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WHATCOM COUNTY COUNCIL
Regular County Council

November 20, 2007

Council Chair Carl Weimer called the meeting to order at 7:00 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

There were no announcements.

MINUTES CONSENT

Caskey-Schreiber moved to approve the Minutes Consent items.

Motion carried unanimously.

- 1. COMMITTEE OF THE WHOLE FOR OCTOBER 23, 2007**
- 2. REGULAR COUNTY COUNCIL FOR OCTOBER 23, 2007**

OPEN SESSION

The following people spoke:

Johnnie Grames, 1506 E. Maplewood Avenue, stated this Council reflects the county and its dynamics. Their maturity is timely. They don't have to break in another member. They will have to work with the City Council. He proposed to the Bellingham City Council last night that the City of Bellingham share BTV 10, and its expense, with the County.

Gwen Hunter, 2540 Applejack Lane, Bellingham, stated the national interest rates determine the number of hookups in the Lake Whatcom reservoir. The water and sewer district hopes to hook up 2,000 new homes in the next 20 years. Something has to be done.

Walter Ilyin, resident, stated he thanks Councilmember Crawford for voting to lift the moratorium, He is opposed to continuing it. There have been no subdivisions allowed for three years, and the ordinance says that the oxygen levels keep declining. Therefore, the problem is not lot subdivision. They should lift the moratorium. The zone is three houses per acre.

1
2 Patrick Alesse, 4825 Alderson Road, Birch Bay, stated taxes can go up by one
3 percent. The County also gets everything in new construction. There is a problem with
4 things going up one percent. That can't keep pace with inflation. They need to keep costs
5 down, but do it through longer range planning. Talk to the State about allowing something
6 that meets the pace of inflation, so the County won't be so eager to let Birch Bay build out,
7 so they can service the rest of the county.
8

9 Dave Pros, 1466 Roy Road, stated the Planning Commission started on the urban
10 growth area (UGA) process in 2002 with the County and the City of Bellingham. Bellingham
11 has 40 percent of the county's population, but wants to accommodate 51 percent of the
12 growth. Neighborhoods in Bellingham were not happy with the amount of growth they were
13 asked to absorb. Therefore, the City placed most of that density into the UGA areas, which
14 are areas where the residents can't vote for City officials. People in UGA's were also not
15 happy but were not able to vote on issues in the city. UGA residents look to the County for
16 protection and representation. Large developers have laid the groundwork to file lawsuits.
17 David Bricklin has suggested they lower the population projection for the City of Bellingham.
18 Only the City of Bellingham or the Governor can sue the County about that. Individuals
19 would not be able to sue the County.
20

21 Wendy Setter, 4230 King Mountain, stated she is shocked the Council is considering
22 adding 80 acres into the UGA. It has not gone through the Planning Commission. When a
23 developer deforests two mountains, people from as far away as Anacortes can see it. It will
24 change the entire character of the north side of town. It will all be developed as
25 apartments.
26

27 Cindy Anderson, 347 Van Wyk Road, stated they have a unique opportunity to
28 preserve some of the mountain so it doesn't become completely bulldozed, with no
29 relationship to what it currently is. Also they can preserve true agricultural land that has
30 long-term sustainability. The mountain is rocks with trees. Many of the trees can be saved
31 and interlinked with trails. The neighborhood could be connected with other neighborhoods.
32 The development will do the best job possible to maintain the trees, hillside, and green
33 spaces. The community will use transit. The roads will move people and goods. This is a
34 unique opportunity to do development right.
35

36 **PUBLIC HEARINGS**

37 **1. RESOLUTION AUTHORIZING THE LEVY OF TAXES FOR THE WHATCOM** 38 **COUNTY FLOOD CONTROL ZONE DISTRICT FOR 2008 (COUNCIL ACTING AS** 39 **THE FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS (AB2007-** 40 **420)** 41 42

43 Weimer opened the public hearing and the following people spoke:
44
45

46 Duane Jager, 2401 E Street, Bellingham, stated the Council proposes a zero percent
47 increase in the flood tax in spite of the fact that there is a long list of water projects that
48 need attention. He submitted and read from a letter (*on file*). He support taxes with a
49 purpose. Increase the flood fund to reallocate general revenue funds for proactive long-
50 range planning in Whatcom County.
51

52 Charlie Maliszewski, 760 Old Samish Road, Bellingham, read from a letter he sent to
53 the Council earlier today (*on file*). He is in favor of Councilmember Weimer's proposal to
54 begin working on the backlog of over 400 water projects that have gone unfunded.
55

1 Wynne Lee, 2171 Tuttle Lane, Lummi Island, stated she is not in favor of keeping the
2 flood fund levy at the same rate. Return this item to committee to increase the levy or
3 specify and approve alternative funding sources for water-related projects. The current levy
4 level is insufficient to fund mandated and important projects. Problems have worsened.
5 Delays will continue to increase the costs to taxpayers. These mandated projects are
6 essential for the integrity of all water. They must take care of the water where they live by
7 taking care of rapid growth, which threatens the waters and watersheds. Reject the
8 proposal to keep the flood fund levy at the same rate it's been at for several years. Return
9 this item to committee to increase the levy, or pass an alternative funding source for these
10 projects.

11
12 Myra Ramos, 2877 North Nugent Road, Lummi Island, stated they need to stop
13 taking water for granted. They need to invest in water, so they have enough good water.
14 Don't allow the project backlog to increase. Invest in water quality.

15
16 Patrick Alesse, 4825 Alderson Road, Birch Bay, stated a fee is different from a tax.
17 They do need to study drinking water issues, but the money for that comes from the flood
18 fee, which is a fee for services. It must come from a drinking water fee.

19
20 Robin Dexter, 3726 Broad Street, Bellingham, stated he is in favor of increasing this
21 tax. The flood fund can be used for almost anything they want. If they are not willing to
22 raise the tax, they ought to look at the list of projects that aren't getting done. Be honest
23 about why the projects aren't getting done. This fee should not go to any more planning.

24
25 Gwen Hunter, 2540 Applejack Lane, stated she is willing to pay 10 cents or 20 cents
26 per day to pay for the water projects.

27
28 Geoff Menzies, 988 W. Laurel Road, Ferndale, stated the Drayton Harbor watershed
29 was identified as the top priority watershed in Whatcom County. The Drayton Harbor
30 Watershed Management Committee completed in 1995 its action plan for water quality
31 recovery in Drayton Harbor. They are still trying to achieve water recovery in Drayton
32 Harbor. Whatcom County adopted the Shellfish Recovery Plan, including 30
33 recommendations to restore water quality in Drayton Harbor. Only eight of those
34 recommendations have funding and are scheduled for implementation. Seventeen
35 recommendations aren't funded at all. He supports increasing the flood levy rate to fund
36 programs like Drayton Harbor, or find other ways to fund these programs. Otherwise,
37 advisory committees will not continue to do their work.

38
39 Nelson asked if the shellfish protection district may tax those in the district. Menzies
40 stated the County Council is authorized to tax residents of the watershed to implement the
41 plan, but has not chosen to do so. An alternative to doing that is through the flood fee.

42
43 Nelson asked if the committee made a recommendation on what to tax the district
44 residents for shellfish. Menzies stated that is beyond the expertise of the committee. The
45 Council must work with the Executive and Assessor to develop an appropriate and fair tax.

46
47 Dave Pros, 1466 Roy Road, Bellingham, stated there is a cost for growth. The
48 County sets the level of service. It's nice to say they aren't raising taxes. However, there
49 should be commitment by the representatives to serve the people they represent at those
50 set levels. He would rather the costs be paid by impact fees, but supports raising the taxes.

51
52 Middy Shaw, 4372 Francis Avenue, King Mountain, stated the councilmembers should
53 think long and hard about denuding mountains and building lots of apartments.

54
55 Hearing no one else, Weimer closed the public hearing.

1
2 **Brenner moved** to approve the resolution. They are working on implementation
3 tools. Birch Bay is a special watershed area. They are creating a plan and implementation
4 tool regarding impacts and benefits. She will not support a regular, regressive property tax.
5 This flood tax is not a fee. It's a tax. It doesn't have anything to do with impact or benefit.
6 She supports a fee for impact and benefit rather than a tax based on property value. If the
7 Council wants people to have ownership in this community, they must let the people see a
8 correlation between money out and projects done. People with low-impact development
9 homes shouldn't necessarily pay more because they have higher assessments. Reward
10 people for reducing or eliminating stormwater impacts. Provide an incentive to those people
11 who are causing the problems and who benefit. Putting more money into something
12 without a direct correlation won't necessarily give them the results they want.

13
14 *(Clerk's Note: End of tape one, side A.)*

15
16 Brenner stated she hopes the Birch Bay plan will end up a model for the rest of the
17 county. They must have watershed districts throughout the county that are based on
18 benefits and impacts. The Council has budgeted money for Drayton Harbor projects and
19 improvements. The County is doing many things right now. There are some people who
20 can't afford more tax of \$30. A home only has value when it's sold. Otherwise, it's not an
21 investment.

22
23 Caskey-Schreiber stated she wants to know what the money is going toward. They
24 haven't worked through the prioritization list of projects. She knows there is a need. She's
25 not opposed to an increase if that's the best thing. She asked if they can delay passing this
26 until they go through the January project list.

27
28 Weimer stated there is not. The Treasurer's Office needs this by the end of the year
29 to develop the assessment roles.

30
31 Brenner stated that every time a budget amendment request comes to the Council,
32 the Council can add it to the supplemental budget request.

33
34 Caskey-Schreiber stated they may not necessarily have the revenues to pay for it.

35
36 McShane stated he's been frustrated with the flood tax. He will vote in favor of this
37 item. At some point in the future, he would be in favor of raising the tax if he were assured
38 that the tax would go to projects with a broad public benefit and was distributed equitably.
39 However, his experience on the Board of Supervisors has proven that isn't how the fund is
40 used. The majority of the Board of Supervisors has not been able to turn down projects.
41 They are making progress to establish priorities and create equity in the system. He will
42 vote in favor of this item. Think about funding a variety of projects that have a broad public
43 benefit. Lay out an approach for prioritization first.

44
45 Crawford stated he is in favor of the motion. This continues to motivate the Council
46 to continue to work with the administration to identify projects and funding sources. The
47 administration will be open to looking at it next year in that light. If they have the priorities
48 set, including associated costs, the administration is willing to identify sources of revenue.

49
50 Brenner stated she has no trouble denying a project she doesn't believe in. There is
51 money in the budget for worthy projects if the Council wants to add them to a supplemental
52 budget request. It has nothing to do with a levy.

1 McShane stated there may be a possibility for an outside revenue source, since they
2 are acting as the Board of Supervisors for a district that is separate from the County
3 municipal corporation.
4

5 Weimer stated he will vote in favor of this. He's been involved with water resource
6 inventory area (WRIA) planning since 1998. Every year they've been told that there would
7 be a process to start funding things. The Portage Bay and Drayton Harbor Shellfish
8 Protection Districts have been told the same thing since the mid-1990's. However, nothing
9 has been funded. The water resource integration project identified over 400 projects that
10 don't have funding. The price for those projects is \$380 million over the next 20 years.
11 They aren't adding any money to start digging out of that hole. They will have a prioritized
12 list in January. The Lake Whatcom stormwater plan has a \$3 million price tag. They will
13 have a list of high priorities to choose from. Some people will never have enough
14 information to want to fund anything. People are frustrated.
15

16 Nelson stated the funding problem has long been a problem. It will always be a
17 problem. They can either add more taxes, but they will never have enough money for all
18 the problems that come up. Therefore, they have to prioritize. The public has to
19 understand that a tax raise would make sense. They have responded to the public request
20 to look at programs and come up with ideas. They've never promised to pay for anything.
21 They've only said the County will do whatever it can to help with projects. That is what the
22 integration program is for. It will define the priorities that are important for the entire
23 community. A tax increase won't help the public if they don't know what it's for. Finishing
24 projects in Drayton Harbor will neglect other projects in Lake Whatcom, the Nooksack River,
25 and other areas of the county.
26

27 Weimer stated that Councilmember Nelson's approach seems to be to neglect
28 everything until they come up with a fair solution.
29

30 Nelson stated that's not true. They've funded many program activities that are
31 ongoing. They have funded many programs in Drayton Harbor and the Nooksack
32 watershed. Not all the councilmembers agree on some of the programs.
33

34 Caskey-Schreiber stated they need to figure out a revenue stream for some of the
35 things that need to be done. However, she voted to lower the flood fee because she was
36 told it was being misused. They channeled the revenues to the general fund, and spent out
37 of the general fund when needed. She prefers to designate money for specific projects
38 during the budget process so she can balance the cost elsewhere. When they go through
39 the prioritization, they will have a better sense of the top priorities in each geographic area.
40 One part of the Nooksack River has consumed three-quarters of the flood money. At some
41 point, they need to find a balance. They've also designated a lot of money for Lake
42 Whatcom. She understands the frustration of those areas in district three that may not get
43 as much. They pay into the fund, but don't get a benefit. However, she wants the final
44 prioritization list with associated costs before making decisions. Once she has that, she
45 would have no problem with an increase a year from now. She wants to go through the
46 prioritization first. She wants to be able to tell the public what she is voting for that will
47 affect them and their property taxes. At least identify the top ten projects. She is in favor
48 of the resolution.
49

50 Brenner stated she has enough information to know she won't support a property tax
51 increase. Find a better source of funding that correlates to benefit and impact.
52

53 ***Motion carried 6-1 with Fleetwood opposed.***
54

1 **2. ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY**
2 **CONSERVATION FUTURES PURPOSES FOR 2008 (AB2007-422A)**
3

4 Weimer opened the public hearing and the following person spoke:
5

6 Henry Bierlink, Lynden, stated this tax is a lot cleaner than the last one. It has only
7 been used for a couple of things, such as open spaces and the purchase of development
8 rights in agricultural areas. The program doesn't have enough to make a huge difference.
9 This is not the only tool they can use for agricultural land protection. They need to develop
10 more tools. Keep up with inflation and the increasing cost of land. It's tougher to buy
11 those development rights than in the past. He is in favor of the ordinance.
12

13 Hearing no one else, Weimer closed the public hearing.
14

15 **Caskey-Schreiber moved** to adopt the ordinance. For every dollar they use in the
16 purchase of development rights (PDR) program, they get a 100 percent federal match.
17 They have preserved nearly 600 acres with around 70 or 80 development rights. As the
18 urban growth areas (UGA's) continue to swell, this could be a key to draw boundaries
19 around growth pressure points in the county. The agricultural industry annually produces
20 \$300 million in goods. This industry won't be viable in the long-term without County
21 support. It will succumb to the pressures of growth. It is a minimal increase that goes to a
22 good program.
23

24 Brenner stated she is against the increase. If there wasn't an increase, she would
25 support the ordinance. They are just as able to leverage federal and State dollars another
26 way, such as an agricultural protection district. Fund by impact and benefit through a flat
27 fee. Everybody should pay the same amount.
28

29 Nelson asked why they are increasing a tax when \$830,000 is left in the fund.
30 They've only expended 42 percent of the budgeted amount this year.
31

32 Dewey Desler, Deputy Administrator, stated they bring supplemental budgets
33 forward through the course of the year for the Conservation Futures fund. They will be
34 close to spending the budgeted amount for the year. The reserve will be a little less than
35 \$2 million.
36

37 Caskey-Schreiber stated they have that balance now because the administrator of
38 that program has left the position, which hasn't yet been filled. The program is on hold
39 now. She hopes that position is filled soon so they can fully use the program next year.
40 The County has turned away farmers who wanted to participate. They've always gotten
41 their federal match. There is a growing need for this program.
42

43 Weimer stated the increase amounts to about \$.75 per year for someone who has a
44 \$300,000 house. They haven't kept up with inflation at all. They know what property
45 values have done. The \$57,000 won't purchase a lot, but every bit helps.
46

47 McShane stated today's supplemental budget request included the purchase of eight
48 development rights at a cost of \$142,900. That is less than \$20,000 each. There were
49 matching funds from other agencies. The program works. There will always be
50 supplemental budget items for these acquisition projects.
51

52 **Motion carried 4-3 with Brenner, Nelson, and Crawford opposed.**
53

1 **3. ORDINANCE REMOVING, ON AN INTERIM BASIS, THE LOT CLUSTERING**
2 **PROVISION FROM WHATCOM COUNTY CODE 20.42, RURAL FORESTRY**
3 **DISTRICT (AB2007-229A)**
4

5 Weimer opened the public hearing and the following people spoke:
6

7 Judie Westhoff, 4172 Squalicum Lake Road, Bellingham, stated lot clustering is
8 incomprehensible in the rural forestry zone. It is inconsistent with the goals of the Growth
9 Management Act and the County Comprehensive Plan. The ordinance to remove the lot
10 clustering provision from the County Code should be made permanent.
11

12 Gwen Hunter, 2540 Applejack Lane, Bellingham, stated they need the trees and
13 forests. Developing any kind of cluster in rural forestry zones will destroy the adjacent
14 commercial forestry. The Growth Management Act does not include a provision for
15 clustering in rural forestry lands. Prohibit lot clustering permanently.
16

17 Dave Pros, 1466 Roy Road, Bellingham, stated clustering does not retain the rural
18 character of an area. Clustering doesn't help on any level. It makes development less
19 expensive. The development should be spread out.
20

21 Bill Sygitowicz, 1864 Academy Road, stated a reserve tract in a cluster becomes an
22 undevelopable tract. Clustering requires sewer service, which is better than septic tanks.
23 Clustering allows scientific treatment of stormwater runoff. That is one of the better things
24 they can do to manage the Lake Whatcom watershed. Clustering would demand that 85
25 percent of a rural forest remain in perpetuity. That's also the best thing for a watershed.
26

27 Hearing no one else, Weimer closed the public hearing.
28

29 **Brenner moved** to adopt the ordinance. She thanked Councilmember McShane and
30 the public who come to the Council continuously who tried to change her way of thinking
31 about clusters. She originally supported clusters in all resource areas, including agriculture.
32 However, they've found that there are more complaints from neighbors about farming
33 activities. There are hardships on farmers. Clustering puts people in closer proximity to
34 each other. It makes it easier to organize and fight things. Clustering is important to
35 protect critical areas in more urbanized settings, but not in resource areas like forestry or
36 agriculture. There are unintended consequences. The natural way to prevent stormwater is
37 better than the scientific way to treat stormwater. Don't allow clustering in resource areas.
38

39 Fleetwood asked how long this will come forward as an interim.
40

41 Nelson stated he hopes not long. The next step is to talk about zoning requirements
42 in watersheds, since that's become a hot topic. It has an impact. They don't want to do
43 something unnecessarily that will affect people outside of critical areas or watersheds. He's
44 not sure how to do that. Consider buying forestry lands to be maintained in forestry
45 practices in watersheds. Allow the property owner to receive the benefit of their density
46 through a buyout, similar to the agricultural purchase of development rights.
47

48 He also was an advocate of clustering at first. However, it's had an impact to forest
49 lands. He's concerned about rural zones. Clustering doesn't protect rural character. It
50 damages rural character.
51

52 Crawford stated rural clustering has a lot of benefit. There are many good examples
53 in Whatcom County. They are beneficial for the property owner, the environment, and
54 access and traffic control. He agrees with Mr. Sygitowicz's comments. They can deal with
55 household waste, have a smaller footprint, and have reserve areas. He is in favor of lot

1 clustering from a practical perspective that enhances the community and environment.
2 There aren't many examples of clusters in rural forestry.

3
4 Caskey-Schreiber stated she understands both sides of the issue. She has an issue
5 with no clustering in rural forestry watershed lands. She doesn't know if it's better to have
6 a cluster or cleared lots and driveways spread out. She doesn't know which is better for the
7 lake. The biggest threat to Lake Whatcom watershed is another conduit to transport
8 sediments and phosphorus to the lake. Logically, it seems that risk is bigger with more
9 roads. One road to one cluster may be better than having homes spread out. She
10 questions whether someone who puts a home on 20 acres is really interested in logging.

11
12 McShane stated this is a complex issue in the watershed. This is an interim
13 ordinance regarding lot clustering only in rural forestry. He's worked on lot clustering
14 projects in other counties, which allow residential development on commercial forest land.
15 They are allowing cluster development within natural forestry areas. His concern is how
16 poorly managed those forest lands have become. They are driven by the value of creating
17 these clustered gated communities in the middle of nowhere. As a geologist, he tries to find
18 appropriate road and building locations. They are horribly-managed forest lands that are
19 completely degraded. The owner of the property only wants to come up with a residential
20 development, and has pushed forestry management aside. If they prohibit clusters, the
21 property would be better-managed for a forestry use with a house.

22
23 *(Clerk's Note: End of tape one, side B.)*

24
25 McShane stated he's inclined to support it because they are not being managed in
26 any fundamental way. They're awful properties to walk through. This issue has been
27 cluttered with the Lake Whatcom area issue. That should be addressed separately in the
28 future to address Councilmember Caskey-Schreiber's concerns. The reality is having roads
29 to separate 20-acre parcels. They might be able to disperse the stormwater, but the
30 interception of groundwater into the ditch systems, particularly on steep slopes, is a
31 concern. On Squalicum Mountain, there is definitely intercepted groundwater flowing in
32 ditches. That causes a problem with phosphorus loading. That can occur on a 20-acre
33 parcel with road construction. From a forestry perspective, clustering is not a good idea.

34
35 Brenner stated they wouldn't have those kinds of things if they adopt by reference
36 the low-impact development manual. The State has done this. There are many ways to
37 reduce and eliminate stormwater discharge with low impact development on steep areas.

38
39 Nelson stated the plan must be implemented with DNR on forest lands. There is a
40 plan for each of these lots. That has nothing to do with his reason for proposing this
41 ordinance. There are other things they can do with watershed management. He is
42 concerned that they are changing rural character. The development on Toad Hill is not rural
43 character. It is an area with problems. The City doesn't want it, and the County has
44 problems with it. They don't need any more of those areas in the rural area. To make
45 sensible plans for what is rural in nature, they must talk about what defines rural nature.

46
47 Brenner stated they must revisit the issue of the required amount of forest cover.

48
49 ***Motion carried 6-1 with Crawford opposed.***

50
51 **4. ORDINANCE APPROVING THE INSTALLATION OF STOP SIGNS ON**
52 **NORTHWOOD ROAD AND HALVERSTICK ROAD (AB2007-445)**

53
54 Weimer opened the public hearing and, hearing no one, closed the public hearing.
55

1 **Brenner moved** to adopt the ordinance.

2
3 **Motion carried unanimously.**

4
5 **5. ORDINANCE TO REVISE WCC 12.14, REFERRING PERMITS FOR USE OF**
6 **UNOPENED RIGHTS-OF-WAY (TRAIL PERMITS) FEES TO THE WHATCOM**
7 **COUNTY UNIFIED FEE SCHEDULE (AB2007-446)**

8
9 Weimer opened the public hearing and, hearing no one, closed the public hearing.

10
11 **Caskey-Schreiber moved** to adopt the ordinance.

12
13 **Motion carried unanimously.**

14
15 **6. ORDINANCE AMENDING WCC, TITLE 20, AUTHORIZING THE COLLECTION OF**
16 **IMPACT FEES FOR SCHOOL FACILITIES (AB2007-354A)**

17
18 Weimer opened the public hearing and the following people spoke:

19
20 Mary Dickinson, Building Industry Association of Whatcom County Government
21 Affairs Director, stated she is in favor of the legislative proposal. She thanked County staff
22 and others for collaborating on this product. She read statements regarding this issue from
23 her membership. The fee structure should be as flexible as possible. The school districts
24 should have as much autonomy as possible in how they receive and allocate fees. This
25 proposal does that. Her membership would prefer that the administration be done at the
26 County Planning Department.

27
28 Brenner asked about charging the fee at time of occupancy. Dickinson stated they
29 are discussing it, but not advocating for it.

30
31 Crawford stated the County will be collecting the fee.

32
33 Dennis Carlson, Lynden School District Superintendent, stated the school district
34 cannot collect impact fees or other taxes without going through a legislative body such as
35 the County. He supports the ordinance. The fees should be equal within the incorporated
36 and county areas within a school district boundary. Fees should be collected through the
37 agency issuing building permits. Adopt the ordinance.

38
39 John Krieg, Lynden School Board of Directors President, stated the average growth in
40 the Lynden School District is 40 students per year, which equals about two new school
41 classes per year. It costs \$250,000 to build and equip a new classroom. He supports the
42 ordinance to be more equitable way of building new classrooms and maintaining small class
43 sizes.

44
45 If they don't construct new classrooms as they grow, they tax the students by
46 placing them in larger class sizes and having them not as well-educated. There are only
47 two ways to build new classrooms. They can go to the general public and ask for bonds,
48 which taxes the entire public for new classrooms. The other option is to pursue impact fees,
49 which don't pay for the entire cost of new classes. However, impact fees place the burden
50 of building classrooms on the people who cause growth in the community, which is new
51 residential development. This is not a new tax. If this ordinance is not adopted, the school
52 districts will end up taxes the students or taxing the general public.

53
54 The school district should grow. They provide a good service at an inexpensive
55 price. They are a growing community partly because they have a good school district. To

1 stay a good school district, the people who chose to move to Lynden should pay for some of
2 the good school district.

3
4 The County should receive the impact fees. The school district is not involved in the
5 permitting process.
6

7 Patrick Alesse, 4825 Alderson Road, Birch Bay, stated he in favor of school impact
8 fees. The fees should be the same throughout a school district. The fee should be paid
9 when the foundation goes in, or sooner, because the district is going to have to start
10 working on its infrastructure. Work it out so the fee doesn't have to be spent so fast. Now,
11 the school will be impacted before the district can do a decent job of building structure.
12

13 Hearing no one else, Weimer closed the public hearing.
14

15 **Brenner moved** to adopt the ordinance. She thanked Councilmember Caskey-
16 Schreiber for working on this ordinance. Some councilmembers have supported this item
17 for a long time. However, some of the school districts were a bit apprehensive about doing
18 this. She appreciates the County staff who worked on this, also.
19

20 Caskey-Schreiber stated County Planner John Everett did most of the work on this
21 important ordinance. There are plans for high densities in the urban growth areas. School
22 districts have to serve the kids in those areas. The Council must next adopt the capital
23 facilities plans of each school district into the County Comprehensive Plan before they can
24 collect the fees. This ordinance is important to meet the needs of future generations and
25 give schools the tools they need. Adopt the ordinance.
26

27 Fleetwood asked how soon the districts can get their plans incorporated into the
28 County Comprehensive Plan.
29

30 Caskey-Schreiber stated they can docket these plans outside of the normal docketing
31 process. She hopes the Council can work on them in January.
32

33 He supports this ordinance because it makes sense and reflects the issues of the
34 builders and developers.
35

36 ***Motion carried unanimously.***
37

38
39 **CONSENT AGENDA**
40

41 **Crawford** reported for the Finance and Administrative Services Committee and
42 **moved** to approve Consent Agenda items one through 11.
43

44 ***Motion to approve Consent Agenda items one through eleven carried***
45 ***unanimously.***
46

- 47 1. **REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO AN ADDENDUM**
48 **TO THE JAIL PHARMACY AGREEMENT BETWEEN WHATCOM COUNTY AND**
49 **HOAGLAND'S PHARMACY IN THE AMOUNT OF APPROXIMATELY \$198,778**
50 **(AB2007-447)**
51
- 52 2. **REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO AN AMENDMENT**
53 **TO THE MEMORANDUM OF AGREEMENT BETWEEN WHATCOM COUNTY AND**
54 **THE WSU COOPERATIVE EXTENSION PROGRAM TO JOINTLY SHARE COSTS**

1 FOR FACULTY POSITIONS IN THE AMENDED AMOUNT OF \$82,885 (AB2007-
2 448)

- 3
4 3. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO AN INTERLOCAL
5 AGREEMENT BETWEEN THE NORTHWEST INCIDENT MANAGEMENT TEAM
6 AND THE WHATCOM COUNTY SHERIFF'S OFFICE DIVISION OF EMERGENCY
7 MANAGEMENT FOR PARTICIPATION ON THE INCIDENT MANAGEMENT TEAM
8 (AB2007-449)
9
- 10 4. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A CONTRACT
11 BETWEEN WHATCOM COUNTY AND NORTHWEST YOUTH SERVICES FOR
12 CONTINUED IMPLEMENTATION OF THE TEEN COURT PROGRAM IN THE
13 AMOUNT OF \$18,500 (AB2007-450)
14
- 15 5. REQUEST APPROVAL FOR THE EXECUTIVE TO AWARD BID #07-110 TO LOW
16 BIDDER TRI COUNTY OFFICE INTERIORS FOR THE SUPPLY AND
17 INSTALLATION OF MODULAR OFFICE FURNITURE IN DISTRICT COURT IN
18 THE AMOUNT OF \$107,136.44 (AB2007-451)
19
- 20 6. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO AN INTERLOCAL
21 AGREEMENT BETWEEN WHATCOM COUNTY AND THE LUMMI NATION FOR
22 THE HAXTON WAY PEDESTRIAN AND BICYCLE SAFETY PROJECT IN THE
23 AMOUNT OF \$300,000 (AB2007-414)
24
- 25 7. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A GRANT
26 AGREEMENT BETWEEN WHATCOM COUNTY AND THE WASHINGTON STATE
27 DEPARTMENT OF ECOLOGY FOR COORDINATED PREVENTION GRANT
28 ACTIVITIES TO INCLUDE THE OPERATION OF THE DISPOSAL OF TOXICS
29 FACILITY AND THE ENVIROSTARS PROGRAM IN AN AMOUNT UP TO
30 \$438,213 (AB2007-453)
31
- 32 8. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A CONTRACT
33 BETWEEN WHATCOM COUNTY AND COMPU-TECH INC. FOR TECHNOLOGY
34 UPGRADES TO THE SHERIFF'S AND PROSECUTOR'S RECORDS MANAGEMENT
35 SYSTEMS IN THE AMOUNT OF \$71,295 (AB2007-454)
36
- 37 9. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER INTO A GRANT
38 FUNDING AGREEMENT WITH THE WASHINGTON STATE DEPARTMENT OF
39 ECOLOGY TO PROVIDE SUPPORT FOR THE DRAYTON HARBOR SHELLFISH
40 PROTECTION DISTRICT IN THE AMOUNT OF \$75,000 (AB2007-455)
41
- 42 10. REQUEST APPROVAL OF THE WHATCOM COUNTY HOUSING ADVISORY
43 BOARD RECOMMENDATIONS FOR FUNDING AND ENTERING INTO
44 CONTRACTS FROM THE 2060 OPERATIONS AND MAINTENANCE RFP# 07-88
45 IN THE AMOUNT OF \$100,000 (AB2007-456)
46
- 47 11. REQUEST APPROVAL FOR THE EXECUTIVE TO ENTER IN TO AN INTERLOCAL
48 AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF LYNDEN FOR
49 THE EAST LYNDEN SUBAREA ANNEXATION (AB2007-457)
50

51
52 **OTHER ITEMS**
53

- 54 1 ORDINANCE ADOPTING SUPPLEMENTAL BUDGET REQUEST #13 (AB2007-
55 444)

1
2 **Crawford** reported for the Finance and Administrative Services Committee and
3 **moved** to adopt the ordinance.

4
5 **Motion carried unanimously.**

- 6
7 **2. REQUEST AUTHORIZATION FOR THE EXECUTIVE TO APPROVE A LIQUOR**
8 **LICENSE APPLICATION FOR JKJ, 4 CLUBHOUSE CIRCLE, BELLINGHAM**
9 **(AB2007-458)**

10
11 **Brenner moved** to approve the request.

12
13 **Motion carried unanimously.**

14
15 Brenner asked if liquor licenses are approved, whether or not the Council and
16 Executive want them approved.

17
18 Nelson stated they do.

19
20
21 **INTRODUCTION ITEMS**

22
23 **Brenner moved** to accept the Introduction Items including the two addenda.

24
25 Fleetwood withdrew item ten.

26
27 **Motion carried to accept Introduction Items one through nine and eleven**
28 **carried unanimously.**

- 29
30 **1. ORDINANCE AUTHORIZING THE 2008 WHATCOM COUNTY UNIFIED FEE**
31 **SCHEDULE (AB2007-459)**
- 32
33 **2. RESOLUTION EXTENDING THE CURRENT WHATCOM COUNTY FLOOD**
34 **CONTROL ZONE DISTRICT FUNDING MECHANISM AND LEVELS FOR THE**
35 **SAMISH WATERSHED SUBZONE THROUGH 2008 (AB2007-460) (COUNCIL**
36 **ACTING AS THE FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)**
- 37
38 **3. RESOLUTION EXTENDING THE CURRENT WHATCOM COUNTY FLOOD**
39 **CONTROL ZONE DISTRICT FUNDING MECHANISM AND LEVELS FOR THE**
40 **LYNDEN/EVERSON SUBZONE THROUGH 2008 (COUNCIL ACTING AS THE**
41 **FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS) (AB2007-461)**
- 42
43 **4. RESOLUTION EXTENDING THE CURRENT WHATCOM COUNTY FLOOD**
44 **CONTROL ZONE DISTRICT FUNDING MECHANISM AND LEVELS FOR THE**
45 **ACME/VANZANDT SUBZONE THROUGH 2008 (COUNCIL ACTING AS THE**
46 **FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS) (AB2007-462)**
- 47
48 **5. RESOLUTION EXTENDING THE CURRENT WHATCOM COUNTY FLOOD**
49 **CONTROL ZONE DISTRICT FUNDING MECHANISM & LEVELS FOR THE**
50 **SUMAS/NOOKSACK/EVERSON SUBZONE THROUGH 2008 (COUNCIL ACTING**
51 **AS THE FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS)**
52 **(AB2007-463)**
- 53
54 **6. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE PLAN**
55 **MAP AND THE WHATCOM COUNTY ZONING MAP FROM THE DESIGNATION**

1 **OF AGRICULTURE TO THE DESIGNATION OF RURAL FORESTRY FOR A 39.5-**
2 **ACRE PARCEL OF LAND, ASSESSOR'S PARCEL #370522-199054 (AB2007-**
3 **464)**

4
5 **7. ORDINANCE ADOPTING 2008 BUDGET SUPPLEMENTAL REQUEST #2 IN THE**
6 **AMOUNT OF \$16,478,522 (AB2007-465)**

7
8 **8. ORDINANCE ADOPTING 2007 BUDGET SUPPLEMENTAL REQUEST #14 IN THE**
9 **AMOUNT OF \$65,946 (AB2007-466)**

10
11 **9. ORDINANCE REQUESTING PROJECT BASED FUNDING FOR PERMITTING AND**
12 **RIGHT OF WAY FOR THE SLATER ROAD - NOOKSACK RIVER BRIDGE**
13 **PROJECT AND APPROVAL FOR THE EXECUTIVE TO ENTER INTO CONTRACTS**
14 **ON BEHALF OF THE COUNTY TO COMPLETE THE PROJECT (AB2007-452)**

15
16 **Addenda:**

17 **10. ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE PLAN**
18 **MAP, TITLE 20 ZONING MAP, AND THE URBAN FRINGE SUBAREA PLAN**
19 **(AB2007-318A)**

20
21 Fleetwood stated the City of Bellingham is interested in continuing discussions in
22 December and January that may result in agreement. For that reason, he does not support
23 introduction at this time.

24
25 McShane stated he is in favor of introduction. They must be clear on the direction
26 they're heading. They don't have to make the decision on December 4, but they'll have two
27 weeks to get good information and rationale on why they want to tweak the numbers.
28 There is nothing to back up the suggestion to shift numbers. A delay is about making the
29 numbers fit randomly to reach a compromise, with no supporting rationale. If he is
30 provided rationale, he would be willing to vote differently on December 4 and carry it over
31 to January. He didn't get anything of substance today. They can't defend arbitrarily
32 making changes. He doesn't think they can legally add areas to the urban growth area
33 (UGA) without a supplemental environmental impact statement (EIS), for example. There
34 was no rationale response to the question of arterials. There was no rationale given for
35 changing the numbers to show where the County went wrong in its analysis.

36
37 Brenner stated the legal counsel said this was one of the most comprehensive
38 processes they've ever gone through. She's worried about making last minute changes.
39 The focus has been on the Bellingham City Council. However, regular residents in the
40 affected area are waiting for an answer one way or another. Don't keep those residents
41 hanging. The County reached out to the City in August. The County received a slow
42 response. The County went beyond the extra mile.

43
44 Weimer stated he'd hoped they could meet further with the City Council, but the City
45 Council didn't give an indication that it wants to work anything out with the County Council.
46 The City staff hasn't chosen to brief the City Council on what the County Council passed,
47 which is disappointing. Therefore, he will vote to introduce it.

48
49 ***Brenner moved*** to introduce the ordinance.

50
51 ***Motion carried 6-1 with Fleetwood opposed.***

52
53 **11. ORDINANCE FORWARDING CHARTER AMENDMENT 1 TO THE COUNTY**
54 **AUDITOR, FOR INCLUSION ON THE 2008 GENERAL ELECTION BALLOT, TO**
55 **PROVIDE THAT EACH MEMBER OF THE WHATCOM COUNTY COUNCIL BE**

1 **ELECTED BY MAJORITY VOTE OF THE REGISTERED VOTERS OF WHATCOM**
2 **COUNTY (AB2007-467)**

3
4
5 **OTHER BUSINESS**

6
7 There was no other business.
8
9

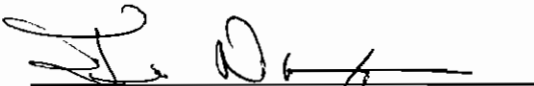
10 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

11
12 Nelson stated he attended a meeting in Geneva last week. He thanked Public Works
13 Director Frank Abart for attending and helping at the meeting. The community residents
14 appreciated Mr. Abart's participation, also. The meeting was about traffic crossings and
15 other issues.
16

17 Caskey-Schreiber stated she will attend the Little Farm Conference in Snohomish
18 County next week. They seem to have broadened their program. She hopes it's worthwhile
19 for Whatcom County. She wants to learn more from the Agriculture Center folks in Skagit
20 County.
21

22
23 **ADJOURN**

24
25 The meeting adjourned at 9:15 p.m.
26

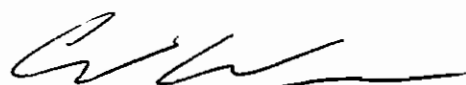
27 
28 _____
29 Jill Nixon, Minutes Transcription
30

31 The Council approved these minutes on January 15, 2008.

32
33 ATTEST

34 WHATCOM COUNTY COUNCIL
35 WHATCOM COUNTY, WASHINGTON

36
37 
38 _____
39 Dana Brown, Council Clerk

36
37 
38 _____
39 Carl Weimer, Council Chair