

WHATCOM COUNTY COUNCIL AGENDA FOR FEBRUARY 23, 2010



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 to enable us to make necessary arrangements.

As a courtesy to all meeting attendees, cellular phone use is prohibited in the Council Chambers.

Accessible parking for disabled persons is available near the Courthouse south entrance.

Please visit us at www.co.whatcom.wa.us for the following:

- Council Office Email Policy
- Current Council Agenda
- Current Council Packet
- Public Notices
- 1994 - 2010 Ordinances
- 1994 - 2010 Resolutions
- 2001 - 2010 Committee Minutes
- 2001 - 2010 Council Minutes

SPECIAL NOTES FOR TODAY:

NATURAL RESOURCES COMMITTEE MEETING
IS SCHEDULED TO BEGIN AT 1:30 P.M.

NO PUBLIC WORKS AND SAFETY COMMITTEE MEETING TODAY

UPCOMING MEETINGS AND EVENTS:

March 2, 2010

Health Board, 10:30 a.m., Council Chambers

March 16, 2010

Regular council and committee meetings, Council Chambers

March 23, 2010

Surface Water Work Session, 10:30 a.m., Civic Center Building

March 30, 2010

Regular council and committee meetings, Council Chambers



WHATCOM COUNTY COUNCIL

COMMITTEE SCHEDULES

COUNCIL FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE
Members: Kathy Kershner, Ken Mann, Carl Weimer

11:00 a.m. Tuesday, February 23, 2010
Council Chambers, 311 Grand Avenue

AGENDA

	<u>Pages</u>
<u>Committee Discussion and Recommendation to Council</u>	
1. Ordinance amending the Whatcom County 2010 Project Budget, first request, in the amount of \$1,464,253 (AB2010-096)	<u>1 - 11</u>
2. Ordinance amending the 2010 Whatcom County Budget, seventh request, in the amount of \$1,985,140 (AB2010-097)	<u>12 - 60</u>
<u>Council "Consent Agenda" Items</u>	
1. Request approval for the County Executive to enter into a contract amendment between Whatcom County and SMR Consulting for assistance to Health Department staff in monitoring the Department's Human Services contracts in the amount of \$10,000 (AB2010-104)	<u>61 - 65</u>
2. Request approval for the County Executive to enter into a contract between Whatcom County and SeaMar Community Health Centers for provision of outpatient mental health treatment services to county residents (AB2010-105)	<u>66 - 85</u>
3. Request approval for the County Executive to enter into a contract between Whatcom County and the Meridian School District for provision of behavioral health services within Meridian School District in the amount of \$82,500 (AB2010-106)	<u>86 - 102</u>
4. Request approval for the County Executive to enter into a contract between Whatcom County and the Blaine School District for provision of behavioral health services within Blaine School District in the amount of \$82,500 (AB2010-107)	<u>103 - 119</u>
5. Request approval for the County Executive to enter into a contract between Whatcom County and the Nooksack School District for provision of behavioral health services within Nooksack School District in the amount of \$82,500 (AB2010-108)	<u>120 - 135</u>

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|----|--|-------------------------|
| 6. | Request approval for the County Executive to enter into a lease renewal between Whatcom County and Northwest Wildlife Rehabilitation Center for the purpose of leasing and operating a public wildlife rehabilitation facility at the County's Nugent's Corner River Access site in the amount of \$83.46 per month (AB2010-109) | <u>136 - 147</u> |
| 7. | Resolution amending CRP No. 905017 and authorizing additional funds for the award of a contract for Clearbrook Road Johnson Creek Bridge No. 32 Replacement to Tiger Construction, Ltd. as low bidder in the amount of \$391,067.87 (AB2010-110) | <u>148 - 162</u> |
| 8. | Request approval for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom County Housing Authority for the purpose of funding a records clerk position to assist in collecting, organizing and preparing data and reports relevant to Housing Authority properties and tenants in the amount of \$54,820 (AB2010-111) | <u>163 - 172</u> |
| 9. | Summary and request for support of 2011 Congressional Appropriation Requests (AB2010-112) | <u>173 - 175</u> |

Other Business

COUNCIL NATURAL RESOURCES COMMITTEE
Members: Bill Knutzen, Ward Nelson, Carl Weimer

1:30 p.m. Tuesday, February 23, 2010
Council Chambers, 311 Grand Avenue

AGENDA

Special Presentation

Pages

- | | | |
|----|---|-------------------------|
| 1. | Presentation by State Department of Natural Resources staff on the Acme Watershed Landslide review (AB2009-396) | <u>176 - 176</u> |
|----|---|-------------------------|

Other Business

PLANNING AND DEVELOPMENT COMMITTEE
Members: Barbara Brenner, Bill Knutzen, Ken Mann

3:00 p.m. Tuesday, February 23, 2010
Council Chambers, 311 Grand Avenue

AGENDA

Pages

Committee Discussion

- | | | |
|----|---|-------------------------|
| 1. | Discussion regarding the Long Range Planning Work Program and 2010 Comprehensive Plan and Zoning Docket requests (AB2010-113) | <u>177 - 453</u> |
|----|---|-------------------------|

Other Business

COUNCIL COMMITTEE OF THE WHOLE

**6:30 p.m. Tuesday, February 23, 2010
Council Committee Room, 311 Grand Avenue**

AGENDA

Pages

1. Consideration of appeal of Hearing Examiner's decision on File No. APL2009-0011, filed by Royce Buckingham on behalf of Whatcom County, regarding the applicant's (Mark and Tara Wright) request to appeal certain conditions in a Notice of Preliminary Short Plat approval (AB2009-502)

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

No Paper

2. Consideration of appeal of Hearing Examiner's decision on File No. APL2008-0037, filed by Dannon Traxler on behalf of Paul Van de Velde, regarding the administrative determination set forth in a Notice of Violation of the Shoreline Management Program (AB2009-397)

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

No Paper

Other Business

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNTY COURTHOUSE

311 Grand Avenue, Suite #105
Bellingham, WA 98225-4038



COUNCILMEMBERS

Barbara E. Brenner
Sam Crawford
Kathy Kershner
Bill Knutzen
Ken Mann
L. Ward Nelson
Carl Weimer

WHATCOM COUNTY COUNCIL

COUNCIL AGENDA

**REGULAR COUNCIL MEETING
7:00 p.m. Tuesday, February 23, 2010**

Council Chambers, 311 Grand Avenue

AGENDA

Pages

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.

1. Consideration of appeal of Hearing Examiner's decision on File No. APL2009-0011, filed by Royce Buckingham on behalf of Whatcom County, regarding the applicant's (Mark and Tara Wright) request to appeal certain conditions in a Notice of Preliminary Short Plat approval (AB2009-502)
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No Paper

No Paper

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 and address 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 wrap up their comments.

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 and address 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 wrap up 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 amending Whatcom County Code 24.05, On-Site Sewage System (OSS) Regulations, to allow for self evaluation of OSS by homeowners (introduced February 9 and revised with minor amendments at the February 16 Health Committee meeting) (AB2009-135A) **(Council acting as the Whatcom County Health Board)**

454 - 469

2. Ordinance repealing Ordinance #2004-049 and amending the Official Whatcom County Zoning Map for an area of Birch Bay (AB2010-102) **470 - 472**
3. Ordinance imposing an interim moratorium on the acceptance of new application for divisions of land resulting in lots smaller than five acres within the Lake Whatcom Watershed (AB2010-101) **473 - 477**
4. Ordinance clarifying and revising the definition and standards of accessory apartments and second cooking facilities within Whatcom County's zoning code, Title 20 (AB2010-048) **478 - 503**
5. Ordinance clarifying the applicability of Agricultural Protection Overlay (APO) by including the area of adjoining road rights-of-way in the calculations of parcel acreage for APO zone (AB2010-049) **504 - 523**

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 enter into a contract amendment between Whatcom County and SMR Consulting for assistance to Health Department staff in monitoring the Department's Human Services contracts in the amount of \$10,000 (AB2010-104) **61 - 65**
2. Request approval for the County Executive to enter into a contract between Whatcom County and SeaMar Community Health Centers for provision of outpatient mental health treatment services to county residents (AB2010-105) **66 - 85**
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7. Resolution amending CRP No. 905017 and authorizing additional funds for the award of a contract for Clearbrook Road Johnson Creek Bridge No. 32 Replacement to Tiger Construction, Ltd. as low bidder in the amount of \$391,067.87 (AB2010-110) **148 - 162**

- 8. Request approval for the County Executive to enter into an interlocal agreement between Whatcom County and Whatcom County Housing Authority for the purpose of funding a records clerk position to assist in collecting, organizing and preparing data and reports relevant to Housing Authority properties and tenants in the amount of \$54,820 (AB2010-111) **163 - 172**
- 9. Summary and request for support of 2011 Congressional Appropriation Requests (AB2010-112) **173 - 175**

OTHER ITEMS

(From Finance and Administrative Services Committee)

- 1. Ordinance amending the Whatcom County 2010 Project Budget, first request, in the amount of \$1,464,253 (AB2010-096) **1 - 11**
- 2. Ordinance amending the 2010 Whatcom County Budget, seventh request, in the amount of \$1,985,140 (AB2010-097) **12 - 60**

(No committee assignment)

- 3. Nominations and appointment to fill a Whatcom County Planning Commission District 2 vacancy (partial term ending 12/31/2012) – applicants, as of February 17, 2010, are: Richard Banel, Donald Knutzen, Mary Kay Robinson, Mary Beth Teigrob, Scott Thompson (AB2010-053) **(Council may approve a motion to suspend the rules and nominate and appoint this evening, with a two-thirds affirmative vote of the entire council)** **524 - 530**
- 4. Nomination and appointment to fill vacancy on Open Space Advisory Board – applicant: Ryan McKee (AB2010-103) **(Council may approve a motion to suspend the rules and nominate and appoint this evening, with a two-thirds affirmative vote of the entire council)** **531 - 533**

OTHER BUSINESS

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

ADJOURN

The next regular council meetings are scheduled for 7:00 p.m. Tuesdays, March 16 and 30, 2010, in the Council Chambers, 311 Grand Avenue.

UPCOMING MEETINGS AND EVENTS (PLEASE CALL TO CONFIRM):

March 2, 2010	Health Board meeting, 10:30 a.m., Council Chambers
March 16, 2010	Regular council and committee meetings, Council Chambers
March 23, 2010	Surface Water Work Session, 10:30 a.m., Civic Center Building
March 30, 2010	Regular council and committee meetings, Council Chambers
April 13, 2010	Regular council and committee meetings, Council Chambers
April 20, 2010	Health Committee, 9:00 a.m., Civic Center Building
April 27, 2010	Regular council and committee meetings, Council Chambers

WHATCOM COUNTY COUNCIL ACTION TAKEN

February 9, 2010

ANNOUNCEMENTS

1. Discussion with the Council's Planning and Policy Analyst regarding work assignments (AB2010-017) **Reported**
2. Authorization of negotiated payment for Lummi Island ferry service to Gooseberry Point, per signed interim agreement between Whatcom County and the Lummi Indian Business Council (AB2010-078) **Approved 7-0**

MINUTES CONSENT

1. Special Committee of the Whole for November 3, 2009 **Approved 7-0**
2. Regular County Council for December 8, 2009 **Approved 7-0**
3. Committee of the Whole for January 12, 2010 **Approved 7-0**
4. Regular County Council for January 12, 2010 **Approved 7-0**
5. Surface Water Work Session for January 19, 2010 **Approved 7-0**

OPEN SESSION

CONSENT AGENDA

1. Request approval for the County Executive to enter into a professional services agreement between Whatcom County and Pacific Surveying & Engineering, Inc. to provide alternative analysis and design of levee improvements to reduce the risk associated with Swift Creek due to flooding, in the amount of \$160,000 (AB2010-086) (**Council acting as the Whatcom County Flood Control Zone District Board of Supervisors**) **Approved 7-0**
2. Request approval for the County Executive to enter into a contract between Whatcom County and Northwest Regional Council to provide funding for the Loneliness and Isolation Program, in the amount of \$20,000 (AB2010-087) **Approved 6-1, Crawford Opposed**
3. Request approval for the County Executive to enter into a contract between Whatcom County and Northwest Regional Council to provide funding for the Boundary Review Board, in the amount of \$18,000 (AB2010-088) **Approved 7-0**

4. Request approval for the County Executive to enter into a contract between Whatcom County and Whatcom Counseling and Psychiatric Clinic for mental health treatment services, in an amount that is variable depending on number of services provided and authorization by the Health Department (AB2010-089) **Approved 7-0**
5. Request approval for the County Executive to enter into a grant agreement between Whatcom County and Washington State Department of Ecology to provide funding for solid waste compliance management and littering and illegal dumping enforcement services, in an amount not to exceed \$75,994 per year for a two year term (AB2010-090) **Approved 7-0**
6. Request approval for the Whatcom County Parks and Recreation department to demolish a derelict barn at Dittrich Park (AB2010-091) **Approved 6-1, Brenner Opposed**
7. Resolution ordering the cancellation of checks more than two years old (AB2010-092) **Approved 7-0, Res#2010-005**
8. Request ratification of Memorandum of Understanding to address 2011 Quick Settlement - extension and amendment of the Collective Bargaining Agreement for the Sheriff's Corrections Deputies (AB2010-093) **Approved 7-0**

OTHER ITEMS

1. ~~Resolution approving the South Fork Regional Park Conceptual Plan (AB2010-056) (from 1/26)~~ **Withdrawn**
2. Ordinance amending WCC Title 20 to modify the dates of seasonal restrictions on clearing activities from September 1st through April 30th to October 1st through May 31st and imposing a deadline on the issuance of development permits to two weeks prior to the seasonal closure date in the Water Resource Special Management Areas (AB2010-075) **Adopted 6-1, Kershner Opposed**
Ord#2010-006
3. Ordinance amending the 2010 Whatcom County Budget, sixth request, in the amount of \$25,000 (AB2010-077) **Adopted 7-0**
Ord#2010-007

WHATCOM COUNTY COUNCIL ACTION TAKEN

February 9, 2010

4. Ordinance amending the Whatcom County Code, Title 20, to clarify and revise the definition and standards of home occupations (AB2010-047) (from 1/26) **Held in Committee**
5. Ordinance clarifying and revising the definition and standards of accessory apartments and second cooking facilities within Whatcom County's zoning code, Title 20 (AB2010-048) (from 1/26) **Held for Hearing**
6. Ordinance clarifying the applicability of Agricultural Protection Overlay (APO) by including the area of adjoining road rights-of-way in the calculations of parcel acreage for APO zone (AB2010-049) (from 1/26) **Held for Hearing**
7. Nomination and possible appointment to fill a vacancy on the Birch Bay Shellfish Protection District - applicant: Leroy Smith (AB2010-082) **(Council may approve a motion to suspend the rules and nominate and appoint this evening, with a two-thirds affirmative vote of the entire council)**
Smith Appointed 7-0
8. Ordinance regarding establishment of a Point Roberts Community Advisory Committee (AB2010-076) **Adopted 7-0, Ord#2010-008**
9. Request confirmation of the County Executive's appointment of Richard May to the Whatcom County Appeals Board (AB2010-094) **Confirmed 7-0**
10. Request confirmation of the County Executive's appointment of Jeremy Brown and Laurie Caskey-Schreiber, and the reappointment of Wendy Steffensen, to the Whatcom County Marine Resource Advisory Committee (AB2010-095) **Confirmed 7-0**

11. Resolution opposing the Model Toxics Control Act tax increase (AB2010-085A) **Amended and Approved 6-1**
Weimer Opposed, Res#2010-006

INTRODUCTION ITEMS

1. Ordinance amending the Whatcom County 2010 Project Budget, first request, in the amount of \$1,464,253 (AB2010-096) **Introduced**
2. Ordinance amending the 2010 Whatcom County Budget, seventh request, in the amount of \$1,985,140 (AB2010-097) **Introduced**
3. Ordinance amending Whatcom County Code 24.05, On-Site Sewage System (OSS) Regulations, to allow for self evaluation of OSS by homeowners (this ordinance is a revised version of the ordinance previously introduced on January 26, 2010) (AB2009-135A) (Council acting as the Whatcom County Health Board) (hearing to be scheduled) **Introduced**
4. Ordinance repealing Ordinance #2004-049 and amending the Official Whatcom County Zoning Map for an area of Birch Bay (AB2010-102) (hearing to be scheduled) **Introduced**
5. Ordinance imposing an interim moratorium on the acceptance of new application for divisions of land resulting in lots smaller than five acres within the Lake Whatcom Watershed (AB2009-101) (hearing to be scheduled) **Introduced**

OTHER BUSINESS

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

ADJOURN