

CLERK OF THE COUNCIL
Dana Brown-Davis, C.M.C.

COUNTY COURTHOUSE
311 Grand Avenue, Suite #105
Bellingham, WA 98225-4038
(360) 778-5010



COUNCILMEMBERS
Barbara Brenner
Rud Browne
Barry Buchanan
Todd Donovan
Ken Mann
Satpal Sidhu
Carl Weimer

WHATCOM COUNTY COUNCIL

COUNCIL AGENDA FOR FEBRUARY 7, 2017

**MEMBERS OF OUR COMMUNITY WHO REQUIRE
SPECIAL ASSISTANCE TO PARTICIPATE IN OUR
MEETINGS ARE ASKED TO CONTACT OUR OFFICE AT
LEAST 96 HOURS IN ADVANCE**

**AS A COURTESY TO ALL MEETING ATTENDEES,
CELLULAR PHONE USE IS PROHIBITED IN
THE COUNCIL CHAMBERS**

**ACCESSIBLE PARKING IS AVAILABLE NEAR THE
COURTHOUSE SOUTH ENTRANCE**

**OUR REGULAR COUNCIL MEETINGS ARE BROADCAST ON BTV10,
COMCAST CHANNEL 10, AT 7 P.M. ON THE TWO WEDNESDAYS FOLLOWING EACH
TUESDAY EVENING COUNTY COUNCIL MEETING**

PLEASE VISIT US AT WWW.CO.WHATCOM.WA.US FOR THE FOLLOWING:

**COUNCIL MEETING AUDIO AND VIDEO
COUNCIL OFFICE EMAIL POLICY
CURRENT COUNCIL AGENDA
CURRENT COUNCIL PACKET
PUBLIC NOTICES
1979 - 2017 ORDINANCES
1979 - 2017 RESOLUTIONS
1984 - 2017 COMMITTEE MINUTES
1979 - 2017 COUNCIL MINUTES**

UPCOMING MEETINGS AND EVENTS:

FEBRUARY 14, 2017
10:30 A.M. – SURFACE WATER WORK SESSION
GARDEN LEVEL CONFERENCE ROOM, 322 N. COMMERCIAL STREET

FEBRUARY 20, 2017
HOLIDAY – OFFICE CLOSED

FEBRUARY 21, 2017
REGULAR COUNCIL AND COMMITTEE MEETINGS
COUNCIL CHAMBERS, 311 GRAND AVENUE

MARCH 7, 2017
REGULAR COUNCIL AND COMMITTEE MEETINGS
COUNCIL CHAMBERS, 311 GRAND AVENUE

MARCH 14, 2017
10:30 A.M. – SURFACE WATER WORK SESSION
GARDEN LEVEL CONFERENCE ROOM, 322 N. COMMERCIAL STREET

COUNCIL COMMITTEE SCHEDULES

SPECIAL COMMITTEE OF THE WHOLE
9:30 a.m. Tuesday, February 7, 2017
Council Chambers, 311 Grand Avenue

Committee Discussion – Critical Areas Ordinance Update

1. Continuation of Council's review of the 2016 Critical Areas Ordinance Update – topics scheduled for discussion:

Article 6 – Wetlands (AB2016-276G)

Pages 1 - 30

Article 8 – Conservation Program on Agriculture Lands (AB2016-276I)

Pages 31 - 53

Other Business

FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

Members: Rud Browne, Ken Mann, Satpal Sidhu

11 a.m. Tuesday, February 7, 2017 (this meeting may begin a few minutes late)

Council Chambers, 311 Grand Avenue

County Executive's Report

Committee Discussion and Recommendations to Council

1. Resolution accepting the Treasurer's list of petitions for tax refunds (AB2017-058)
Pages 54 - 73
2. Resolution amending Resolution 2016-051 in the matter of adopting a salary schedule and policies for Whatcom County unrepresented employees, effective January 1 through December 31, 2017 (AB2017-059)
Pages 74 - 77
3. Request authorization for the County Executive to enter into a contract between Whatcom County Flood Control Zone District and Edge Analytical, Inc. to provide laboratory analysis of surface water samples for bacteria analysis, in the amount of \$85,600 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2017-060)
Pages 78 - 102
4. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Kimberly Gearity, Attorney, for professional labor negotiator services, in the amount of \$46,377, for a total amended amount of \$86,376 (AB2017-061)
Pages 103 - 106

Other Business

SPECIAL COMMITTEE OF THE WHOLE

12:45 p.m. Tuesday, February 7, 2017

Council Committee Room, 311 Grand Avenue

Committee Discussion

1. Discussion with Senior Deputy Prosecutor Karen Frakes regarding pending and potential litigation, Hirst et al v. Whatcom County, GMHB Case No. 12-2-0013 (AB2017-018)

[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110 (1) (i)]

No Paper

Other Items

PUBLIC WORKS, HEALTH, AND SAFETY COMMITTEE
Members: Barbara Brenner, Todd Donovan, Ken Mann
1:45 p.m. Tuesday, February 7, 2017
Council Chambers, 311 Grand Avenue

Committee Discussion and Recommendations to Council

1. Resolution amending CRP No. 916008 and authorizing Public Works to: 1) Proceed with petitioning the Washington Utilities and Transportation Commission for improvements to the Yacht Club Road at-grade railroad crossing; and 2) Construct improvements using Public Works Department's "county forces" (AB2017-043A)
Pages 107 - 111

Committee Discussion

1. Presentation and discussion regarding traffic patterns and posted speed limits in the Marine Drive/Marietta area (AB2017-062)
Page 112
2. Discussion of proposed ordinance amending Whatcom County Code 24.05, On-Site Sewage System Regulations (AB2017-053) (from 1/24)
Pages 113 - 125

Other Business

PLANNING AND DEVELOPMENT COMMITTEE
Members: Barbara Brenner, Rud Browne, Carl Weimer
3 p.m. Tuesday, February 7, 2017
Council Chambers, 311 Grand Avenue

Committee Discussion

1. Discussion of proposed Comprehensive Plan amendments relating to the Cherry Point Urban Growth Area (AB2017-063)
Pages 126 - 268

Committee Discussion and Recommendations to Council

1. Request appointment of one County Council member to the Transfer of Development Rights and Purchase of Development Rights multi-stakeholder work group (AB2017-064)
Pages 269 - 271

Other Business

COUNCIL AGENDA

REGULAR COUNCIL MEETING
7 p.m. Tuesday, February 7, 2017
Council Chambers, 311 Grand Avenue

CALL TO ORDER
ROLL CALL
FLAG SALUTE
ANNOUNCEMENTS

If you will be handing out paperwork to councilmembers, please give one copy to the clerk for our office files. Thank you.

MINUTES CONSENT

1. Special Committee of the Whole for September 13, 2016
Pages 272 - 276
2. Regular County Council for September 13, 2016
Pages 277 - 287
3. Special Committee of the Whole for September 20, 2016
Pages 288 - 290
4. Regular County Council for September 27, 2016
Pages 291 - 305
5. Special Committee of the Whole for October 11, 2016
Pages 306 - 307
6. Committee of the Whole for October 11, 2016
Pages 308 - 309
7. Regular County Council for October 11, 2016
Pages 310 - 318
8. Special Committee of the Whole for November 9, 2016 (9:30 a.m.)
Pages 319 - 320
9. Special Committee of the Whole for November 9, 2016 (10:30 a.m.)
Pages 321 - 331
10. Regular County Council for November 9, 2016
Pages 332 - 338
11. Special Committee of the Whole (9:30 a.m.) for November 22, 2016
Pages 339 - 343
12. Regular County Council for November 22, 2016
Pages 344 - 356
13. Special Committee of the Whole (1:50 p.m.) for December 6, 2016
Pages 357 - 361
14. Regular County Council for December 6, 2016
Pages 362 - 381
15. Special Committee of the Whole (11 a.m.) for January 10, 2017
Pages 382 - 384
16. Special Committee of the Whole (1:30 p.m.) for January 10, 2017
Pages 385 - 387
17. Regular County Council for January 10, 2017
Pages 388 - 401

OPEN SESSION (20 MINUTES)

During open session, audience members can speak to the council on any issue not scheduled for public hearing. Each speaker should state his or her name for the record and will be given three minutes to address the council. Council staff will keep track of time limits and inform speakers when they have thirty seconds left to conclude their comments.

OTHER ITEMS

(From Finance and Administrative Services Committee)

1. Resolution accepting the Treasurer's list of petitions for tax refunds (AB2017-058)
Pages 54 - 73

2. Resolution amending Resolution 2016-051 in the matter of adopting a salary schedule and policies for Whatcom County unrepresented employees, effective January 1 through December 31, 2017 (AB2017-059)
Pages 74 - 77
3. Request authorization for the County Executive to enter into a contract between Whatcom County Flood Control Zone District and Edge Analytical, Inc. to provide laboratory analysis of surface water samples for bacteria analysis, in the amount of \$85,600 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2017-060)
Pages 78 - 102
4. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Kimberly Gearity, Attorney, for professional labor negotiator services, in the amount of \$46,377, for a total amended amount of \$86,376 (AB2017-061)
Pages 103 - 106

(From Public Works, Health, and Safety Committee)

5. Resolution amending CRP No. 916008 and authorizing Public Works to: 1) Proceed with petitioning the Washington Utilities and Transportation Commission for improvements to the Yacht Club Road at-grade railroad crossing; and 2) Construct improvements using Public Works Department's "county forces" (AB2017-043A)
Pages 107 - 111

(From Planning and Development Committee)

6. Request appointment of one County Council member to the Transfer of Development Rights and Purchase of Development Rights multi-stakeholder work group (AB2017-064)
Pages 269 - 271

(No Committee Assignment)

7. Ordinance providing local procedures to process development permit applications efficiently and to promote finality of decisions (AB2017-041) (from 1/24)
Pages 402 - 405

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Per Whatcom County Code 2.03.060 and 100.02.080, applications for council-appointed and FCZD board of supervisor-appointed citizen boards, commissions, and committees may be accepted until 10:00 a.m. on Tuesday of the week prior to the regularly scheduled council meeting at which nominations and possible vote to appoint are scheduled to occur.

1. Appointment to fill Jail Stakeholder Workgroup vacancy (Whatcom County resident who resides outside the city of Bellingham) – applicant: Irene Morgan (AB2017-067)
Pages 406 - 410

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Per Whatcom County Code 2.03.070(B), the council must confirm or reject executive appointments within 30 days of submission to the council. County code deems the appointee confirmed if council does not take action within this time.

1. Annual appointments to Executive-appointed boards and commissions (AB2017-052A)
Pages 411 - 432

INTRODUCTION ITEMS

Council action will not be taken. The council may accept these items for introduction (no action) in a single motion. Changes, in terms of committee assignment for example, may be made at this time.

1. Resolution amending the 2017 Flood Control Zone District and Subzone Budgets, first request, in the amount of \$143,676 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2017-065)
Pages 433 - 438

2. Ordinance amending the 2017 Whatcom County Budget, second request, in the amount of \$2,518,464 (AB2017-066)
Pages 439 - 461
3. Ordinance amending Whatcom County Code 2.03, 2.22, and 2.104 to prohibit the appointment of declared political candidates to boards, committees, and commissions and requiring resignation from the Ethics Commission and Salary Commission for members seeking an elected position within the County (AB2017-057)
Pages 462 - 467

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN

The next regular council meeting is scheduled for 7 p.m. February 21, 2017 in the Council Chambers, 311 Grand Avenue.