

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 JUNE 13, 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 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 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

UPCOMING MEETINGS AND EVENTS:

JUNE 20, 2017

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

JUNE 27, 2017

REGULAR COUNCIL AND COMMITTEE MEETINGS
COUNCIL CHAMBERS, 311 GRAND AVENUE

TODAY'S SCHEDULE

9:30 A.M. – SPECIAL COMMITTEE OF THE WHOLE

11 A.M. – FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

1:30 P.M. – COMMITTEE OF THE WHOLE

2 P.M. – PUBLIC WORKS, HEALTH, AND SAFETY COMMITTEE

IMMEDIATELY FOLLOWING PUBLIC WORKS, HEALTH, AND SAFETY COMMITTEE –
PLANNING AND DEVELOPMENT COMMITTEE

COUNCIL COMMITTEE SCHEDULES

SPECIAL COMMITTEE OF THE WHOLE
9:30 a.m. Tuesday, June 13, 2017
Council Chambers, 311 Grand Avenue

Committee Discussion

1. Continuation of Council's review of the 2016 Critical Areas Ordinance Update (AB2016-276K)
Pages 1 – 24

Review of certain questions, comments, and suggestions by staff and Councilmembers related to:

- Article 5 – Critical Aquifer Recharge Areas
- Article 8 – Conservation Program on Agriculture Lands
- Article 9 – Definitions

Other Business

FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

Members: Rud Browne, Ken Mann, Satpal Sidhu

11 a.m. Tuesday, June 13, 2017 (meeting scheduled to adjourn by 12:30 p.m.)

Council Chambers, 311 Grand Avenue

County Executive's Report

Committee Discussion and Recommendations to Council

1. Ordinance repealing and replacing Whatcom County Code Chapter 1.18, Court Fines and Costs (AB2017-181)
Pages 25 - 29
2. Request authorization for the County Executive to enter into a credit transaction agreement between Whatcom County Flood Control Zone District and Lummi Nation Wetland and Habitat Mitigation Bank to secure wetland mitigation credits to fulfill requirements for the High Creek Sediment Management and Fish Passage Improvement Project, in the amount of \$21,600 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2017-187)
Pages 30 - 34

Council "Consent Agenda" Items

1. Request authorization for the County Executive to grant a non-exclusive residential driveway easement across park property to Dewey and Janet Huston at 3315 North Shore Drive (AB2017-188)
Pages 35 - 42
2. Request authorization for the County Executive to enter into a contract between Whatcom County and the State of Washington County Road Administration Board in order to receive Rural Arterial Program (RAP) funding for the East Smith Road Pavement Rehabilitation Project, in the amount of \$549,430 (AB2017-189)
Pages 43 - 48
3. Request authorization for the County Executive to enter into an interagency agreement between Whatcom County and the Washington State Department of Transportation to continue to reimburse the County for up to fifty percent of the previous year's annual operating deficit incurred in the operation and maintenance of the County ferry system (AB2017-190)
Pages 49 - 58

4. Request authorization for the County Executive to enter into a contract between Whatcom County and Advancement Northwest to provide "Pathways to Employment" and "Community Access" services to eligible individuals with developmental disabilities (AB2017-191)
Pages 59 - 82

Committee Discussion

1. Discussion regarding the creation of a Capital Facility Reserve Fund (AB2017-170) (from 5/30)
Pages 83 - 84
2. Discussion of a proposed ordinance establishing Whatcom County Code 2.126, creating the Whatcom County Business and Commerce Committee (AB2017-182) (from 5/30)
Pages 85 - 96

Other Business

COMMITTEE OF THE WHOLE

**1:30 p.m. Tuesday, June 13, 2017
Council Conference Room, 311 Grand Avenue**

Committee Discussion

1. Discussion with Public Works staff regarding a potential property acquisition for Flood Control Zone District purposes (AB2017-018)
[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.110 (1)(b)]
Page 97

Other Business

PUBLIC WORKS, HEALTH, AND SAFETY COMMITTEE

**Members: Barbara Brenner, Todd Donovan, Ken Mann
2 p.m. Tuesday, June 13, 2017
Council Chambers, 311 Grand Avenue**

Special Presentation

1. Annual report from Whatcom County Juvenile Court (AB2017-068)
Page 98

Other Business

PLANNING AND DEVELOPMENT COMMITTEE

**Members: Barbara Brenner, Rud Browne, Carl Weimer
Immediately Following Public Works, Health, and Safety Committee
(meeting scheduled to adjourn by 5 p.m.)
Tuesday, June 13, 2017
Council Chambers, 311 Grand Avenue**

Committee Discussion and Recommendation to Council

1. Review and consideration of the draft Public Participation Plan for Whatcom County Comprehensive Plan and Development Regulation Amendments (AB2017-192)
Pages 99 - 120

Committee Discussion

1. Discussion of a proposed ordinance amending Whatcom County Code Title 20 Zoning and the Whatcom County Comprehensive Plan relating to cumulative impervious surface coverage standards (ordinance scheduled for introduction this evening) (AB2017-195)
Pages 121 - 188

Other Business

COUNCIL AGENDA

REGULAR COUNCIL MEETING
7 p.m. Tuesday, June 13, 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.

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. Resolution approving the sale of a conservation easement (AB2017-178)
Pages 189 - 203
2. Ordinance to establish speed limits on certain county roads (AB2017-179)
Pages 204 - 208
3. Ordinance regarding establishment of speed limit on a portion of Slater Road (AB2017-180)
Pages 209 - 212
4. Public hearing to gather public comment on the sizing of a proposed new Whatcom County jail (per Resolution 2017-034, approved May 30, 2017) (AB2017-185A)
Pages 213 - 214

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)

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continue to reimburse the County for up to fifty percent of the previous year's annual operating deficit incurred in the operation and maintenance of the County ferry system (AB2017-190)

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4. Request authorization for the County Executive to enter into a contract between Whatcom County and Advancement Northwest to provide "Pathways to Employment" and "Community Access" services to eligible individuals with developmental disabilities (AB2017-191)

Pages 59 - 82

OTHER ITEMS

(From Finance and Administrative Services Committee)

1. Ordinance repealing and replacing Whatcom County Code Chapter 1.18, Court Fines and Costs (AB2017-181)

Pages 25 - 29

2. Request authorization for the County Executive to enter into a credit transaction agreement between Whatcom County Flood Control Zone District and Lummi Nation Wetland and Habitat Mitigation Bank to secure wetland mitigation credits to fulfill requirements for the High Creek Sediment Management and Fish Passage Improvement Project, in the amount of \$21,600 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2017-187)

Pages 30 - 34

(From Planning and Development Committee)

3. Approval of the draft Public Participation Plan for Whatcom County Comprehensive Plan and Development Regulation Amendments (AB2017-192)

Pages 99 - 120

(No Committee Assignment)

4. Resolution accepting a petition to create the Lummi Island Park and Recreation District and set a date for public hearing on the proposal (AB2017-200)

Pages 215 - 245

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 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 Noxious Weed Control Board, District 4, applicant: Alexander Vondrell (AB2017-186)

Pages 246 - 250

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 appointments to the Whatcom County Public Defense Advisory Committee (AB2017-193)

Pages 251 - 254

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 providing for the submission to the qualified voters of the County a proposition authorizing a local sales and use tax of two-tenths of one percent for the purpose of providing funds for costs associated with financing, construction, maintenance and operation of jail

facilities, and for adult corrections programs, including medical and behavioral health facilities and programs, and for other public safety purposes, all pursuant to RCW 82.14.450 (AB2017-194)

Pages 255 - 259

2. Ordinance amending Whatcom County Code Title 20 Zoning and the Whatcom County Comprehensive Plan relating to cumulative impervious surface coverage standards (AB2017-195)
Pages 121 - 188
3. Ordinance establishing the speed limit on a portion of North Shore Road (AB2017-196)
Pages 260 - 267
4. Ordinance amending the Whatcom County Budget, sixth request, in the amount of \$572,516 (AB2017-197)
Pages 268 - 315
5. Ordinance closing the 2015 Central Plaza Improvement Fund 360 (AB2017-198)
Pages 316 - 317
6. Resolution amending the 2017 Flood Control Zone District and Subzones budget, third request, in the amount of \$15,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2017-199)
Pages 318 - 322

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN

The next regular council meeting is scheduled for 7 p.m. June 27, 2017, in the County Council Chambers, 311 Grand Avenue.

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AGENDA REVISION NOTICE FOR JUNE 13, 2017

(DISTRIBUTED AT 11:30 P.M. ON JUNE 9, 2017)

THE FOLLOWING ITEM HAS BEEN ADDED TO THE PLANNING AND DEVELOPMENT COMMITTEE MEETING AGENDA:

Committee Discussion

2. Discussion concerning requesting the Prosecutor move forward with special counsel for reviewing the Council's legal authority and policy options related to limiting fossil fuel exports (AB2017-201)

Paperwork attached below.