

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

Timothy Ballew II
Barbara Brenner
Rud Browne
Barry Buchanan
Todd Donovan
Tyler Byrd
Satpal Sidhu

WHATCOM COUNTY COUNCIL

**COUNCIL AGENDA
FOR JANUARY 30, 2018**

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 CAN BE VIEWED LIVE AT
<https://www.youtube.com/user/WhatcomCountyGov>
AND ARE ALSO BROADCAST ON BTV10 (COMCAST CHANNEL 10)
AT 7 P.M. ON THE TWO WEDNESDAYS FOLLOWING EACH
TUESDAY EVENING 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 - 2018 ORDINANCES
1979 - 2018 RESOLUTIONS
1984 - 2018 COMMITTEE MINUTES
1979 - 2018 COUNCIL MINUTES

UPCOMING MEETINGS AND EVENTS:

FEBRUARY 13, 2018

REGULAR COUNCIL AND COMMITTEE MEETINGS
COUNCIL CHAMBERS, 311 GRAND AVENUE

FEBRUARY 19, 2018

HOLIDAY – OFFICE CLOSED

FEBRUARY 20, 2018

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

FEBRUARY 27, 2018

REGULAR COUNCIL AND COMMITTEE MEETINGS
COUNCIL CHAMBERS, 311 GRAND AVENUE

MARCH 6, 2018

HEALTH BOARD MEETING
10:30 A.M., COUNCIL CHAMBERS, 311 GRAND AVENUE

COUNCIL COMMITTEE SCHEDULES

SPECIAL COMMITTEE OF THE WHOLE
10:45 a.m. Tuesday, January 30, 2018
Council Chambers, 311 Grand Avenue

Special Order of Business

1. Annual reorganization of the Whatcom County Council (finalization of Council assignments) (AB2018-021)
Pages 1 - 2

Other Business

FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

Members: Rud Browne, Tyler Byrd, Satpal Sidhu
11 a.m. Tuesday, January 30, 2018
Council Chambers, 311 Grand Avenue

Special Order of Business

1. Nomination and appointment of committee chair (AB2018-021)
No Paper

County Executive's Report

Committee Discussion and Recommendations to Council

1. Ordinance amending the 2018 Whatcom County Budget, third request, in the amount of \$1,888,113 (AB2018-037)
Pages 3 - 17
2. Ordinance approving the first amendment to Project Budget No. 2 (Jail Improvement Fund) of the 2011 Budget (as established through Ordinance 2011-031) to add \$350,000 of expenditure authority, for a total amended project budget amount of \$3,467,700 (AB2018-038)
Pages 18 - 24
3. Ordinance increasing Treasurer petty cash fund (AB2018-039)
Pages 25 - 26
4. Request authorization for the County Executive to enter into a contract amendment between Whatcom County Flood Control Zone District and The Nature Conservancy to allocate the second year of federal funding for the Deming Levee Improvement Project and the Lower Nooksack River geomorphic assessment in the amount of \$150,000, for a total amended contract amount of \$400,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2018-043)
Pages 27 - 41
5. Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County Flood Control Zone District and Whatcom Conservation District to enhance and support elements of Whatcom County's Pollution Identification and Correction Program, in the amount of \$55,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2018-044)
Pages 42 - 53
6. Resolution accepting the Treasurer's list of petitions for tax refunds (AB2018-045)
Pages 54 - 69

Council "Consent Agenda" Items

1. Request authorization for the County Executive to enter into a contract between Whatcom County and the Washington State Department of Transportation to obligate federal funds for preliminary engineering and environmental permitting for the Guardrail Safety Program CRP No. 918002, in the amount of \$110,000 (AB2018-046)
Pages 70 - 83

2. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Whatcom Conservation District to modify the scope of work to provide additional assistance to support homeowners participating in the Homeowner Incentive Do-It-Yourself Native Landscaping Program, in 2018 in the amount of \$33,698 for a total amended contract amount of \$305,492 (AB2018-047)
Pages 84 - 95
3. Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom County Fire Protection Districts 1, 4, 5, 7, 8, 11, 14, 16, 17, 18, 19, and 21, Bellingham Fire Department, Lynden Fire Department, and South Whatcom Fire Authority for Basic Life Support and First Response services through December 31, 2022 (AB2018-048)
Pages 96 - 124
4. Request authorization for the County Executive to enter into a contract between Whatcom County and Washington Department of Health to receive funding for public health programs, in the amount of \$1,294,039 (AB2018-049)
Pages 125 - 192
5. Request approval for the County Executive to authorize purchase of auto body repair services from vendor Gitt's Autobody using the Washington State Contract #05015, in an amount not to exceed \$70,000 (AB2018-050)
Pages 193 - 195
6. Request approval for the County Executive to authorize purchase of 25 replacement tasers and related accessories from vendor Axon Enterprise, Inc. using Washington State Contract #02315, in the amount of \$40,490.21 (AB2018-051)
Pages 196 - 199
7. Request authorization for the County Executive to enter into a contract between Whatcom County and Election Systems & Software LLC (ES&S) for acquisition, installation, training, and first year maintenance of ES&S mail ballot verifier equipment, in the amount of \$89,095 (AB2018-052)
Pages 200 - 213
8. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and North Sound Behavioral Health Organization to clarify the terms and conditions of cost reimbursement (AB2018-053)
Pages 214 - 218

Other Business

**SPECIAL COMMITTEE OF THE WHOLE
1:30 p.m. Tuesday, January 30, 2018
Council Conference Room/Council Chambers, 311 Grand Avenue**

COUNCIL CONFERENCE ROOM

Committee Discussion

1. Discussion of an appeal of the Hearing Examiner's decision on File No. CUP2015-0003, filed by Jerry Pate, regarding a proposed new wireless communications facility which includes a 150 foot tall steel monopole, with an initial antenna array consisting of twelve panel antennas and one six foot wide microwave dish antenna (AB2017-355)
[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.110(1)(i)]
No Paper

COUNCIL CHAMBERS

Committee Discussion and Recommendations to Council

1. Discussion of ESSB 6091 (Hirst agreement) and a proposed emergency interim ordinance relating to the use of permit exempt water withdrawals for development purposes (ordinance scheduled for council action this evening) (AB2018-057)
Pages 219 - 264

Other Business

CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE

Members: Barry Buchanan, Tyler Byrd, Satpal Sidhu
3 p.m. Tuesday, January 30, 2018
Council Chambers, 311 Grand Avenue

Special Order of Business

1. Nomination and appointment of committee chair (AB2018-021)
No Paper

Committee Discussion and Approval of Recommendation

1. Discussion and approval of recommendation for moving forward with proposed expanded scope for the Design2Last Whatcom County Jail Improvements contract #201607005 (AB2018-042)
Pages 265 - 274

Other Business

*THE FOLLOWING COMMITTEE MEETINGS WILL BE HELD SEQUENTIALLY FOLLOWING
ADJOURNMENT OF THE CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE MEETING:*

NATURAL RESOURCES COMMITTEE

Members: Todd Donovan, Satpal Sidhu (third member to be announced)
Tuesday, January 30, 2018
Council Chambers, 311 Grand Avenue

Special Order of Business

1. Nomination and appointment of committee chair (AB2018-021)
No Paper

Other Business

PUBLIC WORKS AND HEALTH COMMITTEE

Members: Barry Buchanan, Barbara Brenner (third member to be announced)
Tuesday, January 30, 2018
Council Chambers, 311 Grand Avenue

Special Order of Business

1. Nomination and appointment of committee chair (AB2018-021)
No Paper

Other Business

PLANNING AND DEVELOPMENT COMMITTEE

Members: Barbara Brenner, Tyler Byrd, Todd Donovan
Tuesday, January 30, 2018
Council Chambers, 311 Grand Avenue

Special Order of Business

1. Nomination and appointment of committee chair (AB2018-021)
No Paper

Other Business

COUNCIL AGENDA

REGULAR COUNCIL MEETING

7 p.m. Tuesday, January 30 , 2018

Council Chambers, 311 Grand Avenue

CALL TO ORDER

ROLL CALL

FLAG SALUTE

ANNOUNCEMENTS

If you plan to hand out paperwork to councilmembers, please provide one copy to council staff for our files. Thank you.

1. Consideration of an appeal of the Hearing Examiner's decision on File No. CUP2015-0003, filed by Jerry Pate, regarding a proposed new wireless communications facility which includes a 150 foot tall steel monopole, with an initial antenna array consisting of twelve panel antennas and one six foot wide microwave dish antenna (AB2017-355)

No Paper

MINUTES CONSENT

1. County Council for October 10, 2017
Pages 275 - 281
2. Special Committee of the Whole for October 24, 2017
Pages 282 - 284
3. County Council for October 24, 2017
Pages 285 - 292
4. Special Committee of the Whole for November 8, 2017
Pages 293 - 297
5. Committee of the Whole for November 8, 2017
Pages 298 - 299
6. County Council for November 8, 2017
Pages 300 - 305
7. Surface Water Work Session for November 14, 2017
Pages 306 - 308
8. Committee of the Whole for November 21, 2017
Pages 309 - 310

PUBLIC HEARINGS

Audience members who wish to address the council during a public hearing are asked to sign up at the back of the room before the meeting begins. The council chair will ask those who have signed up to form a line at the podium. 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. When a large group of individuals supports the same position on an issue, we encourage the selection of one or two representatives to speak on behalf of the entire group.

1. Resolution clarifying 2018 Property Tax Levy Ordinances (AB2018-040)
Pages 311 - 315

OPEN SESSION (20 MINUTES)

During open session, audience members can speak to the council on any issue not scheduled for public hearing or related to the proposed Gateway Pacific Terminal project (GPT). 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.

CONSENT AGENDA

Items under this section of the agenda may be considered in a single motion. Councilmembers have received and studied background material on all items. Committee review has taken place on these items, as indicated. Any member of the public, administrative staff, or council may ask that an item be considered separately.

(From Finance and Administrative Services Committee)

1. Request authorization for the County Executive to enter into a contract between Whatcom County and the Washington State Department of Transportation to obligate federal funds for preliminary engineering and environmental permitting for the Guardrail Safety Program CRP No. 918002, in the amount of \$110,000 (AB2018-046)
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Pages 200 - 213
8. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and North Sound Behavioral Health Organization to clarify the terms and conditions of cost reimbursement (AB2018-053)
Pages 214 - 218

OTHER ITEMS

(From Finance and Administrative Services Committee)

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Pages 3 - 17

2. Ordinance approving the first amendment to Project Budget No. 2 (Jail Improvement Fund) of the 2011 Budget (as established through Ordinance 2011-031) to add \$350,000 of expenditure authority, for a total amended project budget amount of \$3,467,700 (AB2018-038)
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Pages 42 - 53
6. Resolution accepting the Treasurer's list of petitions for tax refunds (AB2018-045)
Pages 54 - 69

(From Special Committee of the Whole)

7. Emergency ordinance (interim) repealing Ordinance 2017-057 and adopting amendments to the Whatcom County Comprehensive Plan and Whatcom County Code Title 15 (Buildings and Construction), Title 20 (Zoning), Title 21 (Land Division Regulations), and Title 24 (Health Code), relating to water resources (AB2018-057)
Pages 219 - 264

(No Committee Assignment)

8. Approval of special standing Council meeting dates for 2018 (adding Health Board and Lake Whatcom Joint Councils and Commission meeting dates to the Council's schedule) (AB2018-027)
Pages 316 - 317

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. Annual appointments to Council-appointed positions on citizen boards, commissions, and committees (from January 16) (AB2018-029)
Pages 318 - 477
2. Annual appointments to Flood Control Zone District Advisory Committee, and Flood Control Sub-Zones Advisory Committee (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (from January 16) (AB2018-030)
Pages 478 - 507
3. Appointments to the Climate Impact Advisory (AB2018-028)
Pages 508 - 727

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

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

1. Request confirmation of the Executive's appointments to Boards, Committees, and Commissions for the year 2018 (AB2018-054)
Pages 728 - 810

INTRODUCTION ITEMS

Council action will not be taken. The council may accept these items for introduction in a single motion. Changes, in terms of committee assignment for example, may be made at this time.

1. Ordinance adopting amendments to the Urban Fringe Subarea Plan, Whatcom County Comprehensive Plan, and Whatcom County Zoning Code (AB2018-055)
Pages 811 - 924
2. Ordinance adopting amendments to Whatcom County Code Title 2, Administration and Personnel; Title 9, Public Peace, Morals and Welfare; Title 15, Building and Construction; Title 16, Environment; Title 20, Zoning; Title 21, Land Division Regulations; Title 23, Shoreline Management Program; Title 24, Health; and creating a new Title 22, Land Use and Development Procedures, to relocate and revise procedures for land use and development related project permits and legislative actions code (AB2018-056)
Pages 925 - 1180

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN

The next regular council meeting is scheduled for 7:00 p.m. Tuesday, February 13, 2018 in the County Council Chambers, 311 Grand Avenue, Bellingham

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

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COUNCILMEMBERS
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Barbara Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Satpal Sidhu

WHATCOM COUNTY COUNCIL

AGENDA REVISION NOTICE
FOR JANUARY 30, 2018
(DISTRIBUTED AT 10 A.M. ON JANUARY 30)

THE FOLLOWING ITEM HAS BEEN ADDED TO THE AGENDA FOR THIS EVENING:

INTRODUCTION

3. Ordinance (interim) repealing Ordinance 2017-057 and adopting amendments to the Whatcom County Comprehensive Plan and Whatcom County Code Title 15 (Buildings and Construction), Title 20 (Zoning), Title 21 (Land Division Regulations), and Title 24 (Health Code), relating to water resources (AB2018-057A)