

WHATCOM COUNTY COUNCIL AGENDA FOR APRIL 13, 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
- 1991 - 2010 Ordinances
- 1992 - 2010 Resolutions
- 2001 - 2010 Committee Minutes
- 2001 - 2010 Council Minutes

UPCOMING MEETINGS AND EVENTS:

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, 6:30 p.m., City Council Chambers

April 27, 2010

Regular council and committee meetings, Council Chambers

May 11, 2010

Regular council and committee meetings, Council Chambers

May 18, 2010

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

May 25, 2010

Regular council and committee meetings, Council Chambers

May 31, 2010

HOLIDAY



WHATCOM COUNTY COUNCIL

COMMITTEE SCHEDULES

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

9:30 a.m. Tuesday, April 13, 2010
Council Chambers, 311 Grand Avenue

AGENDA

Committee Discussion

Pages

1. Discussion regarding the proposed Lake Whatcom five-year work plan and proposed public involvement (AB2010-171)

1 - 1

Other Business

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

11:00 a.m. Tuesday, April 13, 2010
Council Chambers, 311 Grand Avenue

AGENDA

Special Presentation

Pages

1. Presentation regarding tort claims and insurance (AB2010-119)

2 - 2

Committee Discussion and Recommendation to Council

1. Request approval for the County Executive to enter into a contract between Whatcom County (Sheriff's Office Department of Emergency Management) and Snohomish County for the purpose of allocating grant funds from the Department of Homeland Security to enhance the capability of local units of government to prevent, deter, respond to and recover from catastrophic and/or terrorist events in the amount of \$272,825 (AB2010-173)

3 - 24

Council "Consent Agenda" Items

1. Request approval for the County Executive to enter into a lease agreement with David and Sharon McCarthy to lease the house at 811 Marine Drive, Point Roberts (at Lighthouse Marine Park), in the amount of \$975 per month (AB2010-174)

25 - 33

- | | | |
|----|---|-----------------------|
| 2. | Request approval for the County Executive to award bid #10-15 for on-call contractor/equipment for labor and rental of construction equipment to all bidders, with the intent of obtaining firm pricing and to ensure prevailing wages are paid on all on-call projects, in an annual amount that could be more than \$35,000 for a single vendor (AB2010-175) (requires two motions, one for <u>Council approval and one for approval by the Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)</u> | <u>34 - 52</u> |
| 3. | Request approval for the County Executive to award bid #10-16 for on-call rental equipment to all bidders, when needed, the County will select from the rental list based on equipment availability and suitability with preference to low bidders, in an annual amount that could be more than \$35,000 for a single vendor (AB2010-176) | <u>53 - 64</u> |
| 4. | Request approval for the County Executive to award bid #10-22 for the supply of bridge girders to low bidder Bellingham Marine Industries for the replacement of the Noon Road Ten Mile Creek Bridge #210, in the amount of \$71,306.22 (AB2010-177) | <u>65 - 67</u> |

Other Business

COUNCIL COMMITTEE OF THE WHOLE

**Immediately Following Finance and Administrative Services Committee
Council Chambers, 311 Grand Avenue**

AGENDA

- | | <u>Pages</u> | |
|----|---|------------------------|
| 1. | Discussion regarding the proposed ordinance amending Whatcom County Code 2.02, County Council (AB2010-143A) (ordinance scheduled for introduction this evening) | <u>68 - 92</u> |
| 2. | Discussion regarding the proposed ordinance amending Whatcom County Code 2.03, Boards and Commissions (AB2010-143B) (ordinance scheduled for introduction this evening) | <u>93 - 102</u> |

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

**1:30 p.m. Tuesday, April 13, 2010
Council Chambers, 311 Grand Avenue**

AGENDA

- | | <u>Pages</u> | |
|------------------------------------|---|-------------------------|
| <u>Committee Discussion</u> | | |
| 1. | Ordinance amending, on an interim basis, Whatcom County Code 10.44, Horses on Certain Roads (AB2010-145A) (ordinance scheduled for introduction this evening) | <u>103 - 105</u> |

Other Business

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

3:00 p.m. Tuesday, April 13, 2010
Council Chambers, 311 Grand Avenue

AGENDA

Pages

Committee Discussion and Recommendations to Council

1. 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)

106 - 118

Committee Discussion

1. Rural Element update - discussion of Growth Management Act requirements and the Planning Commission recommendations (AB2010-072)

119 - 122

Other Business



WHATCOM COUNTY COUNCIL
COUNCIL AGENDA

REGULAR COUNCIL MEETING
7:00 p.m. Tuesday, April 13, 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.

SPECIAL PRESENTATION

1. Quarterly report from the Behavioral Health Review Advisory Committee (AB2010-017)

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 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)
2. Ordinance amending the Whatcom County Code, Title 20, to clarify and revise the definition and standards of home occupations (AB2010-047)

123 - 125

126 - 139

3. Resolution amending the 2010 Annual Construction Program to include potential federally grant funded structural rehabilitation of various county high volume roadways (AB2010-160) **140 - 147**

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 lease agreement with David and Sharon McCarthy to lease the house at 811 Marine Drive, Point Roberts (at Lighthouse Marine Park), in the amount of \$975 per month (AB2010-174) **25 - 33**
2. Request approval for the County Executive to award bid #10-15 for on-call contractor/equipment for labor and rental of construction equipment to all bidders, with the intent of obtaining firm pricing and to ensure prevailing wages are paid on all on-call projects, in an annual amount that could be more than \$35,000 for a single vendor (AB2010-175) **(requires two motions, one for Council approval and one for approval by the Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)** **34 - 52**
3. Request approval for the County Executive to award bid #10-16 for on-call rental equipment to all bidders, when needed, the County will select from the rental list based on equipment availability and suitability with preference to low bidders, in an annual amount that could be more than \$35,000 for a single vendor (AB2010-176) **53 - 64**
4. Request approval for the County Executive to award bid #10-22 for the supply of bridge girders to low bidder Bellingham Marine Industries for the replacement of the Noon Road Ten Mile Creek Bridge #210, in the amount of \$71,306.22 (AB2010-177) **65 - 67**

OTHER ITEMS

(From Finance and Administrative Services Committee)

1. Request approval for the County Executive to enter into a contract between Whatcom County (Sheriff's Office Department of Emergency Management) and Snohomish County for the purpose of allocating grant funds from the Department of Homeland Security to enhance the capability of local units of government to prevent, deter, respond to and recover from catastrophic and/or terrorist events in the amount of \$272,825 (AB2010-173) **3 - 24**

(From Planning and Development Committee)

2. 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) **106 - 118**

(No committee assignment)

- 3. Nomination and appointment to fill vacancy on the Whatcom County Address and Road Name Citizen Appeals Committee, Applicant: Robert Ewing (AB2010-168) **148 - 149**
- 4. Nomination and appointment to fill vacancy on the Whatcom County Flood Control Zone District Advisory Committee, representing Impacted Cities, Applicant: John Perry (AB2010-169) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)** **150 - 151**

CORRESPONDENCE APPROVAL

- 1. Approval of a letter to the Army Corp of Engineers regarding proposed changes to levee vegetation policies (AB2010-126) **152 - 153**

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. Ordinance amending Whatcom County Code 2.02, County Council (AB2010-143A) (hearing to be scheduled) **On File**
- 2. Ordinance amending Whatcom County Code 2.03, Boards and Commissions (AB2010-143B) (hearing to be scheduled) **On File**
- 3. Resolution declaring the Whatcom County Flood Control Zone District's intention to lease property at 7495 Emmerson Road and authorize the County Executive to enter into a lease agreement with the highest responsible bidder, subject to a public hearing (AB2010-178) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)** (hearing to be scheduled) **On File**
- 4. Ordinance amending the 2010 Whatcom County Budget, ninth request, in the amount of \$71,451 (AB2010-179) **On File**
- 5. Ordinance amending, on an interim basis WCC 20.84 and WCC 21.01 to allow for the Planning and Development Services Director or Whatcom County Hearing Examiner to grant a one-time two year economic hardship extension to issued planned unit developments, conditional use, variance, administrative approval, short subdivision or binding site plat, and critical area and geologic assessment reports (AB2010-180) (hearing to be scheduled) **On File**
- 6. Ordinance amending, on an interim basis, Whatcom County Code 10.44, Horses on Certain Roads (AB2010-145A) (hearing to be scheduled) **On File**
- 7. Ordinance amending the 2010 Whatcom County Project Budget, second request, in the amount of \$250,000 (AB2010-181) **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 27 and May 11, 2010, in the Council Chambers, 311 Grand Avenue.

UPCOMING MEETINGS AND EVENTS (PLEASE CALL TO CONFIRM):

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
May 18, 2010	-Surface Water Work Session, 10:30 a.m., Civic Center Building
May 25, 2010	-Regular council and committee meetings, Council Chambers
May 31, 2010	HOLIDAY

WHATCOM COUNTY COUNCIL ACTION TAKEN

March 30, 2010

ANNOUNCEMENTS

1. Discussion regarding the proposed ordinance amending Whatcom County Code 2.02, County Council (AB2010-143A) (ordinance scheduled for introduction this evening) **Held**
2. Discussion regarding the proposed ordinance amending Whatcom County Code 2.03, Boards and Commissions (AB2010-143B) (ordinance scheduled for introduction this evening) **Held**
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) **Approved 7-0**
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) **Approved 7-0**

MINUTES CONSENT

1. Surface Water Work Session for February 16, 2010 **Approved 6-0, Nelson out of room**
2. Committee of the Whole for February 23, 2010 **Approved 6-0, Nelson out of room**
3. Regular County Council for February 23, 2010 **Approved 6-0, Nelson out of room**
4. Committee of the Whole for March 16, 2010 **Approved 6-0, Nelson out of room**
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) **Approved 7-0**

OPEN SESSION

PUBLIC HEARINGS

1. Resolution adopting the Whatcom County Comprehensive Solid & Hazardous Waste Management Plan (AB2010-141) **Approved 5-2, Brenner & Weimer Opposed, Res#2010-010**
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) **Approved 7-0**
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) **Approved 7-0**

CONSENT AGENDA

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

OTHER ITEMS

1. Ordinance amending the 2010 Whatcom County Budget, eighth request, in the amount of \$462,943 (AB2010-142) **Adopted 7-0, Ord#2010-017**

WHATCOM COUNTY COUNCIL ACTION TAKEN

March 30, 2010

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2. Resolution approving the allocation received from the State of Washington of Recovery Zone Facility Bond to the Port of Bellingham (AB2010-148) **Approved 7-0**
Res#2010-011
 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) **Approved 7-0**
 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) **Approved 7-0**
Res#2010-012
 5. Nominations and appointment to fill vacancy on Drainage Improvement District #3. Applicants: Loren VanderYacht (AB2010-120) **VanderYacht Appointed 7-0**
 6. Nominations and appointment to fill vacancy on Drainage Improvement District #15. Applicants: Jerald Visser (AB2010-121) **Visser Appointed 7-0**
 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) **Morgan & Kern Confirmed 7-0**
 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) **Wilson & Bosteter Confirmed 7-0**
 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) **Emerson & Stutsman Confirmed 7-0**
 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) **McPhee, Reber, Hunt, Mugar & Aurilio Confirmed 7-0**
 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) **Plaskett Confirmed 7-0**
- INTRODUCTION ITEMS**
1. Receipt of an appeal of the Hearing Examiner's decision on APL2009-0023, filed by Wesley Mussio (AB2010-052) **Introduced**
 2. Receipt of an appeal of the Hearing Examiner's on APL2009-0024, filed by Daniel Johnson (AB2010-114) **Introduced**
 3. ~~Ordinance amending Whatcom County Code 2.02, County Council (AB2010-143A) (hearing to be scheduled) **Withdrawn**~~
 4. ~~Ordinance amending Whatcom County Code 2.03, Boards and Commissions (AB2010-143B) (hearing to be scheduled) **Withdrawn**~~
 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) **Introduced**
 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) **Introduced**
 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) **Introduced**
 8. 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) **Introduced**
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