WHATCOM COUNTY COUNCIL

COUNCIL AGENDA
FOR SEPTEMBER 26, 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 RESOLUTIONS AND ORDINANCES
1984 - 2017 COMMITTEE MINUTES
1979 - 2017 COUNCIL MINUTES

UPCOMING MEETINGS AND EVENTS

OCTOBER 3, 2017
10:30 A.M. – HEALTH BOARD
COUNCIL CHAMBERS, 311 GRAND AVENUE

OCTOBER 10, 2017
REGULAR COUNCIL AND COMMITTEE MEETINGS
COUNCIL CHAMBERS, 311 GRAND AVENUE

TODAY'S SCHEDULE

9:30 A.M. – NATURAL RESOURCES COMMITTEE
11 A.M. – FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE
1:30 P.M. – COMMITTEE OF THE WHOLE (EXECUTIVE SESSION)
2:30 P.M. – PUBLIC WORKS, HEALTH, AND SAFETY COMMITTEE
IMMEDIATELY FOLLOWING PUBLIC WORKS, HEALTH, AND SAFETY COMMITTEE (START TIME NO LATER THAN 3 P.M.) - PLANNING AND DEVELOPMENT COMMITTEE
IMMEDIATELY FOLLOWING PLANNING AND DEVELOPMENT COMMITTEE (START TIME NO LATER THAN 3:30 P.M.) - SPECIAL COMMITTEE OF THE WHOLE (CRITICAL AREAS ORDINANCE)
COUNCIL COMMITTEE SCHEDULES

NATURAL RESOURCES COMMITTEE
Members: Todd Donovan, Satpal Sidhu, Carl Weimer
9:30 a.m. Tuesday, September 26, 2017
Council Chambers, 311 Grand Avenue

Committee Discussion

1. Discussion of a proposed ordinance adopting amendments to Whatcom County Code Title 17 Flood Damage Prevention (ordinance scheduled for introduction this evening) (AB2017-286)
   Pages 1 - 38
2. Follow-up discussion with Public Works regarding potential funding sources for Lake Whatcom programs (AB2017-251)
   Page 39

Committee Discussion and Recommendations to Council

1. Resolution requesting the County Executive develop a special funding district to fund water quality improvements in the unincorporated Lake Whatcom Watershed (AB2017-251A)
   Pages 40 - 42
2. Resolution affirming the PDR Oversight Committee’s ranking of applications and authorizing the Whatcom County Purchase of Development Rights Administrator and Whatcom County Executive to proceed with the acquisition of conservation easements on applications ranked 1 through 6 (AB2017-278)
   Pages 43 - 83

Other Business

FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE
Members: Rud Browne, Ken Mann, Satpal Sidhu
11 a.m. Tuesday, September 26, 2017
Council Chambers, 311 Grand Avenue

County Executive’s Report

Special Presentation

1. Whatcom County Information Technology Department to present semiannual report (AB2017-068)
   Page 84
2. Presentation by Bruce Harris & Associates, Inc. (BHA) on the proposed contract between BHA and Whatcom County to assist with converting existing Assessor’s Office mylar maps and processes to geographic information systems (AB2017-279)
   Page 85

Council "Consent Agenda" Items

1. Request authorization for the County Executive to enter into a contract between Whatcom County and Bruce Harris & Associates, Inc. for professional services to assist with converting existing Assessor’s Office mylar maps and processes to geographic information systems, in the amount of $758,750 (AB2017-279A)
   Pages 86 - 122
2. Request authorization for the County Executive to enter into a contract between Whatcom County and the Washington State Department of Ecology to provide a six-person crew to perform trail construction during summer 2018 as part of the Lake Whatcom Park Trail Development ASR #2017-5636, in the amount of $60,000 (AB2017-281)
   Pages 123 - 133

Committee Discussion and Recommendations to Council

1. Ordinance amending the 2017 Whatcom County Budget, eleventh request, in the amount of $34,028 (AB2017-268)
   Pages 134 - 143
2. Ordinance closing the South Pass Road/Saar Creek Bridge No. 212 Project Fund 370 (AB2017-269)  
   Pages 144 - 147
3. Ordinance closing the Slater Intersections, Imhoff and Ferndale Roads Project Fund 349  
   (AB2017-270)  
   Pages 148 - 151
4. Ordinance closing the Birch Bay-Lynden Road/Portal Way Signalization Improvements Project  
   Fund 341 (AB2017-271)  
   Pages 152 - 155
5. Ordinance closing the Dakota Creek Bridge No. 500 Project Fund 350 (AB2017-272)  
   Pages 156 - 159
6. Ordinance closing the Hannegan Road/Nooksack River Bridge No. 252 Project Fund 353  
   (AB2017-273)  
   Pages 160 - 163
7. Request authorization for the County Executive to enter into a contract between Whatcom  
   County and the Washington State Department of Ecology to provide a six-person crew to  
   perform habitat restoration and water quality work for Public Works, in the amount of $76,000  
   (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)  
   (AB2017-282)  
   Pages 164 - 175
8. Request authorization for the County Executive to enter into a joint funding agreement  
   between Whatcom County and United States Geological Survey for the ongoing operation and  
   maintenance of the County's six stream gages within the Nooksack River early flood warning  
   system, plus stream gages at the Nooksack River Everson Overflow and Jones Creek in Acme,  
   for early flood warning and flood response, in the amount of $113,720 (Council acting as the  
   Whatcom County Flood Control Zone District Board of Supervisors) (AB2017-283)  
   Pages 176 - 181

Other Business

COMMITTEE OF THE WHOLE  
1:30 p.m. Tuesday, September 26, 2017  
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 UGA (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

Other Business

PUBLIC WORKS, HEALTH, AND SAFETY COMMITTEE  
Members: Barbara Brenner, Todd Donovan, Ken Mann  
2:30 p.m. Tuesday, September 26, 2017  
Council Chambers, 311 Grand Avenue

Committee Discussion and Recommendations to Council

1. Resolution accepting the assessment roll of property within the boundaries of Whatcom County  
   Road Improvement District No. 7 (Emerald Lake Lighting District) and setting October 24,  
   2017, as the date for public hearing (AB2017-262A)  
   Pages 182 - 194
2. Resolution accepting the assessment roll of property within the boundaries of Whatcom County Road Improvement District No. 1 (Birch Bay Lighting District) and setting October 24, 2017, as the date for public hearing (AB2017-263A)  

**Pages 195 - 236**

Other Business

**PLANNING AND DEVELOPMENT COMMITTEE**  
**Members:** Barbara Brenner, Rud Browne, Carl Weimer  
Immediately Following Public Works, Health, and Safety Committee  
(meeting to begin no later than 3 p.m.)  
Tuesday, September 26, 2017  
Council Chambers, 311 Grand Avenue  

**Special Presentation**  
1. Planning and Development Services to present semiannual report (AB2017-068)  

**Page 84**

Other Business

**SPECIAL COMMITTEE OF THE WHOLE**  
Immediately Following Planning and Development Committee  
(meeting to begin no later than 3:30 p.m.)  
Tuesday, September 26, 2017  
Council Chambers, 311 Grand Avenue  

**Committee Discussion**  
1. Continuation of Council’s review of the 2016 Critical Areas Ordinance Update (AB2016-276K)  

**Pages 237 - 252**

Other Business
COUNCIL AGENDA

REGULAR COUNCIL MEETING
7 p.m. Tuesday, September 26, 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 council staff for our office files. Thank you.

MINUTES CONSENT

1. Special Committee of the Whole for June 13, 2017
   Pages 253 - 257
2. Committee of the Whole for June 13, 2017
   Pages 258 - 259
3. Regular County Council for June 13, 2017
   Pages 260 - 271
4. Special Committee of the Whole (AM) for June 27, 2017
   Pages 272 - 277
5. Committee of the Whole for June 27, 2017
   Pages 278 - 279
6. Special Committee of the Whole (PM) for June 27, 2017
   Pages 280 - 283
7. Regular County Council for June 27, 2017
   Pages 284 - 292
8. Special Committee of the Whole (AM) for July 11, 2017
   Pages 293 - 297
9. Special Committee of the Whole (PM) for July 11, 2017
   Pages 298 - 300
10. Regular County Council for July 11, 2017
    Pages 301 - 308
11. Surface Water Work Session for July 18, 2017
    Pages 309 - 310
12. Special Committee of the Whole for July 25, 2017
    Pages 311 - 317
13. Committee of the Whole for July 25, 2017
    Pages 318 - 320
    Pages 321 - 330
15. Board of Health for August 1, 2017
    Pages 331 - 334
16. Committee of the Whole for August 8, 2017
    Pages 335 - 336
17. Special Committee of the Whole for August 8, 2017
    Pages 337 - 342
18. Regular County Council for August 8, 2017
    Pages 343 - 348

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 amending Ordinance 2016-049 (first amendment) to modify the 2017 Whatcom County Unified Fee Schedule (AB2017-267)  
   **Pages 349 - 352**

2. Resolution approving the Whatcom County Six-Year Transportation Improvement Program for the years 2018 through 2023 (AB2017-261)  
   **Pages 353 - 470**

3. 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 (AB2016-256C)  
   **Pages 471 - 475**

**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. Council members 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 between Whatcom County and Bruce Harris & Associates, Inc. for professional services to assist with converting existing Assessor’s Office mylar maps and processes to geographic information systems, in the amount of $758,750 (AB2017-279A)  
   **Pages 86 - 122**

2. Request authorization for the County Executive to enter into a contract between Whatcom County and the Washington State Department of Ecology to provide a six-person crew to perform trail construction during summer 2018 as part of the Lake Whatcom Park Trail Development ASR #2017-5636, in the amount of $60,000 (AB2017-281)  
   **Pages 123 - 133**

**OTHER ITEMS**

(From Natural Resources Committee)

1. Resolution requesting the County Executive develop a special funding district to fund water quality improvements in the unincorporated Lake Whatcom Watershed (AB2017-251A)  
   **Pages 40 - 42**

2. Resolution affirming the PDR Oversight Committee’s ranking of applications and authorizing the Whatcom County Purchase of Development Rights Administrator and Whatcom County Executive to proceed with the acquisition of conservation easements on applications ranked 1 through 6 (AB2017-278)  
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(From Finance and Administrative Services Committee)
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   Pages 144 - 147
5. Ordinance closing the Slater Intersections, Imhoff and Ferndale Roads Project Fund 349 (AB2017-270)  
   Pages 148 - 151
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   Pages 152 - 155
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   Pages 156 - 159
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   Pages 164 - 175
10. Request authorization for the County Executive to enter into a joint funding agreement between Whatcom County and United States Geological Survey for the ongoing operation and maintenance of the County’s six stream gages within the Nooksack River early flood warning system, plus stream gages at the Nooksack River Everson Overflow and Jones Creek in Acme, for early flood warning and flood response, in the amount of $113,720 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors) (AB2017-283)  
    Pages 176 - 181

(From Public Works, Health, and Safety Committee)

11. Resolution accepting the assessment roll of property within the boundaries of Whatcom County Road Improvement District No. 7 (Emerald Lake Lighting District) and setting October 24, 2017, as the date for public hearing (AB2017-262A)  
    Pages 182 - 194
12. Resolution accepting the assessment roll of property within the boundaries of Whatcom County Road Improvement District No. 1 (Birch Bay Lighting District) and setting October 24, 2017, as the date for public hearing (AB2017-263A)  
    Pages 195 - 236

(No Committee Assignment)

13. Request from the Whatcom County Health Department for Council to authorize the North Sound Behavioral Health Organization (NSBHO) binding letter of intent for our region to become a mid-adopter with the option for a transitional year (2019) and full integration by 2020 (AB2017-284)  
    Pages 476 - 477
14. Resolution setting Whatcom County Council meeting dates for 2018 (AB2017-287)  
    Pages 478 - 479

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 Lummi Island Ferry Advisory Committee as a resident or property owner on Lummi Island, applicant: Beth Walukas Louis (AB2017-252)  
   Pages 480 - 483

**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. Appointment to the Open Space Advisory Committee, applicant: Paul Stermer (committee serves in an advisory capacity to the county assessor in implementing assessment guidelines as established by the department of revenue for the assessment of open space, farms and agricultural lands, and timber lands) (application deadline for any other applicants to this vacancy is 10 a.m. October 3, 2017) (AB2017-277)  
   Pages 484 - 487

2. Resolution approving the sale of a portion of surplus real property (AB2017-285)  
   Pages 488 - 494

3. Ordinance adopting amendments to Whatcom County Code Title 17 Flood Damage Prevention (AB2017-286)  
   Pages 1 - 38

4. Ordinance adopting interim amendments to the Whatcom County Comprehensive Plan and the 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 (AB2016-309G)  
   Pages 495 - 522

5. Resolution confirming the assessment roll for property within the boundaries of Whatcom County Road Improvement District No. 7 (Emerald Lake Lighting District) and remanding roll to the County Treasurer for collection (AB2017-262B)  
   Pages 523 - 535

6. Resolution confirming the assessment roll for property within the boundaries of Whatcom County Road Improvement District No. 1 (Birch Bay Lighting District) and remanding roll to the County Treasurer for collection (AB2017-263B)  
   Pages 536 - 577

7. 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 ballistic vests from funds provided by the Edward Byrne Memorial Justice Assistance Grant Program, in the amount of $13,113 (AB2017-280)  
   Pages 578 - 590

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

**ADJOURN**

The next regular council meeting is scheduled for 7 p.m. October 10, 2017 in the County Council Chambers, 311 Grand Avenue.
WHATCOM COUNTY COUNCIL

AGENDA REVISION NOTICE
FOR SEPTEMBER 26, 2017
(DISTRIBUTED AT 10:45 A.M. ON SEPTEMBER 26, 2017)

THE FOLLOWING ITEM HAS BEEN REMOVED FROM INTRODUCTION:

2. Resolution approving the sale of a portion of surplus real property (AB2017-285)

Pages 488 - 494

PLEASE NOTE FOR TONIGHT’S MEETING:

1. DOORS TO THE COUNCIL CHAMBERS WILL OPEN AT 6 P.M.

2. AUDIENCE MEMBERS WHO WISH TO SPEAK AT ONE OF THE SCHEDULED PUBLIC HEARINGS SHOULD SIGN UP AT THE BACK OF THE ROOM PRIOR TO THE BEGINNING OF THE MEETING. SIGN UP IS ALLOWED ON AN INDIVIDUAL BASIS ONLY. SIGNING UP FOR OTHERS IN PROHIBITED.