The meeting was called to order by Tom Burton, Chairman at 1:03 p.m. with Will Roehl present. Emily Jackson was absent. Others present were: Dan Taylor, Planning; Carl Parker, Engineering; Dick Skeers, Developer, Northern Heights; Bob Tull, Attorney; Ray Weden, Ray Weden Engineering; Andy Norstadt, Bellingham Herald; Lee Murphy, KGMI; Charles and Shirley Kermen; Beverly Razore; and Clark Taylor.

1. PROPOSED RESOLUTION REGARDING THE CLASSIFICATION AND UTILIZATION OF MAGRATH ROAD

ROEHL MOVED TO MAKE AN AMENDMENT ON LINE 15 OF THE PROPOSED RESOLUTION, CHANGING THE WORD "VIA BLE" TO "PREFERRED;" AND ON LINE 23 FROM "MAINTAIN THE CLASSIFICATION OF MAGRATH ROAD AS A GENERAL ACCESS ROAD" TO "CLASSIFY MAGRATH ROAD AS A LOCAL ACCESS ROAD."

Motion carried.

There was some discussion about the different ways that traffic could be curtailed in the Tweed Twenty area. Taylor, Planning and Parker, Engineering both expressed the need for allowing the connection to Northern Heights so that plat would be allowed to develop. Parker said that Magrath was never intended as a major arterial. Jones suggested making a cul-de-sac at the north end of Northern Heights and that would prevent any northerly road development. Both the proposed resolution and the original resolution to vacate will be forwarded to the Council 9-7-89 with no recommendations.

4. DISCUSSION OF HORTON ROAD VACATION WITH MR. & MRS. C. KERMEN

Mr. Kermen explained that they had initially met with Dan Warner who wrote Randy Watts for an opinion. Mr. Kermen said they had attended a presentation on Cordata where the Cordata engineer spoke but did not allow public comment. Kermen did however speak up in the final seconds of the meeting to say they did not agree with Horton Road being vacated because of ingress egress to Guide Meridian as well as water and sewer access. They will not have access if this property becomes developed. The Kermens would like to have access to the road that Trillium is building or down the property line to Thomas Road. They purchased the property in the seventies and there was no indication that Horton Road would ever be vacated. Mrs. Kermen stated that when Cordata was planned this was one of the first PUDs in Whatcom County and there were mistakes made, even as far as the County Engineer not knowing about the vacation of the road. She further stated that Cordata did use the binding site plan to obtain a low cost loan for the development,
development, but in her opinion the binding site plan does not meet the requirements set forth for road vacation in the RCWs or the Whatcom County Code. The Kermens said they feel that they were denied access to the Guide via Horton Road and the water and sewer line because Cordata arbitrarily vacated the Horton Road without following the correct procedures. She cited the portion that states there needed to be an examination and report by the County Engineer and this was not done; also noted the need for publication two successive weeks, public notices posted on the site, and a public hearing to allow interested persons be given a chance to be heard. Ray Weden of Ray Weden Engineering stated that he was asked to appear for the Whatcom County Public Works Department and stated that the Prosecuting Attorney had given an opinion that it was done in accordance with local ordinances and state law. Mr. Kermen said they are challenging that opinion...they had spoken to Warner who agreed with them at that time. They do not want to have to get into the legalities of this; they think Cordata is great for the community but they do want a circulation road, and sewer and water. Weden said the Kermens need to apply to the City of Bellingham for a service zone extension to get sewer and water. Mr. Kermen said the property is worth one dollar a foot without sewer and water and circulation access, but is worth four to five dollars a foot with water and sewer and circulation access. Roehl said the committee would ask Randy Watts to look at this again in light of the new information that had been provided. Parker stated that he noted on the binding site plan that the road was vacated per this map but the procedure was started before he had joined the County. Taylor said the binding site plan is a form of platting following the platting laws. The Kermens stated they were thinking of going to the Attorney General for an opinion. The Kermens again stated that mistakes had been made on the PUD. This item will be on the next agenda. Weden said he would talk to Watts, Rushing of Public Works and Engineering about this; he stated he remembered the Kermens protesting at the meeting but it was apparent at that time that the roads had to be vacated because the alignments had been approved. Weden stated the road vacation was in the EIS and there was a public process.

2. REQUEST FOR RECONSIDERATION OF THE LYNDEN BORDER CROSSING REZONE TO TOURIST COMMERCIAL—PRESENTATION BY TULL AND HAYES AT 9-7 COUNCIL MEETING

Roehl moved this item be forwarded to Council September 7 with Tull and Hayes having five minutes each to discuss their sides. Motion carried.

5. ORDINANCE AMENDING THE PLAN MAP AND TEXT OF THE PLAN FOR POINT ROBERTS, A SUPPLEMENT TO THE WHATCOM COUNTY COMPREHENSIVE PLAN, TO ALLOW LIMITED COMMERCIAL USE FOR A PROPERTY ALONG TYEE DRIVE

Burton stated that Watts had determined that this was a
substantial change and needs a public hearing. Tull said he intends to speak to Watts and hopes this can be finalized on September 7; he said the change was reducing the size of the rezone only. Burton said it would be discussed September 7 and the decision would be made then.

3. DISCUSSION OF ACCESS TO PORTAGE ISLAND

Roehl stated that he has been troubled over this for many years since the County negotiated a deal with the tribe whereby the Portage Island properties were swapped for money and the money was used to purchase the tidelands at Semiahmoo. He said that part of that agreement was that the tribe would develop a park where you could walk (no camping). The County was assured there would be access to all people but that has not happened. Tull said that the tribe bought out the County's position but the State of Washington stayed in and the Federal Government stayed in. Tull said the Park Board brings this up annually and have corresponded with the other agencies and the tribe about it. Tull said an agreement might be negotiated with the tribe to allow permissive access. He said this is a wonderful property. Taylor said that the tidelands issue has caused some discomfort; Tull said that the tidelands have always been tribal trust properties. He stated he would speak to the Park Board and report back on what could be done to allow controlled access. Roehl said the committee would write the Prosecutor's office and ask what our rights are. Burton said that we may not have a position since we cashed out. Tull supports Roehl's request for information on this issue.

6. CLARK TAYLOR LOT CONSOLIDATION PROBLEM AT EMERALD LAKE

Taylor owned two lots (12000 square feet each) and sold one last year. He currently has a buyer for the second lot and finds it cannot be sold because of a law that was passed just after he purchased it. If he had owned the lot separately without owning the other lot, or if his wife had owned the lot they would not be in this bind. Mr. Taylor is starting the procedure with the Hearing Examiner for lot consolidation relief, but said he is being penalized unfairly by this law as he has seen people building on an 8000 square feet lot. This law was established to stop building on small lots and Mr. Taylor got caught in it. Dan Taylor, Planning said that since the people who want to buy it do not wish to build on it there must a simpler way than going through the Hearing Examiner. Dan Taylor said he would speak to John Tyler of Buildings and Codes about the possibility of doing a lot line adjustment which may be easier.

7. LAKE WHATCOM WATERSHED COMMITTEE

The City passed a motion at their meeting of August 29 stating that the County be asked to consider and report on empowering the Health Department to perform an additional review of specific
activities in the watershed as indicated in legislation to be drafted for the purpose of preserving and protecting the Lake Whatcom Watershed. Burton said extra money would have to be budgeted if a County department is to be given this responsibility. Roehl asked that Robert Moore be asked to appear at the September 7 meeting to respond to this suggestion.

8. HEARING EXAMINER CONCERN RE: INFORMATION ON APPEALS

Burton brought up Chuck Snyder's memo on this. Taylor said this came up specifically as a result of the Howard Hammer binding site plan appeal where it appeared Council members did not have the complete packet nor had the attorney reviewed the material. Roehl felt that no procedural change was necessary; that it was incumbent on Council members to get the record of the hearing from their files and do their homework. Burton concurred.

9. FEE STRUCTURE FOR OPEN SPACE APPLICATIONS

Taylor said this is an area they hope to address this fall.

Meeting adjourned at 2:10 p.m.

Barbara Maher, Clerk

Tom Burton, Member