

# WHATCOM COUNTY COUNCIL AGENDA FOR AUGUST 10, 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.

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

## UPCOMING MEETINGS AND EVENTS:

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

October 12, 2010  
Regular council and committee meetings, Council Chambers

October 19, 2010  
Health Committee, 9:00 a.m., Civic Center Building  
Surface Water Work Session, 10:30 a.m., Civic Center Building



# **COMMITTEE SCHEDULES**

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

**9:30 a.m. Tuesday, August 10, 2010**  
**Council Chambers, 311 Grand Avenue**

## **AGENDA**

### **Committee Discussion**

**Pages**

1. Discussion regarding the 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) (ordinance scheduled for public hearing this evening) **1 - 4**
2. Presentation by Whatcom County Assessor Keith Willnauer on open space taxation issues (AB2010-276) **5 - 5**

### **Other Business**

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

**11:00 a.m. Tuesday, August 10, 2010**  
**Council Chambers, 311 Grand Avenue**

## **AGENDA**

### **Special Presentation**

**Pages**

1. Visitor analysis and industry update from Bellingham Whatcom Tourism CEO and President Loni Rahm (AB2010-017) **6 - 6**

### **Committee Discussion and Recommendation to Council**

1. Ordinance amending the 2010 Whatcom County Budget, fourteenth request, in the amount of \$771,900 (AB2010-290) **7 - 13**
2. Resolution recommending approval of the bank repair project at Dozer Corner (AB2010-292) **14 - 15**
3. Request approval for the County Executive to enter into a service agreement between the Whatcom County Sheriff's Office and the US Forest Service for Baker Lake Recreational area patrols and for purchase of a Mobile Data Terminal and other equipment, in the amount of \$42,400 (AB2010-293) **16 - 54**

**Council "Consent Agenda" Items**

1. Request approval for the County Executive to enter into an agreement between Whatcom County and the Washington State Office of Public Defense for reimbursement of contracted attorneys' fees for indigent parents in juvenile dependency and termination cases in Whatcom County, in the amount of \$32,000 (AB2010-294) **55 - 61**
  
2. Resolution authorizing Whatcom County's application for a Shooting Range Development Grant from the Washington Department of Fish and Wildlife to modify existing windows in the indoor range meeting room to reduce noise (AB2010-295) **62 - 67**
  
3. Request approval for the County Executive to enter into a Farmland Preservation Grant Agreement between Whatcom County Planning and Development Services and the Washington State Conservation Commission, in the amount of \$25,000 (AB2010-296) **68 - 83**
  
4. Request approval for the County Executive to enter into a land license agreement between Whatcom County and Jim Snyder to hay approximately 80 acres of farm land at Hovander Homestead Park, in the amount of \$3,000 (AB2010-297) **84 - 90**
  
5. Request approval for the County Executive to enter into a contract between Whatcom County and Drayton Archaeological Research for professional archaeological services for Lily Point Marine Park, in the amount of \$20,000 (AB2010-298) **91 - 107**
  
6. Request approval for the County Executive to enter into a contract between Whatcom County and Aquatechnex for herbicide treatment and monitoring of flowering rush in Silver Lake, in the amount of \$50,000 (AB2010-299) **108 - 120**
  
7. Request approval for the County Executive to enter into a contract between Whatcom County and Shelterbelt, Inc. for herbicide treatment and monitoring of Japanese/Bohemian knotweed on the upper reaches of the north, middle and south forks of the Nooksack River, in the amount of \$85,000 (AB2010-300) **121 - 133**
  
8. Request approval for the County Executive to award bid 10-64, to all six names on the on-call herbicide spraying contractor/equipment list and enter into contracts with each, in an amount that may exceed \$35,000 (AB2010-301) **134 - 143**

**Other Business**

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

**1:30 p.m. Tuesday, August 10, 2010  
Council Chambers, 311 Grand Avenue**

**AGENDA**

**Pages**

**Committee Discussion**

1. Presentation on the services provided by Airlift Northwest (AB2010-304) **144 - 144**

**Other Business**

**SPECIAL COUNCIL COMMITTEE OF THE WHOLE**

**Immediately Following Public Works and Safety Committee  
Council Chambers, 311 Grand Avenue**

**AGENDA**

- |   | <b><u>Pages</u></b>     |
|---|-------------------------|
| 1. Discussion of a proposed ordinance amending Whatcom County Code 2.03, Boards and Commissions (AB2010-143B) | <b><u>145 - 159</u></b> |

**Other Business**

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

**3:00 p.m. Tuesday, August 10, 2010  
Council Chambers, 311 Grand Avenue**

**AGENDA**

- |   | <b><u>Pages</u></b>     |
|---|-------------------------|
| <b><u>Committee Discussion and Recommendations to Council</u></b>   |                         |
| 1. Ordinance amending the <b>Whatcom County Comprehensive Plan</b> and zoning map for property known as Harbor Shores located on Blaine Road, south of Dakota Creek (AB2010-258) ( <b>recommended motion for this item: forward for concurrent review</b> ) | <b><u>160 - 191</u></b> |

**Other Business**

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**COUNCIL COMMITTEE OF THE WHOLE**

**6:00p.m. Tuesday, August 10, 2010  
Council Committee Room, 311 Grand Avenue**

**AGENDA**

- |  | <b><u>Pages</u></b>    |
|--|------------------------|
| 1. Update and discussion regarding Lummi Island Ferry dock negotiations (AB2010-018)<br><b>[Discussion may take place in executive session pursuant to RCW42.30.110 (1)(i)]</b>                                      | <b><u>No Paper</u></b> |
| 2. Discussion with Senior Deputy Prosecutor Karen Frakes regarding pending litigation (AB2010-018)<br><b>[Discussion may take place in executive session (closed to the public) pursuant to RCW42.30.110 (1)(i)]</b> | <b><u>No Paper</u></b> |

**Other Business**



# **COUNCIL AGENDA**

**REGULAR COUNCIL MEETING  
7:00 p.m. Tuesday, August 10, 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. Overview by Whatcom Dispute Resolution Center Executive Director Moonwater regarding the Dispute Resolution Center (AB2010-017) **No Paper**

### **MINUTES CONSENT**

1. Special Committee of the Whole for July 13, 2010 **192 - 204**
2. Regular County Council for July 13, 2010 **205 - 216**
3. Surface Water Work Session for July 20, 2010 **217 - 219**
4. Committee of the Whole for July 27, 2010 **220 - 222**

### **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 authorizing the sale of county-owned property, pursuant to WCC 1.10 (AB2010-291) **223 - 227**

2. Ordinance adopting the current State Building Code and repealing the existing Title 15 of the Whatcom County Code (AB2010-289) **228 - 268**
3. 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) **1 - 4**
4. Ordinance amending Chapter 20.90 of the Official Whatcom County Zoning Ordinance relating to initiating zoning amendments (AB2010-270A) **269 - 279**

### **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 an agreement between Whatcom County and the Washington State Office of Public Defense for reimbursement of contracted attorneys' fees for indigent parents in juvenile dependency and termination cases in Whatcom County, in the amount of \$32,000 (AB2010-294) **55 - 61**
2. Resolution authorizing Whatcom County's application for a Shooting Range Development Grant from the Washington Department of Fish and Wildlife to modify existing windows in the indoor range meeting room to reduce noise (AB2010-295) **62 - 67**
3. Request approval for the County Executive to enter into a Farmland Preservation Grant Agreement between Whatcom County Planning and Development Services and the Washington State Conservation Commission, in the amount of \$25,000 (AB2010-296) **68 - 83**
4. Request approval for the County Executive to enter into a land license agreement between Whatcom County and Jim Snyder to hay approximately 80 acres of farm land at Hovander Homestead Park, in the amount of \$3,000 (AB2010-297) **84 - 90**
5. Request approval for the County Executive to enter into a contract between Whatcom County and Drayton Archaeological Research for professional archaeological services for Lily Point Marine Park, in the amount of \$20,000 (AB2010-298) **91 - 107**
6. Request approval for the County Executive to enter into a contract between Whatcom County and Aquatechnex for herbicide treatment and monitoring of flowering rush in Silver Lake, in the amount of \$50,000 (AB2010-299) **108 - 120**
7. Request approval for the County Executive to enter into a contract between Whatcom County and Shelterbelt, Inc. for herbicide treatment and monitoring of Japanese/Bohemian knotweed on the upper reaches of the north, middle and south forks of the Nooksack River, in the amount of \$85,000 (AB2010-300) **121 - 133**

8. Request approval for the County Executive to award bid 10-64, to all six names on the on-call herbicide spraying contractor/equipment list and enter into contracts with each, in an amount that may exceed \$35,000 (AB2010-301) **134 - 143**

### **OTHER ITEMS**

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

1. Ordinance amending the 2010 Whatcom County Budget, fourteenth request, in the amount of \$771,900 (AB2010-290) **7 - 13**
2. Resolution recommending approval of the bank repair project at Dozer Corner (AB2010-292) **14 - 15**
3. Request approval for the County Executive to enter into a service agreement between the Whatcom County Sheriff's Office and the US Forest Service for Baker Lake Recreational area patrols and for purchase of a Mobile Data Terminal and other equipment, in the amount of \$42,400 (AB2010-293) **16 - 54**

#### **(From Planning and Development Committee)**

4. 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.)** **160 - 191**

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

5. Request confirmation of the County Executive's appointment of Howard Hill Cummings and Mark McDonald to the North Sound Mental Health Advisory Board (AB2010-302) **280 - 283**
6. Resolution adopting the Lake Whatcom Management Program 2010 - 2014 Work Plan (AB2010-303) **284 - 367**
7. Ordinance amending Ordinance 2009-071, the official Whatcom County zoning map, and County Comprehensive Plan and maps, to implement changes relating 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 and Ferndale (AB2010-054D) **368 - 400**

### **OTHER BUSINESS**

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

**ADJOURN**

The next regular council meetings are scheduled for 7:00 p.m. Tuesdays, September 14 and 28, 2010, in the Council Chambers, 311 Grand Avenue.

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

<b>September 6, 2010</b>	<b>HOLIDAY – OFFICE CLOSED</b>
<b>September 14, 2010</b>	<b>Regular council and committee meetings, Council Chambers</b>
<b>September 21, 2010</b>	<b>Surface Water Work Session, 10:30 a.m., Civic Center Building</b>
<b>September 28, 2010</b>	<b>Regular council and committee meetings, Council Chambers</b>
<b>October 12, 2010</b>	<b>Regular council and committee meetings, Council Chambers</b>
<b>October 19, 2010</b>	<b>Health Committee, 9:00 a.m., Civic Center Building Surface Water Work Session, 10:30 a.m., Civic Center Building</b>
<b>October 26, 2010</b>	<b>Regular council and committee meetings, Council Chambers</b>
<b>November 2, 2010</b>	<b>Health Board, Council Chambers</b>
<b>November 9, 2010</b>	<b>Regular council and committee meetings, Council Chambers</b>
<b>November 11, 2010</b>	<b>HOLIDAY – OFFICE CLOSED</b>
<b>November 16, 2010</b>	<b>Surface Water Work Session, 10:30 a.m., Civic Center Building</b>
<b>November 23, 2010</b>	<b>Regular council and committee meetings, Council Chambers</b>
<b>December 7, 2010</b>	<b>Regular council and committee meetings, Council Chambers</b>

# WHATCOM COUNTY COUNCIL ACTION TAKEN

July 27, 2010

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## ANNOUNCEMENTS

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)

**Revised Ordinance to be Introduced this evening – written comment accepted though 8/10**

2. Discussion regarding the status of the Council's Planning and Policy Analyst position (AB2010-017) **Reported**
3. Discussion of a proposed ordinance amending Whatcom County Code 2.03, Boards and Commissions (AB2010-143B) **Held**

## SPECIAL PRESENTATION

1. Quarterly report from the Behavioral Health Review Advisory Committee (AB2010-277) **Presented**
2. Presentation by Census Bureau Partnership Specialist Laverne Lamoureux regarding Census 2010 (AB2010-017) **Presented**

## OPEN SESSION

### PUBLIC HEARINGS

1. Ordinance amending Whatcom County Code, Title 20, to clarify and revise the definition and standards of home occupations (AB2010-047) **Amended & Adopted 7-0 Ord#2010-030**
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.)**

**Forwarded 7-0**

3. Resolution approving the Whatcom County Six-year Transportation Improvement Program for the years 2011 through 2016 (AB2010-269) **Approved 7-0 Res#2010-026**
4. Ordinance establishing parking restrictions on Locust Avenue (AB2010-257) **Adopted 7-0, Ord#2010-031**

## CONSENT AGENDA

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

# WHATCOM COUNTY COUNCIL ACTION TAKEN

July 27, 2010

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)

**Approved 7-0**

## **OTHER ITEMS**

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)** **Approved 7-0**
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)** **Approved 7-0**
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) **Approved 7-0**
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) **Approved 7-0**
5. Resolution approving the inclusion of two identified Whatcom County projects onto the existing 2008 Comprehensive Economic Development Strategy List (AB2010-282)

**Approved 6-1, Brenner Opposed,  
Res#2010-027**

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

**Adopted 6-1, Brenner Opposed,  
Ord#2010-032**

- ~~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)~~

**Revised Ordinance to be Introduced  
this evening – written comment  
accepted though 8/10**

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

**Amended & Adopted 6-1  
Crawford Opposed, Ord#2010-033**

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.)** **Held**

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)

**Approved 7-0**

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)

**No Recommendation Approved**

# WHATCOM COUNTY COUNCIL ACTION TAKEN

July 27, 2010

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## INTRODUCTION ITEMS

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) **Introduced**
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) **Introduced**
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)** **Introduced**
4. Ordinance amending the 2010 Whatcom County Budget, fourteenth request, in the amount of \$771,900 (AB2010-290) **Introduced**
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)** **Introduced**
6. Ordinance amending Chapter 20.90 of the Official Whatcom County Zoning Ordinance relating to initiating zoning amendments (AB2010-270A) **(hearing to be scheduled)** **Introduced**
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 and Ferndale (AB2010-054D) (ordinance attached) **Introduced**
8. Resolution authorizing the sale of County-owned property as recommended by the Whatcom County Property Management Committee (AB2010-291) (resolution attached) **Introduced**
9. Resolution recommending approval of the bank repair project at Dozer Corner (AB2010-292) **Introduced**

## OTHER BUSINESS

## REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

## ADJOURN