WHATCOM COUNTY COUNCIL **Regular County Council Meeting**

July 9, 2019

CALL TO ORDER

Council Chair Rud Browne called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present:

Barbara Brenner, Rud Browne, Barry Buchanan, Todd Donovan, Carol

Frazey, and Satpal Sidhu.

Absent:

Tyler Byrd.

FLAG SALUTE

ANNOUNCEMENTS

MINUTES CONSENT

Buchanan moved to approve the Minutes Consent items.

The motion was seconded.

The motion carried by the following vote:

Ayes:

Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

Nays:

None (0) Absent: Byrd (1)

- 1. MIN2019-045 SPECIAL COMMITTEE OF THE WHOLE AM FOR JUNE 18, 2019
- 2. MIN2019-046 SPECIAL COMMITTEE OF THE WHOLE PM FOR JUNE 18, 2019
- MIN2019-047 COUNTY COUNCIL FOR JUNE 18, 2019 3.

PUBLIC HEARINGS

AB2019-316 ORDINANCE AMENDING WCC CHAPTERS 20.51 AND 20.71 1. PERTAINING TO TREE REMOVAL PERMIT PROCEDURES, AND CHAPTER 23.10 UPDATING THE REFERENCED CRITICAL AREAS ORDINANCE IN THE SHORELINE MANAGEMENT PROGRAM

Browne opened the public hearing, and the following person spoke:

Wendy Harris stated there should be a permit requirement for removing trees in Reducing the buffer areas must be supported by science. necessary for habitat, producing oxygen, sequestering carbon, and have other benefits.

Hearing no one else, Browne closed the public hearing.

Donovan moved to hold for a discussion with staff.

The motion was seconded.

The motion carried by the following vote:

Aves:

Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

Nays:

None (0)

Absent:

Byrd (1)

2. AB2019-339 ORDINANCE IMPOSING AN INTERIM MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS AND PERMITS FOR NEW OR EXPANDED FACILITIES IN THE CHERRY POINT UGA, THE PRIMARY PURPOSE OF WHICH WOULD BE THE SHIPMENT OF UNREFINED FOSSIL FUELS NOT TO BE PROCESSED AT CHERRY POINT

Browne opened the public hearing, and the following people spoke:

Dana Briggs stated he supports the ordinance and making the moratorium permanent.

Warren Sheay stated government must protect its citizens and their environment for future generations and wildlife. He supports the ordinance.

Steve Garey stated he supports extending the moratorium one more time. They must support existing economy while moving to a cleaner economy.

Jane Freudenberger submitted a handout and stated she supports the moratorium and strict restrictions on shipping oil from the Cherry Point port.

Jean Carnean submitted a handout and stated she supports the moratorium. They must increase standards to protect the Salish Sea.

Beth Brownfield submitted a handout and stated she supports the moratorium and declaring a climate action emergency.

Ellen Murphy stated they must do the right thing.

Jack McBride submitted a handout and stated he supports the ordinance. Do not turn Cherry Point into a transshipment facility.

Peter Willing stated he supports the ordinance. The proposed amendments still need work.

Sandy Lawrence stated he supports the ordinance. Protect other industries, such as shellfish farms, commercial fisherman, tourism from ski facilities, and firefighters who must respond to increased forest fires.

Ron Colson, Sierra Club-Mt. Baker, submitted and read from a handout and stated he supports the ordinance.

Dave Kershner submitted and read from handouts and stated he supports the ordinance. Strengthen the provisions in the proposed amendments to the Cherry Point code

Paula Rotundi submitted handouts and stated she supports the ordinance. They must reduce fossil fuel use for future generations.

Miguel Perry, PNW Regional Council of Carpenters, stated his members want to support their families. They are opposed to the ordinance and the proposed changes to the Comprehensive Plan and County Code on Cherry Point.

Charles Bailey stated he supports extending the moratorium.

Jacob Peterson submitted a handout and stated he supports the ordinance. Regulation insures a clean environment. Code amendments should include conditional use permits.

Tim Johnson, Phillips 66 Ferndale Refinery, stated he does not support the ordinance. Comprehensive Plan policies for Cherry Point area recognize the importance of industry. The moratorium creates risk and uncertainty, and creates a disadvantage against competitors in the industry.

Andrew Gamble, Petrogas West LLC, submitted handouts and stated he does not support the ordinance, which targets LPGs and would not allow them to make safety improvements.

Alex Ramel stated he supports the moratorium one more time, but it should be the last. There is much common ground between people who do and people who don't support the ordinance.

Eddy Ury, ReSources for Sustainable Communities, stated he supports the ordinance. The draft ordinance amending the Comprehensive Plan and code still need improvements.

Andrew Davis stated common sense regulation of the fossil fuel industries are necessary. He supports the moratorium.

Jeff Ten Pas stated he does not support the ordinance or changes to the Comprehensive Plan and code. Protect jobs, business, and also the environment.

Todd Taylor, Plumbers and Steamfitters Local 26 and Building Industry Association, stated he does not support the ordinance or changes to the Comprehensive Plan and code. Do not create a hostile business environment or discourage new businesses.

Nathaniel Maddux, International Machinists and Aerospace Workers, stated he does not support the moratorium or targeting export of refined products. Local facilities consider safety and their environmental impacts.

Mark Riker, Washington State Building and Construction Trades Council, stated he does not support the ordinance. It will cost jobs and have devastating economic impacts.

Daryl Groves stated the refinery and oil industry are progressing and continually getting better at creating cleaner emissions and improving safety and processes. He does not support the moratorium.

Matthew Goggins stated he does not support the ordinance. It will have negative economic impacts. Businesses need to make investments and expand, or they will leave.

Hannah Holt, Labor Local 292 member, stated she does not support the moratorium. Cherry Point refineries create living wage jobs. Refineries are beginning to create alternative fuels.

Ann Coby stated she is against the moratorium. Don't make it more difficult for the businesses to prosper and become less competitive. Local refiners have been strong partners that operate in safe and responsible ways.

Rod Roth, Laborer's Local 292 member, stated he does not support the ordinance. Create jobs instead of destroying them. The Council must represent everyone in the county. They must protect the economy.

Jay Brunett, International Order of Electrical Workers Local 191 member, stated he does not support the ordinance. Support the economy and jobs.

Trevor Smith stated he does not support the ordinance. There could be devastating consequences to families. Listen to all stakeholders in this process and find common ground.

Pam Brady, BP Cherry Point Refinery, stated they are a world class operator that produces renewable energies and are committed to future energy transition, but they do not support the ordinance. They will not be competitive in the industry.

Michelle Stelovich, Northwest Washington Labor Council, stated she is opposed to the moratorium. Create a sensible plan that meets the needs of all residents and that includes living wage jobs.

Kevin Clark stated he supports the ordinance to protect the regional Salish Sea watershed.

Nick Engelfried stated he supports the moratorium. Prohibit new exports of oil and gas. Require conditional use permits. They must transition to renewable energy.

Mike Culley, Carpenter's Local 70, stated he does not support the ordinance. Protect employment. Everyone needs and uses refined oil, which is necessary for the future.

Adam Lamb stated he does not support the ordinance.

James Riley stated they are all concerned about the planet. They must protect the planet for future generations.

Bob Gay IBW Local 191 Electrical Workers Union, stated his members rely on Cherry Point industry. They do not support the ordinance.

Jerry Schuster stated he supports the ordinance. Stop the export of unrefined fossil fuels. The County could review increases production.

Markis Dee stated problems with the environment are real. He supports the ordinance. Workers have to be retrained in or transitioned to alternative industries.

Kevin Clark stated he supports tabling the vote and adjusting the language to justify the moratorium.

Karen Steen stated it's urgent they do what they can to mitigate climate change, including creating sustainable economies. She supports the moratorium. Jobs and local economies must be able to transition.

Ben Elenbaas stated they must consider how the community has benefitted from the industries at Cherry Point. He does not support the ordinance. It will harm people who are less fortunate, including those in the agricultural industry.

Ellen Howard stated there must be careful regulations on development of industry at Cherry Point. Look at the impacts to the surrounding area.

Wendy Harris stated she supports the a moratorium on refined and unrefined fossil fuels. Her health is impacted by toxic emissions from Cherry Point. The industries must be transparent about their future plans.

Patrick Alesse stated improved mechanics has impacted the agriculture industry. Technology will impact how they use fuels. Protect Cherry Point for a future container port and bring more jobs to the area.

Hearing no one else, Browne closed the public hearing.

Donovan moved to adopt the ordinance.

The motion was seconded.

Councilmembers discussed well-regulated refineries that will eventually transition away from fossil fuels, amending the proposed definition of unrefined fossil fuels, and the Council's progress in creating a permanent ordinance.

The motion carried by the following vote:

Ayes: Browne, Buchanan, Donovan, Frazey, and Sidhu (5)

Nays: Brenner (1)
Absent: Byrd (1)

(Clerk's Note: The Council took a 10-minute break at 9:17 p.m.)

3. AB2019-340 ORDINANCE ADOPTING INTERIM ZONING REGULATIONS FOR THE SITING, ESTABLISHMENT, AND OPERATION OF TEMPORARY HOMELESS FACILITIES

Browne opened the public hearing, and the following people spoke:

Dana Briggs stated he is concerned that the aggregate total allowed in the county of 150 is too low. He is also concerned about the tone of the ordinance being offensive to those who are homeless. Revisit the ordinance in six months if no one steps forward to provide the services.

Ken Dunbar stated any 50-person increase in density impacts the neighborhood community, who should receive notification and have an opportunity to comment.

(Inaudible) Woods stated shelters need to be opened if the temperature is 45 degrees or less, and people need to feel safe.

Markis Dee stated he agrees with the comments from Dana Briggs. The total allowed in the county is too low. Historically, there used to be worker housing, which they need to have again.

Patrick Alesse stated he agrees they need more than one camp around the county. They should be on bus routes and have certain utility services.

Hearing no one else, Browne closed the public hearing.

Tyler Schroeder, Executive's Office, reported on the public notification requirements, whether they expect any applications to provide the service, consideration of a permanent ordinance, and focusing on properties in the city of Bellingham.

Councilmembers and staff discussed challenges that perpetuate homelessness, providing safer solutions for everyone in the community, whether they should allow children under the age of 18 in encampments even if accompanied by a parent or guardian, 16 and 17 year olds who have been legally emancipated, vetting people for the safety of the children, and whether there are any impacts of letting the regulations expire so they can work on it more with staff of the Health Department.

Donovan moved to adopt the ordinance.

The motion to adopt was seconded.

Browne moved to amend item I in Section 4, "I. No child under the age of 18...shelter for the child. Families that include children shall also be provided information about alternatives offered by other agencies."

The motion to amend was seconded.

Buchanan moved to hold in Council to July 23.

The motion to hold in Council was seconded.

The motion to hold carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

Nays: None (0) Absent: Byrd (1)

OPEN SESSION

The following people spoke about ordinance 2019-046 and agenda bill 2019-383 regarding Lake Samish wake boat zones, erosion, and a ban of 2-stroke engines:

- Sharon Cody
- Jim (no last name given)
- Jeff Banks
- Rich Deveau
- Eric McHenry

- Kaitlyn Wilson
- Brett Milewski submitted handouts
- Gary Simon
- Paul Jones
- Janet Monks
- James Wilson
- Greg Erickson
- Dan (inaudible)

The following person spoke on other issues:

Ken Dunbar spoke about the City of Bellingham proposed Alderwood annexation

Councilmembers discussed scheduling a discussion regarding aquatic invasive species (AIS) concerns with ballast boats and preventing problems that impact the lake's health.

OTHER ITEMS

1. AB2019-369 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND WASHINGTON STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES FOR A LONG-TERM WORKING CAPITAL ADVANCE IN AN AMOUNT OF UP TO \$300,000

Sidhu reported for the Finance and Administrative Services Committee and **moved** to approve the request.

The motion carried by the following vote:

Ayes:

Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

Nays:

None (0)

Absent:

Byrd (1)

2. AB2019-372 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND WASHINGTON STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, DEVELOPMENTAL DISABILITIES ADMINISTRATION FOR A COORDINATED AND COMPREHENSIVE PROGRAM OF SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES, IN THE AMOUNT OF \$3,678,521

Sidhu reported for the Finance and Administrative Services Committee and **moved** to approve the request.

The motion carried by the following vote:

Ayes:

Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

47 Nays:

None (0)

Absent:

Byrd (1)

3. AB2019-381 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND SKAGIT COUNTY FOR PARTICIPATION IN THE YOUTH MARIJUANA PREVENTION AND EDUCATION PROGRAM, IN THE AMOUNT OF \$28,000

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Sidhu reported for the Finance and Administrative Services Committee and moved to approve the request.

The motion carried by the following vote:

Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

Nays: None (0) Absent: Byrd (1)

AB2019-382 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND WASHINGTON STATE DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES TO OUTLINE GENERAL TERMS AND CONDITIONS OF AGREEMENTS **BETWEEN THE AGENCIES**

Sidhu reported for the Finance and Administrative Services Committee and moved to approve the request.

The motion carried by the following vote:

Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6) Ayes:

Nays: None (0) Absent: Byrd (1)

AB2019-313 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO 5. ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE LUMMI NATION FOR REPAIR OF THE LUMMI (RED) RIVER LEVEE (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL ZONE **DISTRICT BOARD OF SUPERVISORS)**

Sidhu reported for the Finance and Administrative Services Committee and moved to approve the request.

The motion carried by the following vote:

Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6) Aves:

Nays: None (0) Absent: Byrd (1)

AB2019-385 RESOLUTION AUTHORIZING AN APPLICATION TO THE BRIAN 6. ABBOTT FISH BARRIER REMOVAL BOARD FOR NORTH FORK ROAD/KENNEY CREEK FISH PASSAGE PROJECT, CRP NO. 919007

Sidhu reported for the Finance and Administrative Services Committee and moved to approve the resolution.

The motion carried by the following vote:

Ayes: Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6)

Nays: None (0) Byrd (1) Absent:

AB2019-370 REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO 7. AWARD BID #19-39 AND ENTER INTO A SUBSEQUENT CONTRACT BETWEEN WHATCOM COUNTY AND LAKE UNION DRYDOCK COMPANY FOR THE

1 ANNUAL DRYDOCKING, REPAIR AND MAINTENANCE OF THE WHATCOM 2 CHIEF FERRY, IN THE AMOUNT OF \$555,219 3 4 Sidhu reported for the Finance and Administrative Services Committee and moved 5 to approve the request. 7 Councilmembers discussed the rising cost of maintaining the ferry. 8 9 The motion carried by the following vote: 10 Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6) Aves: 11 Navs: None (0) 12 Absent: Byrd (1) 13 14 AB2019-021 ORDINANCE GRANTING DEER CREEK WATER ASSOCIATION A 8. 15 FRANCHISE AND THE RIGHT, PRIVILEGE, AND AUTHORITY THEREUNDER TO 16 LOCATE, SET, ERECT, LAY, CONSTRUCT, EXTEND, SUPPORT, ATTACH, CONNECT, MAINTAIN, REPAIR, REPLACE, ENLARGE, OPERATE AND USE 17 18 FACILITIES IN, UPON, OVER, UNDER, ALONG, ACROSS AND THROUGH THE 19 FRANCHISE AREA TO ALLOW FOR THE PROVISION OF WATER SERVICES 20 21 **Donovan moved** to adopt the ordinance. 22 23 The motion was seconded. 24 25 Councilmembers discussed fair treatment among the members of the districts. 26 27 The motion carried by the following vote: 28 Browne, Buchanan, Donovan, Frazey, and Sidhu (5) Ayes: 29 Navs: None (0) 30 Byrd (1) Absent: 31 Abstains: Brenner (1) 32 33 AB2019-167 ORDINANCE GRANTING GLENHAVEN LAKES CLUB INC. A 9. 34 FRANCHISE AND THE RIGHT, PRIVILEGE, AND AUTHORITY THEREUNDER TO 35 LOCATE, SET, ERECT, LAY, CONSTRUCT, EXTEND, SUPPORT, ATTACH, 36 CONNECT, MAINTAIN, REPAIR, REPLACE, ENLARGE, OPERATE AND USE 37 FACILITIES IN, UPON, OVER, UNDER, ALONG, ACROSS AND THROUGH THE 38 FRANCHISE AREA TO ALLOW FOR THE PROVISION OF WATER SERVICES 39 40 **Buchanan moved** to adopt the ordinance. 41 42 The motion was seconded. 43 44 The motion carried by the following vote: 45 Browne, Buchanan, Donovan, Frazey, and Sidhu (5) Ayes: 46 Nays: None (0) 47 Byrd (1) Absent: 48 Brenner (1) Abstains: 49

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3 1. **AB2019-374 REQUEST** CONFIRMATION OF COUNTY **EXECUTIVE'S** 4 APPOINTMENT OF JOSH PETERSON TO THE BEHAVIORAL HEALTH ADVISORY 5 COMMITTEE 6 7 **Brenner moved** to confirm the appointment. 8 9 The motion was seconded. 10 11 The motion carried by the following vote: 12 Aves: Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6) 13 Nays: None (0) 14 Absent: Byrd (1) 15 16 2. AB2019-375 REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE'S 17 APPOINTMENT OF MARSHALL GARTENLAUB TO THE NORTHWEST SENIOR 18 **SERVICES BOARD** 19 20 **Brenner moved** to confirm the appointment. 21 22 The motion was seconded. 23 24 The motion carried by the following vote: 25 Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6) Aves: 26 Nays: None (0) 27 Absent: Byrd (1) 28 29 30 **INTRODUCTION ITEMS** 31 32 Buchanan moved to accept the Introduction Items one through nine, including the 33 substitute for item six. 34 35 The motion was seconded. 36 37 The motion carried by the following vote: 38 Brenner, Browne, Buchanan, Donovan, Frazey, and Sidhu (6) Ayes: 39 Nays: None (0) 40 Absent: Byrd (1) 41 42 AB2019-366 ORDINANCE GRANTING COMCAST CABLE COMMUNICATIONS 43 MANAGEMENT, LLC, A NON-EXCLUSIVE FRANCHISE FOR THE PROVISION OF

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

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CABLE SERVICES

REQUEST NO. 3

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AB2019-368 ORDINANCE GRANTING WAVEDIVISION I, LLC, A NON-

AB2019-376 ORDINANCE AMENDING THE PROJECT BUDGET FOR THE

AGATE HEIGHTS/ESTATE BAY LANE STORM WATER IMPROVEMENTS FUND,

EXCLUSIVE FRANCHISE FOR THE PROVISION OF CABLE SERVICES

- 4. AB2019-377 ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 16.30 ENTITLED "LAKE WHATCOM STORMWATER UTILITY FUNDING MECHANISM"
- 5. AB2019-378 ORDINANCE AMENDING THE 2019 WHATCOM COUNTY BUDGET, REQUEST NO. 9, IN THE AMOUNT OF \$282,122
- 6. AB2019-383 ORDINANCE AMENDING WHATCOM COUNTY CODE 11.32 TO PROTECT LAKE SAMISH WATER QUALITY
- 7. AB2019-389 ORDINANCE AMENDING WHATCOM COUNTY CODE 2.46.020 AND 2.46.030 TO REVISE THE WHATCOM COUNTY INCARCERATION PREVENTION AND REDUCTION TASK FORCE PURPOSE AND FUNCTION
- 8. AB2019-380 RESOLUTION AMENDING THE 2019 FLOOD CONTROL ZONE DISTRICT AND SUBZONES BUDGET, REQUEST NO. 4, IN THE AMOUNT OF \$218,000
- 9. AB2019-379 RESOLUTION VACATING SAFSTEN ROAD

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Committee chairs reported on committee discussions.

Tyler Schroeder, Executive's Office, answered questions on the County's role when a city wants to annex land in the urban growth area.

WHATCOM COUNTY COUNCIL

Rud Browne, Council Chair

WHATCOM COUNTY, WASHINGTON

Councilmembers gave updates on recent activities and upcoming events.

ADJOURN

ATTEST:

The meeting adjourned at 11:07 p.m.

The County Council approved these minutes on July 23, 2019.

Dana Brown-Dayis Council Clerk

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COUNTY

Jill Nixon, Minutes Transcription