

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 SEPTEMBER 11, 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 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

TODAY'S SCHEDULE:

9:30 A.M. – COMMITTEE OF THE WHOLE (EXECUTIVE SESSION)

IMMEDIATELY FOLLOWING COMMITTEE OF THE WHOLE (NO LATER THAN 10:30 A.M.)
NATURAL RESOURCES COMMITTEE

11:15 A.M. – FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

1:30 P.M. – PUBLIC WORKS AND HEALTH COMMITTEE

3 P.M. – PLANNING AND DEVELOPMENT COMMITTEE

IMMEDIATELY FOLLOWING PLANNING AND DEVELOPMENT COMMITTEE (NO LATER THAN 3:30 P.M.)
SPECIAL COMMITTEE OF THE WHOLE

IN ACCORDANCE WITH WHATCOM COUNTY CODE SECTIONS 2.02.040 AND 2.02.060, THE FOLLOWING RULES SHALL APPLY DURING ALL COUNCIL AND COUNCIL COMMITTEE MEETINGS:

Section 2.02.040 Meetings – General rules.

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E. All council and council committee meetings shall be conducted pursuant to The American Institute of Parliamentarians Standard Code of Parliamentary Procedure, latest edition, except when in conflict with the standing rules of the council.

L. During an open session or public hearing, audience members will be given three minutes to address the council.

M. Cell phones shall be silenced and cell phone conversations shall be prohibited within the confines of the council chambers during meetings.

N. Placards, signs, applause, or other distractions shall not be allowed in the council chambers without the consent of the council chair.

O. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, while attending a council or council committee meeting may be requested to leave the meeting and may be forthwith, by the presiding officer, barred from further audience before the council during that meeting.

2.02.060 Meetings – Decorum of debate.

A. Any councilmember desiring to speak shall first be recognized by the chair, and shall confine his or her remarks to the specific subject under consideration or to be considered. The councilmember who has proposed a motion or the committee member who has presented a report shall be allowed the first opportunity to explain the motion or report, and usually is allowed to speak last on it. No member or small group of members shall be permitted to monopolize the discussion on a question. If a member has already spoken and other members wish to speak, they should be recognized in preference to the member who has already spoken on a question.

B. Councilmembers shall address each other as "councilmember" and the council chair shall be addressed as "chair."

C. Staff members, presenters, and the general public shall be addressed as Mr., Mrs., Ms., or by their official or honorary title.

D. When two or more councilmembers desire to speak at the same time, the chair shall name the member who shall have the floor.

E. When a councilmember is speaking, no other member shall hold discourse which may interrupt the speaker except to raise a point of order. The chair should insist that every member be attentive to the business before the assembly.

F. Councilmembers shall have time to explain any motion they intend to make. All motions will begin with the words, "I move" and must receive a second prior to being put to a vote.

G. When it appears that all councilmembers who wish to speak have done so, the chair shall inquire, "Is there any further discussion?" If there is not, the question is put to a vote.

H. To bring a question to immediate vote, a councilmember may move to close debate. If more than one motion is pending, the motion to close debate should specify the pending motions to which it applies (main motion, motion to amend, etc.). The motion to close debate cannot interrupt a speaker, is not debatable, and requires an affirmative vote by two-thirds of the councilmembers in attendance. The motion to close debate should be used in moderation, as members cannot be expected to maintain interest in an organization if they are frequently denied the right to participate in its deliberations.

COUNCIL COMMITTEE SCHEDULES

COMMITTEE OF THE WHOLE

**9:30 a.m. Tuesday, September 11, 2018
Council Conference Room, 311 Grand Avenue**

Committee Discussion

1. Discussion with Special Deputy Prosecuting Attorney Rod Brown regarding legal ways the County may reduce the impacts on the County from increased fossil fuel exports from the Cherry Point Urban Growth Area (AB2018-018)
[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110 (1) (i)]
No Paper

Other Business

NATURAL RESOURCES COMMITTEE

**Members: Timothy Ballew, Todd Donovan, Satpal Sidhu
Immediately Following Committee of the Whole (no later than 10:30 a.m.)
Tuesday, September 11, 2018
Council Chambers, 311 Grand Avenue**

Committee Discussion and Recommendation to Council

1. Ordinance adopting amendments to the Purchase of Development Rights (PDR) Program (AB2018-235)
Pages 1 - 89

Other Business

FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

**Members: Rud Browne, Tyler Byrd, Satpal Sidhu
11:15 a.m. Tuesday, September 11, 2018
Council Chambers, 311 Grand Avenue**

County Executive's Report

Committee Discussion and Recommendations to Council

1. Ordinance amending the 2018 Whatcom County Budget, tenth request, in the amount of \$485,339 (AB2018-236)
Pages 90 - 104
2. Ordinance amending Ordinance No. 2014-078 (establishment of the 2015 Lighthouse Marine Park Improvement Fund and project based budget for Lighthouse Marine Park improvements), for the second time to add \$54,000 of expenditure authority, for a total amended project budget of \$328,500 (AB2018-237)
Pages 105 - 109
3. Resolution declaring Whatcom County real property as surplus (property known as the Welcome Pit) and setting a date for public hearing thereon, pursuant to Whatcom County Code 1.10 (AB2018-238)
Pages 110 - 115

4. Resolution declaring Whatcom County real property as surplus (property located on Deeter Road) and setting a date for public hearing thereon, pursuant to Whatcom County Code 1.10 (AB2018-211)
Pages 116 – 121
5. Request authorization for the County Executive to enter into a memorandum of agreement between Whatcom County and Washington State Department of Ecology to promote the efficient use of local and state agency resources, provide timely review and response to biosolids project proponents, and ensure continued protection of public health and the environment (AB2018-240)
Pages 122 - 128
6. Resolution authorizing Public Works to submit a grant application and, if successful, for the County Executive to enter into a grant agreement between Whatcom County Flood Control Zone District and Washington State Recreation and Conservation Office for funding through the Estuary and Salmon Restoration Program (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2018-241)
Pages 129 - 133
7. Request authorization for the County Executive to enter into a contract amendment between Whatcom County Flood Control Zone District and Herrera Environmental Consultants to provide additional support to update and broaden the scope of the 1999 Lower Nooksack River Comprehensive Flood Hazard Management Plan and to integrate reach-scale strategies for flood risk reduction with the needs of salmon and floodplain land use, in the amount of \$150,000, for a total amended contract amount of \$189,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2018-242)
Pages 134 - 148
8. Request authorization for the County Executive to enter into a contract between Whatcom County Flood Control Zone District and United States Geological Survey to provide integrated modeling to simulate the effects of the proposed project alternatives for flood hazard reduction and habitat improvements, and of projected changes in stream flows, sediment delivery sea-level rise, storm surges, and waves in the reach downstream of Ferndale, in the amount of \$250,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2018-243)
Pages 149 - 163

Council "Consent Agenda" Items

1. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Bellingham School District to provide behavioral health services within the Bellingham School District, in the amount of \$138,000, for a total amended contract amount of \$483,000 (AB2018-244)
Pages 164 - 169
2. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Mt. Baker School District to provide behavioral health services within the Mt. Baker School District, in the amount of \$108,000, for a total amended contract amount of \$378,000 (AB2018-245)
Pages 170 - 175
3. Request authorization for the County Executive to enter into a contract between Whatcom County and SeaMar Community Health Center to establish the hub agency that will facilitate the Ground-level Response and Coordinated Engagement (GRACE) program, in the amount of \$660,160.31 (AB2018-246)
Pages 176 – 198

4. Request authorization for the County Executive to enter into a contract between Whatcom County and Washington State Recreation and Conservation Office to receive funds to support acquisition of a conservation easement on the Brar Property, in the amount of \$157,200 (AB2018-247)
Pages 199 - 242
5. Request authorization for the County Executive to enter into a contract between Whatcom County and Natural Resources Conservation Service to receive matching funds for the acquisition of agricultural easements on the VanderWerff, McLeod, and Roper properties, in the amount of \$260,000 (AB2018-248)
Pages 243 - 280
6. Request authorization for the County Executive to enter into a contract between Whatcom County and Natural Resource Conservation Service to receive matching funds for the acquisition of agricultural easements on the Carbee, Brar, Greenwood, and Neptune Beach properties, in the amount of \$594,500 (AB2018-249)
Pages 281 - 318

Other Business

PUBLIC WORKS AND HEALTH COMMITTEE

Members: Tim Ballew, Barbara Brenner, Barry Buchanan

1:30 p.m. Tuesday, September 11, 2018

Council Chambers, 311 Grand Avenue

Special Presentation

1. Presentation by the Bicycle and Pedestrian Advisory Committee (AB2018-017)
Page 319

Committee Discussion

1. Discussion regarding a proposed resolution approving the Whatcom County Six-Year Transportation Improvement Program for the years 2019 through 2024 (resolution scheduled for introduction this evening) (AB2018-250)
Pages 320 - 447

Committee Discussion and Recommendation to Council

1. Resolution approving the Lake Whatcom Water and Sewer District Water System Comprehensive Plan (AB2018-256)
Pages 448 - 492

Other Business

PLANNING AND DEVELOPMENT COMMITTEE

Members: Barbara Brenner, Tyler Byrd, Todd Donovan

3 p.m. Tuesday, September 11, 2018

Council Chambers, 311 Grand Avenue

Committee Discussion and Recommendation to Council

1. Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the City of Bellingham concerning the Bennett/Bakerview/Airport Drive annexation (AB2018-251)
Pages 493 - 502

Other Business

**SPECIAL COMMITTEE OF THE WHOLE
Immediately Following Planning and Development Committee (no later than 3:30 p.m.)
Tuesday, September 11, 2018
Council Chambers, 311 Grand Avenue**

Committee Discussion

1. Discussion of preliminary draft Comprehensive Plan and zoning amendments – Cherry Point (AB2018-076D)
Pages 503 - 517
2. Discussion regarding proposed ordinance adopting amendments to the Whatcom County Comprehensive Plan and the Whatcom County Code Title 24, Health Code, relating to water resources and the implementation of ESSB 6091 (ordinance scheduled for introduction this evening) (AB2018-253)
Pages 518 - 536

Other Business

COUNCIL AGENDA

REGULAR COUNCIL MEETING
7 p.m. Tuesday, September 11, 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.

SPECIAL ORDER OF BUSINESS

1. Proclamation declaring September as National Recovery Month in Whatcom County (Council acting as the Whatcom County Health Board) (AB2018-252)
Pages 537 - 539

MINUTES CONSENT

1. Special Committee of the Whole (AM) for July 10, 2018
Pages 540 - 544
2. Committee of the Whole for July 10, 2018
Pages 545 - 546
3. Special Committee of the Whole (PM) for July 10, 2018
Pages 547 - 548
4. County Council for July 10, 2018
Pages 549 - 562
5. Board of Health for July 17, 2018
Pages 563 - 566
6. Committee of the Whole for July 24, 2018
Pages 567 - 568
7. Special Committee of the Whole for July 24, 2018
Pages 569 - 571
8. County Council for July 24, 2018
Pages 572 - 578
9. County Council for August 8, 2018
Pages 579 - 588

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 Bellingham School District to provide behavioral health services within the Bellingham School District, in the amount of \$138,000, for a total amended contract amount of \$483,000 (AB2018-244)
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OTHER ITEMS

(From Natural Resources Committee)

1. Ordinance adopting amendments to the Purchase of Development Rights (PDR) Program (AB2018-235)
Pages 1 - 89

(From Finance and Administrative Services Committee)

2. Ordinance amending the 2018 Whatcom County Budget, tenth request, in the amount of \$485,339 (AB2018-236)
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Pages 149 - 163

(From Public Works and Health Committee)

10. Resolution approving the Lake Whatcom Water and Sewer District Water System Comprehensive Plan (AB2018-256)
Pages 448 - 492

(From Planning and Development Committee)

11. Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the City of Bellingham concerning the Bennett/Bakerview/Airport Drive annexation (AB2018-251)
Pages 493 - 502

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 the Whatcom County Wildlife Advisory Committee (technical expertise in wildlife and habitat management representative), term ending December 31, 2022, applicant: Robert Waddell (AB2018-214) (from August 8)
Pages 589 - 593
2. Appointment to the Surface Mining Advisory Committee (ecologist representative), applicant: Dustin Gleaves (AB2018-222)
Pages 594 - 599

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 application to fill vacancy on the Whatcom County Business and Commerce Advisory Committee (for-profit entity in recreation representative), applicant: Clark Campbell (committee advises the Whatcom County Council on various issues, including regulations and policies that could impact local businesses, industry, or economic development) (application deadline for any other applicants is 10 a.m. September 18, 2018) (AB2018-239)
Pages 600 - 601
2. Resolution authorizing the sale of Whatcom County surplus property pursuant to Whatcom County Code 1.10 (AB2018-211A)
Pages 602 - 607
3. Ordinance adopting amendments to the Whatcom County Comprehensive Plan and Whatcom County Code Title 24, Health Code (relating to water resources and the implementation of ESSB 6091) (AB2018-253)
Pages 518 - 536
4. Ordinance amending the Whatcom County budget, eleventh request, in the amount of \$948,010 (AB2018-254)
Pages 608 - 626
5. Resolution amending the Whatcom County Flood Control District and Subzones 2018 budget, third request, in the amount of \$86,391 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2018-255)
Pages 627 - 631
6. Request for public comment and Council action on a request to authorize the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham to purchase inclement weather protective gear from funds provided by the Edward Byrne Memorial Justice Assistance Grant Program, in the amount of \$13,223 (AB2018-257)
Pages 632 - 643
7. Resolution approving the Whatcom County Six-Year Transportation Improvement Program for the years 2019 through 2024 (AB2018-250)
Pages 320 - 447

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN

The next regular council meeting is scheduled for 7 p.m. September 25, 2018, in the County Council Chambers, 311 Grand Avenue.