

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 APRIL 10, 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:

APRIL 17, 2018

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

7 P.M. - COUNCIL'S CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE
LISTENING TOUR (SECOND SESSION)
LYNDEN LIBRARY, 216 4TH STREET, LYNDEN

APRIL 24, 2018

REGULAR COUNCIL AND COMMITTEE MEETINGS
COUNCIL CHAMBERS, 311 GRAND AVENUE, BELLINGHAM

MAY 1, 2018

7 P.M. - COUNCIL'S CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE
LISTENING TOUR (THIRD SESSION)
COUNCIL CHAMBERS, 311 GRAND AVENUE, BELLINGHAM

COUNCIL COMMITTEE SCHEDULES

NATURAL RESOURCES COMMITTEE

Members: Timothy Ballew, Todd Donovan, Satpal Sidhu

9:30 a.m. Tuesday, April 10, 2018

Council Chambers, 311 Grand Avenue

Special Presentation

1. Briefing by Planning & Development Services staff on the mineral resource lands county-wide designation process (AB2018-090)

Pages 1 - 6

Other Business

FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

Members: Rud Browne, Tyler Byrd, Satpal Sidhu

11 a.m. Tuesday, April 10, 2018

Council Chambers, 311 Grand Avenue

County Executive's Report

Special Presentations

1. Annual presentation from the Washington Counties Risk Pool with Derek Bryan, Executive Director (AB2018-017)

Page 7

2. Report from Information Technology Manager Perry Rice (AB2018-066)

Page 8

Committee Discussion

1. Discussion regarding proposal to relocate Facilities Management offices to the vacant county owned building located at 3720 Williamson Way (AB2018-117)

Pages 9 - 16

Committee Discussion and Recommendations to Council

1. Request authorization for the County Executive to sign an attorney engagement and contingency fee agreement between Whatcom County and Keller Rohrback L.L.P. (AB2018-116)

Pages 17 - 22

2. Resolution in the matter of the sale of surplus property and setting a date for public hearing thereon pursuant to Whatcom County Code 1.10 (AB2018-118)

Pages 23 - 26

Council "Consent Agenda" Items

1. Request approval for the County Executive to award Bid #18-07 and enter into a contract for 2018 hot mix asphalt prelevel at various locations to low bidder, Lakeside Industries Inc., in an amount not to exceed \$1,302,998 (AB2018-119)

Pages 27 - 43

2. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and FCS Group to conduct Phase 2 of establishing a funding mechanism for the Lake Whatcom Stormwater Utility in the amount of \$77,420 for a total contract amount of \$111,952 (AB2018-105A)

Pages 44 - 53

3. Request authorization for the County Executive to enter into a contract between Whatcom County and Tetra Tech to provide engineering design services and preparation of construction documents for the reroute and upgrade of a failing outfall on Birch Bay Drive, in the amount of \$58,508 (AB2018-120)

Pages 54 - 72

4. Request approval for the County Executive to have Public Works purchase a replacement street sweeper using the Washington State Contract #02613 from vendor Owen Equipment Co., in the amount of \$292,470.94 (AB2018-121)

Pages 73 - 78

5. Request authorization for the County Executive to enter into one year residential lease agreement between Whatcom County and Douglys Maddux and Kemaron Kaaland-Maddux to reside at 7981 Blaine Road, Blaine, WA, in the amount of \$1320 per month (AB2018-122)

Pages 79 - 113

6. Request authorization for the County Executive to enter into an intergovernmental agreement between Whatcom County and Whatcom County Fire Protection District No. 14 for fire protection services on county park properties (AB2018-123)

Pages 114 - 119

Other Business

COMMITTEE OF THE WHOLE

1:15 p.m. Tuesday, April 10, 2018

Council Conference Room, 311 Grand Avenue

Committee Discussion

1. Consideration of an appeal of a penalty assessment remission decision by Planning and Development Services, File No. ENF2017-00063, filed by Kyle Coston (AB2018-104)

[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.110(1)(i)]

No Paper

Other Business

PUBLIC WORKS AND HEALTH COMMITTEE

Members: Tim Ballew, Barbara Brenner, Barry Buchanan

1:30 p.m. Tuesday, April 10, 2018

Council Chambers, 311 Grand Avenue

Special Presentation

1. Health Department to provide an update on Point Roberts Solid Waste Management System (AB2018-124)

Pages 120 - 125

Other Business

PLANNING AND DEVELOPMENT COMMITTEE

**Members: Barbara Brenner, Tyler Byrd, Todd Donovan,
2:15 p.m. Tuesday, April 10, 2018
Council Chambers, 311 Grand Avenue**

Committee Discussion

1. Semi-annual report from Planning and Development Services (AB2018-066)
Page 8

Other Business

SPECIAL COMMITTEE OF THE WHOLE

**Immediately following Planning and Development Committee
Tuesday, April 10, 2018
Council Chambers, 311 Grand Avenue**

Committee Discussion

1. Discussion of specific sections of the proposed 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 126 - 182

For today:

- A. Audience members are invited to comment on sections of proposed Title 22 addressing Final Decision, Recommended Decisions to County Council, Permit Review Timeframes, Expiration of Project Permits, Permit Revocation Procedures, Appeals, Annual Report, Interpretation, Conflict, and Severability (proposed 22.05.110 through 22.05.180)
- B. Council discussion and preliminary direction on sections of proposed Title 22 addressing Final Decision, Recommended Decisions to County Council, Permit Review Timeframes, Expiration of Project Permits, Permit Revocation Procedures, Appeals, Annual Report, Interpretation, Conflict, and Severability (proposed 22.05.110 through 22.05.180)
2. Discussion of recommendations outlined in Cascadia Law Group report entitled Reducing Impacts from Fossil Fuel Projects (AB2018-076A)
Pages 183 - 193
3. Discussion of a proposed ordinance repealing Ordinance Nos. 2018-001 and 2018-005 and adopting amendments to the Whatcom County Comprehensive Plan and the 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 and implementing ESSB 6091 (This item is scheduled for Introduction this evening) (AB2018-129)
Pages 194 - 258

Committee Discussion and Recommendation to Council

1. Resolution recognizing the roles and duties of Whatcom County, the WRIA 1 Planning Unit, and the WRIA 1 initiating governments regarding water resources planning under RCW 90.82 and ESSB 6091 (AB2018-114)
Pages 259 - 263

Other Business

COUNCIL AGENDA

REGULAR COUNCIL MEETING
7 p.m. Tuesday, April 10, 2018
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 staff for our office files. Thank you.

1. Consideration of an appeal of a penalty assessment remission decision by Planning and Development Services, File No. ENF2017-00063, filed by Kyle Coston (AB2018-104)
No Paper

MINUTES CONSENT

1. Special Committee of the Whole for February 13, 2018
Pages 264 - 266
2. Regular County Council for February 13, 2018
Pages 267 - 274
3. Surface Water Work Session for February 20, 2018
Pages 275 - 277
4. Special Committee of the Whole for February 27, 2018
Pages 278 - 281
5. Regular County Council for February 27, 2018
Pages 282 - 292
6. Board of Health for March 6, 2018
Pages 293 - 295
7. Committee of the Whole for March 13, 2018
Pages 296 - 297
8. Special Committee of the Whole for March 13, 2018
Pages 298 - 299
9. Regular County Council for March 13, 2018
Pages 300 - 305
10. Surface Water Work Session for March 20, 2018
Pages 306 - 308
11. Special Committee of the Whole - Executive Session for March 27, 2018
Pages 309 - 310
12. Special Committee of the Whole - Open Session for March 27, 2018
Pages 311 - 312
13. Regular County Council for March 27, 2018
Pages 313 - 322

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. Ordinance regarding temporary installation of a stop sign on Roberts Road at Central Road during construction of the Roberts Road Anderson Creek Bridge #249 replacement project 113 (AB2018-113)
Pages 323 - 326

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.

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 approval for the County Executive to award Bid #18-07 and enter into a contract for 2018 hot mix asphalt prelevel at various locations to low bidder, Lakeside Industries Inc., in an amount not to exceed \$1,302,998 (AB2018-119)
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Pages 79 - 113
6. Request authorization for the County Executive to enter into an intergovernmental agreement between Whatcom County and Whatcom County Fire Protection District No. 14 for fire protection services on county park properties (AB2018-123)
Pages 114 - 119

OTHER ITEMS

(From Finance and Administrative Services Committee)

1. Request authorization for the County Executive to sign an attorney engagement and contingency fee agreement between Whatcom County and Keller Rohrback L.L.P. (AB2018-116)
Pages 17 - 22

2. Resolution in the matter of the sale of surplus property and setting a date for public hearing thereon pursuant to Whatcom County Code 1.10 (AB2018-118)
Pages 23 - 26

(From Special Committee of the Whole)

3. Resolution recognizing the roles and duties of Whatcom County, the WRIA 1 Planning Unit, and the WRIA 1 initiating governments regarding water resources planning under RCW 90.82 and ESSB 6091 (AB2018-114)
Pages 259 - 263

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. Receipt of application(s) for the Whatcom County Wildlife Advisory Committee, applicant: Shannon Crossen (committee advises the Whatcom County Planning and Development Services Department staff and the Whatcom County Council on the value of wildlife and habitat management issues as they relate to the Whatcom County Comprehensive Plan) (application deadline for any other applicants to this vacancy is 10 a.m. April 17, 2018) (AB2018-115)
Pages 327 - 333
2. Ordinance creating a "Golf Cart Zone" on certain roads in the Birch Bay area (AB2018-125)
Pages 334 - 341
3. Ordinance amendment No. 2 to Ordinance No. 2014-081 establishing the Agate Heights/Estate Bay Lane Storm Water Improvement Fund and establishing a project based budget for Agate Heights Estate/Bay Lane Storm Water Improvements (AB2018-126)
Pages 342 - 347
4. Ordinance amending the Whatcom County Budget, sixth request, in the amount of \$2,836,591 (AB2018-127)
Pages 348 - 390
5. Resolution amending the 2018 Whatcom County Flood Control Zone District and Subzones Budget, second request, in the amount of \$750,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2018-128)
Pages 391 - 400
6. Resolution authorizing the sale of Whatcom County surplus property pursuant to Whatcom County Code 1.10 (AB2018-118A)
Pages 401 - 404
7. Ordinance repealing Ordinance Nos. 2018-001 and 2018-005 and adopting amendments to the Whatcom County Comprehensive Plan and the 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 and implementing ESSB 6091 (AB2018-129)
Pages 194 - 258

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN

The next regular council meeting is scheduled for 7 p.m. April 24, 2018, in the County Council Chambers, 311 Grand Avenue.

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COURTHOUSE

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WHATCOM COUNTY COUNCIL

**AGENDA REVISION NOTICE
FOR APRIL 10, 2018
(DISTRIBUTED AT 12:30 ON APRIL 5)**

THE FOLLOWING ITEM HAS BEEN REMOVED FROM THE 7 P.M. COUNCIL MEETING AGENDA (ITEM WILL BE RESCHEDULED):

INTRODUCTION

2. Ordinance creating a "Golf Cart Zone" on certain roads in the Birch Bay area (AB2018-125)
Pages 334 - 341