

# WHATCOM COUNTY COUNCIL AGENDA FOR JUNE 22, 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

## SPECIAL SCHEDULING NOTES FOR TODAY:

**SPECIAL COMMITTEE OF THE WHOLE SCHEDULED FOR 10:00 A.M.**

**NO PUBLIC WORKS AND SAFETY COMMITTEE MEETING TODAY**

**PLANNING AND DEVELOPMENT COMMITTEE BEGINS AT 2:00 P.M.**

**SPECIAL COMMITTEE OF THE WHOLE IMMEDIATELY FOLLOWING  
PLANNING AND DEVELOPMENT COMMITTEE**

## UPCOMING MEETINGS AND EVENTS:

June 29, 2010

Health Committee meeting, 10:00 a.m., Council Chambers

July 5, 2010

HOLIDAY

July 13, 2010

Regular council and committee meetings, Council Chambers  
(UGA HEARING THIS EVENING)



WHATCOM COUNTY COUNCIL  
**COMMITTEE SCHEDULES**

**SPECIAL COMMITTEE OF THE WHOLE**

**10:00 a.m. Tuesday, June 22, 2010  
Council Chambers, 311 Grand Avenue**

**AGENDA**

|                                                                                                                        | <b><u>Pages</u></b>   |
|------------------------------------------------------------------------------------------------------------------------|-----------------------|
| <b><u>Committee Discussion</u></b>                                                                                     |                       |
| 1. Discussion regarding the proposed ordinance amending Whatcom County Code 2.02, County Council (AB2010-143A)         | <b><u>1 - 19</u></b>  |
| 2. Discussion regarding the proposed ordinance amending Whatcom County Code 2.03, Boards and Commissions (AB2010-143B) | <b><u>20 - 33</u></b> |
| <b><u>Other Business</u></b>                                                                                           |                       |

---

---

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

**11:00 a.m. Tuesday, June 22, 2010  
Council Chambers, 311 Grand Avenue**

**AGENDA**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b><u>Pages</u></b>    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| <b><u>Special Presentation</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                        |
| 1. Special presentation by Health Department Housing Specialist Gail de Hoog and Whatcom Homeless Service Center Director Greg Winter on ending homelessness in Whatcom County (AB2010-261)                                                                                                                                                                                                                                                                                        | <b><u>34 - 50</u></b>  |
| <b><u>Committee Discussion and Recommendation to Council</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                   |                        |
| 1. Ordinance amending the 2010 Whatcom County Budget, twelfth, request, in the amount of \$1,109,001 (AB2010-239)                                                                                                                                                                                                                                                                                                                                                                  | <b><u>51 - 70</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 Work Opportunities Inc. (through funding from the Washington State Department of Social and Health Services, Division of Developmental Disabilities) for "Pathways to Employment" and "Community Access" services to assist individuals with developmental disabilities, in an amount that will vary depending on number of clients and types of services authorized (AB2010-245) | <b><u>71 - 102</u></b> |

2. Request approval for the County Executive to enter into a contract between Whatcom County and Advancement Northwest (through funding from the Washington State Department of Social and Health Services, Division of Developmental Disabilities) for "Pathways to Employment" and "Community Access" services to assist individuals with developmental disabilities, in an amount that will vary depending on number of clients and types of services authorized (AB2010-246) **103 - 134**
3. Request approval for the County Executive to enter into a contract for services between Whatcom County and Material Testing and Consulting, Inc. for sample collection, inspection, and testing of concrete, asphalt, aggregates and other construction materials to ensure compliance with specifications on Public Works projects, in an amount not to exceed \$50,000 (AB2010-247) **135 - 151**
4. Request approval for the County Executive to enter into a contract between Whatcom County and San Juan Island Commuter for temporary passenger ferry service between Gooseberry Point and Lummi Island, in the amount of \$58,482 (AB2010-248) **152 - 167**
5. Request approval for the County Executive to enter into a water transmission line easement between Whatcom County and Mt. Baker Water Association, Inc. to relocate an existing waterline and easement on County Parks Department property to accommodate the construction of WSDOT roundabout at the intersection of Smith and Mt. Baker Highway (AB2010-249) **168 - 180**
6. Request approval for the County Executive to enter into a contract between Whatcom County and Cascade Vocational Services (through funding from the Washington State Department of Social and Health Services, Division of Developmental Disabilities) to provide "Pathways to Employment" services, in an amount that will vary depending on number of clients and types of services authorized (AB2010-250) **181 - 207**
7. Request approval for the County Executive to enter into a contract between Whatcom County and Service Alternatives (through funding from the Washington State Department of Social and Health Services, Division of Developmental Disabilities) to provide "Pathways to Employment" and "Community Access" services, in an amount that will vary depending on number of clients and types of services authorized (AB2010-251) **208 - 237**
8. Request approval for the County Executive to enter into a contract between Whatcom County and Washington Vocational Services (through funding from the Washington State Department of Social and Health Services, Division of Developmental Disabilities) to provide "Pathways to Employment" services, in an amount that will vary depending on number of clients and types of services authorized (AB2010-252) **238 - 263**
9. Request approval for the County Executive to enter into a contract between Whatcom County and Kulshan Supported Employment (through funding from the Washington State Department of Social and Health Services, Division of Developmental Disabilities) to provide "Pathways to Employment" services in an amount that will vary depending on number of clients and types of services authorized (AB2010-253) **264 - 289**

- |     |                                                                                                                                                                                                                                          |                         |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| 10. | Request approval for the County Executive to award bid 10-22 to low bidder, Jansen, Inc. for the supply of large woody debris, in the amount of \$147,234.50 (AB2010-254)                                                                | <b><u>290 - 292</u></b> |
| 11. | Request approval for the County Executive to enter into a contract between Whatcom County and sole source vendor, K&H Integrated Print Solutions, for election envelopes, in the amount of \$90,155 (AB2010-255)                         | <b><u>293 - 295</u></b> |
| 12. | Request approval for the County Executive to enter into a lease agreement between Whatcom County Parks and Recreation Department and Coldstream Farm, LLC for the 9 month lease of East Acme Farm, in the amount of \$6,400 (AB2010-259) | <b><u>296 - 302</u></b> |

**Special Presentation**

- |    |                                                                           |                         |
|----|---------------------------------------------------------------------------|-------------------------|
| 1. | Update from the Administration on Whatcom County Jail issues (AB2010-260) | <b><u>303 - 303</u></b> |
|----|---------------------------------------------------------------------------|-------------------------|

**Other Business**

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

~~3:00~~ **2:00** p.m. Tuesday, June 22, 2010  
Council Chambers, 311 Grand Avenue

**AGENDA**

**Pages**

**Committee Discussion**

- |    |                                                                                                                                                                                      |                         |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| 1. | Discussion on final amendments to the proposed ordinance amending Whatcom County Code, Title 20, to clarify and revise the definition and standards of home occupations (AB2010-047) | <b><u>304 - 319</u></b> |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|

**Other Business**

**SPECIAL COMMITTEE OF THE WHOLE  
Immediately Following Planning and Development Committee  
Tuesday, June 22, 2010, Council Chambers, 311 Grand Avenue**

**AGENDA**

**Pages**

**Committee Discussion**

- |    |                                                                                                                                  |                         |
|----|----------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| 1. | Rural Element update - discussion of Growth Management Act requirements and the Planning Commission recommendations (AB2010-072) | <b><u>320 - 323</u></b> |
|----|----------------------------------------------------------------------------------------------------------------------------------|-------------------------|

**Other Business**

**COUNCIL COMMITTEE OF THE WHOLE**

**6:15 p.m. Tuesday, June 22, 2010  
Council Committee Room, 311 Grand Avenue**

**AGENDA**

1. Update and discussion regarding Lummi Island Ferry dock negotiations (AB2010-018)  
**[Discussion may take place in executive session pursuant to RCW42.30.110 (1)(i)]**

**Pages**

**No Paper**

**Other Business**



WHATCOM COUNTY COUNCIL  
**COUNCIL AGENDA**

REGULAR COUNCIL MEETING  
7:00 p.m. Tuesday, June 22, 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. Special Committee of the Whole for May 25, 2010 | <b><u>324 - 326</u></b> |
| 2. Committee of the Whole for May 25, 2010         | <b><u>327 - 327</u></b> |
| 3. Regular County Council for May 25, 2010         | <b><u>328 - 340</u></b> |
| 4. Board of Health for June 1, 2010                | <b><u>341 - 348</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.**

**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 Work Opportunities Inc. (through funding from the Washington State Department of Social and Health Services, Division of Developmental Disabilities) for "Pathways to Employment" and "Community Access" services to assist individuals with developmental disabilities, in an amount that will vary depending on number of clients and types of services authorized (AB2010-245) | <b><u>71 - 102</u></b> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|

2. Request approval for the County Executive to enter into a contract between Whatcom County and Advancement Northwest (through funding from the Washington State Department of Social and Health Services, Division of Developmental Disabilities) for "Pathways to Employment" and "Community Access" services to assist individuals with developmental disabilities, in an amount that will vary depending on number of clients and types of services authorized (AB2010-246) **103 - 134**
3. Request approval for the County Executive to enter into a contract for services between Whatcom County and Material Testing and Consulting, Inc. for sample collection, inspection, and testing of concrete, asphalt, aggregates and other construction materials to ensure compliance with specifications on Public Works projects, in an amount not to exceed \$50,000 (AB2010-247) **135 - 151**
4. Request approval for the County Executive to enter into a contract between Whatcom County and San Juan Island Commuter for temporary passenger ferry service between Gooseberry Point and Lummi Island, in the amount of \$58,482 (AB2010-248) **152 - 167**
5. Request approval for the County Executive to enter into a water transmission line easement between Whatcom County and Mt. Baker Water Association, Inc. to relocate an existing waterline and easement on County Parks Department property to accommodate the construction of WSDOT roundabout at the intersection of Smith and Mt. Baker Highway (AB2010-249) **168 - 180**
6. Request approval for the County Executive to enter into a contract between Whatcom County and Cascade Vocational Services (through funding from the Washington State Department of Social and Health Services, Division of Developmental Disabilities) to provide "Pathways to Employment" services, in an amount that will vary depending on number of clients and types of services authorized (AB2010-250) **181 - 207**
7. Request approval for the County Executive to enter into a contract between Whatcom County and Service Alternatives (through funding from the Washington State Department of Social and Health Services, Division of Developmental Disabilities) to provide "Pathways to Employment" and "Community Access" services, in an amount that will vary depending on number of clients and types of services authorized (AB2010-251) **208 - 237**
8. Request approval for the County Executive to enter into a contract between Whatcom County and Washington Vocational Services (through funding from the Washington State Department of Social and Health Services, Division of Developmental Disabilities) to provide "Pathways to Employment" services, in an amount that will vary depending on number of clients and types of services authorized (AB2010-252) **238 - 263**

9. Request approval for the County Executive to enter into a contract between Whatcom County and Kulshan Supported Employment (through funding from the Washington State Department of Social and Health Services, Division of Developmental Disabilities) to provide "Pathways to Employment" services in an amount that will vary depending on number of clients and types of services authorized (AB2010-253) **264 - 289**
10. Request approval for the County Executive to award bid 10-22 to low bidder, Jansen, Inc. for the supply of large woody debris, in the amount of \$147,234.50 (AB2010-254) **290 - 292**
11. Request approval for the County Executive to enter into a contract between Whatcom County and sole source vendor, K&H Integrated Print Solutions, for election envelopes, in the amount of \$90,155 (AB2010-255) **293 - 295**
12. Request approval for the County Executive to enter into a lease agreement between Whatcom County Parks and Recreation Department and Coldstream Farm, LLC for the 9 month lease of East Acme Farm, in the amount of \$6,400 (AB2010-259) **296 - 302**

#### **OTHER ITEMS**

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

1. Ordinance amending the 2010 Whatcom County Budget, twelfth request, in the amount of \$1,109,001 (AB2010-239) **51 - 70**

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

2. Nomination and possible appointment to fill a vacancy on the Whatcom County Solid Waste Advisory Board, representing Solid Waste Disposal Facility – applicant: Pete Edwards (AB2010-242) **(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)** **349 - 350**
3. Request confirmation of the County Executive's appointment of Atina Casas to the Whatcom County Marine Resources Committee (AB2010-256) **351 - 352**
4. Resolution in support of continuing the multi-agency Coordination Center in Whatcom County (AB2010-243) **353 - 355**

#### **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 establishing parking restrictions on Locust Avenue (AB2010-257) (hearing to be scheduled) **On File**

2. Ordinance amending the **Whatcom County Comprehensive Plan** and zoning map for property known as Harbor Shores located on Blaine Road, South of Dakota Creek (AB2010-258)

**On File**

**OTHER BUSINESS**

**REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS**

**ADJOURN**

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

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

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>June 29, 2010</b>      | <b>Health Committee, 10:00 a.m., Council Chambers</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>July 5, 2010</b>       | <b>HOLIDAY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>July 13, 2010</b>      | <b>Regular council and committee meetings, Council Chambers</b><br><br><b>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)</b> |
| <b>July 20, 2010</b>      | <b>Surface Water Work Session, 10:30 a.m., Civic Center Building</b>                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>July 27, 2010</b>      | <b>Regular council and committee meetings, Council Chambers</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>August 3, 2010</b>     | <b>Council to meet as the Health Board, 10:30 a.m., Council Chambers</b>                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>August 10, 2010</b>    | <b>Regular council and committee meetings, Council Chambers</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>September 14, 2010</b> | <b>Regular council and committee meetings, Council Chambers</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                |

# WHATCOM COUNTY COUNCIL ACTION TAKEN

June 8, 2010

---

---

## ANNOUNCEMENTS

1. Discussion with Assistant Chief Deputy Prosecutor Daniel Gibson regarding potential EMS settlement (AB2010-018) **Reported**
2. Discussion with Senior Deputy Prosecutor Karen Frakes regarding the UGA settlement process (AB2010-018) **Reported**
3. Rural Element update - discussion of Growth Management Act requirements and the Planning Commission recommendations (AB2010-072) **Reported**

## SPECIAL PRESENTATION

1. County Executive Pete Kremen to present the "State of the County" address (AB2009-017) **Presented**

## MINUTES CONSENT

1. Surface Water Work Session for May 18, 2010 **Approved 7-0**

## OPEN SESSION

### CONSENT AGENDA

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) **Approved 7-0**  
**Res#2010-023**
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) **Approved 7-0**
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) **Approved 7-0**
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) **Approved 7-0**

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) **Approved 7-0**

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) **Approved 7-0**

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)

**Approved 5-2,**

**Knutzen & Brenner Opposed**

## OTHER ITEMS

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

**Adopted 5-1-1, Brenner Opposed & Knutzen Abstained, Ord#2010-028**

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)** **Approved 7-0**

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)

**Approved 7-0**

# WHATCOM COUNTY COUNCIL ACTION TAKEN

June 8, 2010

- 
- 
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)  
**Approved 6-1, Mann Opposed**
  5. Ordinance amending Whatcom County Code, Title 20, to reduce development potential in zoning districts within the Lake Whatcom watershed (AB2010-185) **Failed 1-6, Weimer in Favor**
  6. Ordinance amending Whatcom County Code, Title 20, to clarify and revise the definition and standards of home occupations (AB2010-047) (revised version) **Introduction of Revised Version Scheduled for 6/22 Hearing to be Scheduled for July 27**
  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)**  
**Approved 7-0**

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) **Approved 7-0**
9. Request confirmation of the County Executive's appointment of David Kincheloe to the Whatcom County Mental Health Advisory Board (AB2010-237) **Approved 7-0**

## **INTRODUCTION ITEMS**

1. Ordinance amending Whatcom County Code Title 20, to add Pipeline Safety Regulations (AB2010-238) **Scheduled for P&D Committee and Council on July 27**
2. Ordinance amending the 2010 Whatcom County Budget, twelfth, request, in the amount of \$1,109,001 (AB2010-239) **Introduced**

## **OTHER BUSINESS**

**Council voted to send out a letter supporting Point Roberts' businesses 7-0**

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

## **ADJOURN**