

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

WHATCOM COUNTY COUNCIL
Committee Of The Whole

February 9, 2010

CALL TO ORDER

Council Chair Sam Crawford called the meeting to order at 1:00 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

Present: Barbara Brenner, Sam Crawford, Kathy Kershner, Bill Knutzen, Ken Mann, L. Ward Nelson and Carl Weimer

Absent: None

1. DISCUSSION WITH THE COUNCIL'S PLANNING AND POLICY ANALYST REGARDING WORK ASSIGNMENTS (AB2010-017)

Rebecca Craven, Council Policy Analyst, stated they need to clarify the geographic scope of the direction to remove the provisional zoning aspects Ordinance 2004-049 regarding Birch Bay. She indicated the area currently subject to the ordinance on a map. The discussion at the last meeting was specific to the general commercial area. The proponents would like it to include the entire area. Clarify if the Council wants the entire area or the general commercial area.

Crawford stated he wants it the whole area. His intention was for the urban residential, mixed use (URMX) area that envelops the general commercial area as well, because he wants to remove the provisional aspect of the zoning. Introduce this ordinance tonight, with the entire area.

The Council concurred.

Nelson asked to have a discussion about the URMX area. He asked if URMX can be applied.

David Stalheim, Planning and Development Services Department Director, stated the repeal went through Planning Commission. If the Council introduces a different zone, it must go through the Planning Commission process again.

Craven stated the Lake Whatcom interim moratorium expires in late March. She sent a memo and maps with a table about how many parcels are subject to the moratorium. She needs direction on whether to prepare another interim moratorium, and if it is in anticipation of a permanent downzone or completion of the rural element.

Nelson stated he won't support another interim. Complete the rural element and deal with the issue that way. He is not inclined to downzone in those areas.

There was discussion about whether or not to continue the interim; when they will be done with the rural element, which will result in a decision about these lots; the area of the Sudden Valley limited area of more intense rural development (LAMIRD); whether any of the properties are platted; continuing the interim moratorium while they deal with the rural element; whether the affected lots are developable; whether the area has septic or sewer, and; whether development in Hillsdale can happen.

1 Mann stated continue the moratorium. It has a significant impact to the watershed.
2 They will also deal with these issues as the rural element unfolds. Those things are taking
3 longer than expected. Discuss this more holistically than just letting the moratorium expire.

4
5 Crawford stated he is not in favor of another interim.

6
7 Weimer stated keep the interim going. It makes more sense than trying to do a
8 permanent downzone while waiting for the rural element. Creating any more lots is the
9 wrong way to go.

10
11 Brenner stated she would support the interim moratorium. It's the one area of the
12 county she has ever supported a downzone. Don't create more lots than they absolutely
13 have to have.

14
15 Kershner stated she doesn't know yet about it, but is leaning toward not extending
16 the moratorium. It's only 20 houses.

17
18 Knutzen stated there is no harm in extending the moratorium, if they are just going
19 to rezone this property anyway. He's seen how lapses in zoning regulations affect property
20 in the county. It's not always good.

21
22 Crawford stated it seems like five people are interested in considering a moratorium
23 extension. Councilmember Kershner was a maybe. Ms. Craven can go ahead and draft an
24 interim ordinance. Ms. Craven will prepare an ordinance for introduction regarding the Birch
25 Bay thing.

26
27 **2. AUTHORIZATION OF NEGOTIATED PAYMENT FOR LUMMI ISLAND FERRY**
28 **SERVICE TO GOOSEBERRY POINT, PER SIGNED INTERIM AGREEMENT**
29 **BETWEEN WHATCOM COUNTY AND THE LUMMI INDIAN BUSINESS COUNCIL**
30 **(AB2010-078) [Discussion of this item may take place in executive session**
31 **(closed to the public) pursuant to RCW42.30.110 (1)(i)]**
32

33 Dan Gibson, Prosecutor's Office, stated that if the councilmembers have no questions
34 about the material in the paper, there is no need for an executive session. He didn't intend
35 to seek executive session for this, but if they need to discuss property, they can go into
36 executive session.

37
38 He gave a staff report. They have reached broad areas of conceptual agreement.
39 There are many details to work out, including the amount of monthly payment for the
40 interim. He provided the agreement of the parties that addresses the issue of payment on
41 an interim basis while they work out the details. They have received confirmation from
42 federal officials that they will take this agreement as the basis to withhold any action that
43 may arise out of a claim of trespass. The Lummi Nation indicates it does not intend to
44 pursue a claim of trespass through this agreement.

45
46 Brenner asked what the County must remove from the budget to offset the costs for
47 this interim.

48
49 Frank Abart, Public Works Department Director, stated there will be an increase to
50 the budget.

51
52 Brenner asked if they will adjust the ferry fare. Abart stated the Council can decide
53 to do that. It's likely he will bring something forward, once they know more details. It's not

1 productive to come forward every few months with an increase proposal. They want to
2 come forward just once when they know the details.
3

4 Brenner stated have an understanding of the costs by the time the Council addresses
5 the biennial budget. Abart stated he agrees.
6

7 Dewey Desler, Deputy Administrator, stated a work group will model some of the
8 options and costs. They are still in the midst of negotiations. They need to understand
9 impacts and will then present options to Council.
10

11 Knutzen stated he was alarmed about issues with the last contract, and who signed it
12 in place of Henry Cagey.
13

14 Crawford stated that Mr. Cagey didn't attend the meeting as expected due to illness,
15 so someone else who was authorized signed the agreement on behalf of the Tribe.
16

17 **Weimer moved** to approve payment according to the agreement. He is in favor of
18 it. He asked the budget authority for spending this money. Desler stated they have
19 authority in the current budget.
20

21 Abart stated he has budget authority from professional services.
22

23 Desler stated if they need approval to shift funds, then administration will ask the
24 Council for that.
25

26 Gibson stated they are voting to approve the expenditure of the money.
27

28 Kershner stated the agreement isn't valid due to a signature discrepancy. Get a
29 valid agreement.
30

31 **Weimer withdrew** his motion, because they need to make the motion as the full
32 Council.
33

34 **OTHER BUSINESS**

35
36 There was no other business.
37

38 **ADJOURN**

39
40 The meeting adjourned at 1:28 p.m.
41
42

43 _____
44 Jill Nixon, Minutes Transcription
45

46 The Council approved these minutes on March 16, 2010.
47

48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

Please contact the Council Office to obtain an
official, signed copy:
360-676-6690 or council@co.whatcom.wa.us