**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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<td>02/06/13</td>
<td>3/12/13</td>
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<td></td>
<td>03/04/13</td>
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**TITLE OF DOCUMENT:**
Executive Office of the President Office of National Drug Control Policy. Grant Agreement# G12NW0004A.

**ATTACHMENTS:**
Two originals of Grant Agreement# G13NW0004A with the Executive Office of the President Office of National Drug Control Policy

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>Yes</th>
<th>No</th>
<th>Should Clerk schedule a hearing?</th>
<th>Yes</th>
<th>No</th>
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</thead>
<tbody>
<tr>
<td>SEPA review completed?</td>
<td>Yes</td>
<td>No</td>
<td>Requested Date:</td>
<td></td>
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</tbody>
</table>

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

A grant from the Executive Office of the President Office of National Drug Control Policy supports the Northwest HIDTA Border Task Force Prosecution Initiative from January 1, 2013 through December 31, 2014. The grant provides funding for one prosecutor and one secretary in the Prosecuting Attorney’s Office and the New World Systems Corporation software maintenance for the AS400/State NCIC Interface.

Total grant is $175,073.00. Partial award of $84,035 was authorized 01/31/13 based on current federal appropriation and a second award for the remaining $91,038.00 will be available when enacted through public law.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
MEMORANDUM

TO: Jack Louws, County Executive
FROM: Bill Elfo, Sheriff
DATE: February 6, 2013
RE: Executive Office of the President Office of National Drug Control Policy
    HIDTA Grant Agreement #G13NW0004A

Enclosed for your review and signature are two (2) original grant agreements between Whatcom County Sheriff’s Office and Executive Office of the President Office of National Drug Control Policy.

Background and Purpose
This award supports the Northwest HIDTA Border Task Force Prosecution Initiative of the Northwest High Intensity Drug Trafficking Area from January 1, 2013 through December 31, 2014. This grant will pay for a prosecutor and a secretary in the Prosecuting Attorney’s Office and the New World Systems Corporation software maintenance for the AS400/State NCIC Interface.

The High Intensity Drug Trafficking Area (HIDTA) program enhances and coordinates drug control efforts among local, state, and federal law enforcement agencies. The program provides agencies with coordination, equipment technology, and additional resources to combat drug trafficking and its harmful consequences in critical regions of the United States.

Funding Amount and Source
Total grant of $175,073.00 is from the Executive Office of the President Office of National Drug Control Policy. Partial award of $84,035 was authorized 01/31/13 based on current federal appropriation and a second award for the remaining $91,038.00 will be available when enacted through public law.

Differences from Previous Contract
None

Please contact Undersheriff Jeff Parks at 50418 if you have any questions regarding the terms of this grant agreement.

Thank you.

enclosure
January 31, 2013

County Executive Jack Louws
Whatcom County
311 Grand Avenue
Bellingham, WA 98225

Dear Mr. Louws:

We are pleased to inform you that your request for funding from the High Intensity Drug Trafficking Areas (HIDTA) Program has been approved, and a grant (Grant Number G13NW0004A) has been awarded in the amount of $84,035. This grant will support initiatives designed to implement the Strategy proposed by the Executive Board of the Northwest HIDTA and approved by the Office of National Drug Control Policy (ONDCP).

The original Grant Agreement, including certain Special Conditions, is enclosed. By accepting this grant, you assume the administrative and financial responsibilities outlined in the enclosed Grant Conditions, including the timely submission of all financial and programmatic reports, the resolution of audit findings, and the maintenance of a minimum level of cash-on-hand. Should your organization not adhere to these terms and conditions, ONDCP may terminate the grant for cause or take other administrative action.

If you accept this award, please sign both the Grant Agreement and the Grant Conditions and return a copy to:

Finance Unit
National HIDTA Assistance Center
11200 NW 20th Street, Suite 100
Miami, FL 33172
(305) 715-7600
Or via email to your respective NHAC accountant.

Please keep the original copy of the Grant Agreement and Grant Conditions for your file. If you have any questions pertaining to this grant award, please contact Shannon Kelly at (202) 395-6692.

Sincerely,

Michael K. Gottlieb
National HIDTA Director

Enclosures
WHATCOM COUNTY CONTRACT
INFORMATION SHEET

Originating Department: Sheriff's Office
Contract Administrator: Undersheriff Jeff Parks
Contractor's / Agency Name: Executive Office of the President Office of National Drug Control Policy

Is this a New Contract? Yes _X_  No ___  If not, is this an Amendment or Renewal to an Existing Contract? Yes ___  No ___  If yes, previous number(s): ____________________________

Is this a grant agreement? Yes _X_  No ___  If yes, grantor agency contract number(s) _G13NW0004A_ CFDA # _95.001_________

Is this contract grant funded? Yes _X_  No ___  If yes, associated Whatcom County grant contract number(s) ____________________________

Is this the result of a RFP or Bid process? Yes ___  No _X_  If yes, RFP and Bid number(s) ____________________________

Is this contract excluded from E-Verify? No ___  Yes _X_  If no, include Attachment D Contractor Declaration Form
If yes, indicate qualified exclusion(s) below:

_ _ Contract less than $100,000.
_ _ Professional services agreement for certified/licensed professional
_ _ Work is for less than 120 days
_ _ Contract for Commercial off the shelf items (COTS)
_ _ Interlocal Agreement (between Govt.)
_ _ Public Works Dept. - Local Agency/Federally Funded FHWA

Contract Amount:(sum of orig contract and any prior amendments) $ 84,035.00
This Amendment Amount: ____________________________
Total Amended Amount: $ 84,035.00

Scope of Services: [Insert language from contract (Exhibit A) or summarize; expand space as necessary]
This award supports the Northwest HIDTA Border Task Force Prosecution Initiative. The grant provides funding for one prosecutor and one secretary in the Prosecuting Attorney’s Office and the New World Systems Corporation software maintenance for the AS400/State NCIC Interface. Total grant is $175,073.00. Partial award of $84,035 was authorized 1/31/13 based on current federal appropriation and a second award for the remaining $91,038.00 will be available when enacted through public law.

Term of Contract: January 1, 2013 Expiration Date: December 31, 2014

Contract Routing Steps & Signoff: [sign or initial] [indicate date transmitted]
1. Prepared by _______________ DMP _______________ Date 02/06/13 [electronic]
2. Attorney reviewed _______________ Date 2/11/13 [electronic]
3. AS Finance reviewed _______________ Date 2/11/13 [electronic]
4. IT reviewed if IT related _______________ Date [electronic]
5. Corrections made _______________ [electronic] hard copy printed
6. Attorney signoff _______________ Date
7. Contractor signed _______________ Date
8. Submitted to Exec Office _______________ Date 2/21/13 [summary via electronic; hardcopies]
9. Council approved (if necessary) _______________ Date
10. Executive signed _______________ Date
11. Contractor Original Returned to dept. _______________ Date
12. County Original to Council _______________ Date

Last Revised 1/19/12
Executive Office of the President  
Office of National Drug Control Policy

<table>
<thead>
<tr>
<th>Grant Agreement</th>
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<tr>
<td>1. Recipient Name and Address</td>
</tr>
<tr>
<td>County Executive Jack Louws</td>
</tr>
<tr>
<td>Whatcom County</td>
</tr>
<tr>
<td>311 Grand Avenue</td>
</tr>
<tr>
<td>Bellingham, WA 98225</td>
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<tr>
<td>4. Award Number: G13NW0004A</td>
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<td>5. Grant Period: From 01/01/2013 to 12/31/2014</td>
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</table>

### 1A. Recipient IRS/Vendor No.: I916001383B2

| 6. Date: 1/31/2013 |
| 7. Action |
| Supplemental |

| 8. Supplement Number |
| □ Initial |

### 2A. Subrecipient IRS/Vendor No.: |

| 9. Previous Award Amount: |

### 3. Project Title |

| Northwest Border Task Force |
| 10. Amount of This Award: $84,035 |
| 11. Total Award: $84,035 |

### i2. Consistent with Public Law 112-175, the Continuing Appropriations Resolution, 2013, this document provides a total budget and spending ceiling as reflected in Block 10 of the Grant Award document, which represents funding at the rate of 48% of the fiscal year 2012 funding level. Accordingly, the sum of all budgets cannot exceed the award amount reflected in Block 10 of the Grant Award document. The Office of National Drug Control Policy acknowledges that the aforementioned funding level is below the stated budget requirements; however, additional funding cannot be made available until enacted through public law. |

### 13. Statutory Authority for Grant: Public Law 112-175 |

### 14. Typed Name and Title of Approving Official |

| Michael K. Gottlieb |
| National HIDTA Director |

### 15. Typed Name and Title of Authorized Official |

| Jack Louws |
| Whatcom County |

### 16. Signature of Approving ONDCP Official |

| Michael K. Gottlieb |

### 17. Signature of Authorized Recipient/Date |

### 18. Accounting Classification Code |

| DUNS: 803417989 |
| EIN: 1916001383B2 |

### 19. HIDTA AWARD |

| OND1070DB1314XX OND6113 |
| OND2000000000 OC 410001 |
GRANT CONDITIONS

A. General Provisions

1. This grant is subject to:

   - OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Government; or, if applicable, OMB Circular A-21, Cost Principles for Educational Institutions;
   - OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments; or, if applicable, OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations;
   - OMB Circular A-133, Audits of States, Local Governments and Non-Profit Institutions;
   - Government-wide Debarment and Suspension (Non procurement), codified at 21 CFR § 1401 et. seq.;
   - Government-wide Requirements for Drug-Free Workplace (Grants), codified at 21 CFR § 1401 et. seq.;
   - New Restrictions on Lobbying, codified at 18 USC § 1903 and 31 USC § 1352;
   - Nondiscrimination in Federally Assisted Programs and Equal Opportunity Plans requirements are codified at USC, Title VI (42 USC § 2000d et seq.); and
   - Immigration and Naturalization Service Employment Eligibility Verification Form (I-9).

2. Audits conducted pursuant to OMB Circular A-133, “Audits of State and Local Governments”, must be submitted no later than 9 months after the close of the grantee’s audited fiscal year. A copy of the audit report and management letter must be sent to:

EOP/ONDCP
Attention: Michael Reles
GSD/RDF (202) 395-6608
Anacostia Naval Annex
Bldg 410/Door 123
250 Murray Lane, SW
Washington, DC 20509
or:
mreles@ondcp.eop.gov
3. Grantees are required to submit Federal Financial Reports (FFR) to the Department of Health and Human Services, Division of Payment Management (HHS/DPM). Other reporting requirements are specified in the HIDTA Program Policy and Budget Guidance.

4. The recipient gives the awarding agency or the Government Accountability Office, through any authorized representative, access to, and the right to examine, all paper or electronic records related to the grant.

5. Recipients of HIDTA funds are not agents of ONDCP. Accordingly, the HIDTA, its fiscal agent(s), HIDTA employees, HIDTA contractors, as well as state, local, and federal HDTA participants, either on a collective basis or on a personal level, shall not hold themselves out as being part of, or representing, the Executive Office of the President or ONDCP.

B. Special Conditions HIDTA Grants

The following special conditions are incorporated into each award document.

1. This grant is awarded for the initiative(s) named above. Variation from the description of activities approved by ONDCP and/or from the budget attached to this letter must comply with the reprogramming requirements as set forth in ONDCP’s HIDTA Program Policy and Budget Guidance.

2. This award is subject to the requirements in ONDCP’s HIDTA Program Policy and Budget Guidance.

3. No HIDTA funds shall be used to supplant state or local funds that would otherwise be made available for the same purposes.

4. The requirements of 28 CFR Part 23, which pertain to information collection and management of criminal intelligence systems, shall apply to any such systems supported by this award.

5. Special accounting and control procedures must govern the use and handling of HIDTA Program funds for confidential expenditures; i.e. the purchase of information, evidence, and services for undercover operations. Those procedures are described in Section 6-12 of the HIDTA Program Policy and Budget Guidance.

6. The grant recipient agrees to account for and use program income in accordance with the “Common Rule” and the HIDTA Program Policy and Budget Guidance. Asset forfeiture proceeds generated by the HIDTA-funded initiatives shall not be considered as program income earned by HIDTA grantees.
7. Property acquired with these HIDTA grant funds is to be used for activities of the Northwest HIDTA. If your agency acquires property with these funds and then ceases to participate in the HIDTA, this equipment must be made available to the HIDTA’s Executive Board for use by other HIDTA participants.

8. All law enforcement entities that receive funds from this grant must report all methamphetamine laboratory seizure data to the National Clandestine Laboratory Database/National Seizure System at the El Paso Intelligence Center.

C. Payment Basis

1. A request for Advance or Reimbursement shall be made using the HHS/DPM system (www.dpm.psc.gov). Copies of invoices or payroll registers must accompany the payment confirmation number to provide documentation for the reimbursement request. Requests for advances must be accompanied by details specifying the need for the advance. Documentation of how the advance was spent must be submitted within 21 days and before another advance or reimbursement will be approved.

2. The HIDTAs, or their respective grantees, must utilize the HIDTA program Financial Management System's (FMS) Disbursement module each time they submit a disbursement request to the NHAC. Requests for payment in the DPM system will not be approved unless the required disbursements have been entered into the FMS. Payments will be made via Electronic Fund Transfer to the award recipient’s bank account. The bank must be FDIC insured. The account must be interest bearing.

3. Except for interest earned on advances of funds exempt under the Intergovernmental Cooperation Act (31 U.S.C. 6501 et seq.) and the Indian Self-Determination Act (23 U.S.C. 450), grantees and subgrantees shall promptly, but at least quarterly, remit interest earned on advances to HHS/DPM at the address provided below. When submitting your checks, please provide a detailed explanation which should include: reason for check (remittance of interest earned on HIDTA advance payments), check number, grantee name, grant number, interest period covered, and contact name and number.

Ms. Janet Fowler
Division of Payment Management
Department of Health and Human Services

Via U.S. Postal Mail:
P.O. Box 6021
Rockville, MD 20852

Via FedEx:
7700 Wisconsin Avenue
10th Floor
Bethesda, MD 20814
4. The grantee or subgrantee may keep interest amounts up to $100 per year for administrative purposes.

RECIPIENT ACCEPTANCE OF GRANT CONDITIONS

Signature: ___________________________ See attached Page 5a of 5 ___________________________ Date: ________________
Name: Jack Louws
Organization: Whatcom County
WHATCOM COUNTY:
Recommended for Approval:

[Signature]
Sheriff
2/7/13

Approved as to form:

[Signature]
Prosecuting Attorney
2/11/13

Approved:
Accepted for Whatcom County:

By: ____________________________
Jack Louws, Whatcom County Executive
Date

STATE OF WASHINGTON
COUNTY OF WHATCOM

On this _____ day of ____________, 20 ____, before me personally appeared Jack Louws, to me known to be the Executive of Whatcom County, who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

________________________________
NOTARY PUBLIC in and for the State of Washington, residing at _______________________.
My commission expires __________________.
## Initiative Cash by HIDTA

**FY 2013**

Awarded Budget (as approved by ONDCP)

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<th>Cash</th>
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<td>Interdiction</td>
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*Agency Total: Whatcom County*

175,073.00

Total

175,073.00
## Budget Detail

**2013 - Northwest**

**Initiative - Northwest Border Task Force**

**Award Recipient - Whatcom County (G13NW0004A)**

**Resource Recipient - Whatcom County Prosecutor's Office**

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<td>Paralegal &amp; Support</td>
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<td><strong>Total Personnel</strong></td>
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<td><strong>Fringe</strong></td>
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<td><strong>Total Budget</strong></td>
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WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

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<td>Dept. Head:</td>
<td>MGM</td>
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<tr>
<td>Executive:</td>
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<td>3/5/13</td>
</tr>
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Agenda Date: 3/12/13
Assigned to: Finance/Council

RECEIVED
MARCH 5, 2013
WHATCOM COUNTY COUNCIL

TITLE OF DOCUMENT:
Hovander Homestead Park Use Agreement Between Whatcom County Parks & Recreation and the Bellingham Highland Games Association

ATTACHMENTS:
Use Agreement

SEPA review required? ( ) Yes ( X ) NO
SEPA review completed? ( ) Yes ( ) NO
Should Clerk schedule a hearing? ( ) Yes ( X ) NO
Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Request authorization for the County Executive to enter into an agreement for use of Hovander Homestead Park agreement by the Bellingham Highland Games Association for 2013-2015.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #:       Related File Numbers:       Ordinance or Resolution Number:

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
MEMORANDUM

TO: Jack Louws, County Executive
FROM: Michael McFarlane, Director
RE: Bellingham Highland Games Use Agreement
DATE: February 19th, 2013

Enclosed are two (2) originals of a use agreement for Hovander Homestead Park between the Bellingham Highland Games Association and Whatcom County for your review and signature.

- **Background and Purpose**
The Bellingham Highland Games Association has used Hovander Park for many years to hold its annual games and heritage festival. The event is open to the public by admission fee. This agreement is for a three year period beginning in 2013 and is conditioned on similar terms and rents as the previous agreement.

- **Funding Amount and Source**
The Bellingham Highland Games Association will pay the County $4,980.00 annually for use of the park.

- **Differences from Previous Contract**
This agreement is for a three year period with an increase in the alcohol permit fee per the UFS schedule.

Please contact Michael McFarlane at extension 32072, if you have any questions or concerns regarding the terms of this agreement.

Encl.
## WHATCOM COUNTY CONTRACT INFORMATION SHEET

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Parks &amp; Recreation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Administrator:</td>
<td>Erik Axelson</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Bellingham Highland Games Association</td>
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</tbody>
</table>

**Is this a New Contract?**
- Yes [X] No [ ]

**Is this a grant agreement?**
- Yes [ ] No [X]

**Is this contract grant funded?**
- Yes [ ] No [X]

**Is this the result of a RFP or Bid process?**
- Yes [ ] No [X]

**Is this contract excluded from E-Verify?**
- Yes [X] No [ ]

**Professional services agreement for certified/licensed professional**
- Contract for Commercial off the shelf items (COTS)
- Public Works Dept. - Local Agency/Federally Funded FHWA

**Contract Amount:**
- (sum of orig contract amt and any prior amendments)
- [4,980.00] Annually paid to County

**This Amendment Amount:**
- [ ]

**Total Amended Amount:**
- [ ]

**Scope of Services:**
- [Insert language from contract (Exhibit A) or summarize; expand space as necessary]

**Agreement for use of Hovander Homestead Park by the Bellingham Highland Games Association for the 2013, 2014, and 2015 seasons.**

**Term of Contract: 2013-2015**

**Expiration Date: 6/23/15**

### Contract Routing Steps & Signoff:
- [sign or initial] [indicate date transmitted]
  1. Prepared by: [MGM] [2/19/13] [electronic]
  2. Attorney reviewed [ ] [ ] [ ] [ ]
  3. AS Finance reviewed [ ] [3/15/13] [ ]
  4. IT reviewed if IT related [ ] [ ] [ ] [ ]
  5. Corrections made [ ] Date [ ] [ ] [ ] [ ] [ ] [ ] [ ]
  6. Attorney signoff [X] [LJ] [2/5/13] [electronic]
  7. Contractor signed [X] [3/13/13]
  8. Submitted to Exec Office [X] [3/5/13] [summary via electronic; hardcopies]
  9. Council approved (if necessary) [ ] [ ] [ ] [ ]
  10. Executive signed [ ] [ ] [ ] [ ]
  11. Contractor Original Returned to dept. [ ] [ ] [ ] [ ]
  12. County Original to Council [ ] [ ] [ ] [ ]

_Last Revised 1/19/12_
HOVANDER HOMESTEAD PARK USE AGREEMENT BETWEEN
WHATCOM COUNTY PARKS & RECREATION AND THE BELLINGHAM
HIGHLAND GAMES ASSOCIATION

THIS AGREEMENT dated as of February 13, 2013, is made and entered into
between WHATCOM COUNTY (PARKS & RECREATION DEPARTMENT), a municipal
Corporation in the State of Washington, and the BELLINGHAM HIGHLAND GAMES
ASSOCIATION, a 501c4 non-profit Corporation in the State of Washington.

The Bellingham Highland Games Association is requesting use of Hovander Homestead Park
to host the Highland Games in 2013-2015. The games are to be held on the first weekend of
June. In 2013 the games will be held June 1st and 2nd, in 2014 June 7th and 8th and in 2015, June
6th and 7th. By December 1 of the preceding year, the Bellingham Highland Games Association
will notify Whatcom County of their intent to rent the grounds for the following year. The terms
governing the use of the park for the Highland Games are outlined below.

I. Whatcom County Parks & Recreation agrees to the following:

1. Provide use of the large Group Picnic Shelter; the Red, Blue and Water Tower Picnic
Areas; the Orchard and Hovander House yard; the common area around the Hovander
Barn; and Field Areas II and III on Saturday and Sunday. The Group Picnic Shelter
may be used on Friday evening for a volunteer appreciation party. See attached map for
locations of above areas.

2. Provide access to the areas outlined in “1.1” at no cost from Tuesday through Friday of
the week preceding the event and Monday and Tuesday immediately after the event in
order to set up and clean up from the event, PROVIDED THAT the general public will
have free access to those areas on those dates. The Bellingham Highland Games
Association will be billed at 50% of the commercial rate for each day after the Tuesday
immediately following the event that the site is not cleaned up.

3. Provide electricity and water at no additional cost.

4. Provide storage space on site when available for Highland Games bleachers before and
after the event. Whatcom County assumes no responsibility for damage, condition, loss,
safety or code compliance for the bleachers.

5. Layout and supervise camping, and provide portable toilets for campers use. Camping
will be permitted Friday, Saturday and Sunday nights. Parks staff will collect fees and
designate camping areas. Camping fees collected will be retained by the Parks
Department. Event volunteers of Bellingham Highland Games Association will not be
charged a fee for camping and will be provided space in the designated volunteer
camping area. The size and location of that space will be coordinated with the Lead Park
Ranger prior to the event.

6. Allow the Bellingham Highland Games Association to sell alcohol at the event, provided
that this activity is well supervised, that a Special Occasion License has been obtained
and is posted at the “beer garden”, and that a fee of $120 per day is paid to the Parks
Department (included in overall fee outlined at end of agreement). Alcohol can only be
sold or consumed within the "beer garden" on event days of Saturday and Sunday, which are the days which will be covered by the Special Occasion License.

7. Allow the Bellingham Highland Games Association to charge and collect a fee for event parking. The Tenant Lake Interpretive Center and WDFW boat landing parking lots are not available for event parking. Visitors utilizing the event parking area who are not attending the Games will not be charged for parking.

II. Bellingham Highland Games Association agrees to the following:

1. Coordinate and provide all elements of the Highland Games at Hovander Homestead Park, including set-up, security and public safety, traffic control, and the layout and supervision of event parking. This includes notification to the City of Ferndale, Whatcom County Sheriff's Office, and Whatcom County Health Department of the annual event.

2. Provide an adequately sized dumpster(s) for the event and an adequate number of port-a-potties for the event, and handle all garbage and recycling associated with the event. **Recycling Policy:** If bottled or canned beverages are sold or provided at an event, State law requires vendors to provide recycling containers and to arrange for the transport and recycling of the containers.

3. Move and return bleachers to assigned storage area.

4. Provide three port-a-potties /restroom facilities outside of the gated event so that park users do not have to enter the event grounds to use a restroom. Location to be determined by the lead ranger.

5. Handle all aspects of clean-up after the event. All take-down and clean-up must be completed by sunset on the Tuesday immediately after the event. If clean-up is not completed, payment will be made to Whatcom County Parks & Recreation as outlined in “1.2” above.

6. No items used for the Highland Games other than bleachers will be left on site after sunset on the Tuesday immediately following the games. The Highland Games Association will be charged a daily storage fee until items are removed. That fee will be based on the average rate for storage in Ferndale.

7. Repair or pay for any damage resulting from the Highland Games, including restoring any damaged turf. The restoration of damaged turf will be coordinated with the Lead Park Ranger.

8. The Association will purchase liability insurance naming Whatcom County as an additional insured on the policy. The policy must specify the location, activity, and provide coverage for the duration of the event. For 2013, the insurance will be primary with the limits of bodily injury and property damage liability not less than $1,000,000 CSL; $2,000,000 aggregate. Policy must include products liability and cover the dispensing of alcohol. The insurer must be licensed to do business in the State of Washington. The Association will provide a copy of the policy to the Parks & Recreation Department no later than two weeks prior to the scheduled event. Insurance requirements may change in subsequent years. They will be reviewed and determined by the County's Risk Manager on an annual basis.
9. Payment of $4,980 will be made annually to Whatcom County Parks & Recreation Department no later than 14 days after the conclusion of each year's event. Fee includes authorization to sell alcohol at the event as described in "1.6" above. Areas reserved for the event are outlined below:

<table>
<thead>
<tr>
<th>All Picnic Areas at Hovander Homestead Park</th>
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</thead>
<tbody>
<tr>
<td>Common Area- Barn</td>
</tr>
<tr>
<td>Field Areas I, II, and III</td>
</tr>
</tbody>
</table>

BELLINGHAM HIGHLAND GAMES ASSOCIATION

Glen Winchester, Executive Director

360-733-6493 Cell 961-1301

Telephone Number

STATE OF WASHINGTON

CITY OF WHATCOM

On this 13th day of February, 2013, before me personally appeared Glen Winchester, to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledges that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 13th day of February, 2013.

Linda M. Kasper
NOTARY PUBLIC in and for the State of Washington, residing at Ferndale.
My Commission expires: 3/29/13
Executed as of the date first written above.

WHATCOM COUNTY

Jack Louws, County Executive

STATE OF WASHINGTON

) ss.

COUNTY OF WHATCOM

On this ___ day of ____________, 2013, before me personally appeared JACK LOUWS, to me known to be the County Executive of WHATCOM COUNTY and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Given under my hand and official seal this ___ day of ____________, 2013.

NOTARY PUBLIC in and for the State of Washington,
residing at Bellingham
My Commission expires:

WHATCOM COUNTY PARKS & RECREATION
DEPARTMENT

Michael McFarlane, Director

APPROVED AS TO FORM:

Deputy Prosecuting Attorney
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**TITLE OF DOCUMENT:**
Disc. of funding options for attorneys who represent parents in dependency cases

**ATTACHMENTS:**

**SEPA review required?** ( ) Yes ( ) NO
**SEPA review completed?** ( ) Yes ( ) NO

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)
Discussion of possible alternative funding sources to cover costs for outside attorneys to represent parents in dependency actions

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

*Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.*
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**TITLE OF DOCUMENT:**

**ATTACHMENTS:**

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**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Strategy planning discussion and positions to be taken regarding collective bargaining. (per RCW 42.30.140(4)(a))

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

<table>
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<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
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**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.
**TITLE OF DOCUMENT:** Zoning amendment to allow Agricultural Slaughtering Facilities in the Agriculture Zoning District

**ATTACHMENTS:**
1) Staff memo to Council
2) Proposed Ordinance

**SEPA review required?**  
(X) Yes  ( ) NO  
**SEPA review completed?**  
(X) Yes  ( ) NO  
Should Clerk schedule a hearing?  
(X) Yes  ( ) NO  
Requested Date: March 26, 2013

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

To allow agricultural slaughtering facilities of up to 5,000 square feet as an accessory use, or 10,000 square feet as a conditional use. Review criteria include limits on out-of-county livestock, the size of the holding pens, the size of the kill floor, total number of facilities, noxious emissions, and requires avoidance of prime soils to the extent feasible, among other criteria.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:** AB2012–300

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: **www.co.whatcom.wa.us/council.**
Memorandum

TO: Whatcom County Council
FROM: Joshua Fleischmann, Planner
THROUGH: Mark Personius, Long Range Planning Manager
DATE: February 28, 2013
SUBJECT: Agricultural Slaughtering Facilities Zoning Text Amendment, RE: PLN2012-00008

This memo is intended to answer the questions regarding the RIM zone and the potential impacts to property values that were asked for by the Planning and Development Committee at the end of February 12th meeting, as well as an explanation of Exhibit A, which is the result of public comment from the meeting and other necessary changes to ensure consistency and clarity.

I. RIM
Presently, agricultural slaughtering facilities are only allowed within the RIM zone, through the Administrative Approval process (WCC 20.69.130). However, not all RIM zones are created equal.

There are four locations within Whatcom County that are zoned RIM. Three of them (Point Roberts, Gooseberry Point, Smith Rd/Guide Meridian intersection) are a Type 1 LAMIRD with a Comprehensive Plan designation of Rural Community. The other (near Loomis Trail Road, between I-5 and Portal Way) is a Type 3 LAMIRD with a Comprehensive Plan designation of Rural Business.

The Comprehensive Plan designation is important because for any of the administrative approval uses within the RIM zone, in a rural community designation, the same use had to have existed in that same rural community designation on July 1, 1990. Whereas, in the rural business designation, it is not required that the same use existed in the same rural business designation on July 1, 1990 to be administratively permitted.

This means that an agricultural slaughtering facility had to have existed in the RIM zone of Point Roberts, Gooseberry Point, or the Smith Rd/Guide Meridian on July 1, 1990 for it to be administratively permitted. Available records do not indicate that this was the case, therefore limiting agricultural slaughtering facilities as an administratively approvable use to the RIM zone between Portal Way and I-5. Within this RIM zone, the maximum individual building size is 7,000sf, though an
applicant may have additional buildings so long as they meet other zoning requirements (i.e. building setbacks, building height, lot coverage, open space, etc.)

II. Property Values

At the end of the February 12th meeting, Planning and Development was asked to research potential impacts to property values due to proximity of agricultural slaughtering facilities.

Through discussions with Keith Willnauer, Whatcom County Assessor, the valuation of property is done on a case by case basis. This valuation includes a myriad of variables, any and all of which are required to be reviewed as part of the assessment. These include sales of comparable properties and the highest and best use of the land, among others. In reviewing the sales of comparable properties, it is important to note that the sales price, or "value", of a property is determined by the negotiations of a willing buyer and willing seller, and that each of these parties will always have numerous influences in how they view the value of the property.

Specific to agricultural slaughtering facilities, there could be both negative and positive impacts, and these impacts may vary. For example, through Comprehensive Plan designations and zoning regulations, the "highest and best use" of the land in the AG zone has been identified as agriculture. If an agricultural slaughtering facility is located in the AG zone, the impacts to property values here may be less than if the neighboring properties were rural or urban, where the highest and best use of the land is residential. A positive impact to neighboring properties may also be realized for a person whose property is used for raising livestock that are presently required to go to Eastern Washington for slaughter. By way of proximity to a new slaughtering facility down the road, this person may realize a positive effect.

Also of note, a feedlot associated with an agricultural slaughtering facility may have a greater impact on property values than the actual facility itself, though this would depend on the size of the operation. A holding pen for 10 cattle to supply a slaughtering facility the next day would be viewed greatly different than a 500 head feedlot to supply a slaughtering facility over the next month. Understandably, a feedlot could be viewed much like a dairy operation in terms of valuation.

III. Exhibit A

Exhibit A is an amended version of the previous version passed by the Planning and Development Committee on February 12, 2013. It includes 2 changes (below) based on public concerns stated at the February 12, 2013 Planning and Development Committee meeting, as well as clarifying language regarding poultry and other changes necessary for consistency and clarity. All the new recommended staff revisions are shown in double underline.

We have added an additional criterion (#2) that would limit the size of the holding pens designed to hold animals intended for immediate slaughter. This limit would prevent the holding pens from becoming feedlots, as typically envisioned. As noted above in the discussion about impacts to property values, a feedlot could impact
neighboring property values more than an agricultural slaughtering facility. Therefore, limiting the holding pens to a size that accommodates the immediate supply needs of an agricultural slaughtering facility may be a key tool for limiting impacts to neighboring property values.

Also in Exhibit A is an amended Criterion #3 (formerly #2). At the committee meeting there was confusion as to how this criterion would be applied, with the concern being that this was a requirement for animals to have originated from within the AG zone. We feel that this amendment clarifies that it is the uses permitted in WCC 20.40.051 (husbandry of small animals, raising of livestock, dairying, etc), rather than the zoning district of origin, from which animals are to be sourced.

Since the meeting, comments have been submitted with concerns about how this proposed text amendment would impact already existing poultry operations that operate under Washington State Department of Agriculture regulations. Exhibit A includes an expanded definition for “Agricultural slaughtering facility” stating that agricultural slaughtering facilities exclude on-farm poultry slaughtering of up to 20,000 poultry a year, as regulated by the WSDA Special Poultry Permit and WSDA Food Processor License. Staff have also provided a new definition for “Poultry.”

Finally, for consistency throughout Whatcom County Code, staff has suggested changes to WCC 20.40.111(1) and WCC 20.40.137(1), replacing the undefined word “slaughterhouse” with agricultural slaughtering facility.
ORDINANCE NO. ________

ZONING AMENDMENT TO ALLOW AGRICULTURAL SLAUGHTERING
FACILITIES IN THE AGRICULTURE ZONING DISTRICT

WHEREAS, an application has been submitted to amend the Agriculture
(AG) zoning district to allow the small scale slaughter of local livestock; and

WHEREAS, the proposed amendment has been reviewed under the State
Environmental Policy Act (SEPA); and

WHEREAS, In accordance with RCW 36.70A.106 Whatcom County Planning
and Development Services notified the Department of Commerce of the proposed
zoning text amendment; and

WHEREAS, notice of the Whatcom County Planning Commission hearing on
the proposed amendment was published in the Bellingham Herald; and

WHEREAS, the Whatcom County Planning Commission held a public hearing
on the proposed amendment and considered all testimony; and

WHEREAS, the Whatcom County Planning Commission held 3 work sessions
on the proposed amendment; and

WHEREAS, the Whatcom County Planning Commission forwarded its findings
and reasons for action to the County Council; and

WHEREAS, the Whatcom County Council has reviewed the Planning
Commission recommendation; and

WHEREAS, the Whatcom County Council held 3 public hearing on the
proposed amendment and considered all testimony; and

WHEREAS, the Whatcom County Council held 5 work sessions in the
Planning and Development Committee; and

WHEREAS, The Whatcom County Council held 1 work session in the Special
Committee of the Whole; and

WHEREAS, the Whatcom County Council hereby adopts the following
findings of fact and conclusions:

FINDINGS

1. The proposal is to amend the Agriculture (AG) District portion of the Zoning
Code (WCC 20.40), to allow for agricultural slaughtering facilities.

2. The proposal has been posted to the County website.
3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on June 5, 2012.

4. Notice of the Planning Commission work session for the subject amendment was posted on the County’s website in May 2012.

5. In order to approve the zoning amendment, the County must find that it is consistent with the Growth Management Act. Additionally, the County must find that the zoning amendment is consistent with and implements the Whatcom County Comprehensive Plan.

6. The Growth Management Act includes a planning goal to “Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state’s natural resources, public services, and public facilities” (RCW 36.70A.020(5)).

This proposed zoning amendment would allow for new small scale agricultural slaughtering facilities within the agriculture zoning district. Presently, new agricultural slaughtering facilities are prohibited within the agriculture zoning district. Staff recognizes the benefit to the agricultural industry this amendment would provide by allowing greater opportunities for farmers to get their product to the end user. The Growth Management Act allows for jurisdictions to implement innovative zoning techniques, which should be designed to conserve agricultural lands and encourage the agricultural economy. This proposed amendment would support planning goal RCW 36.70A.020(5) Economic Development.

7. The Growth Management Act also includes a planning goal to “Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses” (RCW 36.70A.020(8)).

This proposed zoning amendment would allow for new agricultural slaughtering facilities within the agriculture zoning district. Staff recognizes the benefit to the agricultural industry this amendment would provide by allowing greater opportunities for farmers to get their product to the end user. This proposed amendment would support planning goal RCW 36.70A.020(8) Natural Resource Industries.
8. Consistent with RCW 36.70A.177, this amendment will allow agricultural
slaughtering facilities within the agricultural zone that will support the
agricultural community by allowing production of value-added agricultural
products and will not interfere with the overall agricultural use and character
of the County’s designated agricultural lands of long-term commercial
significance.

9. Policy 8B-1: Promote the expansion and stability of local and regional
agricultural economies

This proposed zoning amendment would allow for new agricultural
slaughtering facilities within the agriculture zoning district. Presently, Keizer
Meats of Lynden, which operates the only USDA approved slaughtering
facility north of Seattle that is open to the public, has received conditional
approval to operate a small scale agricultural slaughtering facility at the
location of their approved meat cutting and packing facility on Bob Hall Rd.
Approval of this proposed amendment would allow other citizens within the
agriculture zoning district to provide slaughtering services to Whatcom
County farmers and allow greater opportunities for farmers to generate
value-added products and get their product to the end user.

10. Policy 8B-2: Assist Whatcom County’s agricultural industry in the pursuit of
its long-term economic potential. This should include the development of
strategies and policies necessary to reach this potential, in terms of both
production and diversity.

This proposed zoning amendment would allow for new uses not presently
allowed in the agriculture zoning district. Allowing this use may increase
production and diversity of livestock by providing greater opportunities for
livestock owners to get their product to the end user.

11. Policy 8B-4: Support methods and strategies to market Whatcom County
agriculture in ways which ensure that agricultural activities (such as dairying)
and entities (such as processors) will remain here in the long term.

Allowing new agricultural slaughtering facilities within the agriculture zoning
district would provide for additional marketing of Whatcom County livestock,
as there is presently only one permitted USDA approved agricultural
slaughter facility within any Whatcom County jurisdiction that is open to
the public.

12. County-Wide Planning Policy I-5: The county and the cities should include an
economic development element in their Comprehensive Plans. Economic
development elements should be consistent with the CEDS. Economic
development shall be coordinated with environmental concerns to protect the
quality of life. Planning efforts should address economic sustainability. As
part of the comprehensive planning process and through implementation of
the comprehensive plan, the County shall develop and adopt goals, policies
and regulations that protect resource land industries and support and
encourage resource-based industries.

Approval of this proposed amendment would allow citizens within the
agriculture zoning district to provide slaughtering services to Whatcom
County farmers and allow greater opportunities for farmers to get their
product to the end user. By approving the proposed amendment,
comprehensive plan goals and policies and their related development
regulations that support and encourage resource-based industries would be
implemented.

13. County-Wide Planning Policy I-9: The County and the cities recognize the
need for the protection and utilization of natural resources and resource
lands including agricultural, mineral, forestry and fishing. As part of a broad
based economy, productive timber, agriculture and fisheries industries should
be supported in a sustainable manner.

Approval of this proposed amendment would allow citizens within the
agriculture zoning district to provide slaughtering services to Whatcom
County farmers and allow greater opportunities for farmers to get their
product to the end user. Approval of this proposal would allow for an
increase to the economic base for agricultural products related to livestock.

14. Agricultural slaughtering facilities within the Agriculture zone allow for a
local, sustainable, humanely raised food supply for the citizens of Whatcom
County.

15. By limiting the number and square footage of agricultural slaughtering
facilities that may exist within the agriculture zone, the proposed
amendments will not result in substantial conversion of agricultural lands.

16. The limit on the number of agricultural slaughtering facilities is based on
known and reasonably expected demand for such facilities, while ensuring
that growth of the industry in the county is done in a measured manner, until
such point that the legislative body deems it necessary to increase the limit.

17. The proposed amendment has not changed substantially from the initial staff
proposal that was reviewed through the State Environmental Policy Act
(SEPA). The previously issued SEPA Threshold Determination of
Determination of Nonsignificance (DNS) is still applicable.

18. Limiting the size of the kill floor limits the capacity of the facility, in turn
limiting the scope of operations, consistent with the intent to allow for
“small-scale” agricultural slaughtering facilities on agricultural lands.
19. The Rural Industrial Manufacturing (RIM) zone is the only zone presently in Whatcom County that provides a permitting pathway to allow for Agricultural Slaughtering Facilities. Applicability of land within the RIM zone to a new agricultural slaughtering facility is limited to the I-5 Rural Business RIM zone.

CONCLUSIONS

1. The proposed amendments are consistent with the Whatcom County Comprehensive Plan.

2. The subject amendment serves the public interest by supporting the local agricultural industry.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the Whatcom County Zoning Code is hereby amended as shown in Exhibit A.

BE IT FURTHER ORDAINED that if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

ADOPTED this ____ day of ________, 20____.

ATTEST: 

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

____________________
Kathy Kershner, Council Chair

APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

____________________
Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved ( ) Denied

Date Signed:____________________
EXHIBIT A

Chapter 20.40 AGRICULTURE (AG) DISTRICT
20.40.100 Accessory Uses

.111 The processing of agricultural products that originate from the permitted uses in WCC 20.40.050, provided the following criteria are met:

1. The facility is not an agricultural slaughtering facility slaughterhouse or mushroom substrate production facility.
2. The facility is supplemental and related to the primary permitted use.
3. The facility processes at least 50 percent agricultural goods produced in Whatcom County and that originate from permitted uses.
4. The facility employs no more than 20 permanent employees.

.114 Agricultural slaughtering facilities, which shall be located, designed, and operated so as to not interfere with the overall agricultural character of the area, provided the following criteria are met:

1. The total allowable building area is no larger than 5,000 square feet.
2. External holding pens, designed to hold animals intended for immediate slaughter, shall be limited in size to no more than 25% of the agricultural slaughtering facility building area.
3. The facility processes at least 50 percent agricultural goods produced in Whatcom County and that originate from uses permitted uses in WCC 20.40.051.
4. The maximum square footage of the kill floor in such facilities shall not exceed 1,000 square feet.
5. For purposes of public notice, the applicant shall submit stamped envelopes with typed addresses for each property owner within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.
6. The facility will be serviced adequately by necessary facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and wastewaster treatment.
7. The facility will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets.
8. The building shall avoid prime agricultural soils to the extent feasible. Where the site is predominantly in prime soils and avoidance is not feasible, the applicant shall demonstrate that the buildings:
   (a) Are sized to be as small as feasible; and
   (b) Located to maximize the agricultural use of the remaining area; and
   (c) Achieve the most suitable locations in terms of minimizing roads, impervious surfaces, and allowing for water availability and septic suitability.
9. There shall cumulatively be no more than six (6) agricultural slaughtering facilities, as defined in WCC 20.97.010.2, legally established as of the date of this ordinance and/or approved under either 20.40.114 or WCC 20.40.164 within the Agricultural (AG) District.
(10) Where an agricultural slaughtering facility, as identified in WCC 20.97.010.2, includes cooking and/or smoking, as identified in WCC 20.97.087.1, of animals slaughtered on site, the facility shall emit no noxious emissions that are detectable, at or beyond the property line for the use concerned, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use of adjacent property.

20.40.130 Administrative Approval Uses

.137 The processing of agricultural products that originate from the permitted uses in WCC 20.40.050, provided the following criteria are met:

(1) The facility is not an agricultural slaughtering facility, slaughterhouse or mushroom substrate production facility.

(2) The facility is supplemental and related to the primary permitted use.

(3) The facility processes at least 50 percent agricultural goods produced in Whatcom County and that originate from permitted uses.

(4) The facility employs over 20 permanent employees.

(5) In addition to the criteria listed above, the administrator shall ensure that only the following criteria from Chapter 20.84 WCC, Variances, Conditional Uses, Administrative Approval Uses and Appeals, are applied to on-farm processing application reviews:

(a) The proposed location will be serviced adequately by necessary public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

(b) The proposed location will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community; and

(c) The proposal will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets.

20.40.150 Conditional Uses

.164 Agricultural slaughtering facilities, which shall be located, designed, and operated so as to not interfere with the overall agricultural character of the area, provided the following criteria are met:

(1) The total allowable building area is between 5,000 and 10,000 square feet.

(2) External holding pens, designed to hold animals intended for immediate slaughter, shall be limited in size to no more than 25% of the agricultural slaughtering facility building area.

(3) The facility processes at least 50 percent agricultural goods produced in Whatcom County and that originate from uses permitted uses in WCC 20.40.051.

(4) The maximum square footage of the kill floor in such facilities shall not exceed 1,200 square feet.

(5) For the purposes of public notice, the applicant shall submit stamped envelopes with typed addresses for each property owner within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.
The facility will be serviced adequately by necessary facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and wastewater treatment.

The facility will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets.

The building shall avoid prime agricultural soils to the extent feasible. Where the site is predominantly in prime soils and avoidance is not feasible, the applicant shall demonstrate that the buildings:
(a) Are sized to be as small as feasible; and
(b) Located to maximize the agricultural use of the remaining area; and
(c) Achieve the most suitable locations in terms of minimizing roads, impervious surfaces, and allowing for water availability and septic suitability.

There shall cumulatively be no more than six (6) agricultural slaughtering facilities, as defined in WCC 20.97.010.2, legally established as of the date of this ordinance and/or approved under either WCC 20.40.114 or WCC 20.40.164 within the Agricultural (AG) District.

Where an agricultural slaughtering facility, as identified in WCC 20.97.010.2, includes cooking and/or smoking, as identified in WCC 20.97.087.1, of animals slaughtered on site, the facility shall emit no noxious emissions that are detectable, at or beyond the property line for the use concerned, in such a concentration of or such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use of adjacent property.

Chapter 20.36 RURAL (R) DISTRICT
20.36.130 Administrative approval uses.
.136 In R5A and R10A zoning districts, the processing of agricultural products that originate from the permitted uses in WCC 20.40.050, provided the following criteria are met:
(1) The facility is not an agricultural slaughtering facility slaughterhouse or mushroom substrate production facility.

20.36.150 Conditional uses.
20.36.163 In R5A and R10A zoning districts, the processing of agricultural products that originate from the permitted uses in WCC 20.40.050, provided the following criteria are met:
(1) The facility is not an agricultural slaughtering facility slaughterhouse or mushroom substrate production facility.

Chapter 20.80 Supplementary Requirements
20.80.200 Setback requirements
20.80.255 Agriculture District.
(1) The 50-foot front yard setback requirement for new buildings or additions may be waived if the zoning administrator finds the new building or addition is located along the same building line(s) of existing structures and will result in no additional encroachment, the public interest, safety and health are protected; provided, that for
a new building the applicant shall also demonstrate that the proposed location is necessary for the economic viability and the continued operation of the agricultural use.

(2) The minimum separation between new residences not located on the same property and farm uses such as barns, pens, milking sheds, agricultural slaughtering facilities, or areas used to contain, house or feed animals or store manure or feed, shall be 300 feet. New farm uses such as barns, pens, milking sheds, agricultural slaughtering facilities, or areas used to contain, house or feed animals or store manure or feed, shall be situated at least 150 feet from existing residences not located on the same property. Expansion of existing facilities within the 150-foot buffer, providing such expansion is not closer to a neighbor’s residence, and pastures are excluded from this section’s requirements.

(3) The minimum separation between agricultural slaughtering facilities and schools shall be 500 feet.

20.97.010.2 Agricultural slaughtering facility
“Agricultural slaughtering facility” means a facility that engages in slaughtering, on or off site, and the processing of agricultural slaughter products in accordance with local, state, and federal health and agricultural regulations. Agricultural slaughtering facilities may include cooking and/or smoking of by-products of animals slaughtered on site, in accordance with USDA regulations. Rendering and importation of animal by-products is strictly prohibited in an agricultural slaughtering facility. Agricultural slaughtering facilities shall not slaughter poultry. Agricultural slaughtering facilities exclude temporary, mobile or other on-farm, owner-raised poultry slaughtering operations regulated under WAC 16-170 and/or RCW 69.07 that do not require USDA inspection. Agricultural producers who raise poultry may slaughter up to one thousand (1,000) poultry raised on their own farm annually subject to the special poultry permit requirements of WAC 16-170. Agricultural producers who process between one thousand (1,000) and twenty thousand (20,000) poultry a year on their farm are subject to the food processor license requirements of RCW 69.07.

20.97.087.1 Cooking and Smoking
“Cooking and Smoking” as defined by the USDA, Food Safety Inspection Service (FSIS) is a process involving smoking or other culinary preparation of meat products whereby fat is preserved as an integral component of the finished product. The result of cooking meat products includes bacon, sausages such as pepperoni, salami, and landjaeger, jerky, ham and roast beef. Cooked or fully cooked is defined as when a meat product has a cooked, ready-to-serve appearance. Usually attained at 148 degrees F for meat and meat food products. Cooking is considered to be a step in a process, and is where a partial or full lethality is applied to the product to make it free of the pathogen or organism of concern.

20.97.192 Kill Floor
“Kill Floor” means the location within the agricultural slaughtering facility, as defined in WCC 20.97.010.2, where animals are killed, eviscerated, drained, and skinned for further processing into value added products for human consumption.

20.97.310 Poultry
“Poultry” means domesticated fowl that is valued for its meat or eggs such as chickens, turkeys, ducks or geese.

20.97.343 Rendering
“Rendering” means the process or business of producing tallow, grease, and high-protein meat and bone meal from animal by-products.

20.97.343.1 Rendering Plant
“Rendering plant” means a plant that processes animal by-product materials for the production of tallow, grease, and high-protein meat and bone meal.

20.97.424 Slaughtering
“Slaughtering” means the killing and processing of animals for human consumption.
WHATCOM COUNTY COUNCIL
Special Committee Of The Whole

January 15, 2013

CALL TO ORDER

Council Chair Kathy Kershner called the meeting to order at 12:30 p.m. in Council Conference Room B, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present:  Barbara Brenner, Sam Crawford, Kathy Kershner, Bill Knutzen, Pete Kremen and Carl Weimer
Absent:  Ken Mann

SPECIAL ORDER OF BUSINESS

1.  ANNUAL REORGANIZATION OF THE WHATCOM COUNTY COUNCIL (AB2012-021)

County Council Chair

Knutzen moved to nominate Kershner.

The motion carried by the following vote:
Ayes:  Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)
Nays:  None (0)
Absent:  Mann (1)

County Council Vice-Chair

Crawford moved to nominate Knutzen.

The motion carried by the following vote:
Ayes:  Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)
Nays:  None (0)
Absent:  Mann (1)

Executive Pro-Tempore

Crawford withdrew his name from consideration and moved to nominate Kremen.

The motion carried by the following vote:
Ayes:  Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)
Nays:  None (0)
Absent:  Mann (1)
Brenner moved to nominate Kershner.

The motion carried by the following vote:

Ayes: Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)
Nays: None (0)
Absent: Mann (1)

Finance and Administrative Services Committee

Brenner withdrew her name from consideration.

Crawford moved to nominate Mann, Crawford, and Weimer.

The motion carried by the following vote:

Ayes: Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)
Nays: None (0)
Absent: Mann (1)

Planning and Development Committee

Brenner moved to nominate Brenner, Mann, and Knutzen.

The motion carried by the following vote:

Ayes: Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)
Nays: None (0)
Absent: Mann (1)

Public Works, Health, and Safety Committee

Brenner moved to nominate Brenner, Mann, and Kremen.

The motion carried by the following vote:

Ayes: Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)
Nays: None (0)
Absent: Mann (1)

Natural Resources Committee

Brenner moved to nominate Weimer, Crawford, and Knutzen.

The motion carried by the following vote:

Ayes: Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)
Nays: None (0)
Absent: Mann (1)
Bellingham International Airport Advisory

**Kremen moved** to nominate Mann.

The motion carried by the following vote:

- **Ayes:** Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)
- **Nays:** None (0)
- **Absent:** Mann (1)

Council of Governments

**Brenner moved** to nominate Kremen and Knutzen.

The motion carried by the following vote:

- **Ayes:** Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)
- **Nays:** None (0)
- **Absent:** Mann (1)

Birch Bay Shellfish Protection District Advisory Committee

**Brenner moved** to nominate Weimer.

The motion carried by the following vote:

- **Ayes:** Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)
- **Nays:** None (0)
- **Absent:** Mann (1)

Developmental Disabilities Board

**Kremen moved** to nominate Weimer.

The motion carried by the following vote:

- **Ayes:** Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)
- **Nays:** None (0)
- **Absent:** Mann (1)

Drayton Harbor Shellfish Protection District

**Kremen moved** to nominate Weimer.

The motion carried by the following vote:

- **Ayes:** Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)
- **Nays:** None (0)
- **Absent:** Mann (1)

Flood Control Zone District Advisory Committee

**Brenner moved** to nominate Knutzen.
The motion carried by the following vote:

**Ayes:** Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)

**Nays:** None (0)

**Absent:** Mann (1)

**Intergovernmental Tribal Relations Committee**

Knutzen withdrew his name from consideration.

**Brenner moved** to nominate Kremen and Crawford.

The motion carried by the following vote:

**Ayes:** Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)

**Nays:** None (0)

**Absent:** Mann (1)

**Integrated Behavioral Health Advisory Board**

**Kremen moved** to nominate Brenner.

The motion carried by the following vote:

**Ayes:** Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)

**Nays:** None (0)

**Absent:** Mann (1)

**Law Enforcement Officers and Fire Fighters (LEOFF) Board**

**Knutzen moved** to nominate Mann.

The motion carried by the following vote:

**Ayes:** Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)

**Nays:** None (0)

**Absent:** Mann (1)

**Local Emergency Planning Committee**

Brenner withdrew her name from consideration.

Kremen withdrew his name from consideration.

**Knutzen moved** to nominate Crawford.

The motion carried by the following vote:

**Ayes:** Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)

**Nays:** None (0)

**Absent:** Mann (1)

**Marine Resources Committee**

**Kremen moved** to nominate Weimer.
The motion carried by the following vote:

**Ayes:** Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)

**Nays:** None (0)

**Absent:** Mann (1)

**Medic One Oversight Board**

**Kremen moved** to nominate Crawford.

The motion carried by the following vote:

**Ayes:** Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)

**Nays:** None (0)

**Absent:** Mann (1)

**North Sound Mental Health Administration**

**Brenner moved** to nominate Kershner.

The motion carried by the following vote:

**Ayes:** Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)

**Nays:** None (0)

**Absent:** Mann (1)

**Northwest Clean Air Agency**

**Kremen** withdrew his name from consideration and **moved** to nominate Weimer.

The motion carried by the following vote:

**Ayes:** Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)

**Nays:** None (0)

**Absent:** Mann (1)

**Northwest Regional Council**

**Knutzen moved** to nominate Kershner.

The motion carried by the following vote:

**Ayes:** Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)

**Nays:** None (0)

**Absent:** Mann (1)

**Opportunity Council**

**Knutzen moved** to nominate Mann.

The motion carried by the following vote:

**Ayes:** Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)

**Nays:** None (0)

**Absent:** Mann (1)
Portage Bay Shellfish Protection District

Knutzen moved to nominate Weimer.

The motion carried by the following vote:
Ayes: Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)
Nays: None (0)
Absent: Mann (1)

Public Defense Advisory

Brenner moved to nominate Brenner.

Knutzen withdrew his name from consideration.

The motion carried by the following vote:
Ayes: Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)
Nays: None (0)
Absent: Mann (1)

Public Health Advisory Board

Brenner moved to nominate Knutzen.

The motion carried by the following vote:
Ayes: Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)
Nays: None (0)
Absent: Mann (1)

Solid Waste Advisory Committee

Brenner moved to nominate Brenner.

The motion carried by the following vote:
Ayes: Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)
Nays: None (0)
Absent: Mann (1)

WSAC Legislative Steering Committee

Crawford withdrew his name from consideration.

Knutzen moved to nominate Kremen.

The motion carried by the following vote:
Ayes: Brenner, Kremen, Crawford, Weimer, Knutzen and Kershner (6)
Nays: None (0)
Absent: Mann (1)
Whatcom Transit Authority

Weimer moved to nominate Knutzen and Kremen.

Knutzen stated he can be a voice contrary to the City and other entities, so issues aren’t rubber-stamped. The Whatcom Transit Authority Board seems to neglect fiscal responsibility. The Board needs to hear “no” more frequently.

Kremen stated he’s served on the Committee for 17 years. He provides a strong voice for the non-Bellingham clients. He spent a lot of time and political capital on helping Point Roberts residents, for example. He opposed the Bellingham tax for the Sunday service, two-thirds of which they conveniently and somewhat invasively used for other services. To be fair, Bellingham comprises 40 percent of Whatcom County in terms of population and use. He has a problem with the way Bellingham tried to generate money for Sunday service and other things. At least 40 percent or more of that money is paid for by non-Bellingham residents. He has been an advocate for non-Bellingham users of the service.

Crawford stated any of these meetings are open and can be attended by anyone. If they have a passion, they can attend.

Knutzen withdrew his name from consideration.

The motion to appoint Councilmember Kremen carried by the following vote:
Ayes: Kremen, Crawford, Weimer and Kershner (4)
Nays: None (0)
Abstains: Knutzen (1)
Absent: Brenner (out of the room) and Mann (2)

COMMITTEE DISCUSSION

1. DISCUSSION WITH COUNTY EXECUTIVE JACK LOUWS AND SHERIFF BILL ELFO REGARDING POTENTIAL PROPERTY ACQUISITION FOR JAIL PURPOSES (AB2012-156B)

Attorneys present: Dan Gibson and Randall Watts

2. DISCUSSION WITH CHIEF CIVIL DEPUTY PROSECUTOR RANDALL WATTS REGARDING TWO CASES OF PENDING LITIGATION: PRATT V. SEVERAL WHATCOM COUNTY DEPUTIES, AND NEWLUN V. WHATCOM COUNTY AND THE CITY OF BELLINGHAM (DRUG TASK FORCE) (AB2013-018)

Attorneys present: Randall Watts

3. DISCUSSION WITH SENIOR DEPUTY PROSECUTOR KAREN FRAKES REGARDING PENDING LITIGATION: FUTUREWISE, ET AL. V. WHATCOM COUNTY, GMHB CASE NO. 11-2-0010C (AB2013-018)

Attorneys present: Karen Frakes and contracted legal counsel.
4. STRATEGY PLANNING DISCUSSION AND POSITIONS TO BE TAKEN REGARDING COLLECTIVE BARGAINING (AB2012-306)

Attorneys present: None

Kershner stated that discussion of:
• Agenda item one may take place in executive session pursuant to RCW42.30.110 (1)(b),
• Agenda item two and three may take place in executive session pursuant to RCW42.30.110 (1)(i), and
• Agenda item four may take place in executive session pursuant to RCW 42.30.140(4)(a)

Executive session will conclude no later than 3:00 p.m. If the meeting extends beyond the stated conclusion time, she will step out of the meeting to make a public announcement.

Knutzen moved to go into executive session until no later than 3:00 p.m. to discuss the agenda items, pursuant to RCW citations as announced by the Council Chair.

The motion carried by the following vote:
Ayes: Brenner, Crawford, Kershner, Knutzen and Weimer (5)
Nays: None (0)
Absent: Kremen (out of the room) and Mann (2)

OTHER BUSINESS

ADJOURN

The meeting adjourned at 2:58 p.m.

The Council approved these minutes on ______________, 2013.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Kathy Kershner, Council Chair

______________________________  ______________________________
   Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL
Board of Health
February 5, 2013

CALL TO ORDER

Council Chair Kathy Kershner called the meeting to order at 10:35 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Ken Mann, Sam Crawford, Bill Knutzen, Kathy Kershner, Carl Weimer and Pete Kremen.

Absent: None.

1. PUBLIC SESSION

No one spoke.

2. HEALTH BOARD RESOLUTION

Regina Delahunt, Health Department Director, referenced the resolution in the packet related to State funding for public health services. The Washington State Association of Local Public Health Officials encourages all local Boards of Health to pass such a resolution, which encourages the State legislature to maintain funding local public health. Currently, the County receives about $1.2 million annually in local public health support from the State.

Brenner stated the wording bothers her to say they will ensure that all children are healthy and ready to learn. She moved to approve the resolution and moved to amend the third whereas statement, “Whereas, an effective public health infrastructure is essential to decreasing the burden of chronic disease and ensuring our children are healthy and ready to learn increasing the number of healthy children who are ready to learn; and” They can’t ensure that all children are healthy and ready to learn. Kids are born with different things that aren’t curable, but may be maintainable.

Kershner asked what is at stake, what is at risk, and why they are approving this resolution this year. They haven’t approved this resolution before.

Crawford stated they are sharing a lobbyist with the City of Bellingham. He asked if this is on the lobbyist’s agenda. He believes she was trying to say that if they are going to ask for something, they must say what they want to give up in favor of this. He asked where this fits in with their legislative efforts overall and also whether they indicate which priorities are lesser. Delahunt stated this is on the legislative agenda of the Washington Association of Counties (WSAC). The resolution is on the legislative agenda to maintain current public support. This is money they’re already getting. They’re saying that they
know times are tight once again, and they want to maintain the $1.2 million and keep the 
funding from getting cut.

Crawford asked if the Executive supports the resolution. Delahunt stated he does. 
She’s not in a position to identify which items are a lesser priority.

Kershner asked what kind of services the $1.2 million pays for. Delahunt stated the 
funding is for communicable disease, immunizations, and chronic disease prevention. There 
is no revenue associated with those. Most of the dollars are foundational, and can be used 
any way the department sees fit. The funds backfill the programs that have no associated 
revenue available.

Brenner stated she doesn’t want the funding cut. She is just concerned about some 
of the wording, especially about the third whereas statement. Work toward the goal rather 
than claim they can do something they can’t do.

Kremen stated they don’t need to spend an inordinate amount of time arguing about 
the suggested language. It’s boilerplate language. The intent is the same. He will support 
the motion to amend. It’s likely the Mayor would support the resolution. The federal 
government is going to reduce the funding and assistance it will provide for public health. 
More than ever, they need to maintain whatever level of funding they can get from the 
State and not have any more reductions. Over the decades, there has been a significant 
decrease in public health support. This should be a high priority.

Kershner asked how the Affordable Care Act relates to some of the foundational 
public health services. She asked if there is a transition of funding or if the old funding 
resources will remain. Delahunt stated she’s not sure that the County will receive funds from 
the Affordable Care Act for these services. The Act includes a prevention fund. However, 
some of the programs that had been funded in other ways have been cut. Some of the 
dollars from the Affordable Care Act will backfill other programs that have been cut. It’s not 
likely they will see a big increase in funding for public health and prevention services 
through the Affordable Care Act. Some dollars are allocated, but she’s not sure how much.

The motion to amend carried by the following vote:

**Ayes:** Weimer, Kremen, Crawford, Brenner, Knutzen, Mann and Kershner (7)  
**Nays:** None (0)

**Brenner moved** to amend the second whereas statement, “Whereas, prevention 
and public health is services are recognized to play an important role in improving the 
health of Washingtonians; and”

The motion to amend carried by the following vote:

**Ayes:** Weimer, Kremen, Crawford, Brenner, Knutzen, Mann and Kershner (7)  
**Nays:** None (0)

Mann stated the Council approves many letters and resolutions that are messages to 
the legislators. It’s hard to know when the Council should weigh in as a group. He asked if 
another resolution is significant, and whether other departments are lined up with other 
resolutions that send messages telling the State legislators what to do. His default 
preference is to not approve these messages to the State or federal government. He asked
the context of this resolution in terms of other requests from other department heads. Delahunt stated this is on the WASC legislative agenda. When WSAC goes to the legislators, they would like to have a resolution from each county they represent saying that this is important. That’s the strategy.

Brenner stated this is different from what the lobbyist will do. The County Health Department represents everyone in the county. This is what the Board does that is outside of what the lobbyist does.

Kremen stated it is important for the State legislators to know, just as it’s important for the councilmembers to know how their constituents in Whatcom county feel about the issues that are before the Council. The legislators are inundated with thousands of bills. It is necessary that the legislators have input from Whatcom County constituents. Public health is an important issue. Passing this resolution shows the legislature what the people back home want. This is a very critical and important issue. The Council needs to let the legislature know what the community wants.

Kershner stated she understands Councilmember Mann’s concern. She will support the resolution. It is important to talk about these things. By submitting this resolution, the legislature may need to take a different decision on something else that is equally or more important to the County, that they are not currently discussing, such as cutting the Department of Corrections, resulting in the level three sex offenders moving onto the 5100 block of Meridian, causing much more damage to this community than the decrease in funding that this issue may cause. Without seeing how the legislature will act, she will support this item, but continue to have a cautious eye on this so they don’t regret spending the dollars elsewhere. She would like to resolve to ask them to maintain the current level of funding for these programs in lieu of increasing compensation or retirement packages to State employees, for example. It would make the resolution stronger if the County provides options and solutions to the legislature.

Brenner stated that when the Council had its budget retreat, they talked about putting public healthy and safety at the top. These are the foundational issues that are critical.

The motion to amend carried by the following vote:

**Ayes:** Weimer, Kremen, Crawford, Brenner, Knutzen and Kershner (6)

**Nays:** Mann (1)

Delahunt stated she suggests that the resolution be sent to all of the State legislators. She will also forward a copy to WSAC.

3. **COMMUNITY HEALTH IMPROVEMENT PLAN**

Regina Delahunt, Health Department Director, stated several people will speak to the Board about the Community Health Improvement Plan and the community’s priorities.

Astrid Newell, Health Department, stated a number of community health partners helped on this. She submitted a substitute copy of the update that corrected scriveners errors *(on file)*. In 2010, a partnership developed between Peace Health St. Joseph Medical Center and the County Health Department to conduct a comprehensive community health
assessment and improvement plan. A number of agencies and individuals have also participated. The main purpose of the plan is to seek national accreditation for the Health Department. Also, the Affordable Care Act requires nonprofit hospitals to have a community health assessment plan in place. Today’s speakers will talk about the perspective of their agencies and why this is important to them and the community as a whole.

Chris Phillips, Peace Health St. Joseph Medical Center Director of Community Affairs, stated the Affordable Care Act requires that nonprofit hospitals engage in a community health assessment. It also requires that the assessment be done in cooperation with the Health Department. The plan is consistent with the Peace Health mission to ensure personal and community health in collaboration with government agencies and the community.

Peter Theisen, United Way of Whatcom County President, stated his organization adopted a set of goals around education, income, and health. They have targeted resources to meet those goals. His board is committed to the Community Health Improvement Plan (CHIP) effort. Benefits include a consolidated needs assessment and a shared community agenda that identifies goals and objectives and assigns accountability. More efficient use of scarce public and private resources, coordinated action, and accountability are beneficial results.

Sue Sharpe, St. Luke’s Foundation Executive Director, stated they committed over $16 million dollars in the past three years to the health and medical services in the community. Her Board has recognized that health is a constantly changing dynamic. Community health is the future for dealing with the growing cost of health care. They restructured their vision for the future. The revised mission and vision statement align with the language in the community health assessment in which they share a vibrant community where every child gets a healthy start and everyone gets the care they need during their lifetime. They will achieve that by investing in strengthening and advancing individual and community health. Her Board has committed to setting aside a significant portion of their grant dollars to help focus on a particular issue identified in this process. They embrace this plan and intend to align with other entities for implementation.

Mauri Ingram, Whatcom Community Foundation Chief Executive Officer, stated her agency is only sixteen years old. They work closely with many partners. They have the broadest mission of all the funding organizations. They want to align their discretionary funding with the goals and objectives of the community at-large. They attract other resources by working with donors in Whatcom County. The information in the plan is invaluable in talking with those donors about where they can make an impact in the community. They also work with other funders in the region. They have been successful in attracting sizeable grants.

David Stalheim, City of Bellingham Block Grant Manager, stated the City is involved in the process, which has been an eye opener for him. Look at the document regarding the subjects of mental health and substance abuse, which affects the community in profound ways. They started to pull the data together and put the information into the City’s plan, so it can start identifying priorities of the community and begin to look at funding. The plan helps focus resources and tell the groups the City funds where the City wants to see outcomes. For example, the City wants to see low-income housing projects close to bus lines and close to healthy food sources. The City is now a major funding source. It has
over $4 million per year that it funds. The City plans to use the CHIP to help frame those decisions.

Doug Benjamin, Public Health Advisory Board Chair, stated he wants to reassure the Health Board that the Advisory Board has been very involved in this plan. The number one mission of the Public Health Advisory Board is to act in an advisory capacity to the Health Board and to recommend programs and policies. The Advisory Board is made up of a variety of professionals representing business, environmental health, health care, and higher education. The group is capable of evaluating policy and mission and to properly advise the Health Board. The Advisory Board has been deeply involved in this process from the beginning and supports the plan. The Advisory Board will continue to use the plan as a mechanism to set its agenda.

Newell stated she thanks all the community partners for speaking today. They will talk in-depth about the priorities within the plan.

Mann stated the community health assessment was completed about a year ago. He asked if this is the plan. Newell stated today's presentation is on the priorities on which the community has selected to focus in the plan.

Mann asked if today they are still talking about strategy and goal-setting as opposed to implementation and programs.

Kershner stated the staff asked the Council's priorities as they presented the assessment. She asked if all of that input was incorporated and is now coming forward. Newell stated that is correct. There are overarching themes of the plan and three main priority areas. Ms. Delahunt will then talk about the next steps.

Ingram stated she will talk about the CHIP overview. The primary goal is to improve health for all Whatcom county residents, especially vulnerable groups and populations with poor health outcomes. Individuals, businesses, and the community as a whole suffer from the cost of poor health outcomes. To turn this plan into action requires community engagement and community-based leadership that includes the County Council, local funders, service provider organizations, and individuals who take personal responsibility for improving their own health. They need to look at metrics to track where they go. Make sure the data is meaningful. A striking component of the plan is the inter-relationship of all the issues. All the issues are complex, and none can be addressed in isolation. Knowledge is not enough to be healthy.

Sharpe stated she hopes the policy makers share responsibility. The most successful and sustainable efforts have been driven by public and private partnerships. The Health Department and Peace Health could have done this project independently to meet their mandates. However, they chose to involve the community to build ownership in the plan. There is a broad commitment to make sure the work comes to fruition. Her role as a community funder is to help facilitate the dynamics between the public and private sectors. This is a unique opportunity. The community has the capacity to achieve goals if they agree on the shared goals and align resources.

Theisen stated he will talk about specific priorities of the plan, including helping children, youth, and family development. Throughout the CHIP and assessment processes,
it became clear that children who started behind in life remained behind in life. The costs for remediation later in life are higher than early intervention. Goals include reducing percentage of children in poverty, reducing the impact of adverse childhood experiences, and increasing academic success. An action being considered in the plan includes a coordinated system for new families with home nursing, mental health case management, housing, and financial literacy. Another action being considered is increasing access to high quality early learning and alignment of the pre-Kindergarten with the K-12 educational system. Another action is implementing evidence-based approaches in schools to respond to children with adverse childhood experiences and other challenges. Partnerships are between local governments, public schools, health care, and community providers.

Stalheim stated public and private funders and community groups are getting together to talk about shared goals and outcomes, which include promoting healthy and active living in communities. Think about how these funds are being used in the most effective way. Shared outcomes result in the most effective use of limited resources. For example, he’s worked on housing issues with the Health Department and Veterans Affairs. Look at things to improve healthy living in neighborhoods. As a funding source, the City wants to fund projects that meet the shared goals.

Phillips stated a question was how much they have incorporated the input from the Board of Health. Other jurisdictions are impressed that the County Council is involved. The Council emphasized children and families. It is the top priority. The Council responded to the language at the beginning of the process. The language in the report is a direct result of that input. The first goal of strategic priority three is to ensure that everyone have access to healthcare. In the next 18 months, they can help people get insurance. The second goal is to ensure access for specific populations to medical homes. A small portion of patients use a large percentage of the healthcare dollar. Medical homes reduce that percentage and are a way to have a more equitable distribution of resources. The third goal ensures that everyone feels welcome in the healthcare system. Not everyone feels welcome. The focus of the healthcare plan is on vulnerable populations. Everyone is touched by some issues outlined in the plan, including substance abuse. The plan identifies strategies and tactics to deal with substance abuse.

Delahunt stated all of these are public health issues. The Health Department cannot work on the issues alone. It’s important that the community work together. The Health Department will look at these three strategic priorities and make sure they connect with actions in the department. Programs may change and refocus as a result of the community priorities. There is not yet a plan written and ready to give to the Council. They do have the strategic priorities set by the community. The next step is to get commitment from all the organization leaderships. They will come back to the Health Board for its commitment to these three priorities. To begin the plan, there will be work groups to refine the strategic priorities, measures, and goals. Another work group will talk about how to communicate this plan to the community. They will work with a consultant to write a clear document that connects the plan to the community health assessment data. They must work on a community structure to help this plan actually happen. They must work together to measure progress and make sure they move forward.

Kershner referenced the proposed initiatives and actions and asked if these are just examples. Delahunt stated they are. When the work groups get together, they will be
more specific. The executive level of the organizations will be asked to commit to the
priorities, rather than the specifics of the plan.

Crawford referenced the third item on strategic priority two regarding land use.
Generally, the Council has agreed that it not be included, but it continues to be. Stay away
from the land use stuff. The County Council generally regulates the rural areas of the
county. There is a rural versus urban dichotomy. If the information remains, specify in the
heading of strategic priority two that they promote healthy and active living in urbanized or
non-rural neighborhoods and urbanized or non-rural communities. He doesn’t want the
added pressure of another layer of land use regulations on the rural areas of the county. If
the cities want to add transit routes, access to recreational or medical facilities, those are
good and worthy decisions. He is cautious and concerned about incorporating this in a
countywide document, particularly when the venue for the Board of Health is rural areas.

Delahunt stated this is a community-wide plan that includes cities and the County.
Last week’s Public Works, Health, and Safety Committee talked about potential ways that
health can be viewed or incorporated into land use planning, such as the berm and trail
along Birch Bay. Those are the things they’re talking about when talking about how health
can be considered in land use in rural areas.

Crawford stated they’ve talked in the past about dictating that the bulk of the
windows in a house must face a certain way because sunlight is good for people. Stay out
of those types of regulations. The County does have jurisdiction over the urbanized area of
Birch Bay, which is an exception. Be abundantly cautious about incorporating any of that
into countywide rules. Delahunt stated consider the plan in the context of the overall
community.

Crawford stated make sure groups that use this as a guiding document are aware of
the issue. He will continue to speak out on his concern.

Kremen stated Councilmember Crawford’s points are valid. Today, all the presenters
were well-prepared, concise, and comprehensive. He’s impressed by the collaboration
among all the agencies that deal with public health. He commends the Health Department
for being a leader in this project. The product impresses him. He looks forward to the next
steps. The product will be very effective. He encourages everyone to return to the Council
so the Council can review the product to see if it’s consistent with the direction the
policymakers want to go.

Brenner stated she would like to know how medical homes are going to reduce costs
and more about compassionate care for kids. Phillips stated medical homes are when a
doctor works together with a team that includes a social worker or nurse to provide more
comprehensive care. People with a chronic condition will wait to see a doctor until their
symptoms become out of control. Sometimes they end up in the emergency department,
which is very expensive. A medical home is a registry that has information from a team
about a patient.

Brenner stated she would like detailed information about how much money it would
save. She asked about compassionate care for kids. Newell stated it is a model called
compassionate schools. It is an approach for the whole school culture to identify and
address children who have had trauma in their lives.
Brenner asked to see the model.

Kershner stated the number one health care issue in the country is obesity. She asked why is there not something about obesity and specifically access to whole foods to work on our community health. Missing from the proposed initiative is that communities are healthy when people are working. She asked if they can regulate that people need to have jobs so they can sign up for health care and have money to buy the local food. Everyone did a great job, but there are a couple of things she is not comfortable with and would like to think about. For instance, she is not comfortable with putting more money into early childhood education. Children belong with their families during those young ages. Boost families so they provide nurturing, care, love, and support for children so they are ready to learn when they enter Kindergarten. Kids should not be in an institutional group setting at two years old. She asked if there is data showing different. She also has concerns about the land use piece of this plan. If included, it should be specific. She agrees it should identify the urban neighborhoods. Countywide land use regulations could ensure growth of locally sourced food.

Mann stated the information from the Health Department has been top notch. He’s grateful to the community partners for their collaboration. This is general information, so he doesn’t share the same concerns as Councilmembers Crawford and Kershner. Place and location in terms of community design are important. Certain specific things, such as mandating sidewalks on both sides of rural roads, won’t be done. However, stating that place matters and land use matters in general is important. He will wait to see the specific recommendations.

Kershner stated make sure land use includes rural grocery stores in neighborhoods. Newell stated this plan doesn’t and can’t include everything. The issues around nutrition and obesity have been part of the conversation. They’re thinking about it differently, to support children and families. Food is part of that. They look at neighborhoods and communities in terms of access to healthy foods. Ensuring healthcare for vulnerable populations includes populations that have health needs related to obesity and chronic diseases.

Mann stated he would like feedback from everyone about an email they received from Abe Jacobson, who raised a legitimate point about local consolidation of medical providers within Peace Health St. Joseph. Mr. Jacobson was concerned because he is not Catholic, and all health care would be filtered through some sort of religious algorithm that would deny needed care to folks. Phillips stated he would like to provide a response to Mr. Jacobson if Councilmember Mann could forward the email. Peace Health has more than 120 years of service to this community. It is strongly committed to the community, and access to health care is not going to stop. Things are changing in the healthcare industry. Their mission and commitment to the community has remained consistent.

**ADJOURN**

The meeting adjourned at 12:07 p.m.

The Council approved these minutes on ______________, 2013.
DISCLAIMER: This document is a draft and is provided as a courtesy. This document is not to be considered as the final minutes. All information contained herein is subject to change upon further review and approval by the Whatcom County Council.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk            Kathy Kershner, Council Chair

Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL  
Special Committee of the Whole  
February 12, 2013

CALL TO ORDER  
Council Chair Kathy Kershner called the meeting to order at 1:33 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL  
Present: Barbara Brenner, Sam Crawford, Kathy Kershner, Bill Knutzen, Ken Mann, Pete Kremen and Carl Weimer  
Absent: None

COMMITTEE DISCUSSION  
1. DISCUSSION OF COSTS ASSOCIATED WITH THE PROPOSED RECONVEYANCE OF TRUST LANDS LOCATED IN THE LAKE WHATCOM WATERSHED (AB2012-066G) (1:34:01 PM)

Mike McFarlane, Parks and Recreation Department Director, submitted and read from a presentation (on file). Staff is already in the area. Costs for trailheads and other things are already factored in. Miscellaneous costs can include uniforms, signs, and other things. Costs are based on other property the County has and other community forests. The forestry portion of the park plan would be contracted. The rest would be done in-house. Estimated costs are averages. Initially, trail costs will be lower. As they build trails in more difficult areas, such as stream crossings and steep slopes, trail costs will rise. The tower lease revenue goes up each year. There is also an increase if more arrays are added. The tower lease also includes an annual fee for road maintenance and a cost-share for any catastrophic damage to the road.

Brenner asked how they developed the estimate of $10,000 per mile for trails. McFarlane stated they looked at the County’s costs for putting trails into the park system, the number of volunteer people and organizations interested in building park trails and facilities, and the fact that nine miles of roads would be removed or converted. Some costs would be substantially less on existing roads being converted to trails. It’s an average that is okay for budgeting.

(2:01:18 PM)

Brenner asked if they have to have oversight for volunteer trail work. McFarlane stated they would have oversight, but it’s already programmed into the existing budget. There is a fulltime staff person and two seasonal staff for a trails crew.
Brenner stated she would like to know what volunteer work won’t be done if the
volunteers are diverted to this area. She asked about having two full time equivalent (FTE)
employees, and if it includes enforcement. McFarlane stated the trail development estimate
includes volunteer oversight and enforcement.

Brenner asked if the estimate includes new FTEs. McFarlane stated it does.

Kremen stated the cost of viewpoints adds to the cost tenfold. The viewpoints have
appeal. If money wasn’t an issue, they would be nice to have. He asked if those viewpoints
were never planned in the original proposal for reconveyance, which was supposed to be
very low impact. McFarlane stated that’s correct.

Jack Louws, County Executive, stated the Council was interested in discussing the
option of developing the viewpoints, so he added it to the presentation. The original idea
did not include the viewpoints.

Kremen stated these amenities are all optional. If the County can secure funding in
the future that doesn’t take away from other funds, he would consider supporting
development of viewpoints.

He referenced timber revenue estimates and asked if the estimates are with the
Department of Natural Resources (DNR), private contractors, or the County managing those
cuts. McFarlane stated the DNR only gets involved at the request of the County according
to an adopted park plan. It’s never been done before. There may be potential for the
County to retain more revenue. The timber sale could be privately contracted with local
contractors.

Brenner asked how many of the 55 miles of trails will be for downhill mountain
biking. McFarlane stated they have not gotten to that level of detail, which will be done in
the park plan. The County has the option of developing more miles or fewer miles,
depending on the plans.

Brenner stated user groups think they will get a lot of use from this reconveyance.
They must have a reality check. McFarlane stated different uses require different types of
trails. That is not programmed into the estimate of 55 miles of trails.

Brenner stated don’t use any real estate excise tax (REET) I and REET II funds on
this project because the County will need it for the proposed new jail.

Kershner asked if the estimate of $10,000 per trail mile includes trails for equestrian
use. McFarlane stated it does. The range of cost for developing trails is between $15,000
and $50,000 per mile. Trail development is based on the resources available.

Kershner asked the cost per mile in the Chuckanut trail system. McFarlane stated he
doesn’t have information on the development cost. One mile that was difficult to develop
cost $15,000. Some trails were built on existing logging and forest roads. The average
annual cost for the Chuckanut trail system maintenance and operations (M&O) is about
$23,624. It includes the campground, boardwalk, and trailhead costs. The North Lake
Whatcom trailhead and parking lot is already in the current operating budget. It’s not a
separate cost.
Kershner asked if they need more trailheads. McFarlane stated they do in the future due to the parking shortage. However, need to do that now. Add about $500,000 for a new parking area and restrooms, but it’s not programmed here because they need it for the existing park.

Kremen asked if the County would spend the $500,000 regardless of whether the area is reconveyed. McFarlane stated he recommends that it be spent regardless of the reconveyance. Currently there are three existing parking facilities to serve the proposed plan, and a fourth will be done this summer.

Crawford stated the north Lake Whatcom trailhead is at capacity and needs to be expanded. He hopes it becomes a much more developed area to accommodate more vehicles with upgraded restroom facilities. Regarding viewpoints, consider an elevation gain of only 70 or 80 feet, with a clear view from there. Don’t build a road to the top of the mountain for a multi-million dollar viewpoint. As they develop the parking area, there may be an opportunity to have a short road to an expanded parking area for a viewpoint. Keep the idea that disabled people could find a location that has views, but isn’t necessarily a mountaintop.

Knutzen asked what the $1.5 million in the park improvement fund was for. McFarlane stated it was for maintenance and operations for eight or nine years for the reconveyed area.

Kershner stated the annual development cost seems to be about $400,000 for a 15-year development schedule. McFarland stated those are the costs. It doesn’t include the viewpoints. They must have the money before building a viewpoint. The estimates for development on road abandonment are good estimates. They would look for funding to accomplish the viewpoints separately.

Kershner asked the annual cost per year and if the potential funding sources are adequate to meet that cost.

Kremen stated including the viewpoints in the projected development cost is debatable. They would only be able to develop those viewpoints with private or public grant funds. Don’t include the cost of the viewpoints in the project cost. They weren’t part of the original plan. The County can try to achieve those attributes in the long term.

Brenner stated the County could potentially reconvey the land without any of these costs. However, once it’s reconveyed, costs will keep increasing. It’s important to include an estimate for view points so people will know what the costs could be.

Kershner stated the cost estimate is $226,000 in M&O per year. That is for development, not including viewpoints, and doubling the cost for trail estimate, which totals $1.157 million. That development cost divided by 15 years and adding the M&O cost results in an average annual cost of $303,677, not including the viewpoints. She asked if the County has $303,000 per year. Revenue will come from the leases, conservation futures fund, and timber revenue. That does not include the potential revenue. She doubled the trail cost estimate, because it will cost more than $10,000 per mile. She asked if the timber revenue shown is collected per year. McFarlane stated the timber revenue estimate is an
annual average. Projects are budgeted for maintenance and operations in the existing Parks Department budget. Second, they request an additional services request (ASR) for the capital costs. Treat those two things separately.

Kershner stated come up with one set of totals so taxpayers understand the cost and potential funding sources. She's interested in the funding model from Anacortes, Washington.

Louws stated $125,000 per year for the FTE and other costs is realistic. The County is assuming responsibility for the roads, which will require a certain cost of about $100,000. Annually, operating the park would be $225,000 to $250,000 per year. Everything beyond that is a decision the County will make as they move forward. If they put the park in place, there will be pressure to improve it and add amenities. There is some revenue to offset the annual operating cost. Even with a full park plan, they won’t know the full cost of moving forward. At this point, he asks for Council direction to move forward. Bring the decision to some kind of resolution.

Kremen stated the annual operating estimate of $225,000 to $250,000 is realistic. There is greater potential for more revenue in the future. Everyone should remember that the general community places a high value on recreational opportunities like this. The conservation futures fund is very robust. There is about $6 million, with an additional $1.1 million collected yearly. That amount will probably increase, and costs will increase accordingly. The County can use that fund to help pay for a significant amount of costs associated with any development plan. Louws stated the councilmembers will consider all those options to make their final decision on reconveyance. This information is a tool for councilmembers to make a decision.

McFarlane stated park development isn’t done until funds are available. They either get grant monies or partner with others. He would put together a development proposal for the Council to approve, which includes permitting and a public process. It’s not necessary to have development money today. If the Council approves, the reconveyance would close by the end of the year. The plan would be done in 2014. Development wouldn’t be possible until the next budget cycle for 2015-2016 and only if there are grant funds or donated funds available.

Crawford stated views exist because of clear cuts that have happened. He asked what the County can do to make those viewpoints available. He asked if they can integrate forestry practices to create viewpoints. McFarlane stated the view corridors would be kept open and maintained.

Brenner stated she doesn’t understand how reconveying the property can be a wash, compared to working on recreation easements with the DNR. The DNR seemed willing to work with the County as long as the County is ready to invest money. She would like a comparison of the cost of 55 miles of recreation easement with total reconveyance costs, including increased costs due to more users coming into the watershed. They’ve said they want fewer people in the watershed. There is no benefit to the reconveyance. Use money to work on Galbraith Mountain, which already has great trails.

McFarlane stated he was tasked with looking at reconveyance. If there is an easement, the County will have to reimburse the trust for the easements. The DNR doesn’t
just give away those easements. There are still M&O and development costs with an
easement. They can pay the costs for the reconveyance or pay for the easements.

Knutzen asked how much effort has been made on getting a recreation plan for
Whatcom County. McFarlane stated the State listed it as a high priority, not the County.
The County has no commitment to develop a recreation plan on State lands. The DNR sat
on the County’s last committee for the County Comprehensive Parks and Recreation Plan.
They will be invited to participate next year. The County doesn’t plan on State lands.

Louws asked the Council to talk about the next steps.

Mann stated he is ready to vote on this issue. They’ve studied this repeatedly. Have
a final vote in a month.

Crawford stated hold a public hearing in a month, with the expectation that the
Council would hold a final vote after that hearing.

Knutzen stated he would like to hear what the DNR has to say. They want to know
what Whatcom County wants for recreation opportunities, and they want to put together a
recreation plan for Whatcom County. Schedule a meeting with the DNR about what
Whatcom County wants for recreation.

Weimer stated he agrees with Councilmember Mann, and is ready to vote. He
prefers to leave the written record open for a month and a date certain for having a public
hearing. Remove the viewpoints from the proposal. It wasn’t part of the original plan.
There are existing viewpoints around the county already. They don’t have the money for it.

Brenner stated the written record is always left open.

Kremen stated move forward. He agrees with Councilmember Mann. This is an
extraordinary opportunity. He thanked Councilmember Crawford for his concept of the
viewpoints. In the future, the County will be able to develop these majestic viewpoints for
the community when the money is available. This has been an open process, in spite of
what people have said. There has been an abundance of opportunities for the public to
weigh in. The County has worked on this for at least seven years. It’s been in the media
and there were many meetings, including remote meetings in the county. The Council was
not required to have the last public hearing that was held. Having another public hearing is
not necessary. It would be more beneficial to have a two- or three-week window of
opportunity to receive written comments. Vote on this item at the first meeting in March.

Louws stated that if they don’t have a public hearing, the public will speak anyway
during open session.

Kremen stated allow people to speak during open session at the next meeting.

**Brenner moved** to hold a public hearing on March 12.

The motion carried by the following vote:

**Ayes:** Brenner, Crawford, Kershner, Knutzen, Mann and Kremen (6)

**Nays:** Weimer (1)
Knutzen stated he will schedule a meeting with the DNR before March 12. McFarlane stated he never said the DNR didn’t want to work with the County. He said that working with the DNR is a difficult process.

OTHER BUSINESS

There was no other business.

ADJOURN

The meeting adjourned at 3:03 p.m.

The Council approved these minutes on ______________, 2013.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

____________________________________
Dana Brown-Davis, Council Clerk

____________________________________
Kathy Kershner, Council Chair

____________________________________
Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL  
Regular County Council  

February 12, 2013  

CALL TO ORDER  

Council Chair Kathy Kershner called the meeting to order at 6:58 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.  

ROLL CALL  

(6:59:51 PM)  

Present: Barbara Brenner, Ken Mann, Sam Crawford, Bill Knutzen, Kathy Kershner, Carl Weimer and Pete Kremen.  

Absent: None.  

FLAG SALUTE  

ANNOUNCEMENTS  

Knutzen announced that Surface Mining Advisory Committee Member James Carr has passed away. The Council sends condolences to the family.  

Kershner reported for the Committee of the Whole and announced there was a discussion of costs associated with the proposed reconveyance of trust lands located in the Lake Whatcom Watershed (AB2012-066G). The Council will have a public hearing on the reconveyance on March 12.  

Kershner announced there was discussion with Senior Deputy Prosecutor Karen Frakes regarding potential litigation related to a proposed ordinance amending the WCC to allow agricultural slaughtering facilities in the Agriculture Zoning District (AB2012-300) in executive session during the Special Committee of the Whole meeting at 3:00 p.m.  

PUBLIC HEARINGS  

1. RESOLUTION AUTHORIZING THE SALE OF WHATCOM COUNTY SURPLUS PROPERTY PURSUANT TO WCC 1.10 (AB2013-049A) (7:02:46 PM)  

Kershner opened the public hearing, and hearing no one, closed the public hearing.  

Crawford moved to approve the resolution.
The motion carried by the following vote:

**Ayes:** Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

**Nays:** None (0)

**OPEN SESSION**

(7:06:01 PM)

The following people spoke:

- Terry Montonye spoke about protecting salmon and acreage designated for a park in Acme.
- Marlene Dawson spoke about water rights and tribal treaties.
- Larry Helm spoke about the Whatcom Integration Team (WIT) process.
- Carl Olson submitted a handout (on file) and spoke about the Lake Whatcom reconveyance.
- DeLayne Clizbe spoke about a vacancy on the Parks and Recreation Committee.
- Gary Lysne submitted a handout (on file) and spoke about the Lake Whatcom reconveyance.
- Shane Roth submitted a handout (on file) and spoke about the Lake Whatcom reconveyance.
- Kris Ungern submitted a handout (on file) and spoke about funding for the Public Utility District (PUD) in the budget supplemental request (AB2013-074) and the Lake Whatcom reconveyance.
- Matt Paskus spoke about disclosure requirements for real estate purchases within one mile of an airport.
- Scott Hackett, Whatcom County Pomona Granges President, submitted a handout (on file) and spoke about the stance of granges in Washington State regarding various legislative issues.
- Anna Martin spoke about docketing the mineral resource land (MRL) zoning designation.
- Sharon Westergreen spoke about the Lake Whatcom reconveyance.
- Peggy Uppiano spoke about the Lake Whatcom reconveyance.
- Klaus Klix spoke about water resource planning.
- Greg Brown submitted a handout (on file) and spoke about how non-governmental organizations (NGOs) impact County decisions.
- Meredith Moench spoke about docketing the mineral resource land (MRL) zoning designation.
- Rand Jack spoke about the Lake Whatcom reconveyance.
- David Stalheim spoke about docketing the mineral resource land (MRL) zoning designation.
- Gerry Millman, Great Western Lumber Company President, spoke about the Lake Whatcom reconveyance.
- Jim Elenbaas spoke about the Lake Whatcom reconveyance.
- Ted Wood spoke about the Lake Whatcom reconveyance.
- Tom Westergreen spoke about the Lake Whatcom reconveyance.
- Aubrey Stargill spoke about the Lake Whatcom reconveyance.
- Rud Browne spoke about the Lake Whatcom reconveyance.
- John Kirk spoke about the WIT process and the influence of NGOs on County government.
• Kris Halterman submitted a handout (on file) and spoke about the Lake Whatcom reconveyance.
• Ellen Baker submitted a handout (on file) and spoke about the PUD in the budget supplemental request (AB2013-074).

CONSENT AGENDA

(8:23:24 PM)

Mann reported for the Finance and Administrative Services Committee and moved to approve Consent Agenda items one through five.

The motion carried by the following vote:
Ayes: Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)
Nays: None (0)

1. RESOLUTION REQUESTING STATE LEGISLATIVE ACTION AUTHORIZING THE ADDITION OF A FOURTH SUPERIOR COURT JUDGE’S POSITION FOR WHATCOM COUNTY (AB2013-082)

2. REQUEST APPROVAL OF HEALTH CLERICAL ADDENDUM TO MASTER COLLECTIVE BARGAINING AGREEMENT EFFECTIVE FEBRUARY 12, 2013 (AB2013-083)

3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND WHATCOM COUNSELING & PSYCHIATRIC CLINIC FOR BEHAVIORAL HEALTH PRIMARY CARE, IN THE AMOUNT OF $142,115 (AB2013-084)

4. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND SPILLMAN TECHNOLOGIES, INC. TO ACQUIRE, INSTALL AND MAINTAIN AN ELECTRONIC RECORDS MANAGEMENT SYSTEM, JAIL MANAGEMENT SYSTEM AND MOBILE DATA SYSTEM, IN THE AMOUNT OF $1,719,299 (AB2013-085)

5. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT FOR SERVICES AGREEMENT BETWEEN WHATCOM COUNTY AND FINKBONNER FLAGGING, LLC FOR TEMPORARY TRAFFIC CONTROL SERVICES, IN THE AMOUNT OF $40,310 (AB2013-086)

6. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND PUBLIC UTILITY DISTRICT NO. 1 RELATED TO WATER SUPPLY PLANNING, IN THE AMOUNT OF $367,500 (AB2013-087)

Mann reported for the Finance and Administrative Services Committee and moved to approve the request.
The motion failed by the following vote:

**Ayes:** None (0)

**Nays:** Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

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**OTHER ITEMS**

1. **REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND MT. BAKER FOOTHILLS CHAMBER OF COMMERCE FOR EXPENSES INCURRED IN THE PROMOTION OF THE BAKER – BIRCH BAY TOURISM PROMOTION PROJECT, IN THE AMOUNT OF $123,500 (AB2013-053) (8:25:34 PM)**

   Mann reported for the Finance and Administrative Services Committee and stated this item was withdrawn from the agenda.

2. **ORDINANCE AMENDING THE 2013 WHATCOM COUNTY BUDGET, SECOND REQUEST, IN THE AMOUNT OF $916,635 (AB2013-074) (8:25:51 PM)**

   Mann reported for the Finance and Administrative Services Committee and **moved** to adopt the substitute ordinance submitted by the County Executive this afternoon, which does not include funding to Public Utility District (PUD) #1. The amended amount of the ordinance is $661,635.

   The motion carried by the following vote:

   **Ayes:** Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

   **Nays:** None (0)


   Mann reported for the Finance and Administrative Services Committee and **moved** to adopt the ordinance.

   The motion carried by the following vote:

   **Ayes:** Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

   **Nays:** None (0)

4. **ORDINANCE AUTHORIZING AN INTERFUND LOAN TO FINANCE A PORTION OF THE COST OF REPLACING THE SHERIFF AND JAIL RECORDS MANAGEMENT SYSTEM (AB2013-076) (8:28:05 PM)**

   Mann reported for the Finance and Administrative Services Committee and **moved** to adopt the ordinance.

   The motion carried by the following vote:

   **Ayes:** Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)

   **Nays:** None (0)
5. REQUEST APPROVAL OF A CONTRACT AMENDMENT WITH VAN NESS FELDMAN GORDON DERR, ATTORNEYS AT LAW, TO ASSIST IN REPRESENTING WHATCOM COUNTY IN GROWTH MANAGEMENT HEARINGS BOARD CASE NO. 11-2-0010C AND CASE NO. 12-2-0013 (AB2012-422A) (8:28:30 PM)

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

Brenner stated she appreciates the work of the Council’s legal counsel. However, she is not impressed with the attorney. She won’t support the motion.

Mann stated he won’t support the motion because he’s tired of throwing money down this sinkhole. Explore options such as mediation, which may be productive. The County keeps losing, and they need to try another approach.

Knutzen stated mediation is a sinkhole. They learned that in negotiations with the Tribe for the ferry lease. Anything they do should have strength. Mediation is a waste of time. He’s not happy with what’s gone on. The County should have fought this and hired an attorney from the very beginning. Rural property owners have been sacrificed and lost value. He will begrudgingly vote in favor of the motion to keep what they can.

Brenner stated she feels the opposite of Councilmember Mann. They must have the best attorney possible, and stop changing everything due to threats of lawsuits. The Hearings Board is the most political body anywhere. This method for appointing people is a joke. The real judges are the Superior Court. People on the Hearings Board can be anyone, and are appointed by people with a certain political persuasion. They should take it to Superior Court with an attorney who actually wins cases.

The motion carried by the following vote:

Ayes: Kremen, Crawford, Knutzen, and Kershner (4)
Nays: Mann, Brenner, and Weimer (3)

(Clerk’s Note: Discussion of this item continued in Other Business.)

6. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A COOPERATIVE MAINTENANCE AGREEMENT BETWEEN WHATCOM COUNTY AND THE NATURAL RESOURCE CONSERVATION DISTRICT FOR ONGOING MAINTENANCE OF THE TWO SNOTEL SITES, IN THE AMOUNT OF $30,000 (AB2013-081) (8:33:29 PM)

(Clerk’s Note: Council acting as the Whatcom County Flood Control Zone District Board of Supervisors.)

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

The motion carried by the following vote:

Ayes: Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)
Nays: None (0)

7. RESOLUTION INITIATING WHATCOM COUNTY COMPREHENSIVE PLAN AND ZONING AMENDMENTS FOR 2013 (AB2013-088) (8:34:14 PM)

Knutzen reported for the Planning and Development Committee and moved to approve the resolution.

Crawford moved to remove zoning text amendment PLN2013-0008. Although the intent to create more opportunity for the public to comment was laudable, however this applies to permits to extract, not to mineral resource land (MRL) designations. Additionally, the County will review the surface mining regulations as part of the 2016 Comprehensive Plan update. A member of the surface mining advisory committee, which is being reactivated to participate in the Comprehensive Plan update process, recently passed away. This is a proposal to change a permit process, which has only been appealed twice. Also, it would have no impact on the examples people gave as reasons for this item. Remove this item, and focus on the 2016 update to address a more robust process.

Brenner stated she is against the motion. Allow the review so they can work on the process. A lot of people gave input on this item. The review came up because of problems people have had in the past, not because of anything that may change in the future. Don’t wait until 2016.

Weimer stated there may be some confusion. Councilmember Crawford may not have seen the entire proposal, because his comments aren’t accurate. The proposal includes two parts. One part is a Title 20 zoning change, which does what Councilmember Crawford talked about regarding changing the permitting process from an administrative approval process to a conditional use process. A second part of the proposal is a Comprehensive Plan policy and language change that provides a lot of the information up front, before the permitting process. He read changes from the proposal. More review would happen before an MRL is changed. They’ve heard repeatedly that the process allows for an MRL designation without doing a lot of work on the impacts.

Kershner asked if there is no way this work could be done during the 2016 update, since they will update the mineral resource chapter of the Comprehensive Plan in 2016.

Brenner stated that if they wait for the update, it just delays the issue, which the Council does a lot. This is an important issue that should be addressed soon. If they get this done, there will be more clarity for applicants and neighboring property owners. It’s important.

Mann stated he agrees with Councilmember Brenner. It’s important. The process that happened with South Fork was a disaster. Neighborhoods and applicants need certainty. If someone gets an MRL designation, they think they will be able to get a permit without problems. That’s not what an MRL designation means. On this year’s agenda, work on improving that process. He is opposed to the motion.

Kershner stated she’s not for or against this item because she hasn’t seen the entire package. However, it seems more reasonable for discussing during the update. The
Council is carrying over ten items from last year into this year. They may not get to this until after the Comprehensive Plan update in 2016.

The motion to amend failed by the following vote:

Ayes: Crawford, Knutzen, and Kershner (3)
Nays: Kremen, Brenner, Weimer, and Mann (4)

Crawford moved to amend the resolution so that PLN2013-0008 will be done as part of the 2016 update.

Brenner stated she is against the motion for the same reasons as the previous amendment. It’s a small change to the same exact amendment. This issue deserves their attention this year.

Weimer stated he is against the motion also for the same reasons. It’s an easy amendment to go through. Don’t delay it. When they get to the 2016 update, there will be many other things to address. This brings the County into alignment with the way many other counties around Puget Sound do this, so people have the information up front.

The motion to amend failed by the following vote:

Ayes: Crawford, Knutzen, and Kershner (3)
Nays: Kremen, Brenner, Weimer, and Mann (4)

The motion to approve carried by the following vote:

Ayes: Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)
Nays: None (0)

8. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S APPOINTMENT OF ELIZABETH KILANOWSKI TO THE WHATCOM COUNTY MARINE RESOURCES COMMITTEE (AB2013-089) (8:49:12 PM)

Knutzen moved to confirm the appointment.

Crawford asked if her husband is on this committee, and whether the Executive considered having a husband and wife on one committee. He is the Marine Resources Committee representative to the Whatcom Integration Team (WIT). He’s not sure if it’s a conflict.

Kremen stated spouses may not always agree. There isn’t anything that prohibits the Council from confirming this.

The motion carried by the following vote:

Ayes: Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)
Nays: None (0)

9. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S APPOINTMENT OF SYLVIA FRAGNER TO THE WHATCOM COUNTY DEVELOPMENTAL DISABILITIES BOARD (AB2013-090) (8:49:37 PM)

Crawford moved to confirm the appointment.
1. The motion carried by the following vote:
   **Ayes:** Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)
   **Nays:** None (0)

10. **REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S APPOINTMENT OF BOB LIBOLT TO THE WHATCOM COUNTY HOUSING ADVISORY BOARD (AB2013-091) (8:50:34 PM)**

   **Knutzen moved** to confirm the appointment.

   The motion carried by the following vote:
   **Ayes:** Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)
   **Nays:** None (0)

**APPROVAL OF COMPREHENSIVE PLAN AMENDMENTS**

1. **ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENTS RELATED TO UNINCORPORATED UGA INTERLOCAL AGREEMENTS (AB2012-328) (FORWARDED ON NOVEMBER 7, 2012) (8:50:46 PM)**

   **Brenner moved** to adopt the ordinance.

   The motion carried by the following vote:
   **Ayes:** Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)
   **Nays:** None (0)

2. **ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENTS RELATED TO CAPITAL FACILITY PLANNING FOR THE EAST COUNTY (AB2012-329) (FORWARDED ON NOVEMBER 7, 2012) (8:51:24 PM)**

   **Brenner moved** to adopt the ordinance.

   Knutzen asked about transfer of development rights (TDR) receiving and sending areas.

   Brenner stated they have sending areas, but no receiving areas.

   Mark Personious, Planning and Development Services Department, stated there isn’t a designated receiving area. The Code talks about urban growth area (UGA) expansion areas as being potential receiving areas, but none are specified.

   Brenner stated this item doesn’t have anything to do with what they’re voting on.

   Mann stated he congratulates the East County working group for getting this done.

   The motion carried by the following vote:
   **Ayes:** Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)
   **Nays:** None (0)
Mann moved to adopt both ordinances as a group.

The motion carried by the following vote:
Ayes: Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)
Nays: None (0)

INTRODUCTION ITEMS

1. ORDINANCE AMENDING THE 2013 WHATCOM COUNTY BUDGET, THIRD REQUEST, IN THE AMOUNT OF $446,257 (AB2013-092)

Crawford moved to accept the Introduction Item.

The motion carried by the following vote:
Ayes: Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)
Nays: None (0)

OTHER BUSINESS

(8:55:02 PM)

Kershner stated the Council must decide about scheduling the reconveyance public hearing at a special meeting or at the regular March 12 meeting starting at 6:00 p.m., and whether the Council would like to schedule the hearing at an alternate location.

Knutzen moved to schedule a special public hearing at the Mt. Baker High School. It has a big auditorium and a sound system.

Crawford stated he is against having a meeting off-site. It should also be scheduled on March 12, and start early. They've had other big hearings here. Have lots of signup sheets and go late into the night.

Kremen stated he understands the request to have the meeting in Deming. This issue has been scheduled during several meetings. This issue has divided the county. It would be the culminating meeting for an issue that has been in front of the Council and public for more than eight years. Having the meeting anywhere but the County Council Chambers, where the Council conducts most of its business, is not in order. Schedule the meeting in the Council Chambers. There have been several meetings about major issues in the Council Chambers. Having the culminating meeting on this issue at the Mt. Baker High School is atypical and inappropriate.

Brenner stated it would be appropriate if big enough. Instead, compromise and put it on the ballot. It would ensure that everyone has access. The Council is so insulated in this area that it's hard for people outside the city to come to many meetings. Do a remote meeting, or put it on the ballot.

The motion failed by the following vote:
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Ayes: Brenner and Knutzen (2)
Nays: Kremen, Crawford, Weimer, Mann and Kershner (5)

Brenner moved to put the reconveyance on the ballot for the next general election.

Knutzen stated this would have been done by now if the Council had given the voters the option to vote on this the first time it was suggested. A number of different comments have been made about this. Councilmember Kremen just alluded to how big of an issue this is. Not putting it to the voters does them a disservice. The Council asked the voters to decide on a salary commission, but they are unwilling to ask the voters to decide about doubling the size of parks and taking on all the related liability and cost.

Mann stated he is opposed to the motion. Maybe they should put other expensive items on the ballot.

Brenner stated they have never had a more controversial issue than this reconveyance.

Kremen stated the coal terminal issue has been more controversial.

Knutzen stated this will keep on coming up. It would be elitist to not let the voters weigh in on the issue. This is the largest land acquisition in Whatcom County history.

Kremen stated the salary commission went before the voters was because it was a change to the County Charter. They were required to do that.

Brenner stated the Council had the option of not doing that at all. She likes putting things on the ballot.

Mann stated the job of the councilmembers is to talk to their constituents and find out what they want, need, and how they want to spend their money. The Council will not get 100 percent agreement on everything they do. If the people don’t like it, they will vote them off the Council. Vote on this and be done. Putting something on the ballot is an abdication of their responsibilities.

Knutzen stated he understands why they don’t want this to see the light of day. Most of it’s been done behind closed doors, including transferring of funds into accounts no one knew about and dealing with the Parks Director, Land Trust, and proponents of this project. Yet the opponents have been left out. The only way they find out about things is by doing public disclosure requests. Putting this to the voters is the next logical step.

Brenner stated the conservation futures fund was put on the ballot because they wanted to get guidance from the public on what they wanted to do. This is no different. It’s a big issue worth getting public opinion. Not everyone in the County will talk to the Council about what they think. The Council hears repeatedly from the same people, but not from everyone who votes.

Kershner stated she voted against putting this on the ballot last summer, and regretted her decision. The more this item is discussed, the more complex and divisive it
Kershner moved to start the March 12 meeting at 6:00 p.m.

Brenner stated she is against the motion. People who live far from Bellingham should be able to come home from work and eat before going to the meeting. They keep talking about doing things that are convenient for the Council.

Dana Brown-Davis, Clerk of the Council stated that at the last public hearing on the reconveyance, the Council dealt with all other agenda items before the public hearing began. If they begin the meeting at 6 p.m., they can do the same, get the other agenda items done, and start the hearing at around 7 p.m.

Kershner stated she doesn’t do well making important decisions for the county at midnight. Starting at 6 p.m. is a reasonable compromise.

Mann stated starting at 7 p.m. allows people to get home from work and have dinner. However, many people who attended the last hearing had to leave because they have children at home or have to work the next morning. Starting an hour early is helpful to the public, not to the Council. The Council is going to be here late, no matter what.

Kremen stated the motion makes sense. He agrees that they shouldn’t make decisions at 12:30 a.m. or after.

The motion carried by the following vote:
Ayes: Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)
Nays: None (0)

Brenner stated she wants the Council to send a letter supporting the letter the Sheriff sent to the Governor about releasing a dangerous criminal from jail and sending him to Whatcom County. This criminal does not belong on the street. She can’t believe these corrections facilities are doing this. The Council’s letter would show support for the letter the Sheriff sent. She moved for the County Council’s staff to draft a paragraph in support of the Sheriff’s letter regarding the possible early release into Whatcom County of a dangerous criminal.

Kremen suggested a friendly amendment to send the letter tomorrow.

Brenner accepted the friendly amendment.

The motion carried by the following vote:
Ayes: Kremen, Crawford, Brenner, Weimer, Knutzen, Mann and Kershner (7)
Nays: None (0)
Knutzen stated a proposal for a Forestry Advisory Committee will be introduced at the next meeting.

Crawford asked that the administration comment on the proposal. The Executive had an idea about combining the Surface Mining Advisory Committee with a forestry advisory board. He wants this group to happen. The group should have input on the 2016 Comprehensive Plan update. However, make sure the administration agrees. There are questions of how they will facilitate and staff this group.

Knutzen stated that given recent issues and concerns about a variety of issues, he would like to restart the internal auditor position. He asked if Council is interested.

Brenner stated the Council can’t make changes to the budget on its own.

Brown-Davis stated Councilmember Knutzen is looking for Council interest in making that request of the administration.

Crawford stated the County Auditor could give a report to the Council at a future meeting. He recalls that the employee in that position was laid off in 2008 or 2009. It’s important to hear what that employee was specifically auditing. Find out what the need was then, what the need is today, and whether that need is being filled.

Kershner stated she suggests that the County use a contractor for that internal auditing service. Have an internal review from an outside agency on an as-needed or other periodic process.

Crawford stated the items that Councilmember Knutzen gave as examples were not the types of items the internal auditor was auditing.

Knutzen stated the internal audit risk assessment for the Parks Department was drawn up by the internal auditor.

Debbie Adelstein, Auditor, stated she will discuss it with the Council and they can create the position to be what they want it to be.

REQUEST APPROVAL OF A CONTRACT AMENDMENT WITH VAN NESS FELDMAN GORDONDERR, ATTORNEYS AT LAW, TO ASSIST IN REPRESENTING WHATCOM COUNTY IN GROWTH MANAGEMENT HEARINGS BOARD CASE NO. 11-2-0010C AND CASE NO. 12-2-0013 (AB2012-422A)

Karen Frakes, Prosecutor’s Office, stated the Council needs to amend the contract amendment it just approved. The language was written before the petitioners filed another appeal. The language says they can assist in its appeal, meaning Whatcom County’s appeal of the Growth Management case. She asked the Council to amend the language, “...can assist in its appeal the appeals of...” There would be no question that they have the authority to help her on every facet of the case.

_Kershner moved_ to reconsider the contract amendment.

The motion to reconsider carried by the following vote:
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Ayes: Kremen, Crawford, Brenner, Knutzen, Mann and Kershner (6)
Nays: Weimer (1)

_Crawford moved_ to amend the language, “...assist in its appeal the appeals....”
Frakes stated they don’t need to change the case number.

The motion carried by the following vote:
Ayes: Kremen, Crawford, Brenner, Knutzen, and Kershner (5)
Nays: Weimer and Mann (2)

_Crawford moved_ to approve the request as amended.

The motion carried by the following vote:
Ayes: Kremen, Crawford, Knutzen, and Kershner (4)
Nays: Mann, Brenner, and Weimer (3)

REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

There were no reports or other items.

ADJOURN

The meeting adjourned at 9:29 p.m.
The Council approved these minutes on ____________, 2013.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Kathy Kershner, Council Chair

______________________________
Jill Nixon, Minutes Transcription
CALL TO ORDER

Council Vice-Chair Bill Knutzen called the meeting to order at 10:37 a.m. in the Whatcom County Courthouse Fifth Floor Conference Room #513, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Sam Crawford, Bill Knutzen, Ken Mann, Pete Kremen and Carl Weimer

Absent: Kathy Kershner

SURFACE WATER WORK SESSION (AB2013-024)

2. UPDATE ON STATUS OF LAKE WHATCOM TOTAL MAXIMUM DAILY LOAD (TMDL)

Chris Brueske, Public Works Department, stated the total maximum daily load (TMDL) will be published on February 25. He was frustrated with the sliding deadline, so the Department of Ecology (Ecology) extended the comment period to 90 days. The County doesn’t get to do separate comments before the public. County comments are part of the public process. Ecology has to address each comment. He suggests that Steve Hood give a detailed presentation at the Natural Resources Committee on the TMDL and to the full Council for a five minute announcement about how the public can be involved, so it’s on the record. Be clear it’s an Ecology initiative, not a County initiative.

Brenner stated Ecology is meeting with councilmembers individually.

Knutzen stated that in his individual meeting, they talked about the TMDL release at the end of the month, the targeted watersheds, including Bertrand Creek, and the three new inspectors.

Weimer stated they talked mainly about the TMDL and their new inspection efforts.

Brenner asked if the two new inspectors are just for Bertrand Creek.

Weimer stated they are for anywhere in the county. Water quality in Drayton Harbor and Portage Bay is declining. It’s part of a statewide shellfish effort.

Brueske stated staff is taking part in those meetings to share and collect data. Ecology is starting its new inspection effort in Bertrand Creek. The County staff is continuing its education outreach in Drayton Harbor. The new inspection effort is an Ecology program.
Weimer stated the Lake Whatcom Policy Group asked about more county outreach regarding the TMDL and asked if the County would hold its own public hearing on the TMDL. He told the group that this is not a County process, so the County wouldn’t have a reason to hold a hearing. It may be good for Steve Hood to talk to the Natural Resources Committee and the full Council at the evening meeting to give an announcement to the public about the process.

Brenner asked if Ecology is having a public hearing.

Weimer stated they aren’t. They’re not required to. Councilmember Brenner may talk to them about having a public hearing at her individual meeting.

Brenner stated they’re probably not required to do a bunch of things that they should do.

Brueske asked if it’s okay for staff to schedule those two presentations.

**The Council concurred.**

Brenner stated give Ecology more than five minutes at the evening meeting.

Clare Fogelsong, City of Bellingham, stated he asked and Ecology talked about the County or City packaging the comments they receive and sending them to the Ecology as part of the County’s or City’s comments. He’s not sure the City wants to take on that responsibility. Ecology should package those comments themselves and send them forward to the Environmental Protection Agency (EPA).

Brenner stated the County should forward anything to Ecology that they receive. Fogelsong stated that takes staff time and there is a cost to doing that.

Kremen stated he was assured at least three times about how fairly achievable these goals and objectives would be, but he has doubt and skepticism about how attainable their thresholds will be.

Knutzen stated he got the impression it will be a 50-year plan, not a five-year plan.

Cathy Craver, Public Works Department, stated Ecology will present the TMDL standard. Once approved by the EPA, the County enters into a five-year period of developing a water quality clean up plan, also called a detailed implementation plan. The County has five years to develop a plan that includes all the actions the City and County will do to achieve improvements.

Crawford asked if they still require an 80 percent reduction. Craver stated she believes so.

Crawford asked if the levels have to be reduced in five years. Craver stated the County has five years to come up with a plan, associated budget, and funding sources to accomplish the actions that will take 20 or more years.
Brenner asked why Ecology is taking comments if they have no intention of making changes. Craver stated Ecology won’t make big changes.

Kremen stated it is a false opportunity that the comments will have any impact on Ecology’s requirements. Craver stated the County compiled its comments and submitted them to Ecology before this version.

Kremen stated Ecology took three or four times longer than they said they would to come forward with the TMDL. If Ecology expresses an urgency now, they have been derelict and slow in coming forward with their own proposals.

Mann stated Ecology is giving the County five years to develop a plan, so it doesn’t seem they’re that urgent. He asked about the permit. Craver stated it is the national pollutant discharge and elimination system (NPDES) phase II permit.

Mann asked what that permit requires the County to do. Craver stated the permit requires more stringent regulations in certain urban growth areas (UGAs). Those include stormwater requirements. When the TMDL is approved by Ecology, the County must meet the TMDL.

Mann asked what happens if the County is out of compliance with NPDES phase II permit. Craver stated the County would be out of compliance with the State stormwater permit. Ecology would have some sort of repercussions for the County. It’s a new permit, so there haven’t been any compliance issues before the State. Ask Ecology what their repercussions would be.

Brenner asked if there is an appeal process. Fogelsong stated there is an appeal process, either administrative or judicial.

Brenner stated the County should think about appealing early on. The County has five years before anyone can file a lawsuit.

John Hutchings, City of Bellingham, stated Ecology can levy a fine for each violation, up to $25,000 per day. The permit requirements have not been such that jurisdictions have fallen behind yet. Being out of compliance opens the County to third party lawsuits. It’s not true that it will be five years before anyone can file a lawsuit. The TMDL is separate from the NPDES phase II permit. At the point the TMDL is approved by Ecology and certified by the EPA, the TMDL is rolled into the NPDES phase II, when it becomes enforceable and actionable. They don’t know if it will roll into the 2012 permit or a future permit.

Kremen stated that if the Governor chooses, Whatcom County could be prohibited from accessing certain State funding. It could potentially inhibit the County from receiving funding for worthwhile projects.

Weimer stated the major concern is the possibility of third-party lawsuits. Ecology may be more forgiving about the County being out of compliance, but someone else may not be.
Craver stated options for rolling the TMDL into the permit are some sort of agreed
order, administrative order, or a permit modification. Modifying the permit is the least
desired option, so will have to have some sort of agreed or administrative order. The
County will have to do the TMDL water cleanup plan relatively immediately after approval of
the TMDL.

Crawford asked if the 80 percent reduction is from current loading. Hutchings stated
it 87 percent, and it is from the loading in 2003.

Crawford asked what actions would be expected of the County. He asked if the
County must address existing development and if that has a much bigger impact on the City
than on the County. He asked what the municipalities would or could do to come into
compliance. Fogelsong stated the City has 15,000 residential units. The County has about
6,000 units. There is an underlying assumption that buildout in the city is older than
buildout in the County, and that's probably where the retrofits need to occur first. The
TMDL hasn't defined particular actions, just an allocation goal. It's up to all responsible
parties to define the actions necessary to meet the goal. Ecology suggested ways to
implement actions and best management practices (BMPs), but hasn't prescribed anything.

Kremen stated he believes 25 percent of the loading comes from the Nooksack River.
If that's so, there would have to be less than zero percent reduction that comes from
everywhere else.

Crawford stated the City could develop a method to filter out the phosphorus. It
would cost a lot of money, but it would be a big fix.

Kremen stated a lot of that is naturally occurring phosphorus. He asked if the
County's approximate 6,000 residences are in Sudden Valley. Fogelsong stated it is.

Brueske asked about the County having a public hearing.

Knutzen stated wait until after the proposal comes out before scheduling a hearing.

Crawford stated don't have a hearing on something over which the County has no
control.

The Council concurred.

1. LAKE WHATCOM AQUATIC INVASIVE SPECIES MONITORING AND
PREVENTION

Chris Brueske, Public Works Department, stated the goal today is to get Council
input on to what level they want to take their program. It could be as simple as having
boat inspections or more involved as rewriting the ordinance and requiring inspections. The
City has had budget discussions on how they are going to get funding.

Laurel Baldwin, Noxious Weed Control Board, submitted and read from a
presentation.
Brenner asked if there are any native invasive species. Baldwin stated there may be one.

Kremen stated he thanks Ms. Baldwin for all her years of service, effectiveness, and dedication. The County has been working on loosestrife for many years. Ms. Baldwin has done a stellar job. He asked if there has been a significant decline in the number of watercraft on Lake Whatcom in the last five to eight years. Fogelsong stated the only records he has are from the Bloedel-Donovon launch, but the records are sporadic. He’s heard that statement from others who live on the lake, but it’s hard to measure.

Kremen stated there is about half the activity today than there was 15 or 20 years ago. Fogelsong asked if the observation is throughout the year or during the summer.

Kremen stated the only boating activity is mostly in four months of the year, if the weather is exceptional. The rest of the year, there is hardly any watercraft at all on the lake.

Baldwin continued the presentation.

Brenner stated there should be a one-time charge for people who keep their boats in Lake Whatcom, and charge someone if they have to have plants removed from their boats when inspected.

Baldwin concluded the presentation.

Knutzen asked if annual permit includes a permit sticker. Baldwin stated the boats would have stickers. Owners will have to pay annually for each boat.

Knutzen stated don’t just concentrate just on Lake Whatcom. They would be missing an opportunity for a countywide program to be effective. Sell a permit to anyone who uses a boat in one of the Whatcom county lakes. Baker lake in July and August gets a lot of use. If every boat from Skagit County had to have a sticker for boats used in Whatcom County, it would help fund the program. Also, if they ignore Lake Samish, Lake Whatcom will get infected too.

Mann asked if that’s true. He asked if the species can be transported by ducks or by other methods. Baldwin stated invasive species are mainly transferred by boats. It’s not likely to happen another way.

Knutzen asked if it’s just a matter of time before all lakes are infected. If one water body gets infected, it’s more likely for the other areas.

Mann asked if they’re transmitted by waterfowl. Baldwin stated that’s not documented.

Mann stated he wants to know that fact for sure. Baldwin stated it’s highly unlikely, but she can’t say it will never happen.

Mann asked if otters eat them.
Teagan Ward, City of Bellingham, stated it’s not likely. Focus on the pathways they can control.

Baldwin stated she plans to survey Lake Samish this year in partnership with the Department of Ecology.

Crawford referenced the budget page in the packet. He’s disappointed the program isn’t structured so the boaters pay entirely for a program that protects the lakes from the adverse effects of boaters. He asked why it can’t be a fully self-funded program. Hutchings stated he heard that the goal should be a self-funded program. It takes an upfront investment to create infrastructure. The cost is greater in the first year or two than it is further out in the future. State money has been offered to cover the upfront costs. A self-funded program is the goal. They have estimated the revenues. They won’t budget to spend that revenue this year. In 2014, they will know the revenues from 2013, and budget them going forward.

Crawford stated they are missing the target by at least 50 percent. Have a $100 per year fee and $40 per day fee to come closer. The lower fee creates a legacy expense for the County tax payers, most of whom don’t boat on Lake Whatcom. It also sets up an expectation of a lower cost by the boaters, so the County can’t double it next year. Instead, indicate that the revenue collected is to cover the cost. It’s simple math. He’s very concerned about legacy expense and expectation of lower fees.

Kremen stated if they implement that suggestion, they will see another 50 percent reduction in the watercraft activity on Lake Whatcom, which will have a positive impact on lake health, but will significantly diminish recreation opportunities. He asked about staffing costs. He doesn’t understand dividing the staff among the jurisdictions. The vast majority of boats are from the city of Bellingham, not the 6,000 homeowners in the unincorporated portion of Whatcom county. He asked why the Lake Whatcom Water and Sewer District (LWWSD) has three staff. It has less ability to generate funds than the City of Bellingham. It’s a disproportionate financial burden considering who is using the lake. Fogelsong stated the LWWSD is part of the management program team. They provide water to their customers around the lake, so they have a similar responsibility and interest as the City. The LWWSD offered this funding proposal, and the program suggests using the funding on three staff positions. The budget material doesn’t show the City’s existing full-time coordinator, which is their third position. The County also provided Laurel Baldwin.

Kremen stated these are additional costs, and don’t reflect what they’re already doing. He agrees with Councilmember Knutzen’s proposal to allow the annual fee be applied to all County lakes. However, some boaters will only boat in Toad Lake, for example. Limit it to the lake they use, not every lake in the county.

Mann stated there are potential launch points around the county. It may be easier to set up checkpoints at county entrances. If from the ocean, the clams are dead, so they don’t have to do anything with that. If at a Canadian border, they can add the program at the existing checkpoints. There are only a few entrances from the south. If out-of-county boats are the biggest threat, it’s easy to narrow down where they’re coming into the county. Have checkpoints on the road. He realizes it would be complicated. There are maybe six entrances from Skagit county. That is better than using hundreds of access points around all the lakes in the county. Hutchings stated they recognize there has to be a layered
approach to the solution. This was discussed before. It is an inter-jurisdictional problem. A piece of legislation at the State senate is trying to get at how to do that for regions of the state. There have been ongoing conversations among the people developing the local program toward that end. He suspects they’ll get there in the future. They already do agricultural inspections at a variety of places around the state, including the border with Idaho. There’s no reason other than money that can’t be done at the local level.

Mann stated Washington State doesn’t take it as serious as Whatcom County. Hutchings stated the State has a lot on its plate.

Mann stated he hears that it might be too complicated, but there are much fewer access points at the borders than at the lake.

Weimer asked if they’ve considered the costs of expanding the program to other lakes. That expansion may be cost prohibitive. They can’t bill people at Baker Lake just to make money if they’re not getting an inspection. People will think they’re just the money source. He asked if it’s possible to expand the program. Brueske stated the $30,000 cost for two seasonal people is available already in the budget. If they want to go forward into Lake Samish or countywide, deal with private boat launches, and increase sheriff enforcement, there is not yet a funding source.

Weimer asked if they’ve done a risk analysis that shows the amount of risk that will be removed by this program. Fogelsong stated the original risk assessment considered water quality in the lake, movement out of state, and other factors. Success depends on whether they influence the behavior of people who may be traveling out of state. The question is whether they can intercept them successfully at the launches. Most people just traveling through will probably go to the first place that shows up on the Google map, which is Bloedel-Donovan. A concern is the launch at South Bay because it’s the closest launch from the south. That’s why the County has been looking for solutions to the problems at that location. It’s a matter of whether they are intercepting 85 percent of the boats and decreasing the risk by a certain amount. Most launches aren’t a risk, because the people in Whatcom county never travel out of state. Unfortunately, no one is able to target just the ones that have left the county and are coming back from an infested water body.

Mann stated his idea does that. His idea is how they catch people coming from outside the county.

Crawford stated enforcement comes from the sticker. If one doesn’t have the sticker, they’re in violation. They aren’t going to catch people who come into the county or launch at 2 a.m. They will catch people who don’t have the sticker, which requires people to sign a document and have an inspection. If in the lake without a sticker, the boaters have to pull the boat out and pay a fine. There are too many times that they can’t cover. Regarding the fee, the fees at Big Bear Lake in California is a better, self-sustaining fee structure.

Weimer asked the demand on Big Bear Lake.

Crawford stated he doesn’t know.
Kremen stated he talked to all legislative members in Olympia as the legislative steering committee member for the Washington State Association of Counties (WSAC). With the Executive, Bellingham Mayor, and Port of Bellingham officials, they issued a priority sheet that included this issue, in case there is any available funding for augmenting these efforts.

Brueske asked if the Council should go ahead and rewrite the ordinance for Council review. The current ordinance does not require inspections. If this is what the Council wants, staff would rewrite the ordinance and update the unified fee schedule.

Brenner asked how much more likely a motorized boat than a non-motorized boat will bring this stuff into the county. They seem to be going after a targeted group of people rather than treating everyone the same. Otherwise, this isn’t fair.

Mann asked the scientific basis for that recommendation. Baldwin stated non-motorized boats are more likely to be hauled out and dried, don’t have compartments, and it’s easier to launch a hand carried kayak anywhere on the lake. Outside of outreach, they don’t know how to police every piece of the lake.

Knutzen stated there are no motorized boats on Lakewood, where it started. Baldwin stated they don’t have evidence that the species started with Lakewood.

Brenner stated infestation can happen from non-motorized boats. Baldwin stated it can, but it’s not likely. They are trying to target the most likely source.

Fogelsong stated Lakewood has sailboats that travel throughout the northwest. It’s likely one of the regattas in Lake Washington or another lake infested with Asian clams in Washington was carried to Lakewood. That’s not the same mechanism they are looking at with the other mussels. There’s no clear evidence that’s how the infestation happened, but they can make an assumption that the sail boats had a role in infesting Lakewood. Sail boats and other open watercraft will dry out during their transport back from an infested lake. They are not as significant. Also, they are trying to get the program up and running this year. They will see if education is working with the non-motorized population. If they need to pay more attention to the non-motorized watercraft, they will do that next year.

Knutzen stated they have a regatta on Lake Samish weekly in the summer. Those are boats on the lake every week. It’s unfair to allow them a free pass while charging everyone else. Ward stated sale boats on a trailer will be charged a fee. Hand carried boats such as kayaks will not be charged. They are also considering days at Bloedel-Donovan when all non-motorized will have to go through inspections.

Brenner stated that if they really want to do this, the fines for finding infestations should be high. It seems like they want to collect fees from people who use the lake most rather than those who cause the problem.

Mann stated he has no problem charging a fee to non-motorized craft. He is fine with having high fines.

Brenner stated charge a higher fine for pulling plants off boats.
Brueske asked if there is consensus for staff to begin rewriting the ordinance. At that time, they can figure out the issues such as the fines and sticker program.

**The Council concurred.**

Greg Brown stated they didn’t find much in the boat surveys. The findings were low. He agrees with Councilmember Crawford. Rather than increasing prices to make the people pay for the program, but make the program only what they can afford. Don’t take the money from the general public. He and boaters prefer to put their fee money into the effort into eliminate these things rather than prevent something that they know will happen anyway. Solve the problem rather than putting a Band-Aid on it. Last, he objects to including nongovernmental organizations (NGOs) like the Puget Sound Partnership in this agreement to do anything with their inland waters.

Knutzen stated the $50 annual fee is fine. They subsidize all the other recreational user groups, including hiking, biking, and equestrian users. It is unfair to identify boaters.

**ADJOURN**

The meeting adjourned at 12:15 p.m.

The Council approved these minutes on ________________, 2013.

**ATTEST:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Bill Knutzen, Council Vice-Chair

______________________________
Jill Nixon, Minutes Transcription
CALL TO ORDER

Council Chair Kathy Kershner called the meeting to order at 10:30 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

(10:31:19 AM)

Present: Barbara Brenner, Sam Crawford, Kathy Kershner, Bill Knutzen, Ken Mann, Carl Weimer and Pete Kremen.

Absent: None.

COMMITTEE DISCUSSION

1. DISCUSSION WITH MARK MAUREN, DEPARTMENT OF NATURAL RESOURCES, REGARDING THE POSSIBILITY OF DRAFTING A RECREATIONAL PLAN FOR WHATCOM COUNTY (AB2012-066H)

Kyle Blum, Department of Natural Resources (DNR) Deputy Supervisor of State Uplands, submitted and read from a presentation (on file).

Brenner asked if the DNR partners much with private organizations or local jurisdictions.

Mark Mauren, Department of Natural Resources Recreation Manager, stated they have many different types of partnerships across the state, including volunteers, local towns and jurisdictions, and private user groups. He concluded the presentation beginning with the planning process and timeline. Because the amount of recreation land available is shrinking, the number of people who want to recreate is increasing, and there are different recreation needs, they can no longer practice a multiple use concept. Off road vehicles (ORVs) can no longer share trails with equestrian, mountain bike, and hiking uses. Instead, they’ve gone to a concept of motorized and non-motorized zones. Within the motorized community, they have to develop separate trails for 4x4’s, all terrain vehicles (ATVs), and single track. Different user groups are looking for different experiences.

Kremen stated there has been a lot of interest in ORV use in Whatcom County for decades. A gas tax has been collected for decades that is supposed to go into an ORV fund. To this day, the DNR has yet to come up with an area for ORV use. Whatcom County is one of the largest counties in the state. Whatcom County pays more per capita into the ORV tax fund than any other county in the state. He asked why Whatcom County doesn’t have an ORV recreational area. Mauren stated most recreational facilities were developed before the
1980’s, and then funding was shut down. Washington state has not developed any new recreational facilities, such whole trail systems, in decades. The ORV community needs a trail system or network. Other ORV facilities in the state were developed early on. The first new one developed was at the Reiter area in Snohomish County. It’s not just an ORV facility. It includes trails built in the forest environment. All the regulations for urban development criteria don’t translate to a forest environment without becoming cost prohibitive. Snohomish County had to rewrite its county code to reflect trail construction for the DNR and also for the County and private landowners in the forest environment.

Kremen stated the ORV tax is still being collected. The funding hasn’t gone away. Mauren stated the legislature made a change to the ORV tax in 2002. The gas tax rebate is redistributed. One-third each goes to ORVs, non-motorized, and non-highway category. The ORV community is the only recreational community that self-taxes. On top of the gas tax, they pay their license tabs, which generates another $2 million per biennium.

Kremen stated that underscores his point. Through the decades, Whatcom County gas users and ORV owners have generated all this money. He asked why they don’t have an area for these people who have been paying the taxes for years. Mauren stated they have been relying on the ORV accounts to pay for maintenance of the existing facilities. The planning process is beginning to open new areas in different parts of the state. The users and DNR recognize that there is a void for ORV use, mountain bikers, and equestrians in Whatcom County. Whatcom County and a few other places across the state are short of trail-based recreation opportunities.

Brenner asked if there is a new emphasis on trying to do that. Blum stated there is a new emphasis on planning processes. The emphasis has been on money provided by the legislature for planning. That major shift allows the DNR to fund these recreational planning opportunities. DNR makes a considerable amount of money off its trust land management, but it’s not money that can be spent on recreation. The DNR is allowed to provide recreation opportunities on its land when it’s consistent with their trust responsibility. The DNR doesn’t use monies generated from timber revenues to pay for recreation planning.

Brenner asked if the State would consider reallocating the one-third of gas tax allocated to ORVs back to the counties. Money raised in each county would go back to that county. Blum stated that is a question for the legislators. Allocation is not controlled by DNR.

Mauren stated it’s considered a statewide resource. Part of the money, about $2 million per year, goes directly to DNR for management of recreation facilities. The rest goes into the Recreation and Conservation Office (RCO) non-highway and off-road vehicle activities (NOVA) grant program. Anyone in the State can apply for that grant money. That’s for maintenance, development, and enforcement.

(10:53:19 AM)

Knutzen stated he is encouraged by how receptive DNR is about working with partners in the community. He asked where Whatcom County ranks in terms of a recreation plan. Blum stated there isn’t a ranking process. There are a few areas with considerable demand but no recreation plan. This area is a high priority. When the DNR
Brenner stated she is interested in working better with the DNR. The North Fork area was with DNR. She asked if, in the future, the DNR can contact the County before closing areas down to see if the County is interested in participating. Blum stated the DNR could potentially do that in certain situations. The DNR needs to identify areas it can enforce and manage and where soils and stabilities make it the right place for the planning process to occur. There isn’t a lot the DNR can do about user-built illegal trails they aren’t aware of. When the DNR becomes aware of an area being used for trails, they must shut down the use, per the trust mandate.

Brenner asked if the County can work toward reopening the areas with a plan, if there is money. Blum stated that if the DNR can get planning money, they will. In assigning priorities, if the DNR determines that Whatcom County is the next place for a landscape, the DNR will look at all the areas that exist in Whatcom County to determine the right place. the DNR will work in partnership with the county. If they determine Whatcom County is the next area for a recreation plan, they will be eager to work with the County in appropriate areas.

Brenner stated prioritize the North Fork area. Mauren stated they look at all uses and pick a landscape in which they can accommodate all the uses. They try to consolidate all the uses into one area. They pick the landscape best suited for the uses. It’s costly to maintain existing facilities because people have created unauthorized, unsustainable trails. They won’t continue to perpetuate problems. They take a more systematic and scientific approach that will last over the years.

Crawford asked where they are at today and where they are headed. DNR suggests that planning money isn’t certain, but is probable. He asked if the next step is to get the money for planning, and if the DNR has already gone through a prioritization process that puts Whatcom County at the top, or if the DNR still has to go through a statewide prioritization process. He asked the timeframe and process if Whatcom County is at the top of the list. Blum stated that if DNR gets planning money, they will go through a prioritization process, which they haven’t done yet. Once they determine a landscape is next in line in Whatcom County, it’s a two-year process to identify the recreation area, get the money, and go through the six steps described in the presentation slide. There is a scientific process and a process to talk to users to meet demand.

Crawford asked if a resolution to the legislature and a petition to the DNR would be helpful if the majority of the Council feels these recreational opportunities are important and should be supported. Mauren stated counties haven’t played a role in the legislative process. They invite the County to participate in planning. They partner with counties and other agencies.

Blum stated they are acutely aware of the recreation pressures in Whatcom County, in terms of lobbying the legislature. The County may encourage the department to make it’s next plan here.

Crawford stated it would be odd to pick a location elsewhere in the state where the commissioner may be neutral about recreational planning with DNR over Whatcom County,
which really wants DNR recreation. He asked what the Whatcom County Council can do to
create the opportunity for proposals and public input to be at the top of the consideration
list. Mauren stated it would help to make sure the County Code is conducive to trail
construction in a forest environment. That burns up a lot of time. Once a plan is done,
they can start implementing it. Show that the County is actively trying to get ready and be
prepared.

Blum stated the two-year timeline is just the planning process. There is also the
State Environmental Policy Act (SEPA), grant application, and permit processes.

Crawford asked how long the statewide prioritization process takes. Mauren stated
the DNR can make that decision in a few weeks.

Crawford asked if that is an internal process with a hearing process. Blum stated it
is internal. They don’t typically have a public hearing process, but is in constant
communication with the user base. The final decision is made by the Commissioner.

Knutzen asked if user groups are overwhelmingly in favor of Whatcom County. Blum
stated Whatcom County is a high priority for the users.

Mauren stated the user base includes ORV, equestrian, mountain bikes, and other
users.

Knutzen asked if the DNR would be willing to work with the County if the County can
provide funding for a recreation plan or to open a property. Blum stated it would be happy
to talk about how to make that happen.

Mauren stated the Commissioner of Public Lands made it clear the issue isn’t land.
The issue is that they must have money to plan, construct, develop, maintain, and enforce.
They are open to working with partners to make that happen.

Knutzen stated it’s been said that DNR has been difficult to work with, particularly on
easements and at the South Fork. He asked if that’s valid. Mauren stated he doesn’t have
the details. There are communication issues on both sides. It’s not an easy thing to work
through.

Blum stated it’s not an issue he’s familiar with. He can look into the situation with
his staff.

Knutzen asked if the DNR can work out trail easements with a willing partner. Mauren stated floating trail easements are easy to work out. They have to compensate the
trust to pay for the use of land that is taken out of timber production. If the trails are
floating around the landscape and timber sales so there is no impact to the trust, then no
compensation is needed. Port Angeles wanted a fixed, long-term trail, so they had to pay
for the use of the land. That’s the caveat.

Kremen stated the DNR policy of an all-inclusive recreational area is a flawed
concept. The ORV aspect of any kind of plan is a limiting factor. It limits the areas that
could be used. It’s like having a bicycle lane and walking path next to a freeway. The three
uses aren’t compatible. In Whatcom County, DNR has a void of ORV opportunities. A
Mauren stated they are talking about landscapes that are 30,000 to 90,000 acres. That’s a lot of area that can accommodate a lot of use. The Reiter area was 10,000 acres. Only 2,000 of those acres were suitable for use. There will be 34 miles of ORV trail, but the ORV users said that would not be enough. There are ways to design the trail to provide for a variety of needs. They can’t provide all the needs everywhere. From a statewide perspective, they can provide for different ORV uses. Of the seven plans done to date, six have ORV components. The seventh was tied up with conservation easements. In his experience, they can accommodate all those uses as long as they are segregated and designed for the experiences the users are looking for.

Blum stated the DNR has limited staff and resources. If they put the uses far away from each other and don’t create opportunities for all different recreation uses, who knows how long it will be to come back and accommodate whatever use they decided to leave out when they did the first one.

Mann stated he thanks Mr. Mauren and Mr. Blum for talking to the Council. The DNR primary mission is for timber trusts, and here they are trying to work with the County and recreation groups. He advocates for recreation on any land possible. Regarding the DNR’s working reputation, the DNR took a public relations hit with the North Fork and in Alger. The DNR isn’t obligated to outreach when it decides to shut down illegal trails. He asked whether or not the DNR is willing to work with the user groups who built the trails. Blum stated the DNR outreaches to the groups. Before the DNR shut down the North Fork, they had extensive conversations with the mountain bike community.

Mauren stated he hasn’t heard about Alger. They know users are actively building trails. The DNR has 1,000 miles of designated trail systems, and there are 3,000 to 6,000 miles of undesignated trail systems. The DNR can’t ignore it when it becomes aware of environmental damage, safety issues, and liability issues. The DNR met with users of the North Fork ahead of time. The agreement in 2007 was that there would be no new trails. By 2012, there were many new trails, including structures. There were liability, environmental, and safety issues. The DNR had lost control of that landscape. It talked to the local users about working together.

(11:19:15 AM)

Mann stated he understands the environmental and liability issues. He’s discovered that no matter how much outreach they do, people generally think it wasn’t enough. They can never do too much outreach. He’s encouraged by what he’s hearing. It will take three to five years for a park plan and to build anything. He understands that. He supports working with the ORV, equestrian, mountain biking, and hiking user groups. Blum stated it is a couple of years to get a plan through the process once they identify a landscape. Barring any challenges, it becomes a battle to get funding. When trails show up depends on their ability to work together and get grant money.

Brenner stated Whatcom County has specific funds available for a portion of the parks. She asked about the cost. Blum stated Reiter will take about $10 million to build out all the way. That is 10,000 acres, which is one of the smaller landscapes they have.

Mauren stated there are 1,100 acres of motorized and 1,100 acres of mountain bike trails. The planning process is about $200,000. Trailhead construction is $500,000 to a $1
Brenner stated she understands the safety and liability issues when people are doing things illegally. She asked if they are absolved of liability issues if they are allowing something legally. Mauren stated the Recreation Immunity Act technically covers them, but all bets are off in front of a jury trial. They try to minimize exposure as much as possible.

Brenner asked if conservation easements make it difficult or impossible to allow ORV use. Mauren stated it depends on how the conservation easements are written.

Knutzen stated it was said the DNR doesn’t focus on recreation, but Mr. Mauren’s title is Recreation Program Manager. Blum stated he didn’t mean to indicate that recreation isn’t a priority, but they have to separate the sources of money they use when funding recreation.

Mauren stated the agency was focused on its mandate to generate income. The DNR ignored the recreation community to some extent. In the mid-2000’s, they realized they were also in the recreation business. The DNR created his position and began working on these recreation plans and getting funding. They have to catch up to 30 years of non-funding of recreation. They are just starting to provide opportunities to meet the demand.

(11:27:50 AM)

Brenner asked if the County may get bumped to a higher priority if it is willing to financially cosponsor the recreation. Blum stated it would not be within the prioritization process. Whatcom County would not get bumped higher, but it is a different category. It could potentially happen quicker.

Tom Westergreen asked if DNR property is in general open for low impact uses, such as hiking and biking on existing hiking trails. He asked if they don’t allow those uses when the DNR has a recreation plan. Blum stated low impact recreation is always a possibility, whether or not there is a recreation plan.

Westergreen asked if DNR would put its recreation plan in an area away from the population center of Bellingham. Separate the ORV use in the county from low impact uses nearer Bellingham. Blum stated they have to balance two planning processes, which they haven’t traditionally done.

Westergreen stated he encourages the Council to approach the legislature and let them know the County really wants this in Whatcom County.

Rand Jack asked if the potential recreation plan is compatible with trust lands in the Lake Whatcom watershed. Mauren stated the recreation plan can be anywhere. They will focus on State lands.

Jack stated clarify whether the recreation plan, which includes ORV use, is compatible in the watershed. Blum stated they don’t know yet. They aren’t at the stage in the process of deciding which landscape will be chosen, because they don’t know if Whatcom County will emerge as the highest priority.
Jack asked what sources of funding are available for plan implementation, besides the ORV tax. Mauren stated they received several grant funding from the federal and state government and private sources. Also, volunteers do a tremendous job.

Shane Roth stated Councilmember Knutzen characterized DNR as hard to work with. He would characterize it as slower to work with because it is a State agency. He asked if it’s easier for DNR to give a citizen their undivided attention than it is for the County Council to give a citizen its undivided attention. Blum stated the DNR, like any government, is limited by its staff and resources. The economic crisis has limited the DNR’s ability to respond to issues in the manner they may like to and to be as timely as they would like.

Roth stated the DNR is slower to work with, not harder to work with.

Greg Brown stated it sounds like DNR would develop a real plan and a real budget, so the public knows where the funding comes from and what the park will be used for. Blum stated that’s correct. They also oversee plan implementation.

Brown stated they’ve mostly heard about vision and speculation. People have been asking for a real plan. This sounds like what they’ve been asking for. He hopes the Council hears the same thing.

Dana Johnson, Mt. Baker Motorsports Owner, stated an ORV proposal that did not happen was made many years ago. He would love to see the County and State DNR get together to create an ORV proposal if they’re interested. The local motorcycle club owns property that would be relevant to what could possible happen. The dealerships also give grants for trail maintenance and building infrastructure. There are funding sources. The County sounds interested in making that work. Whether legal or illegal, property has been taken away.

Peggy Uppiano stated she thanks the DNR for acknowledging the ORV sports and for a reasonable approach to planning. She asked how open the process is to the public and how easy it is to get access to records regarding the planning process at DNR; whether the DNR sees recreation as being a money-maker, or just recreation is just something that’s nice to have; and if the DNR can point the County to any unbiased resources for raw data in terms of cost versus economic benefit.

Mauren stated the planning process is transparent from the beginning. Anyone can look up the processes on the website and see all the information. The DNR actively tries to engage the public so the plan will be more successful in the future. It’s debatable whether the DNR can make money from recreational use. The true economic benefit comes from tourists who visit an area and spend money. A national independent study indicated tourism creates over 200,000 jobs in Washington State.

Mitch Friedman, Conservation Northwest, stated Dave Montgomery is in town today to make a presentation. He is a renowned geo-morphologist who has studied Whatcom County.

Carol Perry stated the presentation today made sense and was very professional. Many citizens have been frustrated. She thanked Mr. Blum and Mr. Mauren.
Eric Brown stated the user groups in Whatcom County have self-segregated very well. For example, the Friends of Deming Library want to put on mountain bike races and build more trails for mountain bikes. However, the mountain bike user group recognize that is historically an equestrian area and may not be the best mix of user groups. Therefore, the mountain bike community declined the offer so that it did not promote more mountain bike use out there unless it is on DNR land or Sierra Pacific land. They’ve been forced to deal with private landowners. Working with DNR and the U.S. Forest Service in the past hasn’t been terribly easy. The motorized user groups have had nothing over the decades. They’ve built their own user-built trail networks, like the mountain bikers have done. The demand is there. The demand is there, so users build their infrastructure.

The DNR has been inconsistent across the state. There are examples of the DNR working with user groups to work out issues before closing down facilities. He understands that his user group is culpable and guilty. However, they built a trail network built out that cost the taxpayers nothing. They had a structure in place that got shut down. He understands there are environmental concerns. The user community included scientific professionals who offered their services to study trail locations and design. Most bridges were to take them across seasonal streams or wet zones. Trails were routed around riparian zones intentionally.

All the user groups participated and were involved in the 2009 recreation planning meetings. At that time, Whatcom County was the fifth or sixth in priority. Since, other areas bypassed the County on that list. The users felt Whatcom County was in the queue, but nothing has happened, which is frustrating. All the users are frustrated. On DNR land, there is no authorize place to recreate.

Daniel Probst stated the trail riding community applied to DNR to have events on Blanchard Mountain, but they have been denied. They haven’t been able to get permits on DNR permitted systems. Working with the County Parks Department has been easier.

Ellen Baker stated she’s impressed with the presentation. The floating trail option with DNR is a good option. The DNR has a strong habitat plan and is sensitive to soils. The landscape is already in place. They can have all those things plus recreation. Whatcom County doesn’t have a plan yet. It would take a couple of years to get a plan if the reconveyance goes through. Get a plan from DNR that meets needs in a transparent way. It’s a bonus if funding comes from the State through DNR. There are benefits to having DNR actively engaged.

Sharon Hoefnagle stated they have tried to get the South Fork park through for 25 years. There is no DNR trailhead in Whatcom County, but they use DNR land. An object in planning for recreational uses is to have areas for everyone, so no one has to drive a long distance. Most user groups have established their own inexpensive parking areas. Create a trail planning certification process for user groups to work with the DNR. Most of their trails are safe.

**OTHER BUSINESS**

There was no other business.
ADJOURN

The meeting adjourned at 11:56 a.m.

The Council approved these minutes on ______________, 2013.

ATTEST:      WHATCOM COUNTY COUNCIL
             WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Kathy Kershner, Council Chair

______________________________
Jill Nixon, Minutes Transcription
CALL TO ORDER

Council Chair Kathy Kershner called the meeting to order at 6:35 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Sam Crawford, Kathy Kershner, Bill Knutzen, Ken Mann, Pete Kremen and Carl Weimer

Absent: None

Attorneys also present: None

COMMITTEE DISCUSSION

1. DISCUSSION REGARDING POTENTIAL PROPERTY acquistion FOR THE FLOOD CONTROL ZONE DISTRICT (AB2013-018)

   (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

   Kershner 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 7:00 p.m. If the meeting extends beyond the stated conclusion time, she will step out of the meeting to make a public announcement.

   Knutzen moved to go into executive session until no later than 7:00 p.m. to discuss the agenda item pursuant to the RCW citations as announced by the Council Chair.

   The motion carried by the following vote:

   Ayes: Brenner, Crawford, Kershner, Knutzen, Mann, Kremen and Weimer (7)

   Nays: None (0)

OTHER BUSINESS

ADJOURN

The meeting adjourned at 6:42 p.m.

The Council approved these minutes on ____________, 2013.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON
CALL TO ORDER
Council Chair Kathy Kershner called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL
(7:00:30 PM)
Present: Barbara Brenner, Ken Mann, Sam Crawford, Bill Knutzen, Kathy Kershner, Carl Weimer and Pete Kremen.
Absent: None.

FLAG SALUTE

ANNOUNCEMENTS
Kershner announced there was discussion with Mark Mauren, Department of Natural Resources, regarding the possibility of drafting a recreational plan for Whatcom County (AB2012-066H) during the Special Committee of the Whole meeting.

Kershner announced there was discussion regarding potential property acquisition for the Flood Control Zone District (AB2013-018), Council acting as the Whatcom County Flood Control Zone District Board of Supervisors, in executive session during the Committee of the Whole meeting.

(Clerk’s Note: Council acting as the Whatcom County Flood Control Zone District Board of Supervisors.)

Kremen moved to authorize the County Executive, acting on behalf of the Flood Control Zone District Board of Supervisors, to move forward with and complete acquisition of two properties, as long as the purchase prices of the parcels do not exceed the amount discussed in executive session.

The motion carried by the following vote:
Ayes: Brenner, Mann, Crawford, Knutzen, Kershner, Weimer and Kremen (7)
Nays: None (0)

MINUTES CONSENT
Brenner moved to approve Minutes Consent items one through seven.
The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Knutzen, Kershner, Weimer and Kremen (7)
**Nays:** None (0)

1. **SPECIAL COMMITTEE OF THE WHOLE FOR JANUARY 15, 2013 (9:30 A.M.)
2. **REGULAR COUNTY COUNCIL FOR JANUARY 15, 2013**
3. **SURFACE WATER WORK SESSION FOR JANUARY 22, 2013**
4. **SPECIAL COMMITTEE OF THE WHOLE FOR JANUARY 29, 2013**
5. **COMMITTEE OF THE WHOLE FOR JANUARY 29, 2013**
6. **REGULAR COUNTY COUNCIL FOR JANUARY 29, 2013**
7. **SPECIAL COMMITTEE OF THE WHOLE FOR FEBRUARY 12, 2013 (3 P.M.)**

**PUBLIC HEARINGS**

1. **ORDINANCE FINALIZING A REVISED SYSTEM OF ASSESSMENT FOR CONSOLIDATED DRAINAGE IMPROVEMENT DISTRICT NO. 20 (AB2013-073)**
   (7:04:23 PM)

   Kershner opened the public hearing and the following people spoke:

   Galen Koetje stated he would like to know exactly what is happening, and if the district is assessing in different ways or if there is a tax increase. He would like to know what is getting done. He used to be on the board, and they had a hard time getting anything done. He asked if this is to get more people to pay into the district. Years ago, the Department of Ecology gave $450,000 for enhancement, but nothing was done. Huxley monitored the creek for another $250,000. Nothing got done other than monitoring. He doesn’t mind paying taxes if something gets done to enhance the fish stream.

   Paula Cooper, Public Works Department, gave a staff report. The Revised Code of Washington (RCW) requires periodic review of assessment methodology for all the districts. They have created a benefit zone map for this district based on soils and topography. This reassessment will stop charging the minimum fee because it distorted the assessment method. The Treasurer has had an issue that some people don’t pay any other taxes, and will get a bill for 46 cents, for example. The ordinance includes a proviso that if the landowner isn’t paying any other taxes and the assessment is less than the cost of the mailing, which is $1, then the assessment will be cancelled. Other mistakes were made on the manual system. The commissioners vetted the map, and feel it’s representative.

   The district has done some work in the channel, such as maintaining drainage at the mouth of the channel and beaver control. Fisheries mitigation will be required for any dredging project. A lot of districts have done plantings to address that issue. It breaks the reed canary grass cycle so they don’t have to keep spraying forever.
Kershner asked if this is the same proposal that came forward last year but was
delayed to allow the commissioners to look at it. Cooper stated it is.

Brenner asked if it charges an assessment to properties in the city limits. Cooper
stated it does. Also, they institute a one-acre minimum, so small lots will pay as if they are
one acre in size. It accounts for a higher density that contributes more.

Brenner asked if staff worked with the commissioners. Cooper stated they have.
The commissioners didn’t feel it was necessary to have a meeting.

Crawford asked what they normally assess per year. Cooper stated they normally
assess around $5,000.

Crawford stated a question was whether this is a new fee. It seems it is not, but it
makes the fee fairer for everyone in the district.

Dwayne Molendyk stated he was a commissioner from last year. At that time, the
commissioners had a few phone calls, but forgot what the new assessment was about.
After the meeting, everything was explained, so they didn’t call a special meeting. It’s a
different way to bill for the same amount. This is the way everyone else does it, so that’s
the way they will do it. It’s frustrating they can only spend money on beavers and fish.
The requirements to do anything are extortion. It’s not a good thing to do. Once in a while
a tree will come down and they’ll clean it up, but that’s about all they can do. Sand is two
miles up the creek, but the district isn’t allowed to get it out. They collect just enough
money to take care of those few things and all the fees they are required to pay. His land is
at the bottom of the creek and would benefit the most, but he has to live with it.

Kershner asked who is putting requirements on the district’s projects. Molendyk
stated the State Department of Fish and Wildlife. Someone planted a bunch of trees along
the river and cleaned off the bank. During the first high water, the work sloughed off in two
spots and blocked the creek, but they didn’t do anything about it. The district had to take
care of it. No one along the creek wants to plant trees anymore. The one guy who did
plant trees says he wishes he never planted trees.

Hearing no one else, Kershner closed the public hearing.

Crawford moved to adopt the ordinance.

Brenner stated she will support the ordinance. She asked that the County Council
get a presentation in committee on the relationship between Fisheries and the property
owners, what the property owners are allowed to do, and if the County Council can advocate
on behalf of the property owners.

Kremen asked if this assessment is paid with the property tax statement.

Steve Oliver, County Treasurer, stated this assessment is one of the 46,000 special
assessments they bill on the property tax statements.
Kremen asked how it is that some property owners in that district are able to get away with not having to pay the 46 cents. Oliver stated there are a number of reasons. Certain properties aren’t subject to property tax, such as government owned properties and church properties. Senior citizens may qualify for the property tax exemption. A number of properties have very low assessed values. There used to be many more properties that had very low assessed values. The State law changed so all properties less than $500 are no longer assessed a property tax at all.

Kremen stated some property owners and taxpayers are aware that there are no financial consequences if they pay slightly less than all the taxes they owe. That’s wrong. Institute a policy that if someone’s tax payment is a little less for two years in a row, they will be assessed a fine that is a disincentive to cheating the system. Oliver stated he reviews the list regularly throughout the year. If someone writes a check that is one dollar short, for example, it will cost more than one dollar in labor and postage to return their payment.

Brenner asked if it’s legally possible to charge the cost of the stamp if they’re below that threshold. Oliver stated he doesn’t believe they would be allowed to do that under State statute.

Kershner asked if the district can dissolve itself if necessary because it isn’t effective. Oliver stated he assumes that’s an option. There are times when the district needs to do work at a time of year when they don’t have money, so he will advance them money against their property tax collections.

Knutzen stated they hear repeatedly about this frustration of not being able to do necessary maintenance on these ditches. He asked if some sort of an emergency ditch maintenance permit is possible. There has to be an easier way to handle some of this stuff. Cooper stated there is State law that requires an hydraulic project approval (HPA). She doesn’t know how to get around that with County codes.

Brenner stated the County is trying to solve the same problem with the Army Corps of Engineers. They’re both U.S. departments. Cooper stated the levee vegetation is a slightly different situation. The Corps is telling the County it must get the trees off the levees to maintain eligibility in the program. They don’t typically get a Corps permit for ditch maintenance. The district needs to get a State permit if it works within shorelines. She can work with the districts to get a mitigation plan if necessary. She provides technical assistance to all the districts.

Mann asked about testimony that $700,000 was spent, but nothing was accomplished. He asked staff to talk to the district commissioners and give the Council a report later. Cooper stated she could do that.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Knutzen, Kershner, Weimer and Kremen (7)

**Nays:** None (0)
The following people spoke:

- Sheri Lambert submitted a handout (on file) and spoke on the issue of a motocross track on West Hemmi Road.
- Yoshi Revelle spoke on talking openly about mental health and physical and sexual assault issues.
- Tom Fenton spoke about using Birch Bay Watershed and Aquatic Resources Management (BBWARM) district funding and hiring a non-local company to design the berm project at Birch Bay.

Brenner asked if the BBWARM chose the lowest bidder. Fenton stated he did not know.

- Emily Weaver spoke about the public process and funding for the Catholic Community Services housing project in downtown Bellingham.
- Shane Roth spoke on the issue of the Lake Whatcom reconveyance.
- Ken Weaver spoke on using Economic Development Investment (EDI) funds on the Catholic Community Services housing project in downtown Bellingham.
- Scott Hackett, Pomona Grange, spoke on the issue of the water resource inventory area (WRIA) and Whatcom Integration Team (WIT).
- Greg Brown spoke on the issue of the Lake Whatcom reconveyance.
- Donna Clark spoke on the issue of the Lake Whatcom reconveyance.
- Max Perry submitted and read from a handout (on file) on the Lake Whatcom reconveyance.
- Greg Lee spoke on the issue of the Catholic Community Services housing project in downtown Bellingham.
- Larry Helm spoke about impacts to logging and farming from the issue of slaughterhouses in Whatcom County, the Lake Whatcom reconveyance, and the purpose of drainage ditches.
- Wes Kentch, Cattlemen’s Association, submitted a handout (on file) and spoke about the Lake Whatcom reconveyance, forming a Forestry Advisory Committee, and the proposal to allow slaughterhouses in agricultural land in Whatcom County.
- Carol Perry spoke about the Lake Whatcom reconveyance.
- Kris Halterman spoke about the Lake Whatcom reconveyance.
- Gary Knaus spoke about the proposal to allow slaughterhouses in agricultural land in Whatcom County.
- Julie Wilson spoke about the Catholic Community Services housing project in downtown Bellingham.

CONSENT AGENDA

Mann reported for the Finance and Administrative Services Committee and moved to approve Consent Agenda items one and two.

The motion carried by the following vote:

Ayes: Brenner, Mann, Crawford, Knutzen, Kershner, Weimer and Kremen (7)
Nays: None (0)
1. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND THE OPPORTUNITY COUNCIL FOR HOMELESS SERVICE CENTER ADMINISTRATION IN THE AMOUNT OF $30,000, FOR A TOTAL AMENDED CONTRACT IN THE AMOUNT OF $1,782,705 (AB2013-096)

2. RESOLUTION CANCELING UNCOLLECTIBLE PERSONAL PROPERTY TAXES (AB2013-097)

OTHER ITEMS

1. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND MT. BAKER FOOTHILLS CHAMBER OF COMMERCE FOR EXPENSES INCURRED IN THE PROMOTION OF THE BAKER – BIRCH BAY TOURISM PROMOTION PROJECT, IN THE AMOUNT OF $123,500 (AB2013-053) (8:11:29 PM)

Mann reported for the Finance and Administrative Services Committee and stated this item was withdrawn from the agenda and will be rescheduled on March 26, 2013.

2. ORDINANCE AMENDING THE 2013 WHATCOM COUNTY BUDGET, THIRD REQUEST, IN THE AMOUNT OF $446,257 (AB2013-092) (8:11:46 PM)

Mann reported for the Finance and Administrative Services Committee and moved to adopt the ordinance.

The motion carried by the following vote:
Ayes: Brenner, Mann, Crawford, Knutzen, Kershner, Weimer and Kremen (7)
Nays: None (0)

3. NOMINATION AND APPOINTMENT TO FILL VACANCY ON WHATCOM COUNTY COMMUNITY NETWORK - APPLICANT(S): DAVID RAMIREZ (AB2013-094) (8:12:20 PM)

Knutzen moved to appoint David Ramirez.

The motion carried by the following vote:
Ayes: Brenner, Mann, Crawford, Knutzen, Kershner, Weimer and Kremen (7)
Nays: None (0)

OTHER BUSINESS

Weimer stated the Natural Resources Committee had a discussion regarding a proposed ordinance to establish a Whatcom County Forestry Advisory Committee (AB2013-098) and recommended a substitute ordinance forming the Forestry Advisory Committee. It should be scheduled on the next agenda.
Brenner stated she attended the meeting last Thursday on the Catholic Community Services housing project downtown. There was a lot of inappropriate clapping, hissing, and commenting during the presentation and discussion. People were intimidated into not stating their concerns. She read from a newspaper article (on file) about the meeting that is very offensive. The County can't force the City to do anything, but it's appropriate for Whatcom County to not contribute to the project because the location is very bad. The Catholic Community Services could sell the property and build near a hospital facility where people can feel safe and get assistance if necessary. It's a temptation to make people with strong substance abuse problems live in that location near the downtown clubs. The project should be to help people, not give others job security. She hopes business owners in the area are not intimidated any further. Don't support that location in any way. She will write a resolution to the City saying the location is not appropriate, but the Council would be interested in supporting a more appropriate location.

Knutzen stated he was approached about a project from Interfaith in Ferndale that could use that Economic Development Investment (EDI) money, but it's being held up due to the Catholic Community Services project. He hopes the EDI Board revises a plan they can use to fund some of the impact fees for some of these projects in the county that aren't necessarily tied to this project.

Crawford stated the Opportunity Council has yet another project proposal. The County Council needs to establish whether it wants to move forward with using EDI money to pay impact fees on these rental properties, which has been controversial from the start. They need to look at it overall, in terms of community expectations. It's a stretch of the State legislature's intent when they allowed rural counties to receive these tax funds for economic development. It's a stretch to say they should go for impact fees. He may want to take this off the table to remove the community's expectation that the Council is willing to fund these fees. The County Health Department used to discuss the overall model best suited for these treatment houses. The traditional model was to disperse the facilities around the county, but that policy shifted to a concentrated model. Catholic Community Services already has a project in that area. It's reasonable to ask how much is too much.

Brenner stated don't use EDI money. They also talked about using behavioral health tax money. The Health Department will present a contract for that behavioral health tax for this project. She hopes it's been withdrawn. It was brought forward in a rushed manner, but they haven't heard a lot of the information they needed to hear until after that happened. There was a list of projects on the waiting list for the behavioral health tax money. This was bumped to the top of the list. That's not right.

Crawford stated the issue about noise from a motocross track came up tonight. He was told that two weekends ago, there were at least 25 participants in an organized race. He realizes there is an enforcement action against these people. He usually tries to stay out of those actions. He received correspondence that the gentleman who owns the property is able to use just his motorcycle on his own track. There seems to be a disconnect that enforcement staff believes all this guy is trying to permit is for his own personal use, but two weekends ago the guy advertised an event on his property. He asked the Planning staff to fill the Council in on either that situation or a more generic response about these types of situations.
REPORTS AND OTHER ITEMS FROM COUNCILMEMBERS

Kershner stated she and her family enjoyed a recent ski trip to Montana.

Weimer reported that Northwest Clean Air Agency recently gave away more than $3.2 million, much of which will come to Whatcom County for programs to mitigate greenhouse gasses. The money was voluntarily given by British Petroleum (BP) for their recent expansion. Funds will go to Washington State University (WSU) to work with farmers, Darigold to do retrofits, the City of Bellingham for electrical generators on the old Georgia Pacific (GP) water pipe, and the Opportunity Council for its energy savings program.

ADJOURN

The meeting adjourned at 8:28 p.m.

The Council approved these minutes on ______________, 2013.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Kathy Kershner, Council Chair

______________________________
Jill Nixon, Minutes Transcription
Resolution Requesting the Reconveyance of Approximately 8,844 Acres of State Forest Land Managed by the Department of Natural Resources to Whatcom County for Public Park Purposes.

**ATTACHMENTS:** Council Resolution with Exhibit A

**SEPA review required?**  ( ) Yes  ( ) NO  
**SEPA review completed?**  ( ) Yes  ( ) NO

**Should Clerk schedule a hearing?**  ( ) Yes  ( ) NO

Requested Date: September 11, 2012

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Resolution requesting the reconveyance of approximately 8,844 acres of State Forest land managed by the Department of Natural Resources to Whatcom County for public park purposes.

**COUNCIL ACTION:**
- 8/07/2012: Introduced
- 9/11/2012: Consideration postponed to October 9, 2012
- 9/25/2012: Council Approved accepting the County Executive's memo dated 9/17/2012 re: Lake Whatcom reconveyance and to refer to the Natural Resources Committee to work with staff on forestry management 5-1, Weimer opposed

**Related County Contract #:** 200911002

**Related File Numbers:**

**Ordinance or Resolution Number:**

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
MEMORANDUM

TO: Jack Louws, County Executive and Members of the County Council

FROM: Michael McFarlane, Director

RE: Lake Whatcom Reconveyance Resolution

DATE: July 27, 2012

Enclosed is the resolution requesting reconveyance of approximately 8,844 acres of state forest lands to Whatcom County for park purposes pursuant to RCW 79.22.300.

▪ Background and Purpose
In September of 2007, the Whatcom County Executive and Commissioner of Public Lands announced a framework to transfer DNR managed forest trust lands in the Lake Whatcom area to Whatcom County for park purposes. An 11 person review panel was appointed by the County Executive and a public informational meeting on the proposal was conducted by Parks and Recreation Department staff in September, 2008. On September 15th, 2008, the Whatcom County Council approved a memorandum of agreement with the Department of Natural Resources to facilitate the process. The County entered into an interagency agreement the following year with the Department of Natural Resources to prepare the intertrust exchange and reconveyance. On July 3rd, 2012 the Board of Natural Resources approved the intertrust exchange. This action positioned the identified trust lands for reconveyance to the County. The County now needs to formally request the reconveyance of these lands per RCW 79.22.300. The attached resolution formalizes the County’s request.

▪ Funding Amount and Source
Whatcom County has previously contracted with the Department of Natural Resources in the amount of $291,000 to prepare the intertrust exchange and reconveyance.

Encl.
RESOLUTION NO. ___________

REQUESTING THE RECONVEYANCE OF APPROXIMATELY 8,844 ACRES OF STATE FOREST LAND MANAGED BY THE DEPARTMENT OF NATURAL RESOURCES TO WHATCOM COUNTY FOR PUBLIC PARK PURPOSES

WHEREAS, the Whatcom County Council adopted the Whatcom County Comprehensive Parks, Recreation, and Open Space Plan (CPROSP) resolution number 2008-045 on May 20th, 2008; and

WHEREAS, the CPROSP conforms to the State Comprehensive Outdoor Recreation Planning Document (SCROP); and

WHEREAS, the CPROSP identifies Department of Natural Resources state forest lands in and around the Lake Whatcom Watershed as needed for public park purposes to provide recreational opportunities and connectivity to existing parks and trails; and

WHEREAS, the reconveyance of the 8,844 acres of trust land as described in the attached Exhibit A will complete Whatcom County’s goal of acquiring these lands for hiking, nature studies, wildlife viewing, bicycling, and equestrian activities, and

WHEREAS, the Whatcom County Executive and Commissioner of Public Lands agreed on February 26th, 2008 to a collaborative approach to reposition state trust lands to provide better management and to accommodate a subsequent reconveyance request of certain state forest lands by Whatcom County for park purposes; and

WHEREAS, Whatcom County and the Department of Natural Resources staff have collaboratively worked in accordance with the proposal, the September 23rd, 2008 Memorandum of Agreement and Interagency Agreement IAA No. IAA 10-166; and

WHEREAS, Whatcom County has completed a SEPA application and received a determination of non-significance (SEP2012-00028) for the required action; and

WHEREAS, This resolution formalizes the County application requesting that the land described in the attached Exhibit A be reconveyed from the Department of Natural Resources to Whatcom County for public park purposes;
NOW THEREFORE, BE IT RESOLVED; the Whatcom County Council requests the Department of Natural Resources reconvey approximately 8,844 acres of state forest land as identified in the attached Exhibit A to Whatcom County for public park use as provided in RCW 79.22.300 and 79.22.330. Whatcom County finds the proposed public use is in accordance with the Whatcom County Comprehensive Parks, Recreation and Open Space Plan and the State Comprehensive Outdoor Recreation Planning Document.

APPROVED this _______ day of ____________, 2012

ATTEST:  

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

________________________________________  ________________________________________
Dana Brown-Davis, Clerk of the Council  Kathy Kershner, Council Chair

APPROVED AS TO FORM:

________________________________________
Randall Watts, Chief Civil Deputy Prosecutor
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Lake Whatcom Reconveyance - Eastside

Legend
- Reconveyance Boundary
- DNR Trust Lands
- Watershed Boundary
- Lakes
- Whatcom County Parks

[Diagram of Lake Whatcom Reconveyance - Eastside]
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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<td>2/26/13</td>
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<td>3/12/13</td>
<td>Intro</td>
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<td>Division Head:</td>
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<td>2/27/13</td>
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**RECEIVED**

MAR 05 2013

WHATCOM COUNTY COUNCIL

**TITLE OF DOCUMENT:** 2013 Supplemental Budget Request #4

**ATTACHMENTS:** Ordinance, Memoranda & Budget Modification Requests

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>( ) Yes ( X ) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes ( X ) NO</th>
<th>Requested Date:</th>
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<td>SEPA review completed?</td>
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**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Supplemental #4 requests funding from the General Fund:

1. To appropriate $4,392 in the Sheriff’s Office to fund traffic safety equipment from grant proceeds.
2. To appropriate $5,000 in the Sheriff’s Office to fund vehicle tow charges from reimbursements.
3. To appropriate $14,940 in Non Departmental to fund additional transfer to Emergency Management fund from Real Estate Excise Tax II.
4. To re-appropriate $27,078 in Parks to fund Samish Docks replacement.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:** 2013-105
ORDINANCE NO.

AMENDMENT NO. 4 OF THE 2013 BUDGET

WHEREAS, the 2013-2014 budget was adopted November 20, 2012; and,
WHEREAS, changing circumstances require modifications to the approved 2013-2014 budget; and,
WHEREAS, the modifications to the budget have been assembled here for deliberation by the Whatcom County Council.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the 2013-2014 Whatcom County Budget Ordinance #2012-048 is hereby amended by adding the following additional amounts to the 2013 budget included therein:

<table>
<thead>
<tr>
<th></th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
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<tr>
<td>General Fund</td>
<td></td>
<td></td>
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<tr>
<td>Sheriff</td>
<td>9,392</td>
<td>(9,392)</td>
<td>-</td>
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<tr>
<td>Non Departmental</td>
<td>14,940</td>
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<td>14,940</td>
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<tr>
<td>Total General Fund</td>
<td>24,332</td>
<td>(9,392)</td>
<td>14,940</td>
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<tr>
<td>Real Estate Excise Tax II</td>
<td>27,078</td>
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<tr>
<td>Total Supplemental</td>
<td>51,410</td>
<td>(9,392)</td>
<td>42,018</td>
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</table>

ADOPTED this ___ day of _____________________, 2013.

ATTEST: WHATCOM COUNTY COUNCIL

Dana Brown-Davis, Council Clerk WHATCOM COUNTY, WASHINGTON

Kathy Kershner, Chair of the Council

APPROVED AS TO FORM:

( ) Approved    ( ) Denied

Jack Louws, County Executive

Date: _____________________

I:\BUDGET\SUPPLS\2013_Suppl\Supplemental #4-2013.doc
<table>
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<tr>
<th>Department/Fund</th>
<th>Description</th>
<th>Increased Expenditure (Decrease)</th>
<th>(Increased) Revenue</th>
<th>Net Effect to Fund Balance (Increase) Decrease</th>
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<tr>
<td>General Fund</td>
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<tr>
<td>Sheriff</td>
<td>To fund traffic safety equipment from grant proceeds.</td>
<td>4,392</td>
<td>(4,392)</td>
<td>-</td>
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<tr>
<td>Sheriff</td>
<td>To fund vehicle tow charges from reimbursements</td>
<td>5,000</td>
<td>(5,000)</td>
<td>-</td>
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<tr>
<td>Non Departmental</td>
<td>To fund additional transfer to Emergency Management fund</td>
<td>14,940</td>
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<td>14,940</td>
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<tr>
<td>Total General Fund</td>
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<td>24,332</td>
<td>(9,392)</td>
<td>14,940</td>
</tr>
<tr>
<td>Real Estate Excise Tax II</td>
<td>To re-appropriate funding for Samish Docks replacement</td>
<td>27,078</td>
<td>-</td>
<td>27,078</td>
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<tr>
<td>Total Supplemental</td>
<td></td>
<td>51,410</td>
<td>(9,392)</td>
<td>42,018</td>
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</table>
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: February 25, 2013
SUBJECT: Supplemental Budget ID# 1479
WASPC Traffic Safety Equipment Grant - 2013

The attached Supplemental Budget requests budget authority to purchase 3 Radars and 3 FST Intoximeters (portable breath test units) with Washington Association of Sheriffs & Police Chiefs Traffic Safety Equipment Grant funds.

Background and Purpose
The Washington Association of Sheriffs & Police Chiefs (WASPC) approved a Traffic Safety Equipment Grant of $4,392.45 to purchase traffic safety equipment: $3,000.00 for 3 Radars and $1,392.45 for 3 FST Intoximeters.

Equipment purchased will be used to support statewide traffic safety initiatives and will allow patrol units to increase their ability to enforce traffic violations.

Funding Amount and Source
Federal Funds of $4,392.45 will be provided by WASPC Traffic Safety Equipment Grant CFDA# 20.600

Please contact Undersheriff Jeff Parks at extension 50418 if you have any questions. Thank you.
Supplemental Budget Request

Status: Pending

Sheriff Administration

Supp't ID # 1479 Fund 1 Cost Center 1003512001 Originator: Dawn Pierce

Expenditure Type: One-Time Year 1 2013 Add'l FTE □ Add'l Space □ Priority 1

Name of Request: WASPC Equipment Grant 2013

Department Head Signature (Required on Hard Copy Submission) Date 2/25/13

Costs:

<table>
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<th>Amount Requested</th>
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<tbody>
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<td>Traffic Safety</td>
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<td>6510</td>
<td>Tools &amp; Equip</td>
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<td>Request Total</td>
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<td>$0</td>
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1a. Description of request:

The Washington Association of Sheriffs & Police Chiefs (WASPC) approved a Traffic Safety Equipment Grant of $4,392.45 to purchase traffic safety equipment: $3,000.00 for 3 Radars and $1,392.45 for 3 FST Intoximeters (portable breath test units).

1b. Primary customers:

The Sheriff’s Office and citizens of Whatcom County

2. Problem to be solved:

Budget authority is needed to purchase traffic safety equipment authorized by WASPC and funded by a Traffic Safety Equipment Grant.

3a. Options / Advantages:

Grant funds were awarded to purchase radars and FST Intoximeters, equipment that would otherwise have to be purchased with local monies.

3b. Cost savings:

Cost savings of $4,392.45.

4a. Outcomes:

Equipment received as a result of this grant will be used as part of the traffic safety program and will be distributed as part of the agency’s commitment to traffic safety and active traffic enforcement. Purchase of this equipment will allow patrol units to increase their ability to enforce traffic violations.

4b. Measures:

Reports describing the use of the equipment and related enforcement activities will be submitted to WASPC by October 15, 2013.

5a. Other Departments/Agencies:

n/a

5b. Name the person in charge of implementation and what they are responsible for:

n/a

6. Funding Source:

Federal funds of $4,392.45 will be provided by Washington Association of Sheriffs & Police Chiefs Traffic Safety Equipment Grant, CFDA# 20.600.
TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: February 25, 2013
SUBJECT: Supplemental Budget ID# 1481
Vehicle Tow Charges and Registered Owner (RO) Reimbursements

The attached Supplemental Budget requests increases in revenue and expenditure line items to provide budget authority for an accounting change required by Administrative Services Finance.

Background and Purpose
The Sheriff’s Office routinely impounds vehicles for evidence and various enforcement actions. The Sheriff’s Office pays the tow companies for the tow charges and often requires reimbursement from the vehicle’s registered owner before releasing the vehicle.

Past practice has been to deposit the reimbursements from vehicle owners as refunds of expenditure, thereby reducing the same expenditure account used to pay the tow bill. These reimbursements no longer qualify as refunds of expenditure, and effective 01/01/2013, the reimbursements must be reported as revenue. An increase in both revenue and expenditure line items is needed to provide adequate budget authority for the required change.

The increase in expenditures will be directly off-set by an increase in revenue.

Funding Amount and Source
Approximately $5,000.00 is paid annually by the Sheriff’s Office for tow bills with corresponding reimbursements from vehicle owners.

Please contact Undersheriff Jeff Parks at extension 50418 if you have any questions.

Thank you.
1a. Description of request:

An increase in revenue and expenditures is needed to provide budget authority for an accounting change required by Administrative Services Finance.

1b. Primary customers:

2. Problem to be solved:

The Sheriff's Office routinely impounds vehicles for evidence and various enforcement actions. The Sheriff's Office pays the tow companies for the tow charges and often requires reimbursement from the vehicle's registered owner before releasing the vehicle.

Past practice has been to deposit the reimbursements from vehicle owners as refunds of expenditures, thereby reducing the same expenditure account used to pay the tow bills. These reimbursements no longer qualify as refunds of expenditure, and effective 01/01/2013, the reimbursements must be reported as revenue. An increase in both revenue and expenditure line items is needed to provide adequate budget authority for the required change.

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

Reimbursements from vehicle owners for tow charges will be reported as revenue beginning 01/01/2013.

4b. Measures:

5a. Other Departments/Agencies:

n/a

5b. Name the person in charge of implementation and what they are responsible for:

n/a

6. Funding Source:

Approximately $5,000.00 is received annually by the Sheriff's Office from vehicle owners for tow bill reimbursements.

Monday, February 25, 2013
Supplemental Budget Request

Non-Departmental

Fund 1  Cost Center 4530  Originator: Marianne Caldwell

Expenditure Type: One-Time  Year: 2013  Add'l FTE  Add'l Space  Priority: 1

Name of Request: Additional transfer to Emergency Management Fund

Department Head Signature (Required on Hard Copy Submission)  Date: 3/26/13

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</table>

1a. Description of request:
Transfer an additional $14,940 from the General Fund to the Emergency Management Fund in support of operations.

1b. Primary customers:
Beneficiaries of Emergency Management operations

2. Problem to be solved:
Interfund service amounts changed several times during the 2013-2014 biennial budget process as amounts for the Admin Service, Tort, Building Maintenance, Space Rental and ER&R allocation amounts changed. The amount of General Fund operating transfer needed to support these services did not keep up with all the changes and the transfer from the General Fund is now $14,940 under what is needed to balance the 2013 budget. The 2012 General Fund transfer was $223,833. This budget adjustment will bring the 2013 amount to a total of $202,229, which is $21,604 less than the prior year amount. Please note: There will be a similar request made during the mid-biennium review to balance the 2014 budget also.

3a. Options / Advantages:
DEM revenues must equal operating expenses, there are no other sources of income.

3b. Cost savings:
Total amount of General Fund transfer will be $14,940 more than current budget but $21,604 less than 2012 amount.

4a. Outcomes:
DEM budget will be fully funded.

4b. Measures:
Additional $14,940 transfer will be made.

5a. Other Departments/Agencies:
Emergency Management Division of the Sheriff's Office.

5b. Name the person in charge of implementation and what they are responsible for:
DEM staff will complete interfund transfer form to request the additional funding.

6. Funding Source:
General Fund fund balance
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**Revenue**

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<td>Everson $5,110</td>
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<td>Ferndale $23,509</td>
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<tr>
<td>Lynden $24,613</td>
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<td>Nooksack $2,756</td>
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**Budget Shortfall**

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<th>Amount</th>
<th>Amount</th>
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<tbody>
<tr>
<td><strong>-</strong></td>
<td><strong>14,940</strong></td>
<td></td>
</tr>
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</table>

117
MEMORANDUM

TO: Jack Louws, Executive
FROM: Michael McFarlane, Director
DATE: February 21st, 2013
RE: Attached Supplemental Budget Request

Attached is a supplemental budget request in the amount of $27,076 to be taken from the REET II fund. This request is a reappropriation of the funding for the Samish Park Docks project which was approved in the 2011/12 budget cycle.

The delay in completing this project is due to permitting and bidding delays and the need to adhere to the watershed work window. If approved this project will be completed this summer.

Additional information is included in the supplemental budget request.
Supplemental Budget Request

Parks & Recreation

Suppl ID #: 1478  Fund 324  Cost Center 32434  Originator: Rod Lamb

Expenditure Type: One-Time  Year 1 2013  Add'l FTE □  Add'l Space □  Priority 1

Name of Request: Samish Docks Replacement

Date: 2-21-13

Department Head Signature (Required on Hard Copy Submission)

1a. Description of request:

The boat dock and fishing platform at Samish Dock are scheduled to be replaced in the summer of 2013. We currently have a contract with HDB Marine to manufacture the new dock structures. These new structures require upland improvements in order to connect the new dock structures to the shore. Parks crew will construct the required improvements. The required improvements include reinforced concrete abutments, cable stabilizer ties, and concrete walkway repair.

This request is a reappropriation of funding that was requested in the 2011/2012 budget cycle. Parks completed permitting, and awarded a contract to HDB Marine for the manufacture of the new dock structures. Due to delays in permitting and bidding the project could not be completed in 2012 inside of the Samish watershed work window. This supplemental request will allow Parks to complete the necessary upland improvements to complete the project in the summer of 2013.

1b. Primary customers:

Boaters, fishers and others who use and enjoy the docks at Samish Park.

2. Problem to be solved:

The boat docks are badly deteriorated. If they are not replaced they will have to be closed to the public due to safety concerns. Fishing and boating are very popular activities at the park and this area of Lake Samish provides prime fishing and boating opportunities.

3a. Options / Advantages:

We could close off the docks, but this would be a great loss to the visiting public. In addition, Parks would lose boat rental revenue during the summer. We could also remove the docks, but that would be very short-sighted given the effort that was expended obtaining the necessary regulatory permits.

3b. Cost savings:

REET 2 funds are being requested.

4a. Outcomes:

New docks will be installed in the summer of 2013. The new docks will provide a safer boating and fishing opportunity for the visiting public. Additionally, the new boat dock will provide ADA access. Currently the existing boat dock is not wheelchair accessible due to the steep grade of the sidewalk near the existing gangways. The new gangways and sidewalk repair will correct this condition.

4b. Measures:

When the docks are completed and installed. Success will be measured by how well the docks meet the needs of the visiting public. Boat rental numbers and park attendance will provide a specific measure of project success.

Thursday, February 21, 2013
Supplemental Budget Request

Parks & Recreation

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<td>324</td>
<td>32434</td>
<td>Rod Lamb</td>
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5a. Other Departments/Agencies:

County Planning and Development Services and Washington Dept. of Fish & Wildlife have issued permit approvals required for the project. Both agencies may provide field inspection of the completed project.

5b. Name the person in charge of implementation and what they are responsible for:

Not aware of specific personnel at this time.

6. Funding Source:

REET 2
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

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<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to</th>
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RECEIVED
MAR 05 2013
WHATCOM COUNTY COUNCIL

TITLE OF DOCUMENT:
Ordinance regarding changing the Speed Limits on Pacific Highway, Lincoln Road, Bass Street and Autumnwood Court.

ATTACHMENTS:
1. Memo to County Executive
2. Ordinance
3. Vicinity maps
4. Traffic Speed Reports

SEPA review required? ( ) Yes ( X ) NO
SEPA review completed? ( ) Yes ( X ) NO
Should Clerk schedule a hearing? ( X ) Yes ( ) NO
Requested Date: 3/26/2013

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

To comply with RCW 46.61.415, it is found necessary and expedient to modify the speed limits on Pacific Highway, Lincoln Road, Bass Street and Autumnwood Court.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #: Related File Numbers: Ordinance or Resolution Number:

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
MEMO TO: The Honorable Jack Louws, Whatcom County Executive, and Honorable Members of the Whatcom County Council

Through: Frank Abart, Public Works Director

FROM: Joseph P. Rutan, P.E., County Engineer/Assistant Director

DATE: 2/13/2013

RE: Ordinance Regarding Change of Speed Limits on Various Roads

Requested Action:
Recommend adoption of an ordinance for the change of speed limit on Pacific Highway, Lincoln Road, Bass Street, and Autumnwood Court.

Background and Purpose:
The County Engineer is recommending a change of speed limit from 35 miles per hour to 40 miles per hour on Pacific Highway from Bellingham City Limits to the Ferndale City Limits located in Sections 3, 10, and 11, Township 38 North, Range 2 East, W.M. and Section 34 Township 39 North Range 2 East, W.M.

The County Engineer is recommending a change of speed limit from 35 miles per hour to 45 miles per hour on Lincoln Road from Blaine City Limits to Harbor View Road located in Sections 13 and 24, Township 40 North, Range 1 West, W.M.

The County Engineer is recommending a change of speed limit from 35 miles per hour to 25 miles per hour on Bass Street the entire length located in Section 32 and 33, Township 38 North, Range 3 East and W.M. Sections 4 and 5, Township 37 North, Range 3 East, W.M.

The County Engineer is recommending a change of speed limit from 35 miles per hour to 25 miles per hour on Autumnwood Court the entire length located in Section 5, Township 37 North, Range 3 East, W.M.

Information:
This ordinance will allow change of speed limits on Pacific Highway, Lincoln Road, Bass Street, and Autumnwood Court. It is to comply with RCW 46.61.415.

Enc.
ORDINANCE NO.  __________
TO ESTABLISH SPEED LIMITS ON CERTAIN COUNTY ROADS

WHEREAS, the Whatcom County Council is authorized under RCW 46.61.415 to establish speed limits on certain County roads; and

WHEREAS, a traffic study was conducted by the County Engineer’s office; and

NOW, THEREFORE, BE IT ORDAINED that the speed limits be established as follows:

35-mph 40 mph on Pacific Highway from Bellingham City Limits to the Ferndale City Limits located in Sections 3, 10, and 11, Township 38 North, Range 2 East, W.M. and Section 34 Township 39 North Range 2 East, W.M.

35-mph 45 mph on Lincoln Road from Blaine City Limits to Harbor View Road located in Sections 13 and 24, Township 40 North, Range 1 West, W.M.

35-mph 25 mph on Bass Street entire length located in Sections 32 and 33, Township 38 North, Range 3 East and W.M. Sections 4 and 5, Township 37 North, Range 3 East, W.M.

35-mph 25 mph on Autumnwood Court entire length located in Section 5, Township 37 North, Range 3 East, W.M.

BE IT FURTHER ORDAINED that the County Engineer is hereby directed to post the appropriate signs and that the Whatcom County Sheriff and the Washington State Patrol be notified by a copy of this ordinance.

Provisions of this ordinance are hereby added to Whatcom County Code, Sections 10.04.030, 10.04.060 and 10.04.070.

ADOPTED this _____ day of ______, 2013.

ATTEST: 

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Kathy Kershner, Council Chair

APPROVED AS TO FORM: ( ) Approved ( ) Denied

Jack Louws, Executive
Date:

Civil Deputy Prosecutor
Vicinity Map: Proposed Speed Limit Change for Bass St. and Autumnwood Ct. (35 mph to 25 mph)
6/7/12

Pacific Highway Traffic Study MP 0.48 to 2.48

A request from a private citizen to raise the speed limit on a portion of Pacific Highway from the Bellingham City Limits north to Slater Road is the purpose of this study. A primary principle of traffic engineering is providing safe and quick as possible travel between destinations.

The traffic study consisted of a traffic count, review of collisions, review of signs and measurement of road and shoulder. Pacific Highway has a Federal Classification as local access road. The road has 12 foot driving lanes and 6-foot gravel shoulders with a speed limit of 35 mph. This road abuts the I-5 rights-of-way so all of the accesses are on the east side of the road.

**Speeds and Volumes**

A traffic speed count was taken at the approximate milepost of 2.18 and was taken from May 17th through May 23rd 2012. The count consists of volume, speed and percent trucks.

Counts: ADT 1717
Speed: 85th percentile 46.5 MPH  (Speed Limit 35 mph)
Trucks: 3.7 %

**Collisions**

A review of collisions that we have received from the Washington State Patrol showed there have been ten collisions in the last four years (2008-2011) from Bellingham City limits to Slater Road. There were five injury collisions which three of these were single car collisions. Three of the ten collisions were caused by drivers that were under influence of alcohol. Five of the ten collisions were in the area of the only horizontal curve on the road.

**Stopping Sight Distance**

Stopping sight distance was measured for all hills in the study area. The stopping sight distance for 45 mph is 360 feet and all locations measured exceeded the minimum requirement.

**Curve Evaluation**

There is one horizontal curve in the study area at the approximate mp 2.33. The curve was banked and was within standard for a 40 mph curve but did not meet it at 45 mph.

**Conclusion**

Pacific Highway is a local access road and is a frontage road for Interstate 5. It only has accesses on the east side of the road and has no through roads that connect to it in the study area.

The 85th percentile speeds are much higher than would be expected for a 35 mph road. This road has the capability of having a speed limit of 40 mph or 45 mph. There is only one design feature that would limit it and that is the one curve that does not meet the 45 mph requirements.
9/11/12

Lincoln Road Traffic Study MP 0.00 to 1.18

A request from a citizen to raise the speed limit on a portion of Lincoln Road from 35 mph to 45 mph from Blaine City Limits to Harborview Road is the reason for this study. A primary principle of traffic engineering is providing safe and quick as possible travel between destinations.

The traffic study consisted of a single traffic count located between Shintaffer Road and Harborview Road on Lincoln Road, review of collisions, and measurement of road and shoulder. Lincoln Road has a Federal Classification as a Rural Minor Collector. The road was reconstructed in 2011 to 12 foot driving lanes and 8-foot plus paved shoulders. Speed limit is posted 35 mph but the new road reconstruction was designed for 45 mph.

**Speeds and Volumes**

Traffic counts and speeds were taken from August 3rd to August 9th 2012 and the following is the results:
- Average daily trips (ADT) 2681
- 85% speeds 47.7 mph
- Trucks 1.3 %

**Collisions**

The collision review was from the beginning of 2009 to present. There have been 5 collisions in the study area that we have received from Washington State DOT. All collisions were prior to or during the reconstruction of the road with two being at the intersection of Shintaffer Road. The other 3 collisions were single car with two hitting fixed objects and one collided with a deer.

**Conclusion**

There have been no collisions since the road was reconstructed and the road was constructed to handle the higher speed. The road is a Rural Minor Collector and is functioning at the higher speeds as shown by the 85% speeds.
TITLE OF DOCUMENT: Resolution and Public Hearing regarding Community Development Block Grant funding application.

ATTACHMENTS: Memo from County Executive; CDBG Public Hearing handout; Resolution and Certification of Compliance.

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

The Opportunity Council is on the state Community Development Block Grant (CDBG) list of 2013 Public Services Grant recipients, which is a State formula grant in the amount of $115,409 for distribution to the tri-county area of Whatcom, Skagit and Island Counties. In order to apply for the funding, the Community Action Agency (Opportunity Council) is required to submit an application through their local jurisdiction, Whatcom County. The grant funding is intended to fund new or expanded direct services for persons with low- and moderate-income persons in Island, San Juan and Whatcom Counties. The Opportunity Council will act as Subrecipient of the funding, and Whatcom County will be the lead agency in the grant application process.

Public Hearing Notice language:
NOTICE IS HEREBY GIVEN that a public hearing will be held by the Whatcom County Council in the Council Chambers, Whatcom County Courthouse, 311 Grand Avenue, Bellingham, on Tuesday, March 26, 2013 at 7:00 p.m. The purpose of the public hearing is to review community development and housing needs, inform citizens of the availability of funds and eligible uses of the state Community Development Block Grant (CDBG), and receive comments on proposed activities, particularly from low- and moderate-income persons and persons residing in Whatcom County. Up to $115,409 will be available to Whatcom, Skagit and Island Counties, through the Opportunity Council, to fund public service activities that principally benefit low- and moderate-income persons. A Resolution will be reviewed, which would authorize the County Executive to submit an application to the State of Washington for this funding. The draft grant application including an overview of the proposed public services will be available for review at the Whatcom County Executive’s office, Suite 108, 311 Grand Avenue, Bellingham, after April 1, 2013. Comments may also be submitted in writing to the Whatcom County Council until the public hearing has been closed.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #: Related File Numbers: Ordinance or Resolution Number:

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
MEMORANDUM

To: Whatcom County Council Members
From: Jack Louws, County Executive
Subject: CDBG Grant Application for 2013 Public Services Grant
Date: March 4, 2013

We have been contacted by the Opportunity Council regarding acting as the lead agency to apply for a 2013 Public Services Grant. This formula grant will support new or expanded direct services for persons with low and moderate incomes in the Whatcom, Skagit and Island County area.

They are requesting that Whatcom County act as the lead agency in the Community Development Block Grant application process. Through a subrecipient agreement with the County, they will administer the grant and oversee the distribution of services. The grant amount allocated to the tri-county area is $112,409, plus $3,000 for county administration costs. Attached is a breakdown of the 3-county distribution allocation. Also, the Opportunity Council has offered the county a match of an additional $3,000 to assist in covering administrative costs.

I am supporting this application and recommending to the Council its submission. As part of the application process, we are required to conduct a public hearing in order to receive public input on the use of CDBG funds and to inform the public on the nature of this funding opportunity. As lead agency for this pass-through grant, the County Council is required to sign a Resolution in support of the application. Please note the attached Resolution.

Thank you for your consideration of this matter. If you have any questions, please don’t hesitate to contact me.

Enclosures
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Suzanne Mildner

From: Tawni Helms  
Sent: Wednesday, February 27, 2013 5:00 PM  
To: Suzanne Mildner  
Subject: FW: 2013 Public Services Grant Application Handbook  

More information from Dave...let’s discuss tomorrow.

Thanks!

Tawni Helms, PHR  
Administrative Coordinator  
Whatcom County Executive Office  
311 Grand Avenue, Suite 108  
Bellingham, WA 98225  
360-676-6717

From: Dave Finet [mailto:dave_finet@oppco.org]  
Sent: Wednesday, February 27, 2013 3:14 PM  
To: Tawni Helms  
Subject: Fwd: 2013 Public Services Grant Application Handbook

Tawni

Attached is the application handbook. I can get the application from last year from Island County if that would help in this process?

I know that the $3,000 provided for admin as part of the CDBG grant doesn't cover the cost of administrating it.

I talked it over with our CFO and we would like to offer up another $3,000 of OC discretionary funding to help cover County costs if that would help. We appreciate Whatcom County supporting the programs we deliver and want to do what we can to make this work. Let me know if this would be helpful and we can make it happen.

Thanks for all your support in helping us access these funds.

Dave

Dave Finet  
Executive Director  
Opportunity Council  
1111 Cornwall Ave.  
Bellingham WA 98225  
360-734-5121 ext 346

THE PROMISE OF COMMUNITY ACTION

Community Action changes people’s lives, embodies the spirit of hope, improves communities, and makes America better place to live. We care about the entire community, and we are dedicated to helping people help themselves and each other.
Community Development Block Grant Program

Introduction

The Washington State Community Development Block Grant (CDBG) program provides funds on a competitive basis for public facilities, community facilities, economic development, affordable housing, public services and planning projects that principally benefit low- and moderate-income persons.

Since 1982, the Washington State CDBG Program has distributed and managed over $445 million from the U.S. Department of Housing and Urban Development (HUD). With this funding, the CDBG Program improves the economic, social and physical environment of eligible, rural cities and counties to enhance the quality of life for low- and moderate-income residents, and as a result, make a difference for the entire community.

2013 Funding Set-Asides

In 2013, approximately $12 million in federal CDBG funds are anticipated to be awarded to Washington State. These funds are proposed to be distributed as follows:

- **General Purpose Grants**
  - Contact: Kaaren Roe
  - Grants for public facility, community facility, affordable housing, or economic development projects principally benefiting low- and moderate-income persons in eligible rural communities. Annual competitive application cycle with maximum grant of $750,000 or $1 million if higher funding criteria are met. Application materials are released in November 2012, with applications due by January 31, 2013 and awards announced in May 2013.

  - **$9,750,000**

- **Planning-Only Grants**
  - Contact: Phyllis Cole
  - Grants for a range of planning activities that lead to implementation of priority projects for eligible small communities and rural counties. Maximum grants at $24,000 or $35,000 for critical public health issues where non-compliance, hardships and lack of other funding exist. Application materials are released in April 2013 and can be submitted year round beginning May 2013, with first awards announced by July 2013 and ongoing until all funds have been awarded.

  - **$425,000**
- **Housing Enhancement Grants** $200,000
  Contact: Kaaren Roe
  Companion funds to support priority applications submitted to the Washington State Housing Trust Fund, which fund necessary off-site infrastructure or community facility components of the affordable housing project.

- **Imminent Threat Grants** $125,000
  Contact: Kaaren Roe
  Provides funds to address unique emergencies posing a serious and immediate threat to public health and safety on a funds availability basis. Upon formal Declaration of Emergency and completion of an Imminent Threat grant application, costs can be covered for a temporary repair or solution while funding for a permanent fix is secured.

- **Public Services Grants** $1,500,000
  Contact: Laurie Dschaak
  Provides funds to 17 eligible counties and community action agencies to fund new or expanded direct services for persons with low- and moderate- incomes.

- **CDBG Economic Development Loans** $11,000,000
  Contact: Mary Trimarco
  Provides eligible jurisdictions with short-term loans for economic development/job creation financing for CDBG-eligible activities meeting a HUD National Objective. Applications may be submitted on an ongoing, fund available basis.
  - Float Loan - Economic Development/Job Creation
  - HUD Section 108 Guarantee Loans

**HUD National Objectives**
CDBG project activities must meet one of three HUD National Objectives:
- Principally benefits low- and moderate-income persons
- Aids in the prevention or elimination of slums or blight
- Addresses imminent threat to public health or safety

**CDBG Eligibility Guidelines**
- Eligible applicants are Washington State cities/towns with less than 50,000 in population and not participating in a CDBG entitlement urban county consortium; and counties with less than 200,000 in population. Eligible cities/towns and counties are listed on the CDBG website.
- Special purpose districts, public housing authorities, community action agencies, economic development councils, other nonprofit organizations, and Indian tribes are not eligible to apply directly to the state CDBG Program for funding, but may be a partner in projects and subrecipient of funding with an eligible city/town or county applicant.
- Applicants may submit one request per fund each program year. Exception: An eligible city/town or county may apply for a second General Purpose Grant if one application is for a local microenterprise assistance program.
RESOLUTION NO._______
APPLICATION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

WHEREAS, Whatcom County is applying to the State Office of Community Development for funding assistance; and

WHEREAS, it is necessary that certain conditions be met as part of the application requirements; and

WHEREAS, County Executive Jack Louws is authorized to submit this application to the State of Washington on behalf of Whatcom County; and

NOW, THEREFORE, BE IT RESOLVED that the Whatcom County Council authorizes submission of this application to the state Department of Commerce to request up to $115,409 and any amended amounts to fund public service activities in coordination with the Opportunity Council, and certifies that if funded, it:

Will comply with applicable provisions of Title I of the Housing and Community Development Act of 1974, as amended, and other applicable state and federal laws; and

Has provided opportunities for citizen participation comparable to the state's requirements (those described in Section 104(a)(2)(3) of the Housing and Community Development Act of 1974, as amended); has complied with all public hearing requirements and provided citizens, especially low and moderate-income persons, with reasonable advance notice of, and the opportunity to present their views during the assessment of community development and housing needs, during the review of available funding and eligible activities, and on the proposed activities; and

Has provided technical assistance to citizens and groups representative of low and moderate income persons that request assistance in developing proposals; and

Will provide opportunities for citizens to review and comment on proposed changes in the funded project and program performance; and

Will not use assessments against properties owned and occupied by low and moderate income persons or charge user fees to recover the capital costs of CDBG-funded public improvements from low and moderate income owner-occupants; and
Will establish a plan to minimize displacement as a result of activities assisted with CDBG funds; and assist persons actually displaced as a result of such activities, as provided in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended; and

Will conduct and administer its program in conformance with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act, and will affirmatively further fair housing, (Title VIII of the Civil Rights Act of 1968); and

Has adopted (or will adopt) and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and has adopted (or will adopt) and implement a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction, in accordance with Section 104(1) of the Title I of the Housing and Community development Act of 1974, as amended; and

Certifies to meeting the National Environmental Policy Act (NEPA) through a determination the CDBG-funded public services will not have a physical impact or result in any physical changes and are exempt under 24 CFR 58.34(a), and are not applicable to the other requirements under 24 CFR 58.6; and are categorically exempt under the State Environmental Policy Act (SEPA) per WAC 197-11-305 (2); and

Whatcom County designates Jack Louws, County Executive, as the authorized Chief Administrative Official and authorized representative to act in all official matters in connection with this application and Whatcom County’s participation in the Washington State CDBG Program.

APPROVED this ____ day of ____________, 2013.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council Kathy Kershner, Council Chair

APPROVED AS TO FORM:

Daniel L. Gibson
Civil Deputy Prosecutor
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**TITLE OF DOCUMENT:**
Ordinance establishing a Forestry Advisory Committee

**ATTACHMENTS:**

**SEPA review required?** ( ) Yes ( ) NO
**SEPA review completed?** ( ) Yes ( ) NO

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)
Ordinance establishing a Forestry Advisory Committee for Whatcom County

**COMMITTEE ACTION:**
2/26/2013: Substitute amended and forwarded to Council for approval.

**COUNCIL ACTION:**

<table>
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<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
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**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
ORDINANCE NO. ______

ESTABLISHING A FORESTRY ADVISORY COMMITTEE
FOR WHATCOM COUNTY

WHEREAS, the Whatcom County Council recognizes forestry as an important contributor to the local economy and quality of life for Whatcom County citizens; and

WHEREAS, the Whatcom County Comprehensive Plan, adopted on May 20, 1997, contains goals and policies that direct the county to maintain and enhance Whatcom County's forest land base, maintain and enhance the forest products industry, reduce land use conflicts between forest and non-forest landowners, and ensure that forest practices avoid adverse impacts to the habitat of threatened and endangered fish and wildlife species; and

WHEREAS, designation and conservation of forest resource lands is required under the Growth Management Act; and

WHEREAS, the Whatcom County Council recognizes the importance of conserving productive forest lands and associated public resources through a balanced combination of regulatory protection as mandated by the Growth Management Act and the provision of incentives for maintaining lands in long-term land use predictability, for both productive forest lands and adjacent non-forest lands; and

WHEREAS, many decisions made by the County Council can have an affect on forestry production and viability; and

WHEREAS, the County Council desires the input of forestry landowners and others associated with forestry practices prior to making decisions on major land use proposals, land use policies, economic strategies, and other county, regional, state and/or federal programs that directly or indirectly affect forestry in Whatcom County; and

WHEREAS, the Council believes the most efficient way to get input from forestry landowners and others associated with forestry practices is to form an advisory committee comprised of forest land owners and other industry representatives.

WHEREAS, Whatcom County Code 2.03.020(D) requires that term lengths for those members first appointed to newly created boards, committees and commissions shall be staggered so that the terms of future members do not expire on the same date.
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Chapter 2.123, Forestry Advisory Committee, is hereby established as outlined in Exhibit A to this ordinance.

NOW, FINALLY, BE IT ORDAINED that the terms of the members first appointed will be staggered so that five members (one from each category with two appointees) shall be appointed until January 31, 2016, and the remaining five members shall be appointed until January 31, 2017.

ADOPTED this ___ day of ________, 2013.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council
Kathy Kershner, Council Chair

APPROVED AS TO FORM: WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Civil Deputy Prosecutor
Jack Louws, County Executive

(  ) Approved (  ) Denied
Date Signed: ____________________
EXHIBIT A

Chapter 2.123 - FORESTRY ADVISORY COMMITTEE

Sections:
2.123.010 Established
2.123.020 Purpose
2.123.030 Function
2.123.040 Membership – Term of Office
2.123.050 Organization – Meetings
2.123.060 Committee Staffing

2.123.010 Established.

There is hereby established the Whatcom County Forestry Advisory Committee.

2.123.020 Purpose.

The Forestry Advisory Committee provides review and recommendations to the Whatcom County Council on issues that affect the forestry industry. The Forestry Advisory Committee also provides a forum for all sectors of the forestry community to contribute to discussions on the future of forestry in Whatcom County.

2.123.030 Function.

The Forestry Advisory Committee reports directly to the County Council or other appropriate advisory boards, commissions, and committees as necessary to carry out the following functions:

1. Review and provide recommendations on zoning issues, comprehensive plans, subarea plans, regulation and annexation issues, and other proposals which directly affect lands or forestry activities in or adjacent to forest land.

2. Establish, promote, and implement a comprehensive forestry protection and preservation program.

3. Analyze and develop recommendations that will assist the County in addressing issues which affect forestry at the county, regional, state, and federal levels.

4. Assist, upon request of the Director of Planning and Development Services, that department by providing review and comment on comprehensive planning and zoning related issues in or adjacent to forest land.

2.123.040 Membership – Term of Office

The committee shall consist of eleven voting members as follows: Two small forest landowners, two commercial forest landowners, two harvesters, two private citizens with forestry expertise, two forest product manufacturers, and one representative designated by the Department of Natural Resources.

Committee members shall be appointed by the county council. Member terms will be four years.
2.123.050 Organization – Meetings

Meetings of the committee shall be open and accessible to the public and shall be subject to the Open Public Meetings Act. The committee shall determine its own meeting schedule, but shall meet at least twice per year. At every meeting, the committee will schedule an open session to take public comment on forestry issues. Written records of meetings, resolutions, findings, and recommendations shall be kept and such records shall be public. The committee shall adopt its own rules and procedures for the conduct of business. The committee shall elect a chairperson from among its members who shall preside at its meetings. The committee shall comply with Whatcom County Charter section 4.20 – Qualifications and with Whatcom County Code 2.03 – Boards and Commissions.

2.123.060 Committee Staffing

Whatcom County Planning and Development Services Department shall provide staffing for the committee. The committee is authorized to request information from administrative departments through the County Executive’s Office.