

**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**  
Barbara Brenner  
Rud Browne  
Barry Buchanan  
Todd Donovan  
Ken Mann  
Satpal Sidhu  
Carl Weimer

## WHATCOM COUNTY COUNCIL

# COUNCIL AGENDA FOR JANUARY 10, 2017

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 ARE BROADCAST ON BTV10,  
COMCAST CHANNEL 10, AT 7:00 P.M. ON THE TWO WEDNESDAYS FOLLOWING EACH  
TUESDAY EVENING COUNTY 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 - 2017 ORDINANCES  
1979 - 2017 RESOLUTIONS  
1984 - 2017 COMMITTEE MINUTES  
1979 - 2017 COUNCIL MINUTES

### UPCOMING MEETINGS AND EVENTS:

JANUARY 16, 2017  
HOLIDAY – OFFICE CLOSED

JANUARY 17, 2017  
10:30 A.M. – SURFACE WATER WORK SESSION  
GARDEN LEVEL CONFERENCE ROOM, 322 N. COMMERCIAL STREET

JANUARY 24, 2017  
REGULAR COUNCIL AND COMMITTEE MEETINGS  
COUNCIL CHAMBERS, 311 GRAND AVENUE

JANUARY 31, 2017  
10:30 A.M. – HEALTH BOARD  
COUNCIL CHAMBERS, 311 GRAND AVENUE

FEBRUARY 8, 2017  
REGULAR COUNCIL AND COMMITTEE MEETINGS  
COUNCIL CHAMBERS, 311 GRAND AVENUE

# **COUNCIL COMMITTEE SCHEDULES**

## **SPECIAL COMMITTEE OF THE WHOLE**

**10 a.m. Tuesday, January 10, 2017**

**Council Committee Room/Council Chambers, 311 Grand Avenue**

### **Committee Discussion - Council Committee Room**

1. Discussion with Senior Deputy Prosecutor Jeffrey Sawyer regarding pending litigation, King v. Stach, et al (AB2017-018)  
**[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110 (1) (i)]**  
**No Paper**
2. Introduction to new labor negotiator and discussion of strategy planning and positions to be taken regarding collective bargaining (AB2017-037)  
**[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.140 (4) (a)]**  
**Page 1**

### **Committee Discussion - Council Chambers**

3. Discussion regarding proposed ordinance adopting the current state building code and repealing the existing Title 15 of the Whatcom County Code (AB2016-289)  
**Pages 2-62**

### **Other Business**

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## **SPECIAL COMMITTEE OF THE WHOLE**

**1 p.m. Tuesday, January 10, 2017**

**Council Chambers, 311 Grand Avenue**

### **Special Order of Business**

1. Annual Reorganization of the Whatcom County Council (AB2017-021)  
**Pages 63-64**

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

1. Resolution for Washington State Legislature support of funding for core public health services (AB2017-033)  
**Pages 65-71**
2. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Pacific Northwest Guardian Ad Litem, LLC for the provision of guardian ad litem services for youth subject to dependencies in Whatcom County Superior Court in the amount of \$40 per hour, up to 4,000 billable hours for 2017 (AB2017-034)  
**Pages 72-127**
3. Request authorization for the County Executive to enter into an interagency agreement 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 \$498,867 (AB2017-035)  
**Pages 128-132**

### **Committee Discussion – Critical Areas Ordinance Update**

1. Continuation of Council's review of the 2016 Critical Areas Ordinance Update – topics scheduled for discussion:  
  
Article 1 – Purpose (AB2016-276A)  
**Pages 133-146**  
Article 2 – Administrative Provisions (AB2016-276B)  
**Pages 147-184**  
Article 5 – Critical Aquifer Recharge Areas (AB2016-276E)  
**Pages 185-200**  
Article 5.5 – Lummi Island (AB2016-276F)  
**Pages 201-215**  
Article 9 – Definitions (AB2016-276J)  
**Pages 216-249**

### **Other Business**

# **COUNCIL AGENDA**

REGULAR COUNCIL MEETING  
7 p.m. Tuesday, January 10, 2017  
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. Regular County Council for July 26, 2016  
**Pages 250-260**
2. Surface Water Work Session for November 15, 2016  
**Pages 261-263**

## **OPEN SESSION (20 MINUTES)**

During open session, audience members can speak to the council on any issue not scheduled for public hearing or related to the proposed Gateway Pacific Terminal project (GPT). 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.

## **OTHER ITEMS**

(From Special Committee of the Whole)

1. Resolution for Washington State Legislature support of funding for core public health services (AB2017-033)  
**Pages 65-71**
2. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Pacific Northwest Guardian Ad Litem, LLC for the provision of guardian ad litem services for youth subject to dependencies in Whatcom County Superior Court in the amount of \$40 per hour, up to 4,000 billable hours for 2017 (AB2017-034)  
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**Pages 128-132**

## **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, per RCW 85.38.070(5), to fill vacancy on Drainage District #3 Board of Supervisors, Position 1 - applicant(s): Roger Blok (duties include field review of drainage needs, attending an annual meeting to determine the next year's work schedule and assessment levy, elect internal officers, and review, discuss, or act on any other official and district business) (AB2017-042)  
**Pages 264-265**
2. Annual appointments to Council-appointed positions on citizen boards, commissions, and committees (AB2017-031)  
**Pages 266-295**

3. Annual appointments to Flood Control Zone District Board of Supervisors–appointed positions on citizen advisory committees (AB2017-032) (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2017-032)  
**Pages 296-301**

**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 adopting amendments to Whatcom County Code Title 20 Zoning, permitting kennels in the agriculture zone as a conditional use (AB2017-038)  
**Pages 302-333**
2. Ordinance amending the 2017 Whatcom County Budget, first request, in the amount of \$170,302 (AB2017-039)  
**Pages 334-344**
3. Ordinance amending Ordinance 2015-037, which amended Ordinance 2015-025 (establishment of the Whatcom County Incarceration Prevention and Reduction Task Force) to extend due dates for delivery of the initial and final Phase III reports (AB2017-040)  
**Pages 345-346**
4. Ordinance providing local procedures to process development permit applications efficiently and to promote finality of decisions (AB2017-041)  
**Pages 347-351**
5. Ordinance adopting interim amendments to the Whatcom County Comprehensive Plan and Whatcom County Code Title 24, Health Code, relating to water resources (AB2016-309C)  
**Pages 352-360**

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

**ADJOURN**

**The next regular council meeting is scheduled for 7 p.m. January 24, 2017 in the Council Chambers, 311 Grand Avenue.**

# WHATCOM COUNTY COUNCIL ACTION TAKEN – December 6, 2016

## **CALL TO ORDER**

**Councilmembers Present:** Weimer, Buchanan, Mann, Browne, Brenner, Sidhu, Donovan  
**Absent:** None

## **FLAG SALUTE**

## **ANNOUNCEMENTS**

From Special Committee of the Whole:

1. Discussion regarding potential property acquisition for the Flood Control Zone District (AB2016-018)  
**Motion carried 7-0 to authorize the County Executive, acting on behalf of the Whatcom County Flood Control Zone District Board of Supervisors, to execute an option agreement for the property discussed in executive session.**

## **MINUTES CONSENT**

1. Special Committee of the Whole (afternoon meeting) for June 28, 2016  
**Approved Consent 7-0**
2. Regular County Council for July 26, 2016  
**Withdrawn from the agenda**
3. Board of Health for August 2, 2016  
**Approved 6-0, Browne abstained**
4. Special Committee of the Whole for August 9, 2016  
**Approved Consent 7-0**
5. Regular County Council for August 9, 2016  
**Approved Consent 7-0**
6. Special Committee of the Whole for September 27, 2016  
**Approved Consent 7-0**
7. Surface Water Work Session for October 18, 2016  
**Approved Consent 7-0**
8. Special Committee of the Whole (Executive Session) for October 25, 2016  
**Approved Consent 7-0**
9. Regular County Council for October 25, 2016  
**Approved Consent 7-0**
10. Special Committee of the Whole for October 27, 2016  
**Approved Consent 7-0**
11. Board of Health for November 1, 2016  
**Approved Consent 7-0**
12. Special Committee of the Whole November 1, 2016  
**Approved Consent 7-0**

## **PUBLIC HEARINGS**

**Motion carried 7-0 to approve a resolution sending a letter to the State legislature requesting amendments to the Growth Management Act clarifying that counties can rely on Department of Ecology guidance for determining legal water availability. Resolution 2016-050**

## WHATCOM COUNTY COUNCIL ACTION TAKEN – December 6, 2016

### **(Public comment applied to both items listed below)**

1. Ordinance adopting interim 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 (related legislation: see ordinance below) (AB2016-309A)  
**Amended and adopted 5-2, Brenner and Mann opposed, Ordinance 2016-066**
2. Ordinance 2016-048 imposing an emergency moratorium on the acceptance and processing of applications and permits for subdivisions, building permits, and discretionary permits that rely on permit-exempt wells for water supply in closed basins (procedural hearing – ordinance was adopted on October 25, 2016) (AB2016-309)  
**Public Hearing Held and Comments Received**

### **OPEN SESSION**

### **CONSENT AGENDA**

(From Finance and Administrative Services Committee)

1. Request authorization for the County Executive to enter into a contract for services agreement between Whatcom County and Dr. Stuart Andrews, MD, for physician services at the Whatcom County Jail and Work Center, in the amount of \$123,500 (AB2016-374)  
**Approved Consent 7-0**
2. Request authorization for the County Executive to enter into a contract for services agreement between Whatcom County and Northwest Youth Services to fund the provision of housing case management services in association with the Whatcom Homeless Service Center, in the amount of \$202,831 (AB2016-376)  
**Approved Consent 7-0**
3. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Bennett Engineering, LLC, to perform landfill monitoring services at closed landfills at Cedarville and Y-Road, in the amount of \$67,850, for a total amended contract amount of \$134,458 (AB2016-377)  
**Approved Consent 7-0**
4. Request authorization for the County Executive to enter into a contract between Whatcom County, the Port of Bellingham, and the City of Bellingham to continue funding the Small Business Development Center through Western Washington University for economic development services, in the amount of \$423,500 (AB2016-378)  
**Approved Consent 7-0**
5. Request authorization for the County Executive to enter into a contract for services agreement between Whatcom County and Northwest Regional Council for support services for the Meals on Wheels Program, in the amount of \$80,000 (AB2016-379)  
**Approved Consent 7-0**
6. Request authorization for the County Executive to enter into a contact between Whatcom County and Bellingham Food Bank to procure, warehouse, and distribute food and other essentials to low income families, in the amount of \$276,000 (AB2016-380)  
**Approved Consent 7-0**
7. Request authorization for the County Executive to enter into a contract for services agreement between Whatcom County and Pioneer Human Services to provide funding to operate a permanent supportive housing program for homeless individuals, in the amount of \$371,412 (AB2016-381)  
**Approved Consent 7-0**
8. Request authorization for the County Executive to enter into a contract for services agreement between Whatcom County and Opportunity Council to provide housing case management and supportive services to individuals and households who are homeless or at risk of homelessness, in the amount of \$355,500 (AB2016-382)  
**Approved Consent 7-0**
9. Request authorization for the County Executive to enter into a contract for services agreement between Whatcom County and Opportunity Council for operations of the Whatcom Homeless Service Center, in the amount of \$474,203 (AB2016-383)  
**Approved Consent 7-0**

## WHATCOM COUNTY COUNCIL ACTION TAKEN – December 6, 2016

10. Request authorization for the County Executive to enter into a contract for services agreement between Whatcom County and Compass Health to provide crisis stabilization services to adult inmates and detained juveniles with behavioral health problems, in the amount of \$462,871 (AB2016-384)  
**Approved 6-1, Mann opposed**
11. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and ReSources to implement a countywide waste reduction and recycling education program for youth at the elementary, middle, and high school levels, in the amount of \$35,000, for an amended contract amount of \$105,000 (AB2016-385)  
**Approved Consent 7-0**
12. Request authorization for the County Executive to enter into a contract for services agreement between Whatcom County and Lydia Place to fund the provision of housing case management services in association with the Whatcom Homeless Service Center, in the amount of \$162,210 (AB2016-386)  
**Approved Consent 7-0**
13. Request authorization for the County Executive to enter into a contract for services agreement between Whatcom County and Catholic Community Services to fund the provision of housing case management services in association with the Whatcom Homeless Service Center, in the amount of \$241,985 (AB2016-387)  
**Approved Consent 7-0**
14. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Sustainable Connections for implementation of the Commercial Waste Reduction and Recycling Education Program, in the amount of \$50,000, for a total amended contract amount of \$85,000 (AB2016-388)  
**Approved Consent 7-0**
15. Request authorization for the County Executive to enter into a contract for services agreement between Whatcom County and Associated Earth Sciences, Inc. for groundwater monitoring services to support the ongoing groundwater modeling project in the north county, in the amount of \$17,025 (AB2016-389)  
**Approved Consent 7-0**
16. Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham to define City and County obligations for the cooperative administration of the Lake Whatcom Homeowner Incentive Program (AB2016-390)  
**Approved Consent 7-0**
17. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and SoftResources, LLC, for consulting services to assist with request for proposal management, vendor analysis, demos and decision support for a new permit tracking and data management system, in the amount of \$52,465, for a total amended contract amount of \$137,580 (AB2016-391)  
**Approved Consent 7-0**
18. Request authorization for the County Executive to enter into a contract for services agreement between Whatcom County and Whatcom Humane Society for the provision of animal control and shelter services, in the amount of \$773,057.44 (AB2016-392)  
**Approved Consent 7-0**
19. Request authorization for the County Executive to authorize purchase of replacement redundant Cisco Systems, Inc. network firewall appliances from vendor Century Link, Inc., using Washington State Contract T12-MST-642, in the amount of \$87,142.56 (AB2016-393)  
**Approved Consent 7-0**
20. Request authorization for the County Executive to enter into a contract between Whatcom County and Domestic Violence and Sexual Assault Services in support of the Domestic Violence Commission, in the amount of \$120,000 (AB2016-394)  
**Approved Consent 7-0**
21. Request authorization for the County Executive to enter in to a contract for services agreement between Whatcom County and Compass Health for psychiatric services at the Whatcom County jail, in an amount not to exceed \$90,000 (AB2016-395)  
**Approved 6-1, Mann opposed**
22. Request approval for the County Executive to authorize purchase and award Bid #16-58 to low bidder, Blade Chevrolet, for one ¾-ton double cab 4WD pickup truck, in the amount of \$33,633.48 (AB2016-396)  
**Approved Consent 7-0**

## WHATCOM COUNTY COUNCIL ACTION TAKEN – December 6, 2016

23. Request approval for the County Executive to authorize purchase and award bid #16-61 to low bidder, Blade Chevrolet, for three ¾-ton extended cab 4WD pickup trucks, in the amount of \$93,154.52 (AB2016-397)  
**Approved Consent 7-0**
24. Request approval for the County Executive to enter into a one year residential lease agreement between Whatcom County and Rodney and Haylie Parks for lease of 7981 Blaine Road, for the monthly amount of \$1,250 (AB2016-398)  
**Approved Consent 7-0**

### **OTHER ITEMS**

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

1. Ordinance amending Ordinance 2012-050 establishing the Birch Bay Drive and Pedestrian Facility Project Fund and establishing a project based budget for CRP No. 907001 (AB2016-363)  
**Adopted 7-0, Ordinance 2016-069**
2. Ordinance amending Whatcom County Code Title 2, Chapter 2.120 Section 2.120.040 Membership-Term of Office for the Surface Mining Advisory Committee (AB2016-364)  
**Adopted 7-0, Ordinance 2016-070**
3. Ordinance amending Whatcom County Code Chapter 6.04, Animal Control (AB2016-321)  
**Adopted 7-0, Ordinance 2016-071**
4. Ordinance amending the 2016 Whatcom County Budget, eighteenth request, in the amount of \$598,994 (AB2016-365)  
**Adopted 7-0, Ordinance 2016-072**
5. Ordinance authorizing Whatcom County Sheriff's Office Reserve Deputies to enroll in the Volunteer Firefighters' and Reserve Officers' Relief and Pension Act (RCW 41.24) (AB2016-366)  
**Adopted 7-0, Ordinance 2016-073**
6. Ordinance amending Whatcom County Code 2.03, Boards and Commissions, to allow staggered terms when appointing members to boards, commissions, and committees returning from hiatus (AB2016-350)  
**Adopted 7-0, Ordinance 2016-074**
7. Resolution adopting a salary schedule and policies for unrepresented Whatcom County employees effective January 1, 2017, through December 31, 2017 (AB2016-371)  
**Approved 7-0, Resolution 2016-051**
8. Resolution to make application to the Recreation and Conservation Office Firearms and Archery Range Recreation Program for funding assistance to replace the indoor range roof and HVAC system at the Plantation Rifle Range (AB2016-372)  
**Approved 7-0, Resolution 2016-052**
9. Request authorization for the County Executive to enter into a contract amendment between Whatcom County Flood Control Zone District and Brown and Caldwell for the Deming Levee Upstream Improvement Project in the amount \$119,650, for a total amended contract amount of \$630,840 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2016-373)  
**Approved 7-0**
10. Request authorization for the County Executive to enter into an interlocal grant agreement between Whatcom County and North Sound Behavioral Health Organization and Island, San Juan, Snohomish, and Skagit Counties to receive funding support for costs associated with the County's capital project for the Triage Facility expansion, in the amount of \$2,500,000 (AB2016-375)  
**Approved 7-0**

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

11. Discussion and formulation of recommendation related to the County Executive's veto of Ordinance 2016-052 (levy of taxes for County and State purposes in Whatcom County, Washington, for the year of 2017) (AB2016-343)  
**Rescinded Ordinance 2016-052 and Adopted Ordinance 2016-067 5-2, Weimer and Donovan opposed**
12. Discussion and formulation of recommendation related to the County Executive's veto of Ordinance 2016-053 (final budget of Whatcom County for the biennium 2017-2018) (AB2016-198C)  
**Rescinded Ordinance 2016-053 and Amended and Adopted Ordinance 2016-068 5-2, Mann and Brenner opposed,**



## WHATCOM COUNTY COUNCIL ACTION TAKEN – December 6, 2016

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

13. Approval of special standing Council meeting dates for 2017 (AB2016-368)  
**Approved 7-0**

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

1. Appointment to fill vacancy on the Wildlife Advisory Committee, member with technical expertise - applicant: Stephen Nyman (committee advises the County on the value of wildlife and habitat management issues as they relate to the Whatcom County Comprehensive Plan) (AB2016-349)  
**Stephen Nyman appointed 7-0**
2. Appointment to two vacancies on the Flood Control Zone District Advisory Committee - applicant: Dale Buys (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (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) (AB2016-352)  
**Dale Buys appointed 7-0**
3. Appointment, per RCW 85.38.070(5), to fill vacancy on Consolidated Drainage Improvement District #31 Board of Commissioners, Position 1 - applicant(s): Dale DeVries (duties include field review of drainage needs, attending an annual meeting to determine the next year's work schedule and assessment levy, elect internal officers, and review, discuss, or act on any other official and district business) (AB2016-369)  
**Dale DeVries appointed 7-0**

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

#### **ADJOURN**

The next regular Council meeting is scheduled for 7:00 p.m. Tuesday, January 10, 2017 in the Council Chambers, 311 Grand Avenue, Bellingham