

**CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

**COUNTY COURTHOUSE**

311 Grand Avenue, Suite #105  
Bellingham, WA 98225-4038  
(360) 778-5010



**COUNCILMEMBERS**

Timothy Ballew II  
Barbara Brenner  
Rud Browne  
Barry Buchanan  
Todd Donovan  
Tyler Byrd  
Satpal Sidhu

**WHATCOM COUNTY COUNCIL**

# **COUNCIL AGENDA FOR FEBRUARY 27, 2018**

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 IS AVAILABLE NEAR THE  
COURTHOUSE SOUTH ENTRANCE

OUR REGULAR COUNCIL MEETINGS CAN BE VIEWED LIVE AT  
<https://www.youtube.com/user/WhatcomCountyGov>  
AND ARE ALSO BROADCAST ON BTV10 (COMCAST CHANNEL 10)  
AT 7 P.M. ON THE TWO WEDNESDAYS FOLLOWING EACH  
TUESDAY EVENING COUNCIL MEETING

PLEASE VISIT US AT [WWW.CO.WHATCOM.WA.US](http://WWW.CO.WHATCOM.WA.US) FOR THE FOLLOWING:

COUNCIL MEETING AUDIO AND VIDEO  
COUNCIL OFFICE EMAIL POLICY  
CURRENT COUNCIL AGENDA  
CURRENT COUNCIL PACKET  
PUBLIC NOTICES  
1979 - 2018 ORDINANCES  
1979 - 2018 RESOLUTIONS  
1984 - 2018 COMMITTEE MINUTES  
1979 - 2018 COUNCIL MINUTES

**UPCOMING MEETINGS AND EVENTS:**

**MARCH 6, 2018**

10:30 A.M. – HEALTH BOARD  
COUNCIL CHAMBERS, 311 GRAND AVENUE

**MARCH 13, 2018**

REGULAR COUNCIL AND COMMITTEE MEETINGS  
COUNCIL CHAMBERS, 311 GRAND AVENUE

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**TODAY'S SCHEDULE:**

10:30 A.M. – FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

12:30 P.M. – CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE

IMMEDIATELY FOLLOWING CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE  
(MEETING TO BEGIN NO LATER THAN 2 P.M.) – SPECIAL COMMITTEE OF THE WHOLE

**6 P.M. – COUNCIL MEETING**

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# **COUNCIL COMMITTEE SCHEDULES**

## **FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE**

**Members: Rud Browne, Tyler Byrd, Satpal Sidhu**

**10:30 a.m. Tuesday, February 27 , 2018**

**Council Chambers, 311 Grand Avenue**

### **County Executive's Report**

#### **Special Presentation**

1. Presentation from Western Washington University's Small Business Development Center (AB2018-086)  
**Page 1**
2. Quarterly report from Finance Manager Brad Bennett (AB2018-066)  
**Page 2**

#### **Committee Discussion and Recommendations to Council**

1. Ordinance amending the 2018 Whatcom County Budget, fourth request, in the amount of \$1,443,449 (AB2018-069)  
**Pages 3 - 38**
2. Ordinance approving the second amendment to Project Budget No. 2 (Jail Improvement Fund) of the 2011 Budget (as established through Ordinance 2011-031) to add \$311,000 of expenditure authority, for a total amended project budget amount of \$3,778,700 (AB2018-070)  
**Pages 39 - 43**

#### **Council "Consent Agenda" Items**

1. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Design2Last, Inc. for building assessment studies and cost estimates for capital improvements at the Jail (Public Safety Building) and Work Center, in the amount of \$310,332, for a total amended contract amount of \$1,223,619.20 (AB2018-080)  
**Pages 44 - 60**
2. Request authorization for the County Executive to enter into a contract between Whatcom County and Allied Universal Security Services for Courthouse security services, security screenings, x-ray, and parking services, in the amount of \$160,000 (AB2018-081)  
**Pages 61 - 80**
3. Request authorization for the County Executive to enter into a three-year contract between Whatcom County and Bayside Pathology for medical examiners services, in the amount of \$572,056 for 2018, with an annual CPI-U inflation adjustment increase each subsequent year (AB2018-082)  
**Pages 81 - 93**

#### **Other Business**

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## **CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE**

**Members: Barry Buchanan, Tyler Byrd, Satpal Sidhu**

**12:30 p.m. Tuesday, February 27, 2018**

**Council Chambers, 311 Grand Avenue**

#### **Special Presentation**

1. Annual report from Whatcom County Sheriff Bill Elfo (AB2018-066)  
**Page 94**

**Committee Discussion**

1. Discussion of the Criminal Justice and Public Safety Committee's work plan for 2018 (AB2018-087)  
**Page 95**

**Other Business**

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**SPECIAL COMMITTEE OF THE WHOLE  
Immediately Following Criminal Justice and Public Safety Committee  
(start time no later than 2 p.m.)  
Tuesday, February 27, 2018  
Council Chambers, 311 Grand Avenue**

**Committee Discussion and Recommendation to Council**

1. Resolution initiating Comprehensive Plan and zoning amendments (AB2018-084)  
**Pages 96 - 106**

**Committee Discussion**

1. Ordinance adopting amendments to the Urban Fringe Subarea Plan, Whatcom County Comprehensive Plan, and Whatcom County Zoning Code (ordinance scheduled for public hearing this evening) (AB2018-055)  
**Pages 107 - 220**
2. Ordinance adopting amendments to Whatcom County Code Title 2, Administration and Personnel; Title 9, Public Peace, Morals and Welfare; Title 15, Building and Construction; Title 16, Environment; Title 20, Zoning; Title 21, Land Division Regulations; Title 23, Shoreline Management Program; Title 24, Health; and creating a new Title 22, Land Use and Development Procedures, to relocate and revise procedures for land use and development related project permits and legislative actions code (AB2018-056) (continued from 2/13/18)  
**Pages 221 - 407**

**Other Business**

# **COUNCIL AGENDA**

## **6 P.M. - REGULAR COUNCIL MEETING**

Tuesday, February 27 , 2018  
Council Chambers, 311 Grand Avenue

### **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 November 14, 2017  
**Pages 408 - 414**
2. Special Committee of the Whole for November 21, 2017  
**Pages 415 - 419**
3. County Council for November 21, 2017  
**Pages 420 - 432**
4. Special Committee of the Whole for December 5, 2017  
**Pages 433 - 437**
5. County Council for December 5, 2017  
**Pages 438 - 453**
6. Special County Council for January 4, 2018  
**Pages 454 - 456**
7. Special County Council for January 9, 2018  
**Pages 457 - 459**
8. Special Committee of the Whole for January 16, 2018  
**Pages 460 - 467**
9. County Council for January 16, 2018  
**Pages 468 - 475**
10. Surface Water Work Session for January 23, 2018  
**Pages 476 - 478**

### **SPECIAL PRESENTATION**

1. Attorney Rodney Brown, Cascadia Law Group, to present findings from report entitled *Reducing Impacts from Fossil Fuel Projects* (full report, with appendices, can be found at <http://www.co.whatcom.wa.us/DocumentCenter/View/32762>) (AB2018-076)  
**Pages 479 - 512**

### **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 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 conclude 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 adopting amendments to the Urban Fringe Subarea Plan, Whatcom County Comprehensive Plan, and Whatcom County Zoning Code (AB2018-055)  
**Pages 107 - 220**
2. Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point Urban Growth Area, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point (AB2018-077)  
**Pages 513 - 517**

### **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 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 conclude 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 authorization for the County Executive to enter into a contract amendment between Whatcom County and Design2Last, Inc. for building assessment studies and cost estimates for capital improvements at the Jail (Public Safety Building) and Work Center, in the amount of \$310,332, for a total amended contract amount of \$1,223,619.20 (AB2018-080)  
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**Pages 61 - 80**
3. Request authorization for the County Executive to enter into a three-year contract between Whatcom County and Bayside Pathology for medical examiners services, in the amount of \$572,056 for 2018, with an annual CPI-U inflation adjustment increase each subsequent year (AB2018-082)  
**Pages 81 - 93**

### **OTHER ITEMS**

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

1. Ordinance amending the 2018 Whatcom County Budget, fourth request, in the amount of \$1,443,449 (AB2018-069)  
**Pages 3 - 38**
2. Ordinance approving the second amendment to Project Budget No. 2 (Jail Improvement Fund) of the 2011 Budget (as established through Ordinance 2011-031) to add \$311,000 of expenditure authority, for a total amended project budget amount of \$3,778,700 (AB2018-070)  
**Pages 39 - 43**

#### **(From Special Committee of the Whole)**

3. Resolution initiating Comprehensive Plan and zoning amendments (AB2018-084)  
**Pages 96 - 106**

### **COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

Per Whatcom County Code 2.03.060 and 100.02.080, applications for council-appointed and FCZD board of supervisor-appointed citizen boards, commissions, and committees may be accepted until 10:00 a.m. on Tuesday of the week prior to the regularly scheduled council meeting at which nominations and possible vote to appoint are scheduled to occur.

1. Appointment to fill vacancy on the Whatcom County Flood Control Zone District Advisory Committee, one year term representing impacted cities, applicant: John Perry (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors (AB2018-059)  
**Pages 518 - 521**

**EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

Per Whatcom County Code 2.03.070(B), the council must confirm or reject executive appointments within 30 days of submission to the council. County code deems the appointee confirmed if council does not take action within this time.

1. Request confirmation of the County Executive's appointment of Keith Willnauer, County Assessor to serve in one of the elected official positions on the Americans With Disabilities Act Compliance Committee (AB2018-085)  
**Page 522**

**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 9.44.030, Public Peace, Morals, and Welfare (AB2017-078)  
**Pages 523 - 524**

**COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

**ADJOURN**

The next regular council meeting is scheduled for 7 p.m. March 13, 2018, in the County Council Chambers, 311 Grand Avenue.

# WHATCOM COUNTY COUNCIL ACTION TAKEN – February 13, 2018

Updated

## CALL TO ORDER

**Councilmembers Present:** Ballew, Brenner, Browne, Buchanan, Byrd, , Donovan Sidhu

**Absent:** None

## FLAG SALUTE

## ANNOUNCEMENTS

## PUBLIC HEARINGS

**(Public comment applies to both items listed below)**

1. Ordinance (interim) repealing Ordinance 2017-057 and adopting amendments to the Whatcom County Comprehensive Plan and Whatcom County Code Title 15 (Buildings and Construction), Title 20 (Zoning), Title 21 (Land Division Regulations), and Title 24 (Health Code), relating to water resources (AB2018-057A)  
**Adopted 6-1, Donovan opposed, ordinance 2018-005**
2. Emergency ordinance (interim) (2018-001) repealing Ordinance 2017-057 and adopting amendments to the Whatcom County Comprehensive Plan and Whatcom County Code Title 15 (Buildings and Construction), Title 20 (Zoning), Title 21 (Land Division Regulations), and Title 24 (Health Code), relating to water resources (AB2018-057) (procedural hearing – ordinance was adopted January 30, 2018)  
**Public Hearing held**

## OPEN SESSION

## CONSENT AGENDA

(From Finance and Administrative Services Committee)

1. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and the City of Bellingham to provide for joint usage of the Vactor Waste Site Facility from January 1, 2018, through December 31, 2018, due to the rate increase from \$54.36/ton to \$147.56/ton (AB2018-062)  
**Approved Consent 7-0**
2. Request authorization for the County Executive to enter into a contract between Whatcom County and North Sound Behavioral Health Organization to support the County's behavioral health program and to support regional behavioral health activities, in the amount of \$957,459 (AB2018-063)  
**Approved Consent 7-0**
3. Request authorization for the County Executive to enter into a lease agreement amendment between Whatcom County and Cornwall Center for the purpose of extending the expiration date to December 31, 2018, for leasing raw land at the Civic Center Building Site, in the amount of \$8,778.96, for a total amended lease amount of \$41,411.25 (AB2018-065)  
**Approved Consent 7-0**

## OTHER ITEMS

**(From Special Committee of the Whole)**

1. Ordinance adopting amendments to Whatcom County Code Title 2, Administration and Personnel; Title 9, Public Peace, Morals and Welfare; Title 15, Building and Construction; Title 16, Environment; Title 20, Zoning; Title 21, Land Division Regulations; Title 23, Shoreline Management Program; Title 24, Health; and creating a new Title 22, Land Use and Development Procedures, to relocate and revise procedures for land use and development related project permits and legislative actions code (AB2018-056)  
**Held in Committee**

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

2. Resolution cancelling uncollectible personal property taxes (AB2018-060)  
**Approved 7-0, Resolution 2018-003**

## WHATCOM COUNTY COUNCIL ACTION TAKEN – February 13, 2018

3. Executive Louws requests approval of the Economic Development Investment (EDI) Board recommendations for funding as presented in the attached EDI Fund applications and approval of the Housing Affordable for the Workforce guidelines (AB2018-061)  
**Approved 7-0**

4. Request authorization for the County Executive to enter into a contract between Whatcom County and ImageTrend, Inc. for software licenses, professional services, and annual fees to implement a regional Electronic Patient Care Reporting software system for Emergency Medical Services, in the amount of \$143,134.20 (AB2018-064)  
**Approved 7-0**

### **(From Public Works and Health Committee)**

5. Resolution setting Whatcom County Veterans Assistance Program eligibility income standards (AB2018-067A)  
**Approved 7-0, Resolution 2018-004**

### **(No Committee Assignment)**

6. Executive Louws requests appointment of one councilmembers to serve on the Americans with Disabilities Act (ADA) Compliance Committee (AB2018-071)  
**Councilmember Brenner appointed**

## **COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

1. Appointment to fill vacancy on the Whatcom County Portage Bay Shellfish Protection District Advisory Committee, partial term ending 1/31/2019, or two partial terms ending 1/31/2021, applicant: Eleanor Hines (AB2018-058)  
**Eleanor Hines appointed 7-0 to partial term ending 1/31/2021**

## **EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

1. Request confirmation of Executive appointments to boards, committees, and commissions for the year 2018 (AB2018-068)  
**Confirmed 7-0**

## **INTRODUCTION ITEMS**

1. Receipt of application to fill vacancy on the Whatcom County Flood Control Zone District Advisory Committee, one year term representing impacted cities, applicant: John Perry (application deadline for any other applicants to this vacancy is 10 a.m. on February 20, 2018) (committee assists and makes recommendations to the Board of Supervisors in performing flood damage repairs, maintenance and improvements, and minimizing future flood damage through prevention and management on the Nooksack River, its watershed, and the other watersheds within Whatcom County) (AB2018-059)  
**Introduced 7-0**
2. Ordinance amending the 2018 Whatcom County Budget, fourth request, in the amount of \$1,443,449 (AB2018-069)  
**Introduced 7-0**
3. Ordinance approving the second amendment to Project Budget No. 2 (Jail Improvement Fund) of the 2011 Budget (as established through Ordinance 2011-031) to add \$311,000 of expenditure authority, for a total amended project budget amount of \$3,778,700 (AB2018-070)  
**Introduced 7-0**
4. Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point urban growth area, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at cherry point (ab2018-077)  
**Introduced 5-2, Brenner and Byrd opposed**

## **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES - Updated**

### **(From Public Works and Health Committee)**

Update from HomesNOW on volunteer efforts to provide homes and shelter for the homeless in Whatcom County (ab2018-072)  
**Motion carried 7-0 to request that the administration work with HomesNOW at the Homeless Solutions Work Group to move forward with their requests.**

## **ADJOURN**

The next regular Council meeting is scheduled for **6:00 p.m.** Tuesday, February 27, 2018 in the Council Chambers, 311 Grand Avenue, Bellingham



**CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

**COUNTY COURTHOUSE**

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**WHATCOM COUNTY COUNCIL**

**AGENDA REVISION NOTICE FOR  
FEBRUARY 27, 2018**

(DISTRIBUTED AT 2 P.M. ON FEBRUARY 23, 2018)

**THE FOLLOWING ITEM HAS BEEN ADDED TO THE COUNCIL'S AGENDA:**

**OTHER ITEMS**

**(No committee assignment)**

4. Resolution amending Resolution 2017-055 to add one representative from the Port of Bellingham to the Homeless Strategies Workgroup (AB2018-088)

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## WHATCOM COUNTY COUNCIL

# SECOND AGENDA REVISION NOTICE FOR FEBRUARY 27, 2018

(DISTRIBUTED AT 4:40 P.M. ON FEBRUARY 26, 2018)

THE FOLLOWING MEETING AND ITEM HAVE BEEN ADDED TO THE COUNCIL'S SCHEDULE:

### PLANNING AND DEVELOPMENT COMMITTEE

Immediately Following Special Committee of the Whole  
(start time no earlier than 4:40 p.m.)

Members: Barbara Brenner, Tyler Byrd, Todd Donovan

Tuesday, February 27, 2018

Council Chambers, 311 Grand Avenue

### Committee Discussion

1. Discussion of possible amendment\* to the ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point Urban Growth Area, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point (AB2018-077) (*This ordinance scheduled for public hearing at the evening meeting.*)

### Other Business

#### **\*Proposed amendment to be discussed:**

**BE IT FURTHER ORDAINED** that for the purpose of this ordinance the definition of "unrefined fossil fuel" includes but is not limited to all forms of crude oil whether stabilized or not; raw bitumen, diluted bitumen, or syncrude; coal; methane, ~~propane,~~ ~~butane,~~ and other "natural gas" in liquid or gaseous formats excluding those that are the byproduct of refinery processes in the Cherry Point UGA; and condensate.