

# **Whatcom County Council**

**COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010**



## **Meeting Agenda**

**Tuesday, September 28, 2021**

**6 PM**

**Virtual Meeting**

**VIRTUAL MEETING (TO PARTICIPATE, SEE INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) OR CALL 360.778.5010), AGENDA  
REVISED 9.28.2021**

### **COUNCILMEMBERS**

Rud Browne  
Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Ben Elenbaas  
Carol Frazey  
Kathy Kershner

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

## COUNTY COUNCIL

### CALL TO ORDER

### ROLL CALL

### FLAG SALUTE

### ANNOUNCEMENTS

The Council is currently holding all meetings remotely. View meeting schedules, agendas, minutes, videos, and archives at [www.whatcom.legistar.com](http://www.whatcom.legistar.com). For instructions on how to watch or participate in the Council's meetings, please visit [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) or contact the Council Office at 360.778.5010.

Individuals who require special assistance to participate in the Council's meetings are asked to contact the Council Office at 360.778-5010 at least 96 hours in advance.

The County is accepting applications from county residents to fill vacancies on several boards, commissions, and committees spanning a wide range of important local issues. For more information, visit the Boards and Commissions vacancy webpage on the County website at [www.co.whatcom.wa.us](http://www.co.whatcom.wa.us), or call the County Council office or County Executive's Office.

### COUNTY EXECUTIVE'S REPORT

#### MINUTES CONSENT

1. [MIN2021-071](#) Joint Health Board / PHAB for September 7, 2021
2. [MIN2021-072](#) Committee of the Whole for September 14, 2021
3. [MIN2021-073](#) Regular County Council for September 14, 2021
4. [MIN2021-074](#) Committee of the Whole Executive Session for September 21, 2021
5. [MIN2021-075](#) Water Work Session for September 21, 2021

#### PUBLIC HEARINGS

To participate, please see instructions at [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) or contact the Council Office at 360.778.5010. All speakers should state their name for the record and optionally include city of residence. Speakers will be given three minutes to address the Council. Council staff will keep track of time and inform speakers when they have reached their three minute limit.

1. [AB2021-500](#) Ordinance adopting amendments to the Whatcom County Zoning Code Relating to Temporary Homeless Facility Regulations
2. [AB2021-414](#) Ordinance granting Cascade Natural Gas Corporation a franchise for the transportation of natural gas in Whatcom County

**ITEM WITHDRAWN - CORRECT HEARING DATE IS 10.12.2021**

3. [AB2021-503](#) Resolution authorizing the sale of surplus personal property pursuant to WCC 1.10
4. [AB2021-508](#) Ordinance for Installation of a Stop Sign on Northshore Road
5. [AB2021-515](#) Resolution in the matter of the Whatcom County Six-Year Transportation Improvement Program (STIP) for the years 2022 through 2027
6. [AB2021-516](#) Resolution adopting the Whatcom County Flood Control Zone District Six-Year Water Resources Improvement Program for the years 2022 through 2027 (Council acting as the Flood Control Zone District Board of Supervisors)
7. [AB2021-359](#) Request for public comment related to the Whatcom County Wildlife Advisory Committee's recommendation regarding Nomination of Species of Local Importance and request for Council motion to designate four wildlife species as "Species of Local Importance"

### **OPEN SESSION (20 MINUTES)**

**During open session, audience members may speak to the council on issues not scheduled for public hearing. To participate, please see instructions at [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil) or contact the Council Office at 360.778.5010. All speakers should state their name for the record and optionally include city of residence. Speakers will be given three minutes to address the Council. Council staff will keep track of time and inform speakers when they have reached their three minute limit.**

### **CONSENT AGENDA**

**Items under this section of the agenda may be considered in a single motion. Councilmembers have received and studied background material on all items. Committee review has taken place on these items, as indicated. Any member of the public, administrative staff, or council may ask that an item be considered separately.**

**(From Council Finance and Administrative Services Committee)**

1. [AB2021-488](#) Request authorization for the County Executive to execute a contract amendment between Code Publishing Company and Whatcom County for legal code publishing services
2. [AB2021-513](#) Request authorization for the County Executive to enter into a transfer option agreement between Whatcom County and Opportunity Council for the property located at Laurel and Forest streets for the appraised amount of \$1,230,000
3. [AB2021-517](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Ecology for solid waste planning and implementation activities, in the amount of \$732,835
4. [AB2021-526](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Commerce for FY18 Justice Assistance Grant, in the amount of \$155,053.00

5. [AB2021-529](#) Request approval for the County Executive to enter into an agreement with Washington State Recreation and Conservation Office in order to secure matching funds for the VanderWerff Agricultural Conservation Easement through the Conservation Easement Program
6. [AB2021-530](#) Request approval for the County Executive to enter into an agreement with the Washington State Recreation and Conservation Office in order to secure matching funds for the Moors Forestry Conservation Easement through the Conservation Easement Program
7. [AB2021-532](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Children, Youth, and Families for high quality home visiting services to vulnerable families, in the amount of \$355,339
8. [AB2021-540](#) Request approval for the County Executive to enter into an agreement with the United States Department of Interior, Geological Survey in the amount of \$145,225 (Council acting as the Flood Control Zone District Board of Supervisors)
9. [AB2021-542](#) Request approval for the County Executive to enter into an interagency agreement between the State of Washington Puget Sound Partnership and the Whatcom County Flood Control Zone District, acting as the fiscal agent for the Local Integrating Organization (LIO) to coordinate the County LIO (Council acting as the Flood Control Zone District Board of Supervisors)
10. [AB2021-554](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Northwest Youth Services to support operations at the Ground Floor Day Use Center in the amount of \$10,000 for a total amended contract amount of \$145,000
11. [AB2021-557](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Catholic Community Services to provide behavioral health support at Francis Place and other permanent supportive housing programs in the amount of \$60,757 for a total amended contract amount of \$306,173
12. [AB2021-562](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and G6 Hospitality Group to extend the agreement for an additional three months

## **OTHER ITEMS**

### **(From Council Finance and Administrative Services Committee)**

1. [AB2021-512](#) Ordinance amending the 2021 Whatcom County Budget, request no. 14, in the amount of \$315,947

2. [AB2021-522](#) Resolution amending the Flood Control Zone District 2021 budget, request no. 3, in the amount of \$175,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)
3. [AB2021-527](#) Request approval for the County Executive to enter into an agreement with Cascadia Policy Solutions, LLC, for the purpose of developing and implementing a collaborative water solutions table in the amount of \$190,000 (Council acting as the Flood Control Zone District Board of Supervisors)
4. [AB2021-533](#) Request approval for the County Executive to enter into an agreement with Kramer Consulting, Inc. for facilitation services for the WRIA 1 Drainage Based Management Pilot Project in the amount of \$100,000 (Council acting as the Flood Control Zone District Board of Supervisors)
5. [AB2021-534](#) Request Council approval of the 2021-2023 Criminal Justice Treatment Account Plan Update
6. [AB2021-545](#) Request authorization for County Executive to enter into an Interlocal Grant Agreement between Whatcom County and the Administrative Office of the Courts to reimburse Whatcom County for extraordinary costs associated with the Blake decision in the amount of \$1,790,621
7. [AB2021-551](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Opportunity Council to operate the Whatcom Homeless Service Center in the amount of \$162,400 for a total amended contract amount of \$1,113,951
8. [AB2021-555](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Pacific Security to provide COVID-related security services in the amount of \$51,752 for a total amended contract amount of \$123,488

**(From Council Planning and Development Committee)**

9. [AB2021-424](#) Ordinance adopting amendments to the Whatcom County Code Title 20, Zoning to allow and regulate Battery Energy Storage Systems

**(From Council Committee of the Whole)**

10. [AB2021-209](#) Resolution regarding permanent affordability of childcare in Whatcom County
11. [AB2021-525](#) Discussion and request for Council motion regarding request for proposals (RFP) for independent review of the response to the COVID-19 pandemic
12. [AB2021-528](#) Resolution approving the Water District 13 Small Water System Management Plan

**(No Committee Assignment)**

13. [AB2021-538](#) Resolution setting regular Whatcom County Council meeting dates for 2022

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

1. [AB2021-559](#) Council appointment to fill vacancies on the Drayton Harbor Shellfish Protection District Advisory Committee - Applicant(s): Ravyn Whitewolf and Charlie Hawkins

**ITEM REVISED 9.28.2021 TO ADD ADDITIONAL APPLICANT**

### **EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

**Per Whatcom County Code 2.03.070(B), the council must confirm or reject executive appointments within 30 days of submission to the council. County code deems the appointee confirmed if council does not take action within this time.**

1. [AB2021-546](#) Request confirmation of the County Executive's appointment of Elizabeth Lorence to the Marine Resources Committee

### **ITEMS ADDED BY REVISION**

1. [AB2021-578](#) Request authorization for the Whatcom County Prosecutor's Office to join Whatcom County with several other counties and the Washington State Association of Counties as a plaintiff in Benton County, et al. v. State of Washington filed in the King County Superior Court, an action seeking a declaratory judgment regarding obligations under State v. Blake

**ITEM ADDED 9.28.2021**

### **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. [AB2021-547](#) Ordinance amending the 2021 Whatcom County Budget, request no. 15, in the amount of \$859,440

**SUBSTITUTE VERSION ADDED 9.28.2021**

2. [AB2021-549](#) Ordinance establishing the Central Plaza Tenant Improvements Fund and establishing a project based budget for the Central Plaza Tenant Improvements Project
3. [AB2021-561](#) Ordinance amending Ordinance No. 2021-045 (Review of Response to COVID-19 Pandemic)
4. [AB2021-185](#) Ordinance amending Whatcom County Code 9.32, Unlawful Discharge of Firearms, to establish a no shooting zone in the Drayton Harbor area of Whatcom County
5. [AB2021-539](#) Ordinance adopting amendments to the Six-Year Capital Improvement Program for Whatcom County Facilities (2021-2026)

6. [AB2021-543](#) Ordinance adopting Zoning amendments relating to density credits in the UR4 zone in the Birch Bay UGA, density credits for accessory dwelling units, and modifying the minimum lot size, width, depth and other requirements in the Urban Residential zone
7. [AB2021-544](#) Ordinance adopting amendments to the Unified Fee Schedule relating to density credit fees for increasing the size of accessory dwelling units

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

### **ADJOURN**