

WHATCOM COUNTY COUNCIL AGENDA FOR JUNE 8, 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.

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.

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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

SPECIAL NOTES FOR TODAY:

NATURAL RESOURCES COMMITTEE - 9:00 A.M.

SPECIAL COMMITTEE OF THE WHOLE MEETING - 10:00 A.M.

FINANCE & ADMIN. SERVICES COMMITTEE - 10:45 A.M.

SPECIAL COMMITTEE OF THE WHOLE MEETING - IMMEDIATELY
FOLLOWING FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

PUBLIC WORKS AND SAFETY COMMITTEE - 1:30 P.M.

PLANNING AND DEVELOPMENT COMMITTEE - 2:30 P.M.

UPCOMING MEETINGS AND EVENTS:

June 15, 2010

Budget Planning Session, 9:00 a.m.- noon,
Courthouse Conference Room, 5th Floor

Health Committee, 1:00 p.m., Council Chambers

June 22, 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~~ **9:00** a.m. Tuesday, June 8, 2010
Council Chambers, 311 Grand Avenue

AGENDA

	<u>Pages</u>
<u>Committee Discussion</u>	
1. Discussion regarding a proposed ordinance establishing a Forestry Advisory Committee for Whatcom County (AB2010-225)	<u>1 - 4</u>
2. Discussion regarding Whatcom County Code 20.38, Agriculture Protection Overlay (AB2010-240)	<u>5 - 9</u>

Other Business

SPECIAL COMMITTEE OF THE WHOLE
10:00 a.m. Tuesday, June 8, 2010
Council Conference Room, 311 Grand Avenue

AGENDA

	<u>Pages</u>
<u>Committee Discussion</u>	
1. Discussion with Assistant Chief Deputy Prosecutor Daniel Gibson regarding potential EMS settlement (AB2010-018) [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110 (1)(i)]	<u>No Paper</u>
2. Discussion with Senior Deputy Prosecutor Karen Frakes regarding the UGA settlement process (AB2010-018) [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110 (1)(i)]	<u>No Paper</u>

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

~~11:00~~ **10:45** a.m. Tuesday, June 8, 2010
Council Chambers, 311 Grand Avenue

AGENDA

	<u>Pages</u>
<u>Committee Discussion and Recommendation to Council</u>	
1. Ordinance amending the 2010 Whatcom County Budget, eleventh request, in the amount of \$445,062 (AB2010-223)	<u>10 - 21</u>

2. Request approval of a different cost-share formula than the standard 70/30 formula specified in the FCZD Construction Cost-Share Program for construction of the Acme Phase 2 Project in conjunction with the Acme/VanZandt Subzone (AB2010-226) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)** **22 - 24**

Council "Consent Agenda" Items

1. Resolution amending CRP No. 908013 and approval for the County Executive to award the construction contract for "Baker Lake Road Sulphur Creek Bridge #422 Replacement" to low bidder Interwest Construction, Inc. in the amount of \$1,168,168 (AB2010-227) **25 - 39**
2. Request approval for the County Executive to enter into a contract between Whatcom County and WSU Cooperative Extension for a Sustainable Landscaping Training Program for Lake Whatcom residents in the amount of \$15,690 (AB2010-228) **40 - 56**
3. Request approval for the County Executive to enter into a contract between Whatcom County and Coastal Safety Services for safety and training in the amount of \$25,000 (AB2010-229) **57 - 70**
4. Request approval for the County Executive to enter into a grant agreement between Whatcom County (Noxious Weed Control Board) and Washington State Department of Ecology for the treatment and monitoring of flowering rush in Silver Lake in the amount of \$55,000 (AB2010-230) **71 - 88**
5. Request approval for the County Executive to enter into a grant agreement between Whatcom County (Noxious Weed Control Board) and the Salmon Recovery Funding Board for inventory, treatment and monitoring of satellite knotweed populations along the upper reaches of the South, North and Middle Forks of the Nooksack River in the amount of \$89,000 (AB2010-231) **89 - 110**
6. Request authorization for the County Executive to enter into a contract between Whatcom County and the Washington State Military Department, Emergency Management Division to enhance law enforcement preparedness and operational readiness along the land borders of the United States through the US Department of Homeland Security FFY2009 Operation Stonegarden Program in the amount of \$829,580 (AB2010-232) **111 - 131**
7. Request approval for the County Executive to enter into a contract between Whatcom County and Braun Consulting Group for professional labor negotiation services in the amount of \$52,320 (AB2010-233) **132 - 146**

Other Business

SPECIAL COMMITTEE OF THE WHOLE
Immediately Following Finance and Administrative Services Committee
Tuesday, June 8, 2010, Council Chambers, 311 Grand Avenue

AGENDA

<u>Committee Discussion</u>	<u>Pages</u>
1. Rural Element update - discussion of Growth Management Act requirements and the Planning Commission recommendations (AB2010-072)	<u>147 - 149</u>

Other Business

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

1:30 p.m. Tuesday, June 8, 2010
Council Chambers, 311 Grand Avenue

AGENDA

<u>Committee Discussion</u>	<u>Pages</u>
1. Presentation by Rodd Pemble, SSC Recycling Manager, regarding waste reduction ideas (AB2010-241)	<u>150 - 150</u>

Other Business

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

~~3:00~~ **2:30 p.m. Tuesday, June 8, 2010**
Council Chambers, 311 Grand Avenue

AGENDA

<u>Committee Discussion and Recommendations to Council</u>	<u>Pages</u>
1. Request approval for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for annexation of approximately 174 acres (known as the Bennett/Bakerview/Airport Drive annexation) (AB2010-234)	<u>151 - 159</u>
2. Consideration of Hearing Examiner's recommended approval of a planned unit development and preliminary binding site plan, filed by the Port of Bellingham for "Bellingham International Airport" (PUD2008-0001) (BSP2008-0003) (AB2010-224)	<u>160 - 207</u>
3. Ordinance amending Whatcom County Code, Title 20, to reduce development potential in zoning districts within the Lake Whatcom watershed (AB2010-185)	<u>208 - 215</u>
4. Ordinance amending Whatcom County Code, Title 20, to clarify and revise the definition and standards of home occupations (AB2010-047) (revised version)	<u>216 - 228</u>

Other Business



WHATCOM COUNTY COUNCIL
COUNCIL AGENDA

REGULAR COUNCIL MEETING
7:00 p.m. Tuesday, June 8, 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 May 18, 2010 **229 - 235**

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.

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. Resolution amending CRP No. 908013 and approval for the County Executive to award the construction contract for "Baker Lake Road Sulphur Creek Bridge #422 Replacement" to low bidder Interest Construction, Inc. in the amount of \$1,168,168 (AB2010-227) **25 - 39**
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7. Request approval for the County Executive to enter into a contract between Whatcom County and Braun Consulting Group for professional labor negotiation services in the amount of \$52,320 (AB2010-233) **132 - 146**

OTHER ITEMS

(From Finance and Administrative Services Committee)

1. Ordinance amending the 2010 Whatcom County Budget, eleventh request, in the amount of \$445,062 (AB2010-223) **10 - 21**

2. Request approval of a different cost-share formula than the standard 70/30 formula specified in the FCZD Construction Cost-Share Program for construction of the Acme Phase 2 Project in conjunction with the Acme/VanZandt Subzone (AB2010-226) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)** **22 - 24**

(From Planning and Development Committee)

3. Request approval for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for annexation of approximately 174 acres (known as the Bennett/Bakerview/Airport Drive annexation) (AB2010-234) **151 - 159**

4. Consideration of Hearing Examiner's recommended approval of a planned unit development and preliminary binding site plan, filed by the Port of Bellingham for "Bellingham International Airport" (PUD2008-0001) (BSP2008-0003) (AB2010-224) **160 - 207**

5. Ordinance amending Whatcom County Code, Title 20, to reduce development potential in zoning districts within the Lake Whatcom watershed (AB2010-185) **208 - 215**

6. Ordinance amending Whatcom County Code, Title 20, to clarify and revise the definition and standards of home occupations (AB2010-047) (revised version) **216 - 228**

(No committee assignment)

7. Nomination and possible appointment to fill a vacancy on the Whatcom County Board of Equalization, representing District 3 – applicant: Carolyn Dwyer (AB2010-218) **(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)** **236 - 237**

8. Request confirmation of the County Executive’s appointment of Gil Thurston and Linda Lancaster and his re-appointment of Glen Hallman and Sharon Wolf to the Northwest Senior Services Board (AB2010-236) **238 - 243**

9. Request confirmation of the County Executive’s appointment of David Kincheloe to the Whatcom County Mental Health Advisory Board (AB2010-237) **244 - 246**

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 Title 20, to add Pipeline Safety Regulations (AB2010-238) **On File**

2. Ordinance amending the 2010 Whatcom County Budget, twelfth, request, in the amount of \$1,109,001 (AB2010-239) **On File**

OTHER BUSINESS

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

ADJOURN

The next regular council meetings are scheduled for 7:00 p.m. Tuesdays, June 22 and July 13, 2010, in the Council Chambers, 311 Grand Avenue.

UPCOMING MEETINGS AND EVENTS (PLEASE CALL TO CONFIRM):

June 15, 2010	Budget Planning Session, 9:00 a.m.- noon, Courthouse Conference Room, 5th Floor Health Committee, 1:00 p.m., Council Chambers
June 22, 2010	Regular council and committee meetings, Council Chambers
July 5, 2010	HOLIDAY
July 13, 2010	Regular council and committee meetings, Council Chambers Please note: The council will hold a public hearing this evening on an ordinance amending Ordinance 2009-071, the official Whatcom County zoning map, and County Comprehensive Plan and maps, to implement changes related to completion of the 10-year review of the urban growth areas required under the Growth Management Act, specifically the urban growth areas of Birch Bay, Ferndale, Nooksack, and Sumas (AB2010-054C)
July 20, 2010	Surface Water Work Session, 10:30 a.m., Civic Center Building
July 27, 2010	Regular council and committee meetings, Council Chambers

WHATCOM COUNTY COUNCIL ACTION TAKEN

May 25, 2010

ANNOUNCEMENTS

1. Rural Element update - discussion of Growth Management Act requirements and the Planning Commission recommendations (AB2010-072) **Continued to 6/8**
2. Discussion regarding the draft Public Participation Plan for the periodic review required by the Growth Management Act (RCW 36.70A) (AB2010-210)
Brenner Moved to Approve 6-0, Nelson out of Room
3. Discussion regarding the proposed ordinance amending Whatcom County Code 2.02, County Council (AB2010-143A) **Held**
4. Discussion regarding the proposed ordinance amending Whatcom County Code 2.03, Boards and Commissions (AB2010-143B) **Held**

MINUTES CONSENT

1. Special Committee of the Whole for May 11, 2010 **Approved 7-0**
2. Committee of the Whole for May 11, 2010 **Approved 7-0**
3. Regular County Council for May 11, 2010 **Approved 7-0**

OPEN SESSION

PUBLIC HEARINGS

1. Ordinance amending Whatcom County Code, Title 20, to reduce development potential in zoning districts within the Lake Whatcom watershed (AB2010-185) **Held to Discussion in P&D Committee on June 8 or June 22, Depending on Committee Schedule 4-3, Kershner, Nelson, Weimer Opposed**
2. Ordinance amending the Whatcom County Code, on an interim basis, to allow for a one-time, two year economic hardship extension to land use permit expirations (AB2010-180) **Adopted 6-1, Weimer Opposed Ord# 2010-026**
3. Ordinance amending Whatcom County Code, Title 20, to clarify and revise the definition and standards of home occupations (AB2010-047) (revised version) **Referred to P&D Committee As Soon As Possible**

CONSENT AGENDA

1. Request approval for the County Executive to enter into a grant agreement between Whatcom County Sheriff's Office Division of Emergency Management and Washington State Military Department for grant funding to supplement emergency management operating budget, in the amount of \$55,358 (AB2010-220) **Approved 7-0**
2. Request approval for the County Executive to enter into a contract between Whatcom County and Kingworks Consulting Engineers for design and engineering services for Silver Lake Park Day Lodge renovations, in the amount of \$22,940 (AB2010-221) **Approved 7-0**
3. Resolution amending CRP No. 909009 and approval for the County Executive to award a construction contract for "Rutsatz Road Repair" to low bidder Trimaxx Construction, Inc., in the amount of \$161,093 (AB2010-222) **Approved 7-0, Res#2010-021**

OTHER ITEMS

4. Resolution affirming the PDR Oversight Committee ranking and authorizing the County Executive and PDR Administrator to proceed with the acquisition process for Round 8 applications (AB2010-215) **Approved 7-0, Res#2010-022**
5. Ordinance amending the 2010 Whatcom County Budget, tenth request, in the amount of \$556,762 \$161,700 (AB2010-213) **Substitute Adopted 7-0, Ord #2010-027**
6. Request authorization for the County Executive to enter into an agreement with the City of Bellingham and the Oeser Company for clean up of contaminated materials in Little Squalicum Park (AB2010-219) **Approved 7-0**

INTRODUCTION ITEMS

1. Ordinance amending Ordinance 2009-071, the official Whatcom County zoning map, and County Comprehensive Plan and maps, to implement changes related to completion of the 10-year review of the urban growth areas required under the Growth Management Act, specifically the urban growth areas of Birch Bay, Ferndale, Nooksack, and Sumas (AB2010-054C) **(ordinance revised to include a change to Map UGA 4a for a parcel of land located along Portal Way)** **Introduced**

WHATCOM COUNTY COUNCIL ACTION TAKEN

May 25, 2010

2. Ordinance amending the 2010 Whatcom County Budget, eleventh request, in the amount of \$445,062 (AB2010-223)

Introduced

OTHER BUSINESS

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

ADJOURN