

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 MARCH 7, 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 P.M. ON THE TWO WEDNESDAYS FOLLOWING EACH
TUESDAY EVENING COUNTY 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 - 2017 ORDINANCES
1979 - 2017 RESOLUTIONS
1984 - 2017 COMMITTEE MINUTES
1979 - 2017 COUNCIL MINUTES**

TODAY'S SCHEDULE:

9:30 A.M. – NATURAL RESOURCES COMMITTEE

11 A.M. - FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

**IMMEDIATELY FOLLOWING FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE -
SPECIAL COMMITTEE OF THE WHOLE**

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

**IMMEDIATELY FOLLOWING PUBLIC WORKS HEALTH AND SAFETY COMMITTEE –
SPECIAL COMMITTEE OF THE WHOLE**

6 P.M. – COUNTY COUNCIL MEETING

COUNCIL COMMITTEE SCHEDULES

NATURAL RESOURCES COMMITTEE

Members: Todd Donovan, Satpal Sidhu, Carl Weimer

9:30 a.m. Tuesday, March 7, 2017

Council Chambers, 311 Grand Avenue

Special Presentation

1. Whatcom County Parks and Recreation Department staff to present a summary of work completed in developing the draft Birch Bay Community Park Master Plan (AB2016-185A)
Pages 1 - 88

Committee Discussion

1. Discussion of a proposed ordinance amending Whatcom County Code Chapter 2.27A, Aquatic Invasive Species, to further define and enhance the Aquatic Invasive Species Program (ordinance scheduled for introduction this evening) (AB2017-084)
Pages 89 - 97

Committee Discussion and Recommendations to Council

1. Request authorization to grant the Washington State Department of Fish and Wildlife an easement on park property located on the south end of Lake Whatcom for the purpose of construction and maintenance of a fish hatchery and stream bank on Brannian Creek (AB2017-091)
Pages 98 - 103

Other Business

FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

Members: Rud Browne, Ken Mann, Satpal Sidhu

11 a.m. Tuesday, March 7, 2017

Council Chambers, 311 Grand Avenue

County Executive's Report

Special Presentations

1. Port of Bellingham/Associate Development Organization (ADO) economic development update (AB2017-069)
Page 104
2. Human Resources semiannual report to Council (AB2017-068)
Page 105
3. Finance Department quarterly financial report to Council (AB2017-068)
Page 106

Committee Discussion

1. Discussion of a proposed ordinance amending the Whatcom County Unified Fee Schedule relating to the Aquatic Invasive Species Program (ordinance scheduled for introduction this evening) (AB2017-085)
Pages 107 - 110

Committee Discussion and Recommendations to Council

1. Request approval for the County Executive to enter in to a contract between Whatcom County and Commodity Credit Corporation for a 50% cost share for four purchase of development rights easements through the Agricultural Conservation Easement Grant Program, in the amount of \$593,020 (AB2017-092)
Pages 111 - 147

Other Business

**SPECIAL COMMITTEE OF THE WHOLE
Immediately Following Finance and Administrative Service Committee
Tuesday, March 7, 2017
Council Conference Room, 311 Grand Avenue**

1. Discussion with Chief Civil Deputy Prosecutor Daniel Gibson regarding pending litigation, Swift Creek (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
-

**PUBLIC WORKS, HEALTH, AND SAFETY COMMITTEE
Members: Barbara Brenner, Todd Donovan, Ken Mann
1:30 p.m. Tuesday, March 7, 2017
Council Chambers, 311 Grand Avenue**

Special Presentation

1. Sheriff's Office annual report to Council (AB2017-068)
Page 148

Committee Discussion

1. Presentation and discussion regarding traffic patterns and posted speed limits in the Marine Drive/Marietta area (from 2/7) (AB2017-062)
Page 149

Other Business

**SPECIAL COMMITTEE OF THE WHOLE
Immediately Following Public Works, Health, and Safety Committee
(meeting to begin no later than 2:30 p.m.)
Tuesday, March 7, 2017
Council Chambers, 311 Grand Avenue**

Committee Discussion

1. Continuation of Council's review of the 2016 Critical Areas Ordinance Update (AB2016-276K)
Pages 150 - 169

Review of additional staff proposed amendments (post-Planning Commission recommendation) related to:
 - o Article 6 - Wetlands
 - o Article 7 - Habitat Conservation Areas
 - o Article 3 - Geologically Hazardous Areas (tsunami hazard areas)
 - o Article 9 - Definitions
Review of certain questions, comments, and suggestions by Councilmembers related to:
 - o Overall (shall v. may)
 - o Article 1 - Purpose
 - o Article 2 - Administrative Provisions
 - o Article 7 - Habitat Conservation Areas
2. Discussion of proposed Comprehensive Plan amendments relating to the Cherry Point Urban Growth Area (ordinance scheduled for introduction this evening) (AB2017-063)
Pages 170 - 332

Committee Discussion and Recommendations to Council

1. Resolution initiating proposed Comprehensive Plan and zoning amendments (AB2017-083)
Pages 333 - 352

Other Business

COUNCIL AGENDA – 6 P.M.

REGULAR COUNCIL MEETING
6 p.m. Tuesday, March 7, 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.

SPECIAL PRESENTATION

1. Video presentation to provide information related to the Supreme Court's Hirst decision, followed by time for councilmembers to ask questions of state and local water experts (AB2016-309E)
Pages 353 - 354

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 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 (AB2016-309D)
Pages 355 - 380
2. Ordinance establishing charges/fees for providing Advanced Life Support (ALS) Ambulance Transport Services in Whatcom County (AB2017-086)
Pages 381 - 384
3. Resolution to sell tax-title property by public auction, Request #TR2017-01 (AB2017-087A)
Pages 385 - 388

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.

OTHER ITEMS

(From Natural Resources Committee)

1. Request authorization to grant the Washington State Department of Fish and Wildlife an easement on park property located on the south end of Lake Whatcom for the purpose of construction and maintenance of a fish hatchery and stream bank on Brannian Creek (AB2017-091)
Pages 98 - 103

(From Finance and Administrative Services Committee)

2. Request approval for the County Executive to enter in to a contract between Whatcom County and Commodity Credit Corporation for a 50% cost share for four purchase of development rights easements through the Agricultural Conservation Easement Grant Program, in the amount of \$593,020 (AB2017-092)
Pages 111 - 147

(From Special Committee of the Whole)

3. Resolution initiating proposed Comprehensive Plan and zoning amendments (AB2017-083)
Pages 333 - 352

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 Portage Bay Shellfish Protection District Advisory Committee, applicant: Michael Shepard (AB2017-072)
Pages 389 - 392

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 County Executive's appointment of Sonja Max to fill the District at-Large position on the Parks and Recreation Commission (AB2017-093)
Pages 393 - 397
2. Request confirmation of County Executive's appointment of Kristi Roberts and Matthew McDermott to the Whatcom County Agricultural Advisory Committee (AB2017-094)
Pages 398 - 406

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 the Comprehensive Plan relating to the Cherry Point Urban Growth Area (AB2017-063)
Pages 170 - 332
2. Ordinance amending Whatcom County Code Chapter 2.27A to prevent the release and spread of Aquatic Invasive Species (AB2017-084)
Pages 89 - 97
3. Ordinance amending the Whatcom County Unified Fee Schedule (AB2017-085)
Pages 107 - 110
4. Ordinance amending Ordinance 2014-075 (establishment of the courthouse building envelope fund and budget) to include additional funding of \$2,427,809 to cover the cost of scheduled maintenance and repairs (AB2017-095)
Pages 407 - 412
5. Ordinance amending the 2017 Whatcom County Budget, third request, in the amount of \$2,104,121 (AB2017-096)
Pages 413 - 441
6. Resolution and request for a public hearing regarding Community Development Block Grant funding applications (AB2017-097)
Pages 442 - 449
7. Ordinance authorizing interfund loans to finance cash flow for stormwater capital project budgets (AB2017-098)
Pages 450 - 451
8. Ordinance amending Whatcom County Code 24.05, On-site Sewage System Regulations (AB2017-053A)
Pages 452 - 464

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN

The next regular council meeting is scheduled for 7 p.m. March 21, 2017 in the Council Chambers, 311 Grand Avenue.

CLERK OF THE COUNCIL
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**AGENDA REVISION NOTICE
FOR MARCH 7, 2017**

(DISTRIBUTED AT 3:30 P.M. ON MARCH 6, 2017)

THE FOLLOWING ITEM HAS BEEN ADDED TO THE COUNCIL MEETING AGENDA:

INTRODUCTION ITEMS

9. 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 (AB2016-256B) (draft ordinance attached)