

# WHATCOM COUNTY COUNCIL AGENDA FOR MARCH 16, 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](http://www.co.whatcom.wa.us) for the following:

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

## UPCOMING MEETINGS AND EVENTS:

### March 23, 2010

Councilmembers to tour proposed and completed flood hazard management and salmon recovery projects along the Nooksack River, 9:30 a.m. departure from the 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  
Surface Water Work Session, 10:30 a.m., Civic Center Building  
Joint Lake Management Committee meeting, City Council Chambers  
(evening meeting, time to be announced)

### April 27, 2010

Regular council and committee meetings, Council Chambers



WHATCOM COUNTY COUNCIL  
**COMMITTEE SCHEDULES**

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

**9:30 a.m. Tuesday, March 16, 2010**  
Council Chambers, 311 Grand Avenue

**AGENDA**

	<b><u>Pages</u></b>
<b><u>Special Presentation</u></b>	
1. Presentation of the Energy Resource Scarcity/Peak Oil Task Force report (AB2010-098)	<b><u>1 - 75</u></b>
<b><u>Committee Discussion</u></b>	
1. Discussion regarding rental of property owned by the Whatcom County Flood Control Zone District (AB2010-125) ( <b>Council acting as the Whatcom County Flood Control Zone District Board of Supervisors</b> )	<b><u>76 - 76</u></b>
2. Discussion regarding proposed changes to US Army Corp of Engineers levee vegetation policies (AB2010-126)	<b><u>77 - 80</u></b>
<b><u>Other Business</u></b>	

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

**11:00 a.m. Tuesday, March 16, 2010**  
Council Chambers, 311 Grand Avenue

**AGENDA**

	<b><u>Pages</u></b>
<b><u>Special Presentation</u></b>	
1. Presentation by Tom Dorr, Western Washington University Center for Economic Vitality (AB2010-117)	<b><u>81 - 81</u></b>
<b><u>Council "Consent Agenda" Items</u></b>	
1. Request approval for the County Executive to enter into a contract between Whatcom County and ACS-Enterprise Solutions for an upgrade of the auditor's office recording system to allow for map images on the internet, in the amount of \$24,000 (AB2010-127)	<b><u>82 - 100</u></b>
2. Request approval for the County Executive to enter into a contract between Whatcom County and Carletti Architects for the final design services for the Hovander Maintenance facility, in the amount of \$53,025 (AB2010-128)	<b><u>101 - 118</u></b>

3. Request approval for the County Executive to enter into a contract between Whatcom County and Ferndale School District for the provision of behavioral health services within the district, in the amount of \$82,500 (AB2010-129) **119 - 134**
4. Request approval for the County Executive to enter into a contract between Whatcom County and Bellingham School District for the provision of behavioral health services within the district, in the amount of \$82,500 (AB2010-130) **135 - 149**
5. Request approval for the County Executive to enter into a contract between Whatcom County and Cantrell Counseling for the provision of mental health treatment services to Whatcom County residents who have no other readily available source of funding (AB2010-131) **150 - 167**
6. Request approval for the County Executive to enter into a Notice of Grant Agreement between Whatcom County, Washington State Department of Ecology, and US Fish and Wildlife Service for the southern portion of Lily Point Marine Park (AB2010-132) **168 - 174**
7. Request approval for the County Executive to enter into a lease agreement between Whatcom County and Freedom 2000 (dba Cando Recycling and Disposal) for operation of the Point Roberts Landfill facility, in the amount of \$750.00 per month (AB2010-133) **175 - 192**
8. Request approval for the County Executive to enter into an interagency agreement between Whatcom County and Washington State Parks and Recreation Commission for reimbursement of costs related to FEMA project on Fragrance Road (Larrabee State Park), in the estimated amount of \$36,460.80 (AB2010-135) **193 - 203**
9. Request approval for the County Executive to enter into an amendment to the Interlocal Agreement with the City of Bellingham for operation of the Lakeway yard waste facility in the amended amount of \$55,000, for a total amended amount of \$185,000 (AB2010-136) **204 - 210**
10. Request approval for the County Executive to purchase from vendor OM Workspace through KCDA contract, additional cubicles and moving services to relocate Public Works Engineering workstations from Unity Street to the Civic Center Building, in the amount of \$39,385.95 (AB2010-137) **211 - 213**
11. Request approval for the County Executive to accept all bids for annual supply of rock, gravel and soil for use as needed for various county maintenance projects, and select the appropriate vendor as dictated by the special circumstances of each particular job, in an amount to exceed \$35,000 (AB2010-138) **214 - 220**

### **Committee Discussion**

1. Discussion regarding proposed amendments to Whatcom County Code 2.02, County Council, and 2.03, Boards and Commissions (AB2010-143) **221 - 236**

### **Other Business**

**SPECIAL COMMITTEE OF THE WHOLE  
Immediately Following Finance and Administrative Services Committee**

**Tuesday, March 16, 2010  
Council Conference Room, 311 Grand Avenue**

**AGENDA**

- |  | <b><u>Pages</u></b>    |
|--|------------------------|
| 1. Consideration of motion to dismiss filed by Whatcom County regarding Administrative Appeal of Hearing Examiner decision on APL 2009-0023, filed by Wesley Mussio (AB2010-052)<br><b>[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110(1)(i)]</b> | <b><u>No Paper</u></b> |
| 2. Discussion with legal counsel regarding UGA appeal issues (AB2010-018)<br><b>[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110(1)(i)]</b>  | <b><u>No Paper</u></b> |
| 3. Discussion with Assistant Chief Civil Deputy Prosecutor Daniel Gibson regarding pending litigation (AB2010-018)<br><b>[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110(1)(i)]</b>   | <b><u>No Paper</u></b> |

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**COUNCIL PHOTO - 2:30 P.M.  
COUNCIL CHAMBERS**

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

**3:00 p.m. Tuesday, March 16, 2010  
Council Chambers, 311 Grand Avenue**

**AGENDA**

- |  | <b><u>Pages</u></b>     |
|--|-------------------------|
| <b><u>Committee Discussion and Recommendations to Council</u></b>  |                         |
| 1. Consideration of Hearing Examiner's recommended approval of a planned unit development, filed by Mayflower Equities, Inc. for "Monterey Heights" (PUD2007-0001), Preliminary Long Subdivision (LSS2005-0004) (AB2010-122) | <b><u>237 - 281</u></b> |
| 2. Resolution initiating Comprehensive Plan and Zoning amendments for 2010 (AB2010-113A)   | <b><u>282 - 295</u></b> |
| <b><u>Committee Discussion</u></b>   |                         |
| 1. Ordinance amending the Whatcom County Code, Title 20, to clarify and revise the definition and standards of home occupations (AB2010-047) (from 1/26 and 2/9)   | <b><u>296 - 310</u></b> |

**Other Business**



WHATCOM COUNTY COUNCIL  
**COUNCIL AGENDA**

REGULAR COUNCIL MEETING  
7:00 p.m. Tuesday, March 16, 2010  
Council Chambers, 311 Grand Avenue

**AGENDA**

**Pages**

**CALL TO ORDER**  
**ROLL CALL**  
**FLAG SALUTE**  
**ANNOUNCEMENTS**

1. Consideration of motion to dismiss filed by Whatcom County regarding Administrative Appeal of Hearing Examiner decision on APL 2009-0023, filed by Wesley Mussio (AB2010-052)

**No Paper**

**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. Committee of the Whole for January 26, 2010         | <b><u>311 - 314</u></b> |
| 2. Regular County Council for January 26, 2010         | <b><u>315 - 342</u></b> |
| 3. Special Committee of the Whole for February 2, 2010 | <b><u>343 - 343</u></b> |
| 4. Committee of the Whole for February 9, 2010         | <b><u>344 - 347</u></b> |
| 5. Regular County Council for February 9, 2010         | <b><u>348 - 360</u></b> |
| 6. Board of Health for March 2, 2010                   | <b><u>361 - 362</u></b> |

**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. Emergency ordinance (Ordinance 2010-015) imposing a moratorium on the acceptance of new applications for Wind Energy Systems (WES) greater than 500 kilowatts, or multiple WES per parcel with a cumulative rated output above 100 kilowatts, and declaring an emergency (AB2010-116) **(Please note: This ordinance was adopted at the February 23, 2010, council meeting)**

**363 - 365**

2. Ordinance amending the Whatcom County Code, Title 20, for the purposes of clarifying and revising the definition and standards of accessory apartments and second cooking facilities throughout the Code (AB2010-048) (from February 23) **366 - 389**

### **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 between Whatcom County and ACS-Enterprise Solutions for an upgrade of the auditor's office recording system to allow for map images on the internet, in the amount of \$24,000 (AB2010-127) **82 - 100**
2. Request approval for the County Executive to enter into a contract between Whatcom County and Carletti Architects for the final design services for the Hovander Maintenance facility, in the amount of \$53,025 (AB2010-128) **101 - 118**
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11. Request approval for the County Executive to accept all bids for annual supply of rock, gravel and soil for use as needed for various county maintenance projects, and select the appropriate vendor as dictated by the special circumstances of each particular job, in an amount to exceed \$35,000 (AB2010-138) **214 - 220**

**OTHER ITEMS**

**(From Planning and Development Committee)**

1. Consideration of Hearing Examiner's recommended approval of a planned unit development, filed by Mayflower Equities, Inc. for "Monterey Heights" (PUD2007-0001), Preliminary Long Subdivision (LSS2005-0004) (AB2010-122) **237 - 281**
2. Resolution initiating Comprehensive Plan and Zoning amendments for 2010 (AB2010-113A) **282 - 295**

**(No committee assignment)**

3. Appointment to fill a Whatcom County Planning Commission District 2 vacancy (partial term ending 12/31/2012) – applicants nominated at the February 23, 2010, Council meeting are: Richard Banel, Donald Knutzen, Mary Kay Robinson, Mary Beth Teigrob, Scott Thompson, and Terry Shiley (AB2010-053) **390 - 397**
4. Confirmation of the County Executive's appointment of John Steensma to the Purchase of Development Rights Oversight Committee (AB2010-139) **398 - 399**
5. Report on procurement activities and expenses incurred under authority of three (3) proclamations of emergency (written report only) (AB2010-140) **400 - 404**

**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 adopting the Whatcom County Comprehensive Solid & Hazardous Waste Management Plan (AB2010-141) (hearing to be scheduled) **On File**
2. Resolution vacating a portion of Portal Way (AB2009-406A) (hearing to be scheduled) **On File**

3. Ordinance amending the 2010 Whatcom County Budget, eighth request, in the amount of \$462,943 (AB2010-142)

**On File**

**OTHER BUSINESS**

**REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

**ADJOURN**

The next regular council meetings are scheduled for 7:00 p.m. Tuesdays, March 30 and April 13, 2010, in the Council Chambers, 311 Grand Avenue.

**UPCOMING MEETINGS AND EVENTS (PLEASE CALL TO CONFIRM):**

<b>March 23, 2010</b>	<b>-Councilmembers to tour proposed and completed flood hazard management and salmon recovery projects along the Nooksack River, 9:30 a.m. departure from the Civic Center Building</b>
<b>March 30, 2010</b>	<b>-Regular council and committee meetings, Council Chambers</b>
<b>April 13, 2010</b>	<b>-Regular council and committee meetings, Council Chambers</b>
<b>April 20, 2010</b>	<b>-Health Committee, 9:00 a.m., Civic Center Building -Surface Water Work Session, 10:30 a.m., Civic Center Building -Joint Lake Management Committee meeting, City Council Chambers (evening meeting, time to be announced)</b>
<b>April 27, 2010</b>	<b>-Regular council and committee meetings, Council Chambers</b>
<b>May 11, 2010</b>	<b>-Regular council and committee meetings, Council Chambers</b>
<b>May 18, 2010</b>	<b>-Surface Water Work Session, 10:30 a.m., Civic Center Building</b>
<b>May 25, 2010</b>	<b>-Regular council and committee meetings, Council Chambers</b>
<b>May 31, 2010</b>	<b>HOLIDAY</b>

# WHATCOM COUNTY COUNCIL ACTION TAKEN

February 23, 2010

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## **ANNOUNCEMENTS**

1. Update and discussion of Lummi Island ferry dock negotiations (AB2010-078) **Reported**
2. 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) **Hearing Examiner Upheld 7-0**
3. 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) **Hearing Examiner Upheld 7-0**

## **OPEN SESSION**

### **PUBLIC HEARINGS**

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)**  
**Amended & Adopted 5-2, Mann & Weimer Opposed, Ord#2010-009**
2. Ordinance repealing Ordinance #2004-049 and amending the Official Whatcom County Zoning Map for an area of Birch Bay (AB2010-102) **Adopted 6-1**  
**Weimer Opposed, Ord#2010-010**
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)  
**Adopted 6-1, Crawford Opposed**  
**Ord#2010-011**
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)  
**Amended, Public Hearing to be**  
**Scheduled 3/16**
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)  
**Adopted 6-1, Brenner Opposed**  
**Ord#2010-012**

## **CONSENT AGENDA**

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) **Approved 7-0**
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) **Approved 7-0**
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) **Approved 7-0**
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) **Approved 7-0**
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) **Approved 7-0**
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) **Approved 7-0**

# WHATCOM COUNTY COUNCIL ACTION TAKEN

February 23, 2010

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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)

**Approved 7-0, Res#2010-007**

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)

**Adopted 7-0**

9. Summary and request for support of 2011 Congressional Appropriation Requests (AB2010-112)

**Adopted 7-0**

## **OTHER ITEMS**

1. Ordinance amending the Whatcom County 2010 Project Budget, first request, in the amount of \$1,464,253 (AB2010-096)

**Adopted 5-2, Brenner & Mann Opposed  
Ord#2010-013**

2. Ordinance amending the 2010 Whatcom County Budget, seventh request, in the amount of \$1,985,140 (AB2010-097)

**Adopted 6-1, Brenner Opposed  
Ord#2010-014**

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)**

**All applicants nominated, including  
Terry Shiley - Appointments will be  
made at the March 16 meeting.**

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)**

**Ryan McKee Appointed 7-0**

5. Request confirmation of the County Executive's appointment of Keats Garmin to the Marine Resource Advisory Committee (AB2010-115)

**Confirmed 7-0**

## **OTHER BUSINESS**

1. Emergency Ordinance imposing a moratorium on the acceptance of new applications for Wind Energy Systems (WES) greater than 500 kilowatts, or multiple WES per parcel with a cumulative rated output above 100 kilowatts, and declaring an emergency. **Adopted 6-1, Mann Opposed  
Ord#2010-015**

## **REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

## **ADJOURN**