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2
3 WHATCOM COUNTY COUNCIL
4 **Regular County Council**

5
6 November 24, 2009
7

8 Council Chair Seth Fleetwood called the meeting to order at 7:00 p.m. in the Council
9 Chambers, 311 Grand Avenue, Bellingham, Washington.

10
11 **ROLL CALL**

12
13 **Present:** Barbara Brenner, Laurie Caskey-Schreiber, Sam Crawford, Seth
14 Fleetwood, Bob Kelly, L. Ward Nelson and Carl Weimer.

15 **Absent:** None.
16

17
18 **FLAG SALUTE**

19
20
21 **ANNOUNCEMENTS**

22
23
24 **MINUTES CONSENT**

25
26 ***Brenner moved*** to approve the minutes.
27

28 Motion carried by the following vote:

29 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
30 Weimer (7)

31 **Nays:** None (0)
32

- 33 **1. SPECIAL COMMITTEE OF THE WHOLE FOR OCTOBER 20, 2009**
34
35 **2. SURFACE WATER WORK SESSION FOR OCTOBER 20, 2009**
36
37 **3. COMMITTEE OF THE WHOLE FOR OCTOBER 27, 2009**
38
39 **4. REGULAR COUNTY COUNCIL FOR OCTOBER 27, 2009**
40

41
42 **OPEN SESSION**

43
44 Fleetwood announced that open session will be limited to a maximum of 30 minutes
45 due to the large number of agenda items scheduled tonight.
46

47 Wendy Harris, Bellingham, stated the Council must approve the Humane Society
48 contract. Injured, frightened, and starving animals are a public safety risk. It's a primary
49 legal obligation of the County government to protect public health and safety. It's also
50 unjust to not acknowledge their ethical obligation to find animal control services
51 administered by an organization with a history of humane treatment. Transfer the burden
52 of these costs more directly to those responsible for animal neglect. Revoke the kennel

1 license ordinance so multiple animal owners pay a per animal license fee. The Humane
2 Society provides many services. Don't cancel this service.
3

4 John Bradshaw, 2600 Vining Place, Bellingham, stated he volunteers to feed the
5 homeless weekly. There are many homeless in Whatcom County. Many suffer from
6 addictions and social disparities. There are many barriers to the homeless. They are asked
7 to move with little or no notice. In winter months, they may turn to crime to get warm or a
8 hot meal. Their health and safety is in jeopardy. Many homeless are veterans.
9

10 Sue Brown, Bellingham, stated approve the Humane Society contract. The animals
11 need protection. They do an excellent job protecting these animals. Don't make the Sheriff
12 deputies take on this service. Renew the contract.
13

14 Karen Parker, Pastor, stated she would speak on homelessness and the economy.
15 The streets are dangerous for women, who are there as a result of domestic violence or
16 alcoholism. Although services are in place, the system is failing due to the economy. She
17 asked councilmembers to use their imagination and resources to help solve this problem.
18 More than 2,000 people are on the street in this county.
19

20 Mike Kaufman, 1620 Huntley Road, stated he supports the Humane Society contract.
21 Don't stop the contract and then try to restart it later. They would lose resources. As the
22 economy fails, there will be more animal neglect cases. Don't give the service to the
23 Sheriff's Office. To fund the service, stop providing medical insurance to County employees.
24

25 Ken Mann, 710 E. Maryland Street, Bellingham, stated he supports the Humane
26 Society. The former contractor neglected and abused the animals. They don't want to go
27 back there again. Fund the contract.
28

29 Lisa Donaldson, 567 Whitecap, stated she is a veterinarian and supports the Humane
30 Society contract. Pointed out that she learned in vet school that people who abuse animals
31 often abuse children. Abuse of animals leads to abuse of children. If she suspects animal
32 abuse, she's legally obligated to look into it. The Humane Society has the resources to
33 provide more services. The Sheriff deputies shouldn't be diverted from their duties to
34 provide animal control services.
35

36 Ed Bereal, 4540 Curtis Road, stated he is a member of Rural Avenue Neighborhood
37 Association. The draft environmental impact statement for site five of the proposed sites for
38 the new jail is complete. They are now looking at site four. He would like a member of
39 their association to be included in the review process.
40

41 Abe Jacobson, 2314 Samish Way, Bellingham, stated he supports the Humane
42 Society. Take care of the animals. Continue to support the Humane Society.
43

44 Laura Clark, Humane Society Executive Director, stated she is available to answer
45 questions. Councilmember Kelly suggested that the County may be able to do away with
46 animal control as a whole. Legally, the County is obligated to provide public safety for the
47 County residents. County ordinances say they must administer and enforce animal control
48 ordinances. Legally, they do have to provide basic animal control services. The Whatcom
49 Humane Society is the best agency to do that in a cost effective way. Their volunteer corps,
50 donors, and members supplement much of the animal control program that the County pays
51 for.
52

1 Shannon Casey, Sehome High School English Teacher, stated she supports the
2 Humane Society contract. Sehome High School has a partnership with the Whatcom
3 Humane Society through a community-based class called PAWS. She described the
4 program. The animal control officers of Whatcom County serve as a catalyst for changing
5 the attitudes of others and help them all be better people. The animal control officers are
6 part of the community.

7
8 John Lesow, Point Roberts, stated he is a proud owner of an adopted shelter animal
9 from the Humane Society. He supports of the Humane Society. He was on the Whatcom
10 Humane Society Board of Directors. Their main objective is to find funding to keep the
11 Humane Society going. They work very hard to find monies. It would be wrong to pull the
12 contract and go back to a private contractor. The economy will turn around next year. It
13 would be wrong to cut the funds for the Humane Society now. The Council recently voted
14 to spend \$50,000 to repave a parking lot in Point Roberts that didn't need repaving. There
15 are better ways to spend the County's money.

16
17 Deb Logan, 515 – 12th Street, stated she was on the Humane Society Board of
18 Directors. There is no better bargain than the Humane Society with its volunteers and
19 donors. Approve the Humane Society contract.

20
21 Mark Beckwith, 8666 Delta Line Road, stated his 17.87 acres have been down-zoned
22 from the gateway industrial zone to rural, one unit per ten acres, which has made the resale
23 value plummet from \$750,000 to \$180,000. The property is right next to Interstate 5. It's
24 over-simplistic to just draw a line to define zoning. Take a closer look at the rural element
25 of limited areas of more intense rural development (LAMIRD) decision.

26
27 Patrick Alesse, 4825 Alderson Road, Blaine, stated he is in favor of the Humane
28 Society contract.

29
30
31 **PUBLIC HEARINGS**

32
33 **1. COUNTY COUNCIL TO RECEIVE TESTIMONY ON APPLICATIONS FOR**
34 **COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR 2010 (AB2009-**
35 **436)**

36
37 Fleetwood opened the public hearing and the following people spoke:

38
39 John Martin, Opportunity Council Development Manager, stated the Opportunity
40 Council has a proposal for the general purpose community development block grant. They
41 ask for funds for a homeowner occupied housing rehabilitation program. He described the
42 program. They are ready to start providing services the day they sign the contract.

43
44 Paul Schissler, Kulshan Community Land Trust, stated his organization focuses on the
45 high price of land and providing access to land for ownership. They are also starting to
46 focus on the issue of access to land for farming. He described the farm incubator project.
47 In his experience, this project is not as good a match for this funding source as housing
48 rehabilitation is. The housing rehabilitation program from the Opportunity Council proposal
49 a strong proposal. This County definitely needs housing rehab assistance for low income
50 people. Submit the stronger proposal.

1 Crawford asked if the funding could go to more than one project. Schissler stated the
2 State accepts only one project from each municipality per year.

3
4 *(Clerk's Note: The Council provided the required handout to the public for this*
5 *hearing.)*

6
7 **Crawford moved** to chose the Opportunity Council as the recipient of the funding.

8
9 Caskey-Schreiber stated she agrees with the motion. It's a great program.

10
11 Motion carried by the following vote:

12 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
13 Weimer (7)

14 **Nays:** None (0)

15
16 **OTHER ITEMS**

17
18
19 **9. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
20 **CONTRACT BETWEEN WHATCOM COUNTY AND WHATCOM HUMANE SOCIETY**
21 **FOR ANIMAL CONTROL SERVICES, IN THE AMOUNT OF \$453,309.41**
22 **(AB2009-442)**

23
24 **Crawford** reported for the Finance and Administrative Services Committee and
25 stated the motion to approve failed in committee. He **moved** to approve the contract as
26 presented by the administration. He will reverse his previous opinion. Skagit County
27 population is 118,000 in 2008, and they spent \$120,000 on animal control. They are
28 spending \$1.02 per capita. This year, the Whatcom County population is 192,000 and will
29 spend \$507,623 on animal control, which is about \$2.70 per capita. He's always believed
30 they are spending too much on animal control, but he will reverse his decision this one time.
31 It's only about five weeks to the end of the year. The County needs a contract in place to
32 sustain this program. However, he is concerned about good quality animal care. The
33 administration needs to come up with alternatives for 2011. They need to look at a per
34 capital reduction. They are about the highest in the state for paying for animal care. He is
35 concerned about the longevity of the animals in confinement. All they are doing is
36 extending those life spans without really having more adoption. He will vote for it now, and
37 not burden the County with a last minute change.

38
39 Caskey-Schreiber stated the Humane Society came up with a 12 percent cut in their
40 budget. They've made a huge policy shift to accommodate the County's needs. The
41 Humane Society is done a phenomenal job. When they keep animals longer than other
42 places, they have time to work with and socialize the animals, giving them a better chance
43 of adoption. If they are successful with their spay and neuter program, Whatcom County
44 will pay less. Skagit County recently busted a horrific puppy mill. It's not a good model to
45 look at. Help the Humane Society share resources and generate more fees. She is in favor
46 of the contract.

47
48 Brenner stated she is tempted to vote against the motion because of the homeless
49 population. They aren't doing as much for the homeless people as they are for the animals.
50 They have trouble getting services to anyone. However, Mr. Lesow's comment this morning
51 changed her mind. They shouldn't spend this much, but they don't have any other option.
52 She moved to approve the contract for six months.

1
2 The motion failed by the following vote:

3 **Ayes:** Brenner (1)

4 **Nays:** Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and Weimer (6)

5
6 Brenner stated she will research this issue in the coming year. There was supposed
7 to be a bigger budget cut than what came forward. One thing that bothers her is that they
8 are accused of not caring about the animals if they are opposed to this contract. They all
9 have to work to find better solutions.

10
11 Weimer stated he supports the contract. The Humane Society does an amazing job.
12 They bring in many volunteers and donations.

13
14 Fleetwood also stated he would support the contract. The Humane Society and
15 County administration negotiated a lower amount.

16
17 The motion carried by the following vote:

18 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and Weimer
19 (7)

20 **Nays:** None (0)

21
22
23 **PUBLIC HEARINGS**

24
25 **2. ORDINANCE AMENDING WHATCOM COUNTY CODE TITLE 20, THE OFFICIAL**
26 **WHATCOM COUNTY ZONING MAP, AND THE WHATCOM COUNTY**
27 **COMPREHENSIVE PLAN AND MAPS, TO IMPLEMENT CHANGES RELATING TO**
28 **COMPLETION OF THE 10 YEAR REVIEW OF THE URBAN GROWTH AREAS**
29 **REQUIRED UNDER THE GROWTH MANAGEMENT ACT (AB2009-052G)**

30
31 Fleetwood opened the public hearing and the following people spoke:

32
33 Lincoln Rutter, 8373 Semiahmoo Drive, stated they failed to collect over \$1 million in
34 tax revenue. A 640-acre clear cut across the street from his house received a tax
35 exemption because it is designated forestland. It pays only \$22 per acre in taxes. That is
36 the same land that was included in the urban growth area (UGA) in 1997. The County
37 cannot legally put tax exempt forest land in an UGA. Only land scheduled to be developed
38 within 20 years is entitled to be in the UGA. The conversion option harvest plan states that
39 the applicant has no intention to develop the land. The land speaks for itself. The County
40 must figure out and explain how this happens. That land should not be a planned unit
41 development. Make Planning Director Stalheim address these questions.

42
43 Cathy Lehman, Futurewise Whatcom Chapter Director, stated she is grateful for the
44 County's completion of this process. She thanked all for their hard work on this item.
45 There are still concerns about UGA expansion into agricultural lands around Lynden and
46 Everson and the need to appropriately size UGAs to be in compliance with State law. Their
47 highest priority is to meet the Growth Management Hearings Board deadline of December 1.

48
49 Dave Pros, 1466 Roy Road, Bellingham, stated the population projection is totally
50 unsubstantiated. Whatcom County citizens don't want to pay higher taxes to support
51 fabricated population projections and overly large UGAs. There are no meaningful impact

1 fees in unincorporated Whatcom County, so citizens will pay for growth. Keep the UGAs
2 sized appropriately. Get impact fees in the county.
3

4 Perry Eskridge, Whatcom County Association of Realtors, stated there are 14 Growth
5 Management Act goals that must be balanced. He read the goals. People making the
6 median income in Whatcom County cannot afford the median price of a home in Whatcom
7 County. There is a lack of affordable housing. Realtors are selling homes to these people in
8 Columbia Valley, Nooksack and Sumas. They are importing the work force into Bellingham,
9 creating transportation issues. The population analysis is flawed. They cannot take land
10 away from the city UGAs and achieve affordable population goals. Also, homes are being
11 downzoned to a nonconforming status.
12

13 Craig Parkinson, 119 Grand Avenue, Suite D, Bellingham, submitted a handout (*on*
14 *file*) and stated he represents Harbor Shores LLC, in Blaine. He described the plat project.
15 If taken out of the UGA, the State may take exception to construction of sewer
16 improvements. Leave that the Harbor Shores plat in the Blaine UGA to allow for sewer
17 construction as planned.
18

19 Skip Jansen, Harbor Shores Owner, stated he asks that his plat not be removed from
20 the Blaine UGA. Much of the property within this area is already developed at urban
21 density. Removal from the UGA could prohibit the construction of public sewer, but won't
22 prevent more home construction with septic systems. Environmental impacts will be
23 reduced with public sewer. If not left in the UGA, at least leave it in the reserve area.
24

25 Abe Jacobson, 2314 Samish Way, Bellingham, stated he urges the Council to keep
26 the maximum amount of land possible in agricultural status. Limit the size of the UGAs.
27

28 Clayton Petree, Bellingham, submitted a handout (*on file*) and stated the proposal
29 fails by under-allocating to key urban areas and they are planning for increased resource
30 land conversion and rural sprawl. The proposal allocates only 41 percent of growth to
31 Bellingham. The final environmental impact statement (FEIS) combines the rural and
32 resource lands together and doesn't consider LAMIRD changes. Increasing the rural and
33 resource land growth goal increases from six to 15 percent. Allocate more population
34 growth with an adequate land supply to Bellingham. Add the proposed Larrabee Springs
35 development to the UGA. It will help with sprawl and resource land conversion.
36

37 Bob Wiesen, 3314 Douglas Road, Ferndale, submitted a handout (*on file*) and stated
38 he supports Clayton Petree's written comments and makes them his as well. The population
39 numbers are too low and not realistic. The public process has been very poor. The
40 proposal disregards all the hard work of those who worked through the process. The
41 impacted citizens are being treated poorly.
42

43 Ron Reimer, 6595 Northwest Road, Citizen's Alliance for Property Rights (CAPR)
44 President, submitted and read from a handout (*on file*). Their task is to protect and restore
45 private property rights. There are too many restrictions on property owners.
46

47 Simi Jain, Zender Thurston, stated she represents Robert Maducek. The Council
48 made a mistake in 2008 when it adopted the Bellingham UGA. At that time the Council
49 decided to not fix the mistake, and keep as a placeholder for this time. The mistake was
50 the inclusion of urban sized and developed parcels in the South Geneva plat. The
51 supporting data was inadequate when they adopted the Geneva UGA. Block 13 was split in
52 half, and the south half was downzoned. The proposal keeps the Geneva area in the UGA.

1 Mr. Maducek supports that decision. Don't downzone the area to rural, one unit per five
2 acres (R5A). Keeping the south half of block 13 plat of South Geneva would result in one
3 additional residence, an insignificant effect on Lake Whatcom. Fix the mistake.
4

5 Crawford stated the Planning Commission proposal is to keep Hillsdale and Geneva in
6 the UGA. He asked if the Maducek property is a part of that. Jain stated it is not.
7

8 Crawford asked the proper process for including this area.
9

10 David Stalheim, Planning and Development Services Director, stated this property
11 was not included in any of the proposals, so it would fall outside the hearings they've held.
12 The Council would need to introduce an ordinance and hold another hearing.
13

14 Jack Louws, City of Lynden Mayor, stated Executive Kremen's compromise proposal
15 is acceptable and he recommended adopting it. Lynden can grow using its historic
16 averages. Lynden will be able to be the lead agency in the restoration of Pepin Creek.
17 Lynden will be able to achieve full build-out of the existing infrastructure. The City of
18 Lynden Planning Commission and Council do not officially support this compromise proposal,
19 because they haven't discussed it yet. However, he believes they will agree.
20

21 Toby Gilder, Lynden City Council, stated the City has made sure its utility
22 infrastructure will serve the future population. Lynden has an aggressive water
23 conservation program that resulted in a decrease in water use. They are also providing
24 water services to agriculture and business. They are greatly involved in the restoration of
25 Pepin Creek. The current request for expanding the UGA designates an area to reestablish
26 Pepin Creek as a floodwater management channel and year long fish stream. Approve
27 Kremen's proposal of the UGA.
28

29 Bob Carmichael, City of Lynden Attorney, stated policy and legal matters tend to be
30 intertwined. The City of Lynden has met the required definition of an urban growth area.
31 The law will require that Lynden be provided with some type of urban growth area. Lynden
32 is deficient without additional UGA. It has a completed capital facilities planning process, a
33 new water system plan, and a new sewer system plan. Lynden has met its burden. Lynden
34 is committed to protecting agricultural land. Meet Lynden halfway.
35

36 Bill Verwolf, City of Lynden City Administrator, submitted and read from a handout
37 (*on file*) and asked the Council to approve Executive Kremen's proposal for the Lynden UGA.
38

39 Brett Bonner, 3025 Ellis Street, Bellingham, stated he questions the validity of the
40 Whatcom County values and beliefs survey. It was commissioned by the Whatcom Legacy
41 Project and paid for by the County. The survey results have played a part in the decision-
42 making process of local land use issues. There are issues with the survey methodology.
43 The questions were biased. The special interest group Conservation Northwest says it
44 initiated the legacy project. The project's paid coordinator is an employee of Conservation
45 Northwest. At least two Conservation Northwest representatives are guaranteed seats on
46 the legacy steering committee. Conservation Northwest has taken sides on growth issues
47 and has funneled a \$65,000 donation to the political action committee that was against the
48 2006 property rights initiative. There are conflicts of interest. Delay action until a new
49 unbiased survey can be conducted.
50

51 Norma Otto, 8519 Bluebell Court, stated she lives in the Columbia Valley UGA. She
52 represents other Foothills area residents and landowners. They support proposed

1 recommendations for the Columbia Valley UGA. Adoption as presented will present
2 opportunities for economic development and community revitalization. They support the
3 recommendations of the Foothills Subarea Plan Advisory Committee, issued October 2007.
4 Support those recommendations for the Columbia Valley. Also, revisit the four small cities
5 for reconsideration prior to voting on the ordinance. The Executive's recommendations for
6 those four cities harmonize the interests of the cities and the County. She thanked the
7 Planning Department staff, the Planning Commission, and County Council for working on
8 this complicated plan. She thanked Councilmember Caskey-Schreiber for all her efforts on
9 behalf of Columbia Valley.

10
11 Ali Taysi, 900 Dupont Street, Bellingham, stated the Council should reconsider the
12 proposed reserve designation for the Yew Street UGA, and should include it in the UGA
13 today, not the UGA reserve. The area is ready now to be in the UGA. Urban services and
14 development already exist. The City can provide capital facilities. PCB's are not an issue
15 related to future development. The 2004 FEIS is outdated and does not take into account
16 the City's adoption of the 2005 stormwater manual, the 2007 critical areas ordinance, or the
17 new shoreline management program. They can protect Lake Padden while accommodating
18 development. The City and school district support inclusion in the UGA. The area has been
19 in the UGA for 15 years. Include all of Yew Street in the UGA.

20
21 Dennis Rhodes, City of Ferndale Community Development Director, submitted and
22 read from a handout (*on file*). The City of Ferndale cannot accept the Executive's
23 compromise at this time. It would prevent legitimate long-range planning and place a
24 significant area in planning purgatory. The City is willing to provide an annexation blueprint
25 to provide the County assurance that annexation and development will not sprawl into rural
26 areas or precede services. The City's annexation blueprint will include the timing at which
27 annexation proposals will be accepted. Planning extension of services, annexation, and
28 development will be tied to this blueprint. The City will develop and adopt the blueprint
29 with consultation with the County and other public and quasi-public agencies, by the 2011
30 Comprehensive Plan update. It will provide a degree of certainty for the City and property
31 owners. The City does not want to see the area between Vista and Malloy in urban reserve.
32 The City supports the original proposal.

33
34 Jori Burnett, City of Ferndale, stated he thanks the Council and County staff for
35 working on this project. The County must trust that the City can plan for its future.
36 Regarding commercial lands, the City proposes expanding the urban growth area at
37 Enterprise Road and Slater Road. The Slater Road intersection will be developed with urban
38 and commercial uses. It is time for that to happen. Regarding the urban reserve proposal,
39 it doesn't make sense for the City of Ferndale. The area designated now for urban reserve
40 is likely to have the most employment at the end of the 20-year period. It is also a natural
41 extension for utilities and a transportation corridor. It needs to be in the UGA now.
42 Approve Ferndale's proposal.

43
44 Tom Black, 6088 Hatten Place, Ferndale, stated he was a small city planner who
45 worked with staff on growth projections. Achieving accurate and reliable results is
46 problematic. The Council should defer to the cities' proposals. UGA boundaries are a result
47 of politics, not science. The statistical methodologies used were limited. Recognize and
48 respect the recommendations from the City of Ferndale.

49
50 Cal Leenstra, 315 Lakeway Drive, Bellingham, stated he is opposed to removing the
51 south Yew Street area from the UGA. They must encourage urban growth in appropriate
52 locations according to the Growth Management Act (GMA) goal one. He owns property

1 abutting the school on Yew Street Road. He described his property. The Council shouldn't
2 accept population projections that are 50 percent below historic averages. Bellingham will
3 have 67 percent of the jobs, it is being allocated less than 50 percent of the population.
4 Keep the Yew Street in the UGA.
5

6 Blair Murray, 103 E. Holly, Bellingham, stated there is a map error on UGA map 9A
7 for Columbia Valley. The Council asked staff to divide an 80-acre plat into 40 acres that
8 could be included in the UGA. The remaining 40 acres would go into the urban reserve.
9 The map in the Council packet shows only 32.5 acres in the UGA.
10

11 Ted Mischaikov, 4706 Wade Street, Bellingham, stated the increase in allocation to
12 rural lands of growth is inappropriate, especially when they group agricultural lands,
13 resource lands, and rural lands. The population projections are incorrect. They are
14 establishing a policy wedge between locating populations where jobs are and sending them
15 out into the hinterlands of the County. That is inconsistent with an anti-sprawl policy. They
16 are removing the case of the Caitac five-year review area, one of the best growth areas in
17 the county. He is in favor of Larrabee Springs by Caitac. Most of the people who move to
18 the County choose to move to urban-style lots, not on gentleman farms. It's not
19 appropriate to say that Larrabee Springs can't compete with the county. The project has
20 water and sewer services. Caitac demonstrates progressive development leadership.
21

22 Ben Kinney, 2105 St. Clair Street, Bellingham, stated the Council should reject the
23 proposed population numbers because they are much too low. Many people are interested
24 in living here. By not managing the UGA, they are driving people out of the area to find
25 affordable housing. Keep the growth close to services. Larrabee Springs is a responsible
26 project.
27

28 Todd Donovan, 2407 Cherry Street, Bellingham, stated he is on the Futurewise
29 Steering Committee. They need to shrink some of the UGAs. The legacy project survey
30 and results are accurate. He read the results.
31

32 Jack Petree, Bellingham, submitted a handout (*on file*) and stated it's time to
33 preserve farmland, create affordable housing, and reduce sprawl.
34

35 Ann Baker, Glacier, stated she supports the comments from Norma Otto.
36

37 Gary McNalley, 4282 Arnie Road, Birch Bay, stated he purchased is property with the
38 intent of building on the property for his in-laws and kids. This action will devalue his
39 property. They cannot take his property value without compensation. He pays \$5,700 a
40 year in property taxes. The zone now is urban residential, four units per acre (UR-4).
41

42 Jack Swanson, 900 Dupont Street, Bellingham, submitted a handout (*on file*).
43 Regarding property at Blaine Road and Alderson Road, remove the provisional zoning that
44 encumbers that property. It makes that property compete with nearby locations. That's
45 why this land hasn't developed. Financing is disadvantaged because of the provision. The
46 zoning will result in transfers of development rights (TDR's).
47

48 Roland Harper, Planning Director for the Cities of Everson, Nooksack, Sumas, stated
49 he has suggestions on all three UGAs.
50

51 Regarding Everson, he thanks the Council for the urban reserve status for the small
52 area, and recognizing the proposed swap. The City can work with it. He is concerned about

1 how it gets to UGA status from reserve. Consider making this UGA with an agreement that
2 it would not be annexed until the urban reserve conditions are met.

3
4 Regarding Nooksack, the UGA is shrinking. It removes the industrial land base and
5 truncates the employment allocation. Make that area a full UGA to allocate employment to
6 Nooksack, and require the same types of conditions that include agricultural mitigation and
7 resolution of the Swift Creek issue.

8
9 Regarding Sumas, keep its UGA areas, including the western future commercial area,
10 the central area, and the southern UGA area. Don't turn away from public investments. The
11 area east of Hovel Road should be retained as urban reserve with the same conditions,
12 including agricultural mitigation and resolution of the Swift Creek sediment issue.

13
14 Amy Pederson, David Evans and Associates, 119 Grand Avenue, Bellingham, stated
15 she represents the Harbor Lands LLC. Regarding the Blaine UGA changes, inclusion does
16 not require the Council to reintroduce the item because it was previously evaluated for
17 inclusion. It merely re-delineates the existing Blaine UGA boundaries. Reduction implies
18 that the area remaining in the UGA will be a smaller reduction as a whole, rather than as
19 previously proposed. They propose leaving in 35 acres, which is one percent of the current
20 total Blaine UGA, which is a minor change within the overall scope of the Blaine UGA review.
21 Removing the plat from the UGA will not prevent development of this area. Include Harbor
22 Shores in the Blaine UGA. If the Council does not take action, then introduce this item
23 tonight for consideration at a later meeting.

24
25 Patrick Alesse, 4825 Alderson Road, Blaine, stated the Birch Bay Water and Sewer
26 District has 4,484 registered voters. That's a bit lower than the County's number of
27 permanent residents. The area around Kickerville Road will be a future light industrial area
28 for Birch Bay.

29
30 Dan McShane, 1451 Grant Street, Bellingham, stated comments were made tonight
31 about Executive Kremen's proposal, mistakes, Lake Whatcom, Lake Padden, and agricultural
32 mitigation. Regarding the Executive's proposal, it's a good step in the right direction.
33 Regarding mistakes, that's what they're dealing with. Regarding Lake Whatcom, leave it in
34 the UGA, but change the zoning. Don't create any more lots in those areas around Lake
35 Whatcom. Regarding Lake Padden, the City of Bellingham recognizes that the stormwater
36 manual isn't good enough to protect lakes. Don't allow development at all. There are many
37 concerns. Regarding the boundaries of Lynden, write a strong interlocal agreement for
38 agricultural mitigation. Regarding Harbor Shores, just north of it is a road called Shipyard
39 Road, where there used to be a shipyard. A property there won't be fixed if left rural, but
40 can be redeveloped appropriately if in an urban area.

41
42 Pat Hamel, 767 E. Pole Road, stated her property is being downzoned. She didn't
43 receive any notice. She has owned her property since 1961. Land around her was allowed
44 to be developed into subdivisions. The road and sidewalks have been improved. Her
45 property is being rezoned to R10A. She sits in the middle of development. It isn't fair. All
46 the other people came in after her and were allowed to develop, and now her zoning is
47 being changed. The Department of Transportation told her she would have to close her
48 driveway, which has been there since 1919. Leave her alone.

49
50 Caskey-Schreiber stated this has to do with the rural element and LAMIRD, that will
51 come before the Council in January.

1 John Lesow, Point Roberts, stated the population figures are not too low. If realtors
2 are trying to sell Whatcom County, then the population projections will be low due to trying
3 to bring people here artificially. That's marketing, not land use planning. He read a
4 statement into the record from Planning Commissioner Rabel Burdge.
5

6 Able Kazan, Bellingham, stated population and growth in Bellingham is greater than
7 any other areas. When people relocate here, they mainly go to Bellingham.
8

9 Mike Kingsley, 4101 Lakeway Drive, Bellingham, asked how this meeting represents
10 the public process, when the Council is prepared to take a vote on the issue tonight.
11

12 Nathan Quessenberry, 1324 Franklin Street, stated Larrabee Springs was included in
13 Bellingham's UGA after five years of a public process, and should be retained until
14 Bellingham's Comprehensive Plan is changed. Base decisions on facts.
15

16 Bob Tull, Attorney, submitted a handout (*on file*) and stated that if the Council votes
17 to approve this tonight, there will be anywhere from four to 400 challenges. Take more
18 time to review. Many of the items can be resolved if they take the time to understand what
19 people are talking about regarding Larrabee Springs. The City of Bellingham's
20 Comprehensive Plan is premised upon the inclusion of that five-year review area. It has not
21 been changed. The issues addressing the timing and nature of this development can be
22 worked out. The planning is inconsistent. They want to develop a new, smart growth
23 neighborhood.
24

25 Brenner asked if they've approached the Bellingham City Council. Tull said the City
26 Council said it will consider a higher population total. They will inevitably appreciate that
27 they need some adjustment to its UGA boundaries, particularly to get single family housing.
28 The current City Council said it doesn't necessarily agree with the 2006 City Comprehensive
29 Plan, but wanted to wait until the County is done with the process. They are still waiting.
30 They acknowledged in writing that nothing has changed with their Comprehensive Plan.
31

32 Robin Dexter, 3726 Broad Street, Bellingham, stated go ahead and approve the UGA
33 package. It won't preclude any process in the future. It's important to meet the deadline.
34 It seems too ad hoc to make a bunch of changes tonight. There has been quite a bit of
35 process. They will revisit these issues.
36

37 Becky Taylor, Lynden, stated she is in favor of the Larrabee Springs project because
38 of the positive financial impact. That development will provide jobs. Jobs are needed, and
39 this would help.
40

41 Rob Staveland, 4780 Nettle Lane, Bellingham, asked what provisions and conditions
42 will be in this area, and how they are established. Having set those conditions, level the
43 playing field. The County and the Planning Department must meet the same conditions as
44 the public.
45

46 Hearing no one else, Fleetwood closed the public hearing.
47

48 ***Weimer moved*** to adopt the ordinance.
49

50 ***Weimer moved*** to amend to incorporate all the technical corrections submitted in a
51 memo from Planning Director Stalheim to the County Council dated November 24, 2009
52 regarding the UGA Technical Corrections (*on file*).

1
2 **Brenner suggested a friendly amendment** to change the first technical
3 correction, the definition of an urban growth area reserve, "Areas that are not yet suited for
4 urban growth but are logical areas in which the urban area ~~may~~ would likely grow beyond
5 current growth allocations after being properly designated as an Urban Growth Area." Also,
6 change the Locational Criteria, "Areas adjacent and contiguous to Urban Growth Areas in
7 which urban development ~~may~~ would likely occur beyond current growth allocations."
8 That's how the language used to be. The language as it is means nothing.
9

10 **Weimer accepted** the friendly amendment.
11

12 David Stalheim, Planning and Development Services Director, stated he is not
13 opposed to the friendly amendment.
14

15 Motion to amend carried by the following vote:

16 **Ayes:** Brenner, Crawford, Fleetwood, Kelly, Nelson and Weimer (6)

17 **Nays:** None (0)

18 **Absent:** Caskey-Schreiber (1) (out of the room)
19

20 **Weimer moved** to amend to approve the UGA alternatives for Lynden, as described
21 in the memo from Planning Director Stalheim to the County Council dated November 24,
22 2009 regarding the UGA Alternatives for Lynden (*on file*). Accept all the amendments
23 required to change current ordinance back to what the County Executive originally
24 recommended. The population numbers and the urban growth area (UGA) don't meet. The
25 area is hemmed in by farmland or flood land. It doesn't have any place to grow other than
26 into those two areas. The City did the best job on water conservation and meeting infill
27 targets.
28

29 Brenner stated this will give the City time to work on more specifics and restoration
30 projects.
31

32 The motion to amend carried by the following vote:

33 **Ayes:** Brenner, Crawford, Fleetwood, Nelson and Weimer (5)

34 **Nays:** Kelly (1)

35 **Absent:** Caskey-Schreiber (1) (out of the room)
36

37 **Weimer moved** to amend to approve the UGA alternatives for Sumas, as described
38 in the memo from Planning Director Stalheim to the County Council dated November 24,
39 2009 regarding the UGA Alternatives for Sumas (*on file*) and the option 5 map of the Sumas
40 Urban Growth Area.
41

42 Brenner asked if this agrees with the comments from Rollin Harper.
43

44 Stalheim stated Mr. Harper talked about an option that is most like option 1 or option
45 2.
46

47 Rollin Harper, City of Sumas, stated he prefers option 2, but they can live with option
48 1.
49

50 Weimer stated he left out the area east of Hovel Road because half of the area to the
51 east floods significantly. Harper stated the Mayor and City Public Works Director have lived
52 in that area for a long time, and have never experienced flooding. They've never seen the

1 Sumas River out of its banks. The flood plain is shrinking, but they haven't yet done
2 modeling to show that.

3
4 Nelson stated that if Sumas is going to be responsible for the road, it makes sense to
5 include both sides of the road. The flood plain information will come forward with the City's
6 plan for the UGA.

7
8 **Crawford** stated there's no way the City or the County will issue a building permit
9 until they get the topographic elevation and documentation that shows a foundation is
10 constructed appropriately. He **suggested a friendly amendment** to instead approve
11 option 1 for the Sumas Urban Growth Area map with that area included.

12
13 Weimer asked if there is language that makes sure they clarify that question, before
14 it goes from reserve to UGA. Stalheim stated there is language in the memo regarding the
15 Sumas UGA reserve. They could add language about flooding, which may be the same
16 language they have for Nooksack, if they are tying it to asbestos. Otherwise, they can work
17 on language that is just about flooding.

18
19 Weimer asked if the flood maps related to flooding from the Sumas River that could
20 contain asbestos. Stalheim stated it's unclear.

21
22 Brenner asked if the County could use option 2, with some of the wording that the
23 urban growth area be planned in a way that would work with both the City and County.
24 Stalheim stated the language in the memo says that it will be planned jointly, in conjunction
25 with urban growth area plans. The language is already there. Option 2 would include that
26 language.

27
28 **Weimer accepted friendly amendment**, if staff can come up with specific
29 language similar to that of Nooksack, which would ensure that they don't have naturally-
30 occurring asbestos being deposited there. Stalheim stated the Nooksack language is on
31 page 2-73 of the Comprehensive Plan.

32
33 **Weimer restated the motion** to amend to approve the UGA alternatives for
34 Sumas, as described in the memo from Planning Director Stalheim to the County Council
35 dated November 24, 2009 regarding the UGA Alternatives for Sumas (*on file*) and the option
36 1 map of the Sumas Urban Growth Area, and the sentence, "This area will be kept in
37 reserve status until the County has determined that development will not expose future
38 residents and employees to unacceptable risk from naturally-occurring asbestos."

39
40 Fleetwood stated he is opposed. They are supposed to size boundaries
41 appropriately. Without any UGA expansion or reserve, there is sufficient capacity. Option 5
42 is already a compromise. Harper stated the reserve is not an urban growth area allocation.
43 It is reserved for the future, beyond the 20 years. It is for good planning, so the City can
44 plan the infrastructure.

45
46 The motion to amend carried by the following vote:

47 **Ayes:** Brenner, Crawford, Nelson and Weimer (4)

48 **Nays:** Caskey-Schreiber, Fleetwood, and Kelly (3)

49
50 **Weimer moved** to amend to approve the UGA alternatives for Ferndale, as
51 described in the memo from Planning Director Stalheim to the County Council dated
52 November 24, 2009 regarding the UGA Alternatives for Ferndale (*on file*).

1
2 **Caskey-Schreiber suggested a friendly amendment** to include the area up to
3 Aldergrove Road. That was existing UGA. The consultant's report said most residential
4 growth should occur where the major commute routes are located, especially Interstate 5.
5 Bellingham and Ferndale will experience the most growth. Give the City a little flexibility to
6 do planning. Put the other area in the reserve.

7
8 **Weimer did not accept** the friendly amendment.

9
10 The motion to amend carried by the following vote:

11 **Ayes:** Caskey-Schreiber, Fleetwood, Kelly, Nelson and Weimer (5)

12 **Nays:** Brenner and Crawford, (2)

13
14 **Caskey-Schreiber moved** to amend to include the area up to Aldergrove Road to
15 square the boundary.

16
17 The motion to amend carried by the following vote:

18 **Ayes:** Brenner, Crawford, Caskey-Schreiber, Nelson (4)

19 **Nays:** Fleetwood, Kelly and Weimer (3)

20
21 **Brenner moved** to add the rest of it as UGA with stipulation of creating an interlocal
22 with Ferndale to do it in increments with an annexation blueprint.

23
24 Nelson stated the City proposed that the interlocal agreement between Whatcom
25 County and the City of Ferndale be updated to require that development within the UGA
26 reflect City regulations and policies, and that the City of Ferndale participate in review of all
27 land use actions within the UGA. The City further proposes that the City develop an
28 annexation blueprint by the 2011 Comprehensive Plan update. This blueprint will identify
29 the approximate timing the City would consider annexation proposals in the unincorporated
30 UGA. It would also reflect all the capital facilities planning and provide phasing.

31
32 Brenner stated the City of Ferndale has really worked toward incredible tightening of
33 its urban growth area. The County didn't give the City credit for that. This is a
34 compromise. The small cities have done a very good job. The planning has been excellent.
35 Don't rush to make major changes to what the Cities are doing.

36
37 Crawford asked if this motion proposes a provisional UGA status.

38
39 Brenner stated she doesn't like the term provisional. It allows for an annexation
40 blueprint from the City. The City said it would be willing to do a UGA blueprint.

41
42 Fleetwood stated the motion is to make the reserve area a UGA, with an interlocal
43 agreement that requires a UGA blueprint.

44
45 The motion failed by the following vote:

46 **Ayes:** Nelson, Brenner and Crawford (3)

47 **Nays:** Caskey-Schreiber, Fleetwood, Kelly and Weimer (4)

48
49 Stalheim stated the Council needs to change the zoning map for Ferndale to include
50 the area to Aldergrove Road. That area would go to a urban residential, four units per acre
51 (UR4) zone.

1 **Caskey-Schreiber moved** to amend the Ferndale zoning map for Ferndale to
2 include the area to Aldergrove Road. That area would go to a urban residential, four units
3 per acre (UR4) zone.
4

5 The motion carried by the following vote:

6 **Ayes:** Nelson, Brenner, Crawford, Caskey-Schreiber, Fleetwood, Kelly and
7 Weimer (7)

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

10 **Crawford moved** to remove the provisional requirement on Alderson/Blaine Road
11 as proposed by Jack Swanson, including all the language and map changes. Keep it as UGA
12 and get rid of the provisional designation.
13

14 Brenner stated it shouldn't be provisional if the others aren't provisional.
15

16 Crawford stated the Birch Bay Community Plan clearly delineates this as a
17 commercial node with general commercial zoning. Many in the community have asked the
18 Council to remove the provision so they can implement the Birch Bay Community Plan.
19

20 Caskey-Schreiber stated the Birch Bay Subarea Plan made the area a provisional
21 rezone. She supports that. They had to get stakeholder buy-in from nearby properties.
22 They've altered that enough. When they do an upzone like this, they need to get something
23 for the community, or they are just handing over a general commercial zone to someone,
24 without having control.
25

26 Weimer stated he supports removing provisional requirements, but not now. They
27 can do it after this UGA review.
28

29 The motion failed by the following vote:

30 **Ayes:** Brenner and Crawford (2)

31 **Nays:** Nelson, Caskey-Schreiber, Fleetwood, Kelly and Weimer (5)
32

33 **Crawford moved** to amend to add the West Blaine urban growth area. They
34 received answers to Mr. Rutter's concerns from the State Department of Natural Resources
35 (DNR). The City of Blaine heavily advocated for this area. It is important for their growth.
36 The environmental issues were clarified. The developer has a vested plat. They may be
37 subject to legal challenges, but it's clear they have met the timeframes to get vesting.
38 Because there are runoff issues in Puget Sound, an engineered solution could address
39 stormwater treatment in a way that isn't being done in that area now.
40

41 Weimer stated he is against the motion. The existing city limits is oversized. It
42 doesn't need a UGA. The letter from DNR did not address all the environmental concerns.
43

44 The motion failed by the following vote:

45 **Ayes:** Nelson and Crawford (2)

46 **Nays:** Brenner, Caskey-Schreiber, Fleetwood, Kelly and Weimer (5)
47

48 **Crawford moved** to amend to include the 1965 Harbor Shores Plat from David
49 Evans. His motion includes all things necessary to include that plat, including maps and
50 population projections. He's persuaded that interlocal agreements for the provision of water
51 and sewer with Birch Bay Water and Sewer District. It only represents about one percent of

1 the land area. It's a plat that was done almost 45 years ago. To exclude it now would not
2 make any sense. It reflects existing development patterns.

3
4 Stalheim stated refer to the map from Mr. Parkinson.

5
6 Crawford stated it is contiguous to the existing Blaine city limits.

7
8 Weimer asked if they can do this legally.

9
10 Karen Frakes, Prosecutor's Office, stated they can, because it's part of the UGA now
11 and they're not amending it. They can take that action.

12
13 Weimer stated it's right on Drayton Harbor and Dakota Creek. There are many other
14 plats in the area. He asked why they aren't including those.

15
16 Crawford stated there is a dense development pattern on the southern portion of this
17 parcel that has already occurred.

18
19 Stalheim stated Mr. Parkinson submitted a map that includes a sewer service area
20 boundary. This is the natural sewer service area. If sewer were in the area, they would
21 have to bring sewer to this property and build a lift or pump station. This would be the
22 logical service area. Options are to include Harbor Shores within the UGA or also include
23 the entire service area in the UGA reserve, as the City originally requested.

24
25 **Crawford amended his motion.** He referenced the Harbor Shores Developer
26 Agreement Sewer Eligibility Area map attached to written testimony from Craig Parkinson
27 the County Council dated November 24, 2009 regarding the Harbor Shores Plat and Blaine
28 UGA (*on file*). He **moved** to amend to include the yellow outlined area in the UGA,
29 designate the remainder of the area marked with hatches as UGA reserve.

30
31 Weimer stated he is against the motion. The Blaine city limits are already oversized.

32
33 The motion failed by the following vote:

34 **Ayes:** Brenner, Nelson and Crawford (3)

35 **Nays:** Caskey-Schreiber, Fleetwood, Kelly and Weimer (4)

36
37 **Crawford moved** to amend the Bellingham UGA current designated UGA reserve of
38 the Yew Street area be restored to the regular UGA.

39
40 Fleetwood stated this one has been a struggle for him. There are good reasons to
41 keep this in the reserve. Despite what folks from the City have said, the planners over
42 there can wait until 2011 to make some decisions. It's not likely too much will happen
43 before then. Keeping it in reserve will condition it and guarantee a dialog. It will guarantee
44 that they will address County concerns. The best reason is to do capital planning. If kept in
45 reserve two more years, issues can be addressed.

46
47 Caskey-Schreiber stated she agrees. The City recently rejected an annexation
48 agreement, so the County is stuck servicing these people. Adding more people to that area
49 is a recipe for disaster.

50

1 Nelson asked if phase two of the Yew Street road construction will still go forward if
2 this area is in reserve. Federal dollars are allocated to this project. Stalheim stated that
3 project is already done. This decision won't affect those dollars.
4

5 Brenner stated she doesn't want to pay more from the road fund for upgrading to
6 City standards again. She'll support reserve status until the City decides what it wants to
7 do.
8

9 The motion failed by the following vote:

10 **Ayes:** Nelson and Crawford (2)

11 **Nays:** Brenner, Caskey-Schreiber, Fleetwood, Kelly and Weimer (5)
12

13 **Crawford moved** to amend to include the Caitac properties up to the Smith Road,
14 including all of the things that would need to happen as described in the supporting
15 documentation of a letter the Council received from Langabeer and Tull. If necessary, make
16 those numbers effectively by reducing the population allocation to the rural areas with a
17 corresponding increase to the City of Bellingham. One notable change is that they are still
18 not reaching their population allocations of rural versus urban in a manner that's very
19 effective. A lot of that is because of the land supply issue. It is the most obvious area for
20 Bellingham to grow. It meets and surpasses the vision that Bellingham has developed,
21 which is the urban village concept. The proposal includes recreational facilities,
22 transportation, and infrastructure. It will be a model community throughout the northwest.
23

24 Brenner stated someone accused her of not approving this because she has friends
25 in the area. The engineers for Caitac are closer friends to her than anyone she knows in
26 that area. She's spent more time with them, Jack and Sally Petree, and the consultants.
27 This property is too big. It's bigger than some of the small cities. She would be in favor of
28 doing the project in phases. The project proponents can still develop soccer and rugby
29 fields. There would be enormous challenges in justifying something this big.
30

31 Nelson stated he is in favor of the motion. The idea of this project is urban
32 development that makes sense. It's similar to Barkley Village, which people love. He's
33 concerned about the thinking that the only way to prevent sprawl is to encourage greater
34 density in the cities. Communities are very reluctant to put up high rises. They will be
35 reluctant to have increased population and low income housing put into their former
36 neighborhoods. Start thinking about plans for the future. He's surprised that this hasn't
37 happened yet. They must start working together to begin protecting farmland and intrusion
38 into the rural areas. Loosen up in areas with existing services.
39

40 Fleetwood stated he is against the amendment. Everyone has a different definition
41 of rural sprawl. The rural, one unit per five acres (R5A) zone is not sprawl. It's
42 development in the rural countryside. Sprawl is dense urban expansion in every direction.
43 They are attempting to demonstrate a commitment to some kind of a land use ethic today.
44 Willy-nilly expansion will guarantee that the whole county will urbanize in the future. The
45 land capacity analysis and methodology, is thoughtful and makes sense. The population
46 projection is defensible. Allowing Caitec to expand at this time is not warranted. It would
47 alleviate pressure on the City to densify thoughtfully.
48

49 Caskey-Schreiber stated she appreciates the tenacity of the Caitac owners. They
50 would do better talking directly to elected officials than by continuing lawsuits year after
51 year. The development will happen eventually. There are huge economic risks in putting
52 too much housing on the market, more than the demand. It would devalue everyone's

1 home values in this county. The areas with the biggest mortgage crises developed too
2 much housing too soon. A cautious approach to development has kept Whatcom County
3 sound. There would be a huge impact on road infrastructure. Work with the City to figure
4 out the right time and how they will put a city in the rural lands. This will not solve all the
5 problems of the county. She is against the motion. They are trying to do the best they can.
6

7 Brenner stated she invites Caitec representatives meet with her anytime. If it's
8 really appropriate, it will be included. An incremental development would not have
9 overwhelmed everyone. This size overwhelms her.

10
11 The motion to amend failed by the following vote:

12 **Ayes:** Nelson and Crawford (2)

13 **Nays:** Brenner, Caskey-Schreiber, Fleetwood, Kelly and Weimer (5)
14

15 **Brenner moved** to accept the Birch Bay UGA as it currently exists. The residents
16 have put in more time and effort than anyone, and came up with the Birch Bay Subarea
17 Plan. It was remarkable. There is more data to support the UGA than to not support it than
18 for any other UGA.
19

20 Crawford stated he will support the motion. The problem is that it will negate
21 everything. He sympathizes with people whose zoning will change from urban residential,
22 four units per acre (UR4) to rural, one unit per ten acres (R10A). They are really messing
23 up the economic situations of some folks. These people aren't planning to build large
24 developments, just homes for their kids. They've gone too far, and need to pull back.
25

26 The motion to amend failed by the following vote:

27 **Ayes:** Brenner, Nelson and Crawford (3)

28 **Nays:** Caskey-Schreiber, Fleetwood, Kelly and Weimer (4)
29

30 Crawford referenced the 80-acre parcel in the Columbia Valley that will be divided in
31 half, with only one half to be added to the UGA. He asked about the concept of dividing the
32 property along topographic lines and that result of having less than 40 acres included in the
33 UGA.
34

35 Blair Murray, property owner, stated the intent was to retain 40 acres in the UGA
36 and put the other 40 acres in the reserve. There was to be a logical line draw to separate
37 the areas that had the most potential for having critical areas. The line chosen along the
38 105th contour line is arbitrary at that level. He prefers to draw the lane parallel upslope
39 somewhat to achieve a balance of 40 acres.
40

41 Caskey-Schreiber stated they made this decision because the maps need to be
42 updated to mark the new information about the alluvial fan. It's not in the critical areas
43 map. Stalheim stated Mr. Murray requested a more logical boundary than a straight north-
44 south boundary. Staff came up with this map and sent it to Mr. Murray, but did not receive
45 a response before it was introduced. The area included in the UGA now includes landslide
46 hazard areas. Including more land in the UGA will include more hazard areas. They cannot
47 create new lots in the landslide areas.
48

49 Brenner stated there's no reason to divide the 80-acre property at all. Other
50 regulations will prevent the owner from building in a hazardous area. The planning staff will
51 make sure that doesn't happen.
52

1 **Brenner moved** to put the entire 80 acres in the UGA. It will be up to the Planning
2 Department and developer to decide what can be built where.

3
4 Weimer stated that allowing all 80 acres in the UGA will allow greater density on the
5 portion that can be built on. Stalheim stated that is correct. The owner can transfer the
6 density from the hazard area to the developable area.

7
8 Weimer stated that the UGA will be oversized even more with this addition.

9
10 The motion to amend failed by the following vote:

11 **Ayes:** Brenner, Nelson and Crawford (3)

12 **Nays:** Caskey-Schreiber, Fleetwood, Kelly and Weimer (4)

13
14 **Crawford** referenced Blair Murray's 80-acre parcel in the Columbia Valley that will
15 be divided in half, with only one half to be added to the UGA and **moved** to adjust the
16 dividing line further to the west, corresponding with topographic lines, to make the acreage
17 of each half 40 acres.

18
19 Brenner stated don't mess with this, given the physical restraints of the property.

20
21 The motion to amend carried by the following vote:

22 **Ayes:** Brenner, Caskey-Schreiber, Fleetwood, Nelson and Crawford (5)

23 **Nays:** Kelly and Weimer (2)

24
25 Brenner stated they spoken often about Larrabee Springs. She asked if they are
26 allowed to include a portion. Stalheim stated the Larrabee Springs property has never been
27 in any proposal from anyone. To add it, the Council would have to introduce it and come
28 back December 8.

29
30 Crawford asked if what they're voting on tonight also affects a rezone of Hillsdale
31 and Geneva to one unit per five acres. Stalheim stated it does.

32
33 **Crawford moved** to rescind the rezone in Hillsdale and Geneva, and keep the zone
34 urban residential, three units per acre (UR3).

35
36 The motion to amend failed by the following vote:

37 **Ayes:** Nelson and Crawford (2)

38 **Nays:** Brenner, Caskey-Schreiber, Fleetwood, Kelly and Weimer (5)

39
40 Weimer stated some people think this plan is based on the legacy plan. However,
41 this plan wasn't based on the legacy plan. It was based on the land capacity analysis and
42 population estimates.

43
44 Nelson stated a section of the Comprehensive Plan states that amendments were
45 based upon the legacy plan.

46
47 Brenner stated it says it was scientifically valid.

48
49 **Weimer moved** to called the question.

50
51 The motion to call the question carried by the following vote:

52 **Ayes:** Crawford, Kelly, Nelson, Caskey-Schreiber, Fleetwood and Weimer (6)

1 **2. ORDINANCE AMENDING WCC 3.37, SECTION 3.37.050 "USE OF FUNDS", TO**
2 **INCORPORATE ADDITIONAL SUPPLANTATION LANGUAGE (AB2009-433)**
3

4 *Crawford* reported for the Finance and Administrative Services Committee and
5 *moved* to adopt the ordinance.
6

7 Brenner stated she is opposed to the motion. She said before the majority voted for
8 the tax that they will just supplant regular budget money. No one listened. Don't support
9 supplantation when they gave their word that they wouldn't. She doesn't care if the State
10 changed its mind.
11

12 Fleetwood stated this just makes the Code consistent with the change in State law.
13

14 Crawford asked what Councilmember Brenner proposes doing with the mental health
15 taxes, now that they're facing huge cuts from the State of Washington.
16

17 Brenner stated she supports using the tax only for new programs and extending
18 programs. Use it for any kind of new program or programs that are increased. Don't use it
19 to supplant existing programs.
20

21 Nelson stated the Council would rather spend money on park lands than mental
22 health. He won't support the change. It's ethically wrong. They didn't take it to the voters.
23 They didn't have a plan. Therefore, they have the responsibility to do better than the State.
24 They aren't doing that.
25

26 Caskey-Schreiber stated she agrees that the spirit in which the tax was passed was
27 not to supplant existing programs. However, the State has since changed the rules and it is
28 allowed. The administration and Council are keeping with the spirit of the original piece of
29 legislation. This fund can help continue very worthy programs. Not a single person who
30 spoke that night would be against continuing those programs. This just puts all options on
31 the table. It's not a policy change. They are very committed to meeting the demands of
32 the population and creating new programs to reduce recidivism rates in the jail, which was
33 the goal of the fund.
34

35 Brenner stated she supports all those programs. When they're in the budget, they
36 should be funded from the general fund. They are essential public services. The tax was
37 only supposed to be used for new or increased programs.
38

39 The motion carried by the following vote:

40 **Ayes:** Caskey-Schreiber, Crawford, Fleetwood and Weimer (4)

41 **Nays:** Brenner and Nelson (2)

42 **Absent:** Kelly (1) (out of the room)
43

44 **3. ORDINANCE AMENDING THE 2009 WHATCOM COUNTY BUDGET, TWELFTH**
45 **REQUEST, IN THE AMOUNT OF \$97,959 (AB2009-434)**
46

47 *Crawford* reported for the Finance and Administrative Services Committee and
48 *moved* to adopt the ordinance.
49

50 The motion carried by the following vote:

51 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
52 Weimer (7)

1 **Nays:** None (0)

2
3 **4. ORDINANCE AMENDING THE 2010 WHATCOM COUNTY BUDGET, THIRD**
4 **REQUEST, IN THE AMOUNT OF \$278,375 (AB2009-435)**

5
6 **Crawford** reported for the Finance and Administrative Services Committee and
7 **moved** to adopt the ordinance.

8
9 Dewey Desler, Deputy Administrator, handed out and read from a substitute
10 ordinance (*on file*) to reflect amendments made during the Committee of the Whole meeting
11 today.

12 **Crawford moved** to accept the substitute ordinance.

13
14 **Brenner moved** to amend to put the Veterans Relief fund source back into the
15 Veterans Relief Fund in the amount to \$243,000.

16
17 Nelson stated he agrees with the motion. Many people in the community will
18 question such a decision. He doesn't know if there's a plan to replace this money. It's
19 something that needs to be worked out in the community, based on helping veterans.

20
21 Brenner stated they aren't using a bunch of the money, but she's hearing that
22 they're having trouble starting programs. The total amount is so small compared to the
23 number of indigent veterans in Whatcom County.

24
25 Nelson stated the money could come from the conservation futures fund, not
26 veterans relief.

27
28 Fleetwood stated the balance of the Veteran's Relief fund is \$700,000, and the
29 amount expended annually is no more than \$200,000 per year. This action will not alter
30 expectations from people.

31
32 Nelson stated there are millions of dollars in the jail fund and the conservation
33 futures fund that they aren't using. These funds are for people who are going to need
34 services.

35
36 Fleetwood stated they've been helping them.

37
38 The motion to amend failed by the following vote:

39 **Ayes:** Nelson, Brenner and Kelly (3)

40 **Nays:** Crawford, Caskey-Schreiber, Fleetwood and Weimer (4)

41
42 **Brenner moved** to not require the County Council to implement a one percent
43 reduction. The County Council is one of three branches of government. It has the least
44 amount of staff of any of the branches. They don't have a cent. The Council doesn't have a
45 large number of departments to move budgets around to make things work. It has a very
46 limited division. They are supposed to be a check and a balance. They have State
47 mandates.

48
49 The motion to amend carried by the following vote:

50 **Ayes:** Fleetwood, Weimer, Nelson, Brenner and Kelly (5)

51 **Nays:** Crawford (1)

1 **Abstain:** Caskey-Schreiber (1)

2
3 **Brenner moved** to remove the \$30,000 appropriation for legal services to the
4 Council.

5
6 The motion to amend failed by the following vote:

7 **Ayes:** Nelson, Brenner and Crawford (3)

8 **Nays:** Kelly, Caskey-Schreiber, Fleetwood and Weimer (4)

9
10 Crawford stated he would support the motion, but with reluctance. He's had second
11 thoughts about transferring money from the administrative services fund. He is opposed to
12 additional court funding, which has gone up 27 percent in the last three to five percent.
13 They don't have the money for it. However, the administration needs some direction on
14 where they're headed. They have many decisions to make in the next year to make sure
15 they get the most benefit for taxpayer dollars.

16
17 The motion to adopt the substitute as amended carried by the following vote:

18 **Ayes:** Caskey-Schreiber, Crawford, Fleetwood, Kelly and Weimer (5)

19 **Nays:** Brenner and Nelson (2)

20
21 **5. ORDINANCE AMENDING WHATCOM COUNTY CODE (WCC) TITLE 3 TO**
22 **ESTABLISH WCC 3.46, AFFORDABLE HOUSING INCENTIVE FUND (AB2009-**
23 **421)**

24
25 **Crawford** reported From Finance and Administrative Services Committee and
26 **moved** to adopt the ordinance with the committee's recommended amendment and
27 correction of a scrivener's error. The amendment as recommended by committee is to add
28 language 3.46.040 "3. The Whatcom County general fund shall not be used to support the
29 affordable housing incentive fund." Also, correct a scrivener's error and suggested
30 amending 3.46.030, "...housing services to the city county."

31
32 Kelly stated there was discussion about language that would preclude monies from
33 the general fund being used at a later date and about not precluding future councils from
34 doing certain things.

35
36 Crawford stated that if the Council wanted to change it in the future, it could. It
37 doesn't tie the hands of a future council. It clarifies intent. He's comfortable with adding
38 that language, but he is against the motion.

39
40 **Fleetwood moved** to remove the language added by committee in 3.46.040 "3. The
41 Whatcom County general fund shall not be used to support the affordable housing incentive
42 fund." This ordinance is just to create the fund, not a source of income. This is one of the
43 five recommendations from the Countywide Housing Affordability Taskforce (CHAT). Mr.
44 Schissler recommends this action as it will make them eligible for some grants. This just
45 builds the apparatus. It is budget neutral and harmless. There is some minimal benefit of
46 establishing the fund to be eligible for grant funding. This has nothing to do with source
47 funding.

48
49 Brenner stated she is against the motion. It's disingenuous to do this without
50 necessary restrictions. Don't touch the general fund for anything extra.

1 Nelson stated he would like to support this, but he also wants broad community
2 support.

3
4 Caskey-Schreiber stated this is harmless. They are just creating a bucket in which to
5 put any money that may become available. Don't restrict their options.

6
7 The motion to amend carried by the following vote:

8 **Ayes:** Caskey-Schreiber, Fleetwood, Kelly and Weimer (4)

9 **Nays:** Crawford, Brenner and Nelson (3)

10
11 Fleetwood stated the result of the motion is that the Council has approved the
12 original version of the ordinance as presented in the Council packet.

13
14 The motion carried by the following vote:

15 **Ayes:** Brenner, Caskey-Schreiber, Fleetwood, Kelly and Weimer (5)

16 **Nays:** Crawford and Nelson (2)

- 17
18 **6. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
19 **CONTRACT BETWEEN THE WHATCOM COUNTY SHERIFF'S OFFICE AND THE**
20 **WASHINGTON STATE MILITARY DEPARTMENT FOR FUNDING FOR FIRST**
21 **RESPONDER TRAINING TO ENSURE LAW ENFORCEMENT IS PREPARED FOR**
22 **THE 2010 OLYMPICS AND PARALYMPICS, IN THE AMOUNT OF \$57,500**
23 **(AB2009-439)**

24
25 **Crawford** reported for the Finance and Administrative Services Committee and
26 **moved** to approve the request.

27
28 The motion carried by the following vote:

29 **Ayes:** Crawford, Nelson, Caskey-Schreiber, Fleetwood, Kelly and Weimer (6)

30 **Nays:** None (0)

31 **Absent:** Brenner (1) (out of the room)

- 32
33 **7. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
34 **CONTRACT BETWEEN THE WHATCOM COUNTY SHERIFF'S OFFICE AND**
35 **WASHINGTON STATE COMMERCE, COMMUNITY SERVICES DIVISION FOR**
36 **WAGES AND BENEFITS FOR THREE OFFICERS; A HALF TIME PROSECUTOR**
37 **AND .5 FTE RECORDS SPECIALIST POSITION FOR THE NW REGIONAL DRUG**
38 **TASK FORCE, IN THE AMOUNT OF \$192,243 (AB2009-440)**

39
40 **Crawford** reported for the Finance and Administrative Services Committee and
41 **moved** to approve the request.

42
43 The motion carried by the following vote:

44 **Ayes:** Crawford, Nelson, Caskey-Schreiber, Fleetwood, Kelly and Weimer (6)

45 **Nays:** None (0)

46 **Absent:** Brenner (1) (out of the room)

- 47
48 **8. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
49 **CONTRACT BETWEEN WHATCOM COUNTY AND WHATCOM COMMUNITY**
50 **COLLEGE TO PROVIDE FOR FUNDING FOR ADULT BASIC EDUCATION AND**
51 **GED CLASSES FOR PEOPLE RESIDING IN THE WHATCOM COUNTY JAIL, IN**
52 **THE AMOUNT OF \$36,374 (AB2009-441)**

1
2 **Crawford** reported for the Finance and Administrative Services Committee and
3 **moved** to approve the request.
4

5 The motion carried by the following vote:

6 **Ayes:** Crawford, Nelson, Caskey-Schreiber, Fleetwood and Kelly (5)

7 **Nays:** None (0)

8 **Absent:** Brenner and Weimer (2) (out of the room)
9

10 **10. ORDINANCE AMENDING THE SIX-YEAR CAPITAL IMPROVEMENT PROGRAM**
11 **APPENDIX F OF THE WHATCOM COUNTY COMPREHENSIVE PLAN (AB2009-**
12 **432)**
13

14 **Brenner** reported From Public Works and Safety Committee and **moved** to adopt
15 the ordinance. She **moved** to amend Appendix F to remove the allocation for a brand new
16 consolidated services building that they do not need, in the amount of \$12 million each in
17 2010.
18

19 Caskey-Schreiber stated there is no harm in putting it on the wish list in case funding
20 becomes available.
21

22 Weimer asked if the County has the \$12 million.
23

24 Dewey Desler, Deputy Administrator, stated it doesn't. No money has been spent,
25 including the two for this year. It's just in the larger capital improvements plan. This was
26 set up four or five years ago.
27

28 Brenner stated that's the problem with their capital facilities plans, including their
29 road plans. They're not being realistic.
30

31 The motion to amend failed by the following vote:

32 **Ayes:** Brenner (1)

33 **Nays:** Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and Weimer (6)
34

35 The motion to adopt carried by the following vote:

36 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and Weimer
37 (7)

38 **Nays:** None (0)
39

40 **11. ORDINANCE AUTHORIZING A SHIFT OF \$1,750,000 FROM THE ROAD LEVY**
41 **TO THE GENERAL FUND LEVY FOR 2010 PURSUANT TO RCW 84.52.043**
42 **(AB2009-411)**
43

44 Dewey Desler, Deputy Administrator, gave a staff report for Other Items 11 through
45 15 and suggested that this ordinance be rejected due to changes the Committee of the
46 Whole made earlier. The ordinance in Other Item 12 should be adopted. The ordinances in
47 Other Items 13 through 16 are slightly adjusted according to his handout (on file). It
48 establishes the ability of the County to take less money in the conservation futures tax,
49 more money in the general fund, and then less money in the veteran's fund in the amount
50 of \$243,000. They have the ability to check this carefully. They worked to make sure the
51 language is correct and is approved to form.
52

1 percentage would also be slightly greater. Desler stated the percentage would be
2 approximately 2.2 percent.

3
4 The motion to amend carried by the following vote:

5 **Ayes:** Brenner, Crawford, Nelson and Fleetwood (4)

6 **Nays:** Caskey-Schreiber, Kelly and Weimer (3)

7
8 The motion to adopt as amended carried by the following vote:

9 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly and Nelson (6)

10 **Nays:** Weimer (1)

11
12 **15. ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY AND STATE**
13 **PURPOSES IN WHATCOM COUNTY FOR THE YEAR 2010 (AB2009-415)**

14
15 *(See Other Items 11 for a staff report.)*

16
17 **Crawford moved** to adopt the ordinance. He **moved** to amend to change the
18 ordinance where appropriate to \$543,000 and eliminate fifth and sixth Whereas statements
19 regarding the veteran's relief fund, and eliminate item D.

20
21 The motion to amend carried by the following vote:

22 **Ayes:** Weimer, Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly and
23 Nelson (7)

24 **Nays:** None (0)

25
26 The motion to adopt as amended carried by the following vote:

27 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
28 Weimer (7)

29 **Nays:** None (0)

30
31 **16. ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY ROAD**
32 **PURPOSES FOR 2010 (AB2009-416)**

33
34 **Crawford moved** to adopt the last page of Mr. Desler's handout as a substitute
35 ordinance.

36
37 The motion carried by the following vote:

38 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
39 Weimer (7)

40 **Nays:** None (0)

41
42 **17. ORDINANCE AMENDING THE 2010 WHATCOM COUNTY BUDGET, SECOND**
43 **REQUEST, IN THE AMOUNT OF \$3,440,693 (AB2009-419)**

44
45 **Crawford moved** to adopt the ordinance.

46
47 The motion carried by the following vote:

48 **Ayes:** Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and Weimer (6)

49 **Nays:** Brenner (1)

1 **Weimer** referenced the **approval of contract amendment with David Bricklin**
2 **for legal representation (AB2009-365)** and **moved** to amend the contract to increase
3 the contract by \$30,000 for David Bricklin.
4

5 Brenner stated she likes Mr. Bricklin, who does a good job. However, it's time to rely
6 on the County's own legal staff. They are going to get sued no matter what. They know
7 what they must do. The County no longer needs his service.
8

9 The motion to approve a contract amendment carried by the following vote:

10 **Ayes:** Caskey-Schreiber, Fleetwood, Kelly and Weimer (4)

11 **Nays:** Brenner, Crawford and Nelson (3)
12

13 **18. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE'S APPOINTMENT OF**
14 **GAYLA DONALDSON TO THE SUBSTANCE ABUSE ADVISORY BOARD**
15 **(AB2009-446)**
16

17 **Weimer moved** to confirm the appointment.
18

19 The motion carried by the following vote:

20 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
21 Weimer (7)

22 **Nays:** None (0)
23
24

25 **INTRODUCTION ITEMS**
26

27 **Caskey-Schreiber moved** to accept the Introduction Items, including the
28 replacement pages submitted earlier.
29

30 The motion carried by the following vote:

31 **Ayes:** Brenner, Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and
32 Weimer (7)

33 **Nays:** None (0)
34

- 35 **1. ORDINANCE AMENDING WCC 20.94, "ENFORCEMENT & PENALTIES" TO**
36 **CEASE ISSUING CITATIONS AND INSTEAD ISSUE ADMINISTRATIVE CIVIL**
37 **PENALTIES (AB2009-447)**
38
- 39 **2. ORDINANCE AMENDING THE 2009 WHATCOM COUNTY BUDGET,**
40 **THIRTEENTH REQUEST, IN THE AMOUNT OF \$594,099 (AB2009-448)**
41
- 42 **3. ORDINANCE AMENDING THE 2010 WHATCOM COUNTY BUDGET, FOURTH**
43 **REQUEST, IN THE AMOUNT OF \$6,247,026 (AB2009-449)**
44
- 45 **4. ORDINANCE REQUESTING THE REPEAL OF WCC 6.04.050 SECTIONS A & F**
46 **THAT ALLOW FOR THE PURCHASE OF A MULTI-DOG LICENSE (AB2009-450)**
47
- 48 **5. RESOLUTION ADOPTING A 2010 BUDGET FOR THE BIRCH BAY WATERSHED**
49 **AND AQUATIC RESOURCES MANAGEMENT DISTRICT (COUNCIL ACTING AS**
50 **THE WHATCOM COUNTY FLOOD CONTROL DISTRICT BOARD OF**
51 **SUPERVISORS) (AB2009-451)**
52

1 6. RESOLUTION REGARDING A PETITION FOR THE VACATION OF A PORTION
2 OF EDWARDS DRIVE, FILED BY DAVID DUNCAN, ET AL (AB2009-260A)
3
4

5 **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**
6

7 Brenner stated she attended the veteran's celebration at Mt. Baker High School on
8 Veteran's Day. She was so impressed by the statistics on how many Native Americans
9 serve. Also, she stood on the Axton Road bridge when they brought back Aaron Aamot.
10 She was very proud of him and the community. She's also very proud of the City of
11 Ferndale for hosting all this and the Sheriff's Office for assisting with the road closures.
12 Americans have wonderful rights because of people like him who serve.
13

14
15 **OTHER BUSINESS**
16

17 Kelly stated he decided to resign his seat on the Whatcom County Council, effective
18 November 26, 2009. It's time for him to move on. In the past two years, he's neglected a
19 lot of duties required of him in his day job with the Tribe and other tribal governments. He
20 also has an opportunity to run for another office on the Nooksack Tribal Council in March.
21 He submitted a letter to the Council Chair (*on file*).
22

23 ***Weimer moved*** that the Council staff advertise the vacancy as soon as possible,
24 and have it posted on the County website that the Council accepts application letters and
25 resumes until close of business on December 4, and that the Council make nominations,
26 discuss possible candidates, and consider making an appointment at its regular meeting on
27 December 8, 2009.
28

29 Fleetwood stated there needs to be ten days' notice.

30 Weimer stated his motion would be 13 days.
31

32 Crawford asked if Mr. Weimer is attempting to assure that the current Council gets to
33 appoint, not the next council. He asked if that is the intent.
34

35 Weimer stated it isn't. That may be what is going on functionally. According to the
36 Code, the Council has 30 days to make an appointment. If the Council can't make an
37 appointment within 30 days, the County Executive gets to make the appointment.
38

39 Crawford stated he thought the Code says they have to advertise a minimum of ten
40 days before.
41

42 Dana Brown-Davis, Clerk of the Council, stated the Code doesn't say anything about
43 advertising. The Code says they "announce" the vacancy.
44

45 Crawford stated ten days is just a minimum. Once the application period is over,
46 they have 30 days from that period. It's not 30 days from the resignation of the
47 councilmember. It's 30 days from the time the application or nomination process is
48 concluded. He did not interpret it as 30 days from the resignation before the Executive may
49 appoint the position.
50
51

1 Brown-Davis read County Code 2.02.030(C). She asked that the application
2 deadline be the end of the day on December 7, 2009, because of the holiday. It will give
3 people more time.
4

5 **Weimer accepted** and the amended deadline as the end of day on December 7,
6 2009. Another reason he's trying to move this forward is that they have to make
7 nominations during their regular meeting, and the last regular meeting is December 8 within
8 the 30 days.
9

10 Crawford stated he thought they had to interview the candidates. He asked if it were
11 possible to bring forward candidates, and they're just supposed to nominate people without
12 interviewing them.
13

14 Weimer stated they have to make nominations at a regular meeting, and the 8th is
15 the last regular meeting. They need to make nominations there, and then go to a
16 Committee of the Whole for discussion. That could be interviews if they choose, and they
17 could make appointments after that. It doesn't have to be that same day. They could have
18 another special meeting at some time after that, within the 30 days.
19

20 Crawford stated he doesn't understand the urgency to conclude the application
21 period, have the nominations, decide if they are going to interview, and vote all in one day.
22 He's not sure they can make the best decision that way.
23

24 Weimer stated his motion isn't to guarantee that they do it in one day. They can
25 consider making an appointment that day. They can also make the nominations, have a
26 discussion, and decide if they want to have a special meeting ten days later.
27

28 Crawford stated that would probably be the way to go.
29

30 **Weimer restated the motion** to have the Council staff advertise the vacancy as
31 soon as possible and have it posted on the County website, that the Council accept
32 application letters and resumes until the close of business on December 7, and that the
33 Council make nominations, discuss possible candidates, and consider making an
34 appointment at the regular meeting on December 8, 2009.
35

36 The motion carried by the following vote:

37 **Ayes:** Caskey-Schreiber, Crawford, Fleetwood, Kelly, Nelson and Weimer (6)

38 **Nays:** Brenner (1)
39

40 Brown-Davis asked if the intent of the motion to advertise is for her to run a legal
41 notice in the newspaper or just to put this on the website.
42

43 Caskey-Schreiber stated just put it on the website. It will be out in the newspaper.
44

45 Fleetwood stated he agreed.
46

47 Crawford stated this will need to be a person who resides in District 1. He asked if
48 this position is being filled until the next general election in November 2010. At that time,
49 there will be an election to fill the unexpired term, which will be for one more year after
50 that.
51
52

1 **ADJOURN**

2
3 The meeting adjourned at 1:06 a.m. on November 25, 2009.
4
5
6

7
8 Please contact the Council Office to obtain an
9 official, signed copy:
10 360-676-6690 or council@co.whatcom.wa.us
11
12
13
14
15

16 _____
17 Dana Brown-Davis, Council Clerk

Seth Fleetwood, Council Chair