

# WHATCOM COUNTY COUNCIL AGENDA FOR MARCH 30, 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:

Council Office Email Policy  
Current Council Agenda  
Current Council Packet  
Public Notices  
1991 - 2010 Ordinances  
1992 - 2010 Resolutions  
2001 - 2010 Committee Minutes  
2001 - 2010 Council Minutes

## UPCOMING MEETINGS AND EVENTS:

April 5, 2010

Joint Lake Whatcom Policy Working Group, 9:30 a.m.,  
Civic Center Building

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

May 11, 2010

Regular council and committee meetings, Council Chambers



**WHATCOM COUNTY COUNCIL**

**COMMITTEE SCHEDULES**

**COUNCIL COMMITTEE OF THE WHOLE**

**10:00 a.m., Tuesday, March 30, 2010**  
**Council Chambers, 311 Grand Avenue**

**AGENDA**

- |  | <b><u>Pages</u></b>   |
|--|-----------------------|
| 1. Discussion regarding the proposed ordinance amending Whatcom County Code 2.02, County Council (AB2010-143A) (ordinance scheduled for introduction this evening)         | <b><u>1 - 12</u></b>  |
| 2. Discussion regarding the proposed ordinance amending Whatcom County Code 2.03, Boards and Commissions (AB2010-143B) (ordinance scheduled for introduction this evening) | <b><u>13 - 18</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 30, 2010**  
**Council Chambers, 311 Grand Avenue**

**AGENDA**

- |  | <b><u>Pages</u></b>   |
|--|-----------------------|
| <b><u>Special Presentation</u></b>   |                       |
| 1. Washington State Association of Counties (WSAC) update presented by WSAC President Merrill Ott, Vice President John Koster, and Executive Director Eric Johnson (AB2010-118)  | <b><u>19 - 19</u></b> |
| <b><u>Committee Discussion and Recommendation to Council</u></b>   |                       |
| 1. Ordinance amending the 2010 Whatcom County Budget, eighth request, in the amount of \$462,943 (AB2010-142)  | <b><u>20 - 42</u></b> |
| 2. Resolution approving the allocation received from the State of Washington of Recovery Zone Facility Bond to the Port of Bellingham (AB2010-148)   | <b><u>43 - 56</u></b> |
| 3. Request approval for the County Executive to execute a quitclaim deed with the State of Washington Department of Transportation for the sale of approximately 10,424 square feet of property at the intersection of Mount Baker Highway and Smith Road for the completion of a roundabout, in the amount of \$12,600 (AB2010-149) | <b><u>57 - 66</u></b> |

4. Resolution designating a recovery zone for purposes of Sections 1400U-1 and 1400U-2 of the Internal Revenue Service Code of 1986, as amended, and the American Recovery and Reinvestment Act of (AB2009-167) **67 - 71**

**Council "Consent Agenda" Items**

1. Request approval for the County Executive to enter into a services agreement between Whatcom County and Siemens Industry, Inc. for technical support for the HVAC Controls for the County Courthouse, Jail, Jail Work Center and NW Annex, in the amount of \$21,771 (AB2010-150) **72 - 98**
2. Request approval for the County Executive to enter into a lease between Whatcom County and Whatcom County Fire Protection District No. 21 for the cost of rent and utilities at the Laurel Fire Station, in the amount of \$44,222.75 (AB2010-151) **99 - 114**
3. Request approval for the County Executive to award the bid and enter into a contract with single source bidder, the Bellingham Herald, for official printing services (AB2010-152) **115 - 129**
4. Request approval for the County Executive to enter into a contract with sole source vendor, Thomson West, for on line and hard bound research tools for the Whatcom County Law Library, in the amount of \$25,291 (AB2010-153) **130 - 136**
5. Request approval for the County Executive to award bid #10-06 to low bidder, McAsphalt Industries, for delivery and supply of asphaltic emulsions, in the estimated amount of \$840,000 (AB2010-154) **137 - 140**
6. Request approval for the County Executive to authorize the purchase of the annual 2010 supply of Waterborne Traffic Line Paint by Public Works Maintenance and Operations using an interlocal agreement with Pierce County, through vendor Pervo Paint Products, in the amount of approximately \$450,000 (AB2010-155) **141 - 143**
7. Request approval for the County Executive to enter into a local agency standard agreement between Whatcom County and CH2M Hill, Inc. for geotechnical investigation, analysis, and design services for the South Pass Road Structural Slope Repair project, in the amount of \$39,990.03 (AB2010-156) **144 - 189**
8. Request approval for the County Executive to enter into an interlocal agreement between Lummi Nation and Whatcom County related to their American Recovery and Reinvestment Act funded project to raise a segment of Marine Drive between Lummi Shore Road and County Bridge #5 (AB2010-157) **190 - 201**
9. Request authorization for the County Executive to enter into a purchase and sale agreement with the Nature Conservancy for the acquisition of approximately 146 acres for park purposes at Lily Point, in the amount of \$1,316,915 (AB2010-158) **202 - 211**

**Other Business**

**COUNCIL PUBLIC WORKS AND SAFETY COMMITTEE**  
**Members: Barbara Brenner, Ken Mann, Carl Weimer**

**1:30 p.m. Tuesday, March 30, 2010**  
**Council Chambers, 311 Grand Avenue**

**AGENDA**

**Pages**

**Committee Discussion**

1. Work session regarding an ordinance prohibiting horses on Birch Bay Drive from May through September (Ordinance 85-29), and discussion of a business proposal to allow carriage rides along the Drive (AB2010-145) **212 - 224**

**Committee Discussion and Recommendations to Council**

1. Discussion of amendments to the 2010 Annual Construction Program to include potential federally grant funded structural rehabilitation of various county high volume roadways (AB2010-160) (to be introduced later in the evening) **225 - 233**

**Other Business**

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

**3:00 p.m. Tuesday, March 30, 2010**  
**Council Chambers, 311 Grand Avenue**

**AGENDA**

**Pages**

**Committee Discussion**

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, 2/9, 3/16) **234 - 247**
2. Rural Element update - discussion of Growth Management Act requirements and the Planning Commission recommendations (AB2010-072) **248 - 251**

**Other Business**



WHATCOM COUNTY COUNCIL  
**COUNCIL AGENDA**

REGULAR COUNCIL MEETING  
7:00 p.m. Tuesday, March 30, 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.

**MINUTES CONSENT**

- |    |  |                         |
|----|--|-------------------------|
| 1. | Surface Water Work Session for February 16, 2010 | <b><u>252 - 258</u></b> |
| 2. | Committee of the Whole for February 23, 2010     | <b><u>259 - 260</u></b> |
| 3. | Regular County Council for February 23, 2010     | <b><u>261 - 284</u></b> |
| 4. | Committee of the Whole for March 16, 2010        | <b><u>285 - 286</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. | Resolution adopting the Whatcom County Comprehensive Solid & Hazardous Waste Management Plan (AB2010-141) | <b><u>287 - 553</u></b> |
|----|---|-------------------------|

**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 services agreement between Whatcom County and Siemens Industry, Inc. for technical support for the HVAC Controls for the County Courthouse, Jail, Jail Work Center and NW Annex, in the amount of \$21,771 (AB2010-150) **72 - 98**
  
2. Request approval for the County Executive to enter into a lease between Whatcom County and Whatcom County Fire Protection District No. 21 for the cost of rent and utilities at the Laurel Fire Station, in the amount of \$44,222.75 (AB2010-151) **99 - 114**
  
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7. Request approval for the County Executive to enter into a local agency standard agreement between Whatcom County and CH2M Hill, Inc. for geotechnical investigation, analysis, and design services for the South Pass Road Structural Slope Repair project, in the amount of \$39,990.03 (AB2010-156) **144 - 189**
  
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9. Request authorization for the County Executive to enter into a purchase and sale agreement with the Nature Conservancy for the acquisition of approximately 146 acres for park purposes at Lily Point, in the amount of \$1,316,915 (AB2010-158) **202 - 211**

## **OTHER ITEMS**

### **(From Finance and Administrative Services Committee)**

1. Ordinance amending the 2010 Whatcom County Budget, eighth request, in the amount of \$462,943 (AB2010-142) **20 - 42**
2. Resolution approving the allocation received from the State of Washington of Recovery Zone Facility Bond to the Port of Bellingham (AB2010-148) **43 - 56**
3. Request approval for the County Executive to execute a quitclaim deed with the State of Washington Department of Transportation for the sale of approximately 10,424 square feet of property at the intersection of Mount Baker Highway and Smith Road for the completion of a roundabout, in the amount of \$12,600 (AB2010-149) **57 - 66**
4. Resolution designating a recovery zone for purposes of Sections 1400U-1 and 1400U-2 of the Internal Revenue Service Code of 1986, as amended, and the American Recovery and Reinvestment Act of (AB2009-167) **67 - 71**

### **(No committee assignment)**

5. Nominations and appointment to fill vacancy on Drainage Improvement District #3. Applicants: Loren VanderYacht (AB2010-120) **554 - 556**
6. Nominations and appointment to fill vacancy on Drainage Improvement District #15. Applicants: Jerald Visser (AB2010-121) **557 - 558**
7. Request confirmation of the County Executive's appointment of Beth Morgan and Gerald Kern to the Foothills Sub-area Plan Advisory Committee (AB2010-161) **559 - 561**
8. Request confirmation of the County Executive's appointment of Althea Wilson and Teresa Bosteter to the Whatcom County Substance Abuse Advisory Board (AB2010-162) **562 - 565**
9. Request confirmation of the County Executive's re-appointment of Sheri Emerson and Cherie Stutsman to the Bellingham-Whatcom County Commission Against Domestic Violence (AB2010-163) **566 - 570**
10. Request confirmation of the County Executive's appointments of Heather McPhee, Arthur Reber, Dwayne Hunt, Louise Mugar and Marco Aurilio to the Point Roberts Community Advisory Committee (AB2010-164) **571 - 577**
11. Request confirmation of the County Executive's reappointment, concurrent with the City of Bellingham, of Barbara Plaskett, to the Bellingham-Whatcom County Housing Authorities Board of Commissioners (AB2010-165) **578 - 580**

### **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 an appeal of the Hearing Examiner's decision on APL2009-0023, filed by Wesley Mussio (AB2010-052) **On File**
2. Receipt of an appeal of the Hearing Examiner's on APL2009-0024, filed by Daniel Johnson (AB2010-114) **On File**
3. Ordinance amending Whatcom County Code 2.02, County Council (AB2010-143A) (hearing to be scheduled) **On File**
4. Ordinance amending Whatcom County Code 2.03, Boards and Commissions (AB2010-143B) (hearing to be scheduled) **On File**
5. Ordinance imposing an interim 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 (AB2010-116A) (hearing to be scheduled) **On File**
6. Ordinance amending Whatcom County Code 20.80.210, Minimum Setbacks, to implement a ten foot setback for properties along the US-Canada border (AB2010-166) **On File**
7. Resolution amending the 2010 Annual Construction Program to include potential federally grant funded structural rehabilitation of various county high volume roadways (AB2010-160) (hearing to be scheduled) **On File**

### **OTHER BUSINESS**

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

### **ADJOURN**

The next regular council meetings are scheduled for 7:00 p.m. Tuesdays, April 13 and 27, 2010, in the Council Chambers, 311 Grand Avenue.

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

<b>April 5, 2010</b>	<b>-Joint Lake Whatcom Policy Working Group, 9:30 a.m., Civic Center Building</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

March 16, 2010

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## 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) **Motion to dismiss denied 7-0**
2. Discussion with legal counsel regarding UGA appeal issues (AB2010-018) **Reported**
3. Discussion with Assistant Chief Civil Deputy Prosecutor Daniel Gibson regarding pending litigation (AB2010-018) **Reported**
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) **Approved 6-1**  
**Brenner Opposed**
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) **Approved 7-0**

## MINUTES CONSENT

1. Committee of the Whole for January 26, 2010 **Approved 7-0**
2. Regular County Council for January 26, 2010 **Approved 7-0**
3. Special Committee of the Whole for February 2, 2010 **Approved 7-0**
4. Committee of the Whole for February 9, 2010 **Approved 7-0**
5. Regular County Council for February 9, 2010 **Approved 7-0**
6. Board of Health for March 2, 2010 **Approved 7-0**
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) **Approved 7-0**
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) **Approved 7-0**

## OPEN SESSION

### PUBLIC HEARINGS

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)**  
**Hearing Held**
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) **Amended & Adopted 7-0, Ord#2010-016**
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) **Approved 7-0**
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) **Approved 7-0**
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) **Approved 7-0**

## CONSENT AGENDA

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) **Approved 7-0**

# WHATCOM COUNTY COUNCIL ACTION TAKEN

March 16, 2010

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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) **Approved 7-0**
  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) **Approved 7-0**
  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) **Approved 7-0**
5. Report on procurement activities and expenses incurred under authority of three (3) proclamations of emergency (written report only) (AB2010-140) **Report Accepted 7-0**
  6. Resolution supporting the City of Bellingham's Google Fiber for Communities submittal (AB2010-144) **Approved 7-0 Res#2010-009**
  7. 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 Cleator Road (Larrabee State Park), in the estimated amount of \$106,440 (AB2010-146) (attached) **Approved 7-0**
  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 Cleator Road (Larrabee State Park), in the estimated amount of \$69,232.80 (AB2010-147) (attached) **Approved 7-0**

## **OTHER ITEMS**

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) **Approved 7-0**
2. Resolution initiating Comprehensive Plan and Zoning amendments for 2010 (AB2010-113A) **Approved 7-0, Res#2010-008**
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) **Teigrob Appointed**
4. Confirmation of the County Executive's appointment of John Steensma to the Purchase of Development Rights Oversight Committee (AB2010-139) **Steensma Confirmed 7-0**

## **INTRODUCTION ITEMS**

1. Resolution adopting the Whatcom County Comprehensive Solid & Hazardous Waste Management Plan (AB2010-141) (hearing to be scheduled) **Introduced**
2. Resolution vacating a portion of Portal Way (AB2009-406A) (hearing to be scheduled) **Introduced**
3. Ordinance amending the 2010 Whatcom County Budget, eighth request, in the amount of \$462,943 (AB2010-142) **Introduced**

## **OTHER BUSINESS**

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

## **ADJOURN**