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WHATCOM COUNTY COUNCIL
Regular County Council

February 27, 2007

Council Chair Carl Weimer called the meeting to order at 7:05 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

Present:

Barbara Brenner
Dan McShane
Sam Crawford
Seth Fleetwood
Laurie Caskey-Schreiber
L. Ward Nelson

Absent:

None

FLAG SALUTE

ANNOUNCEMENTS

Weimer announced that there was **discussion regarding a personnel matter (AB2006-018)** during the Committee of the Whole meeting.

SPECIAL PRESENTATION

1. EXECUTIVE KREMEN TO READ A PROCLAMATION DECLARING MARCH 2007 AS WOMEN'S HISTORY MONTH (AB2007-017)

Kremen read the proclamation into the record. He presented the proclamation to Councilmembers Brenner and Caskey-Schreiber.

MINUTES CONSENT

McShane moved to approve the Minutes Consent items.

Motion carried 6-0 with Nelson out of the room.

1. COMMITTEE OF THE WHOLE FOR JANUARY 30, 2007

2. REGULAR COUNTY COUNCIL FOR JANUARY 30, 2007

OPEN SESSION

The following people spoke:

Dorothy Dale, Chuckanut Drive, Bellingham, stated she is in favor of the **emergency ordinance limiting the size of large commercial retail establishments in order to**

1 **promote compatibility with other jurisdictions within Whatcom County (AB2007-**
2 **135).**

3
4 Walter Meester, 8710 Double Ditch Road, submitted his testimony (*on file*) and
5 stated he is opposed to the **emergency ordinance limiting the size of large**
6 **commercial retail establishments in order to promote compatibility with other**
7 **jurisdictions within Whatcom County (AB2007-135).** America is based on free
8 enterprise. People on fixed incomes need to shop for the best deals. Limiting free
9 enterprise is un-American.

10
11 Claudia Hollod, 8240 Birch Bay Drive, stated she is in favor of the **emergency**
12 **ordinance limiting the size of large commercial retail establishments in order to**
13 **promote compatibility with other jurisdictions within Whatcom County (AB2007-**
14 **135).** This ban will safeguard four areas in Birch Bay that are zoned general commercial
15 while the community subcommittees continue to work on stormwater, transportation, and
16 design guidelines. Protect this county from over-commercialization, redundancy, and
17 conformity. Support, grow, and celebrate local business owners. Tourists come to the area
18 because of it's special flavor and qualities.

19
20 Jack Petree, 2955 Sunset Drive, Bellingham, submitted his testimony (*on file*) and
21 stated the councilmembers were given misinformation during the Planning Committee
22 meeting today. The Comprehensive Plan actually says cities like Bellingham are only
23 encouraged to establish new residential developments at densities averaging six to twelve
24 units per net residential acre. It is not a minimum density requirement.

25
26 He recently attended a conference on non-subsidized affordable workforce housing.
27 There are exciting things going on with affordable housing. He recommended that the
28 councilmembers talk with him about the information he received at the conference.

29
30 Alfred Dale, south Whatcom County, stated he is in favor of the **emergency**
31 **ordinance limiting the size of large commercial retail establishments in order to**
32 **promote compatibility with other jurisdictions within Whatcom County (AB2007-**
33 **135).** Soon, gasoline will not be available for anyone. These large corporations should
34 have their shops in neighborhoods in locations where people can walk or ride. Find ways to
35 make sure they have smaller stores. If there is going to be a big store, make the first three
36 floors be for parking.

37
38 John Flarry, 1253 Lattimore Road, Ferndale, stated he is in favor of the **emergency**
39 **ordinance limiting the size of large commercial retail establishments in order to**
40 **promote compatibility with other jurisdictions within Whatcom County (AB2007-**
41 **135).** It's a matter of whether they want sprawl and where such stores should be located.
42 They should be located within the city limits. Don't extend sprawl into the county.

43
44 Johnnie Grames, 1506 E. Maplewood Avenue, Bellingham, stated people don't
45 provide much help dealing with the court system. This building and everything in the
46 courthouse belong to all the citizens. The Council should have a staff member to keep an
47 eye on the courthouse. The idea of a courthouse facilitator is a good one, but provide a
48 limited service. They deal with family law and custodial parents, which are mostly women.

49
50 Also, the public airways are public property. The public should be able to get on the
51 public airways. He's working on that.

1 John Lesow, 317 Madrona Place, Point Roberts, submitted information (*on file*) and
2 stated the Council is considering alternative urban growth area (UGA) zonings, which were
3 discussed in the Planning Committee today. The Planning Commission passed the zoning
4 maps by a vote of 6-3. It was not unanimous. He is concerned that the Planning
5 Committee is working off the City's recommendation. He submitted alternative maps to
6 consider. There have been two meetings with the Bellingham Planning Commission. He
7 doesn't agree with the City's recommendation. Consider his alternative maps. Many people
8 in the county are in favor of them.
9

10 Aileen Satushek, 693 East Axton Road, stated she is in favor of the **emergency**
11 **ordinance limiting the size of large commercial retail establishments in order to**
12 **promote compatibility with other jurisdictions within Whatcom County (AB2007-**
13 **135)**. Such an ordinance would limit sprawl, keep the rural county character unique,
14 control traffic problems, and keep local businesses in Whatcom County.
15

16 Ken Mann, 710 E. Maryland, Bellingham stated he is in favor of the **emergency**
17 **ordinance limiting the size of large commercial retail establishments in order to**
18 **promote compatibility with other jurisdictions within Whatcom County (AB2007-**
19 **135)**. The community should discuss this issue. He supports the temporary moratorium
20 and a full community discussion about the issue.
21

22 Mark Sherman, 238 Bayside Road, Bellingham, stated he is in favor of the
23 **emergency ordinance limiting the size of large commercial retail establishments in**
24 **order to promote compatibility with other jurisdictions within Whatcom County**
25 **(AB2007-135)**. Most research indicates that big box stores cause more problems than
26 they solve in the community. Wealthier communities, such as Carmel, California, don't
27 allow big box stores or small chain stores.
28

29 Bill Angel, 656 Kirkview Place, Bellingham, stated he is in favor of the **emergency**
30 **ordinance limiting the size of large commercial retail establishments in order to**
31 **promote compatibility with other jurisdictions within Whatcom County (AB2007-**
32 **135)**. The ordinance maintains compatible zoning with the cities and limits sprawl. The big
33 box stores will force other businesses out of the county, and will remove those job
34 opportunities for county workers. The farther people have to drive to make their purchases
35 balances out the lesser cost people pay for those purchases.
36

37 Patrick Alesse, 4825 Alderson Road, Birch Bay, stated he is in favor of the
38 **emergency ordinance limiting the size of large commercial retail establishments in**
39 **order to promote compatibility with other jurisdictions within Whatcom County**
40 **(AB2007-135)**. Infrastructure would be needed to support a big box store. That
41 infrastructure would be a subsidy. He worries about subsidies in trade for increased jobs
42 and an increased tax base.
43

44 Dennis Jones, 1487 Sudden Valley, stated he thanks all who have worked with
45 Sudden Valley to improve water quality.
46

47 Lynnea Flarry, 1253 Lattimore Road, Ferndale, stated she is in favor of the
48 **emergency ordinance limiting the size of large commercial retail establishments in**
49 **order to promote compatibility with other jurisdictions within Whatcom County**
50 **(AB2007-135)**. She hopes this moratorium evolves into a permanent ordinance. The
51 result of the stores is traffic jams and pollution. The box stores have promised to provide a
52 lot of tax dollars. However, the negative impact on the quality of life has been profound.
53

1 Dave Pros, 1466 Roy Road, Bellingham, stated he served on the Whatcom County
2 Planning Commission for eight years. Whatcom County does not have a long term land use
3 plan. Future generations will hold them accountable for the result. Such a plan would make
4 legislating simpler.

5
6 Second, the urban growth area issue is very difficult. The Council owes an allegiance
7 to the current citizens. Remember that as they consider the UGA issues. The City is not
8 the only place that has neighborhoods. The UGA's have neighborhoods, too. Many people
9 pleaded with the Planning Commission to not drastically change their neighborhoods. In
10 some areas, the Council is being asked to make thousands of percents change in the density
11 of those people's neighborhoods. Planning policy 4A says that public testimony shall be
12 evident in the decision-making process. This afternoon, things happened that were totally
13 counter to what every person in the King Mountain area wanted for their neighborhood.
14 There is a distinction between living in a neighborhood and owning speculative property in a
15 neighborhood.

16
17
18 **OTHER ITEMS**

19
20 **6. EMERGENCY ORDINANCE LIMITING THE SIZE OF LARGE COMMERCIAL**
21 **RETAIL ESTABLISHMENTS IN ORDER TO PROMOTE COMPATIBILITY WITH**
22 **OTHER JURISDICTIONS WITHIN WHATCOM COUNTY (AB2007-135)**
23

24 **Brenner** stated she wrote the ordinance. Big commercial retail stores require an
25 urban level of services. The County only provides rural levels of service. She resents being
26 called "un-American." Only in America can people decide on who they elect and how they're
27 represented. They are not at the mercy of anything. She doesn't believe that big box
28 stores are the cheapest. The Bellingham Grocery Outlet has cheap food. There is nowhere
29 cheaper than that. She's been into Wal-Mart. The Bellingham Grocery Outlet has cheaper
30 food, and it's very good. There will be controversial issues, and it would be nice if people
31 would focus on the issue rather than making personal attacks.

32
33 There are exemptions in this ordinance for commercial retail if it is accessory to
34 manufacturing facilities when manufacturing is the main function. There is an exemption
35 for retail associated with rural resource industries. The County's function is supposed to be
36 making sure that rural resources stay viable. Whatcom County's resources are enviable.
37 The majority of people want to prioritize the local resources. One way to do that is to allow
38 value-added accessory uses to those industries. This ordinance allows those uses. People
39 were completely displaced by the mall when it was developed. Everyone counts. This
40 ordinance is a good first step. All the jurisdictions and people in Whatcom County need to
41 work on a final ordinance. People should read this ordinance before they take a position. It
42 was rushed because they have heard rumors of development in the county. Bellingham and
43 Ferndale should decide what they want their communities to be. She **moved** to adopt the
44 ordinance.

45
46 Caskey-Schreiber asked if this limits the entire size of a store, or just the footprint.

47
48 Brenner stated she was talking about the footprint.

49
50 **Caskey-Schreiber suggested** a friendly amendment, "...to 75,000 square feet
51 footprint on all new applications...."

52
53 **Brenner accepted** the friendly amendment.

1
2 Nelson stated Councilmember Brenner did a great job on the ordinance. It makes no
3 sense to put a large store or mega mall in rural Whatcom County areas. Take a time out
4 and establish guidelines. He doesn't understand the cities' arguments against the use.
5 Putting the use in rural areas will require infrastructure that the taxpayers will have to pay.
6 The County can work with the cities to make sure they also address these considerations.
7

8 *(Clerk's Note: End of tape one, side A.)*
9

10 Nelson continued to state that there are impacts from large, empty buildings that are
11 outdated.
12

13 McShane stated he is against the friendly amendment, but in favor of the ordinance.
14 The fundamental issue is the square footage of retail in the general commercial area of the
15 county, which is a limited area.
16

17 ***Brenner withdrew her acceptance of the friendly amendment.***
18

19 McShane stated he is in favor of the ordinance. There is little area in the county to
20 which this ordinance would apply. Many of the general commercial areas are too small, or
21 there are other zoning requirements that would preempt a large box store. The Council
22 should address this issue and review the zoning language that applies to the general
23 commercial area and their locations. It may be a non-issue, but he doesn't know for sure.
24

25 Fleetwood stated he is in favor of the ordinance. There is nothing un-American
26 about creating the community that most of the people want. This is a time out. There is a
27 zoning text amendment before the Council to have the County consider a community impact
28 assessment related to big box stores. The Council hasn't yet vetted that subject. Moratoria
29 aren't permanent. They are meant to buy time and purged after the Council addresses the
30 perceived problem.
31

32 He agrees that there is a distinction between the County and a city. The reasons
33 given by the Cities for supporting the moratorium are fundamentally different from the
34 County's reasons.
35

36 Weimer stated he is in favor of the ordinance. A Ferndale City Council person asked
37 the County specifically to help make sure that a big box store would not create impacts to
38 Ferndale, by making everyone from Ferndale drive out into the county. He agrees with
39 Councilmember Nelson. This isn't about whether or not they like a particular franchise. It
40 makes no sense to put such a development in the county, where everyone would have to
41 drive even farther to get to it. Growth management says that such retail developments
42 should be in a city.
43

44 Crawford stated he is against the ordinance. The Bellingham City Council badly
45 erred when it banned the expansion of the existing Wal-Mart. It started an interesting chain
46 reaction by other Whatcom County government bodies. He hopes that mistake by the City
47 will be corrected. Whatcom County has the most interest in not seeing this type of
48 development occur in the rural areas. It defies the logic of growth management and good
49 community planning.
50

51 There is no practical benefit to this ordinance, except one, to the new general
52 commercial zones in the Birch Bay area. However, all the other sites have been thoroughly

1 reviewed by developers. There are few, and they are generally not suitable for this scale of
2 development.

3
4 It's not appropriate to declare an emergency. There is no emergency. No corporate
5 interest is considering it. Wal-Mart has said it's not looking. The regulation for general
6 commercial has been 30 years in the making. Intentionally, there is no square footage
7 limit.

8
9 His concern about the end result of this chain reaction is the potential that they may
10 have some tribal land in Whatcom County developed for this. Given the Nooksack Tribe's
11 development of its casino in the middle of farmland, he is not sure that the community is
12 ready to see this kind of development occur on another piece of tribal land. He's not aware
13 of such a proposal in Whatcom County, but they can see what is happening on tribal lands
14 to the south. They are trying to prevent sprawl. Fifteen years ago, Smokey Point was just
15 an off-ramp. It's not that way today. The tribes will make it easy for that to occur here.

16
17 If someone were to develop a Wal-Mart or Costco in a general commercial zone
18 adjacent to Grandview Road or Slater Road, the City of Ferndale would annex those areas
19 as soon as the sales tax revenue started pouring in.

20
21 This ordinance has no real effect. They are squeezing the balloon too hard. He
22 doesn't support the moratorium.

23
24 Caskey-Schreiber stated they are being squeezed into addressing this issue.
25 However, the Council addressed it somewhat when it dealt with the possibility of a mall in
26 Ferndale. The issues are the same. Such a development will have severe impacts to the
27 infrastructure, paid for by County taxpayers. The Council needs to take a hard look at the
28 issue. They don't control the whole county. There are other cities that may choose to host
29 a superstore. The County will still have traffic problems to fix. When dealing with this
30 issue, invite all the Planning Department staff from the small towns.

31
32 **Brenner** stated this ordinance is about making sure nothing is vested while the
33 Council comes to its conclusions. The County doesn't have control over the decisions of the
34 Tribes. She's not aware of any tribal land that is right on Interstate 5. There are
35 unincorporated areas right on Interstate 5 that are big enough for such a use. This has
36 more to do with the community working together. There has not been an argument against
37 this time out that works. She **amended her motion** to adopt, with one change to the first
38 Whereas statement, "Whereas, the Washington State Growth Management Act...."

39
40 ***Motion to adopt carried 6-1 with Crawford opposed.***

41
42
43 **PUBLIC HEARINGS**

44
45 **1. ORDINANCE AUTHORIZING THE ADOPTION OF THE 2007 UNIFIED FEE**
46 **SCHEDULE (AB2006-440)**

47
48 Weimer opened the public hearing and the following people spoke:

49
50 Bill Quehrn, Building Industry Association (BIA) Executive Officer, stated the BIA
51 doesn't oppose fees that pay for the cost of services. In the future, the fees should be kept
52 up to the actual costs. He thanked County staff for meeting his membership about these
53 fees. Make sure the County identifies the higher service that the users will receive.

1
2 He submitted information earlier today detailing other concerns. His information
3 included a consultant report that shows this increase will add \$1,900 to the cost of a house.
4 Instead, start with a lower base fee and use a time and materials-based system to come up
5 with the true cost for each application. The building community will understand it better.
6 It's easier to track. Consider it for the future.
7

8 A system that everyone understands will make sure that people don't hire an
9 unregistered contractor or try to build something without permits to avoid paying the fees.
10 Also, identify the connection with other issues such as affordable housing.
11

12 Crawford asked the result of the discussions between County staff and the BIA
13 membership. Quehrn stated there was a philosophical discussion rather than a point-by-
14 point discussion. They increased the variance fee. There were a few other changes. The
15 staff left with the impression that it will try to make it better for everyone, turn things
16 around quicker, and improve things. Some of the fees are going to sting or be out of line.
17 They will work on those items.
18

19 Crawford asked if the builders accept the fees. Quehrn stated the builders do not
20 accept the fees. The ultimate home buyer accepts and pays for the fees. The fees make
21 houses more expensive.
22

23 Linda King, Maple Falls, stated she is going through the process of applying for
24 permits to operate a one-bedroom bed and breakfast in the Mt. Baker Foothills. The permit
25 fees would cost about \$3,000 now and \$5,000 under the new fee schedule. Fee increases
26 discourage small businesses. Visitors who spend the night spend more money than day-
27 trippers. Her business supports other local businesses in the area. Supporting tourism in
28 the Foothills area is a top priority for the County. However, the fee increase makes it
29 difficult.
30

31 Jay Irwin, Chicago Title Land Development and Builder Services Manager, stated he
32 is concerned about the high cost of a County administrative appeal. An administrative
33 appeal often acts to clarify the meaning of the code, rather than be adversarial. The fee
34 may cause people to be denied access to the appeal process. If the fees go up, make sure
35 the Public Works Department is funded. Given the new leadership of that department, it's
36 time to reinforce the number of staff in that department. As a former County employee, he
37 heard that the amount of development review staff in the Engineering Division hasn't
38 changed since the late 1980's. That's unacceptable. The County wants people to come in
39 and get permits, otherwise the people become compliance cases. As a citizen, he doesn't
40 want to see the backlash.
41

42 Roger Almskaar, 233 South State Street, Bellingham, stated he is a land use
43 consultant in Bellingham who works mostly on short-plats. He mostly works for people who
44 are not developers. He works on family-owned land that has sat for a long time. He's also
45 worked on some variances and conditional use permits. The fees in those areas, the small
46 projects, are too high. Have a low base fee to begin, and then go to an hourly rate.
47

48 John Flarry, 1253 Lattimore Road, Ferndale, stated development must pay for itself.
49 His taxes have gone up 50 percent this year, but services haven't gotten that much better.
50 A lot of the tax increase goes to support development. He is in favor of increased fees for
51 development.
52

53 Hearing no one else, Weimer closed the public hearing.

1
2 Dennis Rhodes, Planning and Development Services (PDS) Department, gave a staff
3 report. They have established a baseline fee and the average range of hours it takes to
4 accomplish service tasks. He submitted a memo (*on file*) to the Executive dated today
5 regarding PDS proposed modifications to the Draft 2007 Unified Fee Schedule, as a result of
6 the staff's meeting with citizens, including the Building Industry Association of Whatcom
7 County (BIAW). The staff are starting to implement processes for improved services. Now,
8 the department doesn't have resources to track time and materials, which the BIAW
9 suggested. Page two of his memo to the Executive suggest changes to the ordinance. He
10 explained the proposed changes.

11
12 Sam Ryan, Planning and Development Services Department, explained the stand-
13 alone application fee changes.

14
15 Crawford suggested that the fee descriptions be changed from "stand-alone
16 application" to "in situations other than with a building permit." No one does a critical areas
17 review unless they have something planned. Nothing ever stands by itself. It's an issue of
18 semantics.

19
20 Rhodes stated there are proposed amendments in his memo.

21
22 **Crawford moved** to adopt the 2007 Unified Fee Schedule. He **moved** to amend the
23 ordinance as suggested by the memo from Mr. Rhodes to the Executive dated today
24 regarding PDS proposed modifications to the Draft 2007 Unified Fee Schedule, with
25 language changes to the description of items 2019 and 2020, "Critical Areas Office Review;
26 ~~stand-alone application~~ in circumstances other than with building permits."

27
28 **Motion to amend carried unanimously.**

29
30 Brenner stated she is glad staff is moving toward a round-table permitting process.
31 When in place, it will make a big difference. The cost will be more, but the time spent will
32 be less. They must do a flat permit fee, with an increased fee by the hour beyond that.
33 Don't price out someone doing a small addition by using the average fee. She is
34 uncomfortable with some of these increases, because the average homeowner will not be
35 able to do things. Development needs to pay for itself. The only way to justify that is to
36 charge a fee depending on hours spent on the application.

37
38 Crawford stated he is in favor of the ordinance. They must be careful of individual
39 homeowners in terms of affordable housing. He asked the administration to isolate some of
40 these real costs.

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

43
44 Crawford stated the people paying the fees should understand why the fees are what
45 they are.

46
47 Nelson asked if they know how much less time will be spent processing the permits.
48 The increases are substantial. His greatest concern is that people still have to deal with the
49 permit process time. Rhodes stated they have a linear review process now. There are
50 about 14 different areas that have to be reviewed. Any one of those areas can stop an
51 application and put it in a hold pattern until the application is changed. If there are
52 changes, the application may have to go back to the beginning of the review process. They
53 are trying to change that linear pattern to a one-meeting, roundtable review process. The

1 staff would all meet with the applicant and consultants, after visiting the site. There will be
2 a great reduction in time. In his experience, the process will take less than half the time of
3 the current process.
4

5 Nelson stated time is money. He will make sure staff keeps its commitment to
6 reducing the amount of time it takes to process the permits.
7

8 Brenner asked how long it will take staff to set up this new roundtable process.
9 Rhodes stated it will take time to train staff and change the automated services. That will
10 take time. Four to six months from now, they will see significant improvements, but it will
11 take more time beyond that. This will take four to six months to get going, and then the
12 system will further improve over a period of time. Over the next year, they will see
13 significant improvements, with the most rapid improvements in four to six months.
14

15 **Brenner moved** to amend to adopt an interim fee schedule that doubles the fees
16 across the board until the new process is working well enough that the time savings is very
17 evident. Her motion applies only to fees that have been raised by more than double, not to
18 fees that are reduced.
19

20 Caskey-Schreiber stated she is against the amendment. The staff and administration
21 have worked on this for four months. The Council has many opportunities to work with
22 them to iron out issues. Get this implemented so they can see how it works. The service
23 level improvements will be measurable. Give this a chance. It's based on sound rationale.
24 Adopting something at the last minute to please everyone is not the answer.
25

26 Crawford stated he is against the amendment. He understands the reason for the
27 amendment. However, test the waters with what is proposed. He is concerned about
28 calling something interim. The Planning staff has a lot of work ahead of it. Get through
29 that process. Hold the administration to an accountability for the use of those fees and cost
30 efficiencies in the Planning Department.
31

32 Brenner stated her amendment is a simple interim step until they get to the point.
33

34 McShane asked if Councilmember Brenner's amendment applies to all fees in the
35 Unified Fee Schedule, or just the Planning Department and Public Works Department fees.
36

37 Brenner stated her amendment applies only to the Planning and Development
38 Services Department and Public Works Department permitting fees.
39

40 **Motion to amend failed 1-6 with Brenner in favor.**
41

42 **Motion to adopt the ordinance as amended carried 6-1 with Brenner**
43 **opposed.**
44

45 **2. ORDINANCE REGARDING INSTALLING STOP SIGNS ON VARIOUS ROADS**
46 **WITHIN THE DEVELOPMENT OF BAY CREST (AB2007-110)**
47

48 Weimer opened the public hearing and, hearing no one, closed the public hearing.
49

50 **Nelson moved** to adopt the ordinance.
51

52 **Motion carried 6-0 with Brenner out of the room.**
53

1 **3. ORDINANCE REGARDING ESTABLISHMENT OF SPEED LIMITS ON CERTAIN**
2 **COUNTY ROADS (AB2007-111)**

3
4 Weimer opened the public hearing and the following person spoke:

5
6 Rome Sarwas, 7395 Birch Bay Drive, asked which roads were involved. He
7 suggested that the Council consider the speed limit on Birch Bay Drive.

8
9 Hearing no one else, Weimer closed the public hearing.

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

12
13 ***Motion carried unanimously.***

14
15 **4. RESOLUTION APPROVING GRANT OF EASEMENT FOR ACCESS AND**
16 **UTILITIES ON LONG ESTABLISHED TRAIL ACROSS COUNTY PROPERTY**
17 **(AB2007-114)**

18
19 Weimer opened the public hearing and, hearing no one, closed the public hearing.

20
21 ***Caskey-Schreiber moved*** to approve the resolution.

22
23 ***Motion carried 6-1 with McShane opposed.***

24
25 **5. ORDINANCE AMENDING THE OFFICIAL SHORELINE MANAGEMENT PROGRAM**
26 **(WCC TITLE 23), THE OFFICIAL SHORELINE MAP, AND ASSOCIATED**
27 **PROVISIONS OF THE CAO (WCC CHAPTER 16.16), AND THE ZONING CODE**
28 **(WCC TITLE 20) (AB2006-442)**

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

31
32 Cyrilla Cook, People for Puget Sound, stated her organization is in favor of this
33 ordinance. It is a well-developed plan. It will allow the future use of development of
34 shorelines while protecting water quality. The policies and standards, requirements for
35 salmon-friendly docks, preferences for soft shoreline stabilization were feasible, and
36 incentives for restoration, are going to help save Puget Sound. They would have liked to
37 have seen policies in the plan that address the Cherry Point Aquatic Reserve Management
38 Plan. Work with other stakeholders to ensure that a comprehensive management strategy
39 for the Cherry Point area is developed, which adequately protects Cherry Point herring and
40 other shoreline resources.

41
42 Mary Dickinson, Building Industry Association of Whatcom County (BIAW)
43 Governmental Affairs Director, stated her organization is in favor of the ordinance, with a
44 few minor amendments, which were listed in her memo to the Council dated this afternoon.
45 Some of her suggestions included adding language to clarify the provision regarding the
46 Public Trust Doctrine. Clarify the violations and penalties section, so that willful violations
47 won't be tolerated. Add language regarding adverse impacts. Last, use the same
48 vernacular as the legal community is used to.

49
50 Rome Sarwas, 7395 Birch Bay Drive, referenced Chapter Five, section 23.50. It
51 implies that existing homes could not be replaced if destroyed by fire. Make allowances for
52 existing structures on Birch Bay.

1 Patrick Alesse, 4825 Alderson Road, Birch Bay, stated he hopes going for a shoreline
2 permit doesn't make a project financially not feasible.
3

4 Dennis Ditchfield, 4122 Stuart Circle, Ferndale, stated the change of shoreline
5 setbacks from 45 feet to 150 feet would make many lots in Sandy Point unbuildable. He is
6 concerned about citizens being compensated for property use loss due to the 150-foot
7 setback. Also, the Sandy Point community was not contacted about this issue. He read
8 policies 2F-1 through 2F-3 from the Comprehensive Plan. He asked what economic
9 incentives will exist for property owners whose property may be affected.
10

11 Pat Foley, 4122 Stuart Circle, Ferndale, stated that the setbacks going from 45 feet
12 to 150 feet will effectively make approximately 100 property owners in Sandy Point have
13 unbuildable lots. This ordinance should not be applied to existing subdivided buildable lots.
14

15 Jeff Chalfant, Planning and Development Services Department, stated that the
16 critical areas ordinance is always applied within shorelines jurisdiction. Before the critical
17 areas ordinance was updated in 2005, the buffer on marine shorelines was 100 feet. In
18 accordance with the best available science and the work of the Citizen Advisory Committee
19 and Technical Advisory Committee, that buffer was increased to 150 feet upon adoption by
20 the County Council. That buffer already applies. Before this update, under the existing
21 program, there is a 45-foot setback along shorelines in the Sandy Point area, under the
22 Shoreline Program. In addition, there is a 150-foot buffer according to the critical areas
23 ordinance. There is a lot of confusion about which buffer applies. Therefore, they've done
24 away with the shoreline setback altogether. Now, they are just deferring to the 150-foot
25 critical areas buffer, which has always applied. Also, in the nonconforming development
26 section, there is a provision for all lots constrained by this 150-foot buffer to have, at a
27 minimum, a 2,500 square foot building envelope, exclusive of the driveway, septic system,
28 and road setbacks. If there are other issues, people can ask for variances to get even
29 closer. They are at least guaranteed a 2,500 square foot building permit.
30

31 Chappelle Arnett, 4136 Salt Spring Drive, Ferndale, stated she is interested in
32 protecting the sea life and environment at Sandy Point. Build an environmental education
33 center adjacent to the wetlands contributed by Mr. Jepson. A 150-foot setback would not
34 allow them to develop such a center, which is in the interest of conservation.
35

36 Roger Almskaar, 233 South State Street, Bellingham, stated he offers suggestions
37 for changes in his letter submitted to councilmembers earlier today (*on file*). The governing
38 principles from the State Department of Ecology (DOE) guidelines will be put into the
39 program or added by reference. He's concerned that staff would use the Public Trust
40 Doctrine to make decisions on individual permits. Revise the definition of "adverse impact."
41 He doesn't agree with the Department of Ecology's change in the meaning of the word
42 "should." It's a power grab to get more control over people and property.
43

44 Richard Gilda, Jensen Road, submitted information (*on file*). They have tried to
45 make a document that pleases everyone, which is nearly impossible. This management
46 program is made up of regulations. Buffers are confusing, and seem to be larger than
47 explicitly stated. The words "restoration" and "natural" have many different meanings. The
48 term "no net loss" is hard to define. He read from his information. The word "willfully"
49 should be changed to "knowingly."
50

51 (*Clerk's Note: End of tape two, side A.*)
52

53 Gilda continued to read from his testimony regarding exemption.

1
2 Bernice Brannan, 4145 Patos Road, Ferndale, stated she has canal-front property.
3 Even though they own to the center of the canal, they have to mark the building setback
4 from the high water mark. The large setbacks don't allow building on the lots.
5

6 Bob Clark, 8035-283rd Street Northwest, Stanwood, stated he has a key lot at
7 Sandy Point. He doesn't understand the new regulations. He's opposed to the new
8 ordinance.
9

10 Wendy Steffensen, ReSources North Sound Bay Keeper, stated they need a strong
11 Shoreline Management Program to protect fish and water quality. There are some
12 exemptions for docks, bulkheads, and single-family residences. They are supposed to
13 account for the cumulative impact of all individual impacts. She asked how they are going
14 to make sure there is no net loss with these exemptions. They should tighten up some of
15 the regulation regarding toxics, shading, and the amount of armoring happening on the
16 shorelines. There are several areas in the ordinance where they can make the language
17 stronger.
18

19 Ron Jepson, 807 Yew Street, Bellingham, stated he asks the Council not to designate
20 his Sandy Point property as a park. The current designations at Sandy Point are either
21 urban or rural. His property at the center of Sandy Point is rural. The new regulations have
22 him zoned conservancy. He asked that his property be zoned shoreline residential, like the
23 rest of the properties on the Point. He explained the history of his property and his plans
24 for the future. The conservancy designation typically applies to areas with environmental
25 degradation. His property is not in that category. Under conservancy, his density is
26 reduced.
27

28 Crawford asked if the area is platted. Jepson stated it is not. His proposed lots are
29 about a half acre in size.
30

31 Ken Ehlers, 4129 Sucia Drive, Sandy Point, stated he walks on Ron Jepson's property
32 every day with his dog. The property has been considered rural for 30 years. This new
33 category is conservancy. The tenor of his property is identical to developed property on the
34 east side of the canal, right across from Mr. Jepson's property. The elevation is the same.
35 The beach slope is the same. Everything is the same, except the east side of the canal is
36 urban. The different designation isn't fair.
37

38 Few lay people in the community knew that any of this work was going on. If major
39 changes are being made to the rules, there should be community meetings. This should
40 have been disclosed better.
41

42 Jayne Uerling, 3245 Mosquito Lake Road, Deming, stated the document seems to be
43 very balanced. She thanked everyone for their hard work. A few things are still vague, and
44 need to be tightened up.
45

46 Laura Brakke, 585 Pleasant Bay Road, stated she approves of addressing the
47 cumulative impacts, achieving no net loss, and including the reference to the Public Trust
48 Doctrine. It's disturbing that the Governor's Point owners have manipulated the process
49 and gotten their desired designation, and avoided the conservancy designation. There is a
50 big issue about desalination plants in the county. It is a way to get around the natural
51 limitation of building, based on public utilities. The definition of "unbuildable land" was
52 deleted. She questions the language that allows variances for development closer to the

1 water than the ordinary high water mark. Rural shorelines should not have Port
2 development.

3
4 Arne Cleveland, 7373 Birch Bay Drive, Blaine, stated the homes on Terrell Creek and
5 Birch Bay Drive are nonconforming. These rules will not allow people to build homes as
6 they were. That is an unconstitutional taking of property. Do not adopt the ordinance until
7 items are fixed in Chapter 2, which encourages trespass on private property. Chapter 5
8 does not allow a home destroyed by fire to be rebuilt. Chapter 5 does not allow repair of a
9 bulkhead when a substantial adverse effect to the shoreline occurs, and it is not allowed to
10 create dry land. Most bulkheads are there to create dry land. That is in violation of private
11 property. Bulkhead setbacks in Chapter 10 should not apply to existing bulkheads. Do not
12 adopt the ordinance until these items are fixed.

13
14 Hilary Culverwell, 960 Harris Avenue, Bellingham, stated she is the liaison for the
15 Puget Sound Action Team. Whatcom County has done a great job keeping the public
16 informed and involved. The Puget Sound Action Team recently published the State of the
17 Sound 2007 report. Water quality, wildlife, and habitat are declining. Region-wide, protect
18 marine and freshwater shorelines. It is one of the most important things they can do to
19 turn the trend around. Adopt this Shoreline Management Program update. Give the County
20 administration the resources it needs to implement the program.

21
22 D. Robert Frances Jones, 1487 Sudden Valley, Bellingham, explained his professional
23 background. The Council should adopt the ordinance. There should be more information in
24 the use policies on aquaculture, especially fin fish. The best thing of the ordinance is
25 consideration of the cumulative impact to the watershed.

26
27 Sylvia Goodwin, Port of Bellingham Planning and Development Director, stated she
28 compliments Whatcom County for this document and public involvement. The Port has one
29 concern. The issue has been adequately addressed, but clarify the definition and use of
30 water-dependant uses within shoreline buffers. The Port has one parcel, used by Mt. Baker
31 Plywood. It is a little peninsula surrounded by water. The 150-foot shoreline buffer covers
32 most of that peninsula. Only one-half acre in the very center is not within the buffer.
33 These policies are on page 100 of the document. A policy on page 101 indicates that the
34 use can be there because it is a water-oriented development that requires a location within
35 the shoreline buffer. A barge off-loading facility would be a water-dependent facility.
36 However, the question is whether there can be a staging and storage area within the
37 shoreline for gravel and goods once they are off the barge. Language could be clearer that
38 support uses to water-dependent uses are also considered water-dependent. She asked the
39 Council to clarify that intent. This is one of the few spots left on the marine shoreline where
40 one could off-load and store or stage gravel.

41
42 McShane asked the State Department of Ecology's interpretation of water-dependent
43 uses. Ultimately, Ecology has the final say. He would interpret that use as being water-
44 dependent. Goodwin stated she has received reasonable interpretations from Mr. Chalfant
45 and Ecology staff Barry Winger. She's concerned that less reasonable future staff would not
46 make the same interpretation.

47
48 Pete Kremen, County Executive, stated that the Governor asked him to update the
49 Shoreline Master Program over two years ago. County staff has worked diligently to
50 complete this daunting task. Before the Council is a balanced approach to protecting the
51 shorelines and marine environment. He thanked the citizens who were also involved. He
52 recommends that the Council adopt the ordinance.

1 Hearing no one else, Weimer closed the public hearing.
2

3 **McShane moved** to adopt the ordinance. The comments received tonight are really
4 about the critical areas ordinance, which the Council adopted quite some time ago. This
5 change isn't going to have an effect on those setbacks at Sandy Point at all.
6

7 The committee worked very hard on this item. He reported for the Natural
8 Resources Committee. Jeff Chalfant and the consultant, Margaret Clancy, have made a
9 amazing effort, as have the Council and the administration. He anticipated a battle over
10 this ordinance, but there were few issues with it. The Technical Advisory Committee and
11 staff got into the details. It's a good, comprehensive, well-balanced document.
12

13 Crawford stated the program refers to the critical areas ordinance on the issue of
14 setbacks. He asked if the critical areas ordinance does not apply to shoreline management
15 plan-regulated development, as the language states. Chalfant stated that language is
16 incorrect. There is a specific area in the critical areas ordinance that deals with marine
17 beaches, which are habitat conservation areas that require a 150-foot buffer. In addition,
18 Engrossed Substitute House Bill 1933 required local shoreline management programs to
19 integrate with the critical areas ordinances.
20

21 Crawford stated the language about replacing a house destroyed by fire was already
22 in the program. They've made it more flexible by adding the word "feasible."
23

24 Owners of Governor's Point conclude that shoreline residential is a more apt
25 designation for Governor's Point. They formally request that the shoreline map be changed
26 to reflect this designation. He asked the committee's rationale on this issue.
27

28 McShane stated the designation is what it is, based on what's on the ground. The
29 area met the designation of conservancy. There is a stipulation agreement to make sure
30 they don't step on any toes on that.
31

32 Crawford asked if designating the area as residential violates the County's
33 stipulation.
34

35 Jeff Chalfant, Planning and Development Services Department, stated it wouldn't
36 violate the stipulated settlement applicable to Governor's Point. The previous designation is
37 conservancy, so the current designation is consistent with the previous programs. To have
38 a shoreline residential designation, it has to have a residential density of one unit per acre
39 or higher, which isn't the case now. There are vested plats. It's a policy decision. The
40 bigger issue is what is happening on the Jepson property and whether they need to adjust
41 that designation. The change to shoreline residential won't change the ecological protection
42 measures. It may allow for a bit more density.
43

44 **Crawford moved** to change the official shoreline map to reflect the Jepson
45 property, indicated on Mr. Jepson's map only, which are the shoreline areas adjacent to the
46 inner harbor, as a shoreline residential designation.
47

48 McShane stated the overall density in the conservancy designation is one unit per
49 one acre. That includes all the upland property, including the area within the shoreline
50 designation. Chalfant stated it only applies within shoreline jurisdiction.
51

1 McShane stated he guesses that the bulk of that land is within the shoreline
2 jurisdiction. Mr. Jepson already proposes to put a significant portion of the land in park or
3 conservation status anyway. The change may add a lot or two.
4

5 He hesitates to make a change that is contrary to what they see on the ground out
6 there. He asked if this doesn't qualify as conservancy land. He thinks the conservancy
7 designation fits. Chalfant stated it's a tough call. Given the development pattern in that
8 area, the limited applicability within shoreline jurisdiction, and the fact that it won't make
9 much of a difference other than allowing the property owner a slightly more economically
10 feasible project by adding one or two lots, the designation change is reasonable. That is a
11 policy decision for the Council.
12

13 Fleetwood asked if there would not be any detrimental ecological effect. Chalfant
14 stated there would not. The designation does not correlate to a more or less restrictive
15 environmental protective standard. It's all related to the critical areas ordinance. The
16 designation only speaks to the allowed uses. In this case, it is the same either way.
17

18 Brenner stated she is in favor of the amendment. She appreciates how this area will
19 be developed.
20

21 Caskey-Schreiber asked if there are any guarantees that the area will be developed
22 this way. She asked if the Council can condition the additional density. Chalfant stated that
23 will be subject to the review process that occurs when determining whether or not it's
24 consistent with the Shoreline Management Program and critical areas ordinance.
25

26 McShane stated he is against the amendment. People ought not to build on
27 accretionary shore forms. Sand and gravel built that area from storm or wave action.
28 Consider the flood map in that area. The waves do overtop that area.
29

30 *(Clerk's Note: End of tape two, side B.)*
31

32 McShane continued to state that they have no assurance this has changed. He
33 wants to obtain the density. He's selling this as a conservancy area. This is a motivation
34 for doing it.
35

36 Crawford asked if that is Federal Emergency Management Agency (FEMA) zone
37 three. Jepson stated it's not accretion. It's a dredged canal.
38

39 McShane stated the land form is an accretionary land form. Jepson stated that only
40 sand and gravel was dredged from the canal and placed on his property.
41

42 Crawford stated the FEMA maps that far in don't show the wave effect as much as
43 the properties facing west. Jepson stated the waves don't overtop. The only time water
44 gets on it is when it comes over the Sucia Drive at a high tide.
45

46 Brenner stated they put their trust in Jeff Chalfant to this point. She will put her
47 trust in him. Since it is the same, she will defer to the property owner.
48

49 ***Motion to amend carried 4-3 with Caskey-Schreiber, Weimer, and McShane***
50 ***opposed.***
51

52 Brenner asked if the governing principles are supposed to be the same. Chalfant
53 stated the governing principles were developed to guide the 2003 Department of Ecology

1 guidelines. They were never designed to be inserted into local shoreline programs. That's
2 why the advisory committees made some adjustments to them. A change was made to add
3 the public trust doctrine in section 23.10.03.E. There was clarification in the same section,
4 item H, also.

5
6 Brenner stated she would rather not include the word "should" if it's not defined.
7 Some people said there should have been more public meetings.

8
9 There were a number of public meetings about this. She went to two of them. She
10 doesn't know what more the Council could do. The meetings were broadly advertised. She
11 welcomes ideas about how to get more people to public meetings when they're advertised.

12
13 One person suggested having a consultant list for people. She asked if the County
14 administration would develop a list of professional people to help shepherd people through
15 this. Chalfant stated they have a list of qualified wetland specialists or stream specialists.
16 Most of those folks have experience dealing with marine shoreline habitats also. They
17 would be able to provide consulting experience.

18
19 Brenner asked for a list of Shoreline Management Plan specialists. Chalfant stated
20 they may be able to come up with something.

21
22 **Crawford moved** to amend section 23.10.03.E, "...implemented consistent with the
23 ~~Public Trust Doctrine and other~~ applicable legal principles...." The Public Trust Doctrine is an
24 applicable legal principle in certain cases. The concern is that becomes the prevailing
25 concern by whoever interprets this section.

26
27 Royce Buckingham, Prosecutor's Office, stated his opinion is that Councilmember
28 Crawford's amendment would be okay. One must follow the law whether it's referenced in
29 the code or not.

30
31 **Motion to amend failed 1-6 with Crawford in favor.**

32
33 Caskey-Schreiber stated she thanked the Natural Resources Committee and Mr.
34 Chalfant for working on this project for the past few years. He's worked very hard on this
35 document. It's very thorough and well-thought out. He's done an excellent job. Chalfant
36 stated the thanks goes also to other staff who have been dedicated to this process with him,
37 including Amy Peterson, Peter Gill, and others.

38
39 **Weimer moved** to amend section 23.100.03.B.1.g, "Commercial ~~salmon~~ fin fish net
40 pen facilities...." There is some interest in the Strait of Juan De Fuca in developing black cod
41 net pens. They have many of the same problems as the salmon net pens.

42
43 McShane stated he wants to support the motion, but he doesn't know enough about
44 it. He looked closely at the salmon issue. This is worth investigating. The Marine
45 Resources Committee weighed in on the salmon issue. He doesn't know the consequences
46 when it comes to cod. However, he is open to the idea. The Council can make that specific
47 amendment to this ordinance at a later time.

48
49 Brenner stated she's heard from others about this problem. The problem is with all
50 kinds of fish, not just salmon. She will vote for the motion.

51
52 Fleetwood asked if the Council can amend this document. Chalfant stated they can,
53 but it has to go through the Department of Ecology for approval.

1
2 **Motion failed 3-4 with Brenner, Fleetwood, and Weimer in favor.**
3

4 Nelson asked if public access goes through setbacks in Port of Bellingham areas.
5 Chalfant stated public access would be designed. They have to make sure the use could be
6 compatible with public access.
7

8 Brenner asked Mr. Chalfant to go through Mr. Cleveland's four comments. Chalfant
9 stated the first comment from Mr. Cleveland indicates that the program allows or
10 encourages trespassing on private property. Nothing in the program allows trespassing on
11 private property. They've addressed the issue about nonconforming structures destroyed
12 by fire. One is able to rebuild a home. Regarding bulkhead repair, the program refers to
13 State exemptions for maintenance and repair of structure. Whatcom County doesn't have
14 the ability to change those State exemptions. The bulkhead setback does not apply to
15 existing bulkheads. It applies to new bulkheads being proposed on accretion shore forms.
16

17 Weimer stated subsections (1) and (2) in section 23.90.12.B.4.c seem to be different
18 categories from subsections (3) through (6). Chalfant stated that may be a scrivener's
19 error. The intent is that the applicant has to meet all of those conditions. These conditions
20 require review of the feasibility to make sure habitats are protected and to mitigate for
21 water quality impacts. It's mostly right out of the existing program.
22

23 **Weimer moved** to amend section 23.90.12.B.4.c, "...and when found to meet one
24 or more of the following conditions:"
25

26 **Motion carried unanimously.**
27

28 **Motion to adopt the ordinance as amended carried unanimously.**
29

30 (Clerk's Note: The Council took a ten-minute break at 10:35.)
31
32

33 **CONSENT AGENDA**
34

35 **Crawford** reported for the Finance and Administrative Services Committee and
36 **moved** to approve Consent Agenda items one through eleven.
37

38 **Motion to approve Consent Agenda items one through eleven carried**
39 **unanimously.**
40

- 41 **1. REQUEST APPROVAL TO PURCHASE LIGHT BARS AND RELATED EQUIPMENT**
42 **TO BE INSTALLED ON THE NEW SHERIFF'S VEHICLES USING A**
43 **WASHINGTON STATE CONTRACT (VENDOR MCLOUGHLIN EARDLEY**
44 **COMPANY) IN THE AMOUNT OF \$51,410.79 (AB2007-120)**
45
- 46 **2. REQUEST APPROVAL TO PURCHASE A WIDE AREA MOWER TO BE USED BY**
47 **THE PARKS & RECREATION DEPARTMENT USING A WASHINGTON STATE**
48 **CONTRACT (VENDOR JOHN DEERE COMPANY/NORTH WASHINGTON**
49 **IMPLEMENT) IN THE AMOUNT OF \$45,394.52 (AB2007-121)**
50
- 51 **3. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A**
52 **CONTRACT BETWEEN WHATCOM COUNTY CASCADE VOCATIONAL SERVICES**
53 **TO PLACE INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES IN**

1 INTEGRATED PAID JOBS AND LONG-TERM VOLUNTEER EMPLOYMENT IN
2 TYPICAL COMMUNITY BUSINESSES AND ORGANIZATIONS, IN THE AMOUNT
3 OF \$18,000 (AB2007-122)
4

- 5 4. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO A
6 CONTRACT AGREEMENT BETWEEN WHATCOM COUNTY AND ANCHOR
7 ENVIRONMENTAL, LLC TO DELINEATE WOOD DEBRIS DISTRIBUTION AT
8 CLIFFSIDE BEACH, INVESTIGATE HISTORIC WOOD DEPOSITION TRENDS,
9 IDENTIFY POTENTIAL REMOVAL AND RESTORATION OPTIONS, AND
10 ESTIMATE COSTS ASSOCIATED WITH TWO REMOVAL AND RESTORATION
11 OPTIONS, IN THE AMOUNT OF \$60,000 (AB2007-123)
12
- 13 5. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN
14 INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE
15 DEPARTMENT OF ECOLOGY, DEPARTMENT OF NATURAL RESOURCES, PUGET
16 SOUND ACTION TEAM AND WHATCOM COUNTY MARINE RESOURCES
17 COMMITTEE FOR THE CLIFFSIDE BEACH WOOD DEBRIS REMOVAL PHASE I,
18 IN THE AMOUNT OF \$85,000 (AB2007-124)
19
- 20 6. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN
21 AMENDMENT TO THE JOINT FUNDING AGREEMENT BETWEEN WHATCOM
22 COUNTY AND THE UNITED STATES GEOLOGICAL SURVEY (USGS) FOR
23 OPERATION AND MAINTENANCE OF STREAM FLOW GAUGING AT BERTRAND
24 CREEK TRIBUTARY TO INCLUDE FIXED COSTS INADVERTENTLY OMITTED BY
25 USGS IN THE ORIGINAL AGREEMENT, IN THE AMOUNT \$3,820, FOR A TOTAL
26 AMENDED AGREEMENT IN THE AMOUNT OF \$15,070 (AB2007-125)
27
- 28 7. REQUEST APPROVAL FOR THE WHATCOM COUNTY HOUSING ADVISORY
29 BOARD COMMITTEE'S RECOMMENDATIONS FOR FUNDING REPAIR AND
30 RETENTION RFP #06-103, IN THE AMOUNT OF \$150,000 (AB2007-126)
31
- 32 8. REQUEST APPROVAL FOR THE WHATCOM COUNTY HOUSING ADVISORY
33 BOARD COMMITTEE'S RECOMMENDATIONS TO AMEND THE EXISTING 2006-
34 2060 OPERATIONS CONTRACTS FOR A ONE-YEAR EXTENSION (AB2007-127)
35
- 36 9. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN
37 INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND LAKE
38 WHATCOM WATER & SEWER DISTRICT FOR THE DESIGN AND
39 RECONSTRUCTION OF AN EXISTING WATER MAIN PROJECT IN
40 CONJUNCTION WITH THE CABLE STREET RECONSTRUCTION PROJECT, IN
41 THE AMOUNT OF \$368,410 (AB2007-128)
42
- 43 10. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN
44 INTERLOCAL COOPERATIVE AGREEMENT BETWEEN WHATCOM COUNTY
45 PARKS AND RECREATION AND SKAGIT COUNTY FOR THE SKAGIT COUNTY
46 SHERIFF DEPARTMENT'S USE OF THE PLANTATION RIFLE RANGE FOR THE
47 TERM JANUARY 1, 2007 THROUGH DECEMBER 31, 2007, IN THE AMOUNT OF
48 \$9,067.50 (AB2007-129)
49
- 50 11. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO ENTER INTO AN
51 INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF
52 BELLINGHAM FOR TECHNOLOGY BUSINESS PROMOTION AND EDUCATION
53 IN WHATCOM COUNTY, IN THE AMOUNT OF \$48,000 (AB2007-130)

1
2
3 **OTHER ITEMS**

4
5 **2. ORDINANCE AMENDING THE 2007 WHATCOM COUNTY BUDGET, SECOND**
6 **REQUEST, IN THE AMOUNT OF \$712,630 (AB2007-109)**
7

8 **Crawford** reported for the Finance and Administrative Services Committee and
9 **moved** to adopt the ordinance.

10
11 **Motion carried unanimously.**
12

13
14 **OTHER BUSINESS**

15
16 **DISCUSSION WITH DEPUTY ADMINISTRATOR DEWEY DESLER REGARDING**
17 **LOBBYING PRIORITIES IN PREPARATION FOR THE UPCOMING NACO LEGISLATIVE**
18 **CONFERENCE IN WASHINGTON D.C. (AB2007-118)**
19

20 Crawford reported for the Finance and Administrative Services Committee.

21
22 Dewey Desler, Deputy Administrator, stated it would be useful for the Council to
23 indicate its support for the issues the administration has proposed in the form of a letter.
24 They have until next week to write a letter.
25

26 Crawford stated he doesn't want to dilute their impact by including too many items.
27

28 Caskey-Schreiber stated she is fine with supporting the administration's proposal.
29 She would like to include a request to the legislative representatives to consider funding for
30 the weatherization program. It is due to be cut by 41 percent. That program helps many
31 folks in the county. The Opportunity Council has created an information sheet.
32

33 Pete Kremen, County Executive, stated he agrees with Councilmember Caskey-
34 Schreiber. It's not an issue germane solely to Whatcom County. It is a nationwide issue.
35 However, they can underscore the need while at the conference. It doesn't need to be a
36 part of Whatcom County's lobbying efforts.
37

38 Caskey-Schreiber stated she agrees.
39

40 **McShane moved** to write and approve a one paragraph letter from the County
41 Council that says the full Council concurs with these requests to their Senators and
42 Representatives.
43

44 Nelson stated he meets with different individuals. He concurs with the
45 administration on its lobbying items. He meets with the legislators on healthcare issues.
46 He would also like full Council support on his healthcare issues. He will meet with the
47 Administration on Aging about the ten percent increase in the funding of the Older
48 Americans Act (AoA). He hopes they maintain the current levels of funding, but, with the
49 increasing population, the funding per capita is diminishing. Locally and nationally, they are
50 asking for a ten percent increase in the AoA. Also, there is a shortfall in the Native
51 American aging programs and State health insurance. They receive no funding at the local
52 level for information assistance. He also represents the Whatcom Alliance for Healthcare
53 Access. Medicare Part D will be a program he will address, also.

1
2 **McShane amended his motion** to write and approve two separate letters. One
3 letter is specific to the healthcare issues for Councilmember Nelson.
4

5 **Motion carried unanimously.**
6
7

8 **OTHER ITEMS**
9

10 **1. RESOLUTION SUPPORTING THE WHATCOM COUNTY SHORELINE**
11 **MANAGEMENT PROGRAM UPDATE – RESTORATION PLAN (AB2006-442A)**
12

13 **McShane** reported for the Natural Resources Committee and moved to **approve** the
14 resolution.
15

16 **Motion carried unanimously.**
17

18 **3. EXECUTIVE REQUESTS CONFIRMATION OF HIS APPOINTMENT OF CHARLES**
19 **ROBINSON TO THE WHATCOM COUNTY ETHICS COMMISSION (AB2007-131)**
20

21 **Caskey-Schreiber moved** to confirm the appointment.
22

23 **Motion carried unanimously.**
24

25 **4. EXECUTIVE REQUESTS CONFIRMATION OF HIS APPOINTMENT OF ANDREA**
26 **MACLENNAN TO THE WHATCOM COUNTY MARINE RESOURCES COMMITTEE**
27 **(AB2007-132)**
28

29 **McShane moved** to confirm the appointment.
30

31 **Motion carried unanimously.**
32

33 **5. RESOLUTION TO SCHEDULE A PUBLIC HEARING CONCERNING THE**
34 **ESTABLISHMENT OF THE BIRCH BAY WATERSHED AND AQUATIC**
35 **RESOURCES MANAGEMENT DISTRICT (AB2007-113) (COUNCIL ACTING AS**
36 **THE FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)**
37

38 **Brenner moved** to approve the resolution.
39

40 **Motion carried unanimously.**
41
42

43 **PLEASE ADD TO COUNCIL, CORRESPONDENCE APPROVAL**
44

45 **1. LETTER TO STATE LEGISLATORS REGARDING HB 1595, EXPANDING THE**
46 **PROTECTION OF SHELLFISH IN PUGET SOUND (AB2007-029)**
47

48 **Weimer moved** to approve the letter.
49

50 **Motion carried unanimously.**
51
52

53 **INTRODUCTION ITEMS**

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Brenner moved to accept the Introduction Items.

Motion carried unanimously.

1. **RECEIPT OF APPEAL OF HEARING EXAMINER'S DECISION ON CUP06-0026 FILED BY ROBERT MERHAUT, REGARDING EXPANSION OF ELECTRONIC ASSEMBLY BUSINESS BY FABER BROTHERS CONSTRUCTION/SENSOR LINK (AB2007-066)**
2. **ORDINANCE ESTABLISHING THE BIRCH BAY WATERSHED AND AQUATIC RESOURCES MANAGEMENT DISTRICT (AB2007-113A)**
3. **ORDINANCE AMENDING WHATCOM COUNTY CODE 3.08, PURCHASING SYSTEM, SETTING REQUIREMENTS FOR COUNCIL/EXECUTIVE APPROVAL OF CONTRACTS RESULTING FROM PROJECT BASED BUDGET APPROVAL AND SMALL WORKS (AB2007-133)**

OTHER BUSINESS

There was no other business.

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

There were no other reports.

ADJOURN

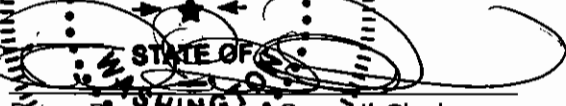
The meeting adjourned at 11:00 p.m.


 Jill Nixon, Minutes Transcription

The Council approved these minutes on March 27, 2007.

APTE
 COUNTY COUNCIL
 OF WHATCOM COUNTY
 WASHINGTON

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


 Dena Brown Davis, Council Clerk


 Carl Weimer, Council Chair