

WHATCOM COUNTY COUNCIL AGENDA FOR JULY 27, 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:

August 3, 2010

Council to meet as the Health Board, 10:30 a.m., Council Chambers

August 10, 2010

Regular council and committee meetings, Council Chambers

September 6, 2010

HOLIDAY

September 14, 2010

Regular council and committee meetings, Council Chambers

September 21, 2010

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

September 28, 2010

Regular council and committee meetings



WHATCOM COUNTY COUNCIL

COMMITTEE SCHEDULES

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

11:00 a.m. Tuesday, July 27, 2010
Council Chambers, 311 Grand Avenue

AGENDA

	<u>Pages</u>
<u>Committee Discussion and Recommendation to Council</u>	
1. Public Works requests approval of a grant agreement with the State of Washington Recreation and Conservation Office to design a second phase of integrated salmon recovery/flood hazard management projects on lower Canyon Creek on the North Fork Nooksack River in the amount of \$206,500 (AB2010-278) (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)	<u>1 - 23</u>
2. Public Works requests approval of an interlocal agreement between Whatcom Conservation District and Whatcom County Flood Control Zone District for implementation of an EPA assistance agreement, to be completed by September 2014, in the amount of \$408,605 (AB2010-279) (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)	<u>24 - 49</u>
3. Request approval for the County Executive to enter into a variable hourly rate contract (with a maximum of billable hours) between Whatcom County and David A. Nelson for the provision of guardian ad litem services in the Juvenile Division of Whatcom County Superior Court for 2010/2011 (AB2010-280)	<u>50 - 63</u>
4. Request approval for the County Executive to enter into a variable hourly rate contract (with a maximum of billable hours) between Whatcom County and Whatcom Guardian Ad Litem Services, LLC for the provision of guardian ad litem services in the Juvenile Division of Whatcom County Superior Court for 2010/2011 (AB2010-281)	<u>64 - 77</u>
5. Resolution approving the inclusion of two identified Whatcom County projects onto the existing 2008 Comprehensive Economic Development Strategy List (AB2010-282)	<u>78 - 79</u>
6. Ordinance amending the 2010 Whatcom County Budget, thirteenth, request, in the amount of \$711,061 (AB2010-274)	<u>80 - 106</u>

Council "Consent Agenda" Items

1. Request approval for County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for reimbursement of costs incurred to conduct an H1N1 immunization campaign during the H1N1 pandemic in an amount not to exceed \$30,000 (AB2010-283) **107 - 115**
2. Request approval for the County Executive to enter into a residential lease agreement between Whatcom County and Justin Ghramm and Amanda Snow for 7981 Blaine Road in the amount of \$860.00 per month (AB2010-284) **116 - 124**
3. Request approval for the County Executive to enter into a contract amendment between Whatcom County and Commodity Credit Union for matching funds for Purchase of Development Rights easement acquisitions in the amount of \$493,000 (AB2010-285) **125 - 131**
4. Request approval for the County Executive to enter into a two year agreement between Whatcom County and sole source provider, West, for provision of web-based and discounted printed legal research tools to the Whatcom County Prosecutor's office in the amount of \$64,443.36 (AB2010-286) **132 - 144**
5. Request approval for the County Executive to authorize purchase of playground equipment for Bay Horizon Park from US Communities Cooperative agreement vendor, Landscape Structures, in the amount of \$52,298.52 (AB2010-287) **145 - 148**

Other Business

SPECIAL COUNCIL COMMITTEE OF THE WHOLE

**1:30 p.m. Tuesday, July 27, 2010
Council Chambers, 311 Grand Avenue**

AGENDA

Pages

Committee Discussion and Recommendations to Council

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) **149 - 223**

Committee Discussion

1. Discussion regarding the status of the Council's Planning and Policy Analyst position (AB2010-017) **No Paper**

2. Discussion of a proposed ordinance amending Whatcom County Code 2.03, Boards and Commissions (AB2010-143B) 224 - 237

Other Business

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

3:00 p.m. Tuesday, July 27, 2010
Council Chambers, 311 Grand Avenue

AGENDA

	<u>Pages</u>
<u>Committee Discussion and Recommendations to Council</u>	
1. Ordinance amending Whatcom County Code Title 20, to add Pipeline Safety Regulations (AB2010-238)	<u>238 - 246</u>
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) (recommended motion for this item: forward for concurrent review)	<u>247 - 277</u>

Other Business



WHATCOM COUNTY COUNCIL
COUNCIL AGENDA

REGULAR COUNCIL MEETING
7:00 p.m. Tuesday, July 27, 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 (AB2010-277) **278 - 281**
2. Presentation by Census Bureau Partnership Specialist Laverne Lamoureux regarding Census 2010 (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 amending Whatcom County Code, Title 20, to clarify and revise the definition and standards of home occupations (AB2010-047) **282 - 298**

2. Ordinance amending the **Whatcom County Comprehensive Plan** and zoning designations for property (60 acres) located in the vicinity of 1000 Paradise Road (AB2010-273)
(Recommended motion: Forward for concurrent review. This ordinance cannot be adopted this evening. The Council must consider initiated comprehensive plan amendments concurrently so that the cumulative effect of the various proposals can be evaluated. All proposed amendments will be scheduled together for final adoption at a later date.) **299 - 319**
3. Resolution approving the Whatcom County Six-year Transportation Improvement Program for the years 2011 through 2016 (AB2010-269) **320 - 353**
4. Ordinance establishing parking restrictions on Locust Avenue (AB2010-257) **354 - 357**

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 County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham for reimbursement of costs incurred to conduct an H1N1 immunization campaign during the H1N1 pandemic in an amount not to exceed \$30,000 (AB2010-283) **107 - 115**
2. Request approval for the County Executive to enter into a residential lease agreement between Whatcom County and Justin Ghramm and Amanda Snow for 7981 Blaine Road in the amount of \$860.00 per month (AB2010-284) **116 - 124**
3. Request approval for the County Executive to enter into a contract amendment between Whatcom County and Commodity Credit Union for matching funds for Purchase of Development Rights easement acquisitions in the amount of \$493,000 (AB2010-285) **125 - 131**
4. Request approval for the County Executive to enter into a two year agreement between Whatcom County and sole source provider, West, for provision of web-based and discounted printed legal research tools to the Whatcom County Prosecutor's office in the amount of \$64,443.36 (AB2010-286) **132 - 144**
5. Request approval for the County Executive to authorize purchase of playground equipment for Bay Horizon Park from US Communities Cooperative agreement vendor, Landscape Structures, in the amount of \$52,298.52 (AB2010-287) **145 - 148**

OTHER ITEMS

(From Finance and Administrative Services Committee)

1. Public Works requests approval of a grant agreement with the State of Washington Recreation and Conservation Office to design a second phase of integrated salmon recovery/flood hazard management projects on lower Canyon Creek on the North Fork Nooksack River in the amount of \$206,500 (AB2010-278) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)** **1 - 23**

2. Public Works requests approval of an interlocal agreement between Whatcom Conservation District and Whatcom County Flood Control Zone District for implementation of an EPA assistance agreement, to be completed by September 2014, in the amount of \$408,605 (AB2010-279) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)** **24 - 49**

3. Request approval for the County Executive to enter into a variable hourly rate contract (with a maximum of billable hours) between Whatcom County and David A. Nelson for the provision of guardian ad litem services in the Juvenile Division of Whatcom County Superior Court for 2010/2011 (AB2010-280) **50 - 63**

4. Request approval for the County Executive to enter into a variable hourly rate contract (with a maximum of billable hours) between Whatcom County and Whatcom Guardian Ad Litem Services, LLC for the provision of guardian ad litem services in the Juvenile Division of Whatcom County Superior Court for 2010/2011 (AB2010-281) **64 - 77**

5. Resolution approving the inclusion of two identified Whatcom County projects onto the existing 2008 Comprehensive Economic Development Strategy List (AB2010-282) **78 - 79**

6. Ordinance amending the 2010 Whatcom County Budget, thirteenth, request, in the amount of \$711,061 (AB2010-274) **80 - 106**

(From Special Council Committee of the Whole)

7. 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) **149 - 223**

(From Planning and Development Committee)

8. Ordinance amending Whatcom County Code Title 20, to add Pipeline Safety Regulations (AB2010-238) **238 - 246**

9. 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) **(Recommended motion: Forward for concurrent review. This ordinance cannot be adopted this evening. The Council must consider initiated comprehensive plan amendments concurrently so that the cumulative effect of the various proposals can be evaluated. All proposed amendments will be scheduled together for final adoption at a later date.)** **247 - 277**

(No committee assignment)

- 10. Request confirmation of the County Executive's re-appointments of Dean Brett, Brent Walker, Dunham Gooding and Charles Self to the Bellingham-Whatcom Public Facilities District (AB2010-288) **358 - 359**

- 11. Discussion and possible action on a recommendation of the Council's Public Works and Safety Committee to no longer allow quiet title action for properties in the Lake Whatcom Watershed (AB2010-235) (from July 13, 2010) **360 - 360**

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 appeal of Hearing Examiner's decision regarding appeal by Concrete Nor'West and Friends of Nooksack Samish Watershed on SEP2009-00132, filed by David Mann for Friends of Nooksack Samish Watershed (AB2010-263) **On File**

- 2. Receipt of appeal of Hearing Examiner's decision regarding appeal of District Manager of BBWARM District (APL2010-001), filed by Swanson/Belcher Law Firm for Sound Pacific Resources, Inc. (AB2010-275) **On File**

- 3. Ordinance adopting the current State Building Code and repealing the existing Title 15 of the Whatcom County Code (AB2010-289) **(hearing to be scheduled)** **On File**

- 4. Ordinance amending the 2010 Whatcom County Budget, fourteenth request, in the amount of \$771,900 (AB2010-290) **On File**

- 5. Ordinance imposing an interim moratorium on the acceptance of new applications for divisions of land resulting in lots smaller than five acres within the Lake Whatcom Watershed (AB2010-101A) **(hearing to be scheduled)** **On File**

- 6. Ordinance amending Chapter 20.90 of the Official Whatcom County Zoning Ordinance relating to initiating zoning amendments (AB2010-270A) **(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, August 10 and September 14, 2010, in the Council Chambers, 311 Grand Avenue.

UPCOMING MEETINGS AND EVENTS (PLEASE CALL TO CONFIRM):

August 3, 2010	Council to meet as the Health Board, 10:30 a.m., Council Chambers
August 10, 2010	Regular council and committee meetings, Council Chambers
September 6, 2010	HOLIDAY
September 14, 2010	Regular council and committee meetings, Council Chambers
September 21, 2010	Surface Water Work Session, 10:30 a.m., Civic Center
September 28, 2010	Regular council and committee meetings, Council Chambers

WHATCOM COUNTY COUNCIL ACTION TAKEN

July 13, 2010

ANNOUNCEMENTS

1. Discussion regarding pending GMHB litigation (AB2010-072) **Reported**
2. Rural Element - discussion of Growth Management Act requirements **Reported**
3. Discussion regarding the status of the Council's Planning and Policy Analyst position (AB2010-017) **Held**
4. Discussion of proposed ordinance amending Whatcom County Code 2.03, Boards and Commissions (AB2010-143B) **Held**
2. Resolution amending CRP No. 909010 and authorizing additional funds and approval for the County Executive to enter into a contract between Whatcom County and low bidder, Strider Construction Co., Inc, for Northwest Drive culvert replacement at Bear Creek, in the amount of \$307,680 (AB2010-266) **Approved 7-0**
Res#2010-025
3. Request approval for the County Executive to enter into a contract between Whatcom County and Identix Biometric Solutions for preventative maintenance for electronic fingerprint machines, and store and forward machine, in an amount not to exceed \$26,056.28 (AB2010-267) **Approved 7-0**

MINUTES CONSENT

1. Committee of the Whole for June 8, 2010 **Approved 7-0**
2. Special Committee of the Whole for June 8, 2010 **Approved 7-0**
3. Regular County Council for June 8, 2010 **Approved 7-0**
4. Special Committee of the Whole for June 15, 2010 **Approved 7-0**
5. Committee of the Whole for June 22, 2010 **Approved 7-0**
6. Special Committee of the Whole (morning meeting) for June 22, 2010 **Approved 7-0**
7. Special Committee of the Whole (afternoon meeting) for June 22, 2010 **Approved 7-0**
8. Regular County Council for June 22, 2010 **Approved 7-0**

OPEN SESSION

PUBLIC HEARINGS

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) **Held to July 27**

CONSENT AGENDA

1. Request approval for the County Executive to enter into an interlocal agreement between Whatcom County and Northwest Park and Recreation District #2 for the operation of the gymnasium and playground at Bay Horizon Park (AB2010-265) **Approved 7-0**

OTHER ITEMS

1. Request review and approval of the 2010-2011 Integrated Roadside Vegetation Management Plan (AB2010-268) **Approved 7-0**
2. Request confirmation of the County Executive's appointment of Michael Dispigno to the Development Standards Technical Advisory Committee (AB2010-271) **Approved 7-0**
3. Request confirmation of the County Executive's appointment of Kathleen Solomon to the Whatcom County Substance Abuse Advisory Board (AB2010-272) **Approved 7-0**

INTRODUCTION ITEMS

1. Ordinance amending the 2010 Whatcom County Budget, thirteenth, request, in the amount of \$681,061 (AB2010-274) **Introduced**
2. Resolution approving the Whatcom County Six-year Transportation Improvement Program for the years 2011 through 2016 (AB2010-269) (hearing to be scheduled) **Introduced**

WHATCOM COUNTY COUNCIL ACTION TAKEN

July 13, 2010

3. Ordinance amending **Whatcom County Comprehensive Plan** and zoning designations for property (60 acres) located in the vicinity of 1000 Paradise Road (AB2010-273) (PDS recommends that the Council hold its own public hearing on this ordinance – hearing to be scheduled)
Introduced

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

OTHER BUSINESS

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

ADJOURN