concern is.
44

45 Brenner stated she can't say it because it is executive session information. She
46 asked the Councilmembers to take a leap of faith and trust her. She wants this to be over
47 as much as anyone else.
48

49 Crawford restated the motion to refer to Committee of the Whole on July 27.
50

51 The motion carried by the following vote:

52 **Ayes:** Nelson, Brenner, Weimer, Knutzen and Mann (5)

53 **Nays:** Kershner and Crawford (2)

1
2
3 **INTRODUCTION ITEMS** (10:34:37 PM)
4

5 *Nelson moved* to accept the Introduction Items.
6

7 The motion carried by the following vote:

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

9 **Nays:** None (0)
10

- 11 1. **ORDINANCE AMENDING THE 2010 WHATCOM COUNTY BUDGET,**
12 **THIRTEENTH, REQUEST, IN THE AMOUNT OF \$681,061 (AB2010-274)**
13
14 2. **RESOLUTION APPROVING THE WHATCOM COUNTY SIX-YEAR**
15 **TRANSPORTATION IMPROVEMENT PROGRAM FOR THE YEARS 2011**
16 **THROUGH 2016 (AB2010-269)**
17
18 3. **ORDINANCE AMENDING WHATCOM COUNTY COMPREHENSIVE PLAN AND**
19 **ZONING DESIGNATIONS FOR PROPERTY (60 ACRES) LOCATED IN THE**
20 **VICINITY OF 1000 PARADISE ROAD (AB2010-273)**
21
22 4. **ORDINANCE AMENDING WHATCOM COUNTY CODE, TITLE 20, TO CLARIFY**
23 **AND REVISE THE DEFINITION AND STANDARDS OF HOME OCCUPATIONS**
24 **(AB2010-047)**
25

26
27 **OTHER BUSINESS**

28
29 There was no other business.
30

31
32 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

33
34 There were no reports or other items.
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36
37 **ADJOURN**

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39 The meeting adjourned at 10:35 p.m.
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Please contact the Council Office to obtain an
official, signed copy:
360-676-6690 or council@co.whatcom.wa.us

Dana Brown-Davis, Council Clerk

Sam Crawford, Council Chair