COUNCIL AGENDA
FOR OCTOBER 11, 2016

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 - 2016 ORDINANCES
1979 - 2016 RESOLUTIONS
1984 - 2016 COMMITTEE MINUTES
1979 - 2016 COUNCIL MINUTES

UPCOMING MEETINGS AND EVENTS:

OCTOBER 17, 2016
3 P.M. - LAKE WHATCOM POLICY GROUP
FIREPLACE ROOM, 625 HALLECK STREET

OCTOBER 18, 2016
10:30 A.M. – SURFACE WATER WORK SESSION
GARDEN LEVEL CONFERENCE ROOM, 322 N. COMMERCIAL STREET

OCTOBER 25, 2016
REGULAR COUNCIL AND COMMITTEE MEETINGS
COUNCIL CHAMBERS, 311 GRAND AVENUE

SPECIAL NOTE FOR TODAY:
NATURAL RESOURCES COMMITTEE BEGINS AT 10:30 A.M.
COUNCIL COMMITTEE SCHEDULES

NATURAL RESOURCES COMMITTEE
Members: Todd Donovan, Satpal Sidhu, Carl Weimer
9:30 10:30 a.m. Tuesday, October 11, 2016
Council Chambers, 311 Grand Avenue

Committee Discussion

1. Discussion regarding ways to increase and improve communication with Cherry Point industries to better understand the benefits and impacts of current and future operations (AB2016-290)

Page 1

Other Business

FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE
Members: Rud Browne, Ken Mann, Satpal Sidhu
11 a.m. Tuesday, October 11, 2016
Council Chambers, 311 Grand Avenue

County Executive’s Report

Special Presentation

1. County Executive Jack Louws to present an overview of the 2017-2018 biennium budget (AB2016-198A)

Page 2

Committee Discussion and Recommendations to Council

1. Ordinance closing the Superior Court Fourth Judge Courtroom Renovation Project Fund (AB2016-288)

Pages 3 - 5

2. Resolution ordering the cancellation of unclaimed checks more than two years old (AB2016-296)

Pages 6 - 17

Council "Consent Agenda" Items

1. Resolution approving the 2017 recommended Convention Center allocations for tourism related facilities and activities as defined through RCW 67.28.1816 (AB2016-297)

Pages 18 - 22

2. Request authorization for the County Executive to enter into a cooperative agreement between Whatcom County and the Commodity Credit Corporation for the Agricultural Conservation Easement Program, in the amount of $543,020 (AB2016-298)

Pages 23 - 47

3. Request approval for the County Executive to award bid #16-50 and enter into a contract for the 2016 Swift Creek Removal Project to low bidder Strider Construction, in the amount of $357,724.50 (AB2016-299)

Pages 48 - 60

4. Request approval for the County Executive to award bid #16-52 and enter into a contract for the Marine Drive/BNSF Bridge #172 Bicycle Warning System to low bidder Sail Electric, Inc., in the amount of $101,420 (AB2016-300)

Pages 61 - 66

5. Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Edge Analytical Laboratories to provide laboratory analysis of water samples to support the County’s Pollution Identification and Correction Program and shellfish protection districts, in the amount of $30,000 (AB2016-301)

Pages 67 - 75

Other Business
Committee Discussion and Recommendations to Council

1. Resolution adopting an update to the Whatcom County Comprehensive Solid and Hazardous Waste Management Plan (AB2016-302)
   Pages 76 - 296

2. Resolution requesting the County Executive instruct the Planning and Development Services Department to convene a stakeholder group to review the current and proposed mitigation requirements related to the replacement of residential septic systems (AB2016-306)
   Pages 297 - 299

Other Business

PLANNING AND DEVELOPMENT COMMITTEE
Members: Barbara Brenner, Todd Donovan, Carl Weimer
3 p.m. Tuesday, October 11, 2016
Council Chambers, 311 Grand Avenue

Committee Discussion and Recommendations to Council

1. Ordinance adopting the current state building code and repealing the existing Title 15 of the Whatcom County Code (AB2016-289)
   Pages 300 - 349

2. Resolution forwarding draft Shoreline Master Program amendments to the Department of Ecology for review (AB2016-270A)
   Pages 350 - 356

Other Business

SPECIAL COMMITTEE OF THE WHOLE
IMMEDIATELY FOLLOWING PLANNING AND DEVELOPMENT COMMITTEE
Tuesday, October 11, 2016
Council Conference Room, 311 Grand Avenue

Committee Discussion

1. Discussion with County Administration regarding a potential property acquisition for Park purposes (AB2016-018)
   [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.110 (1) (b)]
   Page 357

Other Business

COMMITTEE OF THE WHOLE
6:30 p.m. Tuesday, October 11, 2016
Council Conference Room, 311 Grand Avenue

Committee Discussion

1. Strategy planning discussion and positions to be taken regarding collective bargaining (AB2016-018)
   [Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.140 (4) (a)]
   Page 358

Other Business
COUNCIL AGENDA

REGULAR COUNCIL MEETING
7 p.m. Tuesday, October 11, 2016
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. Ordinance repealing Whatcom County Code Chapter 8.06, Smoking in the Workplace, and establishing Whatcom County Code Chapter 24.14, Smoking and Vaping in Public Places (AB2016-253) Pages 359 - 374
2. Resolution approving the Whatcom County 2017 Annual Construction Program (ACP) (AB2016-284) Pages 375 - 418
3. Ordinance adopting amendments to Whatcom County Code Title 20 Zoning, relating to commercial and industrial land uses in limited areas of more intensive rural development (AB2016-272) Pages 419 - 436
4. Ordinance amending certain election precinct boundaries and approving new precinct boundaries as necessary to the Book of Election Precinct Maps (AB2016-291) Pages 437 - 447
5. Ordinance amending Chapters 20.51, 20.71, 20.80, 20.85, 20.97 and Title 21 of the Whatcom County Code to make low impact development (LID), a stormwater and land use strategy that strives to mimic natural hydrologic processes, the preferred approach to site development by minimizing impervious surfaces, native vegetation loss, and stormwater runoff (AB2016-257) Pages 448 - 501

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. Resolution approving the 2017 recommended Convention Center allocations for tourism related facilities and activities as defined through RCW 67.28.1816 (AB2016-297) Pages 18 - 22
2. Request authorization for the County Executive to enter into a cooperative agreement between Whatcom County and the Commodity Credit Corporation for the Agricultural Conservation Easement Program, in the amount of $543,020 (AB2016-298)  
**Pages 23 - 47**

3. Request approval for the County Executive to award bid #16-50 and enter into a contract for the 2016 Swift Creek Removal Project to low bidder Strider Construction, in the amount of $357,724.50 (AB2016-299)  
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**Pages 61 - 66**

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**Pages 67 - 75**

**OTHER ITEMS**

(From Finance and Administrative Services Committee)

1. Ordinance closing the Superior Court Fourth Judge Courtroom Renovation Project Fund (AB2016-288)  
**Pages 3 - 5**

2. Resolution ordering the cancellation of unclaimed checks more than two years old (AB2016-296)  
**Pages 6 - 17**

(From Public Works, Health, and Safety Committee)

3. Resolution adopting an update to the Whatcom County Comprehensive Solid and Hazardous Waste Management Plan (AB2016-302)  
**Pages 76 - 296**

4. Resolution requesting the County Executive instruct the Planning and Development Services Department to convene a stakeholder group to review the current and proposed mitigation requirements related to the replacement of residential septic systems (AB2016-306)  
**Pages 297 - 299**

(From Planning and Development Committee)

5. Ordinance adopting the current state building code and repealing the existing Title 15 of the Whatcom County Code (AB2016-289)  
**Pages 300 - 349**

6. Resolution forwarding draft Shoreline Master Program amendments to the Department of Ecology for review (AB2016-270A)  
**Pages 350 - 356**

**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. Nomination and appointment to fill two vacancies on the Acme/Van Zandt Flood Subzone Advisory Committee - applicant(s): Galen Smith and John Stephens (AB2016-277) **(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)**  
**Pages 502 - 504**
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 Loni Rahm to the Lodging Tax Advisory Committee (AB2016-303)  
   Pages 505 - 506

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. Request for a major modification and a one year extension to the Lincoln Road Long Subdivision and Planned Unit Development (AB2015-172A)  
   Pages 507 - 526

2. Resolution extending the current Whatcom County Flood Control Zone District funding mechanism and level for the Samish Watershed Subzone (AB2016-304) (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)  
   Pages 527 - 529

3. Ordinance amending the 2016 Whatcom County Budget, sixteenth request, in the amount of $14,370 (AB2016-305)  
   Pages 530 - 537

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

ADJOURN
The next regular council meeting is scheduled for 7 p.m. October 25, 2016, in the County Council Chambers, 311 Grand Avenue.
AGENDA REVISION NOTICE
FOR OCTOBER 11, 2016
(DISTRIBUTED AT 11:50 A.M. ON OCTOBER 7, 2016)

THE FOLLOWING ITEM HAS BEEN ADDED TO PUBLIC WORKS, HEALTH, AND SAFETY COMMITTEE:

SPECIAL PRESENTATION

1. Presentation from Design 2 Last of building assessment studies and cost estimates for capital improvements at the Jail and Work Center (AB2016-307)

THE FOLLOWING ITEM HAS BEEN ADDED TO THE AFTERNOON SPECIAL COMMITTEE OF THE WHOLE:

COMMITTEE DISCUSSION

2. Discussion with Senior Deputy Prosecutor Karen Frakes regarding pending litigation, Hirst et al v. Whatcom County, GMHB Case No. 12-2-0013 (AB2014-018)
[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW42.30.110 (1) (i)]
No Paper

THE FOLLOWING ITEM HAS BEEN REMOVED FROM THE EVENING COUNCIL MEETING AGENDA AND WILL BE SCHEDULED FOR PUBLIC HEARING AT A LATER DATE (ITEM WILL REMAIN ON THE AGENDA FOR PLANNING AND DEVELOPMENT COMMITTEE):

1. Ordinance adopting the current state building code and repealing the existing Title 15 of the Whatcom County Code (AB2016-289)
Pages 300 - 349
THE FOLLOWING ITEM HAS BEEN DELETED FROM FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE AND COUNCIL:

Council "Consent Agenda" Items

2. Request authorization for the County Executive to enter into a cooperative agreement between Whatcom County and the Commodity Credit Corporation for the Agricultural Conservation Easement Program, in the amount of $543,020 (AB2016-298)

Pages 23–47