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1 WHATCOM COUNTY COUNCIL
2 **Regular County Council Meeting**
3

4 October 10, 2017
5

6 **CALL TO ORDER**
7

8 Council Chair Barry Buchanan called the meeting to order at 7:02 p.m. in the Council
9 Chambers, 311 Grand Avenue, Bellingham, Washington.
10

11
12 **ROLL CALL**
13

14 **Present:** Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd
15 Donovan, Rud Browne and Barry Buchanan.

16 **Absent:** None.
17

18
19 **FLAG SALUTE**
20

21
22 **ANNOUNCEMENTS**
23

24
25 **PUBLIC HEARINGS**
26

- 27 **1. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN**
28 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF**
29 **BELLINGHAM TO PURCHASE BALLISTIC VESTS FROM FUNDS PROVIDED BY**
30 **THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, IN**
31 **THE AMOUNT OF \$13,113 (AB2017-280)**
32

33 Buchanan opened the public hearing, and hearing no one, closed the public hearing.
34

35 ***Brenner moved*** to approve the request.
36

37 The motion was seconded.
38

39 The motion carried by the following vote:

40 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

41 **Nays:** None (0)
42

- 43 **2. ORDINANCE ADOPTING AMENDMENTS TO WHATCOM COUNTY CODE TITLE**
44 **17 FLOOD DAMAGE PREVENTION (AB2017-286)**
45

46 Paula Harris, Public Works Department, described the substitute pages that fix
47 scrivener's errors.
48

49 Buchanan opened the public hearing, and hearing no one, closed the public hearing.
50

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1 *Donovan moved* to adopt the ordinance.

2
3 The motion was seconded.

4
5 The motion carried by the following vote:

6 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

7 **Nays:** None (0)

8
9 **3. ORDINANCE ADOPTING INTERIM AMENDMENTS TO THE WHATCOM COUNTY**
10 **COMPREHENSIVE PLAN AND THE WHATCOM COUNTY CODE TITLE 15**
11 **BUILDINGS AND CONSTRUCTION, TITLE 20 ZONING, TITLE 21 LAND**
12 **DIVISION REGULATIONS AND TITLE 24 HEALTH CODE, RELATING TO**
13 **WATER RESOURCES (AB2016-309G)**

14
15 Mark Personius, Planning and Development Services Department, referenced and
16 read from a staff report in the Council packet. The State legislature has not moved forward
17 on a fix for the Hirst Decision.

18
19 Buchanan opened the public hearing, and the following people spoke:

20
21 John Westerfield stated he is opposed to the moratorium. The average Nooksack
22 River flow was drawn according to the median flow, not the average flow, which is
23 inappropriate. Wells use little water, and most of it goes back into the ground.

24
25 Brett Espy stated the County must support the rural landowners caught in the mess.
26 The State legislature won't fix the problem. Explore the idea of fighting the Hirst Decision.

27
28 Anton Karuza described the impact of the Hirst Decision on his property. Look at
29 real science, not political science.

30
31 Kathy Sabel stated she is opposed to the moratorium and they must all listen and
32 compromise.

33
34 Roger Almskaar stated he represents landowners who are impacted by the Hirst
35 Decision. He supports net-zero mitigation. Include language that allows them flexibility as
36 science advances.

37
38 Karen Brown stated the water resources inventory area (WRIA) 1 Nooksack Basin
39 has not been adjudicated, so senior water rights can't be determined. She does not support
40 the ordinance. Review the rule of instream flow, which is wrong. Do not use Economic
41 Development Investment (EDI) funding for anything related to water.

42
43 Linda Twitchell, Building Industry Association, stated option 2 as described in the
44 staff memo is the best option. Revisit the calculation for determining instream flow, which
45 uses the median. Look at the minimum instream flow figure. Do not choose option 3. Have
46 a public meeting in a rural area.

47
48 Wendy Harris stated property rights aren't connected to water rights. There should
49 be better disclosure about that when people buy property. The county is out of water and

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1 cannot sustain infinite growth with finite resources. They must understand the strain on the
2 water system and catalog what they have. Keep the ecosystem healthy.
3

4 Robin Dexter stated he supports the staff option to pursue a local settlement. Hire a
5 lobbyist or work with Department of Ecology to rationalize the water rights database and
6 achieve water rights banking. Find out what water they have and figure out how to
7 measure water use. Get started on a comprehensive solution.
8

9 Max Perry stated the Council can begin adjudication activity. They have water, but
10 they don't know how much. Begin mitigating for the water.
11

12 Todd Bell described the impact of the Hirst Decision on his property and stated the
13 cities shouldn't be able to expand and grow if they're out of water. The intent of the
14 decision is to stop development, which is a government taking.
15

16 Jay Markarian stated he is in the process of calculating how much rain there is and
17 how it's used. Limiting growth this way will prevent other social services. Protect the
18 citizens.
19

20 Stan Levinson described the impact of the critical areas ordinance on his property.
21

22 Mary Beth Teigrob stated she is opposed to government regulations on private
23 property.
24

25 Hearing no one else, Buchanan closed the public hearing.
26

27 ***Weimer moved*** to adopt the ordinance.
28

29 The motion was seconded.
30

31 Councilmembers discussed the beneficial uses of wells; the City of Bellingham
32 putting unused water into the bay; protecting the people in Whatcom County, especially if
33 they have a vested permit; the County's efforts to fight the lawsuit; the decision from the
34 Supreme Court; solutions from mitigation and lobbying state legislators; the impact of
35 adjudication making things worse; the need for compromise; abiding by the rule of law and
36 honoring the councilmembers' oaths of office; and setting aside politics during an election
37 cycle to focus on people who are suffering due to the Hirst Decision.
38

39 The motion carried by the following vote:

40 **Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

41 **Nays:** Brenner (1)
42
43

44 **OPEN SESSION**

45
46 The following people spoke:

- 47 • Gwen Hunter spoke about the critical areas ordinance update (AB2016-276L)
48 and best available science.
- 49 • Kathryn Grant submitted a handout (*on file*) and spoke about incarceration
50 and mental health.

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- 1 • Karen Brown spoke about her public records request of the State Supreme
- 2 Court.
- 3 • Joseph McDowell spoke about religious differences of Bellingham citizens.
- 4 • Todd Bell spoke about the public hearing process being a one-sided discussion
- 5 and about the Ordinance Adopting Interim Amendments to the Whatcom
- 6 County Comprehensive Plan and the Whatcom County Code Title 15 Buildings
- 7 and Construction, Title 20 Zoning, Title 21 Land Division Regulations and Title
- 8 24 Health Code, relating to water resources (AB2016-309G).
- 9 • John Westerfield spoke about State legislators who don't respond to the
- 10 citizens and stalled legislation in Olympia regarding the Hirst Decision.
- 11 • Carole Perry spoke about citizens working with the County and with State
- 12 legislators on water issues.
- 13 • John Campbell spoke about the critical areas ordinance update and the impact
- 14 of the Growth Management Act.
- 15 • Kathy Sabel spoke about identifying the facts before coming up with a
- 16 solution to the Hirst Decision.
- 17 • Wendy Harris spoke about the critical areas ordinance update (AB2016-276L)
- 18 and best available science.
- 19 • Stan Levinson spoke about how the critical areas ordinance requirements
- 20 impact his property.
- 21

22 Councilmembers discussed contacting State legislators about State legislative
23 solutions to the Hirst Decision.

24
25 **CONSENT AGENDA**

26
27 **Browne** reported for the Finance and Administrative Services Committee and
28 **moved** to approve Consent Agenda items one through four.

29
30 The motion was seconded.

31
32 The motion carried by the following vote:

33 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

34 **Nays:** None (0)

- 35
- 36 **1. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD BID #17-53**
- 37 **FOR THE REPLACEMENT OF ONE HYDROSTATICALLY DRIVEN CHIP**
- 38 **SPREADER TO THE SOLE BIDDER, PACWEST MACHINERY, IN THE AMOUNT**
- 39 **OF \$290,449.91 (AB2017-290)**
- 40
- 41 **2. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO AWARD BID #17-58**
- 42 **FOR THE REPLACEMENT OF ONE TRUCK-MOUNTED WATER TANK TO LOW**
- 43 **BIDDER, RANDCO TANKS, IN THE AMOUNT OF \$58,568.16 (AB2017-291)**
- 44
- 45 **3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
- 46 **CONTRACT BETWEEN WHATCOM COUNTY AND BROWN & CALDWELL**
- 47 **ENVIRONMENTAL ENGINEERS & CONSULTANTS FOR LAKE WHATCOM**
- 48 **TRIBUTARY MONITORING, WATER YEARS 2018-2020, IN THE AMOUNT OF**
- 49 **\$279,779 (AB2017-292)**
- 50

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- 1 4. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A
2 GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND THE WASHINGTON
3 STATE DEPARTMENT OF ECOLOGY TO FUND ADMINISTRATIVE AND ACTION
4 PROJECTS FOR THE WHATCOM COUNTY MARINE RESOURCES COMMITTEE
5 THROUGH THE PERIOD OF OCTOBER 1, 2017, THROUGH SEPTEMBER 30,
6 2018, IN THE AMOUNT OF \$74,000 (AB2017-293)
7
8

9 **OTHER ITEMS**

- 10
11 1. RESOLUTION ORDERING THE CANCELLATION OF UNCLAIMED CHECKS MORE
12 THAN TWO YEARS OLD (AB2017-289)
13

14 *Browne* reported for the Finance and Administrative Services Committee and
15 *moved* to approve the resolution.
16

17 The motion was seconded.
18

19 The motion carried by the following vote:

20 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

21 **Nays:** None (0)
22

- 23 2. APPOINTMENT OF TWO COUNCILMEMBERS TO SERVE ON THE RESERVE
24 OFFICERS RETIREMENT BOARD OF TRUSTEES (AB2017-299)
25

26 *Brenner moved* to nominate and appoint herself.
27

28 The motion was seconded.
29

30 (*Councilmember Brenner's motion was not voted on.*)
31

32 *Buchanan moved* to nominate and appoint Councilmembers Brenner and Sidhu.
33

34 The motion was seconded.
35

36 The motion carried by the following vote:

37 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

38 **Nays:** None (0)
39
40

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

- 42
43 1. APPOINTMENT TO THE OPEN SPACE ADVISORY COMMITTEE, APPLICANT:
44 PAUL STERMER (AB2017-277)
45

46 *Mann moved* to appoint Paul Stermer.
47

48 The motion was seconded.
49

50 The motion carried by the following vote:

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1 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
2 **Nays:** None (0)
3
4

5 **INTRODUCTION ITEMS**
6

7 Buchanan described a scrivener's error that will be changed in the final version of
8 item two.
9

10 Donovan withdrew item eight.

11 Weimer withdrew item seven.

12 ***Browne moved*** to accept Introduction Items one through six.

13 The motion was seconded.

14 The motion to approve Introduction Items one through six carried by the following
15 vote:
16

17 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
18 **Nays:** None (0)
19

- 20 **1. RESOLUTION APPROVING THE SALE OF A PORTION OF SURPLUS REAL**
21 **PROPERTY (AB2017-285)**
22
23 **2. RESOLUTION APPROVING THE WHATCOM COUNTY 2018 ANNUAL**
24 **CONSTRUCTION PROGRAM (AB2017-294)**
25
26 **3. RESOLUTION ADOPTING THE SIX-YEAR WATER RESOURCES IMPROVEMENT**
27 **PROGRAM FOR 2018-2023 (COUNCIL ACTING AS THE WHATCOM COUNTY**
28 **FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS) (AB2017-295)**
29
30 **4. ORDINANCE AMENDING THE WHATCOM COUNTY BUDGET, TWELFTH**
31 **REQUEST, IN THE AMOUNT OF \$1,229,376 (AB2017-296)**
32
33 **5. ORDINANCE REPEALING ORDINANCE NO. 96-008, ACCIDENT PREVENTION**
34 **PROGRAM (AB2017-297)**
35
36 **6. ORDINANCE AMENDING ORDINANCE NO. 2014-085 (ESTABLISHMENT OF**
37 **THE INTEGRATED LAND RECORDS AND PERMIT MANAGEMENT SYSTEM FUND**
38 **AND ESTABLISHING A PROJECT BASED BUDGET FOR INTEGRATED LAND**
39 **RECORDS AND PERMIT MANAGEMENT SYSTEM PROJECTS) TO APPROPRIATE**
40 **FUNDING FOR A NEW PERMIT SYSTEM PROJECT (AB2017-298)**
41
42 **7. ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 10.04, SPEED**
43 **LIMITS, TO ESTABLISH THE SPEED LIMIT FOR A PORTION OF NORTH SHORE**
44 **ROAD (AB2017-196A)**
45

46 ***Brenner*** reported for the Public Works, Health, and Safety Committee and ***moved***
47 to accept version four.
48
49
50

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1
2 The motion was seconded.

3
4 Councilmembers discussed the speed limits.

5
6 **Brenner moved** to approve version four of the ordinance, which includes a no
7 passing zone, with an amendment to designate the following speed limits:

- 8
 - 35 mph on North Shore Road from Y Road easterly to Lakeshore
 - 30 mph on North Shore Road from Lakeshore Road easterly to the westerly
9 side of Smith Creek

10
11
12 The motion was seconded.

13
14 The motion carried by the following vote:

15 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

16 **Nays:** None (0)

17
18 **8. ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 16.16**
19 **(CRITICAL AREAS) AND WHATCOM COUNTY CODE CHAPTER 23.10**
20 **(SHORELINE MANAGEMENT PROGRAM – PURPOSE AND INTENT)**
21 **PERTAINING TO THE PROTECTION AND REGULATION OF**
22 **ENVIRONMENTALLY CRITICAL AREAS (AB2016-276L)**

23
24 **Browne moved** to refer to Committee of the Whole

25
26 The motion was seconded.

27
28 The motion carried by the following vote:

29 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

30 **Nays:** None (0)

31
32
33 **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

34
35 Councilmembers gave updates on recent activities and upcoming events.

36
37 **ADJOURN**

38
39 The meeting adjourned at 9:03 p.m.

40
41 The County Council approved these minutes on _____, 2018.

42
43
44 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

45
46
47
48
49 _____
50 Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

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WHATCOM COUNTY COUNCIL
Special Committee of the Whole

October 24, 2017

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 2:25 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd Donovan, Rud Browne and Barry Buchanan.

Absent: None.

COMMITTEE DISCUSSION

1. DISCUSSION REGARDING A PROPOSED ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 16.16 (CRITICAL AREAS) AND WHATCOM COUNTY CODE CHAPTER 23.10 (SHORELINE MANAGEMENT PROGRAM – PURPOSE AND INTENT) PERTAINING TO THE PROTECTION AND REGULATION OF ENVIRONMENTALLY CRITICAL AREAS (AB2016-276L)

Cliff Strong, Planning and Development Services Department, referenced and read from a staff report in the Council packet regarding the best available science (BAS) report. No action is necessary today. He answered questions.

Ryan Ericson, Planning and Development Services Department, answered questions.

Staff answered questions and the committee discussed allowing small hobby farms to be exempt from farm plan requirements, how they choose which studies to incorporate as best available science, hazardous areas and uses that do not require human habitation, how permit compliance is established on a case-by-case basis, giving the technical administrator the authority to make decisions, using existing naturalized ponds for fire suppression or stormwater management, and whether the Council can make policy decisions despite the best available science.

Browne moved to hold in committee for two weeks the discussion of ongoing agriculture.

The motion was seconded.

The motion carried by the following vote:

Ayes: Mann, Sidhu, Browne, and Buchanan (4)

Nays: Brenner, Weimer, and Donovan (3)

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1 Strong continued the staff report and answered questions on the Conservation
2 Program on Agriculture Lands (CPAL), including the appropriate animal unit-per-acre
3 threshold to minimize impacts to water quality.

4
5 **Donovan moved** to delete subsection 16.16.814.

6
7 The motion was seconded.

8
9 Brenner moved to amend to one animal unit per grazable acre. The motion was not
10 seconded.

11
12 **Browne moved** to hold the motion in committee for two weeks to get more
13 feedback from the agricultural community.

14
15 **Donovan accepted the motion** as a friendly amendment.

16
17 The amended motion was seconded.

18
19 Dannon Traxler, agricultural community representative, stated she supports holding
20 the motion for two weeks so the community can develop a recommendation for alternative
21 language.

22
23 The motion carried by the following vote:

24 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan and Donovan (6)

25 **Nays:** Weimer (1)

26
27 Councilmembers discussed exemptions for small orchards and other row crops and a
28 citizen letter suggesting amendments to subsections lahar hazard areas.

29
30 Seth Woolson, attorney, referenced his October 9, 2017 letter to the committee
31 about indemnification language and the impact of his suggested language.

32
33 Councilmembers discussed the processes for completing the critical areas ordinance
34 update and for amending the shoreline plan.

35
36 Buchanan stated this item will be held in Committee for two weeks.

37
38
39 **COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL**

40
41 **1. RESOLUTION ESTABLISHING A HOMELESS STRATEGIES WORKGROUP**
42 **(AB2017-300)**

43
44 Councilmembers discussed collaborating with City of Bellingham officials to draft the
45 resolution, making sure the group doesn't automatically approve or endorse a City policy
46 without assessing its merit, and creating a sunset date and timeframe for the work group.

47
48 **Brenner moved** to amend the second Whereas statement, "~~and~~ **reduce**
49 homelessness."

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1 The motion was seconded

2
3 The motion carried by the following vote:

4 **Ayes:** Brenner, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

5 **Nays:** None (0)

6 **Absent:** Mann (out of the room) (1)

7
8 ***Buchanan moved*** to amend to add a representative from the Bellingham/Whatcom
9 Chamber of Commerce.

10
11 The motion was seconded.

12
13 The motion carried by the following vote:

14 **Ayes:** Brenner, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

15 **Nays:** None (0)

16 **Absent:** Mann (out of the room) (1)

17
18 Councilmembers discussed whether this work involves the small cities.

19
20 ***Donovan moved*** to recommend approval as amended.

21
22 The motion was seconded.

23
24 The motion carried by the following vote:

25 **Ayes:** Brenner, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

26 **Nays:** None (0)

27 **Absent:** Mann (out of the room) (1)

28
29
30 **OTHER BUSINESS**

31
32 There was no other business.

33
34
35 **ADJOURN**

36
37 The meeting adjourned at 4:00 p.m.

38
39 The Council approved these minutes on _____, 2018.

40
41 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

42
43
44
45
46
47 _____
Dana Brown-Davis, Council Clerk

48
49
50

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2 **Regular County Council Meeting**
3

4 October 24, 2017
5

6 **CALL TO ORDER**
7

8 Council Chair Barry Buchanan called the meeting to order at 7:00 p.m. in the Council
9 Chambers, 311 Grand Avenue, Bellingham, Washington.
10

11
12 **ROLL CALL**
13

14
15 **Present:** Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd
16 Donovan, Rud Browne and Barry Buchanan.

17 **Absent:** None.
18

19
20 **FLAG SALUTE**
21

22
23 **ANNOUNCEMENTS**
24

25
26 **PUBLIC HEARINGS**
27

28 **1. RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR PROPERTY WITHIN**
29 **THE BOUNDARIES OF WHATCOM COUNTY ROAD IMPROVEMENT DISTRICT**
30 **NO. 7 (EMERALD LAKE LIGHTING DISTRICT) AND REMANDING ROLL TO THE**
31 **COUNTY TREASURER FOR COLLECTION (COUNCIL ACTING AS THE BOARD OF**
32 **EQUALIZATION) (AB2017-262B)**
33

34 Buchanan opened the public hearing, and the following people spoke:
35

36 Wendell Poole, Emerald Lake Property Owners Association Board, stated all current
37 board members approve the slight increase in the assessment and a project to upgrade the
38 lighting system.
39

40 John Suzanski described the background of the district and stated residents approve
41 the upgrade as long as the wattage stays low.
42

43 Mike Webb described the history of the district and light system and stated he
44 approves of the rate increase. He answered questions on plans for capital replacement of
45 the light fixtures.
46

47 Hearing no one else, Buchanan closed the public hearing.
48

49 Randy Rydel, Public Works Department, gave a staff report and stated these lights
50 are maintained by Puget Sound Energy (PSE). The bill covers electrical cost and light

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1 fixture maintenance. He answered questions on the process for the Board of Equalization
2 and staff to make changes.
3

4 ***Mann moved*** to approve the resolution.
5

6 The motion was seconded.
7

8 Councilmembers discussed how to determine whether the assessment is just and
9 equitable and the reason this has to come to the Council, acting as the Board of
10 Equalization, for approval.
11

12 The motion carried by the following vote:

13 **Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

14 **Nays:** Brenner (1)
15

16 **2. RESOLUTION CONFIRMING THE ASSESSMENT ROLL FOR PROPERTY WITHIN**
17 **THE BOUNDARIES OF WHATCOM COUNTY ROAD IMPROVEMENT DISTRICT**
18 **NO. 1 (BIRCH BAY LIGHTING DISTRICT) AND REMANDING ROLL TO THE**
19 **COUNTY TREASURER FOR COLLECTION (COUNCIL ACTING AS THE BOARD OF**
20 **EQUALIZATION) (AB2017-263B)**
21

22 Buchanan opened the public hearing, and hearing no one, closed the public hearing.
23

24 ***Mann moved*** to approve the resolution.
25

26 The motion was seconded.
27

28 The motion carried by the following vote:

29 **Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

30 **Nays:** Brenner (1)
31

32 **3. RESOLUTION APPROVING THE SALE OF A PORTION OF SURPLUS REAL**
33 **PROPERTY (AB2017-285)**
34

35 Buchanan opened the public hearing, and the following person spoke:
36

37 Jim Cornelius stated he supports the resolution and described the property. They
38 should attach a restriction to the property to limit tree removal.
39

40 Hearing no one else, Buchanan closed the public hearing.
41

42 ***Brenner moved*** to approve the resolution.
43

44 The motion was seconded.
45

46 The motion carried by the following vote:

47 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

48 **Nays:** None (0)
49

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1 4. RESOLUTION APPROVING THE WHATCOM COUNTY 2018 ANNUAL
2 CONSTRUCTION PROGRAM (AB2017-294)
3

4 Buchanan opened the public hearing, and hearing no one, closed the public hearing.

5
6 ***Brenner moved*** to approve the resolution.

7
8 The motion was seconded.

9
10 Browne withdrew project item three, Horton Road, to vote on separately.

11 The motion to approve the resolution, except project number three, carried by the
12 following vote:
13

14 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

15 **Nays:** None (0)
16

17 ***Mann moved*** to approve project item three.

18
19 The motion was seconded.

20
21 The motion to approve project item three, carried by the following vote:

22 **Ayes:** Brenner, Mann, Sidhu, Buchanan, Weimer and Donovan (6)

23 **Nays:** None (0)

24 **Abstains:** Browne (1)
25

26 5. RESOLUTION ADOPTING THE SIX-YEAR WATER RESOURCES IMPROVEMENT
27 PROGRAM FOR 2018-2023 (COUNCIL ACTING AS THE WHATCOM COUNTY
28 FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS) (AB2017-295)
29

30 Buchanan opened the public hearing, and hearing no one, closed the public hearing.

31
32 ***Browne moved*** to approve the resolution.

33
34 The motion was seconded.

35
36 The motion carried by the following vote:

37 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

38 **Nays:** None (0)
39

40 6. ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 10.04, SPEED
41 LIMITS, TO ESTABLISH THE SPEED LIMIT FOR A PORTION OF NORTH SHORE
42 ROAD (AB2017-196A)
43

44 Buchanan opened the public hearing, and hearing no one, closed the public hearing.

45
46 ***Brenner moved*** to approve the resolution.

47
48 The motion was seconded.
49

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1 Councilmembers discussed whether keeping the speed limit would be more
2 consistent.
3

4 The motion carried by the following vote:

5 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, and Weimer (6)

6 **Nays:** Donovan (1)
7
8

9 **OPEN SESSION**

10 The following people spoke:

- 11 • Joseph McDowell spoke about religious people in Bellingham.
- 12 • Christopher Deile spoke about the Whatcom County Humane Society not
13 responding to complaints about unrestrained dogs in a parked truck and the
14 police falsely asserting he has mental problems.
- 15 • Leslie Honcoop, Whatcom County Farm Bureau, spoke about the critical areas
16 ordinance update and exemptions from farm plans for youth groups.
- 17 • Pam Brady, BP Cherry Point Refinery, spoke about Consent Agenda item 3
18 regarding the contract amendment to Cascadia Law Group.
19

20
21
22 **CONSENT AGENDA**

23
24 **Browne** reported for the Finance and Administrative Services Committee and
25 *moved* to approve Consent Agenda items one through three.

26
27 Brenner withdrew items two and three.
28

29 **1. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
30 **GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND WASHINGTON**
31 **STATE MILITARY DEPARTMENT TO SUSTAIN AND ENHANCE THE WHATCOM**
32 **COUNTY SHERIFF'S OFFICE DIVISION OF EMERGENCY MANAGEMENT**
33 **PROGRAM, IN THE AMOUNT OF \$72,508 (AB2017-305)**
34

35 **Browne** reported for the Finance and Administrative Services Committee and
36 *restated the motion* to approve the request.
37

38 The motion carried by the following vote:

39 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

40 **Nays:** None (0)
41

42 **2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
43 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND RESOURCES TO**
44 **IMPLEMENT A COUNTYWIDE WASTE REDUCTION AND RECYCLING**
45 **EDUCATION PROGRAM FOR YOUTH AT THE ELEMENTARY, MIDDLE, AND**
46 **HIGH SCHOOL LEVELS, IN THE AMOUNT OF \$50,000, FOR A TOTAL AMENDED**
47 **CONTRACT AMOUNT OF \$170,000 (AB2017-306)**
48

49 **Browne** reported for the Finance and Administrative Services Committee and
50 *restated the motion* to approve the request.

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1
2 Councilmembers discussed whether it's appropriate for the County to have a contract
3 with this business, which has been politically outspoken on other issues.
4

5 The motion carried by the following vote:

6 **Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

7 **Nays:** Brenner (1)
8

9 **3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A**
10 **CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND CASCADIA LAW**
11 **GROUP PLLC TO CONDUCT THE STUDY AND MAKE RECOMMENDATIONS**
12 **REQUIRED BY WHATCOM COUNTY COMPREHENSIVE PLAN POLICY 2CC-16,**
13 **IN THE AMOUNT OF \$25,000, FOR A TOTAL AMENDED CONTRACT AMOUNT**
14 **OF \$65,000 (AB2017-301)**
15

16 **Browne** reported for the Finance and Administrative Services Committee and
17 **restated the motion** to approve the substitute contract.
18

19 Councilmembers discussed whether it's appropriate to allocate more money to this
20 contractor, the difference between the budgeted and actual expenses, and the nature of the
21 executive discussions to get legal advice.
22

23 The motion carried by the following vote:

24 **Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

25 **Nays:** Brenner (1)
26
27

28 **OTHER ITEMS**

29
30 **1. ORDINANCE AMENDING THE 2017 WHATCOM COUNTY BUDGET, TWELFTH**
31 **REQUEST, IN THE AMOUNT OF \$1,229,376 (AB2017-296)**
32

33 **Browne** reported for the Finance and Administrative Services Committee and
34 **moved** to adopt the ordinance.
35

36 The motion carried by the following vote:

37 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

38 **Nays:** None (0)
39

40 **2. ORDINANCE AMENDING ORDINANCE NO. 2014-085 (ESTABLISHMENT OF**
41 **THE INTEGRATED LAND RECORDS AND PERMIT MANAGEMENT SYSTEM FUND**
42 **AND ESTABLISHING A PROJECT BASED BUDGET FOR INTEGRATED LAND**
43 **RECORDS AND PERMIT MANAGEMENT SYSTEM PROJECTS) TO APPROPRIATE**
44 **FUNDING FOR A NEW PERMIT SYSTEM PROJECT (AB2017-298)**
45

46 **Browne** reported for the Finance and Administrative Services Committee and
47 **moved** to adopt the ordinance.
48

49 The motion carried by the following vote:

50 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

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1 **Nays:** None (0)
2

3 **3. RESOLUTION ADOPTING A SALARY SCHEDULE AND POLICIES FOR**
4 **UNREPRESENTED WHATCOM COUNTY EMPLOYEES, EFFECTIVE JANUARY 1,**
5 **2018, THROUGH DECEMBER 31, 2018 (AB2017-302)**
6

7 **Browne** reported for the Finance and Administrative Services Committee and
8 **moved** to approve the resolution.
9

10 The motion carried by the following vote:

11 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

12 **Nays:** None (0)
13

14 **4. RESOLUTION ORDERING THE CANCELLATION OF ACCOUNTS RECEIVABLE**
15 **MORE THAN THREE YEARS OLD (AB2017-303)**
16

17 **Browne** reported for the Finance and Administrative Services Committee and
18 **moved** to approve the resolution.
19

20 The motion carried by the following vote:

21 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

22 **Nays:** None (0)
23

24 **5. RESOLUTION ORDERING THE CANCELLATION OF CHECKS (WARRANTS)**
25 **MORE THAN A YEAR OLD (AB2017-304)**
26

27 **Browne** reported for the Finance and Administrative Services Committee and
28 **moved** to approve the resolution.
29

30 The motion carried by the following vote:

31 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

32 **Nays:** None (0)
33

34 **6. ORDINANCE REPEALING ORDINANCE NO. 96-008, ACCIDENT PREVENTION**
35 **PROGRAM (AB2017-297)**
36

37 **Browne** reported for the Finance and Administrative Services Committee and
38 **moved** to adopt the ordinance.
39

40 The motion carried by the following vote:

41 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

42 **Nays:** None (0)
43

44 **7. RESOLUTION ESTABLISHING A HOMELESS STRATEGIES WORKGROUP**
45 **(AB2017-300)**
46

47 **Buchanan** reported for the Special Committee of the Whole and **moved** to approve
48 the substitute resolution.
49

50 The motion carried by the following vote:

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1 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
2 **Nays:** None (0)
3

4 *(Discussion of this item continued under Committee Reports, Other Items, and*
5 *Councilmember Updates.)*
6

7 **EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**
8

9 **1. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S APPOINTMENT OF**
10 **DAVID KINCHELOE TO THE WHATCOM COUNTY BEHAVIORAL HEALTH**
11 **ADVISORY COMMITTEE (AB2017-307)**
12

13 ***Mann moved*** to confirm the appointment.
14

15 The motion was seconded.
16

17 The motion carried by the following vote:

18 **Ayes:** Brenner, Mann, Sidhu, Buchanan, Weimer and Donovan (6)
19 **Nays:** None (0)
20 **Absent:** Browne (out of the room) (1)
21

22 **INTRODUCTION ITEMS**
23

24 **1. RESOLUTION APPROVING THE SALE OF AN EASEMENT (AB2017-308)**
25

26 ***Brenner moved*** to introduce the resolution.
27

28 The motion was seconded.
29

30 The motion carried by the following vote:

31 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
32 **Nays:** None (0)
33
34
35

36 **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**
37

38 Donovan reported for the Natural Resources Committee.
39

40 Browne reported for the Finance and Administrative Services Committee.
41

42 **DISCUSSION WITH SENIOR DEPUTY PROSECUTOR CHRISTOPHER QUINN**
43 **REGARDING PENDING LITIGATION INVOLVING CLAIMS AGAINST ELECTED**
44 **OFFICIALS ACTING WITHIN THEIR OFFICIAL DUTIES: PROSECUTING ATTORNEY,**
45 **COUNTY EXECUTIVE, AND SHERIFF (WHATCOM COUNTY CAUSE NO. 17-2-01983-2)**
46 **(AB2017-018)**
47

48 Buchanan reported for the Committee of the Whole and stated the Council met
49 earlier today in executive session concerning a civil lawsuit filed in Whatcom County
50 Superior Court, case number 17-2-01983-2. Pursuant to WCC Chapter 2.56 and RCW

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1 4.96.041, the Council must find that the actions of each County official named in the suit
2 meets the criteria set out in WCC 2.56.030 in order to authorize legal defense by the County
3 for each named official. Therefore, the Council must vote on whether or not legal defense
4 by the County will be provided based upon the criteria listed in WCC 2.56.030.

5
6 ***Browne moved*** to approve the findings as stated above.

7
8 The motion carried by the following vote:

9 **Ayes:** Brenner, Sidhu, Browne, Donovan and Weimer (5)

10 **Nays:** Mann and Buchanan (2)

11
12 Councilmembers gave updates on recent activities and upcoming events.

13
14 **RESOLUTION ESTABLISHING A HOMELESS STRATEGIES WORKGROUP (AB2017-
15 300)**

16 Buchanan nominated himself and Councilmember Browne to be a member of the
17 Homeless Strategy Group.

18
19 The motion carried by the following vote:

20 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

21 **Nays:** None (0)

22
23
24 **ADJOURN**

25
26 The meeting adjourned at 8:02 p.m.

27
28 The County Council approved these minutes on _____, 2018.

29
30
31 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

32
33
34
35
36 _____
37 Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

38
39
40
41 _____
42 Jill Nixon, Minutes Transcription

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WHATCOM COUNTY COUNCIL
Special Committee of the Whole

November 8, 2017

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 2:49 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd Donovan, Rud Browne and Barry Buchanan.

Absent: None.

COMMITTEE DISCUSSION

1. DISCUSSION REGARDING A PROPOSED ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 16.16 (CRITICAL AREAS) AND WHATCOM COUNTY CODE CHAPTER 23.10 (SHORELINE MANAGEMENT PROGRAM – PURPOSE AND INTENT) PERTAINING TO THE PROTECTION AND REGULATION OF ENVIRONMENTALLY CRITICAL AREAS (ORDINANCE MAY BE INTRODUCED THIS EVENING) (AB2016-276L)

Cliff Strong, Planning and Development Services Department, gave a staff report.

Brenner moved to approve the revised version of ongoing agriculture as shown in Dannon Traxler's letter. "Ongoing Agriculture means all agricultural uses and practices, including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation operation; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facilities are no closer to the critical area than the original facilities; and maintaining agricultural lands under production or cultivation. An operation ceases to be ongoing when the area on which it was conducted has been converted to a non-agricultural use"

The motion was seconded.

Dannon Traxler, attorney, referenced her letter of November 6, 2017 to the Council and stated retain the revised definition to not punish farmers who may have to allow their land to lay fallow based on economic or other reasons. The Conservation Program on

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1 Agriculture Lands (CPAL) is just as environmentally protective as the critical areas
2 ordinance.
3

4 The following staff answered questions:

- 5 • Royce Buckingham, Prosecutor's Office
 - 6 • Ryan Ericson, Planning and Development Services Department
- 7

8 Councilmembers discussed the effects of the CPAL and the Conservation Reserve
9 Enhancement Program (CREP), the risk of Growth Management Act (GMA) non-compliance,
10 whether the CPAL is a compliant alternative to the critical areas ordinance (CAO), how to
11 define what is a new area of farming, whether the intent is to allow new critical areas into
12 agricultural use, the omission of the time limit, the Food Securities Act of 1985, whether
13 CPAL protects habitat.
14

15 **Brenner withdrew** her motion to approve the definition of ongoing agriculture and
16 **moved** to hold the definition in committee for two weeks so staff can work with Ms. Traxler
17 to propose appropriate language.
18

19 The motion was seconded.
20

21 The motion failed by the following vote:

22 **Ayes:** Brenner, Sidhu, and Browne (3)

23 **Nays:** Buchanan, Donovan, Mann, and Weimer (4)
24

25 **Donovan moved** to approve the existing definition of ongoing agriculture.
26

27 The motion was seconded.
28

29 *(Clerk's Note: This motion was not voted on.)*
30

31 Councilmembers discussed allowing staff time to develop a definition everyone can
32 agree on.
33

34 **Donovan moved** to reconsider the previous motion to hold in committee.
35

36 The motion to reconsider was seconded.
37

38 The motion to reconsider carried by the following vote:

39 **Ayes:** Brenner, Sidhu, Donovan, Buchanan, and Browne (5)

40 **Nays:** Mann and Weimer (2)
41

42 Committee members discussed the deadlines for adopting the update.
43

44 The original motion to hold in committee for two weeks carried by the following vote:

45 **Ayes:** Brenner, Sidhu, Donovan, Buchanan, and Browne (5)

46 **Nays:** Mann and Weimer (2)
47

48 **Donovan moved** to remove the exemption section 16.16.814.
49

50 The motion was seconded.

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1
2 Committee members discussed whether there was a problem to begin with, how it
3 will be enforced, and revisiting the critical areas ordinance (CAO) at any time in the future.

4
5 Traxler reported on the agricultural community's recommendation to remove the
6 exemption language and replace it with language that would exempt anyone who can meet
7 certain circumstances and requirements. That's generally how things are done already.

8
9 The motion carried by the following vote:

10 **Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

11 **Nays:** Brenner (1)

12
13 Strong gave a staff report on lahars. If in a critical area, they should look at site
14 plans and develop the property so it avoids impacts.

15
16 **Browne moved** to amend 16.16.320(B) to add a sentence to the end, "...on a
17 property. This section shall not apply to properties located wholly within a lahar hazard
18 zone and the impact avoidance measures is for lahar hazards."

19
20 The motion was seconded.

21
22 **Mann moved** to amend the motion to remove "wholly."

23
24 The motion was seconded.

25
26 *(Clerk's Note: This motion was not voted on.)*

27
28 Committee discussed how the County can suggest people move their project if their
29 property is partially or wholly in a lahar hazard zone, and whether it would require someone
30 to reduce the number, size, or scale of the buildings.

31
32 Seth Woolsen, attorney, spoke about the language he recommends, which allows
33 staff to suggest that a project be moved to a portion of the property not in a lahar hazard
34 zone.

35
36 **Browne withdrew** his motion and **moved** to adopt Mr. Woolsen's suggested
37 language to amend 16.16.320(B) with an amendment, "...will be permitted on a property.
38 So long as an applicant complies with WCC 16.16.350(B), the County shall not be permitted
39 to require lahar impact avoidance measures that reduce the number, size, or scale of
40 buildings, driveways, and other features; require the owner to forego construction of
41 accessory structures; or prevent uses otherwise allowed per the property's zoning district
42 based solely on the property's location with a lahar hazard zone."

43
44 The motion was seconded.

45
46 The motion carried by the following vote:

47 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)

48 **Nays:** Weimer (1)

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1 **Browne moved** the to amend 16.16.350(B)2, "...the following uses ~~may be~~ **are**
2 allowed...."

3
4 The motion carried by the following vote:

5 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, and Weimer (6)

6 **Nays:** Donovan (1)

7
8 Councilmembers and staff discussed creating travel time projection maps.

9
10 **Donavan moved** to approve amendments:

- 11 • 16.16.320(B), "Impact avoidance measures shall...scale of buildings **and**
12 **appurtenant**, ~~driveways and other~~ features; altering the configuration or layout of
13 the proposed development; implementing special engineering methods for
14 construction, drainage, runoff management etc.; ~~foregoing construction of~~
15 ~~accessory structures~~; preserving native...."
- 16 • 16.16.345, "The following activities may be allowed...have been applied:
17 A. Developments that will ~~have no~~ **minimize** the threat to the health or safety of
18 people and will not increase the risks of alluvial fan hazards ~~on or~~ off the site and
19 meet the reasonable use standards as set forth in WCC 16.16.270.
20 B. ...
21 C. ...
22 D. Accessory structures not involving human occupancy shall be allowed as long
23 as the structure will not increase the alluvial fan hazards ~~on or~~ off the site."

24
25 The motion was seconded.

26
27 The motion carried by the following vote:

28 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

29 **Nays:** None (0)

30
31 Councilmembers and staff discussed why habitation can't occur if impacts can be
32 mitigated or minimized.

33
34 **Brenner moved** to amend section 4.1 of the best available science review report to
35 delete the fifth bullet point, "~~Uses that do not require human habitation when adverse~~
36 ~~impacts can be minimized or mitigated.~~"

37
38 The motion was seconded.

39
40 The motion failed by the following vote:

41 **Ayes:** Brenner and Sidhu (2)

42 **Nays:** Mann, Browne, Buchanan, Weimer and Donovan (5)

43
44 **Weimer moved** to reject all the rest of the proposals beginning on Council packet
45 page 375: two through 13, 15, 16, and 18 through 35.

46
47 The motion was seconded.

48
49 The motion failed by the following vote:

50 **Ayes:** Weimer (1)

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1 **Nays:** Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)
2

3 **Brenner moved** to hold in committee the remaining items two through 13, 15, 16,
4 and 18 through 35 for two weeks.
5

6 The motion was seconded.
7

8 The motion carried by the following vote:

9 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)

10 **Nays:** None (0)

11 **Absent:** Weimer (out of the room) (1)
12

13 Buchanan stated the Committee of the Whole would hold a special work session in
14 one week.
15

16 **2. DISCUSSION OF A PROPOSED ORDINANCE ADOPTING WHATCOM COUNTY**
17 **ZONING CODE AMENDMENTS RELATING TO THE RESORT COMMERCIAL**
18 **DISTRICT, PLANNED UNIT DEVELOPMENT CHAPTER, AND A NEW DENSITY**
19 **CREDITS CHAPTER (ORDINANCE SCHEDULED FOR INTRODUCTION THIS**
20 **EVENING) (AB2017-319)**
21

22 Matt Aamot, Planning and Development Services Department, submitted and read
23 from a presentation (*on file*). He answered questions about whether the information went
24 to the fire districts; why the two committees suggested \$4,000; the cost of development
25 outside of cities; what is the market and whether there is interest; setting the price;
26 creating a market-driven approach to get development out of valuable agriculture land and
27 other areas and into established urban growth areas; establishing a fee schedule and
28 setting a price; and that recreational facilities should include trails.
29

30 **OTHER BUSINESS**
31

32 There was no other business.
33
34
35

36 **ADJOURN**
37

38 The meeting adjourned at 4:33 p.m.

39 The Council approved these minutes on _____, 2018.
40

41 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

42 _____
43
44
45
46
47 Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

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WHATCOM COUNTY COUNCIL
Committee Of The Whole
November 8, 2017

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 1:32 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Rud Browne, Barry Buchanan, Ken Mann, Todd Donovan, Barbara Brenner, Satpal Sidhu, and Carl Weimer

Absent: None

COMMITTEE DISCUSSION

1. DISCUSSION WITH PUBLIC WORKS STAFF REGARDING A POTENTIAL PROPERTY ACQUISITION (AB2017-018)

Attorney Present:

Buchanan stated that discussion of agenda item one may take place in executive session pursuant to RCW42.30.110 (1)(b). Executive session will conclude no later than 1:45 p.m. If the meeting extends beyond the stated conclusion time, he will step out of the meeting to make a public announcement.

Browne moved to go into executive session until no later than 1:50 p.m. to discuss the agenda items pursuant to RCW citations as announced by the Council Chair. The motion was seconded.

The motion carried by the following vote:

Ayes: Browne, Buchanan, Mann, Donovan and Weimer (5)

Nays: None (0)

Absent: Brenner and Sidhu (out of the room) (2)

At 1:50 p.m., Buchanan announced the executive session would be extended to no later than 2:00 p.m.

OTHER BUSINESS

ADJOURN

The meeting adjourned at 1:58 p.m.

The Council approved these minutes on _____ 2018.

ATTEST:

WHATCOM COUNTY COUNCIL

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WHATCOM COUNTY, WASHINGTON

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Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Jill Nixon, Minutes Transcription

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1 WHATCOM COUNTY COUNCIL
2 **Regular County Council Meeting**
3

4 November 8, 2017
5

6 **CALL TO ORDER**
7

8 Council Chair Barry Buchanan called the meeting to order at 7:00 p.m. in the Council
9 Chambers, 311 Grand Avenue, Bellingham, Washington.
10

11
12 **ROLL CALL**
13

14
15 **Present:** Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd
16 Donovan, Rud Browne and Barry Buchanan.

17 **Absent:** None.
18
19

20 **FLAG SALUTE**
21

22
23 **ANNOUNCEMENTS**
24

25
26 **OTHER ITEMS**
27

28 **3. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE'S APPOINTMENT OF**
29 **STARCK FOLLIS FOR PUBLIC DEFENDER, EFFECTIVE JANUARY 1, 2018,**
30 **PURSUANT TO WHATCOM COUNTY CODE SECTION 2.09.100 (AB2017-317)**
31

32 Jack Louws, County Executive, introduced Mr. Follis and the appointment.
33

34 Starck Follis, Public Defender's Office, described the history of the office and the
35 importance of maintaining continuity in staff.
36

37 ***Browne moved*** to confirm the appointment.
38

39 The motion was seconded.
40

41 The motion carried by the following vote:

42 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

43 **Nays:** None (0)
44
45

46 **PUBLIC HEARINGS**
47

48 **1. RESOLUTION APPROVING THE SALE OF AN EASEMENT OVER WHATCOM**
49 **COUNTY-OWNED PROPERTY (AB2017-308)**
50

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1 Buchanan opened the public hearing, and the following person spoke:
2

3 Jon Sitkin, attorney representing the property owner, stated he is available to
4 answer questions.
5

6 Hearing no one else, Buchanan closed the public hearing.
7

8 Andrew Hester, Public Works Department, and Mr. Sitkin answered questions on
9 what happens if the County has a need for an easement in the future for public health and
10 safety reasons, the difference between possession and occupation of the land, and whether
11 the County is losing some value or use.
12

13 **Browne moved** to approve the resolution.
14

15 The motion was seconded.
16

17 The motion carried by the following vote:

18 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

19 **Nays:** None (0)
20
21

22 **OPEN SESSION**

23

24 The following people spoke:

- 25 • George Rounthwaite spoke about flood and drainage relief in his
26 neighborhood.
- 27 • Gwen Hunter spoke about creating a special district to pay for Lake Whatcom
28 water quality and development around the shoreline.
- 29 • Irene Morgan spoke about voting against the jail sales and use tax.
- 30 • Joseph Down spoke about hatred in the community.
- 31 • Robert Lee spoke about the County jail and justice reform.
- 32 • Joy Gilfilin, Restorative Community Coalition, submitted a handout (*on file*)
33 and spoke about the County jail and alleged election law violations.
- 34 • Wendy Harris spoke about the critical areas ordinance.
- 35 • Max Perry spoke about the County jail.
- 36 • Carole Perry spoke about the County jail.
- 37 • Natasha Raiming spoke about the lack of behavioral health services in the
38 community.
39

40 **CONSENT AGENDA**

41

42
43 **Browne** reported for the Finance and Administrative Services Committee and
44 **moved** to approve Consent Agenda items one through four.
45

46 The motion carried by the following vote:

47 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

48 **Nays:** None (0)
49
50

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- 1 1. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A
2 CONTRACT BETWEEN WHATCOM COUNTY AND NORTH SOUND BEHAVIORAL
3 HEALTH ORGANIZATION TO PROVIDE FUNDING TO PROMOTE RECOVERY
4 AND RESILIENCE TO HOMELESS INDIVIDUALS THROUGH THE PROVISION
5 OF HOUSING CASE MANAGEMENT AND SHELTER OPERATIONS SERVICES, IN
6 THE AMOUNT OF \$168,339 (AB2017-313)
7
- 8 2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN
9 INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY, CITY OF
10 BELLINGHAM, AND LAKE WHATCOM WATER & SEWER DISTRICT FOR LAKE
11 WHATCOM TRIBUTARY MONITORING FOR WATER YEARS 2018-2020, IN THE
12 AMOUNT OF \$279,779 (AB2017-314)
13
- 14 3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A
15 CONTRACT BETWEEN WHATCOM COUNTY AND TYLER TECHNOLOGIES, INC.
16 FOR ONE-TIME SOFTWARE LICENSES AND PROFESSIONAL SERVICES TO
17 IMPLEMENT A NEW PERMIT SYSTEM, IN THE AMOUNT OF \$1,080,239.08
18 (AB2017-315)
19
- 20 4. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A
21 CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND DESIGN2LAST,
22 INC. FOR CAPITAL IMPROVEMENTS AT THE JAIL (PUBLIC SAFETY BUILDING
23 AND WORK CENTER), IN THE AMOUNT OF \$543,000, FOR A TOTAL AMENDED
24 CONTRACT AMOUNT OF \$913,287.20 (AB2017-316)
25

26 OTHER ITEMS

- 27 1. RESOLUTION SETTING HEARING AND NOTICE OF HEARING ON THE SALE OF
28 COUNTY TAX TITLE PROPERTY BY NEGOTIATION, REQUEST NO. TR2017-04
29 (AB2017-311)
30
31

32
33 *Browne* reported for the Finance and Administrative Services Committee and
34 *moved* to approve the resolution.
35

36 The motion carried by the following vote:

37 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

38 **Nays:** None (0)
39

- 40 2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A
41 CONTRACT BETWEEN WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT
42 AND GENEVA CONSULTING SERVICES FOR COORDINATION OF THE
43 WHATCOM COUNTY LOCAL INTEGRATING ORGANIZATION, IN THE AMOUNT
44 OF \$68,970 (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL
45 ZONE DISTRICT BOARD OF SUPERVISORS) (AB2017-312)
46

47 *Browne* reported for the Finance and Administrative Services Committee and
48 *moved* to approve the request.
49

50 Councilmembers discussed having the Planning Unit review the recommendation.

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1
2 The motion carried by the following vote:

3 **Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

4 **Nays:** Brenner (0)

5
6 **4. RESOLUTION REQUESTING THE COUNTY EXECUTIVE MAKE MINOR CHANGES**
7 **TO IMPROVE SERVICE TO THE PUBLIC AND ELIMINATE THE NEED FOR**
8 **STAFF TO PERFORM CERTAIN REPETITIVE TASKS (AB2017-333)**

9
10 ***Browne moved*** to approve the resolution.

11 The motion was seconded.

12
13
14 Browne described his proposed resolution to bring forward these items for the
15 budget, the need to relabel the unisex bathrooms to not be gender specific, and the need
16 for baby changing stations in the men's restrooms.

17
18 Jack Louws, County Executive, answered questions and councilmembers discussed
19 Americans with Disabilities Act (ADA) requirements for public bathrooms, assigning parking
20 spaces to councilmembers, and costs associated with the proposals.

21
22 ***Brenner moved*** to amend to remove the parking sign proposal.

23 The motion was seconded.

24
25 The motion to amend failed by the following vote:

26 **Ayes:** Brenner and Donovan (2)

27 **Nays:** Mann, Sidhu, Browne, Buchanan, and Weimer (5)

28
29 The motion to approve the resolution carried by the following vote:

30 **Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

31 **Nays:** None (0)

32 **Abstains:** Brenner (1)

33
34
35 **INTRODUCTION ITEMS**

36
37 ***Brenner moved*** to approve items one through 15 and 17.

38 The motion was seconded.

39
40 The motion carried by the following vote:

41 **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)

42 **Nays:** None (0)

43
44
45 **1. ORDINANCE AMENDING WHATCOM COUNTY CODE 2.118, REACTIVATING**
46 **THE WHATCOM COUNTY WILDLIFE ADVISORY COMMITTEE (AB2017-318)**

47
48
49 **2. ORDINANCE ADOPTING WHATCOM COUNTY ZONING CODE AMENDMENTS**
50 **RELATING TO THE RESORT COMMERCIAL DISTRICT, PLANNED UNIT**

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- 1 DEVELOPMENT CHAPTER, AND A NEW DENSITY CREDITS CHAPTER (AB2017-
2 319)
3
- 4 3. RESOLUTION TO SELL COUNTY TAX TITLE PROPERTY BY NEGOTIATION -
5 REQUEST NO. 2017-04 (AB2017-311A)
6
- 7 4. ORDINANCE AMENDING ORDINANCE 2012-050 (ESTABLISHMENT OF THE
8 BIRCH BAY DRIVE AND PEDESTRIAN FACILITY PROJECT FUND AND
9 ESTABLISHING A PROJECT BASED BUDGET FOR CRP NO. 907001) FOR THE
10 FOURTH TIME TO INCREASE THE PROJECT BASED BUDGET FOR THE BIRCH
11 BAY DRIVE AND PEDESTRIAN FACILITY PROJECT BY \$7,850,000, FOR A
12 TOTAL PROJECT BUDGET AMOUNT OF \$11,450,000 (AB2017-320)
13
- 14 5. RESOLUTION ADOPTING THE 2018 BUDGET FOR THE WHATCOM COUNTY
15 FLOOD CONTROL ZONE DISTRICT AND SUBZONES (COUNCIL ACTING AS THE
16 WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF
17 SUPERVISORS) (AB2017-321)
18
- 19 6. RESOLUTION UPDATING THE CAPITAL PROJECT SECTION OF THE LAKE
20 WHATCOM COMPREHENSIVE STORMWATER PLAN (AB2017-322)
21
- 22 7. ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 10.04,
23 ESTABLISHING THE SPEED LIMIT ON A PORTION OF LAKE WHATCOM
24 BOULEVARD (AB2017-323)
25
- 26 8. RESOLUTION AMENDING THE 2017 FLOOD CONTROL ZONE DISTRICT AND
27 SUBZONES BUDGETS, FOURTH REQUEST, IN THE AMOUNT OF \$83,765
28 (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL ZONE
29 DISTRICT BOARD OF SUPERVISORS) (AB2017-324)
30
- 31 9. ORDINANCE AMENDING THE 2017 WHATCOM COUNTY BUDGET,
32 THIRTEENTH REQUEST, IN THE AMOUNT OF \$4,330,977 (AB2017-325)
33
- 34 10. ORDINANCE AMENDING THE 2018 WHATCOM COUNTY BUDGET, FIRST
35 REQUEST, IN THE AMOUNT OF \$20,456,067 (AB2017-326)
36
- 37 11. ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR COUNTY AND STATE
38 PURPOSES IN WHATCOM COUNTY, WASHINGTON, FOR THE YEAR OF 2018
39 (AB2017-327)
40
- 41 12. ORDINANCE LIMITING THE 2018 GENERAL FUND PROPERTY TAX LEVY
42 (AB2017-328)
43
- 44 13. ORDINANCE AUTHORIZING THE LEVY OF TAXES FOR CONSERVATION
45 FUTURES PURPOSES FOR 2018 (AB2017-329)
46
- 47 14. ORDINANCE AUTHORIZING THE LEVY OF 2018 PROPERTY TAXES FOR
48 COUNTY ROAD PURPOSES (AB2017-330)
49

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- 1 15. RESOLUTION AUTHORIZING THE LEVY OF TAXES FOR THE WHATCOM
2 COUNTY FLOOD CONTROL ZONE DISTRICT FOR 2018 (COUNCIL ACTING AS
3 THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF
4 SUPERVISORS) (AB2017-331)
5
6 16. ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 16.16
7 (CRITICAL AREAS) AND WHATCOM COUNTY CODE CHAPTER 23.10
8 (SHORELINE MANAGEMENT PROGRAM – PURPOSE AND INTENT)
9 PERTAINING TO THE PROTECTION AND REGULATION OF
10 ENVIRONMENTALLY CRITICAL AREAS (AB2016-276L)
11
12 17. RECEIPT OF APPLICATION FOR THE WHATCOM COUNTY PLANNING
13 COMMISSION, PARTIAL TERM ENDING JANUARY 31, 2021, REPRESENTING
14 DISTRICT 2, APPLICANT: STEPHEN JACKSON (THE PLANNING COMMISSION
15 ASSISTS THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT IN
16 CARRYING OUT ITS DUTIES, WHICH INCLUDE HELPING TO PREPARE AND
17 EXECUTE THE COMPREHENSIVE PLAN AND MAKING RECOMMENDATIONS
18 FOR ADOPTION OF OFFICIAL CONTROLS AND/OR AMENDMENTS)
19 (APPLICATION DEADLINE FOR ANY OTHER APPLICANTS TO THIS VACANCY
20 IS 10 A.M. ON NOVEMBER 14, 2017) (AB2017-309)
21
22

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

24
25 Browne reported for the Finance and Administrative Services Committee.

26
27 Buchanan reported for the Committee of the Whole and Special Committee of the
28 Whole.

29
30 Brenner reported for the Public Works, Health, and Safety Committee.

31
32 Councilmembers gave updates on recent activities and upcoming events.
33

34
35 **ADJOURN**

36
37 The meeting adjourned at 8:05 p.m.

38
39 The County Council approved these minutes on _____, 2018.
40

41
42 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

43
44
45
46
47 _____
48 Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

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Whatcom County Council
Surface Water Work Session

November 14, 2017

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 10:32 a.m. in the Civic Center Garden Level Conference Room, 322 Commercial Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Satpal Sidhu, Barry Buchanan, Ken Mann, Todd Donovan and Carl Weimer
Absent: Rud Browne

SURFACE WATER WORK SESSION (AB2017-024)

1. WATER PLANNING UPDATE

Gary Stoyka, Public Works Department, reported on the activity among the Water Board staff, local government caucus, Planning Unit, and water supply group to reengage everyone on water issues. Also, The flood budget will be before the Council next week.

Councilmembers and Stoyka discussed the level of service options chart and deciding on and funding the level of service going forward in 2018. Councilmembers will schedule a work session to discuss increasing flood fund revenue to increase the level of service.

2. PLANNING UNIT PRESENTATION

The following Planning Unit members and staff submitted information on the Planning Unit outline for discussion (*on file*), gave a presentation, and answered questions:

- Dan Eisses, water districts caucus
- Andy Ross, non-government water systems caucus
- Steve Jilk, Public Utility District
- Jon Hutchings, Public Works Department Director

The framework is the mechanism and process for accomplishing anything. The Watershed Management Board is developing its work plan. The outstanding framework questions are the role of the Planning Unit, how it interfaces with the Watershed Management Board, and whether the Planning Unit will implement the 2005 watershed management plan or will it do something else. There isn't a commitment to implement the 2005 Watershed Management Plan. The Council is one member of the Watershed Management Board.

Councilmembers asked questions and discussed how to incorporate the Watershed Management Board into the framework, the Planning Unit recommendations to Council on spending money, and Planning Unit staff needs.

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1
2 **Brenner moved** to add an adequate amount of staff to the Planning Unit to work on
3 all water issues in the water resources inventory area (WRIA) 1.
4

5 Councilmembers, staff, and Planning Unit members continued to discuss the Council
6 identifying what it wants the Planning Unit to do; identifying an appropriate level of staffing;
7 the County as the lead agency in an administrative role to pass funds through and approve
8 contracts, on recommendation of the Watershed Management Board, which is in charge;
9 and whether the County Council can reject funding a recommendation of the Watershed
10 Management Board.
11

12 The motion was seconded.
13

14 Councilmembers, staff and Planning Unit members continued to discuss staffing
15 levels and framework for the Planning Unit.
16

17 Ross submitted a handout (*on file*) and reported on Recommendation 1, to
18 implement Instream Flow Selection And Adoption Plan, and on Recommendation 3, data
19 collection, reporting, monitoring, and evaluation.
20

21 The motion carried by the following vote:

22 **Ayes:** Brenner, Mann, Sidhu, Buchanan, Weimer and Donovan (6)

23 **Nays:** None (0)

24 **Absent:** Browne (1)
25

26 **3. POLLUTION IDENTIFICATION & CORRECTION (PIC) PROGRAM UPDATE** 27

28 The following staff submitted and read from a presentation (*on file*).

- 29 • Erika Douglas, Public Works Department
- 30 • Aneka Sweeney, Whatcom Conservation District
- 31 • Mike Kim, Health Department
32

33 All water is connected, and land uses impact water. Too much bacteria is going into
34 the marine waterbodies. The PIC program addresses all the sources of bacteria.
35 Partnerships are required to solve the source problems. An online resource shows historic
36 data collected. The PIC program allows them to reach out to people and give them tools
37 needed to make changes. The Health Department is working on source problems from
38 septic systems. The solutions are working.
39

40 Whatcom County has 37 percent of all the livestock in Puget Sound. The
41 Conservation District implements a voluntary stewardship program. Trusting relationships
42 with the community are necessary. There are several programs to assist landowners.
43

44 The Health Department notifies property owner to complete the operations and
45 maintenance for their onsite septic systems. They hope to inspire voluntary compliance
46 through a cultural shift. In the last two and a half years, over 12,000 inspections were
47 done. Compliance is defined as completing the system status evaluation. Kim described
48 the results of the OSS inspection programs. They continually review and streamline the
49 process. With recent changes, they receive higher quality evaluations.
50

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1 Other partners include the City of Lynden, which has begun to waive fees for hooking
2 up old septic systems to the new sewer system. The Health Department will develop a
3 more comprehensive educational campaign with different messages for different people,
4 including more use of social media. Everyone in the community can take action to fix the
5 water problems.

6
7 Councilmembers and staff discussed the types of messages that people respond to
8 that have nothing to do with water quality improvements, such as doing chores more
9 efficiently, helping neighbors, animal health, and taking care of the investment and the
10 reasons why septic systems fail.

11
12
13 **ADJOURN**

14
15 The meeting adjourned at 12:30 p.m.

16
17 The Council approved these minutes on _____, 2018.

18
19 ATTEST: WHATCOM COUNTY COUNCIL
20 WHATCOM COUNTY, WASHINGTON

21
22
23
24 _____
25 Dana Brown-Davis, Council Clerk Barry Buchanan, Council Chair

26
27
28
29 _____
30 Jill Nixon, Minutes Transcription

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WHATCOM COUNTY COUNCIL
Committee Of The Whole

November 21, 2017

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 1:17 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Satpal Sidhu, Rud Browne, Barry Buchanan, Ken Mann, Todd Donovan and Carl Weimer

Absent: None

COMMITTEE DISCUSSION

1. UPDATE ON NEGOTIATIONS AND STRATEGY PLANNING DISCUSSION REGARDING COLLECTIVE BARGAINING (AB2017-018)

Attorney Present: None

Buchanan stated that discussion of agenda item one may take place in executive session pursuant to RCW42.30.140 (4)(a). Executive session will conclude no later than 1:30 p.m. If the meeting extends beyond the stated conclusion time, he will step out of the meeting to make a public announcement.

Browne moved to go into executive session until no later than 1:30 p.m. to discuss the agenda items pursuant to RCW citations as announced by the Council Chair. The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Mann, and Weimer (5)

Nays: None (0)

Absent: (out of the room): Sidhu and Donovan (2)

OTHER BUSINESS

ADJOURN

The meeting adjourned at 1:30 p.m.

The Council approved these minutes on _____ 2018.

ATTEST:

WHATCOM COUNTY COUNCIL

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WHATCOM COUNTY, WASHINGTON

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Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Jill Nixon, Minutes Transcription